CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTIETH CONGRESS, SECOND SESSION.

VOLUME XLIII.

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VOLUME XLIII, PART III.

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sworn statement, giving a list of his creditors and other particulars. That appears to me to be going rather far, and yet this amendment goes that far.

Now, as to amendment No. 10, I think that is going a long ways. That amendment takes away entirely the question of evil intention. Let me read the entire paragraph as amended:

If a bankrupt shall have given a preference and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe—

Now comes the new matter—

at the time of the entry of the judgment or at the time of the recording or registering of the transfer, where such preference is evidenced by a transfer the recording or registering of which is required, that the enforcement of such judgment or transfer would effect a preference, it shall be voidable by the trustee and he may recover the property or its value from such person—

Then, again, new matter—

for the purpose of this provision such transfer, where recording or registering is so required, shall not be deemed complete until the date of such recording or registering. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

Recollect that this relates back four months. Recollect that the purpose is to tear up entirely transactions that are altogether honest, that are altogether in the regular course of business; such transactions precisely as men have to engage in in their ordinary everyday business. There is left in this no single hint of intention to do wrong, no element of fraud, and we are just put down to the proposition——

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. DE ARMOND. Yes.

Mr. SHERLEY. Is it not true that the change is simply to eliminate the intention of the debtor, and that in this case the creditor will have to have cause to believe that he was being preferred? The gentleman has stated that the intent is eliminated. The only intent eliminated is that of the debtor. If the creditor has cause to believe that he is being preferred, why should he have that right, over and against other creditors?

Mr. DE ARMOND. How can any creditor make any arrangement with any debtor by which he gets anything, without having reasonable cause to believe that he is getting a preference over some other creditor, less vigilant, who has not secured his rights or protection for them? It eliminates entirely the whole question of intent. Now, why should not a man recover a judgment? Why should he not take a mortgage? Why should he not secure a debt? A judgment itself is a preference. Any man knows, when he gets a judgment, that he has a preference over a man who does not get a judgment. According to this, he ought not to obtain a judgment upon an indebtedness unless everybody else gets a judgment. He ought not to take any steps that anybody else, who is a creditor, refrains from taking. It seems to me it illustrates what perhaps unconsciously is the bottom purpose of this—to make it harder and harder for everybody, except the men gathered about the court and the men who choose to use the extraordinary power which it is proposed here to increase, to get anything out of this. I do not think that is necessary at all. It seems to me that the law is drastic enough in his particular as it stands.

Now, the intention to give preference to one creditor over another, as the law now stands, is regarded as such an act as subjects the parties to it to a vacating of what they may have done. But there may be no intention to give a preference; and yet, if by looking back over four months, through disclosures made during four months, through disclosures made in the bankruptcy court, somebody concludes that a man has reasonable ground for supposing that he gets a preference, then all of it goes to the wind.

That is all I care to say about it, Mr. Speaker.

[Mr. BARTLETT of Georgia addressed the House. See Appendix].

Mr. BARTLETT of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CRAIG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRAIG. Will there be any opportunity to offer an amendment to the bill?

The SPEAKER. The Chair can not answer that question.

Mr. CRAIG. Then I ask the gentleman from Massachusetts to give me five minutes to propose an amendment and explain it.

Mr. TIRRELL. I can not consent to that. All the time I have remaining I have yielded to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York is recognized for four minutes.

Mr. BENNET of New York. Mr. Speaker, I desire to submit an observation or two in relation to the eighth amendment, which I apprehend has been put in with a good purpose, but which it is evident to me from some experience is not going to work at all as intended.

It relates to the fees of receivers, and I assume that the object was to reduce the fees of receivers. As framed, the provision is simply a reward for lack of diligence, or rather a deprivation of all incentive for activity.

I have been receiver of a bankrupt some four or five times, and, as I read this bill, in most of these cases, in those cases of which I am most proud from a professional standpoint, I would have received no fee whatever, because it was always my aim to call the creditors together and wind up the estate speedily without the election of a trustee by composition or agreement, and in every case except one I have been successful in that regard. Under this proposed amendment I would not have received, nor would any receiver similarly situated, one single cent.

Mr. SHERLEY. The gentleman is mistaken, because one provision says he shall be paid on the value of the property turned over to the trustee.

Mr. BENNET of New York. Yes; and in none of the cases I mention was a trustee elected. What was the use of burdening the estate with the additional commission of a trustee?

Mr. SHERLEY. The gentleman understands that composition can not be had until after adjudication in bankruptcy under existing law, and therefore you could not have wound up the estate without a trustee.

Mr. BENNET of New York. The gentleman from New York will inform the gentleman from Kentucky that he has a distinct recollection, personally, of having done just that thing at least four times, so that the estate did not pay trustee's fees. It can be done by agreement and an order of the court, and in none of these cases, resulting in settlements of estate within three or four months and the payments to creditors of from 25 to 80 cents on the dollar, would the receiver have gotten one single cent if this bill had been in force. I am just informed by a colleague that in what is practically the largest receivership ever created in the southern district of New York there probably never will be a trusteeship. Of course in that particular case this law does not affect it, because that receivership started before the proposed law, if it becomes a law.

The SPEAKER. The time of the gentleman has expired.

Mr. TIRRELL. How much time have I remaining, Mr. Speaker?

The SPEAKER. Ten minutes.

Mr. TIRRELL. I yield one minute more to the gentleman from New York.

Mr. BENNET of New York. What will result from this statute if it becomes a law is that you will simply put temptation in the way of receivers to do one of two things, either simply to sit still and not attempt to collect in the estates, because it would not be worth their while, or to make an outside agreement with the attorneys for the receivers, whose compensation is in no wise restricted under this bill, by which they will consent to a large attorney's fee on the understanding that there will be a division with the receiver. I think that the whole eighth amendment ought to be redrafted in the interest of just administration of bankrupt estates, and I thoroughly agree with the anonymous friend who has put these pamphlets on our desks when he says that the clause is not by any means ideal. I think it is far from ideal and ought to be reconstructed.

Mr. ELLIS of Missouri. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes.

Mr. ELLIS of Missouri. Would it not obviate the trouble if, instead of the language "turned over to the trustee," we use the language "turned over under the order of the court?"

Mr. BENNET of New York. Yes.

Mr. ELLIS of Missouri. A receiver acts under the court's order and that would settle it.

Mr. BENNET of New York. I will offer that amendment if I can be recognized.

Mr. TIRRELL. I can not consent to that.

Mr. BENNET of New York. The gentleman from Kentucky [Mr. SHERLEY] whose bill it is does not object.

Mr. TIRRELL. Those are merely verbal matters.

Mr. BENNET of New York. To strike out the words "to the trustee"——

The SPEAKER. The time of the gentleman has again expired.

Mr. BENNET of New York. If I could gain recognition for the purpose, I should also offer the following as a new section:

Amend section 29, subdivision b, so as to read as follows:

b. A person shall be punished by imprisonment for a period not to exceed two years upon conviction of the offense of having knowingly and fraudulently (1) concealed from the receiver or trustee of an estate in bankruptcy any of the property belonging to such estate in bankruptcy; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition, personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition, with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

It is drafted by an able member of the bankruptcy bar, who writes as follows:

LAW OFFICES
COHEN, CREEVEY & RICHTER,
New York, January 27, 1909.

Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

MY DEAR MR. BENNET: I have received, through your courtesy, copies of the proposed amendments to the bankruptcy law, together with copies of the majority and minority reports.

I do not find in either the amendments or the reports any reference to a situation concerning which there has appeared, from time to time, considerable criticism of the bankruptcy law. As you will doubtless recall, I was designated as special United States attorney to prosecute certain fraudulent bankrupts. The results of these prosecutions are to be found in the case of United States *v.* Richard Cohen et al. (19 American Bankruptcy Reports, p. 8); see also case below, Fifteenth American Bankruptcy Reports, page 357. I especially call your attention to the comment of the New York Law Journal upon the present defects in the bankruptcy law reported in Note 1, Fifteenth American Bankruptcy Reports, page 357.

The reason for the complicated proof in the case of United States *v.* Richard Cohen was because one of the defendants, Simpson, was president of the corporation. He was, indeed, the corporation itself, and the corporation was under his control. One of the circuit courts had held that under our bankruptcy law an officer of a corporation could not be guilty of concealing assets from the trustee in bankruptcy of the corporation. (U. S. *v.* Fields, 14 American Bankruptcy Reports, 507; 137 Fed. Rep., 6; U. S. *v.* Lake, 12 American Bankruptcy Reports, 270; 129 Fed. Rep., 499.)

It was our contention in United States *v.* Cohen that these two decisions were wrong; that applying the definitions at the beginning of the bankruptcy act, Congress indicated clearly its intent in the penal provisions of the statutes to reach corporate offenders through its officers. You will note, however, that in the decision in United States *v.* Richard Cohen by the circuit court of appeals, the court fails to meet or pass upon this point. (See 19 A. B. R., pp. 10 and 11.) The practical result of this situation, according to the decisions, is, therefore, that unless a conspiracy indictment can be sustained any fraudulent bankrupt can organize himself and his relatives into a corporation, retain control of the corporation and conceal, with immunity, all the assets of the corporation from the trustee in bankruptcy. Unless he shall have conspired prior to the bankruptcy proceedings to carry out such a scheme with other persons, and unless the evidence establishing this fact is available, he goes scot free. In this respect the recent decision of Judge Sanborn, of the circuit court of appeals, makes the problem of prosecution still more difficult. He holds that there must be absolute proof of conspiracy to conceal assets from a trustee in bankruptcy and that conspiracy to conceal assets generally, followed by an actual concealment from the trustee in bankruptcy, is not sufficient. (See United States *v.* Grodson, 21 A. B. R., 68.)

I call your attention also to another defect in the law. Unless a bankrupt conceals his assets from the trustee, he commits no crime. He may conceal as much as he pleases from the receiver in bankruptcy, and he may dissipate these assets, so that by the time the trustee is elected he no longer can be said to "conceal" from the trustee. Inasmuch as concealment from a receiver is not declared a crime in the statute, he, too, goes scot-free.

These are some of the reasons why the bankruptcy law has proved inadequate to meet fraudulent practices. I think I may speak with some authority on this subject, inasmuch as I have had now in my office prosecutions against ten fraudulent bankrupts and have secured convictions in each instance, eight of the offenders having served or now serving jail sentences.

If you think there is any likelihood of your securing amendments to the law that will meet these points, I shall be very glad to draft the necessary changes.

Very sincerely, yours, JULIUS HENRY COHEN.

The following calls attention to another omission in the bill:

FREDERICK KLEIN,
COUNSELOR AT LAW,
235 Broadway, New York, January 14, 1909.

MY DEAR MR. BENNET: I just noticed in an editorial of the New York Times to the effect that there is now pending in Congress a bill for the purpose of modifying in some respects the present bankruptcy act.

I had my attention called to a question which does not seem to be determined, but which, to my mind, ought to be made plain by the act itself. There is a question as to whether a bankrupt is relieved from his obligation under a lease which has not expired at the time of his adjudication. Some authorities seem to hold that a man can not be discharged from installments due under a lease which did not accrue up to the time of his adjudication. On the other hand, I have run across authorities which hold that a lease is not a more sacred obligation than any other debt, but it seems to me the bankruptcy act should make this point plain, one way or the other.

I write this letter to you hoping that you will bring this point to the attention of the proper committee, as I think it is a matter which should receive attention by Congress.

Very respectfully, yours, FREDERICK KLEIN.

Hon. WILLIAM S. BENNET,
Washington, D. C., care House of Representatives.

Mr. TIRRELL. I yield one minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman how many times can an individual take advantage of the bankruptcy law under the proposed amendment?

Mr. TIRRELL. Once in six years.

Mr. GAINES of Tennessee. Under the proposed law?

Mr. TIRRELL. It does not change the time.

Mr. GAINES of Tennessee. Once in six years?

Mr. TIRRELL. Yes.

Mr. GAINES of Tennessee. Mr. Speaker, I do not think we should have a bankruptcy law for any and all times. We passed the existing law to relieve conditions that arose as a result of the panic of 1893. The law was passed and was intended to relieve that condition. That condition has been relieved, and I do not think that we should have a law that, in effect, daily invites a man to make a debt knowing that he can go and take advantage of the bankruptcy law and get rid of it. I yield back the balance of my time to the gentleman from Massachusetts.

Mr. TIRRELL. Mr. Speaker, I now yield three minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I just want to say this to the gentleman in charge of the bill: It was my understanding, and it was the understanding of scores of gentlemen on this side of the House, when this order was obtained the other day, that we were to have a separate vote on each substantive proposition involved in this bill. If the gentleman insists on calling the previous question, ten distinct and separate propositions will be put up to each Member of this House at one time, and while there are some of us, and I am one of them, who favor seven or eight or nine of the amendments, still there are one or two amendments that we do not like, and it looks to me, in a case like this, where each amendment raises a separate question, that there ought to be a separate vote on that question.

Now, that can not be done under the rules of the House, unless the gentleman will consent that this bill be considered by sections in the House as in the Committee of the Whole House; and I ask unanimous consent, and I hope, in the interest of good faith and fair dealing in this House, that no gentleman will object to it, that we consider each proposition in the bill separately, and that the gentleman will not attempt to force down this bill en bloc on some of us who are in favor of most of it, but opposed to some one or two sections of it. [Applause.] Just one sentence, Mr. Speaker, before I finish. There is not any opposition, except to one or two of these sections. It will not take fifteen or twenty minutes to divide the question, and I do think the gentleman ought to be willing to do that; but if he is opposed to that, I hope that he will at least give us unanimous consent to vote on section 10 separately. Mr. Speaker, I submit the request for unanimous consent that this bill be considered in the House as in Committee of the Whole House—that is, by sections.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. TIRRELL. I object, Mr. Speaker.

Mr. HARDWICK. Now, Mr. Speaker, I ask unanimous consent that we have a separate vote on section 10.

The SPEAKER. The gentleman from Georgia asks unanimous consent for a separate vote on section 10.

Mr. TIRRELL. I object, Mr. Speaker. I will state in the few minutes I have left why I object. There were amendments proposed which I was in favor of. There were scores of amendments proposed to the bankruptcy law, some of which I would like to have seen incorporated in it, but when we got together—Democrats and Republicans on the committee—and discussed this matter, the Republican members waived some things and the Democratic members waived other things, and we united on this bill——

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman a question?

Mr. TIRRELL. Yes.

Mr. CLAYTON. As I understand from the gentleman's remarks, the gentleman thinks that the bankruptcy law needs scores and scores of amendments to make it a good law?

Mr. TIRRELL. I can not answer that question now; but I have to say that this was a compromise of the best features proposed in the amendments by both sides of this House. We agreed upon these amendments in the subcommittee composed of both sides of this House, and having done that, I am going

to stick to our plan with regard to the matter and endeavor to get this bill through——

Mr. HARDWICK. Does the gentleman think it is right to get it through in this way and tie our hands and not give us a vote on even one separate amendment?

Mr. TIRRELL. I certainly do, under the circumstances under which this bill was formulated.

Mr. HARDWICK. Oh, very well, the gentleman is entitled to his view.

Mr. GAINES of Tennessee. Will the gentleman tell us how attorneys' fees are fixed under this law?

Mr. TIRRELL. A certain percentage—very small.

Mr. GAINES of Tennessee. Is that to be taken as part of the receivers' compensation, or does he get so much and pay the lawyer or the lawyer on the outside get so much in addition?

Mr. TIRRELL. The receiver is cut down under this bill from robbing the creditors.

Mr. GAINES of Tennessee. How about the lawyer?

Mr. TIRRELL. Mr. Speaker, I move the previous question on this bill and all amendments thereto to its final passage.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the bill and amendments to its final passage.

Mr. OLLIE M. JAMES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLLIE M. JAMES. Are we entitled to a separate vote upon each one of these amendments?

The SPEAKER. Oh, yes; under the rule.

Mr. OLLIE M. JAMES. Then I demand a separate vote——

The SPEAKER. The time has not arrived for that.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

Mr. OLLIE M. JAMES. I want to make that demand when the time does arrive.

The SPEAKER. The gentleman from Georgia will state it.

Mr. BARTLETT of Georgia. I desire to know, if the previous question is voted down, if that will give opportunity to amend the bill?

The SPEAKER. The gentleman from Georgia knows undoubtedly as well as the Chair that if the previous question is voted down the bill is open to amendment.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. HARDWICK) there were—ayes 78, noes 60.

Mr. HENRY of Texas and Mr. HARDWICK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CHANEY. Mr. Speaker, I raise the point that there is no quorum present.

The SPEAKER. The Chair sustains the point.

The Doorkeeper will close the doors and the Sergeant-at-Arms will notify absent Members. As many as favor ordering the previous question will, as their names are called, answer "yea," as many as are opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 98, answered "present" 7, not voting 132, as follows:

YEAS—149.

Alexander, N. Y.	Dwight	Hamilton, Mich.	McKinley, Ill.
Allen	Edwards, Ky.	Harding	McKinney
Andrus	Ellis, Mo.	Haskins	McLachlan, Cal.
Barchfeld	Ellis, Oreg.	Hayes	McLaughlin, Mich.
Barclay	Englebright	Henry, Conn.	Madden
Bartholdt	Esch	Higgins	Mann
Bates	Fairchild	Hinshaw	Marshall
Bede	Favrot	Holliday	Miller
Bennett, Ky.	Focht	Howell, N. J.	Mudd
Bonynge	Fordney	Howell, Utah	Murdock
Boyd	Foss	Howland	Needham
Bradley	Foster, Ind.	Hubbard, W. Va.	Nelson
Brownlow	Foster, Vt.	Jenkins	Norris
Burton, Ohio	French	Jones, Wash.	Nye
Butler	Fuller	Kahn	Olcott
Campbell	Gaines, W. Va.	Keifer	Parker
Capron	Gardner, N. J.	Kennedy, Ohio	Parsons
Cary	Gilhams	Kimball	Payne
Caulfield	Gill	Knopf	Pearre
Chaney	Gillespie	Knowland	Peters
Chapman	Gillett	Küstermann	Pollard
Cole	Glass	Landis	Pray
Cook, Colo.	Gordon	Langley	Reeder
Cooper, Wis.	Goulden	Laning	Reynolds
Dalzell	Graff	Lawrence	Roberts
Darragh	Greene	Longworth	Rodenberg
Davis	Gronna	Loud	Ryan
Denby	Guernsey	Loudenslager	Sabath
Draper	Haggott	Lovering	Scott
Driscoll	Hale	McCall	Sherley
Durey	Hall	McDermott	Sherman
Slayden	Sterling	Taylor, Ohio	Willett
Smith, Cal.	Stevens, Minn.	Thistlewood	Wilson, Ill.
Smith, Mich.	Sturgiss	Tirrell	Wood
Southwick	Sulloway	Townsend	Young
Sperry	Swasey	Volstead	
Stafford	Talbott	Washburn	
Steenerson	Tawney	Weeks	

NAYS—98.

Adair	De Armond	Henry, Tex.	Rauch
Alexander, Mo.	Denver	Hobson	Richardson
Ansberry	Edwards, Ga.	Houston	Robinson
Ashbrook	Ellerbe	Hughes, N. J.	Rothermel
Barnhart	Estopinal	Humphreys, Miss.	Rucker
Bartlett, Ga.	Ferris	James, Ollie M.	Russell, Mo.
Beall, Tex.	Fitzgerald	Johnson, Ky.	Shackleford
Bell, Ga.	Floyd	Johnson, S. C.	Sheppard
Booher	Foster, Ill.	Kitchin	Sims
Bowers	Fulton	Lassiter	Small
Brantley	Gaines, Tenn.	Lee	Smith, Mo.
Broussard	Garner	Lever	Smith, Tex.
Burgess	Garrett	Livingston	Sparkman
Burleson	Godwin	Lloyd	Spight
Burnett	Gregg	McHenry	Stanley
Byrd	Hackett	McLain	Stephens, Tex.
Caldwell	Hackney	Macon	Thomas, N. C.
Candler	Hamilton, Iowa	Moon, Tenn.	Tou Velle
Carlin	Hamlin	Murphy	Wallace
Carter	Hammond	O'Connell	Watkins
Clark, Mo.	Hardwick	Padgett	Webb
Clayton	Hardy	Page	Weisse
Cox, Ind.	Hay	Patterson	Williams
Craig	Heflin	Rainey	
Crawford	Helm	Randell, Tex.	

ANSWERED "PRESENT"—7.

Adamson	Cooper, Tex.	Diekema	Pujo
Bennet, N. Y.	Currier	Hull, Iowa	

NOT VOTING—132.

Acheson	Dixon	Keliher	Mouser
Aiken	Douglas	Kennedy, Iowa	Nicholls
Ames	Fassett	Kinkaid	Olmsted
Anthony	Finley	Kipp	Overstreet
Bannon	Flood	Knapp	Perkins
Bartlett, Nev.	Foelker	Lafean	Porter
Beale, Pa.	Fornes	Lamar, Fla.	Pou
Bingham	Foulkrod	Lamar, Mo.	Pratt
Birdsall	Fowler	Lamb	Prince
Boutell	Gardner, Mass.	Law	Ransdell, La.
Brodhead	Gardner, Mich.	Leake	Reid
Brundidge	Goebel	Legare	Rhinock
Burke	Goldfogle	Lenahan	Riordan
Burleigh	Graham	Lewis	Russell, Tex.
Burton, Del.	Granger	Lindbergh	Saunders
Calder	Griggs	Lindsay	Sherwood
Calderhead	Hamill	Lorimer	Slemp
Cassel	Harrison	Lowden	Smith, Iowa
Clark, Fla.	Haugen	McCreary	Snapp
Cockran	Hawley	McGavin	Sulzer
Cocks, N. Y.	Hepburn	McGuire	Taylor, Ala.
Conner	Hill, Conn.	McKinlay, Cal.	Thomas, Ohio
Cook, Pa.	Hill, Miss.	McMillan	Underwood
Cooper, Pa.	Hitchcock	McMorran	Vreeland
Coudrey	Howard	Madison	Waldo
Cousins	Hubbard, Iowa	Malby	Wanger
Cravens	Huff	Martin	Watson
Crumpacker	Hughes, W. Va.	Maynard	Weems
Cushman	Hull, Tenn.	Mondell	Wheeler
Davenport	Humphrey, Wash.	Moon, Pa.	Wiley
Davidson	Jackson	Moore, Pa.	Wilson, Pa.
Dawes	James, Addison D.	Moore, Tex.	Wolf
Dawson	Jones, Va.	Morse	Woodyard

Mr. PUJO. Mr. Speaker, has the gentleman from Michigan [Mr. MCMORRAN] voted?

The SPEAKER. He has not.

Mr. PUJO. Then I desire to change my vote from "nay" to "present."

The Clerk announced the following additional pairs:

For the session:

Mr. BENNET of New York with Mr. FORNES.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. GRAHAM with Mr. SHERWOOD.

Mr. DAWES with Mr. UNDERWOOD.

Mr. WOODYARD with Mr. REID.

Mr. PORTER with Mr. RANSDELL of Louisiana.

Mr. MCMORRAN with Mr. PUJO.

Mr. LORIMER with Mr. MOORE of Texas.

Mr. LAW with Mr. LENAHAN.

Mr. KENNEDY of Iowa with Mr. LAMB.

Mr. HUGHES of West Virginia with Mr. KIPP.

Mr. HAUGEN with Mr. HITCHCOCK.

Mr. GARDNER of Michigan with Mr. FLOOD.

Mr. GRAHAM with Mr. CRAVENS.

Mr. DAWSON with Mr. COOPER of Texas.

Mr. CASSEL with Mr. COCKRAN.

Mr. BIRDSALL with Mr. CLARK of Florida.

Mr. BANNON with Mr. BRUNDIDGE.

Mr. AMES with Mr. AIKEN.

Mr. SMITH of Iowa with Mr. BARTLETT of Nevada.

Mr. COCKS of New York with Mr. PRATT.

Mr. WATSON with Mr. DIXON.

Mr. LAFEAN with Mr. HULL of Tennessee.
Mr. CUSHMAN with Mr. RUSSELL of Texas.
The SPEAKER. Upon this vote the yeas are 149, the nays are 98, answering "present" 7—a quorum. The yeas have it, and the previous question is ordered. The Doorkeeper will open the doors.
Is a separate vote demanded on any amendment?
Mr. OLLIE M. JAMES. I demand a separate vote on the committee amendments.
The SPEAKER. On each one of the amendments?
Mr. OLLIE M. JAMES. On each one of the amendments.
The Clerk read as follows:

On page 1, line 11, after the word "necessary," strike out the comma.

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

On page 1, at the end of line 11, after the word "estates," strike out the period and insert a semicolon.

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 3, line 20, after the word "act," insert the word "as."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 4, line 3, strike out the word "first" and insert the figure "1."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

On page 4, line 4, strike out the word "second" and insert the figure "2."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 4, line 7, strike out the word "third" and insert the figure "3."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 4, line 8, after the word "statement," strike out the comma.

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 4, line 11, strike out the word "fourth" and insert the figure "4."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 4, line 16, strike out the word "fifth" and insert the figure "5."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 4, line 18, strike out the word "sixth" and insert the figure "6."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 5, line 3, after the word "have," strike out the word "been."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 6, line 9, after the word "therefor," strike out the word "specified" and insert the word "specifying."

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Page 7, line 24, strike out the word "the" and insert the word "a."

The question was taken, and the amendment was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.
The SPEAKER. The question is on the passage of the bill.
The question was taken, and the Speaker announced that the ayes seemed to have it.
Mr. BARTLETT of Georgia. Division, Mr. Speaker.
The House divided, and there were—ayes 165, noes 37.
So the bill was passed.
On motion of Mr. TIRRELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADMISSION TO COUNT OF ELECTORAL VOTE.

Mr. GAINES of West Virginia. Mr. Speaker, I move that the House agree to the resolution which I have sent to the Clerk's desk.
The Clerk read as follows:

House Resolution 542.

Resolved, That in addition to those portions of the galleries reserved by the resolution of January 28, 1909, for the use of families of Senators, Members of the House of Representatives, Delegates, and Resident Commissioners from Porto Rico and the Philippines, and their visitors, the remaining section of the southern end of the gallery shall also be reserved, and that admission to said section of the gallery shall be controlled in all respects in accordance with the said resolution of January 28, 1909.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:
H. R. 25392. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.
The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 6252) to promote the administration of justice in the navy, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. PERKINS, Mr. GALLINGER, and Mr. TILLMAN as the conferees on the part of the Senate.
The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois.

STATEHOOD BILL.

Mr. HAMILTON of Michigan, from the Committee on the Territories, reported the bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States, which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report (No. 2079), ordered to be printed.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following request from the Senate, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
February 6, 1909.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois.

ADJOURNMENT.

Mr. PAYNE. I move that the House do now adjourn.
The motion was agreed to.
Accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coosa River, Alabama and Georgia (H. Doc. No. 1421)—to the Committee on Rivers and Harbors and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for clerical services at the office of the assistant treasurer at New Orleans (H. Doc. No. 1422)—to the Committee on Appropriations and ordered to be printed.
A letter from the Secretary of the Interior, transmitting a draft of proposed legislation intended to authorize the issue

of fee-simple patents to certain Indians (H. Doc. No. 1423)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Effie Cawood, administratrix of estate of Alexander Cawood, against The United States (H. Doc. No. 1424)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11758) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch, reported the same without amendment, accompanied by a report (No. 2071), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes, reported the same with amendments, accompanied by a report (No. 2073), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 671) to construct a road along the south bank of the Anacostia River, reported the same without amendment, accompanied by a report (No. 2075), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 25399) for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road, reported the same with amendments, accompanied by a report (No. 2076), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 26472) to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 2077), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.,'" reported the same with amendment, accompanied by a report (No. 2070), which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19311) to provide for the formation and disbursement of a public school-teachers' retirement fund in the District of Columbia, reported the same with amendments, accompanied by a report (No. 2072), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22308) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a felony, reported the same with amendment, accompanied by a report (No. 2074), which said bill and report were referred to the House Calendar.

Mr. LARRINAGA, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 26838) to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico, reported the same without amendment, accompanied by a report (No. 2080), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 27202) granting a pension to Luther Sargent—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27568) granting an increase of pension to John M. Slate—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VOLSTEAD: A bill (H. R. 27883) to pension ex-Presidents—to the Committee on Election of President, Vice-President, etc.

By Mr. NEEDHAM: A bill (H. R. 27884) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: A bill (H. R. 27885) to provide for a world temperance conference to be called by the President of the United States—to the Committee on Foreign Affairs.

By Mr. CAMPBELL: A bill (H. R. 27886) amendatory of existing laws regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHEPPARD: A bill (H. R. 27887) to prevent the shipment of spirituous, malt, or vinous liquors on collect-on-delivery charges into prohibition and local-option States, districts, and communities—to the Committee on the Judiciary.

By Mr. SIMS: A bill (H. R. 27888) to regulate the price of gas in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. SMITH of Arizona: A bill (H. R. 27889) granting certain land to the town of Yuma, in the Territory of Arizona—to the Committee on the Public Lands.

By Mr. PARKER: A bill (H. R. 27890) to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 27892) to provide for the survey of the curve in the Harlem River Ship Canal at Johnson's Iron Works, New York City, with a view to removing same—to the Committee on Rivers and Harbors.

By Mr. BENNETT of Kentucky: A bill (H. R. 27893) providing for the purchase for the use of the Library of Congress of certain manuscript books formerly the property of John Marshall, late Chief Justice of the United States—to the Committee on the Library.

By Mr. MANN: A bill (H. R. 27894) amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Resolution (H. Res. 541) asking for information as to appointments in various branches of the public service—to the Committee on Reform in the Civil Service.

By Mr. MONDELL: Memorial from the legislature of Wyoming, memorializing the Congress of the United States to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Wyoming to that State for the purpose of creating a fund for establishing and maintaining good roads in the said State of Wyoming—to the Committee on the Public Lands.

By Mr. GRONNA: Memorial of the legislature of North Dakota, for appropriations for the improvement of the Missouri River, the Yellowstone River, and the Red River of the North—to the Committee on Rivers and Harbors.

By Mr. MARTIN: Memorial of the legislature of South Dakota, memorializing Congress to open Indian reservations in South Dakota—to the Committee on Indian Affairs.

By Mr. SMITH of Arizona: Memorial of the legislature of Arizona, petitioning grant of certain lands to the town of Yuma, Ariz.—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 27895) granting an increase of pension to David R. Cook—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 27896) granting a pension to David Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27897) granting a pension to Mary Walls—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 27898) granting an increase of pension to William L. Laffer—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 27899) for the relief of the heirs of the estate of Jesse Watkins, deceased, late of Neshoba County, Miss., and James Watkins, also of said county—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 27900) granting a pension to Alice M. Bundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27901) granting an increase of pension to Oren Isham—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 27902) granting an increase of pension to William Schallenberg—to the Committee on Pensions.

By Mr. CRAIG: A bill (H. R. 27903) for the relief of M. J. Meyer—to the Committee on Claims.

By Mr. DAWSON: A bill (H. R. 27904) for the relief of George A. Smith—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 27905) to transfer Capt. John Clarke Wilson from the retired to the active list of the navy—to the Committee on Naval Affairs.

By Mr. FASSETT: A bill (H. R. 27906) granting an increase of pension to James B. Hague—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 27907) granting an increase of pension to William Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27908) granting an increase of pension to Abram Workman—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 27909) granting an increase of pension to Martin Wise—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 27910) granting a pension to Lydia C. Nichol—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27911) granting an increase of pension to J. F. Blakely—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 27912) granting an increase of pension to Francis Burroughs—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 27913) granting an increase of pension to William Barker—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 27914) for the relief of Joseph M. Cochran—to the Committee on Claims.

By Mr. LAMB: A bill (H. R. 27915) granting an increase of pension to Austin Wilkins—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27916) granting a pension to Mollie Adams—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 27917) granting an increase of pension to William Anderson—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 27918) granting an increase of pension to John A. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27919) granting an increase of pension to William M. V. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27920) granting a pension to W. V. Feltwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27921) for the relief of John W. Magann—to the Committee on Claims.

By Mr. McLAIN: A bill (H. R. 27922) for the relief of the heirs at law of John A. Regan, deceased—to the Committee on War Claims.

By Mr. NELSON: A bill (H. R. 27923) granting an increase of pension to Charles Richards—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 27924) granting a pension to Lois A. Budlong-Phillips—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 27925) granting an increase of pension to Freeman F. Sanborn—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: Resolution (H. Res. 540) to pay to Nellie M. Wakefield a certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of Burbank, Douglass & Co., of Portland, Me., and others, against increase of duty on crockery, china, and glass—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of National Association of Credit Men of New York, for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of John S. Daly, Walter Scott, and others, favoring passage of H. R. 15372, for payment of overtime claims of letter carriers—to the Committee on War Claims.

Also, petition of the Oliver McClintock Company, the Marsh, Brown, Mather Company, and the Orbuthnot, Stephenson Company, of Pittsburg, Pa., favoring the Sherley bill (H. R. 21929), amending the bankruptcy act—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Memorial of legislature of Missouri, in favor of deepening channels of the Mississippi River and its tributaries—to the Committee on Rivers and Harbors.

By Mr. BATES: Paper to accompany bill for relief of David R. Cook—to the Committee on Invalid Pensions.

Also, petition of O. Logan, M. D., of Girard, Pa., for legislation to pension contract surgeons who served in the civil war—to the Committee on Invalid Pensions.

Also, petition of Miller Division of Brotherhood of Locomotive Engineers, of Meadville, Pa., favoring pensioning railroad engineers who served in army during the civil war—to the Committee on Invalid Pensions.

Also, petition of E. G. Barie, of McKean, Erie County, Pa., favoring the omnibus claims bill (H. R. 15372)—to the Committee on Claims.

Also, petition of Dr. David N. Dennis, of Erie, Pa., favoring removal of duty on surgical instruments and scientific appliances—to the Committee on Ways and Means.

Also, petition of Woman's Club of Erie, Pa., for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of J. C. Vickers and others, of Hartstown, Pa., for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petitions of W. T. Kellar and other citizens of Meadville, Pa.; E. V. Frazier and other citizens of Conneautville, Pa.; Seth Osborn, master of Summit Grange, No. 1079; Louis Hare, secretary of Centerville Grange, No. 958; Eureka Grange, No. 816; Shenango Central Grange, of Espyville, Pa.; William G. Davis and others, of Wattsburg, Pa.; G. I. Eisaman, of Girard, Pa.; J. R. Head and others, of Sagertown, Pa.; Jacob Ehrgott and others and Nevin E. Cole and others, of Meadville, Pa.; Edinboro Grange, of Edinboro, Pa.; William Rickey and others, of Hartstown, Pa.; Athens Grange, of Centerville, Pa.; Woodcock Center Grange, No. 1034; John E. Mead and others, of Venango, Pa.; and C. A. Stranahan and others, of Spartansburg, Pa., favoring postal savings bank and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Yellow Pine Manufacturers' Association of St. Louis, against removal of duty on lumber—to the Committee on Ways and Means.

By Mr. BURKE: Petition of G. W. Da Cunha, of Upper Montclair, N. J., favoring a pension for the retired Presidents and for their wives—to the Committee on Pensions.

By Mr. CALDER: Petition of the Antikamnia Chemical Company, of St. Louis, Mo., opposing the Mann bill (H. R. 21982)—to the Committee on Interstate and Foreign Commerce.

Also, information relative to wireless telegraphy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of business firms of the city of New York, favoring passage of Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

By Mr. CARY: Petition of Ed. Schuster & Co. (Incorporated), of Milwaukee, Wis., favoring lower rate of duty on oilcloth—to the Committee on Ways and Means.

By Mr. CLARK of Missouri: Petition of certain citizens of

Mexico, Mo., against passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAIG: Papers to accompany bill for the relief of M. J. Meyers—to the Committee on Claims.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of Dudley R. Sloan (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FORNES: Petition of John Wanamaker; the Clark Hutchinson Company; Levi Sondheimer & Co.; R. C. Williams & Co.; Claflin, Thayer & Co.; J. E. Bates & Co.; William Meyer & Co.; the Powell Brothers' Shoe Company; the New Netherland Bank; the Endicott Johnson Company; Aitken, Son & Co.; J. G. Johnson & Co.; the National Association of Clothiers; and the J. Spencer Turner Company, favoring the Sherley bill (H. R. 21929), to amend the bankruptcy act—to the Committee on the Judiciary.

By Mr. FULLER: Petition of American Protective Tariff League, against creation of a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of G. L. Nevius Post, No. 1, Grand Army of the Republic, of Rockford, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of the Electric Appliance Company and the W. M. Hoyt Company, of Chicago, Ill., for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of National Wool Growers' Association, against reduction of present tariff on wool and hides—to the Committee on Ways and Means.

By Mr. GLASS: Paper to accompany bill for relief of William H. Patterson (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of Manufacturers' Association of New York and New York Board of Trade and Transportation, for appropriation to improve the upper Hudson River—to the Committee on Rivers and Harbors.

Also, petition of the jewelers' board of trade; the stationers' board of trade; William Meyer & Co.; the Merchants' Association of New York; the Endicott Johnson Company; John Martin, of Ginn & Co., publishers; Aitken, Son & Co.; James G. Johnson & Co.; Claflin, Thayer & Co.; John Wanamaker; the Patterson-Sargent Company; R. C. Williams & Co.; the Standard Varnish Works; the Powell Brothers Shoe Company; the National Association of Clothiers; New Netherland Bank; the Clark Hutchinson Company; James F. White & Co.; and the J. Spencer Turner Company, favoring H. R. 21920, the Sherley bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of the Wescott, Slade & Balcom Company, of Providence, R. I., in favor of H. R. 21929, to amend the bankruptcy law—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of citizens of Hamar, N. Dak., against parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Glenburn, N. Dak., asking retention of import duty on grains—to the Committee on Ways and Means.

Also, petition of the North Dakota Hardware Association, against parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HACKETT: Paper to accompany bill for relief of estate of John D. Johnson—to the Committee on War Claims.

By Mr. HAMMOND: Petition of Albert E. Fellimore and others, of Fairmont, Minn., in favor of establishing a children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

By Mr. HEFLIN: Evidence to accompany bill for the relief of John L. Hayes, deceased (H. R. 12543)—to the Committee on War Claims.

By Mr. HINSHAW: Petition of citizens of Brainard, county of Butler, State of Nebraska, against the establishment of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HITCHCOCK: Petition of citizens of Nebraska, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HOWELL of New Jersey: Papers to accompany bills for relief of Cornelius Britton, jr., and Lydia Hunt—to the Committee on Invalid Pensions.

By Mr. KIMBALL: Papers to accompany bills for relief of Jeremiah Kincaid (H. R. 17371), Charles T. Grinstead (H. R. 27636), and Thomas Burns (H. R. 24815)—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill (H. R. 27568) for relief of John M. Slate (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Antikamnia Chemical Company, of St. Louis, Mo., against the Mann bill (H. R. 21982—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Wanamaker; the National Association of Clothiers; the Endicott-Johnson Company; the J. Spencer Turner Company; R. C. Williams & Co.; the Powell Brothers Shoe Company; Aitken, Son & Co.; James G. Johnson & Co.; New Netherland Bank; William Meyer & Co.; J. H. Lane & Co.; the Sibley, Lindsay & Curr Company; Claflin, Thayer & Co.; the Clark-Hutchinson Company; the Patterson-Sargeant Company; the Schlegel Manufacturing Company; and the jewelers' board of trade, favoring the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

By Mr. LOUD: Petition of citizens of Towas City, Mich., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAIN: Papers to accompany bill for relief of heirs of John A. Regan, deceased—to the Committee on War Claims.

By Mr. NELSON: Petition of sundry citizens of village of Arlington, Wis., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Paper to accompany bill for relief of estate of Frederick Wyand (H. R. 26895) and Thomas Bevans—to the Committee on War Claims.

By Mr. PRAY: Petition of Butte Building Trades Council, for amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of citizens of Iron Mountain, Mont., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. PRINCE: Petition of citizens and business firms of the Fifteenth Congressional District of Illinois, against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. SPIGHT: Petition of E. H. Boody, heir of William H. Boody, asking reference of his claim to Court of Claims—to the Committee on War Claims.

By Mr. STERLING: Petition of citizens of El Paso, Ill., against establishment of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of the Nashua Board of Trade, favoring bill now before Congress for the preservation of the forests of the White Mountains—to the Committee on Agriculture.

By Mr. SULZER: Petition of the Manufacturers' Association of New York, for appropriation for improvement of the upper Hudson River—to the Committee on Rivers and Harbors.

Also, petition of New Netherland Bank; the Merchants' Association of New York; James F. White & Co.; Aitken, Son & Co.; the National Association of Clothiers; Spielman & Co.; Stephen Lainberger; James G. Johnson & Co.; R. C. Williams & Co.; the J. Spencer Turner Company; John Wanamaker; the Endicott-Johnson Company; the Patterson-Sargeant Company; the Clark-Hutchinson Company; William Meyer & Co.; Claflin, Thayer & Co.; the Powell Brothers Shoe Company; and J. E. Bates & Co., all of the city of New York, favoring the Sherley bill (H. R. 21929), amending the bankruptcy law—to the Committee on the Judiciary.

Also, petition of annual encampment of the Department of New York, Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of the Antikamnia Chemical Company, of St. Louis, Mo., against the Mann bill (H. R. 21982)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the John F. Jelke Company, favoring legislation to govern the sale of renovated butter—to the Committee on Agriculture.

By Mr. THOMAS of Ohio: Petition of citizens of Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VOLSTEAD: Petition of numerous citizens of the Seventh Congressional District of Minnesota, opposing any tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of business men of Willmar, Minn., opposing passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Grand Army of the Republic Association of Allegany County, N. Y., favoring the enactment of the bill known as the "pensioners of war bill"—to the Committee on Invalid Pensions.

Also, petition of oil producers in the Thirty-seventh Congressional District of New York State, against any change in the present tariff as it relates to crude oil—to the Committee on Ways and Means.

By Mr. WANGER: Petition of the Illinois Manufacturers' Association, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEISSE: Petition of citizens of Elkhart Lake, Wis., against the establishment of a rural parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grain Dealers' National Association, against S. 382, providing for federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 8, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

REPAIRS OF BATTLE SHIPS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, by direction of the President, and in response to a resolution of the 1st instant, certain information relative to the cost since May 13, 1908, of repairs to the *Brooklyn* and 17 other vessels, and of the cost of coal during the last fiscal year, etc. (S. Doc. No. 702), which was referred to the Committee on Naval Affairs and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Baltimore and Washington Transit Company of Maryland (S. Doc. No. 703), which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, returned to the Senate in compliance with its request the bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

The message further announced that the House had passed a bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1908, as amended by an act approved February 5, 1903, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 27051) authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa, and it was subsequently signed by the Vice-President.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation to provide for the retirement of petty officers and enlisted men in the United States Navy after twenty-five years' actual service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the National Business League of America, of Chicago, Ill., praying for the enactment of legislation to acquire in foreign countries sites and buildings for the use of the diplomatic and consular establishments of the United States, which was referred to the Committee on Foreign Relations.

He also presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 19, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial 1.

Whereas Alaska is dependent upon the Federal Government for all statutory enactments and administrative improvements; and

Whereas trunk wagon roads through the main mining sections are essential to proper and fair development of the rich minerals proved in the Northland; and

Whereas Alaska's contribution of revenue to the Federal Government and immense business returns to the States warrants heavy work on a trunk wagon-road system at this time: Therefore

Your memorialists do earnestly pray the Congress of the United States to appropriate $1,000,000 at this Congress for inauguration of heavy construction on the trunk wagon road between Valdez and Nome, via Tanana and Yukon rivers, which has been recommended by the board of road commissioners for Alaska, said work to be done by the board of road commissioners for Alaska, pursuant to regulations issued and adopted by the War Department.

Adopted by the senate January 19, 1909.

JAY BOWERMAN, *President.*

Concurred in by the house January 22, 1909.

C. N. MCARTHUR, *Speaker.*

Indorsed: Senate joint memorial 1, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 20, 1909, and concurred in by the Senate January 21, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 25th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

STATE OF OREGON, TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
HOUSE OF REPRESENTATIVES.

House joint memorial 4. Introduced by Mr. Brooke.

Resolved by the house, the senate concurring:

That whereas the reclamation fund derived from the sale of public lands in Oregon is greatly in excess of the amount applied by the Reclamation Service of the United States within the State of Oregon; and

Whereas it is most earnestly desired by the people of Malheur County, as well as of the State of Oregon, that the Reclamation Service take up and complete what is known as the "Malheur irrigation project," in Malheur County, which covers a large body of land in said county which is now arid and nonproductive; and

Whereas the application of water to said tract of land would be of inestimable value to the State of Oregon: Now therefore be it

Resolved by the house of representatives (the senate concurring), That the Senators and Representatives in Congress from this State be requested to use their influence with the Reclamation Service of the United States to the end that the Reclamation Service take up the construction and completion of the Malheur irrigation project, and that a copy of this resolution be sent to each of the Senators and Representatives in Congress from Oregon.

Adopted by the house January 20, 1909.

C. N. MCARTHUR, *Speaker.*

Concurred in by the senate January 21, 1909.

JAY BOWERMAN, *President.*

Indorsed: House joint memorial 4, W. F. Drager, chief clerk; filed January 25, 1909, F. W. Benson, secretary of state.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Com-

mittee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the Senate January 26, 1909, together with the indorsements thereon; and that it is a full, true, and complete copy of the original, as filed in the office of the secretary of state of the State of Oregon on the 28th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

TWENTY-FIFTH LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON,
HOUSE OF REPRESENTATIVES.

House joint memorial 5.

We, the legislative assembly of the State of Oregon, most respectfully memorialize Congress to reject any legislation looking to the repeal of the present tax on oleomargarine.

Adopted by the house January 22, 1909.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the senate January 26, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed: House joint memorial 5, W. F. Drager, chief clerk; filed January 28, 1909, F. W. Benson, secretary of state.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial 4.

Whereas there is a general demand by the people of the United States and of the State of Oregon for better and more permanent public roads: Therefore be it

Resolved by the senate of the State of Oregon (the house concurring), That it is the sense of the people of this State that the National Government should aid in the permanent construction of the main highways, and that the Congress of the United States is hereby memorialized to extend some such aid by the appropriation of a percentage of the cost of such permanently improved main highways throughout the different States of the Union where and whenever a State and the several counties thereof shall by statute extend a like aid in so permanently improving their main highways, or that the loan of public money by the Treasurer of the United States be authorized for such construction or the aiding thereof, or by both the appropriation and loan and in such sums and under such conditions as may be by said Congress determined upon and deemed advisable. Be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States in Congress assembled and to the legislatures of the several States of the Union by the secretary of state.

Adopted by the senate January 20, 1909.

JAY BOWERMAN, *President.*

Concurred in by the house January 22, 1909.

C. N. MCARTHUR, *Speaker.*

Indorsed: Senate joint memorial 4, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 20, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State.*

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate resolution 4.

Be it resolved by the senate of the State of Oregon (the house of representatives concurring), That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States, so that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be, and the same is hereby, adopted:

To the honorable Congress of the United States of America, represented in Senate and House of Representatives:

The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States of America, so as to provide therein that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, and to further provide for the ratification of said proposed amendment by the several States as made and provided for in Article V of the Constitution of the United States.

That the aforesaid application shall be signed by the president of the senate and the speaker of the house of representatives, and attested by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each Member of the delegation in Congress from this State, and to the legislature of each State in the United States.

Adopted by the senate January 19, 1909.

JAY BOWERMAN, *President.*

Adopted by the house January 22, 1909.

C. N. MCARTHUR, *Speaker.*

Indorsed: Senate joint resolution 4, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint resolution No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 19, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State.*

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
HALL OF REPRESENTATIVES.

House joint memorial 3.

Be it resolved by the house of representatives of the State of Oregon (the senate concurring), That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States, so that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be and the same is hereby, adopted:

To the honorable Congress of the United States of America, represented in Senate and House of Representatives:

The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States of America, so as to provide therein that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, and to further provide for the ratification of said proposed amendment by the several States as made and provided for in Article V of the Constitution of the United States; and, be it further

Resolved, That the aforesaid application shall be signed by the president of the senate and the speaker of the house of representatives, and attested by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each member of the delegation in Congress from this State, and to the legislature of each State in the United States.

Adopted by the house, January 22, 1909.

C. N. MCARTHUR,
Speaker.

Concurred in by the senate, January 26, 1909.

JAY BOWERMAN,
President.

Indorsed: House joint memorial 3, W. F. Drager, chief clerk; filed January 27, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state, of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the senate January 26, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1909, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

Mr. PLATT presented a memorial of General Shields-Corcoran Post, No. 69, Department of New York, Grand Army of the Republic, of New York City, N. Y., remonstrating against

the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Baptist Church of Reed Corners, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Rear-Admiral H. F. Picking Naval Garrison, No. 4, Army and Navy Union of the United States of America, of Erie, Pa., praying for the enactment of legislation providing for the retirement of certain petty officers and enlisted men of the navy after twenty-five years' actual service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Consumers' League of Syracuse, N. Y., and the petition of Harriett A. Dillingham, of New York City, N. Y., praying for the enactment of legislation to establish a national children's bureau, which were referred to the Committee on Education and Labor.

He also presented a petition of the Council of the New York Commandery of the Naval and Military Order of the Spanish-American War, of New York City, N. Y., praying for the enactment of legislation granting campaign badges to certain officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service of the United States, which was referred to the Committee on Military Affairs.

He also presented a petition of Jasper Grange, No. 619, Patrons of Husbandry, of Steuben County, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Buffalo Chapter, American Institute of Architects, of Buffalo, N. Y., and the petition of Dr. M. D. Mann, of Buffalo, N. Y., praying for the enactment of legislation providing for the erection of the proposed Lincoln memorial in the city of Washington, D. C., upon the site selected by the park commission, which were referred to the Committee on the Library.

Mr. GALLINGER presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation providing for a retirement fund for teachers of public schools in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry owners of property on T street NW., Washington, D. C., praying that an appropriation be made to pave T street NW., between First and Second streets, which was referred to the Committee on the District of Columbia.

Mr. DICK presented a petition of sundry citizens of the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was refrered to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a resolution of the legislature of Kansas, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

House resolution 24. By John R. Ashcroft.

Whereas under the act of Congress relating to internal revenue it is the practice of the Commissioner of Internal Revenue to issue government stamps to wholesale and retail dealers of intoxicating liquors in Kansas, thus authorizing them, so far as the United States Government is concerned, to sell such liquors without regard to their right to do so under the constitution and the laws of the State.

Whereas such practices on the part of the United States Government seriously interfere with the execution of the laws of this State and encourage violations thereof. Be it

Resolved, by the legislature of the said State of Kansas, That our Senators and Representatives in Congress be, and hereby are, requested to use all honorable means to secure the enactment of such legislation as will prohibit the acceptance by the Government of the tax required to be paid by wholesale and retail liquor dealers and the use of internal-revenue stamps to such persons, except in cases where the persons applying to be registered as liquor dealers shall present with the application therefor a certificate from the proper state officer, and under the laws of the State he is authorized to engage in such business; be it further

Resolved, That it is the sense of this body that the interstate-commerce law should be so amended that no common carrier can transport into any State any article or articles which are prohibited by the constitution of that State or such State.

Mr. CURTIS presented a memorial of the Mercantile Club of Kansas City, Kans., remonstrating against the action of the authorities at San Francisco, Cal., in taking water from the Hetch Hetchy Valley to such an extent as to deplete the water supply of the Yosemite National Park, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LODGE presented sundry affidavits to accompany the bill (S. 8650) granting a pension to Mary Bradford Crowninshield, which were referred to the Committee on Pensions.

Mr. FULTON presented a joint memorial of the legislature of Oregon, which was read and referred to the Committee on Territories, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial 1, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 19, 1909, and concurred in by the House January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State.*

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial 1.

Whereas Alaska is dependent upon the Federal Government for all statutory enactments and administrative improvements; and

Whereas trunk wagon roads through the main mining sections are essential to proper and fair development of the rich minerals proved in the Northland; and

Whereas Alaska's contribution of revenue to the Federal Government and immense business returns to the States warrants heavy work on a trunk wagon-road system at this time:

Therefore, Your memorialists do earnestly pray that the Congress of the United States appropriate $1,000,000 at this Congress for inauguration of heavy construction on the trunk wagon road between Valdez and Nome, via Tanana and Yukon rivers, which has been recommended by the board of road commissioners for Alaska, said work to be done by the board of road commissioners for Alaska, pursuant to regulations issued and adopted by the War Department.

Adopted by the senate January 19, 1909.

JAY BOWERMAN, *President.*

Concurred in by the house January 22, 1909.

C. N. MCARTHUR, *Speaker.*

Indorsed: Senate joint memorial 1, William H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

Mr. FULTON presented a joint memorial of the legislature of Oregon, which was read and referred to the Committee on Agriculture and Forestry, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the senate January 26, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original, as filed in the office of the secretary of state of the State of Oregon on the 28th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State.*

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
HOUSE OF REPRESENTATIVES.

House joint memorial 5.

We, the legislative assembly of the State of Oregon, most respectfully memorialize Congress to reject any legislation looking to the repeal of the present tax on oleomargerine.

Adopted by the house January 22, 1909.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the senate January 26, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed: House joint memorial 5, W. F. Drager, chief clerk; filed January 28, 1909, F. W. Benson, Secretary of State.

Mr. DOLLIVER presented a petition of the Woman's Christian Temperance Union of Council Bluffs, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Silas Jackson Post, No. 255, Department of Iowa, Grand Army of the Republic, of the State of Iowa, remonstrating against the enactment of legislation to create in the War and Navy departments a roll to be known as the "civil-war officers annuity honor roll," placing thereon with pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States during the civil war and who are not now on the retired list, which was referred to the Committee on Military Affairs.

He also presented a petition of the territorial board of education, of Santa Fe, N. Mex., praying for the enactment of legislation to create a national department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of Rear-Admiral Pickering Naval Garrison, No. 4, Army and Navy Union of the United States of

America, of Erie, Pa., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the navy after twenty-five years' actual service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the National Business League of America, praying for the enactment of legislation to acquire sites and buildings in foreign countries for the use of the diplomatic and consular establishments of the United States, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Dubuque, Iowa, remonstrating against any duty being placed upon teas and coffees, which was referred to the Committee on Finance.

He also presented a petition of the Iowa National Guard of Des Moines, Iowa, praying for the enactment of legislation to extend the privilege of the penalty envelope to the national guard of the several States, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club, of Sioux City, Iowa, praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the National Lumber Manufacturers' Association, of St. Louis, Mo., remonstrating against the repeal of the duty on lumber, laths, and shingles, which was referred to the Committee on Finance.

He also presented a petition of the American Association of Economic Entomologists, of the United States, and a petition of the Shenandoah Valley (Virginia) Fruit Growers' Association (Incorporated), praying for the enactment of legislation to regulate the standards of insecticides and fungicides entering into interstate commerce, which were ordered to lie on the table.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, in favor of the enactment of legislation to complete what is known as the "Malheur irrigation project," in Malheur County, in that State, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a joint memorial of the legislature of Oregon, in favor of the enactment of legislation providing for the election of United States Senators by a direct vote of the people, which was referred to the Committee on Privileges and Elections.

He also presented a joint memorial of the legislature of Oregon, in favor of an appropriation for the improvement of main highways throughout the different States of the Union whenever such States shall extend a like aid in improving their highways, which was referred to the Committee on Agriculture and Forestry.

Mr. ANKENY presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of sundry citizens of Middletown, Conn., praying for the passage of the so-called "Davis bill," providing for national cooperation in technical education and agricultural training, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Congregational Church of Branford, Conn., praying for the passage of the so-called "Burkett bill," to prohibit the interstate transmission of race-track bets, which was referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions of the congregations of the First Congregational, First Presbyterian, Baptist, and First Methodist Episcopal churches, and of the Young Men's Christian Association, all of Waukesha, in the State of Wisconsin, praying for the enactment of legislation to prohibit the importation and sale of opium and coca leaves into the United States or its insular possessions, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 706) for the relief of A. R. Holzheid, who sustained loss of property in the San Francisco fire of April, 1906, reported it without amendment, and submitted a report (No. 934) thereon.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 16274) to amend section 10 of chapter 252, volume 29, of Public Statutes at Large, reported it without amendment.

Mr. JOHNSTON, from the Committee on Interoceanic Canals, to whom was referred the bill (H. R. 22340) relating to injured employees on the Isthmian Canal, reported it without amendment and submitted a report (No. 935) thereon.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom was referred the petition from the American Society of Civil Engineers, praying for an appropriation to proceed with the construction of the testing machine, etc., asked to be discharged from its further consideration and that it be referred to the Select Committee on Standards, Weights, and Measures, which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 6971) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville Prison Park, in the State of Georgia, reported it with amendments and submitted a report (No. 937) thereon.

Mr. ELKINS. From the Committee on Interstate Commerce I submit a report (No. 933) to accompany the bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, heretofore reported adversely from the committee.

I move that 500 additional copies of the report be printed in pamphlet form for the use of the committee.

The motion was agreed to.

REPORT OF NATIONAL CONSERVATION COMMISSION.

Mr. PLATT. I am directed by the Committee on Printing, to which was referred the manuscript of the Report of the National Conservation Commission, to report the same back and ask that the complete report be printed as a document (S. Doc. No. 676), for which purpose I submit the resolution I send to the desk.

The resolution (S. Res. 283) was considered by unanimous consent and agreed to, as follows:

Resolved, That the special message from the President of the United States, transmitting a report of the National Conservation Commission, with accompanying papers, be printed in full as a document, taking No. 676 of the present Congress, the number of the document containing the special message of the President transmitting this report.

DISTRIBUTION OF COURT REPORTS.

Mr. KNOX. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 7808) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes, to report it favorably with an amendment in the nature of a substitute, and I submit a report (No. 936) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to procure complete sets of the Federal Reporter and digests thereof, and the current volumes of the same as issued, containing reports of the decisions of the circuit courts of appeals and of the circuit and district courts of the United States, and distribute the same among the officers of the United States in accordance with the laws governing the distribution of the reports of the Supreme Court of the United States, so that one complete set, with the continuations, shall be placed with each officer and in each office or room or court room now entitled by law to receive the said reports of the Supreme Court, except as may be otherwise provided by this act. And the Secretary of the Interior shall distribute to the reporter of the Supreme Court of the United States 1 set; to the Secretary of the Senate, for the use of the Senate, not more than 10 sets; and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than 12 sets, and 1 set to every court of the United States provided by law; and in case any sets shall remain undisposed of after making the foregoing distribution the Secretary of the Interior is hereby authorized to distribute the same and the current volumes thereof as issued to such executive officers of the United States as may be designated by the Attorney-General: *Provided*, That under the authority of this act only such number of sets and parts of sets shall be purchased as will provide not to exceed 400 sets in all.

SEC. 2. That whenever any of such officers, office, or court room shall have a partial set of the Federal Reporter, or digest, already purchased or owned by the United States, in such case the Secretary of the Interior be, and he is hereby, authorized to procure and distribute to such officers, office, or court room sufficient volumes to make a complete set for such officer, office, or court room.

SEC. 3. That the volumes of the Supreme Court Reports and of the Federal Reporter distributed under the provisions of this and prior acts shall be and remain the property of the United States, and before distribution shall be plainly marked on their covers "The property of the United States," and shall be transmitted by the officers receiving the same to their successors in office.

SEC. 4. That such sum of money as is required to pay for the Federal Reporter and for the digest thereof, the purchase and distribution of which are provided for in this act, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That not to exceed $2 per volume shall be paid for the back volumes of such reports and for the current volumes of the Federal Reporter, and $5 per volume for the digest, the said money to be disbursed under the direction of the Secretary of the Interior; and the Secretary of the Interior shall include in his annual estimates submitted to Congress an estimate for the current volumes of reports the distribution of which is provided for in this act.

Mr. CULBERSON. I will ask the Senator in charge of the bill what additional expense this will be to the Government?

Mr. KNOX. The additional expense will be in the neighborhood of $15,000 a year, depending somewhat on the number of sets purchased. The maximum provided for is 400 sets.

A measure similar to this passed the Senate once before. The Federal Reporter is the only publication that reports the decisions of the United States circuit and district courts and the United States court of appeals. This measure provides that they shall be distributed to such officers of the Government as are now receiving under the provisions of the law the reports of the Supreme Court of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCISCO KREBS.

Mr. MONEY. Mr. President, I wish to ask for the recall of a bill improperly referred and have it referred properly by unanimous consent. The House passed a bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns. It is a private claim. The bill was referred to the Committee on Public Lands improperly. It should be recalled and referred to the Committee on Private Land Claims, because it has heretofore been before that committee and has been twice reported by the committee, and not only reported, but the bill has been passed through both Houses. It was vetoed last winter by the President under a misapprehension of fact, I think. At any rate, the Department of Commerce and Labor have not only withdrawn all the objections they urged, but this is a copy of a bill which they themselves prepared, and there can be no objection to it, I think.

The PRESIDENT pro tempore. The Senator from Mississippi asks that the Committee on Public Lands be discharged from the further consideration of House bill 27252 and that it be referred to the Committee on Private Land Claims. Is there objection? The Chair hears none, and the order is made.

Mr. McENERY subsequently said: I report back from the Committee on Private Land Claims favorably without amendment the bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns.

Mr. MONEY. I ask unanimous consent for the present consideration of the bill, and upon this ground: A similar bill has passed the Senate more than once. It passed both Houses, but was vetoed by the President for reasons furnished by the Department of Commerce and Labor, because it unduly restricted the extent of the light-house property and did not provide means for accurately determining the boundaries of the property. Since then the department have made a map to suit themselves and have written this bill and sent it here for passage. It has already passed the House. I hope it will be passed by the Senate to-day.

The PRESIDENT pro tempore. Has the Senator the act itself as it came from the House?

Mr. MONEY. No; I have not.

The PRESIDENT pro tempore. Does the Senator know that this is an exact copy of that act?

Mr. MONEY. I do not know that I can say it is, because I have not read the act carefully. If there is any difficulty about it I will let it go over.

The PRESIDENT pro tempore. The bill will go to the calendar.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 9182) to increase the limit of cost for the acquisition of additional land for the site of the new post-office and court-house at Duluth, Minn., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. McLAURIN introduced a bill (S. 9183) for the relief of the estate of George Smith, which was read twice by its title and referred to the Committee on Claims.

Mr. MONEY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9184) for the relief of Robert T. Cheek; and

A bill (S. 9185) for the relief of the heirs or legal representatives of the estate of S. W. Lancaster, deceased.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9186) for the relief of Mrs. S. P. Prowell, administratrix of the estate of Dr. John H. Jones, deceased; and

A bill (S. 9187) for the relief of John C. Stoutenborough.

Mr. CUMMINS introduced a bill (S. 9188) granting an increase of pension to Homer J. Budd, which was read twice by its title and referred to the Committee on Pensions.

Mr. MILTON introduced a bill (S. 9189) for the relief of the heirs of Andrew E. Hodges, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 9190) granting a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BURKETT introduced a bill (S. 9191) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," which was read twice by its title and referred to the Committee on the Judiciary.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9192) for the relief of the estate of John Henley;

A bill (S. 9193) for the relief of the estate of James A. Yeargin;

A bill (S. 9194) for the relief of the estate of Houston Hixon, deceased; and

A bill (S. 9195) for the relief of the estate of William Parks.

Mr. GALLINGER introduced a bill (S. 9196) granting an increase of pension to William D. Wallace, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 9197) granting an increase of pension to Agnes Lee Miller, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 9198) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9199) granting an increase of pension to James Franklin Woodcock; and

A bill (S. 9200) granting an increase of pension to Thomas Dwyer.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9201) for the relief of Calvin Nelson (with the accompanying paper); and

A bill (S. 9202) for the relief of the Pittsburg Brewing Company.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9203) granting an increase of pension to Daniel Taylor;

A bill (S. 9204) granting an increase of pension to James Metzgar;

A bill (S. 9205) granting an increase of pension to Charles J. Snyder; and

A bill (S. 9206) granting an increase of pension to Hugh McDonald.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9207) granting a pension to Annie A. Convery; and

A bill (S. 9208) granting an increase of pension to John McGlone.

Mr. CLAPP introduced a bill (S. 9209) to authorize the issuance of fee simple patents to Indian allottees belonging to the Quapaw Indian Agency, in the State of Oklahoma, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BRIGGS introduced a bill (S. 9210) for the relief of Rear-Admiral John J. Read, U. S. Navy, retired, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEAN (by request) introduced a bill (S. 9211) for the relief of the owners of the schooner *T. P. Leined* or their legal representatives, which was read twice by its title and referred to the Committee on Claims.

Mr. BACON introduced the following bills, which were

severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9212) for the relief of Adolph M. Cohen;

A bill (S. 9213) for the relief of the heirs of J. S. Perkerson, deceased;

A bill (S. 9214) for the relief of the heirs of William Kile, deceased;

A bill (S. 9215) for the relief of the heirs of Seaborn J. Burk, deceased;

A bill (S. 9216) for the relief of the heirs of John M. King, deceased;

A bill (S. 9217) for the relief of Jane Holbrook;

A bill (S. 9218) for the relief of the heirs of Benjamin F. Crowley, deceased;

A bill (S. 9219) for the relief of the heirs of Mrs. Eliza A. Clay, deceased;

A bill (S. 9220) for the relief of the heirs of William Wilmoth, deceased;

A bill (S. 9221) for the relief of the heirs of William Bullard, deceased;

A bill (S. 9222) for the relief of the heirs of John Fisher, deceased;

A bill (S. 9223) for the relief of the heirs of Joseph Summerlin, deceased;

A bill (S. 9224) for the relief of the heirs of A. K. Tribble, deceased;

A bill (S. 9225) for the relief of the heirs of William McConnell, deceased;

A bill (S. 9226) for the relief of the heirs of John C. Bowden, deceased;

A bill (S. 9227) for the relief of the heirs of Blueford D. Smith, deceased;

A bill (S. 9228) for the relief of the heirs of William H. Harvill, deceased;

A bill (S. 9229) for the relief of the heirs of James Peek, deceased; and

A bill (S. 9230) for the relief of Mary Bethoon Hanserd.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9231) granting an increase of pension to Ingalls Evans; and

A bill (S. 9232) granting an increase of pension to Catherine M. Shaw.

Mr. DANIEL introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9233) for the relief of the estate of Peter McEnery, deceased; and

A bill (S. 9234) for the relief of the Seaboard and Roanoke Railroad Company.

Mr. McCREARY introduced a bill (S. 9235) providing for the purchase for the use of the Library of Congress of certain manuscript books, formerly the property of John Marshall, late Chief Justice of the United States, which was read twice by its title and referred to the Committee on the Library.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9236) for the relief of John W. Alves (with an accompanying paper); and

A bill (S. 9237) for the relief of Elleanor Gibson Whitney.

Mr. McCREARY introduced a bill (S. 9238) granting an increase of pension to Henry Gose, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9239) granting a pension to Mary J. White; and

A bill (S. 9240) granting an increase of pension to John Morrison (with an accompanying paper).

Mr. DICK introduced a bill (S. 9241) granting a pension to Harry A. Bishop, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a joint resolution (S. R. 127) authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans., which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $80,000 for the purchase of a new site for the post-office and court-house at Duluth, Minn., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $35,000 for the support and education of 200 Indian pupils at the Indian school at Fort Lewis, Colo., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. TELLER submitted an amendment providing for the establishment of a quartermaster's depot at Denver, Colo., for the Department of the Colorado, intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment referring to the Court of Claims the claim of the Confederated Band of Ute Indians of Colorado, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. FRYE submitted an amendment proposing that paymasters' clerks now in the service of the United States Army shall hereafter be known as paymasters' assistants, United States Army, intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $150,000 for the purchase of the tract of land formerly known as Graceland Cemetery, in the District of Columbia, to be used as a public park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment relative to the salaries of clerks to Senators who are not chairmen of committees, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

IMPROVEMENT OF NEW RIVER HARBOR, FLORIDA.

Mr. MILTON submitted the following concurrent resolution (S. C. Res. 89), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey with the view of establishing a harbor at New River, Fla., where same has been connected to the Atlantic Ocean by cut-off, and to report, together with estimate of the cost of the project, securing over the bar at that location at least 20 feet of water and the construction of jetties to protect same.

OBEDIENCE TO PROCESS OF THE SENATE.

Mr. RAYNER. I submit a resolution, and ask that it be read and lie on the table.

The resolution (S. Res. 282) was read, as follows:

Resolved, That whenever the Senate issues a summons for a witness to testify, or for a witness to produce documents or papers, in relation to any subject over which Congress has any grant of power or jurisdiction, and the witness without claiming personal privilege or exemption from testifying by law declines to testify or to produce the documents or papers called for in the summons, then the Senate has the power to compel obedience to its process and may proceed to the exercise thereof, and this power extends to all civil officers of the United States who may be summoned as aforesaid.

The PRESIDENT pro tempore. The Senator from Maryland asks that the resolution lie on the table subject to his call. Is there objection? The Chair hears none, and the order is made.

THE NAVY-YARDS.

Mr. GALLINGER. Mr. President, I have a chart compiled in the Navy Department and data furnished by the United States Coast and Geodetic Survey relating to the navy-yards of the country. The chart shows when each yard was established, high water and mean low water at each yard, width of channel in front of each yard, the distance to the sea, and various other important matters that will be of great interest to the Congress. I move that it be printed as a document (S. Doc. No. 704) and referred to the Committee on Naval Affairs.

The motion was agreed to.

PRACTICE OF MEDICINE AND SURGERY IN THE DISTRICT.

Mr. GALLINGER. The bill (S. 8541) to amend section 12 of the act regulating the practice of medicine and surgery in the District of Columbia is on the calendar, having been reported from the Committee on the District of Columbia. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MEYER.

Mr. McENERY. Mr. President, I desire to give notice that on Saturday, the 27th of February, I shall ask the Senate to consider resolutions commemorative of the life and character of

ADOLPH MEYER, late a Representative from the State of Louisiana.

BUREAU OF MINES.

Mr. DICK. The copies of the bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines have been exhausted. I move that the bill be reprinted.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 21929. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, was read twice by its title and referred to the Committee on the Judiciary.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had, on February 6, 1909, approved and signed the following acts:

S. 6418. An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes;

S. 8333. An act to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas;

S. 8460. An act to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels; and

S. 8695. An act extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After four hours and forty-five minutes spent in executive session, the doors were reopened.

SECURITY OF LIFE AT SEA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 701), which was read and, on motion of Mr. ALDRICH, was, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith a report, made by the gentlemen whose names are signed thereto, designated by me to make a careful examination of the laws of the United States enacted for the better security of life at sea, with a view to their better adaptation to present needs. The report is in the form of a bill and embodies a systematic rearrangement and codification of existing law, together with such changes and amendments as past experience and a consideration of present day conditions seem to require, and I ask that it receive the careful consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1909.*

WIRELESS TELEGRAPHY ON OCEAN VESSELS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 700), which was read and, on motion of Mr. KEAN, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

Your attention is invited to recent events which have conclusively demonstrated the great value of radio-telegraphy, popularly known as "wireless" telegraphy, as an instrumentality for the preservation of life at sea.

While the honor of the first practical application of the scientific principles involved may belong to another country, it is gratifying to know that our inventors have been quick to seize upon and develop the idea, and that several systems of approved scientific merit and commercial practicability have been put into operation in the United States.

Furthermore, through the liberality of Congress and the intelligence and industry of the Navy Department, our Atlantic, Gulf, and Pacific coasts are equipped with a chain of shore stations, designed primarily for the national defense, but capable of receiving and transmitting messages by any of the systems of wireless telegraphy now in general use. Even our distant insular territories and Alaska are so equipped.

So far as our own country is concerned, steps have thus been taken effectually to prevent the establishment of a monopoly in the practical use of the new applied art.

I deem it highly desirable that the Congress, before adjournment, should enact a law requiring, within reasonable limitations, as determined by what the Government of the United States has already done and by what prudent and progressive shipowners have already found practicable, that all ocean-going steamships carrying considerable numbers of passengers on routes where wireless installations would be useful should be required to carry efficient radio-telegraphic installations and competent operators. The subject is now under consideration by the Congress, and I am advised that legislation to effect the same general purpose is also under consideration abroad.

Our interest in its enactment is keen on account of the great number of steerage as well as cabin passengers who annually arrive at and depart from our ports. What we have already done along practical business lines warrants the United States in being first among nations to enact a statute requiring the use of this safeguard of human life.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1909.*

Mr. FRYE. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 9, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1909.

CONSUL.

Stuart K. Lupton, of Tennessee, now consul of class 9 at Messina, to be consul of the United States of class 7 at Catania, Italy, to fill an original vacancy.

UNITED STATES ATTORNEY.

Charlton Reid Beattie, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice Rufus E. Foster, appointed United States district judge for the said district.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Joseph Pettyjohn to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from October 20, 1908.

Asst. Surg. Francis H. McKeon to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 27, 1908.

Asst. Surg. Eugene H. Mullan to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 2, 1909.

Asst. Surg. Wade H. Frost to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 3, 1909.

POSTMASTER.

OHIO.

Gustavus A. Gessner to be postmaster at Fremont, Ohio, in place of Gustavus A. Gessner. Incumbent's commission expired November 19, 1907.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 8, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Saturday, February 6, 1909, was read and approved.

BOTTLING OF DISTILLED SPIRITS IN BOND.

Mr. PAYNE, from the Committee on Ways and Means, reported with amendment the bill (H. R. 19473) to amend an act approved March 3, 1897, entitled "An act to allow the bottling of distilled spirits in bond," which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (H. Rept. No. 2081), ordered to be printed.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the urgent deficiency appropriation bill (H. R. 26399), and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up a conference report on the urgent deficiency appropriation bill. If there be no objection, the Clerk will read the statement instead of the report.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, and 8, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five thousand dollars;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out amended as follows:

On page 5 of the bill, in lines 10 and 11, strike out the sum "five hundred thousand dollars" and insert in lieu thereof the sum "one hundred and fifty thousand dollars;" and the Senate agree to the same.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

EUGENE HALE,
J. H. GALLINGER,
H. M. TELLER,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Appropriates $5,000 instead of $2,000 as proposed by the House and $7,000 as proposed by the Senate for cleaning snow and ice from cross walks and gutters in Washington, D. C.

On amendment No. 2: Appropriates $5,500 as proposed by the Senate for night schools in Washington, D. C.

On amendments Nos. 3 and 4: Make a verbal correction in the text of the bill and appropriate $150,000 instead of $500,000 as proposed by the House to supply a deficiency in the appropriation "General expenses, Bureau of Animal Inudstry."

On amendment No. 5: Appropriates $12,000 as proposed by the House for the purchase, care, and maintenance of automobiles for the use of the President.

On amendment No. 6: Appropriates $20,000 as proposed by the Senate for fuel, oil, cotton waste, and advertising for the heating and electrical apparatus of the Senate wing of the Capitol.

On amendments Nos. 7 and 8: Appropriate for printing and binding for the Supreme Court and for the Court of Claims $7,000 and $5,000, respectively, as proposed by the Senate.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report.

The conference report was agreed to.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

HARBOR LINES AT KANSAS CITY, KANS.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 115, authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to fix and establish pierhead and bulkhead lines, either or both, in the Kansas River at Kansas City, Kans., beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as shall be prescribed from time to time by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

PENSION CERTIFICATES.

Mr. WANGER. Mr. Speaker, I call up a privileged resolution (H. Res. 505) and ask for its present consideration.

The SPEAKER. The gentleman from Pennsylvania calls up a privileged resolution—from what committee?

Mr. WANGER. This was referred to the Committee on Appropriations the day it was introduced, January 23. There has been no action upon it by that committee, so it becomes privileged.

The SPEAKER. It seems that the resolution is pending before the Committee on Appropriations.

Mr. WANGER. It becomes privileged under the rule, not having been acted upon by that committee within seven days.

The SPEAKER. The gentleman from Pennsylvania calls up the following privileged resolution (H. Res. 505), which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish the House of Representatives, at as early a date as is convenient, with a statement of the number of pension certificates, issued under the act of February 6, 1907, received at the different pension agencies in the United States to and including the 30th day of June, 1907, and the extent to which the work in each of the pension agencies was performed without delay and kept up, and at which of said agencies, if any, the work was not kept up, and the extent to which there was delay; and, if there was any detail of extra clerks or allowance of clerk hire, what detail or allowance there was made to any or either of said agencies, and for what period; also, how the pensions are paid to the inmates of the Southern Branch of the National Home for Disabled Volunteer Soldiers, the number of checks, vouchers, and other documents that were made out or handled by the Washington pension agency in making the last quarterly payment of pensions to the inmates of said branch, and the number of such inmates then paid pensions.

Mr. LIVINGSTON. Do I understand that it is a privileged resolution?

Mr. WANGER. Yes.

Mr. LIVINGSTON. What makes it so?

Mr. WANGER. It was referred to the Committee on Appropriations on January 23, and has not been reported. Therefore, under the rules, it becomes privileged. Its object is simply to secure information. The chairman of the Committee on Appropriations says he has no objection to the adoption of the resolution. I do not know whether it has been generally considered by the committee or not. I yield to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I understand from the reading—I have no copy of the resolution before me—that the proposition is to get a report of the payments of pensions under the McCumber Act, on certificates prior to July 1, 1907. Is that it?

Mr. WANGER. Yes; the number of certificates received prior to June 30, 1907.

Mr. STAFFORD. Why not include those up to 1908, if there is any importance to it?

Mr. WANGER. I have no objection at all to bringing it down to that date.

Mr. KEIFER. I think almost all the information which the gentleman wants, and which the resolution calls for, is obtainable from the report of the Commissioner of Pensions—not the action of the agencies in all respects, but I think the resolution ought to be amended so as to bring it down to 1908, if it is of any importance.

Mr. WANGER. I have no objection to striking out the word "seven," in line 8, and inserting the word "eight."

Mr. HOLLIDAY. What is the purpose of the resolution?

Mr. WANGER. To get information.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 8 strike out the word "seven" and insert the word "eight."

Mr. WANGER. The purpose of the resolution is to get information which will show the relative efficiency and economy at the different pension agencies.

Mr. CLARK of Missouri. Mr. Speaker, I want to make a parliamentary inquiry. How did this resolution ever happen to be sent to the Committee on Appropriations? It seems to me that the Committee on Pensions, or the Committee on Invalid Pensions, ought to have had jurisdiction.

The SPEAKER. The Committee on Appropriations appropriates for the payment of pensions, and for the support of pension agencies, and it seemed to the occupant of the chair that that committee was the appropriate committee; anyway, the reference having been made, the committee would have jurisdiction. Without objection, the Committee on Appropriations is discharged from the consideration of the resolution.

There was no objection.

Mr. FITZGERALD. What is the amendment that is offered?

Mr. WANGER. To strike out the word "seven" and insert the word "eight," bringing it down to 1908.

The amendment was agreed to.

The resolution was agreed to.

PAROLE OF JUVENILE OFFENDERS.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27425) to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That every male juvenile offender who is now or may hereafter be committed to the National Training School for Boys, and who has by his conduct given sufficient evidence that he has reformed, may be released on parole as hereinafter provided.

SEC. 2. That if it shall appear to the satisfaction of the board of trustees of said school that there is reasonable probability that any boy detained in the said school will, if conditionally released, remain at liberty without violating the laws, then said board of trustees may in its discretion parole such boy under such conditions and regulations as the said board of trustees may deem proper: *Provided,* That the parole of all juvenile offenders committed by courts other than those of the District of Columbia shall be subject to the approval of the Attorney-General of the United States.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the last vote was laid on the table.

PROVIDING FOR PAYMENT OF COST OF DRAINAGE OF OMAHA INDIAN ALLOTTED LANDS.

Mr. BOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20385) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, with amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay from the funds remaining to the credit of the Omaha tribe of Indians any assessments which may be made by any drainage district in the State of Nebraska on the tribal lands of said Indians to protect such lands from overflow, not exceeding an average of $8 per acre.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such regulations as he may prescribe, to pay per capita to the Indians of the Omaha tribe who have allotted lands within any such drainage district the proportionate share of such Indians in the funds remaining to the credit of said tribe after the payment provided for in section 1 of this act: *Provided,* That no assessments made by such drainage district on the allotment of any Indian while the same is held in trust by the United States for the use and benefit of the allottee shall be valid or constitute a lien on the land, but the Secretary of the Interior shall retain not exceeding $240 of the per capita share of any such allottee and expend the same for the payment of partial payment of the sum found by such drainage district to be due from such allottee for the purpose of protecting his lands embraced in the drainage district from overflow. Such payment shall be credited on any assessment which may be made on the allotment of said Indian after the termination of the trust by expiration of the period, issuance of a fee-simple patent, or by a conveyance under existing law, duly approved by the Secretary of the Interior.

SEC. 3. That any such drainage district be, and is hereby, authorized to assess the cost of reclaiming the tribal lands of the Omaha Indians and all lands allotted to the Indians in severalty and held by patents containing restrictions as to alienation and taxation within such districts, subject to the limitation contained in the preceding section, and to condemn any of said lands necessary for the purpose of reclamation in the same manner as such district may condemn other lands: *Provided,* That the payments to be made or the taking of lands under the provisions of this section shall be subject to the approval of the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon application of the allottee, or his heirs, to issue a fee-simple patent to any Omaha Indian for the lands allotted to him within any such drainage district, and the issuance of such patent shall operate as a removal of all restrictions as to the sale, incumbrance, and taxation of the lands covered thereby.

The Clerk also read the following amendments:

Amend by striking out the word "tribe" and inserting the words "and Winnebago tribe," in line 5, page 1; by inserting the words "and Winnebago" after the word "Omaha," in lines 2 and 23, page 2, and in line 10, page 3.

Mr. MANN. Reserving the right to object, I could not hear the amendments read, and I want to ask the gentleman if the amendments change the substance of the bill.

Mr. BOYD. It simply adds the Winnebago Reservation. The committee has favorably reported the Winnebago bill and recommended that the two be consolidated, and this amendment consolidates the two bills.

Mr. MANN. It seems to me that the gentleman might be in luck to get one bill, without passing two at once. As I understand this bill, it is solely for the purpose of permitting the Indians' land to be included in the drainage district under control of the Secretary of the Interior, so that the lands may be drained, leaving the payment under the control of the Secretary of the Interior.

Mr. BOYD. Yes; and the Winnebago Reservation is just north. Last summer the Secretary of Agriculture surveyed the Logan Valley, and in order to carry out the project as planned by them it is necessary to cross the two reservations.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Subsequently,

The SPEAKER. The Chair desires to state that the bill presented by the gentleman from Nebraska [Mr. BOYD] and considered by unanimous consent should have the title amended by inserting the words "and Winnebago" after the word "Omaha."

Mr. MANN. And in connection with the matter, the bill H. R. 27244 should be laid on the table.

The SPEAKER. The Chair hears no objection, and the title will be amended; and, without objection, the bill on the calendar, H. R. 27244, will be laid on the table.

There was no objection.

On motion of Mr. BOYD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EULOGIES ON THE LATE REPRESENTATIVE ROBERT C. DAVEY, OF LOUISIANA.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent for the present consideration of the following order:

The Clerk read as follows:

House Order No. 25.

Ordered, That there be a session of the House at 4 p. m. Sunday, February 21, 1909, for the delivery of eulogies on the life, character, and public services of the Hon. ROBERT C. DAVEY, late a Member of the House of Representatives from Louisiana.

The order was agreed to.

ADDITIONAL JUDGE FOR WESTERN DISTRICT OF WASHINGTON.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from consideration of the bill (H. R. 27061) to provide for the appointment of an additional judge in and for the western district of Washington.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint a resident of the western divison of the western district of Washington as an additional judge of the district court of the United States for the western district of Washington, who shall reside in said division, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That the present district judge in said district and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said district: *Provided, however,* That in case the said two district judges do not agree the senior circuit judge of the ninth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

The following committee amendments were read:

Strike out, in lines 4, 5, and 6, the following: "a resident of the western division of the western district of Washington as."

Strike out, in lines 7 and 8, the following: "who shall reside in said division."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Washington to explain the necessity for the creation of this new judgeship.

Mr. CUSHMAN. Mr. Speaker, this is a bill to authorize the appointment of an additional United States district judge in my home State of Washington—in the western district of that State. The necessity which causes me to bring this bill forward at this time is the tremendous volume of legal business in that western district of Washington. That volume of business is greater than any one judge can properly attend to, and the load of labor and responsibility is breaking our judge down. You will understand that this bill does not create a new judicial district, but merely provides for an additional judge, so that if this bill passes there will be two district judges in the western district of Washington State instead of one judge, as now. The passage of this bill is earnestly recommended by Mr. Bona-

parte, the United States Attorney-General. This bill has also behind it the unanimous report of the House Judiciary Committee. In the report of the Judiciary Committee on this bill is found the following significant language:

It thus appears that the work accumulating and being done in the western district of Washington is more than twice that of the average district, and is only equaled by those districts which have two or more judges.

I can say, Mr. Speaker, that there is a tremendous volume of legal business in that district.

Mr. UNDERWOOD. Has not the State of Washington now two district judges?

Mr. CUSHMAN. Yes; there are two district judges now in that State. There are two judicial districts in the State and one judge in each district.

Mr. UNDERWOOD. And that is considerably more than the average State in the Union to-day has, is it not, in proportion to the population of the States?

Mr. CUSHMAN. I will say to the gentleman from Alabama that, in my judgment, population is not a safe rule to go by in a matter of this kind. The more reliable rule is the amount of legal business in the district. And according to the figures compiled by the United States Attorney-General, and submitted in his last annual report, there is about twice as much legal business in the western district of Washington as in the average judicial district. There is not another judicial district in the United States—having but one judge—that has as large a volume of legal business as exists in this western district of my State.

Mr. UNDERWOOD. How much business is there in that district?

Mr. CUSHMAN. The volume of business is great. I have some figures here, taken from the last annual report of the Attorney-General, which figures amply support my statement. I could not presume at this time to read all these figures; but, for instance, during the fiscal year 1908 in that district the number of general civil cases—that is, cases in which the United States was not a party—was as follows: Two hundred and seventy-two cases commenced and 249 terminated. And these figures of cases commenced and terminated in this district are greater than the number of cases of a similar class commenced and terminated in the district of Minnesota, the district of Nebraska, the district of Indiana, the southern district of Ohio, the southern district of California, or the eastern district of Missouri, each of which has a resident circuit as well as a resident district judge.

Mr. UNDERWOOD. Very often, I will say to the gentleman from Washington [Mr. CUSHMAN], I think that these district judges are created in places where they are not needed, and for a State the size of Washington in population to acquire three district judges to attend to business in the district court seems to me an anomaly and out of all proportion to the amount of business that judges do in other States.

Mr. CUSHMAN. But the figures I have just read—and many other figures that I have not time to read—show that there is a great deal larger volume of legal business in this district than in any other district in the United States having but one resident judge. My statements are based upon the court records. And we see no prospect of relief under present conditions. The circuit judges of the ninth circuit are engaged entirely in the work of the court of appeals. A circuit judge has not presided at nisi prius or in the circuit court of the western division of Washington for over nine years. And Judge Hanford, the resident district judge, practically never has a vacation and works half of every night.

Mr. UNDERWOOD. I do not think, as a rule, since the establishment of a court of appeals, that it has been the habit or custom of circuit judges to sit at nisi prius at all.

Mr. MANN. Or to do much of any other work. Will the gentleman yield for a question?

Mr. CUSHMAN. Certainly.

Mr. MANN. Will the gentleman inform the House what the character of this excessive business in that district is?

Mr. CUSHMAN. I will say to the gentleman from Illinois [Mr. MANN] and to the House that, in the first place, there is the usual volume of all kinds of litigation which are common to other districts. It is a big district, measured in miles; and its location and the rapid development of the country both tend to make much litigation. This district is surrounded almost on three sides by navigable waters. It contains a number of government military and other reservations. The city of Portland, the metropolis of Oregon, lies just beyond its southern border. The largest cities of western Canada lie just beyond its northern border. Of all the judicial districts in the United States, this one is the closest to Alaska. The port of Puget Sound is entirely within this district, and it is one of the greatest in the Union. Its railroad building, mileage, and development within the past few years have been very great. There is an immense lumber industry in this State, the fishing interests are large, and there are some mining interests. Then, in addition to all this, there is an immense maritime business in that district. This admiralty work is a distinct branch of business that the districts in the interior States do not have.

Mr. MANN. Can the gentleman inform us of the number of admiralty cases in the district during the last year?

Mr. CUSHMAN. I regret that offhand I can not give the gentleman the exact number of this particular kind of cases, but it is a large number.

Mr. MANN. Of course, when the gentleman from Washington [Mr. CUSHMAN] states there is a great deal of business in that district, we appreciate that that is always the case. The State of Washington has 3 Members of Congress and 2 district judges. The city of Chicago has 10 Members of Congress, and probably more proportionate law business than the proportion of Members of Congress, and yet we do not ask for 10 members of the district court.

Mr. CUSHMAN. I do not underestimate the immense court business of the city of Chicago, and yet I believe that an analysis of the figures in the last report of the Attorney-General, making a comparison between the northern district of Illinois (where Chicago is) and this district in my State, will result favorably to my contention—remembering always that we have but one judge and Chicago has several. The United States attorney urgently recommends the passage of this bill, basing his action upon the figures showing the amount of litigation in this district. The House Judiciary Committee went carefully into all the figures showing the relative amount of business in these various districts, and then unanimously recommended the passage of this bill to give us another judge. As I said a moment ago, there is great railroad activity in the State of Washington at present. Its railroad mileage, building and developed, within the past few years has been very great, Washington being in the two years just passed one of the five States with greatest mileage built during each of such years and being the only State so preeminent during both of such years.

Mr. MANN. Well, that is very likely true. The State of Illinois probably has more railroad mileage than any other State in the Union. It is all built, practically, under the direction and control largely—because it all went into the hands of receivers in the end—of one judge in the circuit court at Chicago, Judge Drummond, and he handled all these railroads himself for many years. Now, if the gentleman will permit, we now have on the calendar a bill creating an additional judge in New York, an additional judge in Pennsylvania, and an additional judge in the State of Washington. We have bills pending urgently asking for additional judges by various Members of Congress in their districts. And it seems to me that we are called upon to determine whether we will increase the number of officeholders at this time with a great deficiency staring us in the face, or whether we will make people go to the state courts, where we have plenty of judges, and make them try some of these cases.

Mr. CUSHMAN. As far as the state courts of my State are concerned I can say to the gentlemen that there are three judges of the state court—the superior court—now in my own county, and the legislature of the State has just authorized another, which makes four. That is four judges of the state court in one county. In Seattle, in King County, I think they have about six judges of the state or superior court. That makes about ten judges of the state court in two counties, and there are about nineteen counties in this federal judicial district. Of course the two counties I have just mentioned are the largest. But what I have said is enough to show that the State is not attempting to take any advantage of the Nation by unloading the judicial work of that region exclusively upon the federal judge. Most of the cases in my State which are brought in the federal court are cases of such a nature that they can not be started in any other court. The amount of federal litigation that exists in that district is appalling. The present district judge, Judge Hanford, has not had a vacation in years, and the old man is breaking down under this continuous strain. More cases have been started in the last six months in the federal court in this district than can be tried in a year. And just at this time, if the gentleman will permit me to state it, I will say there is an immense admiralty case pending in the federal court in this district which the judge can not try now and does not know whether he can ever reach it. The lawyers on both sides by

unanimous consent and by stipulation transferred that case from the federal court in this district clear across the continent to the federal court in New York City, and they are trying it there now. That was the only hope they had of getting it heard. There is another case in that district now which represents millions of dollars. It is a case which involves the title to a vast amount of the tidelands along the water front of the harbor of the city of Tacoma. When the judge will ever reach this case is a mystery. And remember that I am not in any sense criticising Judge Hanford. He is doing all any judge can do with a most difficult situation.

Mr. MANN. Why does not the circuit judge try some of the cases?

Mr. CUSHMAN. The circuit judges are busy. The ninth circuit is one of the largest circuits in the country, extending all over the western part of the United States, including Alaska and the Hawaiian Islands. The circuit judges do not need to apologize for not helping, because they are busy.

Mr. BATES. Is it not true that the bankruptcy business has largely increased the work of the federal judges?

Mr. CUSHMAN. I think that is true in a general way over the country at large, although the bankruptcy business is not very large in our district. Our people lead in most things, but we have never sought to assert our supremacy over our neighbors by the volume of our bankruptcy business. [Laughter.]

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman a question or two. How long has Judge Hanford been upon the bench?

Mr. CUSHMAN. Oh, I think over twenty years.

Mr. GAINES of Tennessee. How old is he?

Mr. CUSHMAN. I think he is about 63 or 64 years of age, as I recall. He is not feeble physically, although he is sadly overworked; and mentally he has not a superior on the bench in America.

Mr. GAINES of Tennessee. Has he charged the grand jury to investigate any trusts out in that country?

Mr. CUSHMAN. Oh, I do not know.

Mr. GAINES of Tennessee. Well, I am asking this seriously.

Mr. CUSHMAN. I do not know whether he has or not, presumably he has been performing his duty, and there are no complaints that he has not.

Mr. GAINES of Tennessee. The report of the Attorney-General shows there is not a single one pending in that State.

Mr. CUSHMAN. That shows what a law-abiding people we are. [Laughter.]

Mr. MANN. The fact that you want another judge—as many district judges as you have Members of Congress—indicates to the contrary. [Laughter.]

Mr. CUSHMAN. Well, I may be out of Congress and I might get this judgeship. [Laughter.]

Mr. MANN. Now, Mr. Speaker, if the gentleman will permit, for the very reason I stated to the gentleman a while ago, if I could be sure that we had to lose the gentleman from Congress, which I pray to God will not——

Mr. COCKRAN. Mr. Speaker, I would like to be taken into this discussion.

The SPEAKER. The gentleman from Illinois will suspend. The gentleman from New York makes the point of order that the House is not in order, which point is sustained. The House will be in order.

Mr. GAINES of Tennessee. Now, I would like to continue my conversation with the gentleman which I began.

The SPEAKER. Does the gentleman yield?

Mr. GAINES of Tennessee. Yes. [Laughter.] The gentleman nodded and I took that to mean he yielded.

Mr. CUSHMAN. I certainly yield to the gentleman for a question.

Mr. GAINES of Tennessee. Now, does the gentleman know or not whether any of the federal judges have charged the grand juries to investigate violations of the Sherman antitrust law?

Mr. CUSHMAN. I have been so busy with my congressional duties that I have assumed that the men on the bench were performing their duties while I was performing mine; therefore I have not investigated that subject.

Mr. GAINES of Tennessee. Oh, it is such an unusual thing for the district judge to charge the grand jury as to that law, I thought possibly the gentleman would remember; but the Attorney-General's report shows there is not a single case pending of that character there. And, I want to say, it is the same in my own State of Tennessee. And I want to find out if some of the district judges were obeying the law——

Mr. CUSHMAN. I do not know whether the judge has charged any grand jury along that line or not, it is not my function——

Mr. GAINES of Tennessee. It has been my function to try and get the judge in my State to charge the grand jury, and he did so; and then the district attorney would not let the witnesses go before the federal grand jury. That was in the tobacco trust matter.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I desire to ask the gentleman a question before I give my consent. This bill provides for an extra judge in the western district of the State?

Mr. CUSHMAN. Yes.

Mr. MACON. How about the business in the eastern district of that State?

Mr. CUSHMAN. The business is not so large in the eastern part of the State.

Mr. MACON. Then, does not the gentleman think that they ought to have the State redistricted instead of creating a new judge for the western district?

Mr. CUSHMAN. We would have been very glad, indeed, to have that done, but after conferring with the members of the Committee on the Judiciary, I determined I would not make the attempt to do that.

Mr. MACON. Why?

Mr. CUSHMAN. Because there is a large extra expense involved in the creation of a new district.

Mr. MACON. Not a new district. I said to redistrict the State and throw some of this work on the judge of the eastern district.

Mr. CUSHMAN. There is plenty of work in the eastern district for one man. There is more than enough work in the western district for two men. Now, you can not divide the work for three and one-half men in a manner that will enable two men to do it.

Mr. MACON. Has the gentleman taken a census of the work in the eastern district and found that there is more work than one man can do?

Mr. CUSHMAN. There is a great deal more work than one judge can attend to. That question was gone into by the Judiciary Committee years ago when the State was divided into two judicial districts.

Mr. MACON. At what time do they convene the courts in the morning?

Mr. CUSHMAN. About 8 o'clock. That is earlier than we convene.

Mr. MACON. If the gentleman will state that the federal courts in the State of Washington convene at 8 o'clock in the morning and stay in session until 12, and then take up again at half past 1 and stay until 5, I will not object.

Mr. CUSHMAN. I do not know. I think they meet nearer 9 o'clock, as a rule, than they do at 8.

Mr. MACON. Does not the gentleman know that it is the habit of federal judges to convene court at 10 o'clock?

Mr. CUSHMAN. Not in our State; no. They meet at 9 o'clock. The work the judge does on the bench is not the only work he has to do, any more than the work we do in this House in five hours represents the entire day's work with us.

Mr. MACON. Mr. Speaker, knowing that the population has a great deal to do with the business of a court, and that Washington has not more than half the population of Arkansas, and we having only two federal judges, and they being able to discharge all the business of the court, I am bound to object, feeling that two judges can do the business of the courts of the State of Washington if two judges can do the business of the courts of the State of Arkansas.

CHANGE OF ENTRY IN LAND TRACTS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 26734) to permit change of entry in case of mistake of the description of tracts intended to be entered.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 26734) to permit change of entry in case of mistake of the description of tracts intended to be entered.

Be it enacted, etc., That section 2372 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 2372. In all cases where an entry, selection, or location has been or shall hereafter be made of a tract of land not intended to be entered, the entryman, selector, or locator, or, in case of his death, his legal representatives, or, when the claim is by law transferable, his or their transferees, may, in any case coming within the

provisions of this section, file his or their affidavit, with such additional evidence as can be procured showing the mistake as to the numbers of the tract intended to be entered and that every reasonable precaution and exertion was used to avoid the error, with the register and receiver of the land district in which such tract of land is situate, who should transmit the evidence submitted to them, in each case, together with their written opinion both as to the existence of the mistake and the credibility of every person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied that the mistake has been made and that every reasonable precaution and exertion has been made to avoid it, is authorized to change the entry and transfer the payment from the tract erroneously entered to that intended to be entered, if the same has not been disposed of and is subject to entry, or, if not subject to entry, then to any other tract liable to such entry, selection, or location; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize such change of entry, nor shall anything herein contained affect the right of third persons."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I will ask the gentleman to explain the bill.

Mr. MONDELL. Mr. Speaker, this is an amendment of section 2372 of the Revised Statutes, and is in the form proposed by the Secretary of the Interior in a letter, which is printed in the report on the bill. It has been unanimously approved by the Committee on Public Lands. This section was enacted in 1824, at a time when the Government sold its lands, and it provided that where a mistake had been made in the description of a tract the Commissioner of the General Land Office could, where a mistake in description had been made, under certain conditions allow an amendment. It related only to lands that were sold, but the Land Office for many years has applied the same principle to homestead and other classes of entries. The law, however, did not allow an amendment if the tract had been transferred, and cases arise where the mistake is not discovered until a transfer has been made, and it is impossible for the transferee to secure the lands which he purchased or which he believed he purchased.

In several decisions the department has called attention, as is shown in the House report, to the fact that the rule which applies under the law to sales ought to apply to other entries, and that it ought to go further, and to apply to cases where there has been a transfer. The Commissioner of the General Land Office in his report last year recommended the passage of legislation of this character.

Mr. GAINES of Tennessee. I would like to ask the gentleman whether this bill interferes in the least with the land suits out there in the State of Washington or anywhere?

Mr. MONDELL. Oh, no.

Mr. GAINES of Tennessee. It is just to correct some mistake made in the law, where it is inadequate to meet the situation?

Mr. MONDELL. It is merely to allow correction of an error.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BRIDGE ACROSS CONDADO BAY, PORTO RICO.

Mr. LARRINAGA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 26838) to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico.

Be it enacted, etc., That Behn Brothers, of San Juan, P. R., be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across a portion of Condado Bay, at the eastern extremity of San Juan Island, Porto Rico, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CONDEMNED CANNON TO BEDFORD, IND.

Mr. CHANEY. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution 234, which I send to the desk.

The Clerk read as follows:

House joint resolution (H. J. Res. 234) to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Bedford, Ind., to be placed at the monument erected in said city, two bronze or brass condemned cannons or fieldpieces, with their carriages and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used on the public building grounds at said city, or on the grounds occupied by a soldiers' monument about to be erected at said city, and to be subject at all times to the orders of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "Indiana," in line 4, down to and including the word "Indiana," in line 6, and insert in lieu thereof the words "to be placed at the monument erected in said city."

Mr. GAINES of Tennessee. Reserving the right to object——

Mr. CHANEY. There is a repetition by the amendment in terms of the bill, and I have indicated on the resolution I send to the desk the elimination of certain words which will prevent the repetition.

The Clerk read as follows:

Strike out the language on line 9, after the word "service," down to and including the word "city," in line 1 of page 2.

Mr. GAINES of Tennessee. I would like to make this inquiry of the gentleman. I have been informed on the floor of the House, I think it was, that we could get these canons by simply asking for them. If that is the case, then there is no need of the resolution. I am for your resolution, but I understand you can get them from the War Department simply by asking for them. If that is now the law, why do we want the resolution?

Mr. CHANEY. The gentleman's information is incorrect. These are bronze guns, which can not be given out or lent upon the authority of the Secretary of War, and can only be obtained by the passage of a resolution.

Mr. GAINES of Tennessee. Then, what kind of guns can we get out by applying for them?

Mr. CHANEY. Cast-iron guns can be obtained in that way.

The amendment recommended by the committee was agreed to.

The amendment offered by Mr. CHANEY was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BRIDGE ACROSS TENNESSEE RIVER, MARION COUNTY, TENN.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 8540.

The bill was read, as follows:

A bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.'"

Be it enacted, etc., That an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County Tenn.,' approved May 20, 1902," be, and the same hereby is, revived and declared to be in full force and effect, except that section 7 of said act be, and the same hereby is, amended and reenacted so as to read as follows:

"SEC. 7. That this act shall be null and void unless the bridge herein authorized shall be commenced within one year and completed within three years from the 1st day of January, 1909."

The amendment recommended by the committee was read, as follows:

Add a new section, as follows:

"SEC. 2. That the bridge to be constructed under the provisions of said act shall be constructed in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges across navigable waters,' approved March 23, 1906."

The SPEAKER. Is there objection?

Mr. REEDER. I did not note the usual provision being there, that this law may be repealed.

The SPEAKER. Does the gentleman yield to the gentleman from Kansas?

Mr. MOON of Tennessee. I did not hear the gentleman.

Mr. MANN. This is a mere extension of time.

The SPEAKER. The Chair hears no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

JUSTICES OF THE PEACE OF THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL. Mr. Speaker, I call up for consideration the conference report on the bill S. 6359, and ask that the House agree to the conference report.

The SPEAKER. Does the gentleman desire the report or the statement read?

Mr. CAMPBELL. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the conference report. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6359) entitled "An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

Page 1, line 4, of said amendment, strike out the word "five."

Page 6, lines 2, 3, 4, 5, and 6, strike out the proviso and insert in lieu thereof the following:

"*Provided*, That the expenditures to be incurred under any of the provisions of this act shall not in any case exceed the total amount of revenues and fees of the said municipal court."

And the House agree to the same.

P. P. CAMPBELL,
J. VAN VECHTEN OLCOTT,
Managers on the part of the House.
J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6359) entitled "An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia," submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report:

Corrects clerical error by restoring the present number of justices of the peace (6), the House amendment having reduced the number to 5. House recedes.

Provides that after the first vacancy the number of judges shall be 5. Senate recedes.

Provides for the appointment of the judges of said municipal court for a term of four years, as proposed by the House. Senate recedes.

Provides that the expenditures incurred in executing the act shall not exceed the total amount of revenues and fees of the court. Senate recedes.

The SPEAKER. The gentleman from Kansas moves the adoption of the conference report.

Mr. SIMS. Is this a unanimous report?

Mr. CAMPBELL. The gentleman from Kentucky [Mr. JOHNSON] did not meet with us, and did not sign the report. I talked with him about it, and he said that he was opposed to the whole legislation, and therefore would not sign the report.

Mr. SIMS. I do not see the gentleman from Kentucky present.

Mr. CAMPBELL. Mr. Speaker, I move the adoption of the report.

The conference report was agreed to.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of business reported from the Committee on the District of Columbia, with Mr. OVERSTREET in the chair.

OVERHEAD TRACK INTO SQUARE 328.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (S. 5429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907.

The bill was read, as follows:

Be it enacted, etc., That to promote the purposes of the act approved February 1, 1907, allowing the manufacture of ice on square No. 328, in the city of Washington, the Commissioners of the District of Columbia are hereby authorized to issue permits for the laying and maintaining of a line of railroad or a switch from square No. 300 across Twelfth street and into said square No. 328 by an overhead track to be approved by said commissioners, and for the laying of a conduit and pipes from the said square No. 328 to and into the Potomac River across and under Water street, for the taking of water from said river to be used for manufacturing purposes in said square: *Provided*, That for purposes of said overhead track no present grades of Twelfth street shall be disturbed, and that overhead track shall have a clearance of at least 14 feet above the curb of said street: *And provided further*, That the overhead track and the conduit and pipes hereby authorized shall be located as may be directed by the said Commissioners of the District of Columbia, and be laid and maintained under their inspection in such locations as they may prescribe, and the cost of such inspection and of replacing the pavements, curbs, and sidewalks disturbed by said work shall be paid by the parties to whom the permits shall be granted.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

Mr. SMITH of Michigan. Mr. Chairman, square 328 is practically an unoccupied square in the southwestern portion of the city. There are upon this square perhaps four or five old buildings. It has been purchased by the Washington Market Company under the law passed in 1907. Square 300 is just opposite. This bill has the approval of the Commissioners of the District, and unless some gentleman desires to ask a question, I ask for a vote.

Mr. MADDEN. I should like to ask the gentleman a question.

Mr. SMITH of Michigan. Yes.

Mr. MADDEN. Who will pay the property damage which may be caused by the construction of this overhead track?

Mr. SMITH of Michigan. I do not understand that there will be any property damage.

Mr. MADDEN. Does the gentleman wish to convey to the House the idea that overhead tracks can be built over a street without damaging the adjacent property?

Mr. SMITH of Michigan. One side is owned by the Washington Market Company and the other is owned by the railroad company. They are both entirely willing to have this work done, and will make no claim for damages.

Mr. MADDEN. Does this track interfere with any property owned by private parties?

Mr. SMITH of Michigan. No, sir.

Mr. MADDEN. It is altogether between the market company and the railroad company?

Mr. SMITH of Michigan. There is just Twelfth street between the two squares, the one being owned by the railroad company and the other being owned by the market company.

Mr. MADDEN. Is the street to be lowered at any point where the tracks are put overhead?

Mr. SMITH of Michigan. No, sir.

Mr. MADDEN. Is there any pavement to be torn up, or are any sidewalks to be displaced?

Mr. SMITH of Michigan. No, sir. It would be a good thing if they might tear up the old pavement and have a better one, but that is not anticipated.

Mr. GAINES of Tennessee. Mr. Chairman, I did not catch what the gentleman said. This is to allow a private track to an ice factory, is it not?

Mr. SMITH of Michigan. There are two provisions in this bill; first, to allow an overhead track 14 feet above the street, across Twelfth street, from one square to the other.

Mr. GAINES of Tennessee. Who is going to lay the track?

Mr. SMITH of Michigan. The market company.

Mr. GAINES of Tennessee. What is the market company?

Mr. SMITH of Michigan. By the provisions of the law of 1907, the market company was allowed to build an ice plant on square 328. It is the same company that controls the Center Market down here. It is expected that in a few years, when we come to remove the buildings on the south side of Pennsylvania avenue, they will have to go somewhere else.

Mr. GAINES of Tennessee. Who will use the track?

Mr. SMITH of Michigan. The Washington Market Company.

Mr. GAINES of Tennessee. That is a private concern?

Mr. SMITH of Michigan. I suppose it is proposed to erect a large ice plant on square 328. That is the purpose for which they bought this square of land.

Mr. GAINES of Tennessee. It is to be their track and they only are to use it?

Mr. SMITH of Michigan. I can see no objection to other people using it. I suppose the public will have the benefit of it.

Mr. GAINES of Tennessee. I would like to know whether it is to be a public or a private railroad.

Mr. SMITH of Michigan. I can not say. If anybody desires to ship anything to that company over this overhead track, I suppose he can do so.

Mr. GAINES of Tennessee. Is there any competitor of this company?

Mr. SMITH of Michigan. Not that I know of.

Mr. GAINES of Tennessee. Then this is giving one concern the only private railroad in the city?

Mr. SMITH of Michigan. I can not see any objection to building this railroad over the street 14 feet high; it does not interfere with the street or anybody else.

Mr. GAINES of Tennessee. I do not believe in giving private individuals or private companies in this city, or to private companies or individuals in the country, private railway rights.

Mr. SMITH of Michigan. This is only an extension of a track.

Mr. GAINES of Tennessee. Yes; and they are given to the fellow that has money and enterprise and influence enough to go to that expense, while the man in moderate circumstances can not get such a track.

Mr. SMITH of Michigan. I think the gentleman from Tennessee would be willing to give this company or anybody this little extension.

Mr. GAINES of Tennessee. Yes; to everybody, but I do not want to give it to one man or one company, because everybody can not have the same right. It thus produces an inequality.

Mr. SMITH of Michigan. As far as I am concerned, I will vote to give it to anybody that applies for it.

Mr. MADDEN. As I understand, there is no provision for the payment or compensation to the Government for the franchise granted here, is there?

Mr. SMITH of Michigan. No.

Mr. MADDEN. In the granting of franchises to the street car companies in the District, there is usually a provision in the bill calling for the payment of a certain percentage of the receipts as taxes, is there not?

Mr. SMITH of Michigan. Yes; but this bill is not on all fours with a proposition of that kind. The extension can not exceed 100 feet in length, where they desire to have it extended over the square on the west side and across Twelfth street.

Mr. MADDEN. This proposes to construct a track for the movement of freight across an important street in the District of Columbia.

Mr. SMITH of Michigan. Yes; but not in the most important part of the city; it is in the southwest, down by the river, where the land will be occupied mostly for manufacturing purposes, and where the railroads now have two squares for terminals.

Mr. MADDEN. Whether it is an important part of the city or not, it is granting an important privilege to a private institution, and that institution or company should be required to pay some compensation for the privilege. It does not seem to me that a franchise of this importance should be granted without some compensation to the Public Treasury for the privilege.

Mr. SIMS. Mr. Chairman, the bill now before the House was reported by the committee when I was present, but I had had no opportunity to examine the street or the proposed improvements. I did not want to report it if it was an improper matter, so I did not vote for or against the report, with a view of examining the property afterwards. I have not had an opportunity to examine it, and therefore I am neither opposing nor consenting to the specific improvement. But I do join heartily in the statement by the gentleman from Illinois [Mr. MADDEN] that, as a general proposition, we ought not to permit the use of streets by private corporations without compensation.

But, Mr. Chairman, I rise for the purpose of discussing another matter, another bill, which I send to the Clerk's desk and ask to have read in my time.

The Clerk read as follows:

A bill (H. R. 27888) to regulate the price of gas in the District of Columbia, and for other purposes.

Be it enacted, etc., That on and after the 1st day of July, 1909, no person, firm, copartnership, association, or corporation engaged in the manufacture and sale of fuel or illuminating gas in the District of Columbia shall sell or otherwise dispose of the same to any person, firm, copartnership, association, or corporation in the District of Columbia for a price exceeding 90 cents per thousand cubic feet, the price to be regulated from time to time in the future as hereinafter provided; such gas to be of not less than 18 candlepower, measured by the test established by existing law, and that the same shall not contain more than 10 per cent of carbon monoxide gas.

SEC. 2. That section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896, be, and the same is hereby, repealed and all pending proceedings thereunder vacated.

SEC. 3. That within sixty days after the passage of this act it shall be the duty of every corporation manufacturing gas in the District of Columbia to institute an action in the supreme court of the District of Columbia, petitioning the said court to make or cause to be made a judicial valuation of the property in the conduct of its business, the said valuation to be made under such rules and regulations as the chief justice and the justices thereof shall prescribe, after notice thereof of not less than thirty days from the filing of said petition to be served upon the Commissioners of the District of Columbia, who shall thereupon become a party to the case, with right of appeal to both the petitioners and the commissioners from the decision of the said court to the court of appeals of the District of Columbia, and therefrom to the Supreme Court of the United States. That in making said valuation the good will and franchise of said corporation shall not be appraised; and that after the said judicial appraisement has been duly made and found, as aforesaid, it shall be lawful for such corporation to increase its capital stock to an amount not exceeding the value of its property so found and ascertained, less all legal and valid liens, encumbrances, or legal and bona fide obligations of any kind whatsoever there may be then outstanding against the said property, for which it may issue to the holders thereof so much of said stock as may be sufficient to retire the same at its par value. That if any such corporation shall desire to issue bonds upon the property of such corporation by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued by said corporation and outstanding, it shall be lawful for said court, or the chief justice and justices thereof, as the case may be, or one of them, after not less than thirty days' notice from the filing of said petition to the Commissioners of the District of Columbia, under regulations to be prescribed by said court, as aforesaid, to permit the issuance of such bonds: *Provided*, That the amount of stock and bonds issued hereunder shall in no case exceed the actual value of the property of the corporation used in the conduct of its business, exclusive of good will and franchise and the cost of any extensions and enlargements of the plants that it may be necessary hereafter to make.

SEC. 4. That on and after the appraisement of the property used in the conduct of its business and the increase of its capital stock, as hereinbefore provided, the standard rate of dividends to be paid by such corporation to its stockholders shall be 6 per cent per annum on the par value of its capital stock, which rate shall not thereafter be increased except as hereinafter provided; and if, during any year ending on the 30th day of June the maximum net price per thousand cubic feet charged by the said corporation has been less than the price in this act specified, the said corporation may during the following year declare and pay dividends exceeding the standard rate above named in the ratio of one-fifth of 1 per cent for every 1 cent of reduction of said maximum net price below the standard price, as hereinbefore provided.

SEC. 5. That if the net profits of the corporation applicable to the payment of dividends in any year amount to a larger sum than is sufficient to pay the dividends which the corporation is herein authorized to pay, the excess above the sum necessary for that purpose may be accumulated as a reserve fund, not to exceed 5 per cent of the par value of the capital stock of the corporation, said reserve to be subject to the control of said corporation as its interests may require.

SEC. 6. That on and after the passage of this act every corporation engaged in the manufacture and sale of gas in the District of Columbia shall open and keep a set of books in the manner and form prescribed by the public-service commission of the State of New York or by a system to be approved by the Interstate Commerce Commission.

SEC. 7. That the said corporation is hereby authorized and empowered to purchase, own, and operate for its own use and benefit coal lands, wherever situate, and any other sources of supply of raw materials used in manufacturing its principal product or its by-products.

SEC. 8. That the right to amend or repeal this act is reserved.

Mr. SIMS. Mr. Chairman, for a long time, I do not remember how many months, there has been an active agitation going on in a part of the newspaper press of Washington for the purpose of reducing the price of gas in the District of Columbia and making such other amendatory legislation as was desirable.

In 1896 a bill was passed reducing the price of gas, and in it was contained a section known as "section 5," authorizing the gas company to reissue their capital stock, based upon a valuation to be determined by the supreme court of the District of Columbia. That act lay dormant, no attempt being made to exercise its powers for many years. Last year, I do not remember the exact time, a petition was filed under that act for the valuation of the Georgetown Gas Company. Proceedings were held under that petition by the court, an auditor was appointed to appraise the value of the property of the company in pursuance of that act of Congress. The appraisement was made under that act which was entirely an ex parte proceeding, and the auditor in making the appraisement included as a part of the valuation upon which stock should be issued the value of the good will of the franchise.

Final action was not completed under that law. A petition was filed in the meantime to proceed with the Washington Gaslight Company in the same manner as with the Georgetown company. The Commissioners of the District of Columbia, through the corporation counsel, applied for a writ of prohibition to the court of appeals, alleging that the act was void—was unconstitutional—requiring the court to perform a function that was nonjudicial. The court of appeals, by a divided court, held the act void. Appeal was taken to the Supreme Court of the United States, which appeal is now pending. If the Supreme Court of the United States reverses the court of appeals and sustains the supreme court of the District of Columbia, then proceedings under the petition of both the Georgetown and the Washington Gaslight companies can proceed to a finality. As soon as the appraisement is made the stock can be issued under section 5 of the act of 1896 for the value found, which, according to the appraisement in the Georgetown company, includes the good will and franchise. That will take place if this

act or some other act prohibiting such a course is not passed before next December. In all probability the Supreme Court of the United States will pass upon that act in September or October. If that court holds as I have indicated, the stock can be issued under the authority of that act, and being issued by the authority of Congress, based upon a judicial determination of value, it is my humble opinion that no reduction of the price of gas afterwards can take place that will not give reasonable earnings, say 6 per cent, upon that issue of stock, whatever it may be. To avoid that possibility a bill was introduced last session of this Congress by the chairman of the committee to repeal section 5 of the act of 1896. It was considered by the District Committee and reported favorably, and passed this House the first district day after the first Monday in December. It went to the other end of the Capitol, where it still remains without action.

The committee also had a bill before it to reduce the price of gas to 80 cents. The committee reported a bill to reduce the price to 90 cents last session, and during this session in the House, prior to the holidays, the first District day after the first Monday in December, that bill was passed with an amendment reducing the price to 85 cents. That bill went over to the other body and has been there ever since.

On account of the action of the coroner's jury here upon the death of three persons, commonly called the "Bremerman family," the question of the character of the gas furnished by the Washington Gaslight Company was considered by the Bureau of Chemistry in the Department of Agriculture. That bureau made several analyses and found that the gas furnished by the Washington Gaslight Company, which was analyzed, ran from 22 to 29 per cent, as I now recall it, of carbon monoxide gas. The matter was referred to the district attorney, and from him to the Attorney-General of the United States, and by him to the President of the United States, and in a special message from the President of the United States transmitted to Congress. The Commissioners prepared a bill, which was introduced by the chairman of this committee, limiting the percentage of carbon monoxide gas in gas to be used in the District of Columbia to not exceeding 10 per cent. The District Committee has had hearings at quite considerable length on this question of the carbon monoxide in illuminating gas, from which I think it can be said without controversy that if we limit the amount of carbon monoxide gas to 10 per cent, we exclude the use of water gas, or carbureted water gas, entirely.

That is the result, according to the statements of every expert that has been before the committee, whether his name was furnished by the commissioners or by the gas company, so that the wording had as well be that the manufacture of water gas of any kind is hereafter prohibited in the District of Columbia, for that is what it means. The report of Doctor Wiley and the other experts from the Bureau of Chemistry describe water gas, and that report says it is a very dangerous and insidious gas; that it is, to speak of it in numerical terms, five or six times more poisonous than coal gas. Upon the other hand, the gas commissioner of the State of Massachusetts, if I use the title correctly, the chief gas inspector of the city of New York, and another expert by the name of Forestall, came before our committee and gave us elaborate statements as to the manufacture of water gas. Water gas, pure and simple, is colorless and odorless, practically without candlepower in the way of illumination, but may be used for illuminating purposes by using the mantle and may be used for fuel gas without the mantle, but when used for illuminating gas it is carbureted—that is, a certain per cent of gas made from oil is mixed with it to give it the required illuminating power. The evidence has shown, I think beyond question, that 80 per cent of all the gas furnished by the Washington Gaslight Company is carbureted water gas, mixed with, say, 15 or 20 per cent of coal gas. Therefore, if we take the statements of the experts of the Department of Agriculture, carbureted water gas is necessarily more dangerous to life and health than coal gas.

If we take the average statement, it is impossible to reduce carbon-monoxide gas and limit it to 10 per cent without necessarily excluding water gas; but upon the average the experts made the statement that the gas made from coal contains 5, 6, or 7 per cent of carbon-monoxide gas; therefore in the leakage of gas through accident, carelessness, or otherwise it takes a longer time for coal gas to poison or to produce death than it does carbureted water gas; that the effect of carbureted water gas is to poison rather than to suffocate. So we were met at the threshhold with the alternative that we must either abolish or prohibit the use of water gas in the District of Columbia altogether or else not limit the percentage of carbon monoxide to 10 per cent. That is the question before the committee and that is the question before Congress. These experts whom I have named—the gas commissioner, as I remember his title, of the State of Massachusetts, and the chief gas inspector of the city of New York, Mr. Forestall, a gas engineer and expert—claim that the poison of water gas, or carbureted water gas, does not result in five or six times as many fatal accidents as from the use of coal gas. They said, or some of them did, that the examinations, as far as they had made them, of deaths caused by carbureted water gas showed that the exposures were long enough to have produced death with gas containing less than 10 per cent of carbon monoxide or coal gas, because when you speak of gas containing less than 10 per cent of carbon monoxide you necessarily mean but two kinds, one is coal gas and the other natural gas. The bill of the commissioners is before our committee. Additional hearings have been asked by the commissioners, and they have been granted. The House has passed a resolution authorizing the subpœnaing of witnesses and payment of expenses incident out of the contingent fund of the House. Therefore we are in condition, as far as expenses are concerned, to continue this investigation.

If we continue it, in all probability it will run through the rest of this session and no bill can be passed of any kind. It has appeared from newspaper statements that the committee or subcommittee at the other end of the Capitol is considering all these propositions as one. At the other end it appears that the committee contemplates reporting one bill containing all these propositions. Being so near adjournment, with the vast number of privileged matters that will take up the time of the House and the time of the Senate in the little time remaining, it appears to me, Mr. Chairman, that if we are to have legislation it can only come in two ways. One is for the Senate to pass the bills the House has sent there without amendment, and those bills do not relate to carbon-monoxide gas at all; the other is to immediately pass a bill along the lines I have suggested, and for which I have introduced this bill. If we eliminate as a part of the appraisement the value of the good will and the value of the franchise, it seems to me there is no reasonable objection to a stock issue——

Mr. MANN. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MANN. Before the gentleman gets away from the discussion of the carbon-monoxide gas, can the gentleman tell us very briefly what the process of the manufacture of that gas is and the process of manufacturing coal gas?

Mr. SIMS. Why, Mr. Chairman, I do not assume any ulterior motive in the gentleman's question, but I am afraid I will come nearer exposing my ignorance than giving the information, but the information before the committee was to the effect that water gas is made by passing superheated steam over a bed of burning coals. I do not know by what process oil gas is made, but it is mixed with water gas, and that is called "carbureted gas." The water gas is odorless and without candlepower; the candlepower is given by the mixture of oil gas, which results in its having odor that is familiar, no doubt, to the gentleman. As to technically describing the process of manufacturing any kind of gas, I am unable to, except the sort we make here, which is entirely harmless.

Mr. MANN. It would be very difficult to describe the manufacture of that kind of gas at the time. As I understand it, so-called "water gas" is made without the use of much coal.

Mr. SIMS. It can be made without the use of coal except for manufacturing purposes; that is, to operate machinery.

Mr. MANN. But to make the ordinary coal gas requires the use of a large amount of coal; the reduction of a large amount of coal to coke.

Mr. SIMS. Yes.

Mr. MANN. One kind of gas is made from water, of which we have plenty?

Mr. SIMS. That is true.

Mr. MANN. And the other kind of gas is made from coal, which we are trying to conserve?

Mr. SIMS. Mr. Chairman, that is exactly correct. I examined the experts before our committee along that line, and they stated that there were only certain kinds of coal from which gas could be made—that it could not be made from all kinds. I asked them if the country went into the manufacture of coal gas exclusively, if it would not necessarily draw heavily upon the supply of coal suitable for manufacturing gas. The answer, of course, was that inevitably it would.

Now, Mr. Chairman, I have been in favor of a very great and extensive use of water. As the House knows, I am absolutely in favor of people drinking it—in Tennessee, or Kentucky, or Illinois, and everywhere else—as much as possible. If we can use water gas—which, according to the hearings, is cheaper

than coal gas and of which we all know the supply is inexhaustible—with safety to health and life, why, I am the last person that would object to the extended use of water gas.

Mr. MANN. The gentleman is always interesting and well informed. If he will pardon me, I would like to ask him if the hearings indicate that anybody takes gas as a steady diet?

Mr. SIMS. Mr. Chairman, I have seen nothing in the hearings that indicates that that is true.

Mr. MANN. Is either kind of gas wholesome for breathing?

Mr. SIMS. Neither.

Mr. MANN. It is a question of a little matter of time as to which would kill the quicker?

Mr. SIMS. Mr. Chairman, as the gentleman from Illinois has given us a great law, which I hope to see extended, namely, the pure-food law, I know he is interested in whatever we eat and whatever we breathe, and therefore any question from him is accepted by me as coming from a man who has nothing but the public interests at heart. Now, I do not believe that the passage of the laws we have had before us, limiting the use of carbon-monoxide gas and which prevent the use of water gas, will result in all the large cities of the country being forced at once to go into the manufacture of coal gas. But this is the capital of the Nation. We certainly want the safest and the best gas that can be made.

The evidence before our committee showed one thing which seems to me to be incontrovertible, and that is that the carbureted water gas made by the Washington Gas Company is as good, safe, and wholesome, if the gentleman wants to use that term, as water gas can be made. But when we take the Chief of the Bureau of Chemistry of the Department of Agriculture, and those experts from his bureau, they testify that it is absolutely impossible to make a water gas of any kind that will, with the same possibilities as to accidents, as to carelessness, as to leakage, and all those things that happen and that nobody can prevent, that health will be better conserved and life less endangered by using coal gas.

But I say I do not suppose, and it is not my purpose to ask for the passage of the bill I have read with a view of affecting the manufacture of water gas in the great cities where they have it. They are located in sovereign States, and they look at this matter from their view point and do as they see proper. Mr. Chairman, I would not ordinarily ask the committee of which I have the honor to be a member to be discharged from the consideration of a bill before it had considered it and reported it to the House. But it seems to me that in the present case the importance of such action is so great that I will not be treating the committee or any member of it with the slightest discourtesy in making such a request. Not a feature of this bill is new. We have read of it in the newspapers day in and day out, we have had long hearings, and further extended hearings will not differ materially from those that we have had. In other words, there will be no new information. One set of experts may be corroborated, or another set, or both.

Now, as to the capitalization. If we pass this bill and the Senate does not pass the bill that we have passed and sent over there, to repeal section 5 of the act of 1896, then when the District Committee is appointed next December the Washington Gaslight Company may have issued its stock and also the Georgetown Company under existing law. It is a close question as to invalidity of the existing statute, decided by the court of appeals with a dissenting opinion.

It may, then, be too late, as far as capitalization is concerned. What are the further facts? That 10 per cent dividend in outstanding stock is being paid now, and there are outstanding $2,600,000 in certificates of indebtedness, upon which 6 per cent interest is being paid. I have no pride of authorship in this bill, and you can call this anybody's bill you want to. I introduced it Saturday, so that it might be brought up and considered in the House to-day and the House could pass it with such amendments as it sees proper to make.

Mr. JENKINS. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. JENKINS. Then, if I understand the gentleman correctly, this bill has never been considered by any committee?

Mr. SIMS. This bill as introduced has not been considered by any committee; but it is a composite bill, and embraces all legislation proposed in other bills which have been considered. In other words, the whole subject-matter has been considered.

Mr. JENKINS. I may not be right, but I think when this gas question was considered before I heard the gentleman from Tennessee make an eloquent speech against permitting this gas company to increase its stock. Am I right in assuming——

Mr. SIMS. To start in——

Mr. JENKINS (continuing). The bill decreases the quality of the gas?

Mr. SIMS. I am not admitting that.

Mr. JENKINS. And then gives the companies power to increase their capital stock?

Mr. SIMS. Yes, sir.

Mr. JENKINS. How are people in your district to be benefited by such an act?

Mr. SIMS. I do not suppose the people of my district will be benefited, but I am a member of a committee that is charged with legislation for the District of Columbia, and I think the people of the District of Columbia will be benefited and the stockholders of the Washington and Georgetown gas companies will be benefited.

Mr. JENKINS. Does not the law require them to furnish 24 candlepower in New York, and you put it down to 18 here?

Mr. SIMS. That is water gas. The gentleman says that we had this subject of increasing the capital stock up before, and so we did. But what was that bill? The bill to which the gentleman refers was to authorize the reissue of the stock of the Georgetown and Washington Gaslight companies in a volume that would equal the market price of the stock for a number of days specified in the bill at not to exceed 5 to 1. That would not judicially determine the actual value of the property. It would give an opportunity to thimblerig the market and would enable stock during the period limited—which I think was thirty to ninety days—to be kited to a price that would admit a reissue of stock at 5 to 1 without any evidence before the committee as to the actual value of the property. Now, who blames me for opposition to such a bill as that? If the gentleman will examine my remarks at that time, he will see that I had no objection to issuing the stock, based on the actual value of the property. I have none now and had none then.

Now, when you think of it, we have one street railway here, with 22 miles of double tracks, part overhead trolley, with a stock issue of $12,000,000 and bonds of two and a half millions, and paying 5 per cent on the bonds and 6 per cent on the stock, and another street railway with fifteen millions of stock and fourteen millions of bonds, making $29,000,000 in all, paying 5 per cent on eight and a half millions of preferred stock, in addition to interest on bonds; then take the actual valuation of the street roads, excluding the franchise, and where is the parity? Congress has made fish of one and fowl of another, so far as legislation is concerned. I do not want to authorize the issue of stock in a volume so great as to make it impossible to reduce the price of gas.

This bill does allow gas of 18 candlepower to be made, while the present law requires 22 candlepower, but the present gas supply is 80 per cent water gas; and in coal gas, according to the evidence, you can not make a coal gas higher than 16, 17, or 18 candlepower. If you use coal gas and increase the candlepower above 18, you have to inject oil, and then you get smoke and filth and dust out of all proportion to the increase in illumination; and with 18 candlepower it will be perfectly satisfactory both for heat and light.

Mr. MURPHY. Will the gentleman allow me to ask him a question for information?

Mr. SIMS. Certainly.

Mr. MURPHY. Is it not a fact that it appeared in the hearings before the committee that if you make a change from water to coal it will require several millions of capital and require three years before it can be done, and your bill provides for it being done immediately?

Mr. SIMS. That is true. It was claimed that they would have to have an extension of the plant. One of the directors appeared and stated that it would change the entire gas business, but I believe that gentleman did not have information, but said that it would require three years to make the change, at an expense of seven to ten million dollars.

I would not question the accuracy of the statements of these experts unless I knew better; but I do not accept those statements as being absolutely true, because these gentlemen said they had not visited the plant and had made no inspection.

This bill limits to July 1 to supply this kind of gas. If after July 1, 1909, the gas in this city does not have over 10 per cent of carbon monoxide in it, and has 18 candlepower, it will meet the requirements of the bill. I have put the time short because I believe it is possible to do it in that time.

Mr. MURPHY. Mr. Chairman, I should like to ask the gentleman a question.

Mr. SIMS. Certainly.

Mr. MURPHY. From the hearings before the committee, is it possible to change these plants by the time you have fixed in this bill so as to give us a coal gas?

Mr. SIMS. I believe it is, and I will tell you why I believe it is. The Georgetown Gas Company make all coal gas, and no

change is necessary there. The other company makes some coal gas. It is true they only use about 20 per cent of it in the carbureted-water gas, but there has been no evidence to show, as far as I now remember, that they could not make more than 20 per cent.

Mr. MURPHY. Is there not evidence before the committee that the present capacity for making coal gas in the city is not more than 20 per cent of the gas used in the city?

Mr. SIMS. Do you mean the Washington Gaslight Company?

Mr. MURPHY. The total present capacity for manufacturing coal gas in this city?

Mr. SIMS. No.

Mr. MURPHY. That it will not make over 20 per cent of the gas used in the city.

Mr. SIMS. No; you are mistaken about that, because the Georgetown company makes all coal gas. Then, the other company makes 20 per cent coal gas. The hearings show that of the gas furnished by the Washington Gaslight Company 80 per cent is carbureted water and 20 per cent is coal gas. So far as the plant of the Georgetown company is concerned, there is nothing to do to it; it is already a coal-gas plant. So far as the Washington Gaslight Company is concerned, it has only got to increase its capacity beyond 20 per cent in order to begin furnishing this gas on the 1st of July. Now, by running the Georgetown gas plant to its full capacity and running the Washington Gaslight Company's plant to its full capacity for coal, my honest opinion is that they can furnish all the gas needed, beginning the 1st of July, for the reason that there is much less gas used in the summer than in the winter.

I have given the gentleman my reason for changing the candlepower, because you can not change to coal gas and make it above 18 candlepower without injecting oil into it to an extent that makes a smoky flame and damages the hangings of a room.

I do not know what it is going to cost to make this change. The dividends are limited to 6 per cent. So I do not care. I do not mean that I am in favor of an unlimited issue of stock, but I mean I am willing to act without waiting to know. If we do wait to know, there is no telling when we shall get any gas legislation. I do not think it will take three years to make the change.

It appears in one of the Washington papers of Friday or Saturday that the attorney of the gas company said before the Senate committee that the Washington Gaslight Company would comply with whatever legislation we passed, and that they were not in opposition to or attempting to prevent the passage of a bill. I do not think it will take any seven to ten million dollars to make the required change. The dividends are fixed in this bill according to a sliding scale, starting at 6 per cent as a maximum dividend without a decrease in price. Now, we have a provision in the bill that whenever the gas company make more than enough in any one year to pay a 6 per cent dividend, based upon the capitalization, excluding franchises and good will, they may accumulate a surplus, but not above 5 per cent of the par value of the stock. You may have the dividends limited all you please, and if you do not have a surplus limit the gas companies can go on making money and declaring only 6 per cent dividend, and piling up a surplus until the stock is worth 200. But this bill further provides that whenever they reduce the price of gas 1 cent per thousand feet, they may increase the dividend one-twentieth of 1 per cent.

So that the stockholder, not simply the officeholders, of the company will be interested in an economical management and a limited reserve. There will be a tendency to watch expenses and to cut them down, and the inducement to give the cheaper gas is that they get more money as dividends for doing it. This is called the "sliding scale."

We all know that if profits depend upon the cheapness of the products sold, the selfishness of men is sufficient to cause them to care at least for their own pockets, and when by reducing the price of gas 20 cents per thousand feet they can declare a 7 per cent dividend and pay it out, that it will be done, and in order to insure it they are not permitted to have more than 5 per cent of the net par value as surplus.

What are the facts now? Here is a stock issue of $2,600,000 that has never paid less than 10 per cent annual dividend, and outstanding certificates of indebtedness issued for 100 per cent of the par value of the stock—certificates of indebtedness amounting to $2,600,000. Upon that they pay 6 per cent interest. Now add 10 per cent to the 6 per cent and you will get 16 per cent, which they receive. Under my bill, or one similar to it, we will reduce dividends to 6 per cent. Now, what are we going to do about it? Are we going to stand here and fight as we have for the single separate measures? That very fact is cited as the reason why these measures are not taken up by the Senate committee until they are all acted upon by the House.

Why not pass this bill? The subject, as far as the committee is concerned, is fully understood. I do not mean that amendment might not make it better, and if any Member has any amendment to suggest that will improve it, and it so appears to me, I will be glad to accept it.

Suppose we do not pass this bill or any one like it. Suppose the single bills are not acted on at the other end, or are acted on with amendments and get back into this body too late to have a conference, what will be the result? Possibly a new capitalization, which includes the value of the good will and franchise and stock issued upon it, so that we can not reduce the price of gas at all. The carbon-monoxide bill goes without consideration; we will have lost all summer and autumn, and next winter we will be in no better shape than we are to-day, but perhaps worse. Inasmuch as the Georgetown Gas Company and the Washington Gaslight Company will accept the legislation at this session, let us pass the bill and be done with it.

I can not see how it is possible for this bill, or one similar to it, to be an injustice to anybody. It will necessarily automatically work out in the administration so that the result will be an enforced honesty. They must not charge a price above 90 cents. They can not increase dividends without charging less than 90 cents per thousand for the gas. They can not build up a surplus to exceed 5 per cent to be used for the ordinary business purposes.

Mr. Chairman, I have discussed this bill in order that the Members of the House may know what is possible to come before us—either the single measures or a comprehensive measure like the present one.

As I say, I have not the slightest disposition to treat the Committee on the District of Columbia with disrespect. I could not afford to do so if I would, and I would not if I could. For I want to say that every man on that committee, from the chairman down, is a courteous gentleman.

But it does seem to me that the House ought to express itself, first, as to the reduction of carbon monoxide; secondly, as to the limited dividend; third, as to the sliding scale; and, fourth, as to the reduction of price. If the gas company accepts it, the other end of the Capitol will have nothing to do but to pass our bill and be done with it. I am not afraid, as far as that is concerned, that if the Washington Gaslight Company can not furnish the gas required by this bill by the 1st of July, 1909, they will let the Members of the House and the Senate know it. It will be their duty to let us know it. We do not want to pass a bill that it will be impossible for them to comply with. So it makes no difference what the actual cost is, the plant is going to be valued before the improvement is made. This bill requires the petition for valuation to be filed within sixty days after its passage, so that under my bill the valuation of the plant will take place before it is changed from a water to a coal gas plant. Why is it not to the advantage of the people to have it valued now?

My friend and colleague on the committee [Mr. MURPHY] calls attention to the fact that these experts estimate that it will cost seven to ten million dollars to make the change, but under this bill, if it is passed, this valuation must take place before the new construction takes place, so that it makes no difference how much they expend in making the change, as they can not issue stock to cover it unless it is hereafter authorized.

The bond provision is simply the bond provision in the old bill. The section authorizing them to acquire coal lands was incorporated for one purpose only. The gas company here, and all gas companies, seem to be in the hands of two trusts, one the Standard Oil Company and the other the coal trust. If they make water gas, according to the proof, it takes from 4 to 6 gallons of oil to bring it up to the candlepower required here. It takes only one and a half to two gallons to bring up coal gas to 22 candlepower, but it will not take any to make it 18 candlepower. Let us get the people out from between these two trusts, and let them make a coal gas which will not average over from 5 to 7 per cent of carbon monoxide, which, according to the experts, is not one-fifth as dangerous as the other, and do it without increasing the stock to a volume that must necessarily follow if the bill repealing section 5 of the act of 1896 is not passed, or one having a similar effect, if the Supreme Court reverses the court of appeals.

I have no object in advocating this bill, except to get action at the present Congress, that secures so much that is desirable and removes so much that is objectionable. Summer is

near, and if this bill passes they will get to work right away, and it will be all done when we get back here next winter. Defeat this bill and it is probable we will have no legislation until next winter, and in the winter time you can not do this work as expeditiously as in the summer. Such a course will put it off for two years, or else we must settle down to the idea that we are going to use water gas in the District of Columbia, made as good, according to the hearings, as it can be, but which, according to the evidence of the experts of the Government, the Chief of the Bureau of Chemistry and his associates, ought to be absolutely prohibited. I hope there will be no objection when we get into the House to asking that the committee be discharged from the further consideration of the bill and that it be taken up this afternoon and passed in some form, and so go to the other body, and let that body act upon it, because if we go into further hearings, testimony in chief and testimony in rebuttal, nobody knows where it will end; but I think the prospects of legislation on any of these propositions at this session of Congress will fail if something is not done, and done immediately, without waiting for further hearings.

Mr. DRISCOLL. Mr. Chairman, I wish to ask the chairman of the Committee on the District, the gentleman from Michigan [Mr. SMITH], to whom these franchises in the bill before the committee are to be granted?

Mr. SMITH of Michigan. It is hardly in the nature of a franchise. The Washington Market Company is to have a license, the privilege of building that track.

Mr. DRISCOLL. Is it not a franchise when you cross a street?

Mr. SMITH of Michigan. It is over the street.

Mr. DRISCOLL. You have two propositions here, one to build a railroad track across a public street——

Mr. SMITH of Michigan. Over it.

Mr. DRISCOLL. Well, it does not make any difference whether it is overhead or underground.

Mr. SMITH of Michigan. It makes a great deal of difference whether it is laid across at grade or above.

Mr. DRISCOLL. It gives the right, to some extent, to interrupt the free use of the street.

Mr. SMITH of Michigan. Of course, if you were coming along with a procession, with banners and flags, you might have to lower them, but, so far as that portion of the city is concerned, I do not think it would impede the street.

Mr. DRISCOLL. In the second place, you are granting a franchise to somebody to establish a conduit from this particular block or square across Water street and down Water street to the Potomac River.

Mr. SMITH of Michigan. Yes.

Mr. DRISCOLL. Is that a franchise?

Mr. SMITH of Michigan. I should regard it in the nature of a license. It is revocable by the commissioners.

Mr. DRISCOLL. All of the franchises that we grant here are revocable, or practically so. It seems to me this is a franchise.

Mr. SMITH of Michigan. What can be the objection to allowing this company to take the water they desire to use in this case from the river, only 200 feet away?

Mr. DRISCOLL. The question I am asking now is, To whom or to what corporation or concern are these granted?

Mr. SMITH of Michigan. The Washington Market Company.

Mr. MANN. If the gentleman will permit me, I have known something about this from previous legislation. The Washington Market Company, owning the market down here, some years ago asked leave to establish an ice-manufacturing plant anywhere in the District, and I objected to the consideration of the bill, which is the reason I know anything about it.

The Washington Market Company under an act of Congress did not have authority to manufacture ice, and it desired to manufacture ice both for use in the market and for sale. It wished a large amount of ice for its own use in the market and wished to furnish ice to the people using their market at a lower rate than they could purchase it elsewhere, and afterwards they came before Congress and asked for a license to manufacture ice upon this one square——

Mr. SMITH of Michigan. Three twenty-eight.

Mr. MANN (continuing). Down near the river, which authority was granted to them. They now, as shown by this bill, desire an opportunity to connect with the river so that they may obtain their water easier and so they may have connection with the railroad tracks, and I take it if they obtain this authority the result in the end will be to somewhat reduce the cost of ice both for the market and in the District, because it will decrease the cost of manufacture.

Mr. DRISCOLL. The question I asked was, To whom does this license, if you please to call it a license, go?

Mr. MANN. This is the Washington Market Company, incorporated by act of Congress.

Mr. DRISCOLL. Why does it not say so?

Mr. SMITH of Michigan. It does say so.

Mr. DRISCOLL. Where?

Mr. SMITH of Michigan. Very plainly.

Mr. MADDEN. It does not say so in the bill.

Mr. DRISCOLL. It simply grants a permit to certain persons; I do not know whom.

Mr. MANN. Of course that probably ought to be in the bill, but the act of Congress to which it refers was an act of Congress granting to the Washington Market Company authority to establish an ice-manufacturing plant on this square.

Mr. SMITH of Michigan. I call the gentleman's attention to the act named in the report. An act was approved February 1, 1907, authorizing the Washington Market Company to conduct a cold-storage business and manufacture ice on square 328, and you will see on the first page of the report it refers to that act and to the Washington Market Company.

Mr. DRISCOLL. I am not talking about the report, but does the report refer to the statute?

Mr. SMITH of Michigan. The bill reported refers to the act.

Mr. MANN. It seems to me it would be well to amend the bill by inserting, after the word "permits," on page 1, line 7, the words "Washington Market Company."

Mr. DRISCOLL. I make that amendment.

Mr. SMITH of Michigan. Well, I do not consider it necessary, but I have no objection, because it is referred to here. Will the gentleman state his amendment again?

Mr. MANN. After the word "permits," in line 7, page 1, add the words "Washington Market Company."

Mr. SMITH of Michigan. Well, I accept the amendment.

Mr. DRISCOLL. Does that apply to this permit?

Mr. SMITH of Michigan. Yes.

Mr. DOUGLAS. Mr. Chairman, I move to amend the bill on page 2 by adding, after the word "prescribed," in line 12, the words——

Mr. DRISCOLL. I ask that the other amendment offered be considered first.

Mr. DOUGLAS. It has been accepted.

The CHAIRMAN. The Chair understood the gentleman from New York to yield the floor.

Mr. DRISCOLL. Yes; but has that amendment been adopted?

Mr. MANN. The amendment I suggested was after the word "permits"——

The CHAIRMAN. The gentleman from Illinois offered an amendment, but the gentleman from Illinois did not have the floor; the gentleman from New York had the floor.

Mr. MANN. The gentleman from Illinois did not offer the amendment, but suggested the amendment.

The CHAIRMAN. The gentleman will send the amendment to the Clerk's desk.

The Clerk read as follows:

Page 1, line 7, after the word "permits," insert the words "Washington Market Company."

The CHAIRMAN. The question is on the amendment.

Mr. SMITH of Michigan. That should be "to the Washington Market Company."

The question was taken, and the amendment was agreed to.

Mr. DOUGLAS. Mr. Chairman, I move to amend the bill by adding, on page 2, line 12, after the word "prescribed," the words "and remove whenever said commissioners shall so order." It simply gives them the right of supervision and——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, after the word "prescribed," insert "and remove whenever the said commissioners shall so order."

Mr. MANN. Mr. Chairman, I have no interest in the matter, but will the gentleman give the authority of Congress to erect an overhead track and permit the commissioners to order its removal?

Mr. DOUGLAS. Yes.

Mr. MANN. Well, I would not do that.

Mr. DOUGLAS. If I may be permitted, I will state that I have had experience a good many times in regard to measures of this sort. You grant to a private corporation the right to build a railroad across a street on the theory that for the present it is no inconvenience to the public use of the street, and it soon becomes a vested right, and when it obviously becomes an impediment to travel you can not get it away. This bill, if you will notice, provides on page 2, "that for purposes of said

overhead track no present grades of Twelfth street shall be disturbed"——

Mr. TAYLOR of Ohio. Will the gentleman yield for a statement?

Mr. DOUGLAS. Certainly.

Mr. TAYLOR of Ohio. Section 2 of this act provides "that Congress reserves the right to alter, amend, or repeal this act." If at any time this overhead crossing becomes a menace, why give this right to the commissioners? Why can not Congress have it removed?

Mr. DOUGLAS. The right to remove this track should be given to the commissioners.

Mr. MANN. All the right the commissioners have is to specify the particular location; and yet the gentleman proposes, in addition to that, to authorize the commissioners to exercise legislative authority and repeal this act.

Mr. DOUGLAS. Will the gentleman give his attention for a moment?

Mr. MANN. I always give attention to the distinguished gentleman from Ohio.

Mr. DOUGLAS. The act says, on page 2:

That the overhead track and the conduit and pipes hereby authorized shall be located as may be directed by the said Commissioners of the District of Columbia, and be laid and maintained under their inspection in such location as they may prescribe.

In other words, the whole matter, even the maintenance of these tracks, is within the purview of the commissioners, they being the people who are apt to give the matter attention. Now, I submit that it would be wise to also give them the right to remove these tracks whenever they may so direct.

Mr. MANN. You might just as well give them authority to grant the right to lay tracks.

Mr. DOUGLAS. That is what the act does.

Mr. MANN. Not at all. Congress gives the right to put the tracks and the conduit in, and merely gives to the commissioners the authority that is always given to some executive officer to control the maintenance, the inspection, and the location, unless the location is specifically named by Congress. The gentleman would give to the commissioners authority to repeal the act and to hold up the company if they wished to.

Mr. DOUGLAS. Does the gentleman insist that this bill requires the commissioners to permit this to be done?

Mr. MANN. Certainly.

Mr. DOUGLAS. The gentleman is mistaken. The language is:

That they are hereby authorized to issue a permit.

Mr. MANN. That means that they are required to do so.

Mr. DOUGLAS. Not at all. They do it at their discretion.

Mr. MANN. Not at all. The only discretion the commissioners have under such language as that is to determine as to the terms of the permit, the place of location, and matters of that kind. Where Congress authorizes an executive officer to do a certain thing, without putting in the words "in his discretion," it is just as much a command to him as though they said, "You shall do so and so." That is a well-recognized construction of statutes.

Mr. DOUGLAS. When the gentleman gets through I will answer him. I do not wish to carry on a colloquy with him in which he will have the advantage of long experience over me. There is no statute in the world which "authorizes" a board of commissioners to issue certain permits which a court would construe as requiring them to issue permits. I speak of a case where a board, as in this instance, is authorized by Congress to issue certain permits. They ought to be, in the ordinary defense of the public against this thing becoming a vested interest—they ought to be in a position to require its removal. The discretion in one case ought to be exercised just as in the other. And I have seen over and over again, in thirty-odd years of practice, where a license grows into a vested right, which becomes a nuisance in the course of time, and which can not be remedied simply for lack of some perspicacity and lack of prevision when the act was passed.

I hope the amendment will be adopted.

Mr. MANN. Mr. Chairman, it is immaterial to me whether this bill passes or not; but I regard it as quite essential, if it does pass, that it be in proper form. The gentleman, who has had a wide experience, says that to authorize an executive officer to do something means nothing if this executive officer chooses. I venture to say, based on my experience of legislation here, that if this bill, or any other bill, passes authorizing the commissioners to do a certain act, stating it, and leaving it to their discretion, and they refuse any permit without giving reasons for it, refusing to issue the permit, except based upon the method of inspection and method of construction, that the court would mandamus them and require them to issue the permit. Hence it is universally the rule in Congress, where you give discretion to an executive officer to do a certain thing and do not wish to require him to do it, you must put in the words, "in his discretion."

You will find in the language of all such bills where a discretion is given and you do not require him to do a certain thing, the words "in his discretion" are inserted. Of course I suppose the gentleman thinks that in putting in these words Congress adds them for amusement; that it does not mean anything. But I assure the gentleman Congress does not add the words for amusement about discretion to do or not to do, as he will ascertain in time. When Congress authorizes the Secretary of War to do a certain thing, and puts in the words "in his discretion," he is required to do that thing upon application within the limitations as to discretion which are given him by the bill; and in this case, if this bill passes in the way that it is, the commissioners can exercise a discretion as to the method of construction, as to the place of location, and they would have a discretion to exercise legislative authority, as the gentleman would assume.

Mr. DOUGLAS. I do not assume so, and the gentleman insists that I do not know what I am talking about, and the gentleman is very apt to take that view about anybody who disagrees with him.

Mr. MANN. I have always found, Mr. Chairman, that men when bested in argument abuse the other side.

Mr. DOUGLAS. Not at all; I am only appealing for courtesy.

Mr. MANN. If the gentleman will take his seat—I have the floor—I am perfectly respectful in what I say.

Mr. DOUGLAS. If the gentleman objects, will he yield for a question?

Mr. MANN. If the gentleman objects I will try to amend it. And I will yield to a question.

Mr. DOUGLAS. The question is this: What right has the gentleman from Illinois to speak about what is in my mind and what I have not expressed, and to attribute to me opinions on matters of law and otherwise which he has no right to attribute?

Mr. MANN. I do not attribute any opinions to the gentleman at all. He himself gave it, and I agreed in his opinion, and what I was saying, and I did so with deference to the gentleman, was to put my opinion with his, and I yielded to him that point.

Now, Mr. Chairman, to put that language in the bill will make it, in my opinion, ridiculous. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. SIMS. Mr. Chairman, may the amendment be read again? I did not hear it.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DOUGLAS. I call for a division.

The committee divided; and there were—ayes 4, noes 20.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I desire to offer the following amendment, at the end of line 15, after the word "granted."

The Clerk read as follows:

At the end of line 15, page 2, insert: "*Provided*, That the Washington Market Company shall be required to pay for the privilege herein granted the sum of $500 per annum.

Mr. MADDEN. Mr. Chairman, in the first place, I think this bill ought not to pass. Arguments are made every day of the great need for doing something to make Washington more beautiful. In the face of these arguments the committee representing the District of Columbia comes in here with a bill proposing to permit the construction of an overhead railway across one of the principal streets in the city.

It seems to me that this is one of the things that ought not to be permitted under any circumstances. It is only a short time since the Congress enacted a law to eliminate grade crossings, to compel the removal of the tracks from grade, to compel the removal of the tracks of the Baltimore and Ohio Railway Company and the Pennsylvania and other railway companies to the point where the Union Station is now located. In the enactment of this law it was provided that $3,000,000 should be paid to those railway companies by the Government of the United States. In addition to this $3,000,000, one or two more million dollars have since been paid, both for property damages and for

filling streets and eliminating grade crossings. In the face of that we are asked to-day to enact a law to destroy the very thing for which such a vast sum of money has been paid. If, however, the House believes that the bill should pass, then some compensation should be paid for the privilege granted. The people who seek this privilege are seeking it because they believe it will aid them in the conduct of their business. This is a private enterprise. This bill seeks to facilitate the private business of a private corporation. The construction of this track, if the bill passes, will help this company to produce its wares for less money perhaps than it is now able to produce them. If that be true, there ought to be some compensation, and I submit that $500 per annum is a very small compensation for the privilege granted.

Mr. MANN. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. MANN. Has the gentleman also considered the fact that this bill also grants to this company authority to obtain water from the Potomac River free, which ought to be worth more than $500 a year to them?

Mr. MADDEN. Yes; to-day they are obliged to pay for the water they use. The city of Washington has a water plant from which it derives a large revenue, and this company ought not to be relieved from the payment of the regular fees for water used any more than any private individual should be. So I say that although I have placed the figure at $500, that is merely a guess. It certainly ought to be worth more, and I shall be glad to see some gentleman move to amend by doubling the amount.

Mr. MANN. It ought to be a thousand dollars at least.

Mr. FOSTER of Indiana. Mr. Chairman, I offer the following substitute for the amendment offered by the gentleman from Illinois.

The CHAIRMAN (Mr. CURRIER). The gentleman from Indiana offers a substitute, which the Clerk will report.

The Clerk read as follows:

On page 2, line 14, after the word "work," insert "together with a reasonable annual compensation for the privilege herein conferred, to be determined by the Commissioners of the District of Columbia, subject to such revision as they may from time to time determine;" and on page 2, line 15, after the word "granted," strike out the period and add: "And on default of the payment of any such compensation determined by the Commissioners of the District of Columbia the privilege herein granted shall immediately determine and the overhead track and conduit and pipes be removed."

Mr. MADDEN. I submit that is not a substitute for the amendment offered by me.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. FOSTER of Indiana. Mr. Chairman, the bill——

Mr. MANN. A point of order. There is an amendment pending, offered by the gentleman from Illinois [Mr. MADDEN], to amend one portion of the bill. Now an amendment comes in to amend another portion of the bill.

The CHAIRMAN. The Chair has not examined the amendment, but will do so.

Mr. FOSTER of Indiana. I raise the point of order that the point of order is made too late. I have been trying to talk on the proposition.

Mr. MANN. The gentleman has been trying to, but he has not.

The CHAIRMAN (Mr. CURRIER). While the Chair recognized the gentleman from Indiana, debate had not begun so as to prevent the point of order being raised.

Mr. MANN. The gentleman's amendment can come in later.

The CHAIRMAN. The amendment offered by the gentleman from Illinois [Mr. MADDEN] adds a provision at the end of line 15, on page 2. The proposition of the gentleman from Indiana [Mr. FOSTER] adds a provision to line 14, on page 2, and a further provision after line 15, on page 2. The Chair does not think it is a substitute for the amendment offered by the gentleman from Illinois; but, of course, it can be offered by the gentleman from Indiana as an amendment after the amendment proposed by the gentleman from Illinois has been disposed of.

Mr. MADDEN. I move an amendment to my amendment, making it $1,000 instead of $500.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out five hundred and insert one thousand.

Mr. DRISCOLL. Mr. Chairman, I agree with the gentleman from Illinois that if you are to make a charge for this license, or permit, or franchise, it ought to be at least a thousand dollars; but I further agree with some of the gentlemen here that this bill ought never to pass. I think it will for two reasons. First, it will be an unseemly looking construction down there in one of the main streets next to the post-office building.

Mr. MANN. Oh, it is not there at all.

Mr. DRISCOLL. Where is it?

Mr. SMITH of Michigan. It is down by the Potomac River.

Mr. MANN. It has no connection with the market as it is now situated.

Mr. KAHN. It is way down next to the Potomac River.

Mr. MANN. This is to permit them to get from the site they have purchased to the railroad grounds. It is not proposed to build an overhead track to the market—no one would favor that.

Mr. DRISCOLL. That is what I thought you were getting at.

Mr. MANN. It is no conspicuous street; it does no harm to anybody.

Mr. SMITH of Michigan. I stated some time ago that it was in a portion of the city where there could not be the slightest objection to it. The gentleman himself, if he could see it, would not have the slightest objection.

Mr. DRISCOLL. Where is the Washington Market?

Mr. SMITH of Michigan. Down near Pennsylvania avenue. This is square 328, which the Washington Market has purchased, down next to the Potomac River, in a place that will be devoted almost exclusively to a manufacturing center and where the railroad terminals are.

Mr. NORRIS. Why could not the company use water without this franchise?

Mr. SMITH of Michigan. They can; but for the purpose as stated here, I can not see any objection to letting them put a conduit under the street and getting it into their plant.

Mr. NORRIS. What is going over the street?

Mr. SMITH of Michigan. The overhead tracks, 14 feet above the street.

Mr. KAHN. It is in the nature of a spur track.

Mr. NORRIS. As I understand it, there is a concession to be given to this company for two purposes; one is to get the water from the river and the other is to build a railroad, or an overhead track.

Mr. SMITH of Michigan. To extend a railroad over Twelfth street from one square to another.

Mr. NORRIS. What is the necessity of the railroad going over the street?

Mr. SMITH of Michigan. To get supplies into the plant. They have not built there yet; they have acquired square numbered 328, and this is to transport whatever they desire in their business into their plant. Mr. Chairman, I yield to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I wish to make a suggestion to the mover of this amendment. I do not want to discuss the question, but I suggest to the gentleman from Illinois that he will make his amendment more complete by providing that the thousand dollars shall be paid one half to the city of Washington and the other half into the Treasury of the United States. This I do upon the idea that this franchise, for it is such, will affect in some way the city. We pay one-half of the taxes and one-half of the expenses of improvements, and the Treasury of the United States should receive one-half of this license tax, if it may be so called. In that way it will be more equitable.

Mr. MADDEN. I will suggest that the Clerk modify the text of the amendment so as to make it read as suggested by the gentleman from Ohio.

Mr. MANN. I suggest, Mr. Chairman, that the language should read:

Paid into the Treasury of the United States one-half to the credit of the District of Columbia and one-half to the credit of miscellaneous receipts.

Mr. KEIFER. I have no objection to the form of it.

The CHAIRMAN. The amendment will be modified in accordance with the suggestion of the gentleman from Ohio, and the Clerk will report the amendment as modified.

The Clerk read as follows:

Add after the word "annum" the words "to be paid into the Treasury of the United States one-half to the credit of the District of Columbia and one-half to miscellaneous receipts."

The CHAIRMAN. The Chair understands that that takes the place of both amendments offered by the gentleman from Illinois.

Mr. MADDEN. I ask that the amendment be reported in full as completed.

The CHAIRMAN. As just reported it did not include the amendment to the amendment offered by the gentleman from Illinois making the sum $1,000. Without objection, it will be so modified, and the Clerk will report the amendment as it will read.

The Clerk read as follows:

Provided, That the Washington Market Company shall be required to pay for the privileges herein granted the sum of $1,000 per annum, to be paid into the Treasury of the United States, one-half to be credited to the District of Columbia and one-half to be credited to miscellaneous receipts.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. KAHN. Mr. Chairman, I heard read a few moments ago the amendment offered by my colleague on the committee, the gentleman from Indiana [Mr. FOSTER]; and if this bill be amended at all, in my judgment his amendment should prevail. The gentleman from Illinois [Mr. MADDEN] in offering the amendment to this section first makes the figure $500 per annum, and without consultation as to whether that is too much or too little, he arises and arbitrarily makes it $1,000 per annum. He does not know whether it is worth $1,000. It may be worth $2,000, or it may be worth $3,000 or $5,000, or it may be worth nothing at all. Therefore I think the better plan would be to adopt the amendment giving the Commissioners of the District of Columbia authority to fix the price from time to time. For that reason I hope the amendment will not prevail.

Mr. MADDEN. Does the gentleman wish to leave the bill in as indefinite a state as his suggestion would indicate?

Mr. KAHN. I think it would be very much better to leave it to the Commissioners of the District to fix the rental, because after all the figure he suggests is in the nature of an annual rental.

Mr. MADDEN. Will the gentleman say to the House that he would like to have the Commissioners of the District legislate for Congress?

Mr. KAHN. I do not think that is legislating. That is simply fixing the rental. If you fix the rental now at a thousand dollars, possibly in two or three years from now that franchise will become very valuable, and the privilege it grants might be worth five times that amount. Unless somebody should take the trouble to introduce a bill the market company would be having that privilege for $1,000. On the other hand, the commissioners would keep in touch with conditions in the District, and under the amendment suggested by my colleague from Indiana [Mr. FOSTER] they could change from time to time the annual rental as conditions warranted.

Mr. MADDEN. If the House accepted the report of the Committee on the District of Columbia, it would have given the franchise without any compensation whatever. It may do that as it is.

Mr. KAHN. The franchise may not be worth very much at the present time.

Mr. MADDEN. Well, if it is not worth very much, and it is assumed that $1,000 is not as much as they ought to pay, make it more.

Mr. KAHN. It may be too much.

Mr. MADDEN. That the franchise may become so valuable it will be worth a great deal more, then I am perfectly willing to have the sum increased to any figure the gentleman thinks ought to be embodied in the amendment; but I do think this bill should not pass without indicating how much should be paid as the initial sum; and if later it is shown that this franchise is much more valuable than we now think it is, and if I am here as a Member of the House, I will be very glad to join the gentleman in increasing the sum to any figure he may name beyond what is now indicated in the amendment. I do not think this House should vote to embody an amendment in the bill providing for an indefinite compensation. We are granting a very great privilege here——

Mr. KAHN. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. KAHN. The gentleman is speaking in my time, but I will ask him a question.

Mr. MADDEN. Oh, I thought the gentleman wanted some information. [Laughter.]

Mr. KAHN. Has the gentleman made any investigation whatever to indicate that a thousand dollars per annum is a reasonable price?

Mr. MADDEN. I wish to say to the gentleman that I stated in the beginning that I was not sure whether $500 or $1,000 was what ought to be paid.

Mr. KAHN. Then is not it safe to leave it in the hands of the commissioners, who would investigate the matter?

Mr. MADDEN. I think the committee having charge of the bill might well have come to the House with information as to the value of the franchise. They might well have been able to tell the House how valuable this is. They might well have ascertained what the value of the franchise was; how much ought to be paid. They might have recommended to the House what should be paid by the Washington Market Company. They did not do that; and in consequence of their failure to do it somebody ought to suggest it. Somebody has suggested it; and now I hope these gentlemen who failed to ascertain how valuable the franchise is will be willing to submit to a reasonable compensation being paid by the concern to whom this valuable franchise is about to be granted.

Mr. ADAIR. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. ADAIR. Does the gentleman know what, if any, rental has been paid?

Mr. MADDEN. They have not paid any rental. There has been no privilege up to this time. We are seeking to grant a privilege now upon which we expect to collect rent.

Mr. ADAIR. Have they been occupying this ground without paying anything?

Mr. MADDEN. They own the ground.

Mr. HEPBURN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. HEPBURN. Mr. Chairman, I rise to take the floor in my own right.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I rise for the purpose of asking the chairman of the committee a question with regard to the franchises that the Washington Market Company now have and the rentals they now pay. Statements I have heard with regard to the status of that corporation in its relations to the property owned by the United States would indicate that this kind of legislation which we are now indulging in is not wise.

Nobody seems to have any conception of the value of the franchise that is being conferred. No one seems to know what sum ought to be paid. I submit that there has been legislation of that kind heretofore with regard to this company. I have asked certain gentlemen as to some of the relations of this company and have been told that they occupy valuable land, an entire block in this city, for which they pay a comparatively insignificant sum. I have heard other gentlemen say that they were without any rights, that they were mere squatters, occupying valuable lands of the United States at mere sufferance for which they paid a mere song. Now, in view of those various statements, it seems to me that we ought not to extend our relations with that corporation upon the vague, uncertain information the gentlemen seem to have; that we ought to stop until somebody knows something or other about what we are doing, what it is worth, what ought to be paid for it. I think those are important inquiries, and I would like the gentleman to tell us what are the relations in fact of this company to the Government, what lands, what property they already occupy, what they do pay, and what the duration of their rights are. [Applause.]

Mr. WILLIAMS. Mr. Chairman, I rose for the purpose of asking the gentleman from Iowa a question, but instead of putting my idea in the shape of a question I will myself state it. I agree with him very thoroughly in what he has said. I think it would be a good idea to recommit this bill to the committee with instructions to inquire and report back to the House as to what would be a fair annual payment to make for the license and privileges given in it. I would like to see the committee instructed at the same time to inquire and report back to the House whether or not this company has any title to the land now occupied by it upon the corner of Pennsylvania avenue and Sixth street; if it has any, what its title is, and whether or not that property is or is not the property of the United States.

Mr. SMITH of Michigan. Mr. Chairman, I desire to say as a member of the committee I would be very glad to have the bill recommitted that we may get the fullest information, so that the House may have that information upon all these matters.

Mr. KEIFER. Mr. Chairman, is it in order to move to recommit the bill with the instructions suggested by the gentleman from Mississippi?

The CHAIRMAN (Mr. OVERSTREET). The House is acting in the Committee of the Whole House on the state of the Union, and it can make a motion recommending that.

Mr. KEIFER. I make that motion, that the bill be reported back to the House with the recommendation that the bill be recommitted and that the committee be instructed to make such inquiries and report back to the House.

Mr. SMITH of Michigan. Then, Mr. Chairman, I ask that the bill be laid aside for the present and ask to call up another bill.

Mr. HEPBURN. Mr. Chairman, I would suggest to the gentleman from Iowa that he be a little more particular in regard to those instructions, and that he make them so full that there can be a complete exposé of all the relations of that corporation to the Government and the property.

Mr. KEIFER. Mr. Chairman, I have no objection to the instructions being made as particular as possible. I am under the impression that if we recommend it be reported back to the House with the recommendation that it be recommitted, that at the time of the recommital we could make the instructions just as specific as the gentleman from Iowa or the gentleman from Mississippi might desire in all those respects; therefore I make my motion now to recommend to the House that the bill be recommitted to the committee with instructions.

The CHAIRMAN. The motion is to lay the bill aside with the recommendation to the House that the bill be recommitted to the Committee on the District of Columbia——

Mr. KEIFER. With instructions.

The CHAIRMAN. In the absence of a motion incorporating specific instructions, the Chair could not entertain the motion simply to recommit with instructions. There have been no instructions submitted.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. The Chair will state the gentleman from Michigan, the chairman of the committee, made the motion that the bill be laid aside with the recommendation that it be recommitted to the Committee on the District of Columbia, and that is the motion that is now pending.

Mr. WILLIAMS. Mr. Chairman, I agree with the gentleman from Iowa [Mr. HEPBURN] that the bill ought to be recommitted with specific instructions.

Mr. KEIFER. That can be done when we get into the House.

Mr. WILLIAMS. The Chair rules that it can not be done.

Mr. KEIFER. I did not so understand it.

Mr. WILLIAMS. I understood the Chair to rule that if we get back into the House after the committee has passed a resolution merely recommending "that the bill be recommitted to the Committee on the District of Columbia," it would be too late then to move that it be "recommitted with instructions," because of the well-known parliamentary rule that a general motion to recommit takes precedence of a motion to recommit with instructions.

Mr. SMITH of Michigan. I will say to the gentleman, as chairman of the committee, that of course this raises a question that is not in the bill. I think the committee now understand the character of the information that the House would like, and I can assure the gentleman that the committe will get the fullest information.

Mr. WILLIAMS. That assurance is perfectly satisfactory to me, as far as I am concerned.

The CHAIRMAN. The Chair did not rule that a motion to recommit with instructions would not be in order. The Chair stated that no one had made a motion to recommit with specific instructions. The motion pending before the committee is to lay this bill aside with a recommendation to the House that it be recommitted to the Committee on the District of Columbia.

Mr. MANN. Mr. Chairman, I do not think it will hurt anything to lay the bill over, but if the House proposes to wait until the Committee on the District of Columbia has time to investigate the right of the Washington Market Company on the ground that it now occupies down there and all the litigation and legislation which has been had on that subject, they will have to wait until after this Congress expires.

Mr. SMITH of Michigan. We can get the information that has been suggested by the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Iowa [Mr. HEPBURN].

Mr. MANN. The gentleman may be able to get it quickly. I spent several weeks on the matter when this first came before the House years ago, and I assure the gentlemen that I only scratched the surface of the information. I spent more time on it than the District Committee will have between now and the end of the session.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan [Mr. SMITH] to recommit the bill——

Mr. HEPBURN. Mr. Chairman, I wish to offer an amendment, as follows:

Be recommitted with instructions to inquire into the relations of the Washington Market Company to the United States and to any real estate owned by the United States and occupied by said company, the franchises of said company, and the rentals paid by said company.

Mr. WILLIAMS. And I would suggest:

A fair annual rental of the privileges proposed to be granted by this bill.

Mr. SMITH of Michigan. I have no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

With instructions to inquire into the relations of the Washington Market Company to the United States and to any real estate owned by the United States and occupied by said company, the franchises of said company, and the rentals paid by said company to the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the motion as amended to lay the bill aside with a recommendation that it be recommitted with the instructions just read.

The question was taken, and the motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER of Vermont having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate has heard the announcement of the death of Hon. WILLIAM B. ALLISON, late a Senator from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

VETERAN VOLUNTEER FIREMEN'S ASSOCIATION.

The committee resumed its session.

Mr. SMITH of Michigan. Mr. Chairman, I desire to call up the bill H. R. 27667.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 27667) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891.

Be it enacted, etc., That the act entitled "An act authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891, be amended so as to include both the Veteran Volunteer Firemen's Association and the Association of Oldest Inhabitants of the District of Columbia in the use of all that part of lot 11, in square No. 141, in the city of Washington, and building thereon, occupied by a house used formerly as an engine house, and described as follows: Beginning at the northwest corner of said lot and running east 30 feet on H street, thence 50 feet south on a line parallel to Nineteenth street, thence west 30 feet to Nineteenth street, and thence north 50 feet to the beginning; the same to be used by said associations as a place of meeting and for the storage of their property and belongings, consisting of fire apparatus, books, maps, pictures, files, souvenirs, mementos, and papers of historic interest, the same to continue during the pleasure of the Commissioners of the District of Columbia.

Mr. SMITH of Michigan. Mr. Chairman, this is identically the same bill that was passed two weeks ago, with the exception that on page 2, line 2, it should have read "northeast" instead of "northwest."

Mr. CAMPBELL. What is the reading now?

Mr. SMITH of Michigan. It reads, "Beginning at the northwest." It passed reading "northeast."

Mr. MANN. May I ask the gentleman, as the matter is now before us, what is the reason for the Government giving to volunteer organizations here a piece of government property perpetually, practically?

Mr. SMITH of Michigan. I will yield to the gentleman from Kansas [Mr. CAMPBELL], who has charge of the bill.

Mr. CAMPBELL. Mr. Chairman, the purpose of this bill is to give to the Oldest Inhabitants' Association the right to occupy a little house down on the river front that was at one time used as an engine house by the volunteer fire company here. The volunteer fire company has been granted by Congress the right to occupy that old building as a sort of meeting place and to use it as a place for keeping such relics of the Volunteer Fireman's Association as have been preserved, and the building is now being used as a sort of museum for those old relics. When the matter was up two weeks ago and was passed by the House an error crept into the language of the bill, in which the description of the property was given as the "northeast corner" instead of the "northwest corner" of the property described. The purpose of giving the privilege to the Oldest Inhabitants' Association now is that the relics be preserved.

Mr. WILLIAMS. How long is it to be given them?

Mr. CAMPBELL. During the will of the commissioners.

Mr. MANN. Well, is it during the will of the commissioners or for all time?

Mr. CAMPBELL. It is "at the pleasure of the commissioners."

Mr. WILLIAMS. What is the exact language of the bill?

Mr. DRISCOLL. Mr. Chairman, I offer an amendment.

Mr. CAMPBELL. Lines 10 and 11, "during the pleasure of the Commissioners of the District of Columbia."

The CHAIRMAN. The gentleman from New York offers the amendment which the Clerk will report.

The Clerk read as follows:

Add a new section, to read:

"SEC. 2. Congress reserves the right to alter, repeal, or amend this act."

Mr. DRISCOLL. Mr. Chairman——

Mr. SMITH of Michigan. We accept the amendment.

Mr. CAMPBELL. I have no objection to that amendment.

Mr. DRISCOLL. I offered that amendment, and was writing it the last time that the matter was up, and the gentleman would not accept it.

Mr. MANN. I suppose the gentlemen both know I have the floor.

The CHAIRMAN. The gentleman from New York was recognized to offer an amendment.

Mr. MANN. But, Mr. Chairman, amendments are not in order. I had the floor in general debate.

The CHAIRMAN. The Chair understood the gentleman from Kansas took the floor in his own right.

Mr. MANN. He took the floor simply to answer a question of mine.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. MANN. I wished to obtain information if I could. Mr. Chairman, originally there was a volunteer fire company here in Washington. It was thought a desirable thing to let the remnant of that company occupy a certain piece of land belonging to the District. It was a very proper and rightful thing to do.

Mr. CAMPBELL. Will the gentleman yield to me a moment? Mr. Chairman, I took the gentleman's time to explain to him just why it was that this cession was made to the fire company in the first place, and why it was desired to make it to the Oldest Inhabitants' Association now. The gentleman was giving his attention to a more interesting conversation indulged in by other parties.

Mr. MANN. The gentleman is mistaken. While other people were talking to me I was listening to the gentleman from Kansas.

Now, that was a very proper thing to do. Here was an organization of a volunteer fire department, who had done good service. I can see why they should be given the use of a public building, but how can the gentleman differentiate between the Oldest Inhabitants' Association and the youngest inhabitants' association? How shall we say we give the use of this building to the Oldest Inhabitants' Association and not give it to the youngest inhabitants' association, to the Masonic association, to the Odd Fellows' association, or any other private association of the District? Has it come to the pass that we propose to furnish for all of these associations government buildings for their use while we are paying rent for the use of government offices? It seems to me a queer proposition. When this first authority was given to the Veteran Volunteer Firemen's Association, of course every one knew that in course of time it would cease to exist. The men would disappear; there were no new ones coming in, but there is no end to the Oldest Inhabitants' Association.

Mr. WILLIAMS. Will the gentleman allow me?

Mr. MANN. Now, upon what theory can we start in and give away property of the Government to an association that is not to end? Now, I yield to the gentleman.

Mr. WILLIAMS. I suggest that the oldest inhabitant anywhere never dies.

Mr. MANN. That is correct. That is a perennial organization, whereas the veteran firemen's organization will disappear and the organization die. But the Oldest Inhabitants' Association will not die, and when any kind of an organization gets its nose in anywhere, and gets hold of public property, then it works a committee of Congress, or works the House, or somebody else for permanent possession of it. If you commence, if you open the door by a crack, it means in the end everlasting possession, and that is the theory upon which this bill is based.

Mr. SIMS. Does my friend regard this as an opening? Has the gentleman not seen here often——

Mr. MANN. The opening was when we gave authority to the Volunteer Firemen's Association to meet once a week in a certain building. Now they want the building given to somebody else because of that.

Mr. SIMS. Has the gentleman ever known the people of this District, old or young, rich or poor, to use their own property for anything when they could get Congress to give the use of public property?

Mr. MANN. I think the gentleman from Tennessee, as well as myself, has a great deal of regard and respect for the people of the District of Columbia. While we often say mean things about their lack of civic pride, yet, after all, I think, under the circumstances, they do exceedingly well, both about themselves and about working Congress.

Mr. SIMS. The gentleman has not pointed out any instance in which they have used their own property where they could get public property in place of it. I should like to have the gentleman give an instance, either manifesting civic pride or any other kind of pride.

Mr. MANN. I do not believe in giving away public property merely because somebody asks for it.

Mr. SIMS. We are doing this simply in line with long-established precedent; not as to this specific building, but similar things. Down on Lafayette square we, by authority of Congress, are allowing gentlemen to erect large platforms or grand stands for people to use on public property and view a public parade, and for which they must pay a private committee for the use of those seats erected on public property.

Mr. MANN. That is true; somebody pays for that. But, on the other hand, we are also building, out here on the east side of the Capitol, at public expense, a platform upon which the gentleman and myself and other Members of this House will sit without paying anything.

Mr. SIMS. But there is not room for everybody who wants to see the parade to sit there; but we give a private committee here the privilege of using public property for which they ask money, and by which they bring thousands of people to the District of Columbia for the purpose of making money out of those people. I tell you it is not all civic pride. There is some real hard cash consideration at the bottom of these things. That does not apply to this particular bill, however.

Mr. MANN. If I should divert from this particular bill, which I do not wish to do, I might say to the gentleman that I have had times when I thought I might subscribe $100,000 toward the expenses of the inaugural ceremonies here, knowing perfectly well that it would be a big advertisement and no expense to me.

Mr. DRISCOLL. I wish to be recognized to offer the amendment which I wanted to offer a while ago.

The CHAIRMAN (Mr. OVERSTREET). The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add a new section to read as follows:

"SEC. 2. That Congress reserves the right to alter, amend, or repeal this act."

Mr. DRISCOLL. When the bill was before the committee for consideration the other time, I tried to offer such an amendment, but it was passed before I got to it.

Mr. SMITH of Michigan. Let us have a vote on the amendment.

The amendment was agreed to.

Mr. CAMPBELL. I move that the bill be laid aside with a favorable recommendation.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 19, noes 27.

Mr. CAMPBELL. Mr. Chairman, I call for tellers.

Tellers were refused, 14 Members, not a sufficient number, rising in support of the demand.

Accordingly, the motion of Mr. CAMPBELL was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FOSTER of Vermont having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MILLS AVENUE NE.

The committee resumed its session.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 16747) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street."

The bill was read, as follows:

Be it enacted, etc., That section 4 of the act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street," be, and it is hereby, so amended as to read as follows:

"SEC. 4. That the Commissioners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia lying west of Mills avenue, north of Franklin street, east of Twentieth street, and south of Rhode Island avenue NE., and that portion of said District lying east of said Mills avenue, north of Franklin street, west of South Dakota avenue, and south of Rhode Island avenue NE. under the provisions contained in the act of Congress approved March 2, 1893, entitled 'An act to provide a permanent system of highways in that part of the

District of Columbia lying outside of cities,' and an amendment to said act approved June 28, 1898, and that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said District."

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on February 6, 1909, approved and signed joint resolution and bills of the following titles:

H. J. Res. 200. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District;

H. R. 7963. An act for the relief of Patrick Conlin;

H. R. 10986. An act for the relief of L. H. Lewis;

H. R. 10987. An act for the relief of A. A. Lewis;

H. R. 17297. An act authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road;

H. R. 17344. An act for the relief of Frederick Daubert;

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perces Indian Reservation;

H. R. 26062. An act authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district;

H. R. 7807. An act to place John Crowley on the retired list of the United States Navy;

H. R. 21957. An act relating to affairs in the Territories;

H. R. 10416. An act to correct the naval record of Lieut. Hilary Williams, U. S. Navy;

H. R. 14361. An act to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty;

H. R. 24303. An act for the relief of the estate of Charles Fitzgerald;

H. R. 4119. An act to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails;

H. R. 7006. An act to correct the military record of George W. Hedrick;

H. R. 10606. An act for the relief of Robert S. Dame;

H. R. 13319. An act for the relief of the heirs of Thomas J. Miller;

H. R. 13955. An act to compensate E. C. Sturges for property lost during the Spanish-American war;

H. R. 19839. An act for the relief of W. H. Blurock;

H. R. 19893. An act for the relief of Thomas J. Shocker; and

H. R. 23711. An act to build a bridge across the Santee River, South Carolina.

PERMANENT SYSTEM OF HIGHWAYS.

The committee resumed its session.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 25149) to authorize certain changes in the permanent system of highways in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia lying north of Evarts street north, east of North Capitol street, south of Michigan avenue, and west of Glenwood Cemetery, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898; that upon the completion and recording of said new highway plan it shall take the place of, and stand for, any previous plan for said portion of the District of Columbia.

The Clerk read the following committee amendment:

Add at the end of line 3, page 2, the words "and that the portion of the highway thereby abandoned shall revert to the abutting owners."

The committee amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

AMENDING ACT TO WIDEN BLADENSBURG ROAD.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (S. 6580) to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907, be, and the same is hereby, amended by adding to said act a new section, to be known as section 4, which section shall read as follows:

"SEC. 4. That any land owned by the United States or the District of Columbia which is not now used for highway purposes, but which may be included in the widening of said Bladensburg road as herein provided, is hereby dedicated for the purposes of said widening, and that the abutments of any bridge or viaduct or any stone wall located within said road as widened under the provisions hereof shall not be disturbed by reason of said widening, nor shall the ground under or within the foundations of any brick building located within the lines of said road as widened be condemned for said widening, and the Commissioners of the District of Columbia are hereby authorized to permit any existing projections within the lines of said road as widened under the provisions hereof to remain within said road as widened, provided that they shall designate such projections which they will permit to remain before a jury shall have been impaneled in the proceedings for widening said road."

SEC. 2. That the limitation of thirty days after the date of dedication within which condemnation proceedings are directed to be instituted for the widening of said Bladensburg road be, and the same is hereby, repealed.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WIDENING AND EXTENSION OF MINNESOTA AVENUE.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (H. R. 23864) authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute a proceeding in rem to condemn the land that may be necessary for the widening and extension of Minnesota avenue SE. from Pennsylvania avenue to the Sheriff road, according to the permanent system of highway plans adopted in and for the District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for the said extension shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

The Clerk read the following committee amendments:

Strike out of line 9, page 2, the words "one-half."
Strike out of line 10, page 2, the words "and one-half."
Strike out all of line 11, page 2.
Strike out of line 12, page 2, the syllables "ated."
Strike out of line 17, page 2, the word "and" and insert a period after the word "Columbia."
Strike out all of line 18, page 2.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WIDENING OF MASSACHUSETTS AVENUE SE.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (H. R. 24152) for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute a proceeding in rem to condemn the land that may be necessary for the widening and extension of Massachusetts avenue SE., from its present terminus near Fortieth street SE., to the Bowen road, according to the permanent system of highway plans in and for the District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessment for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

The Clerk read the following committee amendments:

Strike out of line 9, page 2, the word "one-half."
Strike out of line 10, page 2, the words "and one-half."
Strike out all of line 11, page 2.
Strike out of lines 17 and 18, page 2, the words "and the United States in equal parts," and insert a period after the word "Columbia," in line 17, page 2.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EXTENSIONS OF CITY AND SUBURBAN RAILWAY OF WASHINGTON.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the City and Suburban Railway of Washington be, and it is hereby, authorized and directed to remove its double tracks from Michigan avenue from the intersection thereof with Monroe street NE. eastwardly to the tracks of the Baltimore and Ohio Railroad, and to extend its double tracks on Monroe street NE. eastwardly from said intersection and over the Monroe Street Bridge to Twelfth street NE.; thence on Twelfth street northwardly to the Bunker Hill road, and thence northwardly on such street or road as may be designated by the Commissioners of the District of Columbia to the intersection of such street or road with the boundary line of the District of Columbia.

SEC. 2. That the removal of existing tracks east of the intersection of Monroe street and Michigan avenue and the extension of the new double tracks on Monroe street as far as Twelfth street NE., as provided for in section 1 of this act, shall be completed within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia; that the construction of that portion of the extension from Twelfth and Monroe streets to the Bunker Hill road, as provided for in section 1 of this act, shall be commenced within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia and completed within six months from the commencement of construction operations; that the construction of that portion of the extension from the Bunker Hill road to the District line, provided for in section 1 of this act, shall be commenced within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia and completed within one year from the commencement of construction operations; that the cost of widening the roadway of Monroe street NE. between Tenth and Twelfth streets, to make the same 40 feet wide from curb to curb, shall be paid by the City and Suburban Railway of Washington; and in default of such commencements and completions within the several periods specified in this section all rights, franchises, and privileges granted by this and the preceding section of this act shall, with respect to the defaulted portions of the route or routes, cease and determine.

SEC. 3. That the City and Suburban Railway of Washington shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges as it has and hereafter may have by law over and respecting its other routes, and shall be subject in respect thereto to all the other provisions of its charters and of law.

SEC. 4. That the City and Suburban Railway of the District of Columbia is hereby authorized to operate over its tracks cars for the conveyance of parcels, milk, ice, light freight, and of fuel for the use of such company.

The following committee amendments were read:

Strike out section 3, page 3, and insert in lieu thereof the following, to stand as section 3:

"SEC. 3. That the said City and Suburban Railway of Washington shall have over and respecting the routes herein provided for the same rights, powers, privileges, duties, and obligations as it has and hereafter may have by law over and respecting its present route, and shall be subject in respect thereto to all the other provisions of its charter and of law."

Add in line 13, page 3, after the word "company," the following proviso:

"*Provided*, That such cars shall be operated only during the hours between 12 o'clock midnight and 5 o'clock a. m., and shall be subject to such regulations as may be made by the Commissioners of the District of Columbia."

Add to the end of the bill the following, to stand as sections 5 and 6:

"SEC. 5. All laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

"SEC. 6. That Congress reserves the right to alter, amend, or repeal this act."

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman in charge of the bill what rights this company now has in the District of Columbia?

Mr. SMITH of Michigan. They are a part of the Washington Railway and Electric Company, one of the six or seven companies that constitute that company.

Mr. MADDEN. Why is not there a provision in the bill calling for regulation by the Interstate Commerce Commission, as was incorporated in previous bills?

Mr. SMITH of Michigan. I do not think that in a bill of this kind there is any necessity for such a provision.

Mr. MADDEN. If there was necessity for regulation by the Interstate Commerce Commission in bills previously passed, I see no reason why the same provision should not be incorporated in this bill.

Mr. SMITH of Michigan. There was a bill passed in the last session of Congress under the twentieth section of which this road is subject to the regulation of the Interstate Commerce Commission. All this bill provides for, so far as the change in tracks is concerned, is that they may be changed so that they will not cross the Metropolitan Branch of the Baltimore and Ohio, but go underneath on another piece of road in Brookland, over which the Government has built a bridge.

Mr. MADDEN. How many miles of track does this franchise permit?

Mr. SMITH of Michigan. In my judgment, it is not 1 mile. It takes up a little piece of track in the township of Brookland that extends up to, as I say, the tracks of the Metropolitan Branch of the Baltimore and Ohio Railroad, where, according to the report of the commissioners, eight or nine people have already been killed. The citizens put their hands in their own pockets and bought an additional street, or right of way, over which they ask these tracks to run and to run under the bridge at Brookland.

Mr. MADDEN. Is that all it permits, to go under the Baltimore and Ohio?

Mr. SMITH of Michigan. It asks the privilege of going on the changed street, and in going there it will go under the bridge.

Mr. MADDEN. The tracks are there now?

Mr. SMITH of Michigan. No; but we desire to take them up. They now end at the Metropolitan Branch of the Baltimore and Ohio Railroad.

Mr. MADDEN. You are not granting any new privileges?

Mr. SMITH of Michigan. No.

Mr. MADDEN. Do you cross any land owned by the Government of the United States?

Mr. SMITH of Michigan. No; it is a new street over which the tracks are asked to be placed, and has been bought and paid for by the citizens of Brookland. They ask to have these tracks taken up and changed over, and when they are changed they will go under the new bridge.

Mr. MADDEN. If there is any damage——

Mr. SMITH of Michigan. There is no damage.

Mr. MADDEN (continuing). Resulting from the widening of the roadway provided in this bill——

Mr. SMITH of Michigan. They have bought the roadway themselves.

Mr. MADDEN. But I wish to know, if there is any damage to abutting property as a result of the widening of the roadway, who pays it?

Mr. WILLIAMS. The people of Brookland have already bought it.

Mr. SMITH of Michigan. There is no provision in this bill for the payment of it by anybody. They bought the strip themselves.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of Michigan. Yes.

Mr. MANN. We have had a number of these bills before us at different times. Is this one of the bills that we have had heretofore?

Mr. SMITH of Michigan. No; this has never been up before the House.

Mr. MANN. We had a bill of this kind up at the last session, I think.

Mr. SMITH of Michigan. No.

Mr. MANN. To let some company bring in milk.

Mr. SMITH of Michigan. There may have been a provision in some other bill with reference to these sections.

Mr. MANN. We have had up here since I have been in the House, three or four different times I should say, bills for the purpose of permitting this company, or some other company in this locality, to bring milk into the city. We have amended those bills. I think on some occasions we have recommitted them to the gentleman's committee. What I wish to ascertain is whether, in reporting this bill, the committee has paid any attention to the amendments which have been made in the Committee of the Whole when we had these bills under consideration?

Mr. SMITH of Michigan. I do not recall that any of them were ever recommitted.

Mr. MANN. Has the gentleman's committee, in reporting this bill, considered the frame of the bills that have already been disposed of by Congress or recommitted, as to the form of the bill and the provisions of it?

Mr. SMITH of Michigan. No. In considering sections 3 and 4 that matter was considered. I can not see any objection to sections 3 and 4. These are the suggestions of the commission.

Mr. MANN. I am not raising any question. We have had a good deal of discussion on the subject of permitting freight to be carried on street-car lines.

Mr. SMITH of Michigan. Yes.

Mr. MANN. If we adopt a policy with reference to that, we ought to follow the policy, and that is what I am seeking to ascertain.

Mr. SMITH of Michigan. I assume that as the commission submits these recommendations for 3 and 4 that it does follow it.

Mr. STAFFORD. Can the gentleman state to the committee whether this railroad company on the other trackage to which this extension does not apply has at present the privilege of carrying small freight, as provided in section 4 of this bill.

Mr. SMITH of Michigan. I do not think it has.

Mr. STAFFORD. Then, this bill is something more than what the gentleman stated in his opening statement—that it is merely to provide an extension of a route based on a change of grade.

Mr. SMITH of Michigan. Sections 3 and 4 are added at the suggestion of the commission.

Mr. STAFFORD. Can the gentleman give the committee any information as to the extent of the lines that will be affected by extending this privilege of carrying freight throughout the District and also what other lines have that privilege at the present time?

Mr. SMITH of Michigan. No, I can not; but I do want to say that I hope this privilege will be extended to suburban routes coming into the city. I think I am warranted in saying that in the States of Illinois, Indiana, Ohio, Michigan, and several other States, similar privileges are granted to suburban lines, and the people are the ones who are getting the advantage of this privilege. I know in my own State these privileges are granted to the railroads running out of Detroit into the State in different directions, and they are all permitted to carry milk and small parcels, as provided in this section here. I hope the gentlemen of the committee will have no objection to this legislation. I hope that it is to be encouraged here and elsewhere. It saves a good deal in express and in freight.

Mr. STAFFORD. To what lines would this privilege extend as incorporated in section 4? Because, as I understand it, it is an omnibus provision extending throughout the city to suburban railways operated by this company.

Mr. SMITH of Michigan. That is simply one branch or one portion of seven or eight different ones that belong to the Washington Railway and Electric Company. That is the parent company, under which there are several other companies. This railroad starts down here by the Treasury Department, and goes out, of course, on different streets, and ends now in Brookland. As I say, its trackage ends now at the track of the Metropolitan Branch of the Baltimore and Ohio Railroad, and that is a very dangerous crossing.

The commissioners report that at least eight or nine people have already been killed there. I regret that we have not a larger map, so the committee could see; but, as a matter of fact, so far as this track is concerned, all the bill provides is to take up that little piece of track from that point down there, which I think exceeds not a quarter of a mile, and let the railroad put its tracks down on the street to which I point and which has been purchased by the citizens of Brookland.

Mr. STAFFORD. I believe there is no opposition to the question of extension of trackage, but there is some serious question as to whether we should inaugurate a policy of permitting the street railways of this city to carry small freight.

Mr. WILLIAMS. Oh, this is not a street railway of the city, it is a suburban railroad, and this privilege of shipping small freight would be a matter of great convenience to the people living along the line of that suburban road.

Mr. STAFFORD. I am trying to ascertain whether this line proceeds at all in the city of Washington or merely outside.

Mr. SMITH of Michigan. Yes; it comes into the city of Washington and comes down to the Treasury Department.

Mr. STAFFORD. From what the gentleman from Mississippi said I got the idea it only referred to a suburban road outside.

Mr. WILLIAMS. No; I said it was a suburban electrical road, and the object is to allow this company to carry small parcels and let people coming in from the country bring in these things without having them shipped by freight or sent by express on the regular railroads. I agree with the gentleman it is a great benefit. I did not mean to say to the gentleman that the road did not run into the city at all by way of connection. There is no suburban road anywhere entering any city that does not run over some of its streets.

Mr. STAFFORD. There is hardly an electric line in the city that does not have some suburban cars operating on it.

Mr. WILLIAMS. Very few of them.

Mr. STAFFORD. There is the Fourteenth street line, with the cars from Chevy Chase coming in over it. I have been trying to ascertain how generally would this privilege be extended if it applied to all the suburban traffic of this company operating in the District.

Mr. SMITH of Michigan. This is only a provision for the City and Suburban, and I repeat that I hope this privilege will be granted to all the suburban roads for the reasons which I have stated, and I believe it is in the interest of the people to have that class of legislation as well as the railroads, too, as far as that is concerned.

Mr. STAFFORD. It is certainly an additional easement in the use of the streets, if you grant the electric companies the right to carry freight, even if it is limited to between the hours of 12 o'clock midnight and 5 o'clock in the morning.

Mr. SMITH of Michigan. That is true.

Mr. GAINES of Tennessee. Does the gentleman propose to give the street car companies the right to carry freight along on the streets?

Mr. STAFFORD. That is the purpose of this provision.

Mr. SMITH of Michigan. What we propose to do by this bill is contained in section 4. It is for the conveyance of—

parcels, milk, ice, light freight, and of fuel for the use of such company: *Provided*, That such cars shall be operated only between the hours of 12 o'clock midnight and 5 o'clock a. m.

I want to say to the gentleman, if I may, that in my own home city, when we were seeking to get a suburban road to carry small freight, we had a good deal of trouble in convincing the people that this was for their benefit, but I undertake to say you could not take that privilege away from the people of my home city now. What is true there is true of many other cities—in Flint and many other cities of Michigan, as well as in my city.

Mr. GAINES of Tennessee. Where does this freight come from?

Mr. SMITH of Michigan. This is along the line of the road.

Mr. GAINES of Tennessee. Heavy freight?

Mr. SMITH of Michigan. No; there is no intention in this of allowing them to bring in heavy freight; it expressly says "light freight."

Mr. GAINES of Tennessee. I see what the gentleman has in mind entirely; but can not they bring in freight and park the cars on the street between the hours of 12 o'clock and 5 o'clock in the morning, so as to block up the street?

Mr. SMITH of Michigan. No; it is all light freight.

Mr. STAFFORD. What would prevent the railroad company, under this section, from having a train of street cars loaded with light freight or package freight?

Mr. GAINES of Tennessee. I have never seen that kind of a privilege granted yet that it was not abused. How about the engine, or possibly the engine has been carried away——

Mr. SMITH of Michigan. There is no engine about it; this is an electric railway.

Mr. GAINES of Tennessee. All right. I thought you were talking about the other. I like to be accommodating. I was going on the idea that it was the large commercial train.

Mr. SMITH of Michigan. No thought of that.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EXTENSION OF RITTENHOUSE STREET.

Mr. SMITH of Michigan. Mr. Chairman, I desire to call up the bill (H. R. 26472).

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 26472) to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes.

Be it enacted, etc., That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of Rittenhouse street on a straight extension of the lines thereof, as now established on the highway extension plan in the District of Columbia, from its present terminus at Broad Branch road eastwardly to the Daniels road, with a uniform width of 90 feet.

SEC. 2. That the assessments shall be made by the jury as benefits, as contemplated in section 491 of the subchapter of the Code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessments levied by the jury for benefits when the same are collected.

Also the following committee amendment:

Line 3, page 2, after the word "feet," strike out the period.

Strike out of line 14, page 1, the word "Daniels" and insert in lieu thereof the word "Daniel."

Strike out lines, 1, 2, and 3, and the words "referred to," in line 4, page 2, leaving the proviso in section 2 to stand as a proviso to section 1.

Strike out section 3, page 2, and insert in lieu thereof the following, to stand as section 3:

"SEC. 3. That there is hereby appropriated from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and

for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendments.

Mr. GAINES of Tennessee. Mr. Chairman, I want to take up a few minutes of the time of the committee in order to have read a clipping which I have here. It is not exactly pertinent to the discussion, but I was not able to be in the Chamber when the Washington gas question was discussed to-day. I want to have this clipping read. I cut it out of the San Francisco Examiner of February 1, and I hope everyone will listen to it. I especially ask this, because the doctor who speaks about this deadly gas lives in San Francisco, I presume, and is not supposed to be connected one way or another with the gas situation here in Washington. With that introduction and without further comment, I will ask the Clerk to read it.

The Clerk read as follows:

[San Francisco Examiner, February 1, 1909.]

ILLUMINATING GAS DEADLY POISON.

(By Dr. J. C. Bayles.)

No leakage of gas indoors is so slight that it may safely be neglected or tolerated as cheaper than repairs. Under all conditions and in all circumstances gas is something to be afraid of. This was true of the coal gas formerly used. It is much more true of the water gas now distributed. Coal gas, made by the distillation of bituminous coal in retorts, contained from 6 to 7 per cent of carbon monoxide, and a great deal of it was needed to render air unbreathable. Water gas contains from 30 to 35 per cent of carbon monoxide, and very little of it is immediately injurious and often quickly fatal. This product of imperfect combustion is the most deadly gas known to chemistry of those produced commercially. It is a blood poisoner of extraordinary energy. For the hemaglobin, upon which the blood depends for its ability to perform its functions in the human body, it has an affinity believed by physiologists to be about 400 times greater than that of oxygen. It is a cumulative poison, which in this case means that the blood will take up and hold all that it finds in air breathed, and continue absorbing it until, at about two-thirds of saturation, animal life becomes impossible.

There is no amount of carbon monoxide in inhaled air so small that the breather can afford to be indifferent to it. In many cases as little as the one-hundredth of 1 per cent will produce immediate ill effects, and continued exposure to even this small quantity involves danger to life. It is an odorless gas, as poisonous as arsenic, as dangerous as a blind rattlesnake, as incendiary as gun cotton. It can be detected by the sense of smell only when associated with the naphtha vapors which make it luminous.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Certainly, but I am done. I did not intend to make any comment. I simply wished to have that article read at the desk.

Mr. MANN. Has the gentleman introduced a bill yet to the effect that, whereas gas is poison and kerosene is dangerous, we all ought to go back to tallow candles?

Mr. GAINES of Tennessee. No; but I would rather go back to them than to realize, day in and day out, that I have something in my house that may take the life of my family or my own life. I have read by a tallow candle and would be glad to get them, as against this deadly gas.

Mr. MANN. Surely, we could all get along; better people than we are have used them.

Mr. GAINES of Tennessee. I have had a great many pleasures with a tallow candle. Many a night have I studied my lessons by a tallow candle, and knew them next day—and sometimes I did not know them. But tenderest and sweetest memories cluster about the dim old tallow candle, I would not forget if I could.

Mr. MANN. The gentleman is an experienced and expert man——

Mr. KEIFER rose.

Mr. GAINES of Tennessee. In the light of my friend from Ohio, I feel that I do not need a candle. And I know I can say the same thing of my friend from Illinois [Mr. MANN].

Mr. MANN. It does seem to me remarkable that all at once everybody in the country has discovered that illuminating gas is poisonous. I was taught very early to be careful about letting illuminating gas loose in a room, but I discovered all at once that only one kind of gas is poisonous. Some people, doctors and others, are able to breathe illuminating gas if it is only made from coal. It is as innoxious as the gas emanating in this Chamber.

Mr. GAINES of Tennessee. If it is no more noxious than the gas emanating from the gentleman from Illinois, it will not kill anybody. He lends a soft and luminous light to any occasion or subject. I feel a deep interest in this trouble we are having here in Washington in regard to this monoxide gas. I saw this opinion in the California paper. I clipped it and have carried it in my pocket for a day or two to hand to my colleague from Tennessee [Mr. SIMS], or the gentleman from Illinois [Mr. MANN], but I let it escape my mind, and I have had no chance to do so to-day when the gas debate was on, so I have had it read from the desk. The gentleman from Illinois suggests that everybody seems to be too much scared about monoxide gas. We hardly knew that we had an appendix in our body until a few years ago, and now everybody has an appendix.

Mr. MANN. We do not know now.

Mr. GAINES of Tennessee. As a matter of fact, we know we have one now, and it is very dangerous to irritate it. Appendicitis is a common trouble nowadays.

We used to call it "cramp colic," but we all know that appendicitis is very fatal if not promptly and successfully treated. But the cramp-colic remedy will not do for appendicitis. The knife must be used as a rule. We may have to use the knife in this gas trouble.

Gentlemen, you all know that I am going to leave you for good shortly, but I feel a very deep interest in this gas trouble and in the other reform, here started, as to the enormous rents Congress is paying in this city for private property for public use, the amount being $471,000 annually. The Senator from West Virginia [Mr. SCOTT], as soon as he saw that I had begun this reform in the House, wrote me a letter, which I appreciated, sending me a copy of a partial investigation that he made some time ago on this subject, which report shows, I think, we are really doing an injustice to the public revenues by these rents, and we ought to know we will do injustice to ourselves if we continue this rental with this $471,000 rental staring us in the face. But I am not going to talk further about that. I will say this: That Senator SCOTT has introduced in the Senate a resolution similar to mine to investigate this rent matter, and I hope that it will pass.

This gas question is a very serious one. Whether it is monoxide gas or any other kind of gas trouble, it seems that whenever we undertake a gas reform in the District of Columbia we struggle day in and day out each Congress and do not accomplish anything. There are Members who have served with me here who know away back ten or twelve years ago we undertook to reduce the price of gas. I believe we succeeded not until this session, if I remember right, in doing so.

Mr. MANN. Not at all; the gentleman is mistaken. The bill is still pending in the other body.

Mr. GAINES of Tennessee. Still pending in the other body! Shall it be the other body that must keep down this reform? I do not understand, gentlemen, how this great body—the greatest lawmaking body in the world—is not anxious enough for itself, is without industry enough, to find out what to do and do it. Have we not sufficient information on this subject to convince any thoughtful Member that this reform should be had and at once? Let the Senate pass that bill at once and at least reduce the price of good gas.

I am forced with the lights before my eyes to believe monoxide gas is deadly. We have heard of four or five deaths in the city of Washington caused by it; and there have been deaths in the city of Nashville in bathrooms warmed by gas stoves. I do not wish to speak to-day or to impose on the patience of the committee. I see that my friend from Michigan looks like he wanted a vote. How much work have you for this afternoon?

Mr. SMITH of Michigan. We have two days' work that we want to do this afternoon.

Mr. GAINES of Tennessee. Well, all right; I do not wish to speak. I have been drawn into this. Let me say this, gentlemen, there is something "rotten in the State of Denmark" as to this gas matter, and I think this great Congress ought to find it out at once and wipe it out. Either we have the very poorest lot of experts or this gas has been slandered. It behooves us not only to force this reform for this District, where we have full power to act for the people, but our example here will benefit the people throughout the States who use gas. We have some deadly gas, of course, elsewhere.

I do not know what sort of material produces it, but we know this gas is deadly and yet forced on the people here to use. We are told that it will take a great deal of money to make this change. A great deal of money to bar the people from dying by poison produced by gas! Think of weighing human life; think of weighing the happiness of our neighbors and our neighbors' friends; think of weighing the right to live and let live in the world by putting dollars and cents on the one side of the scales and human life upon the other! Money above life? They tell us that it will cost $7,000,000, or something like that, for this gas monopoly to make the change.

Is it not nobler and better for the American Congress, if it comes to a "show down," to buy this property that is owned here by some powerful concern and throw it in the Potomac River than to continue this menace to human life? I love human rights and human liberty, and yet you hear it in the selfish press here and in the streets that it will cost too much to reduce the

price of gas or change from deadly gas. Think of it, gentlemen! Weighing dollars and cents in the scale with human rights and human liberty! I never intend to do that. I shall never put the dollar above the man. If this noxious gas kills here in one city where close watch is kept and reports made, how many deaths occur in other places of which no account is kept and where the people are ignorant of this gas being deadly?

As for my part, if I was on that committee—this is my personal view, and I am not reflecting in the least upon any man—I would vote to make this gas company stop manufacturing this gas altogether rather than have no reform at all, and I am ready to so vote. I hear the committee is to further investigate and want experts and more proof. Are we not beyond further expert evidence? They rarely ever agree, while we all know this gas is deadly. I do hope the committee will report a bill, so we can have time to make it law this session.

My faithful and patriotic friend [Mr. OLLIE M. JAMES] suggests to me that we vote millions of dollars to make machines with which to kill the enemy, but not a cent to stop suffocating our own flesh and blood.

Mr. MANN. Does not the gentleman believe it would be a good thing if we could build a number of gas plants and furnish the army and navy with some of this deadly monoxide gas for use in warfare?

Mr. OLLIE M. JAMES. I would suggest that it would be all right if you could give the gas to the enemy.

Mr. GAINES of Tennessee. I think of one of our troubles in the navy, as you gentlemen are talking about the navy. Let me say that the Yankee genius of this country invents and patents some great weapons of war, and then goes across the water and sells the patent to the enemy! We devise it, and the enemy gets it. Foreign nations in that way are put on a parity with us. Why are not these patentees patriots. And why do they not give or sell them to their own country and let the people on the other side of the world be without our improvements in the way of killing our people in war or peace? [Applause.]

Why, gentlemen, suppose we make four war ships every year and a foreign country makes four. Next year we make five and the foreign country makes five. What sense is there in that? Each keeps up with the other. Again, why do we let our smart naval men take the public time, public money, our public machine shops, our public materials—everything they want—and therewith discover some great death-dealing machine by which we could get ahead of foreign nations, but those men sell their patents to foreign nations. These officers use the Government's time, material, and aid to invent something, and possibly give the United States a mere license to use it; and then they take it over to the other side of the world and sell it to people who may some day be our enemies, and come here to fight us as well armed as we are, because of these patents. That would not be the case if we had a law passed to have these inventions patented in the name of the United States Government, so as to prevent selling it to the enemy. Why, foreign countries have smokeless powder now, made under our naval officers' patents, and would use it in a war with us.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. Is the gentleman aware that so far from doing what the gentleman proposes, there is now upon the calendar a bill favorably reported which permits anyone in the government service to get a patent and then requires the Government to pay a price for the use of that patent?

Mr. GAINES of Tennessee. A person in the employ of the Government? Who introduced that bill?

Mr. MANN. Well, it is reported. It is not only introduced, but is reported from the committee, and would probably have passed before this if I had not objected to it.

Mr. GAINES of Tennessee. Well, that just shows that if a man will be serious, thoughtful, studious, and watchful, stands for the people, he will almost daily run up against an evil that should be curbed. The task is enough to turn even a young man gray-headed.

Mr. MANN. It has turned the good man gray-headed. [Laughter.]

Mr. GAINES of Tennessee. I am satisfied that my friend has more gray matter on the inside than on the outside of his head, and I am glad it is so.

Let me tell you, this good old Scotchman down here whom I so much respect——

A MEMBER. William R. Smith, of the Botanic Garden?

Mr. GAINES of Tennessee. No; I like him, but I speak of Secretary Wilson, our Secretary of Agriculture. I wrote him a letter to-day that I hope he will appreciate. Whenever an employee in his department discovers anything valuable while using the time and money of the Government, under a rule of the department, although there is no statute law for it, I fear—it is provided—

[1905.—Department Circular No. 3.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 8, 1905.

To the Officers and Employees of the Department of Agriculture:

Hereafter when any employee of the department makes any new and useful discovery or invention of any machine, device, or process connected with the work of the department, through the expenditure of government time and government money, you are directed to cause a patent to be applied for on the said discovery or invention, through the law officer of the department. The patent will be taken out in the name of the inventor, without any expense to him, and will allow to any citizen of the United States the use of the patented article or process without payments of royalty.

All employees of this department are prohibited from patenting any device or process or discovery connected with the work of the department except in the manner above described.

JAMES WILSON,
Secretary of Agriculture.

To repeat: In some instances officers of the navy and army take out patents in their own name, making certain great improvements in army or navy machinery, and as a grace give a license to the Government of the United States to make the machinery by their patent, for example, guns or powder, and then they take their patents and sell them to foreign countries, so that when they come over here to fight us—fight another battle at New Orleans, and we have no Andrew Jackson now—they will be using guns like ours and smokeless powder like ours, made by these patents, taken out by these officials, who were educated at public expense at Annapolis and West Point, and possibly sent to foreign countries for further education, and made their discoveries in the line of duty, or with the machinery, time, and assistance of the Government. Thus we are educating the world how to fight us and then we spend millions to fix to fight them. Is not that the great way to keep ahead of the war powers of the world, or fix to whip them in battle or bring about peace? We educate ourselves and then go over there and teach them how to educate, and how to fight us. That is what we are doing and should be stopped.

Mr. MANN. Will the gentleman from Tennessee yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. Does the gentleman think that at this time, when there is so much said about trouble between this country and Japan, any citizen of the United States ought to be permitted, under our law, to sell any of these inventions to the Japanese?

Mr. GAINES of Tennessee. I do not; and I think we ought to stop educating the Japanese, the Chinese, or the Germans, or the Englishmen, or any other foreigner at our military schools, and I have protested against it. We have been educating some of these, and as a result a trouble arose that was embarrassing. The first I heard of the trouble a leading Member came over to my desk and informed me in a general way about it, and said the bill contained an item to prevent a recurrence and he desired to have nothing said on the subject. I had always opposed allowing these foreigners into our schools. The item was passed without comment, as I recall it.

We educate and arm ourselves to fight, and then we permit those we have educated to go and teach the enemy how to use our guns, powder, and so forth, invented by our officers, which by rights, in many, if not all, cases the Government should have claimed and patented for our use only. We ought to have some reform in this matter, and I have so urged for years.

Now, I beg the indulgence of the chairman of the committee in taking up his time, but I want to talk a few minutes about Doctor Wiley. I want to say to you that I am a Wiley man. [Applause.] Doctor Wiley was fighting poison, rotten food, and a little of everything rotten we have bought here for years, and he stood alone [applause] like a giant; while these others that were all these years swinging around the corridors of great colleges, working for themselves, come along now, perched up on some sort of a board, fighting him. [Laughter.]

I am for Wiley, the father of pure food. [Applause.] I am for feeding the horse that draws the plow that makes the corn. [Applause.] We have a Chief Justice Fuller, and I am for Chief Justice Wiley. [Applause.] We have to have one head to utter the "last say" and end things. There has to be a head or authority beyond which no appeal can go; and no man is so fit as Wiley. He has come up from the bottom in this great fight. He has won thus far his spurs on many a hard-fought battlefield. He is a pure-food genius, and he is broad, bright, and brave. He is learned. He has stood for the people. He has stood for the clean thing. He is a clean man. He has fought day in and day out for a pure-food law and for

its just and thorough enforcement. When he is now about to clean the Augean stable; when he is running the animals from their foul holes; when he has reached the creatures that have been feeding our sick children and wives upon poisoned food and deadly tin-can juices and billy-goat food, these kid-glove gentlemen come along here and want to close in on and crush him and the people, who have suffered long and patiently. When he wants to separate the sheep from the goats they cry: "Hold, enough of Doctor Wiley!" [Laughter and applause.]

Why swap horses crossing the creek? I am for Wiley, on land or sea; I am for a pure-food law first, last, and all the time, and I am for that great statesman from Illinois [Mr. MANN], who did more to put it on the statute books than any other Member. [Applause.] I am glad that he is standing by Doctor Wiley, and I will stand for any man [laughter] that will stand for Doctor Wiley in this fight. [Applause.] And then he is a good Republican, and if there is anybody in the world who ought to be encouraged along, it is a good Republican. [Laughter and applause.]

Now, Mr. Chairman, I again beg my friend's pardon for taking up so much time. I will say further, gentlemen, that the people are now contented, made happier, there are fewer poisoned babies in the land because of this pure-food law and because it is being enforced by Doctor Wiley, who is at the head of it. [Applause.] I think he exposed more bad whisky than any other officer of the Government or the land. I think he is an expert on this job. He said, I am told, that the Tennessee whisky is the purest and best whisky made in this country, and I want to say to you that the people have about fixed to wipe that out of Tennessee, and I am glad of that.

Mr. SIMS. Does not the gentleman think that it would be better to wipe it out of all the States?

Mr. GAINES of Tennessee. Yes; by voting it out or otherwise, and I hope sooner or later that dear old Kentucky will be stripped of the distinguished honor of furnishing the next best whisky in the world. [Laughter.] I love her people, her history, and her memories. My father was born within her limits, I know her people, and I stand by her with the same heart that makes me love my own State.

Mr. Chairman, I could say a lot of things if I were to turn loose on this whisky subject, but I will not now. It is not the time to-day. It is late, and we must move on. But I will say I like to see a man, when he fights, hit above the belt. The whisky people, when they have fought, do not hit above the belt, but they use every despicable means known to the ingenuity of man and money to carry their point, corrupting the morals and the peace and happiness of the people of the country. I am against that practice in that kind of a contest or any other.

A MEMBER. Tell us about Wall street.

Mr. GAINES of Tennessee. Oh, these are a few suppressed thoughts that I have kept to myself, because of peculiar and distressing conditions elsewhere. This subject, Mr. Chairman, I did not dream of discussing; but before I conclude—— [Cries of "Go on!" "Go on!"]

A MEMBER. Give us something about General Jackson.

Mr. GAINES of Tennessee. I believe if Andrew Jackson [applause] were living to-day, that Andrew Jackson, the great, would stand by the side of Doctor Wiley and pure food [continued applause], as he is the only man when President of the United States who ever crushed a federal monopoly; and as I hold in my hand the opinion of the Supreme Court of the United States, just handed down last Monday by Mr. Justice Harlan, affirming the opinion written by Judge Lurton, of my own State, on the subject of monopoly, it may not be inappropriate for me to ask unanimous consent, which I do, to place this opinion in the RECORD, so that we may all know——

Mr. MANN. Oh, tell us about it. We will not read it in the RECORD.

Mr. GAINES of Tennessee. Does the gentleman from Michigan desire to pass his bill? [Laughter.]

Mr. MANN. Oh, the gentleman's bill is perfectly safe.

Mr. GAINES of Tennessee. Well, all right. I will tell you what the court decided, and the court decided right, and I congratulated that splendid old Kentuckian, Judge Harlan, on the opinion that he wrote; but this debtor ought to pay his creditor. He held that the court, though asked, would not be a party to enforcing the contracts of a person or corporation engaged in violation of the Sherman antitrust law; that the court would not be a party to upholding the violator of unlawful contract. And I want to say that is the common law of the States. Let us take the great case of Richardson *v.* Alger et al., reported in 1890 in one of the Michigan reports—the Diamond Match Trust case.

Senator Sherman, in fighting as he did for our antitrust law, read the same law from the opinion in that case, and you will find it in the debates on that subject. It was the law when Congress was discussing the Sherman antitrust law and long before that, and, thank God, it is the law now, that the great courts of this country—the greatest court that sits under God's sunshine—says that it will not be a party to a violation of the law of the land; and I am delighted to know that while the Department of Justice is slow to enforce that law, that when once a case under that antitrust statute gets to the Supreme Court of the United States that court is mighty and powerful, clean-cut and clear in pronouncing judgment against violators of that great statute. [Applause.] It was suggested in a number of bills introduced at the time in the Fiftieth or Fifty-first Congresses that Congress write into the face of the statute that no contracts shall be enforced made in violation of this law, and the defendants could so plead and bar recovery.

Senator George, Mr. Breckinridge, and Senator RAYNER introduced such bills. So did Mr. Anderson, Republican from Iowa, and others, but perhaps when they read this opinion from the great Michigan court and saw it was already and had been all the while the common law, Congress did not write it into the statute. Judge Harlan and four of his associates affirmed the opinion of Judge Lurton, sitting at circuit, holding that court will not be a party to upholding contracts which violate the Sherman antitrust law. If a litigant asks equity, he must do equity. If he comes into court and says that my hands are dirty, he must show that his own hands are clean before the court will grant relief. It is good law, it ought to be the law, and I hope in the future it will greatly aid in enforcing that law that almost slumbers on the statute books, that ought to be vigorously enforced and that the federal judges are not enforcing.

The report of the Department of Justice for 1908, which I hold in my hand, shows that in the great city of New York—where about all the devilment in monopoly starts; there where it is capitalized with water and wind, muck and mire, disaster and bankruptcy [laughter and applause]; where all the king bees reside; where "Chief Justice" J. Pierpont Morgan lives and umpires all these swollen fortunes and our dropsical prosperity—not a single case is pending in the federal court in the southern district of New York or New York City under the Sherman antitrust law. Where is the district attorney of that district? Is he asleep? Is he chloroformed? Who controls him, or does he not know what the law is? Where are the district judges? Have they charged the grand jury to investigate these monopolies? If so, when and in what case? The district attorney is not, in criminal cases under this law, subject to the control of the Attorney-General of the United States. The Sherman antitrust law gives the Attorney-General no such power. The execution of the criminal sections of this law is left to the grand jury, the court, and the district attorney. Each and all can move against trusts under these criminal sections whether the Department of Justice desires it or not.

Mr. Chairman, it is a remarkable thing, under the circumstances, and when the law is so plain and broad, that not a single indictment was pending in this district up to the end of the last fiscal year, and yet that district comprises the city of New York. This report of the Department of Justice shows that. Yet Members from New York City are crying for more federal judges. More of that kind? Excuse me, if you please.

These officers sworn to uphold and enforce the law, and yet not a single indictment in a single federal court in the city of New York.

Mr. COX of Indiana. And they want their salaries increased.

Mr. GAINES of Tennessee. Here is the great Tennessee Coal and Iron combination, a concern that was born and operates in the State of Tennessee and has reached out into Alabama, and it and the United States Steel Company combined, November, 1907——

Mr. BENNET of New York. Will the gentleman yield for a brief question?

Mr. GAINES of Tennessee. Yes; with pleasure.

Mr. BENNET of New York. Within the last eighteen months there have been two sets of corporations indicted in the southern district of New York for violation of the Sherman antitrust law. One pleaded guilty and the disposition of the other indictment I am not aware of at this time.

Mr. GAINES of Tennessee. Did the corporations plead guilty or the men?

Mr. BENNET of New York. In one case something like——

Mr. GAINES of Tennessee. Did they plead guilty?

Mr. BENNET of New York. They plead guilty.

Mr. GAINES of Tennessee. The corporations?

Mr. BENNET of New York. Certainly.

Mr. GAINES of Tennessee. And not the God-made man—wait a minute——

Mr. BENNET of New York. Is there any other kind of a man?

Mr. GAINES of Tennessee. Yes; there is the corporation that is the man-made man. Did that plead guilty?

Mr. BENNET of New York. The corporation plead guilty.

Mr. GAINES of Tennessee. Ah, why did not they fine the rascals who did the dirty work in the name of the corporation? [Applause.]

Mr. MANN. Does the gentleman refer to the box-board combination?

Mr. BENNET of New York. It was a paper combination; yes.

Mr. MANN. And the information in regard to which was elicited by the special committee, but there were both corporations and individuals fined, I may say to the gentleman.

Mr. BENNET of New York. I am glad of the gentleman's assistance.

Mr. OLLIE M. JAMES. The gentleman from Tennessee ought to inquire why they did not send them to the penitentiary for violation of this law.

Mr. GAINES of Tennessee. Why did not they send the corporation to the penitentiary or jail?

Mr. BENNET of New York. I refer you to the gentleman from Illinois.

Mr. GAINES of Tennessee. Why did not they convict the defendants?

Mr. BENNET of New York. They did convict them.

Mr. GAINES of Tennessee. You have just stated they convicted the corporation.

Mr. BENNET of New York. The corporation and individuals.

Mr. GAINES of Tennessee. How much was the fine?

Mr. BENNET of New York. Fifty thousand dollars.

Mr. GAINES of Tennessee. Why did not they put them in jail?

Mr. BENNET of New York. I suppose they thought that was punishment enough.

Mr. GAINES of Tennessee. What is $50,000 to that gang of people who skin the people throughout the United States? [Applause.] What is $50,000 to a Wall street gang? I do not speak of the good men, if there are any there. I am talking about those Wall street creatures who disgrace the good ones in Wall street and the city of New York.

Mr. BENNET of New York. I want to say to the gentleman from Tennessee that if he will not object to our getting the additional judge, so as to bring up our calendar, which is three years behind, we will bring more prosecutions.

Mr. GAINES of Tennessee. I will let the judge matter in if you will promise me the judge will charge the grand jury to look into the Tennessee Coal merger, even if it, the Tennessee company, was started in that State; that is fair. If you promise that we will have that done. Now, answer my question. [Applause.] Will the gentleman make that promise?

Mr. BENNET of New York. If the gentleman will let me say——

Mr. GAINES of Tennessee. All right; I yield to the gentleman from New York.

Mr. BENNET of New York (continuing). I will convey the information to that judge when appointed, and will also take great pleasure in telling him from what a distinguished source the request comes. That is as far as——

Mr. GAINES of Tennessee. That is, from yourself.

Mr. BENNET of New York. No; from the gentleman from Tennessee.

Mr. GAINES of Tennessee. I thought you were going to ask me. Now, I will tell you what I did. I asked District Judge Clark, at Nashville, to charge the federal grand jury to investigate the tobacco trust, and he immediately did so. And then I offered to go before that grand jury and state all about that infamous monopoly that has caused so much trouble in this country, and the district attorney shut the grand jury door and would not let me in or any other witness. Now, wait a minute. Will the gentleman go to this judge and request him, as I did, to charge this federal grand jury to investigate this steel merger?

Mr. BENNET of New York. Of course the gentleman is perfectly aware——

Mr. MANN. I hope the gentleman from New York [Mr. BENNET] will not commit himself on a proposition of that sort. [Laughter.] I hope the gentleman from Tennessee will not withdraw his objection.

Mr. BENNET of New York. I think the gentleman from Illinois can sufficiently trust the "gentleman from New York" to that extent.

Mr. GAINES of Tennessee. The gentleman is an interesting conversationalist. Does he say "yes" or "no" to my proposition?

Mr. BENNET of New York. I will not say either one.

Mr. GAINES of Tennessee. Does the gentleman believe that the merger should be investigated by the grand jury?

Mr. BENNET of New York. I have not any information about it at all.

Mr. GAINES of Tennessee. And live in New York?

Mr. BENNET of New York. The Senate is investigating.

Mr. GAINES of Tennessee. The Senate is not a criminal court. [Laughter.] Does not the gentleman believe that this is a thing that is menacing or will menace the welfare of the United States and the people thereof, and that the United States district attorney should lay such a matter before the grand jury, and that the judge should charge the grand jury to investigate it?

Mr. BENNET of New York. If the gentleman will let me answer it honestly and not try to hold me down to yes and no, I will try to answer it. I certainly believe any new judge or any old judge, any judge in New York or any judge in Tennessee, ought to charge a grand jury in his district, where there is a public suspicion that a violation of an important statute has been committed, and a particularly gross violation of a statute, if you can differentiate, ought to charge his grand jury about that.

Now, so far as I am personally concerned, I am not conversant with any of these facts in regard to this merger. I have such a confidence in our federal judiciary of the southern district of New York, who have done so much since I have known about them, that I feel certain if there is any such general suspicion they will in the future, as they have in the past, charge their grand jury appropriately.

Mr. GAINES of Tennessee. Now, wait a minute. The rule is, if the court or the Attorney-General thinks "there is probable cause to believe a violation of the law" has been committed, the judge should charge the grand jury. Now, that merger occurred in November, 1907. It shocked the whole country. The Tennessee Coal and Iron Company was the only competitor of the Steel trust, and now they are one thing. They hold up the United States in their building, and the States in their building, and every man that uses steel. They have a monopoly of the United States. Does not the gentleman think that on such a statement he could go to the judge, if I let him in, with his bill, and have him convey that data to the court and ask the judge to charge his grand jury?

Mr. OLLIE M. JAMES. The gentleman from New York started out by saying that if the gentleman from Tennessee would agree to give an additional judge there, he would have these prosecutions pushed.

Mr. BENNET of New York. Oh, no.

Mr. OLLIE M. JAMES. Now, he comes with a statement that he will have this judge do as the other judges have done.

Mr. BENNET of New York. I said if you would give us more judges we would make the prosecutions.

Mr. GAINES of Tennessee. If the violation of the Sherman antitrust law can not be charged by the district judge in the city of New York, I shall be very slow to withdraw my objection, because I do not like that way of administering that great law.

Mr. BENNET of New York. I will ask my friend if he does not think the fact that our grand juries have indicted, and that, either upon pleas or conviction on trial, there have been convictions in our southern district of New York in the last eighteen months, is pretty good evidence that we are intending to enforce our laws?

Mr. GAINES of Tennessee. The gentleman would not make an incorrect statement here if he knew it. Here is the last report of the Attorney-General of the United States, in 1908, and here is a list of the cases in each one of the federal circuits in the United States. Here is a record of the "southern district of the State of New York" (New York City), and here is the column where the Attorney-General of the United States notes the "Sherman antitrust suits" in that district, and there is not a single suit named in that column. I will hand the gentleman the book—the last report of the Attorney-General, Mr. Bonaparte.

Mr. BENNET of New York. I do not care anything about the book.

Mr. GAINES of Tennessee. If you can find a single suit filed in that column under the Sherman antitrust law, I am willing to let your new judge bill come up anyhow.

Mr. BENNET of New York. What is the last date? They only run up to July, 1908.

Mr. GAINES of Tennessee. Nineteen hundred and eight, yes. There are none in this 1908 book, for 1909.

Mr. BENNET of New York. The gentleman from Illinois [Mr. MANN] has a personal recollection of what has been done since then.

Mr. GAINES of Tennessee. Mr. Chairman, I have here in my hand Attorney-General Bonaparte's last report of the Department of Justice, and in that report he states there were about 15 suits pending under the Sherman antitrust law throughout the country when this report was filed, and not one in New York City, where Morgan lives and runs his monopoly hatchery. [Laughter.] He is the man who got up the Northern Security railroad combination known as the "Merger case," and Judge Harlan, for the Supreme Court, in his opinion stated, that Mr. Morgan knew, if any man did know, that that merger was in violation of the Sherman antitrust law, and though he lived in New York, where this merger was formed, he was not indicted, nor was the grand jury charged to investigate that merger, and, in November, 1907, Mr. Morgan backed up and helped to combine the Tennessee Coal, Iron, and Railroad Company with the United States Steel Company.

What is the matter with the district judge that he sees in neither of these cases "probable cause to believe" that these mergers were acts in violation of this statute? I wish to heaven that I had a chance to charge a grand jury; I think I would make, in the long run, Mr. Morgan take off his silk stockings and put on black-striped cotton ones in the New York penitentiary. [Laughter.] I am not bloody; I am not cruel, though you have to be cruel sometimes to be kind, but I stand by that great statute and the preservation of the people's rights, while Mr. Morgan is as heartless as a stone and cares just as little for this statute as the devil does for a hot fire.

Now, with this condition of things existing for years back and now, with this stealthy defiance of this great statute, with a half million dollars extra behind the law to enforce it, with grand juries and secret-service men, with a wilderness of marshals and district attorneys and assistants and assistants and assistants, with the people's rights endangered, with public and private morals challenged, with Democrats and good Republicans begging the officers of the law to enforce this statute, we find in the southern district of New York, where Mr. Morgan's monopoly incubator and the Wall street menagerie are, there is not a single indictment recorded in the Attorney-General's last report, which I hold in my hand. Ah, gentlemen—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and "judges" decay.

[Laughter and applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to ask the gentleman from Tennessee a question.

Mr. GAINES of Tennessee. Yes.

Mr. MOORE of Pennsylvania. You have been describing many of the so-called "crying evils" of the times from which the public ought to be relieved. Do you mind telling the House what would happen to J. Pierpont Morgan's silk hose if he should send them to one of the steam laundries in the District of Columbia? [Great laughter.]

Mr. GAINES of Tennessee. Well, I am not proposing to send stockings to the laundry; but they would never get them clean if he did, if his stockings correspond with some of his "deals."

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. GAINES of Tennessee. Mr. Chairman, I ask to insert in the RECORD the opinion of the Supreme Court in the Continental Wall Paper Company's case, which has just been printed.

Mr. KEIFER. It is found in the record, and I think it ought not to go in.

Mr. GAINES of Tennessee. It has already been delivered and is very important.

Mr. KEIFER. Is it a long opinion?

Mr. GAINES of Tennessee. Oh, yes; and very important.

Mr. KEIFER. There are several opinions.

Mr. GAINES of Tennessee. One opinion is by Judge Harlan and four associates and a dissenting opinion by Judge Holmes and three other of the associates.

Mr. KEIFER. Do you want to put them all in?

Mr. GAINES of Tennessee. Yes; but I am willing that we shall only print Judge Harlan's opinion, if the gentleman does not wish the others to go in.

Mr. KEIFER. I think you had better put in Judge Harlan's only.

The CHAIRMAN. Is there objection? The Chair hears none. What does the Chair understand is to be printed?

Mr. GAINES of Tennessee. Judge Harlan's opinion if the gentleman objects to the other.

The opinion of Judge Harlan is as follows:

SUPREME COURT OF THE UNITED STATES.

[No. 15.—October term, 1908.]

Continental Wall Paper Company, plaintiff, *v.* The Louis Voight & Sons Company. On writ of certiorari to the United States circuit court of appeals for the sixth circuit.—February 1, 1909.

The Continental Wall Paper Company, a corporation of New York, brought this action against the Louis Voight & Sons Company, a corporation of Ohio, to recover the sum of $56,762.10 as the alleged balance on an account for merchandise sold and delivered to the defendant.

The petition and answer were both amended. The amended answer contained six separate defenses, the last three of which were made counterclaims and cross petitions. The plaintiff demurred to the second, third, fourth, and fifth defenses upon the ground that neither of them stated facts sufficient to constitute a defense, and it demurred to the first and second counterclaims and cross petitions upon the ground that they did not state facts sufficient to constitute a cause of action against the plaintiff. It also replied to the sixth defense and to the third counterclaim.

The cause was submitted in the circuit court on the demurrers; and the court sustained the demurrer to the second, fourth, and fifth defenses and to the first and second counterclaims and cross petitions, but overruled the demurrer to the third defense. The parties not desiring to plead further, it was adjudged that upon the allegations of the third defense the defendant was entitled to judgment (and judgment was entered) dismissing the petition and amended petition, and was likewise entitled to judgment (and judgment was entered) dismissing the first and second counterclaims and cross petitions. The case was carried by the Continental Wall Paper Company to the circuit court of appeals, where it was assigned for error that the circuit court erred in overruling the demurrer to the third defense and in dismissing the suit. The circuit court of appeals affirmed the judgment, thereby sustaining the sufficiency of that defense. The case is fully reported in 148 Federal Reporter, 939.

If the facts stated in the third defense—taking them to be true, as upon demurrer we must do—are sufficient to prevent any recovery whatever by the plaintiff, it is not necessary to go further and consider any other questions. In view of the peculiar character of the case it is deemed just to the parties, however much it may lengthen or burden this opinion to do so, to set out that defense fully and in the words of the answer.

The third defense—the facts stated therein being admitted by the demurrer—gives the names of numerous companies and firms (more than 30 in number) which formed a combination by the name of the Continental Wall Paper Company, and also sets out the various agreements under which, it was alleged, the combination was organized to restrain and monopolize interstate commerce. The defendant corporation alleged that on the 1st day of July, 1898, the National Wall Paper Company was the owner of factories for the manufacture of wall paper in certain cities in New York, Pennsylvania, New Jersey, and Massachusetts, and that there were like factories owned by persons and corporations in other States; that "all of said companies and firms were engaged in the manufacture of wall paper and in selling their product in the States where their said manufactories were situated, and in all the other States and Territories of the United States and in foreign countries, and were each and all engaged in commerce between the States and Territories and with foreign nations, and they produced and sold upward of 98 per cent of all the wall paper manufactured and sold in the several States and Territories of the United States. Contriving and intending and conspiring with each other to form a combination and trust by which to limit the production of wall paper in the United States and also to enhance the price thereof to the jobbers, the wholesalers, the retailers, and the consumers of wall paper, which is an article of commodity of general necessity and use among the United States and foreign countries and, as such, was and is used and sold everywhere for the preservation, protection, and decoration of buildings and dwelling houses; and, contriving and intending and conspiring with each other to unlawfully control and restrain trade and commerce between the several States and Territories of the United States and with foreign countries, the firms and corporations hereinbefore mentioned agreed with each other that, while said corporations and persons retain the ownership of their several plants and business and preserve and continue their separate identities and operate said several manufactories and business as before, the control of said several businesses, and all matters relating to and affecting the production of said establishments and the prices and sale of wall paper manufactured thereby, should be placed under the control of a committee to be appointed by said several corporations and firms, each to have a voice in such appointment in proportion to the capacity of the several factories owned by them, respectively; that said committee should adopt rules and regulations governing the manner of conducting the business of all said persons, firms, and corporations, the hours said factories owned by them should be operated, the patterns of wall paper to be manufactured by them, the times when samples of the goods to be manufactured for the ensuing season should be submitted to a pricing committee, appointed by said committee, to enable it to classify and fix the list prices thereof; to fix and determine list prices, discounts, terms of sale, equalization of freight rates, and all other matters affecting the production and regulation of prices, and the classification of the dealers in wall paper in the United States; and the prices at which wall paper should be sold to and by such several classes; and the division of the profits thence arising among said corporations and firms, not in proportion to their production and sales, but in proportion to their capacity; and, further, that to secure the faithful performance by each of said persons and corporations of the provisions of said trust agreement, they should each pay a sum into a common pool, in proportion to the capacity of their respective manufactories, which said sum should be forfeited by any of said manufacturers who should break said agreement, compete with the other parties to said agreement, or sell at other or different prices than those to be fixed by said committee. * * *"

* * * * * * * *

"The National Wall Paper Company, for itself and the members of said combination, hereinbefore alleged to be represented by it, should select three so-called 'directors' of said The Continental Wall Paper Company, and said other firms and corporations should select three other so-called 'directors' of said company, which six so-called 'directors' should select a seventh, who should decide all disputed matters; that said corporation and firms, calling itself or themselves, respectively, the vendor, should sign a printed contract or agreement with said The Continental Wall Paper Company, calling itself the company, a copy of which contract or agreement is attached hereto marked 'Exhibit 1'

[which is given in the margin *] the said agreement being printed with blanks for the necessary signatures as well as numbers of shares allotted, the sum to be paid therefor and the name of the so-called 'vendor.'

"For the purposes and with the intentions aforesaid, it was further agreed that said The Continental Wall Paper Company should, in some form so as to disguise the real nature of the transaction, compel all dealers in wall paper, whether jobbers or wholesalers, to sign an agreement obligating the jobbers or wholesalers to buy from no one but said members of said combination and trust, and at the prices fixed in Schedule B, attached to said 'Exhibit 1,' and likewise an agreement by such jobbers not to sell goods to dealers other than jobbers at lower prices or upon better or more favorable terms than those shown in Schedule C, attached to said 'Exhibit 1,' under the penalty that, if they refused so to do, no wall paper should be sold to such jobber by any of said corporations or firms, and that thereby such jobbers should be driven out of business; and that in some form or other, so as to disguise the real nature of the transaction, all wholesalers other than jobbers should be compelled to make an agreement in writing with said corporations or firms not to sell such goods on terms better or more favorable than those specified in Schedule C, attached to said 'Exhibit 1,' under penalty that if such wholesaler refuse to sign and carry out said agreement no wall paper would be sold to him by any of said corporations or firms, and he should be driven out of business, and that the profits made by such prevention of competition and enhancement of price should be divided among said corporations and firms nominally as dividends upon said stock, but in reality in proportion to their respective holdings as aforesaid, and that said committee of said corporation and said firms, calling themselves such directors, should regulate all the matters hereinbefore averred, prevent competition between said corporations and firms, limit production and enhance prices, and close all channels by which the consumer or retailer could obtain wall paper from the producers thereof.

"In pursuance of said agreement, said plaintiff was nominally incorporated with the stock aforesaid, divided into the number of shares aforesaid, of the par value aforesaid, which were divided among the parties to said agreement aforesaid, in the manner aforesaid, and said contracts signed by said The National Wall Paper Company and said persons and corporations, being, at once, subscription for stock by said so-called vendors, the acceptance of such subscription by said The Continental Wall Paper Company, and by it, nominally, each so-called vendor sold unto the company, and the latter agreed to purchase, the entire product of wall paper manufactured by each of said vendors for the period from July 20, A. D. 1898, to the 1st day of July, A. D. 1899.

"Said contract further fixed prices at which the merchandise should be nominally sold to the company, said prices being the cost of production with a slight profit added thereto, sufficient to cover incidental expenses merely. The prices at which said goods were to be nominally sold by said so-called vendors to said company are set forth in the schedule attached to said 'Exhibit 1' and marked 'A.'

"Said agreement further nominally provided that the goods pretended to be acquired by the company from the so-called vendor, which were to be sold by jobbers, should be so sold by the company and not by the vendor, for the account of the company, but that the goods acquired by the company from the so-called vendor, which should be sold to

* EXHIBIT 1.

An agreement made this — day of ———, in the year 1898, by and between ——— ———, a corporation organized under the laws of the State of ——— (hereinafter called the vendor), party of the first part, and the Continental Wall Paper Company, organized under the laws of the State of New York (hereinafter called the company), party of the second part.

Whereas the vendor is engaged in the manufacture and sale of wall paper, borders, and other articles usually produced and handled in connection therewith, and the company is desirous of action as its selling agent in handling the entire product of the vendor; and

Whereas the company has an authorized capital of $200,000, divided into 16,000 shares, of the par value of $12.50 each; and

Whereas the vendor is desirous of acquiring shares of the stock of said company at par, and to that end has offered to enter into this agreement and to secure the performance thereof by the deposit of said shares.

Now, therefore, in consideration of the foregoing recitals, and for other good and valuable considerations, it is agreed between the parties hereto as follows:

First. The vendor hereby agrees to sell unto the company and the latter agrees to purchase the entire product of wall paper that may be manufactured by the vendor for the period from July 20, 1898, to the 1st day of July, 1899.

The prices at which the merchandise shall be sold to the company are set forth in a schedule hereto annexed, marked "A," and hereby made part of this agreement.

The vendor further grants unto the company the right to two renewals of said contract of one year each, provided that in the event of the election of the company to avail itself of either of said renewals it shall so signify in writing to the vendor before the 1st day of June next preceding the renewal term, and provided further that such election to renew shall be accompanied by the written consents of all the registered stockholders of the company, including that of the vendor.

Second. That the goods acquired by the company from the vender hereunder which are to be sold to jobbers, shall be so sold by the company, and not by the vender, for the account of the company. Such sale shall be made by the company at discounts from road prices fixed in the schedule hereto annexed, marked "B," which is hereby made part of this agreement. The vender will deliver such goods upon the direction of the company, at the risk and for the account of the latter, f. o. b. at the place of manufacture, provided, however, that in all cases in which the goods are manufactured at places other than the cities of New York or Philadelphia the vender will equalize the freights with either of said cities out of the proceeds receivable for such goods. Memorandum invoices shall be supplied to the customers and to the company immediately upon the shipment and delivery of such goods, said invoices specifying quantities and road prices.

Third. There shall be furnished by the vender to the company, on the 7th, 14th, 21st, and last days of each month (except when those days fall on Sundays, and then on the next preceding day), a just and true statement of all shipments and deliveries of merchandise included in this contract which the vender may make for the account of the company, which statement shall contain the names of the purchasers, the character of the goods sold, and the prices at which they are sold, to the end that the company may make the proper charges and in order to entitle the vender to be credited with the agreed cost price for such goods.

Each of such statements of shipment shall be accompanied by an affidavit of one of the officers of the vender and one of its bookkeepers and of one of its shipping clerks, to the effect that the information contained therein is true.

Fourth. The vender will, at the option of the company, sell for the latter such of the goods manufactured by the vender as are to be disposed of to purchasers not classified as jobbers, which sales shall be made at the cost and expense of the vender, said vender hereby guaranteeing all credits connected with such sales. The prices at which and the terms upon which such goods are to be sold are designated in this agreement as the "road prices," and are contained in a schedule hereto annexed, marked "C," which is hereby made a part of this agreement.

On the 7th, 14th, 21st, and last days of each month (except when those days fall on Sundays, and then on the next succeeding days) the vender will furnish to the company a statement showing all the shipments made on account of such sales, which statement shall contain the names of the purchasers, the character of the goods, and the prices at which they were sold, and such sales shall be credited to the vendor by the company at the prices fixed in Schedule A, and shall be charged against said vendor at the prices at which they were sold, which shall in no event be less than those designated in Schedule C.

The vendor is to receive for its services and expenses connected with such sales and allowances discounts equal to those who are designated in a classification made by the parties hereto as "second-class jobbers," less the discounts made on sales to purchasers designated in the accompanying schedules as "quantity purchasers," on which the vendor has allowed the quantity discount, except that where special and exclusive goods are sold there shall be an allowance of 30 per cent discount to the vendor.

The prices of goods as fixed by Schedules A and C may be altered from time to time, but the discounts allowed to jobbers shall not be altered at any time during the term of this agreement.

Fifth. The vendor will make collections of all accounts for goods sold by it for the accounts of the company under the provisions of the agreement, except for sales to jobbers (which accounts the company is to collect), and will, on the 10th of each and every month during the term of this agreement, account to the company. Such accounts shall be accompanied by a payment by the vendor to the company of the difference between the prices at which the goods are agreed to be sold to the company, as embodied in Schedule A, and the prices at which the vendor has agreed to dispose of said goods, as contained in Schedule C.

The purchases made by the company from the vendor hereunder shall be upon the same credit and terms as those accorded to other dealers, but the company shall have the right to anticipate the due date of all such purchases, and will pay, on the 10th day of each month, to the vendor a sum on account of all shipments of the preceding month equal to not less than 30 per cent of the road prices of goods shipped to the jobbers by the company.

Sixth. The vendor hereby grants unto the company the right, and it shall be the duty of the latter, through its officers selected for that purpose, to audit the books of accounts of the vendor at such times and in such manner as the company may, from time to time, deem necessary or proper. This provision is of the essence of the agreement, and a failure on the part of the vendor to faithfully perform the same shall operate as a breach of the contract entitling the company to abrogate the agreement and to such damages as it may be able to establish in addition to the absolute transfer and surrender to it of the stock to be pledged as hereinafter provided.

Seventh. There shall be a committee selected from the company to be known as an auditing committee, which shall be made up from among the directors. Said committee shall have power to establish such a system of bookkeeping as in its judgment may be advisable.

In order to conform as nearly as may be to the laws of the various States in which the factories of the vendor are located, it is understood that the vendor shall not be at liberty to require from the company the acceptance of the product of more than ten hours per day of any one of said factories.

The product intended to be sold to the company hereunder, and which the latter undertakes to acquire, does not contemplate the enlargement of the manufacturing facilities of the vendor, but nothing herein contained shall be construed as affecting the right of the vendor to substitute new machinery of the same capacity for any now in use which may become useless through wear or through destruction by fire or other casualty.

The power to designate the parties who are to be classed as jobbers and the discounts to which they are entitled is expressly reserved by the company, and such designation is to be made through its board of directors, but the vendor shall have the right to select the jobbers through whom the goods manufactured by it are to be distributed.

All orders placed with the vendor by jobbers on behalf of the company must at once be reported to the latter.

Eighth. The company hereby agrees to sell and the vendor agrees to purchase ——— shares of the common stock of the company, for which stock the vendor agrees to pay the sum of ——— in cash as soon after the execution and delivery of this agreement as the same may be demanded by the company, but only if and when the entire share capital of the company shall have been fully subscribed at not less than par.

The vendor will, after paying for said shares of stock, indorse the certificates representing the same and deliver the certificates so indorsed in blank unto the company, upon the trust and agreement that the company shall hold said certificates as security for the performance by the vendor of each and all of the covenants and conditions of this agreement, and that upon the refusal, neglect, or omission of the vendor, its successors or assigns, to perform this agreement, or any part thereof, the said shares of stock and certificates represented thereby shall be immediately sold by the company at public or private sale without notice upon such terms and at such price as the company or its officers may deem reasonable, and that the proceeds of the sale be paid into the treasury of the company as agreed and liquidated damages to the company for the breach of said agreement.

The parties hereto have fixed upon the said stock and the proceeds thereof as liquidated damages because of the difficulty in establishing in a court of law the actual damage that would be suffered by the company in the event of the refusal, neglect, or omission to perform this agreement and in order to avoid the difficulty of such proof.

In witness whereof the vendor and the company have respectively caused this agreement to be executed by their respective presidents and their respective corporate seals to be hereto attached pursuant to resolutions of their respective boards of directors the day and year first above written.

wholesalers other than jobbers, should be sold by the so-called vendor for the account of the company.

"The schedule attached to said agreement contained a list of prices for all commodities in the wall-paper line, which were called 'List' or 'Road prices,' and said contract provided that sales made to jobbers should be made at discounts from said 'List' or 'Road prices' fixed in the schedule marked 'B,' annexed to said 'Exhibit 1,' but that, in all cases in which the goods were manufactured at places other than the cities of New York or Philadelphia, and sold to jobbers, the vendor should equalize the freights with either of the said cities out of the proceeds receivable for such goods.

"In reality, the agreement was, and so the business was carried on, that the manufacturers should maintain sample rooms and selling agents, and should solicit and receive the orders from all wholesalers, whether jobbers or so-called 'Road' or 'Quantity buyers;' that the entire business should be done by said so-called vendors, but payments should be made by the jobbers to the so-called company, and by the wholesalers, other than jobbers, directly to the so-called vendors.

"Said contract further provided, in order to protect said corporations and firms against competition from each other, and to insure against violation of said agreement, or any of them, that, from time to time, invoices should be supplied at once to the customer and to the company upon shipment and delivery of such goods, specifying quantities and road prices; that each vendor should furnish to the company, at periods stated, just, true, and sworn statements of all shipments and deliveries of merchandise made by the vendors direct to the purchasers, which statements should contain the names of the purchasers, the character of the goods sold, and the prices at which they were sold, so that the company might receive the difference between the prices at which the goods were nominally billed to said company and at which they were sold to the purchaser, to the end that this difference, being the net profits derived from such purchase and sale, should be divided among such corporations and firms in proportion to the capacity of their respective businesses, determined as aforesaid, without regards to the amount sold by each.

"The prices at which, and the terms upon which, goods were to be sold by the vendors to all wholesalers other than jobbers were designated 'Road' or 'List' prices, and were contained in the schedule marked 'C,' annexed to said 'Exhibit 1,' and forming a part thereof.

"For the further purpose of carrying out said agreement, and ascertaining said net profits, and for further disguising the real nature of the transaction, it was provided that the so-called 'vender' should receive from sales made by it to so-called 'quantity buyers' the difference between the discounts allowed to those designated in the classification hereinbefore referred to as 'second-class jobbers' and the discounts provided in said agreement to be made to purchasers styled, in said schedules, 'quantity buyers,' in which the vender is allowed the quantity discount, except that, where special and exclusive goods were sold, there should be an allowance of 30 per cent discount to said vender.

"Said agreement further stipulated that the prices of goods as fixed by said Schedules A and C might be altered from time to time, but the discounts allowed to jobbers should not be altered at any time during the term of the agreement.

"Said written contract further provided that the so-called 'vender' should make collections of accounts for goods sold to wholesalers other than the jobbers, but that the company should collect the proceeds of sales to the jobbers, and that accounts should be stated between the so-called 'venders' and the company at stated periods, and the account accompanied by payment, by the so-called 'vender,' to the so-called 'company,' of the difference between the prices at which the goods were to be billed to the company and the prices at which the so-called 'venders' had agreed to charge the 'quantity buyers.'

"It was further stipulated in said agreement that monthly divisions should be made by said company of at least 30 per cent of the 'road prices' of goods shipped to jobbers by the company.

"For the further purpose of protecting said corporations and firms and individuals from each other, preventing and stifling competition, and enforcing said combination, trust, and monopoly, each of said corporations and venders gave the company the right, and made it the duty of the company, to audit the books of account of said so-called 'venders' at such times and in such manner as the company might from time to time deem necessary or proper. It was further stipulated that this right to examine and audit the books was of the essence of the agreement, and that a failure on the part of the so-called 'vender' to permit the same should operate as a breach of the contract, entitling the company to abrogate the agreement, to recover such damages as it might be able to establish, and to the forfeiture of the stock held by said vender in such company.

"It was further provided that said so-called 'company' should appoint an auditing committee from its directors, which should establish such a system of bookkeeping as it thought advisable.

* * * * * * *

"It was further a part of said agreements, though not reduced to writing, save as it set forth in said exhibit, that all jobbers and other wholesalers of wall paper should be forced to sign an agrement binding themselves to purchase their entire stock of wall paper nominally either from plaintiff or from said corporations or firms, at prices fixed in said 'Exhibit 1,' and that they should only sell at prices fixed in the schedules attached to said 'Exhibit 1,' under the penalty, which the combination of all of said corporations and firms enabled them to enforce, that such jobbers or wholesalers, in case of refusal to accede to the terms so imposed, or in case of violation thereof, should be unable to buy wall paper, should be driven out of business, and should sacrifice the good will and capital therein invested.

* * * * * * *

"In the further carrying out of said purpose said plaintiff and other persons, natural or artificial, engaged in the manufacture and sale of wall paper in different States of the Union, and in trade and commerce between the several States and foreign countries, whose names and locations these defendants are unable to state, entered into contracts substantially similar to 'Exhibit 1,' except that, instead of such persons pledging stock in plaintiff as security for the performance by them of the stipulations of said contract, they gave other security, the nature of which these defendants are unable to state, and which such other persons assume obligations, and gave to said plaintiff rights and powers, and said plaintiff exercised, as to them, such rights and powers as were created by said instrument 'Exhibit 1,' and were exercised by plaintiff and its officers and directors in relation to the persons, natural or artificial, who were theretofore members of such combination and trust.

"In the further carrying out of said scheme to stifle competition; to restrain commerce between the States and Territories of the United States and with foreign countries; to unduly and unreasonably enhance prices, it was further agreed between the members of said combination and trust that the so-called 'directors' of plaintiff, being really a committee appointed, as aforesaid, by said the members of said trust or combination, should arbitrarily classify the wholesale dealers of wall paper in the United States and Territories thereof into two classes, namely, jobbers and 'road' or 'quantity' buyers; that they should further arbitrarily classify the jobbers into 'first-class' and 'second-class' and 'third-class' jobbers; that they should further arbitrarily classify the other wholesalers into 'road' or 'quantity' buyer, and 'special buyers;' that, being thus classified, they should all be compelled to sign written agreements, nominally with said company, really with said members of said combination or trust, obligating them to buy their entire stock of merchandise from said company.

"A copy of said agreement so to be signed by said jobbers is attached hereto, marked 'Exhibit 2' [which is in margin [a]] and made part hereof, the same being printed forms with blanks for names, dates, and amounts of purchases.

"To conceal the fact that it was an agreement to purchase from no one but said company, and the members of said combination and trust, the amount of purchases made by the buyer, in the previous year, from all the members of said combination or trust, being the entire amount of purchases made by such buyer, during the preceding year, was ascertained, and an amount at least double thereof, being an amount supposed to be, and which was in fact, more than, by any possibility, could be needed by such buyer, was inserted in said blank as the amount to be purchased by such buyer from the company.

"By said agreement, the prices to be paid by the jobber were fixed according to the class in which he was arbitrarily placed, at prices enumerated in schedule B, attached to said 'Exhibit 1,' and the prices at which, alone, said jobber could sell, were fixed as shown by schedule C, attached to said 'Exhibit 1.'

* * * * * * *

"Schedule A attached to said 'Exhibit 2' is the same, so far as relates to jobbers of the class with whom the agreement is made, as the corresponding provisions of schedule B, attached to said 'Exhibit 1' and schedule B, attached to 'Exhibit 2' is the same as schedule C, attached to 'Exhibit 1.' The members of said combination and trust and said plaintiff, further to carry out said agreement, compelled all other wholesale and quantity buyers to sign agreements in the form attached to this answer, marked 'Exhibit 3' [which is in the margin [b]] and filed herewith; the same being a printed form with blanks for

[a] EXHIBIT 2.

An agreement made this — day of ———, in the year 1898, between the Continental Wall Paper Company, a corporation organized under the laws of the State of New York (hereinafter called the "company"), party of the first part, and ——— ———, of ——— (hereinafter called the "jobber"), party of the second part.

In consideration of the sum of $1, paid by the jobber unto the company for granting of this agreement, the receipt whereof is hereby acknowledged, and other valuable considerations, it is agreed between the parties hereto as follows:

First. That the company will sell, subject to such credit limitation as it may impose, and the jobber will purchase the entire requirements of the jobber in his business of selling wall paper for the business year ending July 1, 1899, to the amount of a gross value, without discounts, of ———, the jobber reserving to himself the right to purchase such merchandise as he may need in excess of ——— from others.

The company is to deliver the goods without additional charge f. o. b. at New York or Philadelphia, or to equalize freights from the places at which it makes deliveries to either of said cities.

Second. The jobber shall be allowed discounts at the rates shown in the accompanying schedule, marked "A," which is hereby embodied in this agreement as a part thereof.

The terms of payment to be as follows: Four months from the date of invoice, with discount at the rate of 1 per cent per month for anticipated payment; provided settlement be made within thirty days from date of shipment, either by cash or note. Invoices for all goods shipped between October 15 and March 1 to take the latter date.

Third. Attached hereto, marked "B," is a schedule of the road prices at which the company sells its goods for the term embraced in this contract to dealers other than jobbers, and also a statement of discounts allowed to such customers other than jobbers for quantity purchases, together with the terms of credit and freight allowance to which such customers are entitled.

It is an essential condition of this agreement that the jobber will not directly or indirectly sell or offer for sale any of the merchandise purchased from the company hereunder at lower prices or upon better or more favorable terms than those shown in Schedule B, the intent hereof being to assure the company against the use by the jobbers of this agreement to undersell the company.

The prompt performance by the jobber of the provisions of this agreement as to payment and otherwise is a condition precedent to exacting the continuous performance of said agreement by the company.

In witness whereof the company has caused this instrument to be executed and the jobber has hereunto set his hand, the day and year first above written.

[b] EXHIBIT 3.

In consideration of your having sold us wall paper, etc., at list prices and at quantity discounts as per following schedule:

	Rolls.	Per cent.	Rolls.	Per cent.
Up to 5½ cents, inclusive	600	5	1,200	10
6 to 9 cents, inclusive	300	7½	600	12½
10 to 15 cents, inclusive	200	10	400	15
16 cents and up	100	10	200	15

Discount on borders and ceiling papers follow the discounts on the hangings they match.

Plain ingrains.

Varnish tiles, 200 rolls or more, 10 per cent.

Ingrain borders, 26 rolls of a kind, 10 per cent.

Ingrain borders, 50 rolls or over, 15 per cent.

We hereby agree not to sell any of such goods to others on terms better or more favorable than those specified in the above schedule, nor lower than said list prices, and our faithful performance of this agreement is a condition precedent to the filing of our order.

The intent hereof is to protect you fully against being undersold by us among customers to whom you do not allow quantity discounts.

signatures, and having attached thereto the prices shown in schedule C, attached to 'Exhibit 1,' which are the list prices referred to in said agreement.

"All said agreements, 'Exhibits 1, 2, and 3,' were drawn for the purpose and with the intent of disguising the real nature of the transaction and the real purpose, as herein set forth.

"In further carrying out said combination and with said purpose and intent, agreements were made by plaintiff and the members of said combination and trust and persons, natural and artificial, in the Dominion of Canada by which each agreed not to compete with the other, nor cut prices, the Americans in Canada, the Canadians in the United States.

"On, before, and after said 1st day of July, A. D. 1898, this defendant had a large and profitable business of long standing, possessing a valuable good will, and in which they had a large capital invested, being what is generally called the business of a jobber or wholesaler of wall paper in the State of Ohio and throughout the States and Territories of the United States.

"The defendant and all other persons engaged in the wholesale wall paper business, at the beginning of each season, which commenced in September and closed the 1st of July following, according to the custom of the trade, bought from the various persons engaged in the manufacture and sale of wall paper in the United States, being the persons, members of said combination and monopoly, their stock of wall paper to be sold by them during the ensuing year, such stock to be manufactured for them from samples submitted at the beginning of said season, in wholesale lots, and those for defendant to be shipped to Cincinnati, Ohio, and there resold by defendant, from time to time, to retail dealers throughout the States of Ohio, Kentucky, Indiana, Illinois, and other States and Territories of the United States.

"At said time said members of said combination and trust having, by the agreements and acts aforesaid, obtained the control of the wall-paper trade throughout the United States, at once greatly advanced the price of said wall paper, and threatened defendant that, unless it signed said agreement, 'Exhibit 2,' no wall paper would be sold to it; that said combination would make it impossible for it to buy wall paper, or to continue its business, and would drive it out of its said business, and compel it to sacrifice the good will owned by it as aforesaid, and the capital invested by it in said business.

"Said combination or trust then, and from that time thereafter, until the 1st day of July, A. D. 1900, had the power, by means of said combination and said agreements, and the will, to carry out its said threats, and deprive these defendants or any person, firm, or corporation engaged in the business of selling wall paper in the United States of the power to obtain wall paper for its or their trade, and the will and the power to drive out of business any person, firm, or corporation engaged in the business of selling wall paper; deprive them of their good will, and compel them to sacrifice the capital invested in the business.

"In like manner, by the same means, all other jobbers and wholesalers of wall paper in the United States, and all persons engaged in commerce in the wall-paper trade between the several States of the Union and foreign countries, were compelled to and did sign the agreements attached to this answer as 'Exhibits 2 and 3.'

"The immediate, intended, and direct effect of the said combination and agreements was the stifling of competition between said manufacturers and vendors of wall paper and between the jobbers and wholesalers thereof, and to unduly enhance the price of wall paper, making it one-half more than the price which it would be had the same been left to free and unrestrained competition; to compel said jobbers and wholesalers to pay such unduly enhanced and unreasonable price to plaintiff and to members of said combination and to exact from others an unduly enhanced price.

"After the making of said agreements, as before, the members of such combination solicited and received orders from this defendant and all other wholesalers, filled their orders, charged the prices fixed in said schedules attached to said 'Exhibit 1,' and directed that payment for such merchandise should be made by the jobbers to said plaintiff combination for said several members of said combination and trust, to be divided in the manner aforesaid. Said combination contrived, intended, and did prevent free and unrestrained competition between the producers and between the purchasers of wall paper and between the jobbers and wholesalers of wall paper throughout the United States.

"Defendant avers that said plaintiff, and the members of said combination as aforesaid, being more than two persons, firms, corporations, partnerships, and associations, combined capital and skill for each and all of the following purposes, to wit: To create restrictions in trade and commerce; to carry out restrictions in trade and commerce; to limit the product of wall paper; to reduce the production of wall paper; to increase the price of wall paper; to prevent competition in the manufacturing and making of wall paper; to prevent competition in the sale of wall paper; to prevent competition in the purchase of wall paper; to fix a standard or figure whereby its price to the public or consumer should be controlled and established as to an article or commodity of merchandise, to wit: Wall paper intended for sale, use, and consumption in the States of Ohio, Indiana, Kentucky, and Illinois; to make and enter into contracts, obligations, and agreements by which they bound themselves not to sell or dispose of wall paper below a common standard figure or fixed value; to carry out contracts, obligations, and agreements by which they bound themselves not to sell or dispose of wall paper below a common standard figure or fixed value; to make and enter into contracts, obligations, and agreements by which they agreed to keep the price of wall paper at a fixed or graduated figure; to carry out contracts, obligations, and agreements by which they agreed to keep the price of wall paper at a fixed or graduated figure; to make and enter into contracts, obligations, and agreements by which they established and settled the price of wall paper between themselves and between themselves and others, so as to both directly and indirectly preclude a free and unrestricted competition among themselves, and among themselves and purchasers, and among purchasers in the sale of wall paper; to carry out contracts, obligations, and agreements by which they established and settled the price of wall paper between themselves and themselves and others, so as to both directly and indirectly preclude a free and unrestricted competition both between themselves and between themselves and purchasers, and between purchasers in the sale of wall paper; to make and enter into contracts, obligations, and agreements by which they agreed to pool, combine, and both directly and indirectly unite the interests they had connected with the sale of wall paper so that its price might be affected; to carry out contracts, obligations, and agreements by which they agreed to pool, combine, and both directly and indirectly unite the interests that they had connected with the sale of wall paper, so that its price might be affected.

"Said contracts and agreements were each and all combinations and conspiracies in restraint of trade and commerce among the several States, and with foreign nations, and had the intent and effect of restraining trade and commerce between the several States and with foreign nations, and were an attempt, by combinations and conspiracy, between the members of said combination and trust to monopolize the trade and commerce in wall paper among the several States and with foreign nations, and, by said contracts, and the acts done by members thereof, and by said plaintiff under and in pursuance thereof said plaintiff and the said members of said combination or trust did monopolize and attempt to monopolize the trade and commerce in wall paper among the several States and with foreign nations.

"In further carrying out of said scheme and combination the members thereof delivered to this defendant, in the year from September, A. D. 1898, to September, A. D. 1899, wall paper for which this defendant paid to said plaintiff, for and per direction of the members of said combination, the sum of $144,854.14.

"These defendants aver that the prices charged in said exhibit attached to said amended petition [which are itemized accounts showing each article and the price therefor alleged to have been sold and delivered to the defendant] *are the prices fixed and determined in pursuance of and by the combination or trust agreement, as above set forth, and are unreasonable, unjust, and excessive* and *at least one-half more than they would otherwise have been.* In *transacting all business aforesaid, at all said times, said business was transacted under and in pursuance of said combination or trust agreement, and for the purposes, and each of them, above specified, and not otherwise.*

"The allegations in said plaintiff's petition set forth as a suit on account are an attempt to enforce, carry out, and recover upon and by virtue of said unlawful combination aforesaid *the prices fixed by such combination, and the prices therein sought to be recovered for said merchandise are unreasonable, excessive, and above the fair market price of such merchandise by more than the amount so sought to be recovered.*

"Each and all of the provisions of said contract and agreement between said members of said combination and each other; between said so-called 'vendors' and said plaintiff; between said members of said combination and said plaintiff and the so-called 'jobbers;' between the members of said combination and trust and said plaintiff and the so-called 'road' or 'quantity buyers,' are each and all contrary to the provisions of the statutes of the State of New York, where said plaintiff was organized; contrary to the provisions of the laws of the State of Ohio, where the merchandise was delivered; contrary to the laws of the several States where each of the members of said combinations did business; contrary to the laws of the United States; and made criminal by the laws of each of said several States and by the laws of the United States; and each and all of said agreements aforesaid are contrary to public policy, and in violation of the rights of the defendant, and injurious to the interests of the consumer and of the public."

Mr. Justice Harlan (after making the above statement) delivered the opinion of the court.

The antitrust act of 1890 declares illegal every contract, combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations, and also declares it to be a misdemeanor, punishable by fine or imprisonment, or both, for anyone to make any such contract or to engage in any such combination or conspiracy. (Section 1.)

It is also made a misdemeanor, punishable by fine or imprisonment, or both, for anyone to monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations. (Section 2.)

Similar provisions were made in reference to contracts, combinations in the form of trust or otherwise, or conspiracies, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or between any such Territory or another, or between any such Territory or Territories and any State or States or the District of Columbia and any State or States or foreign nations. (Section 3.)

The act further provided that any person injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful, may sue therefor in the circuit court of the United States in the district where the defendant resides or is found, without regard to the amount in controversy, and recover threefold the damages sustained by him. (Section 3. 29 Stat., 209.)

The defendant contends that under the facts admitted by the demurrer it must be taken that the Continental Wall Paper Company is the representative in this suit of a combination or trust formed for the purpose of restraining and monopolizing trade and commerce among the several States in the manufacturing, buying, selling, and dealing in wall paper; that this combination has the direct effect to accomplish that purpose; that the defendant, engaged in buying and selling wall paper in Ohio and other States, was compelled to become a party to the illegal combination or go out of business; that the account in suit was made up, as to prices and terms of sale, not upon the basis of an independent, collateral contract for goods sold and delivered, but with direct reference to, in conformity with and for the object of enforcing the agreements that constituted, or out of which came, the illegal combination whose business is carried on under the name of the Continental Wall Paper Company; that a judgment against the defendant upon the account in suit will, in effect, legally and practically aid the combination to reap the fruits of agreements that were illegal under the acts of Congress, and the making of which was declared by that act a crime; consequently, that the petition upon the facts admitted was properly dismissed.

That the combination represented by the plaintiff company is within the prohibitions of the above act of Congress is clear from the facts admitted by the demurrer. We assume, therefore, without discussion—for discussion is unnecessary—that there is a combination, of which the Continental Wall Paper Company is the representative, and that, in violation of that act, such combination was formed with the intent, and will have the effect, directly, to restrain as well as monopolize trade and commerce among the several States and with foreign nations as involved in the manufacture, sale, and transportation of wall paper among the several States and with foreign nations. This part of the case is forcibly presented by the circuit court of appeals which, in its opinion delivered by Judge Lurton, well said: "The conspiring mills were situated in many States. The consumers [of wall paper] embraced the whole citizenship of the United States. The jobbers and wholesalers, who were to be coerced into contracts to buy their entire demands from the Continental Wall Paper Company or be driven out of business, were in every State. Before the combination each of the combining companies was engaged in both state and interstate commerce. The freedom of each, with respect to prices and terms, was re-

strained by the agreement and interstate commerce directly affected thereby, as well as by the enhancement of prices which resulted. A more complete monopoly in an article of universal use has probably never been brought about. It may be that the wit of man may yet devise a more complete scheme to accomplish the stifling of competition. But none of the shifts resorted to for suppressing freedom of commerce and securing undue prices, shown by the reported cases, is half so complete in its details. None of the schemes with which this may be compared is more certain in results, more widespread in its operation, and more evil in its purposes. It must fall within the definition of a 'restraint of trade,' whether we confine ourselves to the common law interpretation of that term or apply that given to the term as used in the federal act." (148 Fed. Rep., 939, 947.)

But it is contended that however illegal the combination represented by the plaintiff may be, and whatever may be the effect of a judgment against the defendant, the plaintiff company is entitled to a judgment under the principles announced in Connolly *v.* Union Sewer Pipe Co. (184 U. S., 540, 545.) Let us see what that case was and whether it may not be distinguished from the one now before us.

The Union Sewer Pipe Company, a corporation of Ohio, doing business in Illinois, brought suit against Connolly, a citizen of Illinois, upon promissory notes given in Illinois on account of the purchase by the defendant from that company, under contracts made in that State, of sewer pipe known as "Akron pipe." It also brought suit against one Dee, a citizen of Illinois, upon an open account for the value of similar sewer pipe sold to him under a written contract, also made in that State. In each case the defendant disputed his liability for the value of the goods obtained from the Sewer Pipe Company upon the ground that at the time of their respective purchases that company was in a combination with certain firms, corporations, and companies engaged in the manufacture of Akron pipe, which combination, it was alleged, was in illegal restraint of trade, and forbidden by the principles of the common law, as recognized and enforced both in Ohio and Illinois. The defense was also made that the Sewer Pipe Company was a combination doing business throughout the United States and between Ohio and Illinois, in the form of a trust, in restraint of trade and commerce among the several States, contrary not only to the antitrust act of Congress of July 2, 1890, c. 647, but contrary to the Illinois antitrust statute of January 1, 1893, forbidding, under penalties, the combination of capital, skill, or acts for certain specified purposes. (26 Stat., 209; Laws Ill. 1893, p. 182; Hurd's Rev. Stat. Ill. 1899, p. 618, title Criminal Code.)

The defense, based upon the principles of the common law, was overruled in the Connolly case, the court saying: "Assuming, as defendants contend, that the alleged combination was illegal if tested by the principles of the common law, still it would not follow that they could, at common law, refuse to pay for pipe bought by them under special contracts with the plaintiff. The illegality of such combination did not prevent the plaintiff corporation from selling pipe that it obtained from its constituent companies, or either of them. It could pass a title by a sale to any one desiring to buy, and the buyer could not justify a refusal to pay for what he bought and received by proving that the seller had previously, in the prosecution of its business, entered into an illegal combination with others in reference, generally, to the sale of Akron pipe." Again, after referring to several cases establishing the general principle that a court will not lend assistance to carry out the terms of an illegal contract, and that one purchasing and receiving goods under a contract, expressed or implied, to pay for them, can not refuse to pay simply because of the illegal character of his vendor, the court proceeded: "In the present [Connolly] case other considerations must control. This is not an action to enforce or which involves the enforcement of the alleged arrangement or combination between the plaintiff corporation and other corporations, firms, and companies in relation to the sale of Akron pipe. As already suggested, the plaintiff, even if part of a combination illegal at common law, was not for that reason forbidden to sell property it acquired or held for sale. The purchases by the defendants had no necessary or direct connection with the alleged illegal combination; for the contracts between the defendants and the plaintiff could have been proven without any reference to the arrangement whereby the latter became an illegal combination. If, according to the principles of the common law, the Union Sewer Pipe Company could not have sold or passed title to any pipe it received and held for sale, because of an illegal arrangement previously made with other corporations, firms, or companies, a different question would be presented. But we are aware of no decision to the effect that a sale similar to that made by the present plaintiff to the defendants respectively would, in itself, be illegal or void under the principles of the common law. The contracts between the plaintiff and the respective defendants were, in every sense, collateral to the alleged agreement between the plaintiff and the other corporations, firms, or associations whereby an illegal combination was formed for the sale of sewer pipe."

Turning to the defense based on the antitrust act of Congress, the court, in the Connolly case, said: "Much of what has just been said in reference to the first special defense, based on the common law, is applicable to this part of the case. If the contract between the plaintiff corporation and the other named corporations, persons, and companies, or the combination thereby formed, was illegal under the act of Congress, then all those, whether persons, corporations, or associations, directly connected therewith became subject to the penalties prescribed by Congress. But the act does not declare illegal or void any sale made by such combination, or by its agents, of property it acquired or which came into its possession for the purpose of being sold, such property not being at the time in the course of transportation from one State to another or to a foreign country. The buyer could not refuse to comply with his contract of purchase upon the ground that the seller was an illegal combination which might be restrained or suppressed in the mode prescribed by the act of Congress; for Congress did not declare that a combination illegally formed under the act of 1890 should not, in the conduct of its business, become the owner of property which it might sell to whomsoever wished to buy it. So that there is no necessary legal connection here between the sale of pipe to the defendants by the plaintiff corporation and the alleged arrangement made by it with other corporations, companies, and firms. The contracts under which the pipe in question was sold were, as already said, collateral to the arrangement for the combination referred to, and this is not an action to enforce the terms of such arrangement. That combination may have been illegal, and yet the sale to the defendants was valid." Further: "Nor can the defendants refuse to pay for what they bought upon the ground that the seventh section of the Sherman Act gives the right to any person 'injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful' by the act, to sue and recover treble the damage sustained by him. We shall not now attempt to declare the full scope and meaning of that section of the act of Congress. It is sufficient to say that the action which it authorizes must be a direct one, and the damages claimed can not be set off in these actions based upon special contracts for the sale of pipe that have no direct connection with the alleged arrangement or combination between the plaintiff and other corporations, firms, or companies. Such damages can not be said, as matter of law, to have directly grown out of that arrangement or combination, and are, besides, unliquidated. Besides, it is well settled in Illinois that 'unliquidated damages arising out of covenants, contracts, or torts disconnected with plaintiff's claim can not be set off under the statute.'"

We need not here refer to that part of the Connolly case relating to the defense based on the antitrust act of Illinois, for the court adjudged that act to be void because of a certain provision in it which, contrary to the Constitution of the United States, denied the equal protection of the laws to all persons within the jurisdiction of the State, except a named favored class.

The present case is plainly distinguishable from the Connolly case. In that case the defendant, who sought to avoid payment for the goods purchased by him under contract, had no connection with the general business or operations of the alleged illegal corporation that sold the goods. He had nothing whatever to do with the formation of that corporation, and could not participate in the profits of its business. *His* contract was to take certain goods at an agreed price, nothing more, and was not in itself illegal, *nor part of nor in execution of any general plan or scheme that the law condemned.* The contract of purchase was wholly collateral to and independent of the agreement under which the combination had been previously formed by others in Ohio. It was the case simply of a corporation that dealt with an entire stranger to its management and operations and sold goods that it owned to one who wished to buy them. In short, the defense in the Connolly case was that the plaintiff corporation, although owning the pipe in question and having authority to sell and pass title to the property, was precluded by reason *alone* of its illegal character from having a judgment against the purchaser. We held that that defense could not be sustained either upon the principles of the common law or under the antitrust act of Congress.

The case now before us is an entirely different one. The Continental Wall Paper Company seeks, in legal effect, the aid of the court to enforce a contract for the sale and purchase of goods which, *it is admitted by the demurrer, was in fact and was intended by the parties to be based upon agreements that were and are essential parts of an illegal scheme.* We state the matter in this way, because the plaintiff by its demurrer admits, for the purposes of this case, the truth of all the facts alleged in the third defense. It is admitted by the demurrer to that defense that the account sued on has been made up *in execution of the agreements* that constituted or out of which came the illegal combination formed for the purpose and with effect of both restraining and monopolizing trade and commerce among the several States.

The present suit is not based upon an implied contract of the defendant company to pay a reasonable price for goods that it purchased, but upon agreements, to which both the plaintiff and the defendant were parties, and *pursuant to which* the accounts sued on were made out, and which had for their object, and which it is admitted had directly the effect, to accomplish the illegal ends for which the Continental Wall Paper Company was organized. If judgment be given for the plaintiff, the result beyond all question will be to give the aid of the court in making effective the illegal agreements that constituted the forbidden combination. These considerations make it evident that the present case is different from the Connolly case. In that case the court regarded the record as presenting the question whether a voluntary purchaser of goods at stipulated prices, under a collateral, independent contract, can escape an obligation to pay for them upon the ground *merely* that the seller, which owned the goods, was an illegal combination or trust. We held that he could not, and nothing more touching that question was decided or intended to be decided in the Connolly case. The question here is whether the plaintiff company can have judgment upon an account which, it is admitted by demurrer, was made up, within the knowledge of both seller and buyer, with direct reference to and in execution of certain agreements under which an illegal combination, represented by the seller, was organized. Stated shortly, the present case is this: The plaintiff comes into court admitting that it is an illegal combination, whose operations restrain and monopolize commerce and trade among the States, and asks a judgment that will give effect, as far as it goes, to agreements that constituted that combination, and by means of which the combination proposes to accomplish forbidden ends. We hold that such a judgment can not be granted without departing from the statutory rule, long established in the jurisprudence of both this country and England, that a court will not lend its aid in any way to a party seeking to realize the fruits of an agreement that appears to be tainted with illegality, although the result of applying that rule may sometimes be to shield one who has got something for which, as between man and man, he ought, perhaps, to pay, but for which he is unwilling to pay.

In such cases the aid of the court is denied, not for the benefit of the defendant, but because public policy demands that it should be denied without regard to the interests of individual parties. It is of no consequence that the present defendant company had knowledge of the alleged illegal combination and its plans or was directly or indirectly a party thereto. Its interest must be put out of view altogether when it is sought to have the assistance of the court in accomplishing ends forbidden by the law.

In Hanauer *v.* Doane (12 Wall., 342, 349), this court said: "The whole doctrine of avoiding contracts for illegality and immorality is founded on public policy. It is certainly contrary to public policy to give the aid of the courts to a vendor who knew that his goods were purchased, or to a lender who knew that his money was borrowed, for the purpose of being employed in the commission of a criminal act, injurious to society or to any of its members."

In McMullen *v.* Hoffman (174 U. S., 639, 654, 669), where the authorities are reviewed and the whole subject carefully examined, the court said: "The authorities, from the earliest time to the present, unanimously hold that no court will lend its assistance in any way toward carrying out the terms of an illegal contract"—citing many English and American cases. "The court refuses to enforce such a contract, and it permits defendant to set up its illegality, not out of any regard for the defendant who sets it up, but only on account of the public interest. It has been often stated in similar cases that the defense is a very dishonest one, and it lies ill in the mouth of the defendant to allege it, and it is only allowed for public considerations and in order the better to secure the public against dishonest transactions. To refuse to grant either party to an illegal contract judicial aid for the enforcement of his alleged rights under it tends strongly toward reducing the number of such transactions to a minimum. The more plainly parties understand that when they enter into contracts of this nature they place

themselves outside the protection of the law, so far as that protection consists in aiding them to enforce such contracts, the less inclined will they be to enter into them. In that way the public secures the benefit of a rigid adherence to the law." In that case the principle announced in Coppell *v.* Hall (7 Wall., 542, 548) was reaffirmed, namely: "Whenever the illegality appears, whether the evidence comes from one side or the other, the disclosure is fatal to the case. No consent of the defendant can neutralize its effect. A stipulation, in the most solemn form, to waive the objection would be tainted with the vice of the original contract and void for the same reason. Wherever the contamination reaches, it destroys. The principle to be extracted from all the cases is that the law will not lend its support to a claim founded upon its violation.

In Embrey *v.* Jemison (131 U. S., 336, 348) the defendant, who was sued upon promissory given in execution of a previous verbal contract that was illegal, this court said that he could not "be permitted to withdraw attention from this feature of the transaction by the device of obtaining notes for the amount claimed under the illegal agreement; for they are not founded on any new or independent consideration, but are only written promises to pay that which the obligor had verbally agreed to pay. They do not, in any just sense, constitute a distinct or collateral contract based upon a valid consideration. Nor do they represent anything of value in the hands of the defendant which, in good conscience, belongs to the plaintiff or to his firm. Although the burden of proof is on the obligor to show the real consideration, the execution of the notes could not obliterate the substantive fact that they grew immediately out of and are directly connected with a wagering contract. They must, therefore, be regarded as tainted with the illegality of that contract, the benefits of which the plaintiff seeks to obtain by this suit. That the defendant executed the notes with full knowledge of all the facts is of no moment. The defense he makes is not allowed for his sake, but to maintain the policy of the law." (Coppell *v.* Wall, 7 Wall, 542, 558.)

In Montague & Co. *v.* Lowry (193 U. S., 38, 45, 46), which involved, in part, the question whether a particular contract made in California for the purchase of tiles related to interstate commerce and was illegal, the court said: "The provision as to this sale is but a part of the agreement, and it is so united with the rest as to be incapable of separation without at the same time altering the general purpose of the agreement. The whole agreement is to be construed as one piece, in which the manufacturers are parties, as well as the San Francisco dealers, and the refusal to sell on the part of the manufacturers is connected with and a part of the scheme which includes the enhancement of the price of the unset tiles by the San Francisco dealers. The whole thing is so bound together that when looked at as a whole the sale of unset tiles ceases to be a mere transaction in the State of California and becomes a part of a purpose which, when carried out, amounts to and is a contract or combination in restraint of interstate trade or commerce." So, in Swift & Co. *v.* United States (196 U. S., 375, 396): "The scheme as a whole seems to us to be within reach of the law. The constituent elements, as we have stated them, are enough to give to the scheme a body and, for all that we can say, to accomplish it. Moreover, whatever we may think of them separately, when we take them up as distinct charges they are alleged sufficiently as elements of the scheme. It is suggested that the several acts charged are lawful and that intent can make no difference. But they are bound together as the parts of a single plan. The plan may make the parts unlawful. (Aikens *v.* Wisconsin, 195 U. S., 194, 206.)"

In Bement *v.* National Harrow Company (186 U. S.) 70, 87, 88, the court, after referring to that section of the act of Congress relating to suits by the Attorney-General and by persons injured in their business or property, said: "Assuming that the plaintiff is right so far as regards any suit brought under that act, we are nevertheless of opinion that anyone sued upon a contract may set up as a defense that it is a violation of the act of Congress, and if found to be so, that fact will constitute a good defense to the action. The first section of the act provides that 'every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal.' Every person making such a contract is deemed guilty of a misdemeanor, and on conviction is to be punished by fine or by imprisonment, or both. As the statute makes the contract in itself illegal, no recovery can be had upon it when the defense of illegality is shown to the court. The act provides for the prevention of violations thereof and makes it the duty of the several district attorneys, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations, and it gives to any person injured in his business or property the right to sue, but that does not prevent a private individual when sued upon a contract which is void as in violation of the act from setting it up as a defense, and we think when proved it is a valid defense to any claim made under a contract thus denounced as illegal."

Again, in the recent case of Loewe *v.* Lawlor (208 U. S., 274, 301), which involved the inquiry whether certain acts could be regarded as in restraint of interstate commerce, the court said: "So that, although some of the means whereby the interstate traffic was to be destroyed were acts within a State, and some of them were in themselves as a part of their obvious purpose and effect beyond the scope of federal authority, still, as we have seen, the acts must be considered as a whole, and the plan is open to condemnation, notwithstanding a negligible amount of intrastate business might be affected in carrying it out. If the purpose of the combination was, as alleged, to prevent any interstate transportation at all, the fact that the means operated at the one end before physical transportation commenced, and at the other end after the physical transportation ended, was immaterial." (See also Gibbs *v.* Baltimore Gas Co., 130 U. S., 396, 412.)

The adjudged cases all hold that upon the question whether the particular contract sought to be enforced arises out of an illegal transaction the court will not be restricted to a partial statement of the facts, but will consider all the circumstances connected with the transaction, so as to ascertain its real nature. In Addyston Pipe and Steel Company *v.* United States (175 U. S., 211, 247) the court said that "all the facts and circumstances are, however, to be considered in order to determine the fundamental question whether the necessary effect of the combination is to restrain interstate commerce."

Upon the whole case, and without further citation of authorities, we adjudge, upon the admitted facts, that the combination, represented by the plaintiff in this case, was illegal under the antitrust act of 1890; that it is to be taken as one intended, and which will have the effect directly, to restrain and monopolize trade and commerce among the several States and with foreign States; and that the plaintiff can not have a judgment for the amount of the account sued on, because, for the reasons we have stated, such a judgment would, in effect, aid the execution of the agreements which constituted that illegal combination. We consequently hold that the circuit court of appeals properly sustained the third defense, and rightly dismissed the suit. Its judgment must be affirmed.

It is so ordered.

True copy.

Test:

_____,

Clerk Supreme Court, United States.

ADMISSION TO THE GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. SMITH of Michigan. Mr. Chairman, I call up for consideration the bill H. R. 12898.

Mr. HAY. Mr. Chairman, I rise for the purpose of postponing consideration of that bill. I desire to say——

The CHAIRMAN. The Chair does not believe that motion is in order at this time.

Mr. HENRY of Texas. I raise the question of consideration.

Mr. OLCOTT. The bill has not been read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes.

Mr. HAY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAY. I want to know whether or not I can move in the Committee of the Whole that the committee recommend to the House to postpone the consideration of this bill until the 22d day of February?

The CHAIRMAN. The Chair will state that the gentleman did not make that motion.

Mr. HAY. Well, I was going to make it, but the Chair cut me off.

The CHAIRMAN. The question of consideration would take precedence.

Mr. HAY. I understand that; but I am making the parliamentary inquiry of whether I can make that motion?

The CHAIRMAN. The Chair is of the opinion that after the bill has been reported and general debate has been had, a motion could be made to recommend to the House postponement to a certain day.

Mr. HAY. After general debate?

The CHAIRMAN. After general debate.

The bill was read, as follows:

Be it enacted, etc., That hereafter proceedings for admission to the Government Hospital for the Insane of insane persons residing in the District of Columbia, and for admission to said hospital of nonresident insane persons found in said District, shall be commenced by petition presented in open court to the justice of the supreme court of the District of Columbia, holding a special term for orphans' court business, stating the facts necessary for admission to said hospital, as heretofore provided by law, such petition to be signed and sworn to by some responsible resident of the District of Columbia; but such petition shall not be filed until the court shall be satisfied as to the responsibility and residence of the person signing and swearing to the same and shall make and enter an order directing the filing of such petition.

SEC. 2. That the order of such court directing the filing of the petition shall fix a time for the hearing of such application and shall require copies thereof to be served on the alleged lunatic and on the Commissioners of the District of Columbia at least one day preceding the time fixed for such hearing, and a copy of such order, duly authenticated, shall be inscribed on each of said copies before service thereof. A copy of such order shall also be served upon the husband or wife, father or mother, or next of kin of such alleged insane person, if there be any such known to be residing within the District of Columbia, and if not, upon the person with whom such alleged insane person may reside or at whose house he or she may be, or such other person as the justice, in his discretion, may name, at least one day preceding the time fixed for such hearing.

SEC. 3. That so soon as may be after the filing of the petition the court shall appoint two or more physicians resident in the District of Columbia, graduates of an incorporated medical college, who shall have been in the actual practice of their profession at least three years and who shall not be in any way connected with or have any interest in the Government Hospital for the Insane or be a relative of the person alleged to be insane or of the person making the petition hereinbefore mentioned, to examine the person alleged in the petition to be insane, which physicians shall make such examination within the period of five days preceding the time set for the hearing and shall testify, under oath, as to the mental condition of the person alleged to be insane. Such physicians shall be allowed a per diem compensation, to be fixed by the court, of not exceeding $10, to be paid by the District of Columbia on the certificate of the court that the account for such service is just and correct, and other witnesses examined on such application shall be paid by the District of Columbia the fees and allowances prescribed by law for witnesses summoned in behalf of the United States, and all other costs of the proceedings shall be paid by the District of Columbia: *Provided*, That in the case of nonindigent persons all costs of the proceeding shall be defrayed out of the estate of such person, and a deposit shall be paid into the court sufficient to cover such costs. The request for admission to said hospital shall be made within five days after the entry of the order of the court. The provisions of the act of April 27, 1904, providing for temporary commitments to the Government Hospital for the Insane are hereby extended, so far as applicable, to nonindigent insane persons residing in the District of Columbia, as well as to nonresident insane persons found in said District.

SEC. 4. That the court shall require the presence of the alleged lunatic at the hearing of the application, unless for good reason it shall direct otherwise by an order stating such reason; and upon such hearing the court shall hear the testimony introduced by the parties and render a decision in writing as to the alleged lunatic's insanity. That in case the said lunatic shall have property, the court shall, in its order of

commitment, direct the committee of said lunatic to pay to said hospital such amount per month as may be deemed by the court just and reasonable toward defraying the expenses of the board and maintenance of such lunatic; but if such insane person shall be indigent, or shall not have more than enough property to support his family dependent upon him for support, the expenses of his board and maintenance in the hospital shall be paid by the District of Columbia, as now provided by law.

SEC. 5. That the order of the court on the hearing of the application on the petition and the evidence shall be made without an inquisition by jury, and all the proceedings under the petition shall be entered in the minutes of the court: *Provided, however,* That the justice to whom application is made may, if no demand is made for a hearing, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane may immediately issue an order for commitment to the Government Hospital for the Insane: *And provided further,* That, upon demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the persons upon whom the petition is hereinbefore directed to be served, and upon such other person as the justice, in his discretion, may name, and upon such day, or upon such other day to which the proceeding shall be regularly adjourned, the justice shall hear the testimony introduced by the parties and examine the alleged insane person, if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the justice shall forthwith issue an order committing him to the Government Hospital for the Insane: *And provided further,* That the court may, in its discretion, call a jury to determine the question of insanity: *And provided further,* That if a person ordered to be committed pursuant to the provisions of this act, or any relative or friend in his behalf, is dissatisfied with the final order of a justice committing him, he may, within ten days after the making of such order, appeal therefrom to a justice of the supreme court other than the justice making the order, who shall cause a jury to be summoned and shall try the question of such insanity, in which event the proceedings shall be in accordance with the provisions of section 115a of the Code of Laws of the District of Columbia relating to lunacy proceedings embodied in the act of Congress approved June 30, 1902: *And provided further,* That the jury to be used shall be impaneled by the United States marshal of said District, upon the order of the court, from jurors in attendance upon the courts of said District, who shall perform such service in addition to and as part of their duties in said courts: *And provided further,* That during such time as jurors are not in attendance upon said courts the court may direct said marshal to impanel the jurors in attendance upon the police court in said District, who shall perform such duties in addition to and as a part of their duties in said police court, or said court may direct a special jury to be summoned for such inquisition; and if the verdict of the jury be that such person is insane, the justice shall certify that fact and make an order of commitment as upon the original hearing, and such order shall be presented, at the time of the commitment of such insane person, to the superintendent of the Government Hospital for the Insane. Proceedings under the order shall not be stayed pending an appeal therefrom except upon an order of a justice of the supreme court of the District of Columbia, and made upon a notice and after a hearing, with provisions made therein for such temporary care or confinement of the alleged insane person as may be deemed necessary.

SEC. 6. That it shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of residence or to their friends all indigent insane persons not residing in the District of Columbia at the time they become insane who are now or hereafter may be detained in the Government Hospital for the Insane, or who shall be committed to the said hospital to be temporarily cared for, and all necessary expenses incurred by the commissioners in ascertaining the locality where such persons or their friends belong and in returning them to such locality shall be defrayed by the District of Columbia.

SEC. 7. That all provisions of law inconsistent with this act be, and the same hereby are, repealed.

The amendments recommended by the committee were read, as follows:

Strike out of page 1, line 9, the words "a special term for orphans' court business" and insert in lieu thereof the word "probate."

Strike out of page 1, line 12, the word "some" and insert in lieu thereof the words "at least three," and change the word "resident," in the same line, to the plural.

Strike out of page 2, line 1, the words "and shall" and insert in lieu thereof the words "when it shall."

Strike out of page 2, line 19, the words "or more."

Strike out of page 3, line 7, the word "ten" and insert in lieu thereof the word "five."

Strike out of page 3, lines 18, 19, and 20, the words "The request for admission to said hospital shall be made within five days after the entry of the order of the court."

Insert in page 5, line 17, after the word "discretion," the words "or upon demand of any relative or near friend, in behalf of such alleged insane person, shall."

Insert in page 5, line 18, after the word "insanity," the words "within five days of the date of such order."

Strike out of page 7, line 7, the word "become" and insert in lieu thereof the word "became."

Mr. SMITH of Michigan. I yield to the gentleman from New York [Mr. OLCOTT].

Mr. HENRY of Texas. I demand that the question of consideration be put.

The CHAIRMAN. The gentleman from Texas has raised the question of consideration. The Chair ruled that the bill ought first to be read. The gentleman from Texas now renews the question of consideration.

Mr. OLCOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLCOTT. Can the gentleman raise the question of consideration until after general debate has been had?

The CHAIRMAN. The Chair is of opinion that the question of consideration should be raised before the general debate, under the theory that, if it is in order at all, it is in the interest of the saving of the time of the committee; and if the time is to be saved, and the majority of the committee are hostile to the consideration of the bill, action should be had upon that question first.

Mr. OLCOTT. Is the question of consideration a debatable one?

The CHAIRMAN. The question is not debatable. The question is, Shall the bill be now considered?

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. HENRY of Texas. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 29.

Mr. HENRY of Texas. I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will ascertain. [After counting.] One hundred and four Members present; a quorum.

Mr. HENRY of Texas. I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. SMITH of Michigan and Mr. HENRY of Texas.

The committee again divided; and the tellers reported—ayes 68, noes 38.

Accordingly the committee voted to consider the bill.

Mr. OLCOTT. Mr. Chairman, the bill under consideration is one that was prepared after information had been obtained in the investigation of the Government Hospital for the Insane. Those who are committed to that hospital come from the army and navy and the Marine Corps. It is also the only asylum in the District of Columbia to which the people in the District can be committed.

This bill changes the method of procedure in the commitment of insane persons from the District of Columbia. It does not in any way alter or amend the method of procedure prescribed by the statutes for the commitment of soldiers, sailors, or marines. In the army commitments are made through the War Department and in the navy through the Navy Department, upon the recommendation of army or navy surgeons.

In all other cases, as the law now stands, a trial of the alleged insane person is compulsory before a jury of 12 men in every case. The principal change that is made by the present bill is to make a jury trial optional with the person claimed to be insane, or with the relative or next friend of such person; or, if the judge making the committal order deems it necessary, he may on his own motion direct a jury trial.

The bill provides that three citizens of the District of Columbia shall sign a petition in proper form, which is presented to the judge sitting in a court of equity, who then has the power to order the insane person brought before him. He must take the testimony of at least two reputable physicians; he sees the patient; and if in his mind there is any doubt about the question of the patient's unsoundness of mind, he may of his own motion order a jury trial. If he does not think it necessary, but thinks that the person is so certainly insane as to make unnecessary the unpleasant publicity, then the relative or next friend of the unfortunate person may demand a jury trial; and under those circumstances the judge must order a trial before 12 jurymen. Of course, the same right is given to the person alleged to be insane.

One of the great reasons for the introduction of this bill is because it has been found from long experience that jury trials in many cases work most serious hardships by reason of the unfortunate publicity given to the patient.

Heretofore and now insane people in this District are tried as if they were criminals, and the jurymen that are drawn for these cases are taken from a list of jurymen in the criminal court. This bill is an attempt—and I believe it will be a successful attempt, if the bill passes—to treat the insane person as a sick person. You might as well, in the opinion of those who are experts in the knowledge of it, say that if one has a contagious disease one must be arrested and confined, and a jury of laymen must determine whether it is a case of typhoid fever or simple malaria.

I would say, in connection with this matter, that in the report there will be found an excerpt of the law of the several States of this Union, and a list of 43 States have been examined by the committee and have been tabulated. Of the 43 States, there are only 8 States that make a jury trial necessary in all cases. Comparisons of States, I appreciate, are odious; but I will say that there is no jury trial made necessary in New York, none in Illinois, none in California, and strangely enough, notwithstanding the remarks that were made by the gentleman from Florida [Mr. CLARK] a few days ago, who said that this proposed law was the most outrageous law that had ever been suggested—strangely enough, in his own State of Florida commitments can be made by a justice of the peace.

There is no doubt, at least I think there can be no doubt, in the mind of anyone who will take the trouble to go over the testimony in the investigation of this matter as to the great propriety of not compelling jury trial in every case.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. OLCOTT. For a question.

Mr. NORRIS. On the first page of the bill there is a provision made as to how the case shall be commenced, in which it says:

It must be by petition presented to a justice of the supreme court holding equity court.

Now, will it not often happen that there will be no equity court in session?

Mr. OLCOTT. The equity court is permanently in session. That amendment proposed by us was made after we had consulted the corporation counsel of this District.

Mr. NORRIS. The equity court, the gentleman says, is always open?

Mr. OLCOTT. Always open, so there need never be any delay in the proper care of these people.

Mr. KEIFER. The court can always open on the equity side.

Mr. NORRIS. If it is always open, it follows that there is always one of the supreme court justices in the District.

Mr. OLCOTT. That is unquestionably so, and it would probably be the judge who is holding chambers. In this District all the supreme court judges have equity jurisdiction.

Mr. NORRIS. I did not know that they were in session all the time.

Mr. OLCOTT. Some of them are here all the time and are holding court in chambers.

Mr. NORRIS. Now, on page 3 there is a provision, beginning at line 17, with a proviso that in case of nonindigent persons the costs of the proceedings shall be defrayed out of the estate of such persons. And it provides that a deposit shall be paid into court sufficient to cover such costs.

Now, I suppose the intention is to require a deposit on the part of the person who is charged with being insane.

Mr. OLCOTT. No; the people filing the petition would put up a sufficient amount, and if there were a civil proceeding upon it, taken under an entirely different law, the cost and care of that person would be chargeable to his own estate.

Mr. NORRIS. The idea that struck me as strange was requiring the defendant in the court to put up costs.

Mr. OLCOTT. Not the defendant, but the petitioners put up the costs. It says in case of nonindigent persons the costs of proceedings shall be defrayed out of the estate of such person, and a sufficient deposit made, and so forth.

Mr. NORRIS. The nonindigent person is the petitioner?

Mr. OLCOTT. Not at all.

Mr. NORRIS. Then, it means the insane person?

Mr. OLCOTT. The nonindigent person who is thought to be insane is not the petitioner.

Mr. NORRIS. Then, you are going to charge the insane person with putting up the costs in advance.

Mr. OLCOTT. No; the petitioner puts up the costs, makes the deposit. The person is not declared insane until after the proceeding. After the person is found to be insane and a nonindigent person, the money would come from the estate of that person, but the deposit would be put in by the petitioners; of course, it would eventually come out of the estate if the person was declared insane.

Mr. NORRIS. You say in this proposed law that the costs will be paid out of the estate of such person, and that means the person charged with being insane. Then you require that a deposit shall be paid, and so forth.

Mr. OLCOTT. By whom? Not by the defendant, but by the petitioner, the person who starts the proceedings.

Mr. NORRIS. That would seem to me to be reasonable.

Mr. OLCOTT. No one else could do it.

Mr. NORRIS. But at the same time, it seems to me, there is a defect in this law in the fact that the language does not make that plain.

Mr. OLCOTT. No one else could do it.

Mr. NORRIS. I do not see how a crazy person could do it, but it seems to me that this law attempts to make him do that. I assure the gentleman that I am not attempting to criticise the bill. I am only trying to get at the right phraseology.

Mr. OLCOTT. I only want to make clear to the gentleman that when it says a deposit shall be required, of course the person who takes the initiative to start the proceedings must make that deposit. This proceeding is in the nature of being against the person who is thought to be insane.

Mr. NORRIS. I understand the gentleman's explanation perfectly well, as to what his idea is.

Mr. OLCOTT. I think that is what the language expresses.

Mr. NORRIS. It seems to me, in reading the language, it does not appear to read that way. I think the gentleman ought to provide that this deposit should be made by the petitioner.

Mr. OLCOTT. That the deposit shall be paid into court sufficient to cover such costs by the petitioner or petitioners?

Mr. NORRIS. That would make it plain.

Mr. OLCOTT. How can one expect a person who is a defendant to be forced in any way——

Mr. NORRIS. I do not expect him to be, and that is the reason I call attention to this particular provision that seems to me to attempt to enforce an insane person to put up the money.

Mr. OLCOTT. The gentleman, at the proper time, may make that amendment if he chooses.

Mr. KEIFER. Will the gentleman yield?

Mr. OLCOTT. Yes.

Mr. KEIFER. Following up the very subject of inquiry made by the gentleman from Nebraska [Mr. NORRIS], I want to know if some person should institute under this bill, if it should become a law, a proceeding to adjudge another insane, and the question should be tried by a jury, and after great expense it should be adjudged that the person was not insane, but was held to be of sound mind, does the bill still require that his estate shall pay all the costs of that proceeding?

Mr. OLCOTT. Absolutely not.

Mr. KEIFER. Where is the provision that cuts that off?

Mr. OLCOTT. The provision is in the general law of the District of Columbia. If the person were adjudged insane and he had property, a committee would be appointed and his estate would pay the costs. The gentleman from Ohio certainly appreciates that if in a civil case a plaintiff brings action and a man is brought into court as a defendant, and the plaintiff does not establish his case, the defendant has costs against the plaintiff. That is the only answer I can make to that.

Mr. KEIFER. That answer is not satisfactory at all; first, because this is not in its character an adversary proceeding with parties plaintiff and defendant; and second, because——

Mr. OLCOTT. I did not yield to the gentleman from Ohio for a speech. If he has any further question to ask, I will listen.

Mr. KEIFER. I will come to that in a moment. My reply to this is that the bill provides in this language: That in the case of nonindigent persons all costs of the proceedings shall be defrayed out of the estate of such persons. If that be so, then it is the case when he is found to be of sound mind as well as when he is adjudged to be insane.

Mr. OLCOTT. I will answer the question. Mr. Chairman, in that regard, the petitioner, of course, makes a deposit of the costs, and if the petitioner has not made good and the man is declared to be of sound mind, of course the law of every community——

Mr. KEIFER. Mr. Chairman——

Mr. OLCOTT. I will not yield any more.

Mr. KEIFER. But the gentleman's own bill says to the contrary.

Mr. OLCOTT. The law of any community would naturally give to the defendant the costs, because he has been successful in his suit.

Mr. COX of Indiana. Mr. Chairman——

Mr. OLCOTT. I will not yield at all until I have finished my statement. Mr. Chairman, I would like to say further in regard to this bill that it is not one that has been entered into lightly and inadvisedly. The bill has the approval of all of the experts on insanity who were examined at the time of the investigation of the Government Hospital for the Insane.

It has the approval of Judge William A. Maury, of the board of visitors. It has the approval of a gentleman who came here and was examined, the Hon. James McGregor Smith, who has been for eight years appointed under three different governors of the State of New York the president of the board of managers of the greatest hospitals in New York State. He is not only a man who is competent by reason of this important position in the State, but he is a trained and skillful lawyer, and has for years been the editor and reviewer of Abbott's Digest, which is the most important digest in the legal world in the State of New York. I merely mention that to show that we have carefully considered this. I might also say the Society of Mental and Nervous Diseases have approved of this bill; the committee on public health, Washington Board of Trade; and of course the Commissioners of the District of Columbia, the Chamber of Commerce, the corporation counsel, and Mr. Justice Barnard. The matter of the constitutional question as to the right of jury trial came up, and in an opinion of great learning, most

exhaustively written by Judge Barnard, of the supreme court of the District (which opinion is printed in the report), the court has spoken at length of the distress that comes from the publicity of a jury trial and of the complete conservation of the right of the person who is unfortunate enough to be thought by some people to be insane. Just realize, if you please, that if a child is born an idiot and if that child lives for a considerable length of time and something happens so it is impossible for it to get the care of its family, the child can not be committed without being brought down to the same court-house where criminals are tried and committed after an inquest by a jury of twelve laymen. Under those circumstances, I think the committee has brought in a bill that should carry the approval of this House, and I hope that its passage may be secured. I reserve the balance of my time.

Mr. SIMS. Mr. Chairman, I yield ten minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Chairman, it is not often I take the time of the House or committee in discussing matters pertaining to the District of Columbia, and would not do so on this occasion if I were not thoroughly convinced that this is one of the most objectionable and, I may say, odious measures ever presented since I have been a Member of this body. In my remarks this afternoon I am not appealing to gentlemen alone on this side of the House, but on the other as well. I am not invoking a strict construction of any constitutional clause, but do wish to deliberately call the attention of Members to a few objectionable features of this measure. Mr. Chairman, in the first place, the bill proposes to change a law as it exists in the District of Columbia. Under the present statute no person can be arraigned in any court of the District and tried for lunacy without a jury. Such provision of the present law is mandatory. But it is proposed by this measure to practically abrogate trial by jury in lunacy cases. The gentleman from New York [Mr. OLCOTT] has failed to give any reason why the lunacy statute should be changed. Why the necessity of changing the law as it exists which gives to the unfortunate demented creature the right of trial by jury? The gentleman states in his argument that this is not a criminal proceeding, and therefore does not violate the provisions of the Constitution which guarantee trial by jury in criminal cases. Whether it be a criminal procedure or not, Mr. Chairman, it is a most solemn proceeding to take a citizen of the District of Columbia into the courts of the District and deprive him of his property and liberty without due process of law. It can not with constitutional warrant be done. The gentleman states that he has run through the statutes of 46 States of the Union and in only 8 is the right of trial by jury a mandatory provision of law. Let me say to him and you, if you search those statutes again, it will be found that in most cases to which he alludes the provisions are for only temporary disposition of the lunatic.

It does not apply to permanent disposition of his property and jeopardy of his liberty. What are the provisions of the bill? In the first place, it is proposed that "three residents of the District of Columbia" may go before a justice of the supreme court and ask for the trial of an alleged lunatic. Three citizens of the District of Columbia, whether they be interested or disinterested! Mr. Chairman, what occurs next? It is provided that the judge may set the case down for hearing, giving the party charged with lunacy one day's notice to appear and defend himself. But this is not all. It is not even made mandatory that the alleged lunatic shall be brought before the court when the question of his sanity is to be determined. It authorizes a court of the District to order a petition filed by citizens of the District, and the party charged not in the presence of the court. Without a jury the court may dispose of his property and take his liberty, while he may not be within 5 miles of the court room. He may not even know of the proceeding. Under this law the judge simply enters an order that it is not necessary for the party charged to be present.

Mr. TIRRELL. Is there any provision in this bill for medical testimony at such a hearing? Must there not be provision made for the testimony of physicians?

Mr. HENRY of Texas. There is a provision further on for witnesses. I am taking it up now, section by section, and showing you how it is proposed to proceed to dispose of a lunatic in the District of Columbia. I want to be entirely fair on the question. There are some bad features in this bill that ought not to become law, and I will leave it to any lawyer or right-thinking Member of the House of Representatives that there are perfidious proposals here as to property and freedom.

In section 4 we find:

That the court shall require the presence of the alleged lunatic at the hearing of the application, unless for good reasons it shall direct otherwise by an order stating such reasons.

A monstrous doctrine, indeed shameful!

Authorizing a petition to be filed against the lunatic, allowing the case to be set down for hearing, and then putting it within the power of "the judge to enter some reason" why he shall not be present when his property is to be taken from him and he is to be confined in an asylum. All this in his absence. No day in court; not even knowledge that he is charged. The statute will be obnoxious to the Constitution. A provision almost identical with this was placed in the statutes of the State of Missouri some years ago, and afterwards, when property rights were involved, the question being litigated in the courts, the supreme court of Missouri held the law unconstitutional in that it did not require and make it mandatory that the accused lunatic should be brought into the presence of the court when his sanity was to be determined. And why not? By the last clause of the provision read you authorize the court to determine in advance that this person, accused of lunacy, is insane. The court is permitted to enter such an order in his minutes and dispense with the presence of the person charged, who is more interested than anyone else.

Gentlemen, that provision conflicts with the Constitution. It plainly permits the property of a citizen of the District of Columbia to be taken from him without due process of law.

Let us proceed further. Such is the first way in which you can institute proceedings for lunacy under this new law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Chairman, when this bill again comes up I shall endeavor to analyze it and demonstrate that it contains many more outrageous, cruel, and truly monstrous propositions.

Mr. SIMS. Mr. Chairman, I wish to reserve the rest of my hour.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OVERSTREET, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had considered various bills from the Committee on the District of Columbia; that upon the bill S. 5429, entitled "An act to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907," the committee recommended that the same be recommitted to the Committee on the District of Columbia with instructions; also that several other bills, some with amendments and some without amendments, had been considered and reported favorably with the recommendation that the amendments be agreed to and the bills do pass.

The SPEAKER. Without objection, the bill S. 5429 will be recommitted to the Committee on the District of Columbia with instructions. Is there objection?

There was no objection.

MILLS AVENUE NE.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 16747.

The Clerk read as follows:

H. R. 16747. An act entitled "An act to amend an act approved March 2, 1907, entitled 'An act for the opening of Mills avenue NE., from Rhode Island avenue to Twenty-fourth street,'" with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHANGE IN PERMANENT SYSTEM OF HIGHWAYS.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 25149.

The Clerk read as follows:

A bill (H. R. 25149) to authorize certain changes in the permanent system of highways in the District of Columbia, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WIDENING BLADENSBURG ROAD.

Mr. SMITH of Michigan. I call up the bill S. 6580.

The Clerk read as follows:

A bill (S. 6580) to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

EXTENSION OF MINNESOTA AVENUE.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 23864.

The Clerk read as follows:

A bill (H. R. 23864) authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road, with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WIDENING AND EXTENDING MASSACHUSETTS AVENUE SE.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 24152.

The Clerk read as follows.

A bill (H. R. 24152) for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road, with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CITY AND SUBURBAN RAILWAY.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 20837.

The Clerk read as follows:

A bill (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EXTENSION OF RITTENHOUSE STREET.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 26472.

The Clerk read as follows:

A bill (H. R. 26472) to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes, with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LEAVES OF ABSENCE.

By unanimous consent leaves of absence were granted as follows:

To Mr. PUJO, for ten days, on account of sickness in family.

To Mr. ESTOPINAL, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. HOBSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Martin Bolster, Sixtieth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 7185) authorizing the Secretary of the Interior to issue patent in fee to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America for the use of the Protestant Episcopal Church of Idaho was changed from the Committee on Private Land Claims to the Committee on the Public Lands.

GIFT OF CONSTITUTION ISLAND.

The SPEAKER laid before the House the House joint resolution 219, to accept the gift of Constitution Island, in Hudson River, New York, with a Senate amendment, which was read.

Mr. CHANEY. Mr. Speaker, I move to nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. CAPRON, Mr. CHANEY, and Mr. HAY.

VETO MESSAGE—LIEUT. COMMANDER KENNETH M'ALPINE.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1429), which was read:

To the House of Representatives:

I return herewith without approval House bill No. 16927, entitled "An act for the relief of Lieut. Commander Kenneth McAlpine," for the reasons set forth in the report of the Secretary of the Navy, as follows:

"The department returns herewith H. R. 16927, an act for the relief of Lieut. Commander Kenneth McAlpine, forwarded with your letter of the 4th instant, and recommends that it be not approved, for the following reasons:

"A. This officer left the service July 17, 1903, as the result of indulgence in the use of alcohol intoxicants to such an extent as to render him morally unfit for promotion.

"B. Exceptional consideration has already been shown him in the act of March 3, 1905 (33 Stat., 992), in pursuance of which he was restored to the navy and immediately promoted to the grade for which he had formerly failed to qualify.

"C. The proposed legislation would confer upon him all the benefits to which he would have been entitled but for his own misconduct.

"D. Should this bill become a law, it would be harmful to discipline, in that it would materially tend toward the obliteration of the line which is rightfully drawn between the many officers whose conduct is uniformly consonant with the accepted standards of the service and the few whose conduct is not."

The officer has been treated with exceptional clemency already. The bill proposes to put him above the heads of better officers who have never been guilty of the conduct for which he has suffered what is really only a slight punishment.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1909.*

Mr. BUTLER. Mr. Speaker, I move that the bill, with the President's message, be referred to the Committee on Naval Affairs.

The motion was agreed to.

SECURITY OF LIFE AT SEA.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 701), which was read, referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report, made by the gentlemen whose names are signed thereto, designated by me to make a careful examination of the laws of the United States enacted for the better security of life at sea, with a view to their better adaptation to present needs. The report is in the form of a bill, and embodies a systematic rearrangement and codification of existing law, together with such changes and amendments as past experience and a consideration of present-day conditions seem to require, and I ask that it receive the careful consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1909.*

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 27051. An act authorizing the Secretary of War to furnish one brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 26399. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 1204. An act for the relief of J. M. Bloom;

S. 2911. An act for the relief of the Columbus Gas and Fuel Company;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France;

S. 212. An act to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary;

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois;

S. 568. An act for the relief of Capt. George Van Orden, U. S. Marine Corps;

S. 655. An act for the relief of Richard A. Proctor;

S. 685. An act to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska;

S. 7325. An act for the relief of Cadmus E. Crabill;

S. 6891. An act for the relief of Maj. G. S. Bingham;

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburg, Pa.;

S. 7390. An act for the relief of Christina Rockwell;

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France;

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes;

S. 4427. An act for the relief of Hastings Steamboat Company;

S. 4313. An act for the relief of John V. Vickers;

S. 4312. An act for the relief of William E. Moses;

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898;

S. 3748. An act for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio;

S. 3723. An act for the relief of Farmers and Merchants' Bank, of Mandan, N. Dak.; and

S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1909;

RADIO-TELEGRAPHY ON PASSENGER STEAMERS.

The SPEAKER also laid before the House the following message from the President (S. Doc. No. 700), which was read, referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed:

To the Senate and House of Representatives:

Your attention is invited to recent events which have conclusively demonstrated the great value of radio-telegraphy, popularly known as "wireless" telegraphy, as an instrumentality for the preservation of life at sea.

While the honor of the first practical application of the scientific principles involved may belong to another country, it is gratifying to know that our inventors have been quick to seize upon and develop the idea, and that several systems of approved scientific merit and commercial practicability have been put into operation in the United States.

Furthermore, through the liberality of Congress and the intelligence and industry of the Navy Department our Atlantic, Gulf, and Pacific coasts are equipped with a chain of shore stations, designed primarily for the national defense, but capable of receiving and transmitting messages by any of the systems of wireless telegraphy now in general use. Even our distant insular territories and Alaska are so equipped.

So far as our own country is concerned, steps have thus been taken effectually to prevent the establishment of a monopoly in the practical use of the new applied art.

I deem it highly desirable that the Congress before adjournment should enact a law, requiring within reasonable limitations, as determined by what the Government of the United States has already done and by what prudent and progressive shipowners have already found practicable, that all ocean-going steamships, carrying considerable numbers of passengers on routes where wireless installations would be useful, should be required to carry efficient radio-telegraphic installations and competent operators. The subject is now under consideration by the Congress, and I am advised that legislation to effect the same general purpose is also under consideration abroad.

Our interest in its enactment is keen on account of the great number of steerage, as well as cabin, passengers who annually arrive at and depart from our ports. What we have already done along practical business lines warrants the United States in being first among nations to enact a statute requiring the use of this safeguard of human life.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1909.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER laid before the House, from the Speaker's table, the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, with Senate amendments thereto.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. GARDNER of Michigan, Mr. MADDEN, and Mr. BURLESON.

BIRTHDAY OF ABRAHAM LINCOLN.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from further consideration of House joint resolution 247 and the Senate amendments thereto, and that the Senate amendments be disagreed to. This is the resolution relating to the coming one hundredth birthday of Abraham Lincoln, making it a legal holiday, and it is impossible to dispose of the Senate amendments before that time in the committee.

Mr. MADDEN. Reserving the right to object, I should like to hear what the Senate amendments are.

The SPEAKER. The Clerk will report the title of the joint resolution and the Senate amendments.

The joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, making the 12th day of February, 1909, a legal holiday, and for other purposes, was read by the Clerk, together with the Senate amendments.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent to discharge the Committee on the Library from further consideration of the joint resolution and to disagree to the Senate amendments.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

RECONSIDERATION OF DISTRICT BILLS.

On motion of Mr. SMITH of Michigan, a motion to reconsider the several votes by which the various bills relating to the District of Columbia were this day passed was ordered to lie on the table.

PRICE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from further consideration of House bill 27888, to regulate the price of gas in the District of Columbia, and for other purposes, and that the same be considered in the House.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (H. R. 27888) to regulate the price of gas in the District of Columbia, and for other purposes, and that the same be considered in the House. Is there objection?

Mr. MANN. I object.

Mr. SIMS. I will ask if I can be recognized to make that motion?

The SPEAKER. To discharge the committee and to consider the bill?

Mr. SIMS. Yes.

The SPEAKER. In view of the rules and the precedents, the Chair will state to the gentleman that it has been held by the House, upon appeal, that that motion is not in order.

Mr. SIMS. That answers my question.

ADJOURNMENT.

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for service of the District of Columbia (H. Doc. No. 1426)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for marine barracks at Sitka, Alaska (H. Doc. No. 1427)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LLOYD, from the Committee on the Territories, to which was referred the bill of the House (H. R. 27068) to extend the

time for the completion of the Alaska Central Railway, and for other purposes, reported the same with amendment, accompanied by a report (No. 2083), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12404) to authorize the Court of Claims to admit as evidence affidavits in certain cases, reported the same without amendment, accompanied by a report (No. 2082), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 24130) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Wrecking Company, reported the same with amendment, accompanied by a report (No. 2084), which said bill and report were referred to the Private Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 223) to allow the city and county of San Francisco to exchange lands for reservoir sites in Lake Eleanor and Hetch Hetchy valleys in Yosemite National Park, and for other purposes, reported the same, together with the views of the minority, without amendment, accompanied by a report (No. 2085), which said joint resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17176) granting an increase of pension to John Townsend—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25625) granting an increase of pension to Henry A. Billow—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CRUMPACKER: A bill (H. R. 27926) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: A bill (H. R. 27927) authorizing the Secretary of the Treasury to acquire land for the further enlargement of federal building site at Beaumont, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 27928) to prevent the fraudulent use of the mail in matters concerning duly authorized secret orders and societies—to the Committee on the Post-Office and Post-Roads.

By Mr. SMALL: A bill (H. R. 27929) increasing limit of cost of public building at Washington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 27930) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas or Osage tribe of Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 27931) to amend "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908—to the Committee on Industrial Arts and Expositions.

By Mr. COLE: A bill (H. R. 27932) to provide for a badge of honor for surviving soldiers of Mexican, civil, and Spanish wars—to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 27933) authorizing the purchase by the United States of the Albemarle and Chesapeake Canal in the States of Virginia and North Carolina—to the Committee on Railways and Canals.

By Mr. FERRIS: A bill (H. R. 27934) authorizing the Secretary of War to accept a donation from the city of Lawton, Okla., of any lands tendered by them lying along the southern boundary of the Fort Sill Military Reservation, in Oklahoma—to the Committee on Military Affairs.

Also, a bill (H. R. 27935) authorizing the Secretary of War to acquire by purchase or condemnation certain parcels of land immediately adjoining the Fort Sill Military Reservation, in Oklahoma—to the Committee on Military Affairs.

By Mr. HITCHCOCK: A bill (H. R. 27936) authorizing the appointment of a commission to investigate the grain traffic of the United States and to consider and recommend any needful legislation in relation thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: A bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes"—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAY: Resolution (H. Res. 543) asking for information relative to the subject of hazing at the Military Academy since January 1, 1908—to the Committee on Military Affairs.

By Mr. WILSON of Illinois: Resolution (H. Res. 544) for the appointment of an additional clerk to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. HITCHCOCK: Resolution (H. Res. 545) providing for a special order Saturday, February 13—to the Committee on Rules.

By Mr. ELLIS of Oregon: Memorial of the legislature of Oregon, asking Congress to call a convention to propose an amendment to Article I, section 3, of the Constitution of the United States—to the Committee on Election of President, Vice-President, etc.

Also, memorial of the state legislature of Oregon, in favor of the election of United States Senators by the direct vote of the people—to the Committee on Election of President, Vice-President, etc.

Also, memorial of the legislature of Oregon, in favor of government aid to permanent main highways—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, opposing the repeal of the law taxing oleomargarine—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, asking the present Congress to appropriate $1,000,000 for road construction in Alaska—to the Committee on Appropriations.

By Mr. HOWELL of Utah: Memorial of the legislature of Utah, providing for the annexation of all that part of the Territory of Arizona north of the Colorado River to the State of Utah—to the Committee on the Territories.

By Mr. REEDER: Memorial of the legislature of Kansas, asking that the Kansas State Militia doing service in the civil war be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Memorial of the legislature of North Dakota, concerning coal deposits on public lands—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 27937) granting an increase of pension to Israel F. Shirley—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 27938) granting an increase of pension to Hiram Fairbrother—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 27939) granting an increase of pension to W. H. Miller—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 27940) for the relief of J. T. Payne, of Cherokee County, Ala.—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 27941) to amend the military record of George W. Cathus—to the Committee on Military Affairs.

Also, a bill (H. R. 27942) granting an increase of pension to William C. Logan—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27943) granting an increase of pension to Mary Fanning—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 27944) granting an increase of pension to William Moore—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 27945) granting an increase of pension to John Klay—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 27946) granting an increase of pension to Jeremiah R. Jones—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 27947) granting a pension to H. B. Lemcke—to the Committee on Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 27948) to correct the military record of Jeremiah Morgan—to the Committee on Military Affairs.

By Mr. FOELKER: A bill (H. R. 27949) for the relief of Edward Misset—to the Committee on Naval Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 27950) granting an increase of pension to William S. Rosborough—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 27951) granting an increase of pension to Lawrence W. Pittman—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 27952) granting a pension to Emma R. Emery—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 27953) granting an increase of pension to Jacob Madison Pruitt—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 27954) granting a pension to Laura R. Holliday—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 27955) granting an increase of pension to Jacob Waltenbaugh—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 27956) for the relief of the estate of Phereby R. Sheppard, deceased—to the Committee on War Claims.

By Mr. HULL of Iowa: A bill (H. R. 27957) granting an increase of pension to Daniel C. Bishard—to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 27958) for the relief of the estate of Ruth O'Dell, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 27959) granting an increase of pension to James Webb—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 27960) granting a pension to Martha M. Wilson Hyatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27961) granting a pension to Mollie J. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27962) granting an increase of pension to Jesse B. Berry—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 27963) granting an increase of pension to Gilman A. H. Simmons—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 27964) granting an increase of pension to George W. Blake—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 27965) granting an increase of pension to Eva M. Lamb—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 27966) providing for the retirement of Dr. James B. Ferguson, of the army—to the Committee on Military Affairs.

By Mr. TOU VELLE: A bill (H. R. 27967) granting an honorable discharge to Ferdinand Tobe—to the Committee on Military Affairs.

Mr. WILSON of Illinois: A bill (H. R. 27968) granting an increase of pension to Frank Odin—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 27969) granting an increase of pension to Jerome B. Brooks—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Messrs. James & Busby and 10 others, of Chrisman, Ill., protesting against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Jay Swern and 7 others, of Marshall, Ill., protesting against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. Thomen and 10 others, of Sidell, Ill., protesting against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. E. Kespler and 12 others, of Georgetown, Ill., protesting against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of Chamber of Commerce of New York, for an appropriation for an exhibit at the Brussels Exposition in 1910—to the Committee on Industrial Arts and Expositions.

Also, petition of the L. Dollman Company, of Buffalo, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Presbyterian Churches of Maine and New York, for a law to secure one day's rest in seven for employees in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petition of employees on the Panama Canal, for legislation granting to said employees six weeks' vacation with pay—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Israel F. Shirley—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of the Adams Brothers Company, of Macon, Ga., asking removal of duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. CALDWELL: Petition of citizens of the Twenty-first Congressional District of Illinois, opposing passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of the C. W. Fischer Furniture Company, for removal of duty on oilcloth and linoleum to the extent of 8 cents per square yard on some and 20 cents per square yard on other descriptions of said goods—to the Committee on Ways and Means.

Also, petition of the E. C. Knapp Company, of Milwaukee, for increase of tariff on postcards—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petition of citizens of Albion, Ill., against parcels post on rural free-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Missouri: Petition of citizens of various Missouri cities and towns, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Colorado: Petition of the Illinois Manufacturers' Association, favoring swift ships to South America, Australia, Asia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. CRAIG: Petition of the V. B. Atkins Grocery and Commission Company, favoring repeal of duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of Silas Jackson Post, Grand Army of the Republic, opposing passage of H. R. 23244 (roll of honor bill)—to the Committee on Military Affairs.

By Mr. DE ARMOND: Petition of business men of Jerico Springs, Mo., for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Chamber of Commerce of State of New York, favoring an appropriation for exposition at Brussels—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of H. T. Lange, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of New York Commandery of Naval and Military Order of the Spanish-American War, for granting campaign badges to officers and enlisted men of the Army, Navy, Revenue-Cutter Service, and Marine Corps for service in the Philippines or China campaign—to the Committee on Military Affairs.

Also, petition of Yellow Pine Manufacturers' Association, favoring retention of present duty on lumber—to the Committee on Ways and Means.

Also, petition of the Illinois Manufacturers' Association, favoring swift steamship connection with South American countries, and extension of the coastwise laws in Panama and the Philippines—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of New York, for ap-

propriation for participation in the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the Hardware Manufacturers' Association of the United States, against reduction of duty on lumber—to the Committee on Ways and Means.

Also, petition of American Protective Tariff League, against a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

By Mr. FOCHT: Paper to accompany bill for relief of Pott Phillips—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of C. W. Kiser, Russell & Bros., George I. Num, and J. J. Fly, of Mount Vernon, Mount Carmel, and Newton, Ill., against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Blecker, Mayer & Co., O. W. Richardson & Co., and the Duck Brand Company, all of Chicago, for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of Ellis & Rooney and other citizens of Seneca, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Antikamnia Chemical Company, of St. Louis, Mo., against the Mann bill (H. R. 21982), providing for poison labels—to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: Paper to accompany bill for relief of Lawrence W. Pittman—to the Committee on Invalid Pensions.

By Mr. GRAFF: Petition of business men of Princeton, Walnut, Bradford, Tremont, and Lacon, Ill., favoring the establishment of a rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of citizens of Oliver County, N. Dak., for legislation giving title to homestead entrymen in North Dakota who entered their land under the homestead laws—to the Committee on the Public Lands.

By Mr. GUERNSEY: Petition of Whitney Ridge Grange, No. 434, favoring a national highways commission—to the Committee on Agriculture.

By Mr. HAWLEY: Memorial of the legislative assembly of Oregon, favoring legislation to secure election of Senators by a direct vote of the people—to the Committee on the Judiciary.

Also, memorial of the legislative assembly of Oregon, favoring a national highways commission—to the Committee on Agriculture.

Also, memorial of the legislative assembly of Oregon, favoring completion of the Malheur irrigation project by the United States Reclamation Service—to the Committee on the Public Lands.

Also, memorial of the legislative assembly of Oregon, favoring rejection of any legislation looking to repeal of the present tax on oleomargarine—to the Committee on Agriculture.

Also, memorial of legislative assembly of Oregon, favoring an appropriation of $1,000,000 for aid in construction of highways in Alaska—to the Committee on Agriculture.

By Mr. HAYES: Petitions of William Fetrow and 43 others, of Lemoyne, Cumberland County, Pa.; S. M. Smith and 39 others, of Kutztown, Pa.; James R. Chaney and 11 others, of Wilksburg, Pa.; F. E. Summers and 24 others, of Cherryville, N. C.; P. B. Gill and 93 others, of Seattle, Wash.; J. A. Adams and 79 others, of San Francisco, Cal.; J. Graap and 101 others, of Seattle, Wash.; and John J. Sanderson and 95 others, of San Francisco, Cal., favoring the enactment of an effective Asiatic law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of San Francisco Labor Council, against the introduction of task or piece work in government navy-yards—to the Committee on Naval Affairs.

Also, petition of San Francisco Labor Council, Sailors' Union of the Pacific, and Marine Firemen, Oilers, and Water Tenders' Union of San Francisco, against removal of the marine hospital from its present location to Angel Island—to the Committee on Naval Affairs.

By Mr. HEPBURN: Petition of citizens of Iowa, against the passage of the bill (S. 3940) for the proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HINSHAW: Paper to accompany bill for relief of Dewey Shaw—to the Committee on Pensions.

By Mr. KÜSTERMANN: Petition of citizens of Appleton, Wis., in favor of parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Petition of Bowder, Magnet & Co., of Atlanta, Ga., for removal of duty on sugar—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Seattle Chamber of Commerce, favoring appropriation of $1,000,000 in aid of road building in Alaska—to the Committee on Agriculture.

Also, petition of New York Commandery of the Naval and Military Order of the Spanish-American War, favoring legislation granting campaign badges indicative of service performed—to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of New York State, for appropriation for participation in Brussels (Belgium) Exposition in 1910—to the Committee on Industrial Arts and Expositions.

By Mr. LLOYD: Petition of Medill Grange, of Clark County, Mo., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of widows of Dr. Jesse W. Lazear and Dr. James Carroll—to the Committee on Pensions.

Also, petition of citizens of Kirksville and Edenia, all in the State of Missouri, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Salem, Mo., for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sojourners' Club of Kirksville, Mo., favoring the Davis agricultural bill—to the Committee on Agriculture.

By Mr. LOWDEN: Petiton of citizens of Milledgeville, Mount Carroll, Lanark, Rochelle, Franklin Grove, Ashton, Morrison, Prophetstown, Sterling, Dixon, Erie, and Fulton, all in the State of Illinois, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petition of citizens of the Fourteenth Congressional District of Illinois, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of Bushnell, Good Hope, Blandinsville, Macomb, Prairie City, Bowen, Colchester, Plymouth, Aledo, New Windsor, Viola, Keithsburg, Little York, Ognawka, New Boston, and Alexis, all in the State of Illinois, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Chamber of Commerce of Milwaukee, favoring H. R. 22901, 22902, and 22903, relative to interstate rate requirements—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hardwood Manufacturing Association, against tariff reduction on lumber—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of North Dakota Retail Hardware Association, against establishment of parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Dakota, against tariff on tea and coffee—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of San Francisco Labor Council, against introduction of task or piecework in government navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Stockton, Cal., for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Sailors' Union of the Pacific; Marine Firemen, Oilers, and Watertenders' Union; and San Francisco Labor Council, against removal of the marine hospital to Angel Island—to the Committee on Naval Affairs.

By Mr. PAYNE: Petitions of citizens of Lyons, N. Y.; Academy Grange, No. 62, Patrons of Husbandry, of Canandaigua; and Lyman Robinson and others, favoring parcels-post and savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PORTER: Petition of residents of North Tonawanda, N. Y., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of citizens of the Fifteenth Congressional District of Illinois, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. RAINEY: Petition of 102 retail merchants of the Twentieth Congressional District of Illinois, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Russell Springs,

Logan County, Kans., for enactment of the Littlefield-Bacon bill—to the Committee on the Judiciary.

Also, memorial of legislature of Kansas, favoring legislation against transportation into any State of any article which is prohibited by the constitution of that State—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Kansas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. RHINOCK: Petition of citizens of Bowie County, Ky., favoring establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Paper to accompany bill for relief of Mont M. James (H. R. 27126)—to the Committee on Invalid Pensions.

By Mr. RYAN: Petitions of Memphis Freight Bureau, the Chamber of Commerce of Milwaukee, and the Missouri Manufacturers' Association, favoring Townsend bills, to increase power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. M. Flickinger, of Buffalo, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SABATH: Petition of the Illinois Manufacturers' Association, for subsidy act to provide fast steamers for Australia, South America, Asia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHEPPARD: Paper to accompany bill for relief of legal representatives of Dr. Thomas B. Waters—to the Committee on War Claims.

By Mr. SLAYDEN: Petition of the Union Trust Company and others, of Center Point, Tex., against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Union Trust Company, of Center Point, Tex., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolution of the First Congregational Church of Branford, Conn., favoring the Foelker antigambling bill—to the Committee on the Judiciary.

Also, petitions of various citizens of Connecticut, favoring temperance legislation—to the Committee on Alcoholic Liquor Traffic.

By Mr. STEENERSON: Petition of the Minnesota Live Stock Breeders' Association, favoring the Davis agricultural bill—to the Committee on Agriculture.

Also, petitions of Ole Johnson, John Bakken, and other residents of Flom; August Maass, G. F. Starz, and others, of Lockhart; J. L. Williams, C. S. Dahlquist, and others, of Baudette; and F. C. Clayton and others, of Frazee, all in the State of Minnesota, protesting against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. STERLING: Petition of citizens of Forrest, Ill., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of Professor Bull and others, of State Agricultural College of Minnesota, praying for legislation creating a national highways commission—to the Committee on Agriculture.

Also, petition of Minnesota Live Stock Breeders' Association, favoring enactment of the Davis bill, to promote study of agriculture in schools—to the Committee on Agriculture.

Also, petition of Minnesota State Bar Association, favoring increase of salaries for United States judges—to the Committee on Appropriations.

Also, petition of Dartmouth College Alumni Association, asking passage of House joint resolution 160, relative to appointment of a commission to test arsenic in yellow-fever cases—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Petition of F. A. Minor, of Martinsburg, and Loar & Poe, of Grafton, both in the State of West Virginia, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of residents of Chautauqua County, N. Y., for legislation to establish a parcels-post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WEISSE: Petition of Woman's Club of Sheboygan, favoring the Beveridge-Parsons child-labor bill—to the Committee on Labor.

By Mr. WOODYARD: Petition of citizens of Harrisville, Pennsboro, and West Union, all in the State of West Virginia, against the establishment of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. C. Martin & Co., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

SENATE.

TUESDAY, *February 9, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FORAKER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CREDENTIALS.

Mr. FORAKER. Mr. President, I have the honor to present the credentials of my successor, Hon. THEODORE E. BURTON. I ask that the credentials be read and filed.

The credentials of THEODORE E. BURTON, chosen by the legislature of the State of Ohio a Senator from that State for the term beginning March 4, 1909, were read and ordered to be filed.

Mr. CURTIS presented the credentials of JOSEPH L. BRISTOW, chosen by the legislature of the State of Kansas a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

THE CALIFORNIA EARTHQUAKE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in further response to Senate resolution 266 of the 5th instant, a consolidated report covering the work of the army in connection with the San Francisco earthquake and fire of April, 1906, which, with the accompanying report, was referred to the Committee on Printing.

WASHINGTON GASLIGHT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Gaslight Company for the year ended December 31, 1908 (H. Doc. No. 1434), which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907; and

S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans.

The message also announced that the House had passed the bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.,'" with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. MADDEN, and Mr. BURLESON managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE., from Rhode Island avenue to Twenty-fourth street;"

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska;

H. R. 20837. An act to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 26734. An act to permit changes of entry in case of mistake of the description of tracts intended to be entered;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes; and

H. J. Res. 234. Joint resolution to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois;

S. 212. An act to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary;

S. 568. An act for the relief of Capt. George Van Orden, U. S. Marine Corps;

S. 655. An act for the relief of Richard A. Proctor;

S. 685. An act to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska;

S. 1204. An act for the relief of J. M. Bloom;

S. 2911. An act for the relief of the Columbus Gas and Fuel Company;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France;

S. 3723. An act for the relief of Farmers and Merchants' Bank, of Mandan, N. Dak.;

S. 3748. An act for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio;

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898;

S. 4312. An act for the relief of William E. Moses;

S. 4313. An act for the relief of John V. Vickers;

S. 4427. An act for the relief of Hastings Steamboat Company;

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes;

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France;

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburg, Pa.;

S. 6891. An act for the relief of Maj. G. S. Bingham;

S. 7325. An act for the relief of Cadmus E. Crabill;

S. 7390. An act for the relief of Christina Rockwell;

H. R. 26399. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909; and

S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1909.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Western Pine Manufacturers' Association of Spokane, Wash., remonstrating against the removal of the duty on lumber and lumber products, which was referred to the Committee on Finance.

He also presented memorials of the International Typographical Union, of Indianapolis, Ind.; of the International Printing Pressmen and Assistants' Union, of Cincinnati, Ohio; and of the International Brotherhood of Bookbinders, of New York City, N. Y., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

Mr. McLAURIN (by request) presented a petition indorsed by the National Baptist Convention, representing 2,500,000 communicants; the African Methodist Episcopal Church, representing 800,000 communicants; the African Methodist Episcopal Zion Church, representing 600,000 communicants; the National Negro Business League, representing the colored business men throughout the United States; and sundry other colored citizens and organizations, praying for the enactment of legislation providing for the reimbursement of the depositors of the Freedman's Savings and Trust Company, which was referred to the Committee on Appropriations.

Mr. FLINT presented a memorial of sundry citizens of California, remonstrating against any reduction in the duty on sugar imported from the Philippine Islands, which was referred to the Committee on Finance.

Mr. CURTIS presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 13.

Whereas the pioneers of Kansas withstood the onslaught of the slave power for six years before the war of the rebellion, and when that conflict came on put more soldiers in the Volunteer Army to uphold the Government than there were voters in the State, and then organized all the men left in her boundaries into the militia service to protect as best they could the homes of the absent soldiers; and

Whereas this militia organization did valiant and valuable service, being at various times called upon by the Federal Government to assist in repelling invasion, always responding with alacrity; and

Whereas we believe the survivors of the Kansas Militia from 1861 to 1865 deserve to be recognized by making them eligible to all the pension laws applicable to the volunteer soldiers of the war from 1861 to 1865: Therefore be it

Resolved by the senate (the house concurring), That we most heartily commend Hon. CHARLES CURTIS and Hon. D. R. ANTHONY for introducing in the Senate of the United States and the House of Representatives, respectively, bills providing for placing the patriotic survivors of our old militia veterans on the pension rolls, and that we most respectfully and earnestly request our entire delegation in Congress to unite in a strong effort to secure the passage of one of these bills at as early a date as possible, while there yet remains some to be benefited thereby.

Resolved, That duly authenticated copies of these resolutions be forwarded to each of our Senators and Representatives in Congress.

I hereby certify that the above concurrent resolution originated in the senate and passed that body January 22, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Passed the house January 30, 1909.

J. N. DOLLEY,
Speaker of the House.
C. H. BRILHART,
Assistant Chief Clerk of the House.

Approved February 3, 1909.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 4th day of February, 1909.

C. E. DENTON,
Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. CURTIS presented a petition of sundry citizens of Effingham, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Post No. 153, Department of Kansas, Grand Army of the Republic, of the State of Kansas, praying for the enactment of legislation granting a pension of not less than $1 per day to all soldiers of the civil war, which was referred to the Committee on Pensions.

Mr. GAMBLE presented a petition of the South Dakota Federation of Women's Clubs, of Fort Pierre, S. Dak., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Lesterville, S. Dak., remonstrating against the treatment accorded German-Russian immigrants by government officials on account of their alleged suffering from trachoma on their arrival at Ellis Island, N. Y., which was referred to the Committee on Immigration.

Mr. GORE. I present a petition signed by sundry colored citizens of Lawton, Okla., which I ask may be printed in the RECORD, omitting the signatures, and referred to the Committee on Immigration.

There being no objection, the petition was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

LAWTON, OKLA., *February 3, 1909.*

To the honorable Congress of the United States of America,
Washington, D. C.:

We, the colored citizens of the State of Oklahoma, believe the time has come and conditions fully warrant our migration to a country where we can enjoy fully and exclusively the privilege and blessings of self-government, thereby removing all racial friction and other grievous conditions.

A large per cent of our race desire to migrate to Liberia, Africa, but on account of poverty, so common among us, are unable to do so.

Therefore we, the undersigned citizens, as delegates, ask the United States Government to grant to each member of our race who are citizens of the United States and who desire to go free transportation to Liberia, Africa.

We do not favor a compulsory law relative to said proposed removal, but an optional measure.

And in the name of the Lord we further ask our distinguished Representatives to consider our condition and help us in our humble effort, for the conditions among us are very grave and grievous, even with the best element of our race.

God grant that your decision be right and just.

Mr. BRIGGS presented petitions of sundry citizens of Bridgeport, Hopewell, Washington, Hightstown, Westwood, Deerfield, Rancocas, Thoroughfare, Ringoes, Woodstown, Windsor, Vineland, Moorestown, Medford, Cedarville, and Vincentown, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of sundry business firms of Minneapolis, Minn., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. WARREN presented a petition of Local Lodge No. 660, Benevolent and Protective Order of Elks, of Cheyenne, Wyo., praying for the enactment of legislation to create a national reserve in that State for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SMITH of Maryland presented a petition of Local Grange No. 951, Patrons of Husbandry, of Medford, Md., and a petition of sundry citizens of the State of Maryland, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Allegany Trades Council, of Cumberland, Md., remonstrating against any further enlargement of the powers of the courts in making laws instead of exercising their proper function in passing sentence under those enacted by Congress and the different state legislatures, which was referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of Local Grange, Patrons of Husbandry, of Jasper, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the National Board of Trade of the United States, praying for the enactment of legislation requiring the employment of American vessels for the transportation of American material and equipment for the Panama Canal, which was referred to the Committee on Commerce.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 8203) granting an increase of pension to Milton H. Bates, which were referred to the Committee on Pensions.

Mr. RAYNER presented a memorial of the Allegany Trades Council, of Cumberland, Md., remonstrating against any further enlargement of the powers of the courts in making laws instead of exercising their proper function in passing sentence under those enacted by Congress and the different state legislatures, which was referred to the Committee on the Judiciary.

Mr. BOURNE presented petitions of sundry citizens of Sherwood, Woodlawn, and Russellville, all in the State of Oregon, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 19, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon; and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial 1.

Whereas Alaska is dependent upon the Federal Government for all statutory enactments and administrative improvements; and

Whereas trunk wagon roads through the main mining sections are essential to proper and fair development of the rich minerals proved in the Northland; and

Whereas Alaska's contribution of revenue to the Federal Government and immense business returns to the States warrants heavy work on a trunk wagon-road system at this time: Therefore

Your memorialists do earnestly pray the Conrgess of the United States to appropriate $1,000,000 at this Congress for inauguration of heavy construction on the trunk wagon road between Valdez and Nome, via Tanana and Yukon rivers, which has been recommended by the board of road commissioners for Alaska, said work to be done by the board of road commissioners for Alaska, pursuant to regulations issued and adopted by the War Department.

Adopted by the senate January 19, 1909.

JAY BOWERMAN, *President.*

Concurred in by the house January 22, 1909.

C. N. MCARTHUR, *Speaker.*

Indorsed: Senate joint memorial 1, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a memorial of the legislature of Oregon, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 20, 1909, and concurred in by the senate January 21, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 25th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
HOUSE OF REPRESENTATIVES.

House joint memorial 4. Introduced by Mr. Brooke.

Resolved by the house, the senate concurring:

That whereas the reclamation fund derived from the sale of public lands in Oregon is greatly in excess of the amount applied by the Reclamation Service of the United States within the State of Oregon; and

Whereas it is most earnestly desired by the people of Malheur County, as well as of the State of Oregon, that the Reclamation Service take up and complete what is known as the "Malheur irrigation project," in Malheur County, which covers a large body of land in said county which is now arid and nonproductive; and

Whereas the application of water to said tract of land would be of inestimable value to the State of Oregon: Now therefore be it

Resolved by the house of representatives (the senate concurring), That the Senators and Representatives in Congress from this State be requested to use their influence with the Reclamation Service of the United States to the end that the Reclamation Service take up the construction and completion of the Malheur irrigation project, and that a copy of this resolution be sent to each of the Senators and Representatives in Congress from Oregon.

Adopted by the house January 20, 1909.

C. N. MCARTHUR, *Speaker.*

Concurred in by the senate January 21, 1909.

JAY BOWERMAN, *President.*

Indorsed: House joint memorial 4, W. F. Draper, chief clerk; filed January 25, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the Senate January 26, 1909, together with the indorsements thereon; and that it is a full, true, and complete copy of the original, as filed in the office of the secretary of state of the State of Oregon on the 28th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

TWENTY-FIFTH LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON,
HOUSE OF REPRESENTATIVES.

House joint memorial 5.

We, the legislative assembly of the State of Oregon, most respectfully memorialize Congress to reject any legislation looking to the repeal of the present tax on oleomargarine.

Adopted by the house January 22, 1909.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the senate January 26, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed: House joint memorial 5, W. F. Drager, chief clerk; filed January 28, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial 4.

Whereas there is a general demand by the people of the United States and of the State of Oregon for better and more permanent public roads: Therefore be it

Resolved by the senate of the State of Oregon (the house concurring), That it is the sense of the people of this State that the National Government should aid in the permanent construction of the main highways, and that the Congress of the United States is hereby memorialized to extend some such aid by the appropriation of a percentage of the cost of such permanently improved main highways throughout the different States of the Union where and whenever a State and the several counties thereof shall by statute extend a like aid in so permanently improving their main highways, or that the loan of public money by the Treasurer of the United States be authorized for such construction or the aiding thereof, or by both the appropriation and loan and in such sums and under such conditions as may be by said Congress determined upon and deemed advisable. Be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States in Congress assembled and to the legislatures of the several States of the Union by the secretary of state.

Adopted by the senate January 20, 1909.

JAY BOWERMAN, *President*.

Concurred in by the house January 22, 1909.

C. N. MCARTHUR, *Speaker*.

Indorsed: Senate joint memorial 4, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 20, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State*.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate resolution 4.

Be it resolved by the senate of the State of Oregon (the house of representatives concurring), That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States, so that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be, and the same is hereby, adopted:

To the honorable Congress of the United States of America, represented in Senate and House of Representatives:

The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States of America, so as to provide therein that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, and to further provide for the ratification of said proposed amendment by the several States as made and provided for in Article V of the Constitution of the United States.

That the aforesaid application shall be signed by the president of the senate and the speaker of the house of representatives, and attested by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each Member of the delegation in Congress from this State, and to the legislature of each State in the United States.

Adopted by the senate January 19, 1909.

JAY BOWERMAN, *President*.

Adopted by the house January 22, 1909.

C. N. MCARTHUR, *Speaker*.

Indorsed: Senate joint resolution 4, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint resolution No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 19, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State*.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
HALL OF REPRESENTATIVES.

House joint memorial 3.

Be it resolved by the house of representatives of the State of Oregon (the senate concurring), That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States, so that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be, and the same is hereby, adopted:

To the honorable Congress of the United States of America, represented in Senate and House of Representatives:

The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States of America, so as to provide therein that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, and to further provide for the ratification of said proposed amendment by the several States as made and provided for in Article V of the Constitution of the United States; and, be it further

Resolved, That the aforesaid application shall be signed by the president of the senate and the speaker of the house of representatives, and attested by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each member of the delegation in Congress from this State, and to the legislature of each State in the United States.

Adopted by the house January 22, 1909.

C. N. MCARTHUR,
Speaker.

Concurred in by the senate January 26, 1909.

JAY BOWERMAN,
President.

Indorsed: House joint memorial 3, W. F. Drager, chief clerk; filed January 27, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the Senate January 26, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State*.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 25806) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 938) thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. SMOOT on the 3d instant, proposing to appropriate $5,000 to increase the limit of cost for the public building at Provo, Utah, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 26461) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 939) thereon.

Mr. TAYLOR, from the Committee on Pensions, to whom was referred the bill (H. R. 7474) granting a pension to Charles H. Balch, reported it with amendments and submitted a report (No. 940) thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H R. 16551) to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95 for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander*, reported it without amendment and submitted a report (No. 946) thereon.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 8821) to extend the time for the completion of the Alaska Central Railway, and for other purposes, reported it with an amendment and submitted a report (No. 941) thereon.

He also, from the same committee, to whom was referred the bill (S. 8058) authorizing the Attorney-General to appoint as

special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior, reported it without amendment and submitted a report (No. 942) thereon.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 7766) to correct the naval record of William Henry Beehler and to authorize the President to appoint him a rear-admiral on the retired list, reported it without amendment and submitted a report (No. 943) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 7910) for the relief of J. Blair Shoenfelt, former United States Indian agent, Union Agency, Okla., asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 7910) for the relief of J. Blair Shoenfelt, former United States Indian agent, Union Agency, Okla., reported it without amendment and submitted a report (No. 944) thereon.

Mr. McCREARY, from the Committee on Pensions, to whom was referred the bill (H. R. 26746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 948) thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 21st ultimo proposing to appropriate $25,000 to increase the limit of cost for the public building at Maryville, Mo., intended to be proposed to the sundry civil appropriation bill, submitted a report (No. 949) thereon and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. FULTON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6903) for the relief of Willis A. Joy (Report No. 951);

A bill (H. R. 18600) for the relief of John M. Hill (Report No. 952);

A bill (S. 8424) for the relief of the owners of lighter No. 128 (Report No. 953); and

A bill (S. 6934) for the relief of the Merritt & Chapman Derrick and Wrecking Company (Report No. 954).

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. NIXON on the 5th instant, proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable point in the State of Nevada, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. SMOOT on the 3d instant, proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable point in the State of Utah, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 947) accompanied by a bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following bills heretofore referred to that committee:

S. 639. Mary A. Barnum;
S. 1274. Simon Collier;
S. 1287. Joseph Kingsbury;
S. 1537. Franklin W. McKinley;
S. 1595. John W. Foote;
S. 1613. Elisha Strang;
S. 1727. Wade H. Powers;
S. 2537. John Landram;
S. 2558. Hugh Brady;
S. 2577. Amos C. Ellsworth;
S. 2582. Cyrus B. Norris;
S. 3215. John L. Daniels;
S. 3217. John H. Cooper;
S. 3286. Charles Dominick;
S. 3321. William A. Gunn;
S. 3604. Nancy Jane Frazee;
S. 3601. William S. Marriott;
S. 3742. Joseph C. Flickinger;
S. 3884. Robert S. Wharton;
S. 4526. Eliza A. Morrill;
S. 5237. Walter A. De La Matyr;
S. 5920. William T. Hubbell;
S. 6443. Sarah T. Young;
S. 6452. John W. Hewitt;
S. 6503. Matthew Donahoe;
S. 6557. Mary L. Morrow;
S. 6781. Horace R. Butts;
S. 6843. Andrew C. McMaken;
S. 6922. James Donovan;
S. 7051. George Searles;
S. 7307. Alfred C. Hawley;
S. 7309. Samuel W. Wallis;
S. 7456. Henry W. Smith;
S. 7500. George T. Anderson;
S. 7531. Robert Hodge;
S. 7567. Frederick Geiger;
S. 7615. Esther A. Turner;
S. 7654. Henry H. Manley;
S. 7659. James R. Werts;
S. 7674. David W. Dale;
S. 7755. Ezra J. Yingling;
S. 7775. John H. Brandenburgh;
S. 7787. Sarah Couch;
S. 7835. George Whitson;
S. 7858. Eliza C. Clark;
S. 7957. Bridget Maker;
S. 8020. Samuel H. Freer;
S. 8127. Joseph M. Rees;
S. 8167. Emily J. Cory;
S. 8190. Daniel R. Firman;
S. 8191. Charles L. White;
S. 8220. Nancy J. Martin;
S. 8222. Eliza Mills;
S. 8282. Arthur W. Smith;
S. 8349. John Burton;
S. 8363. Maggie Wickersham;
S. 8457. Joshua Foster;
S. 8497. William Evans;
S. 8543. Augustus Wagner;
S. 8569. William H. Ferris;
S. 8590. Ella M. Glass;
S. 8724. William H. Kough;
S. 8739. Michael White;
S. 8740. Francis S. Shove;
S. 8743. Albert F. Arnold;
S. 8794. James C. Burns;
S. 8797. Cynthia A. Brown;
S. 8812. Levi Sisco;
S. 8830. Carroll B. Beasley;
S. 8831. Samuel M. McAnally;
S. 8832. William Minix;
S. 8833. William H. Grafton;
S. 8856. Daniel L. Ordway;
S. 8857. Henry A. Read;
S. 8886. Lucy P. Hicks;
S. 8908. Amanda Green;
S. 8920. Hiram A. Wilson (alias Hiram A. Bass);
S. 8928. Mary H. Wham;
S. 8931. Nora C. Calhoun;
S. 8940. William H. Douglas;
S. 9015. Martin Maginnis;
S. 9023. Thomas E. Glass;
S. 9024. John Nelson;
S. 9027. James Enloe;
S. 9032. William Clarke;
S. 9033. William J. Allen; and
S. 9068. Abby A. Thompson.

IMPROVEMENT OF CHEBOYGAN RIVER, MICHIGAN.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 88, submitted by Mr. SMITH of Michigan on the 5th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Cheboygan River, Cheboygan County, Mich., for the purpose of widening its channel and rebuilding or repairing the locks in said river as will render the river navigable to boats drawing 8 feet of water, and to furnish an estimate of the cost of such improvement.

IMPROVEMENT OF NEW RIVER HARBOR, FLORIDA.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 89, submitted by Mr. MILTON on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey with the view of establishing a harbor at New River, Fla., where same has been connected to the Atlantic Ocean by cut-off, and to report, together with estimate of the cost of the project, securing over the bar at that location at least 20 feet of water and the construction of jetties to project same.

SECURITY OF LIFE AT SEA.

Mr. FRYE. I see by the RECORD, Mr. President, that the Vice-President laid before the Senate the message of the President, Document No. 701, "which was read and, on motion of Mr. ALDRICH, was, with the accompanying papers, ordered to lie on the table and be printed," and I do not see any further action taken in relation to it.

The VICE-PRESIDENT. That was the last action taken with reference to the message.

Mr. FRYE. Is it on the table now?

The VICE-PRESIDENT. It is on the table now, and printed.

Mr. FRYE. I ask that it may be referred to the Committee on Commerce.

Mr. ALDRICH. My object in having the message laid upon the table was that I might have a chance to read the accompanying report and find out something about the nature of the commission that was referred to.

Mr. FRYE. It is an official commission. All of them are officers of the Government on detail.

Mr. ALDRICH. I have no objection to the reference, but I was desirous of reading the report before the message was referred.

Mr. FRYE. I want to have it referred, so that it may be before the committee next Thursday.

Mr. ALDRICH. I withdraw my objection.

Mr. FRYE. Shall it be referred, then, Mr. President?

The VICE-PRESIDENT. Without objection the message and accompanying papers will be referred to the Committee on Commerce.

TARIFF STATISTICS.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred Senate resolution 275, submitted by the junior Senator from Iowa [Mr. CUMMINS] on the 3d instant, to report a substitute therefor. I desire to call the attention of the junior Senator from Iowa to the resolution.

The VICE-PRESIDENT. The proposed substitute will be read.

The SECRETARY. The committee report to strike out all after the word "Resolved" and to insert:

That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as soon as practicable:

First. The aggregate value and amount of duties collected upon imports during the last fiscal year upon articles or merchandise upon which specific duties only were imposed.

Second. The aggregate value and amount of duties collected upon imports during the same period upon articles or merchandise upon which ad valorem duties were imposed.

Third. The aggregate value and amount of duties collected upon articles or merchandise imported upon which compound duties were imposed.

Fourth. The expense of administering the law at the various ports of entry during the same period, not including any part of the expense of the office of the Secretary of the Treasury at Washington, and especially the expense of the appraisers' offices at the various ports.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the resolution just read.

Mr. CULBERSON. Before consent is given, I should like to have the Senator point out briefly the difference between the resolution introduced by himself and the one reported in lieu of it.

Mr. CUMMINS. There is no substantial difference. I asked for the estimate of the Secretary of the Treasury upon the point how much less it would cost to administer our tariff if all the duties were specific than if part specific and part ad valorem. That part of the resolution is omitted by the Finance Committee. It being a mere conjecture, I am quite willing to accept the judgment of the Finance Committee upon that point.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported as a substitute.

The amendment was agreed to.

The resolution as amended was agreed to.

THE PANAMA CANAL.

Mr. KITTREDGE. Mr. President, the Committee on Interoceanic Canals, to whom was referred the bill (S. 8407) to amend an act to provide for the construction of the canal connecting the waters of the Atlantic and Pacific oceans, return the same to the Senate with the recommendation that it be referred to the Committee on Finance.

The amendment proposed by this bill increases the limit of cost of the construction of the Panama Canal to the sum of $500,000,000, and authorizes the Secretary of the Treasury to issue bonds in that amount for the purpose of meeting the expenditures of construction.

The act of June 28, 1902, known as the "Spooner Act," appropriated for the purchase of canal rights, $40,000,000; for the purchase of Canal Zone rights, $10,000,000; for the construction of the canal, $10,000,000.

Section 5 of that act authorized the President to cause the canal to be constructed, and provided that appropriations therefor should, from time to time, be hereafter made—

Not to exceed in the aggregate the additional sum of $135,000,000.

The Congress has appropriated to date for all canal purposes the following sums:

Purchase of canal rights, June 28, 1902		$40,000,000.00
Purchase of Canal-Zone rights, April 28, 1904		10,000,000.00
Construction of canal, June 28, 1902		10,000,000.00
Construction of canal, December 21, 1905		11,000,000.00
Construction of canal, February 27, 1906		5,990,786.00
Construction of canal, June 30, 1906:		
Expenses in the United States	$368,242.69	
Construction, engineering, and administration	21,018,537.24	
Civil administration	968,200.00	
Sanitation and hospitals	2,101,435.15	
Reequipment of Panama Railroad	1,000,000.00	
		25,456,415.08
Construction of canal, March 4, 1907:		
Expenses in the United States	253,000.00	
Construction, engineering, and administration	20,366,000.00	
Civil administration	825,000.00	
Sanitation and hospitals	2,034,000.00	
Reequipment of Panama Railroad	1,385,000.00	
Purchase of Panama Railroad bonds	2,298,367.50	
		27,161,367.50
Construction of canal, February 15, 1908:		
Expenses in the United States	18,600.00	
Construction, engineering, and administration	11,990,400.00	
Sanitation and hospitals	169,900.00	
		12,170,900.00
Construction of canal, May 27, 1908:		
Expenses in the United States	176,000.00	
Construction, engineering, and administration	23,450,000.00	
Civil administration	241,000.00	
Sanitation and hospitals	1,575,000.00	
Reequipment of Panama Railroad	1,100,000.00	
Purchase of two ships for Panama Railroad Company	1,550,000.00	
Relocation of Panama Railroad	1,085,000.00	
		29,177,000.00
Total appropriations to date		170,964,468.58

And all that amount presumably will have been expended by the end of the current fiscal year.

Reducing this amount by $50,000,000, $40,000,000 for canal rights, plus $10,000,000 for Canal Zone rights, the sum of $120,964,468.58 has been appropriated for construction purposes, leaving the sum of $14,035,531.42 authorized by law to be appropriated for canal purposes.

In their report to the President and to the Congress, the minority of the board of consulting engineers pledged their professional reputations that if the lock type of canal were adopted the aggregate cost of completing the canal, exclusive of sanitation and expenses of zone government, would not exceed $139,705,200, and in statements made to your committee at hearings held during the first session of the Fifty-ninth Congress they guaranteed the accuracy of their estimates.

Scarcely three years have passed since they made that report, and those statements and the great dams and locks for the type of canal adopted are not yet begun, and that feature of the work is still in a state of preparation.

The Congress has not in its possession estimates of the present Isthmian Canal Commission relative to the cost of the canal now building, although in January, 1908, before the Committee on Interoceanic Canals, the chairman of that commission stated that the cost would be not less than $250,000,000, and in answer to an inquiry he stated that he was not prepared to assure the committee and the Congress that the cost would be

less than $300,000,000. The report is current and the prophecy is made that when the canal commission submits to the Congress its revised estimate of the aggregate cost of construction of the lock type of canal not less than $325,000,000 will be named. Reports in the public press within the past few days convey the information that it is now proposed to build a breakwater in the harbor of Colon at an estimated cost of $10,000,000, and from a like source it is learned that it is now proposed to increase the minimum width of the canal at an excess cost of $14,000,000. If this be true, the latest estimated cost of the lock type of canal, including the purchase price of the canal rights and of the Canal Zone rights—$50,000,000—will bring the present estimated cost to $400,000,000, more than $200,000,000 in excess of the sum originally estimated and more than $100,000,000 in excess of the conceded maximum cost of the sea-level canal.

Your committee deems it unwise to authorize the enactment of law increasing the limit of cost to $500,000,000, as is proposed by the bill under consideration.

It will, no doubt, be necessary for the Congress at this session to appropriate twenty-five or thirty millions of dollars, or at least eleven millions more than is authorized by existing law. It is believed, however, that an appropriation by the Congress in excess of the amount originally authorized would be an authorization to increase the limit of cost. If in error in this suggestion, the employment of appropriate words in the appropriation bill will surely be effectual for that purpose.

Section 8 of the Spooner Act authorized the Secretary of the Treasury to issue bonds for the purpose of meeting canal expenditures in the sum of $130,000,000. This section of the law was offered as an amendment to the bill, when pending on the floor of the Senate, by the Vice-President, then a Senator from the State of Indiana. It was referred to the Committee on Finance, reported favorably to the Senate, and incorporated in the act.

Under the provisions of section 8 there have been issued bonds: July, 1906, $30,000,000; November, 1907, $24,631,980; November, 1908, $30,000,000; total, $84,631,980.

In the opinion of your committee, the $10,000,000 appropriated by the Spooner Act is not reimbursable from the proceeds of the sale of bonds. It is also the opinion of your committee that the Treasury is reimbursable from the proceeds of the sale of bonds to the amount of $110,964,458.58, or the further issue of bonds in the amount of $26,332,488.58, authorized by existing law.

It is clear that if the Secretary of the Treasury issues bonds in the last-named sum prior to the end of the current fiscal year and no provision for the further issue of bonds for canal purposes is authorized, a large amount of the appropriation doubtless to be made by this Congress for the coming fiscal year must be paid from the general fund.

Your committee does not favor authorizing the Secretary of the Treasury to issue bonds in the sum of $500,000,000, as proposed by the bill herewith returned to the Senate. It is therefore suggested by your committee that the Secretary of the Treasury be authorized, in appropriate terms to be incorporated in the current appropriation bill, to issue bonds to cover the amount to be appropriated in excess of the sum now authorized by law, or that legislation be had in general terms which will authorize the Secretary of the Treasury to issue bonds to cover the appropriation which Congress from time to time may make.

Under the rules of the Senate, as understood by this committee, the Finance Committee has exclusive jurisdiction in this body over the subject-matter, and for these reasons the bill is returned to the Senate with the recommendations as stated.

The VICE-PRESIDENT. The Senator from South Dakota reports from the Committee on Interoceanic Canals Senate bill 8407 and asks that the committee be discharged from its further consideration and that it be referred to the Committee on Finance. Is there objection? Without objection, it is so ordered.

Mr. CARTER. I desire to ask the Senator from South Dakota what the estimated amount of expenditures for the coming fiscal year will be for canal construction.

Mr. KITTREDGE. Mr. President, judging the future by the past, it will be between twenty-five and thirty million dollars.

Mr. FORAKER. I should like to ask the Senator one or two questions. I was absent from the Chamber necessarily, and heard but a part of the Senator's remarks.

I wish to ask him whether he has stated in his remarks what the estimated cost of the canal will be, constructing it as a lock-level type of canal, according to the plans and specifications which have been adopted?

Mr. KITTREDGE. That point, Mr. President, is covered in the report. The statement is made that from the latest estimates the sum will be $400,000,000.

Mr. FORAKER. There is one other question I will ask the Senator. What was the estimated cost of a sea-level canal, as presented to the Senate at the time when we voted to adopt the lock-level canal?

Mr. KITTREDGE. The sum was $247,000,000, exclusive of the $40,000,000 paid to the French company for the property secured, plus $10,000,000 paid to Panama for Canal Zone rights.

Mr. FORAKER. Will the Senator allow me to ask him one other question? Has anything developed since we adopted the lock-level type of canal to cause the Senator to believe that the estimate for a sea-level canal of $247,000,000 was less than it would have cost us to build a sea-level canal?

Mr. KITTREDGE. Mr. President, in my judgment the experience upon the Isthmus has demonstrated that instead of a sea-level canal costing $247,000,000 it would be less than that amount. The sea-level canal is a digging proposition pure and simple, and the experience had at Panama in the matter of excavation has been most successful. They have excavated and are excavating large amounts of material at an unexpectedly small cost per cubic yard.

Mr. FORAKER. So, if I understand the Senator—so far as we were influenced to adopt the lock-level canal in preference to a sea-level canal on grounds of economy—we made a very grave mistake.

Mr. KITTREDGE. Mr. President, as stated in the report submitted, instead of the lock type of canal costing, as claimed by the lock-type engineers, $100,000,000 less than the construction of a sea-level canal, the lock type of canal under present estimates will cost $100,000,000 more.

Mr. BEVERIDGE. Mr. President——

Mr. FORAKER. I wish to ask another question in this connection. Have we so far progressed in the work of constructing a lock-level canal that we could not at this time turn to a sea-level canal?

Mr. KITTREDGE. By no means. It is possible to turn from the lock-type canal to a sea level and not at great expense. In preparing for the work of the lock type you begin upon one basis, and in the construction of a sea-level type of canal you begin upon a different basis. It is largely in the work of preparation. The material actually excavated in the construction of a lock type is removed if the sea-level type is adopted, as will inevitably happen in the course of a little time.

Mr. FORAKER. Will the Senator state what the estimated cost was at the time we adopted the lock-level type of canal which we propose to build?

Mr. KITTREDGE. That estimate was given at the sum of $139,700,000, exclusive of the cost of sanitation and the civil government of the zone.

Mr. FORAKER. The sanitation and civil government would cost no more with a sea-level canal than with a lock-level canal, I suppose?

Mr. KITTREDGE. The Senator from Ohio is entirely correct.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. BEVERIDGE. If the Senator from Ohio is through——

Mr. FORAKER. I thought I had the floor in my own right.

Mr. BEVERIDGE. You have the floor.

Mr. FORAKER. And I am asking the Senator from South Dakota some questions as to the report he submitted.

I wish to say in this connection, and I shall hold the floor but a moment, that I was chiefly influenced to change my support of a Nicaragua canal to the Panama Canal, in the first place, because I supposed we could build a sea-level canal at Panama and we could not build a sea-level canal at Nicaragua. I had no thought, and I do not know that anybody else had any thought, at that time, that if we went to Panama we would build anything but a sea-level canal. I advocated that at all times and under all circumstances, until it was presented to us as an economic proposition, among other things, why we should adopt the lock-level in preference to a sea-level canal; and because those who were in charge of the canal at that time, who had responsibility for a judgment and an opinion upon it, insisted to us that we should accept the lock-level in preference to the sea-level canal.

I said in the Senate when I cast my vote for a lock canal instead of a sea-level canal that I did it with doubt; that I did it with hesitation, but that I did it because those who were charged with immediate responsibility had so recommended. I surrendered my judgment, in other words, under protest, and the RECORD will show that. Everything that has occurred in connection with the canal from that moment until this has caused me to distrust the wisdom of that vote. I regret it

to-day, and I believe every Senator who voted as I did will more and more regret it as results are demonstrated and established.

Mr. CURTIS. I desire to ask the Senator if the change was not made from a sea-level to a lock canal because conditions existing on the Pacific Ocean and the condition of the Chagres River made it impossible to build and maintain a sea-level canal?

Mr. FORAKER. I said that economy was one ground. There were other grounds, of course. The grounds mentioned by the Senator were among the other grounds. There were even additional grounds beyond those he has added to the one I mentioned. But on the point suggested by the Senator there was a difference of opinion among the engineers. Engineers as capable as there are in this country or in the world were of opinion that those difficulties could be overcome. Whether they could be or not, I do not know. Engineers would have to settle that.

The point I make is that so far as economy is concerned there appears to have been a grave mistake made. There may not have been a mistake made, but it is my opinion that there was a mistake made. I believe all these difficulties could have been overcome.

Mr. BEVERIDGE. I wish to ask the Senator from South Dakota a question which I rose a moment ago to ask. What is the difference between the tides at the two entrances to the canal, one on the Pacific and the other on the Gulf? That is the question I suppose the Senator from Kansas had in mind.

Mr. CURTIS. The tide on the Atlantic side is from 1 to 4 feet. The tide on the Pacific side is from 19 to 24 feet.

Mr. BEVERIDGE. Now, I wish to ask the Senator——

Mr. KITTREDGE. Will the Senator yield to me?

Mr. BEVERIDGE. Certainly, with the permission of the Senator from Ohio.

Mr. KITTREDGE. The Senator from Kansas has inadvertently misstated the fact. As a matter of fact, the tides on the Pacific are usually 10 or 12 feet. They sometimes reach the point he has stated, but it has been demonstrated by an engineer from Holland that those tides would not at all interfere with navigation, even at high tide; and from the standpoint of sanitation, the high tide on the Pacific would be a benefit.

Mr. BEVERIDGE. May I ask the Senator a question here, and then I am through? The Senator says that the ordinary——

Mr. FORAKER. Mr. President——

Mr. BEVERIDGE. By permission of the Senator from Ohio I will say that the Senator from South Dakota [Mr. KITTREDGE] says that the ordinary tide on the Pacific side is about 12 feet. What is the ordinary tide at Colon?

Mr. KITTREDGE. From 2 to 4 feet.

Mr. BEVERIDGE. On the Gulf side?

Mr. KITTREDGE. Yes; from 2 to 4 feet.

Mr. BEVERIDGE. So that there is a difference of about 10 feet in the tides. Now, what is the distance between the two points?

Mr. KITTREDGE. About 47 miles.

Mr. BEVERIDGE. That seems to cover the ground.

Mr. FORAKER. The only answer I care to make to the questions propounded by the Senator from Indiana is that that is an engineering problem, and I would not know how to solve it, but the engineers who advocated a sea-level canal gave their solution of the problem, and by reading their reports the Senator will find every difficulty which he suggests on account of the difference of the tides answered by them.

Mr. BEVERIDGE. I ask the Senator from Ohio, with his permission——

Mr. KITTREDGE. I think the Senator from Ohio is right.

Mr. BEVERIDGE. I suppose that every Senator and everybody else will agree with the Senator from Ohio that a sea-level canal would be preferable if it were practicable, but with tides only some 40 miles apart, differing at the minimum statement at least 10 feet and at the general statement, made by the Senator from Kansas [Mr. CURTIS], 17 feet, to the mind not instructed in engineering it looks as though it is a very serious, if not an unovercomeable, difficulty.

Mr. FORAKER. Yes, Mr. President, I have no doubt it does to the man who has never read the reports of the engineers on that point, but I have read the reports on that point, and they were perfectly satisfactory. Those engineers are eminent in the engineering world.

Mr. BEVERIDGE. How did they propose, then——

Mr. FORAKER. I am not going into a discussion of it, and I could not now if I wanted to do so, because I read those reports at the time we disposed of this matter two years ago and I have not seen them since; but I will say to the Senator that if he has any difficulty in his mind upon that point he can go and consult those reports.

I did not rise to discuss this matter. I simply wanted to say, in answer to the figures given us by the chairman of the committee, that I have always regretted my vote, because I do not believe there is a thing in the objection urged against the sea-level canal that the engineers have not satisfactorily answered.

Mr. BEVERIDGE. The Senator refers to this being a formidable thing to one not having read the engineers' reports——

Mr. FORAKER. Well, it was to me; that is all.

Mr. BEVERIDGE. Of course, and it is to anyone; but the Senator from South Dakota [Mr. KITTREDGE] has not only read the reports, as the Senator from Ohio has, but he has mastered this question and the whole subject, and therefore can answer clearly this simple question: How did the engineers propose to control a daily tide 19 feet high?

Mr. FORAKER. Mr. President, answering in a word, with a tidal gate which they describe and provide for in the plan which they on their reputations as engineers told us would answer completely the difficulty suggested.

Mr. BEVERIDGE. The Senator from Ohio has answered that question so far as the tides are concerned. Now, either he or the Senator from South Dakota will instantly, of course, answer this: What is the force of an ocean tide rising 19 feet, and therefore how much resistance would be required to overcome it? It looks to the uninstructed mind pretty serious.

Mr. FORAKER. Mr. President, as I said a moment ago and as the Senator suggested, to one who has not read any report from an engineer, this difference in the tides might seem to be a very serious difficulty, but, as I say, when I read their reports—while I can not recite them, except in a general way at this late date since I read them—they entirely satisfied my mind that there was no difficulty there that they did not provide for and did not overcome.

Mr. BEVERIDGE. Then we ought to have a sea-level canal.

Mr. FORAKER. Instead of taking his information from a Senator who is not an expert and does not profess to be, I suggest that the Senator from Indiana read the report of the engineers——

Mr. BEVERIDGE. I have tried to.

Mr. FORAKER. Such engineers as William Barclay Parsons, who is known all over the world not only as a capable engineer, but as a man of high character, a man whose word is as good as a bond anywhere; and, as the Senator from New Hampshire suggests to me, the majority of the engineers recommended a sea-level canal.

Mr. BEVERIDGE. I wish merely to say in conclusion that if anybody in or out of the Senate was convinced of the practicability of a sea-level canal, it would seem to follow that is what ought to be adopted as the type of canal now or at any other time

Mr. TELLER and Mr. CURTIS addressed the Chair.

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. KITTREDGE. In a moment, if the Senator from Colorado will permit me to make a brief statement.

Mr. NEWLANDS. I should like to ask a question.

Mr. KITTREDGE. Mr. President, in answer to the inquiry of the Senator from Indiana [Mr. BEVERIDGE] regarding the engineering feature necessary by reason of the tides, it was proposed that tidal locks should be established near the Pacific coast. In the judgment of the board of consulting engineers, that was a safe course to take. All the engineers did not deem the tidal locks to be necessary, but assented to them out of excess of caution. Even if the tidal locks were necessary, the gates would stand wide open half the time each day, and through those gates, at that stage of water, all the ships that would ever pass through that canal in a hundred years could travel without difficulty. In the opinion of many of the engineers constituting that consulting board, a tidal lock was not necessary at all, and a moment ago, as the Senator from Ohio [Mr. FORAKER] will remember, a citation was given to a recent publication by a most learned engineer, a citizen of Holland, who demonstrates with mathematical accuracy that tidal locks were absolutely unnecessary. Further, the examinations that have been made from the time we took possession of the Canal Zone, May 4, 1904, with reference to that tide coming in, as it has done naturally from that day to this, have demonstrated that that tide would not at all interfere with the traffic even if the lock gates on the Pacific side were eliminated. Now I yield to the Senator from Colorado.

Mr. TELLER. Mr. President, I do not desire to detain the Senate long on this question, but it is a question which has been before this body for the last twenty years. I have had more or less connection with it; I have some interest in it; and

I am on record in favor of a sea-level canal. I am on record in opposition to a lock canal. For many years the proposition was not urged by the American Government to build a canal through the Panama region, but through the Nicaragua route. On one or two occasions I voted against the proposition. I did not believe that it was a feasible operating scheme. I know now better than I did then that it was not.

When the proposition came here to buy the Panama Canal I made some remarks on it, and gave as my reason for voting for that scheme that we could make a sea-level canal and that no other canal would serve the business of the world.

Mr. President, I do not think that anybody in this Senate believed at the time we agreed to purchase the canal from the French Government that there would be anything done by this Government except to build a sea-level canal. Many years ago, before the French Government began work on the Panama Canal, there was a congress of engineers held in the city of Paris. Every government in the civilized world had its representatives there. So far as the American engineers were concerned, the representatives of this country were largely in the minority. The question was discussed from the standpoint, first, as to the expense, and next, as to the difference in the elevation of water during high tide. I have never heard, Mr. President, in the twenty-odd years the subject has been discussed the tide put as high as the Senator from Kansas [Mr. CURTIS] has put it.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. TELLER. I do.

Mr. CURTIS. Mr. President, I desire to say to the Senator from Colorado that I visited Panama a couple of years ago and was then told by an engineer who had been there for fourteen years that the average tide on the Atlantic side was from 1 to 4 feet, and on the Pacific side from 19 to 24 feet.

I might add here that if the Senator from Colorado is depending upon reports made by the French engineers, if he would visit Panama and see the kind of work done by them there, he would not rely very much on the reports made by them, because the material and machinery they used clearly show to any man that they did not know the extent of the work they had on hand, nor did they know the formation of the country.

Mr. TELLER. Well, Mr. President, they did not, but I want to say that they knew just as much about it as our people have known about it.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield further?

Mr. TELLER. I decline to yield. I do not want to make a speech.

The VICE-PRESIDENT. The Senator from Colorado declines to yield.

Mr. TELLER. Mr. President, as to the height of water at each end of the canal, for four hundred years it has been a question of controversy as to how it could be controlled, and I think we know just as well, without going there, as anybody can know that there has never been a tide of 19 feet on the Pacific coast.

Mr. President, I was saying that at the congress of engineers in Paris, all of the engineers, except those from America, decided in favor of a sea-level canal, and that that was the only canal that ought to be constructed. Our engineers based their position solely and entirely upon the question of cost, that a lock canal could be built for much less, either over the Nicaragua route or some other, and save a vast amount of money. It was not until there was an effort made to get a lock canal, after the purchase of the French interests, that any American engineer ever suggested that there was an advantage to the using public in a lock canal over a sea-level canal. To the astonishment of everybody, the gentleman in charge of the canal, an engineer, came before the Isthmian Canal Committee, of which my friend from South Dakota [Mr. KITTREDGE] is chairman, and stated that he would prefer a lock canal to a sea-level canal, even if the cost were the same. That was a most astonishing statement. He severed his connection with the canal very soon after that, and undoubtedly for the benefit of the canal.

Mr. President, I want to say that the engineers of this country have settled the proposition of handling water without a lock canal. There has been a great deal written on the subject, particularly during the last two years, since it has become apparent to almost everybody that a lock canal was likely to be a failure. There is not any trouble at all to control that tide.

But I am not going into any extended explanation. I have probably given as much attention to the Isthmian Canal question as any man in the Senate. I have studied all the plans, and have done so because I have a natural love for such things. I have studied them as a matter of interest to a profession of which I am not a member, but of which I have some knowledge.

I have said again and again in the Senate that we have not any fair estimate or any certain knowledge as to what the canal will cost. There is not an engineer in the world who has ever had the data and made from it an estimate that I regard as absolutely correct. I believe to-day, as the chairman of the committee has stated, that you can build a sea-level canal cheaper than you can build a lock canal, and you would then have a canal, Mr. President, which, when completed, would be of some value to the world and not be in danger at all times of being destroyed by some accident such as always may happen in the case of a lock canal.

I understand the President-elect says the present plan of a lock canal which the engineers have adopted is all right. How much a man can know of that question in a week's examination I leave to the intelligence of this body to determine. I do not believe the most expert engineer in the country could tell in a week which type of canal would be the best from the standpoint of economy. I have never contended that a sea-level canal would be as cheap as a lock canal; but I have contended that it would be much better when we secured it.

Let me say a word or two about the great dam to be built at Gatun. We were told in the beginning that the engineers would find a foundation upon which they could build a safe dam. The French Government declared they had found such a foundation; our own engineers declared they had found it. It turned out that they had struck some floating pieces of rock in the mud, and when they had gone down 287 feet they found the same condition practically that they found in the first 50 feet. The place where it is proposed to construct this dirt dam, which will be about half a mile wide and 135 feet high, is a great swamp. No such dam has ever been built in the history of the world, and the engineers of the world, with few exceptions, have declared that it can not be built. I have no doubt that, upon a safe foundation, you could build a dam that would hold the water and prevent its breaking away the dam; but the dam at Gatun is to be built upon a foundation of doubtful safety, and there is not an engineer in the country who does not know that it is doubtful. That is the opinion of those who know best; and by that I mean engineers who have given this question their serious thought. They have measured the water that falls on the watershed; they have measured, as nearly as human effort can, the evaporation, and we know that the Chagres River does not carry more than one-half the water that falls on that watershed, even after deducting evaporation. What becomes of it? It seeps under the ground through this great swamp, that is probably from 300 to 500 feet deep, and some day the pressure of that water from the swamp will make what engineers call "live water;" that is, it will percolate through until there is a stream that runs under the dam, which will carry it away.

But, Mr. President, there are more objections to a lock canal than the one regarding the dam. The real trouble is with the locks. There are to be six locks built in pairs. There is no one who yet knows what will be the foundation for those locks. The engineers of the country do not agree. One class says that there is a good foundation for them and another class declares there is not. When these six locks are built the canal will have to take the risk of accident that every lock canal in the world has taken; and I will venture to say there is not a lock canal in the world that has run five years which has not had trouble with its locks. Even in the level countries of Europe, where canal locks are not to exceed from 15 to 18 feet in height—whereas the locks in the proposed Panama Canal are to be from 28 or 29 feet—accidents have occurred in which the locks have been destroyed. If a ship moving through the locks, by any inadvertence, moves too fast or moves backward, it may tear a lock out. If that happens in the case of other canals, it would be likely to happen on the Isthmus, for the locks are all to be built of concrete.

Nobody knows how much the locks are going to cost. Why? Because there have been no such locks constructed in this country or elsewhere in the world, and engineers do not agree as to what they will cost. We started out with the estimate of about $37,000,000 for the construction of the locks. They have gone up, and now there is no estimate for the locks of less than $67,000,000, or nearly twice what was originally proposed; and there must be three locks on the Atlantic side and three on the Pacific side.

Mr. President, I do not want to go over the discussion we have had on this matter. I have said again and again on this floor—and I repeat it now—that if we get the canal built for $500,000,000, whether a lock or a sea-level canal, we shall do very well. In my judgment, we will never get that canal, in either form, except at a cost of more than $500,000,000.

But there is something besides the question of the cost of building the canal. We have taken possession of the Isthmus of Panama. When De Lesseps failed we notified the French Government that a French corporation could go on and build the canal, but we notified them diplomatically that the French Government could not build the canal; that individuals or a corporation might build it, but that no nation in the world but ours should build that canal.

We owe something to the commerce of the world. We owe to the commerce of the world the building of an adequate canal, a canal capable of doing the work for which it is intended—the bringing together of the two great oceans, the Atlantic and the Pacific.

The Senate committee took a large amount of testimony, and the chairman, I think, will bear me out in the statement I now make, that the best engineering talent in this country that came before the committee was for a sea-level canal. I think I do not misstate it when I say that every practical ship man who appeared before the committee declared in favor of a sea-level canal. The practical men were for such a canal, because they did not believe that a lock canal would do the work in a satisfactory manner.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. TELLER. Certainly.

Mr. CURTIS. I do not desire to ask the Senator any question. I want to be recognized in my own right.

Mr. GALLINGER. Mr. President, I rise to a point of order. I ask what question is before the Senate?

The VICE-PRESIDENT. The order is "Reports of committees." The debate has been proceeding by unanimous consent.

Mr. GALLINGER. I object to further debate then, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the regular order.

Mr. TELLER. What is the regular order?

The VICE-PRESIDENT. Reports of committees are in order. Are there further reports of committees?

Mr. TELLER. Mr. President, in my experience in the Senate of now nearly thirty years—a few days within thirty years—this is the first time I have ever been taken off the floor in such a manner.

Mr. GALLINGER. I thought the Senator had yielded the floor.

Mr. TELLER. No, sir; I had not.

Mr. GALLINGER. I beg the Senator's pardon. I withdraw the objection.

Mr. TELLER. I do not care to proceed if the Senator wants to make that objection.

Mr. GALLINGER. I do not want to make it while the Senator is on the floor, but I have some morning business to transact and duties outside of the Senate Chamber in the service of the Senate that I should like to perform this afternoon. That is all.

Mr. TELLER. Mr. President, one of the complaints I make is that the Senate has never discussed or considered the canal question as it ought to have been discussed and considered.

I said in the beginning of my remarks that we had not done any better than had the French. It is said that we have done most excellent work down there. I do not seek to speak disparagingly of that. We have reduced the expense of the removal of the dirt to a great extent, and the work done down on the Isthmus, sanitary and otherwise, has been most excellent; but we have never had any data by which we could determine what the canal would eventually cost. We have gone at it in the dark. We have practically instructed the President of the United States to build such a canal as he shall see fit. I believe the Senate and the House together determined that they wanted a lock canal. The President-elect went down to Panama the other day. He found that the great cut about which we have been talking, where the locks are to be, was not in the condition that it ought to be in, and so he ordered the widening of the cut, making it one-third wider than it would be under the present plan. We are told that the estimate for the widening is $14,000,000.

Mr. MONEY. Will the Senator allow me to ask him a question for information?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. MONEY. Does the Senator mean to inform the Senate that a private citizen ordered the canal made so much wider or deeper?

Mr. TELLER. I do not suppose he actually ordered it.

Mr. MONEY. I did not understand the Senator, then.

Mr. TELLER. I think I did say that he ordered it. I probably should have said that he determined, at least, that the Culebra cut ought to be 100 feet wider, and the newspapers stated that, upon his suggestion, it was to be made 100 feet wider. I suppose the present Chief Executive would, perhaps, settle that under the suggestion of the incoming President. I do not intend, however, to find any fault with that. It has been one of the complaints I have been making for years that the cut was too narrow, and experience has shown it to be too narrow. The cut has been caving and sliding in for many months, and that has seriously impeded the work on the canal. I only mention this to show that, with the vast amount of money we have expended, we are all still at sea as to what the canal is going to cost. I have no doubt that the estimate made by the chairman of the committee is entirely too small. I fear the canal can not be built for the amount he named. I believe, though, Mr. President, that a sea-level canal can be built that will not cost more than the proposed lock canal. I do not know that it will be any cheaper to build, but I believe, in the end, you would find that it would be a good deal cheaper to have a sea-level canal than a lock canal.

Now, I apologize to the Senate for taking its time on this subject; but I believe if we should take two or three days in the discussion and consideration of this question we would return to the idea we had when we bought out the French and build a sea-level canal, the only canal, in my judgment, which will ever be useful or profitable, either to the people who build it or to those who use it.

The VICE-PRESIDENT. Reports of committees are in order.

Mr. CULBERSON. I rise to the report submitted by the Committee on Interoceanic Canals. I inquire if the report has been disposed of?

The VICE-PRESIDENT. The report has been referred to the Committee on Finance.

Mr. CULBERSON. Mr. President, I have some doubt about whether the bill ought to be referred to the Finance Committee or ought to be retained by the Committee on Interoceanic Canals. I have the honor to be a member of the latter committee, but I was unfortunately prevented from attending the meeting at which this conclusion was reached. I should be glad, if it is possible in the present status of the matter, that the question of reference lie on the table until it can be somewhat further considered.

The VICE-PRESIDENT. The Chair will regard it as an open question and the report as before the Senate.

Mr. CULBERSON. In view of what I see is the disposition of the Senate, I do not mean that it shall be considered further now, but that it may lie on the table until to-morrow.

The VICE-PRESIDENT. The Chair so understood the request of the Senator from Texas. In the absence of objection, it is so ordered.

Mr. WARREN. Before the matter is dismissed I wish to ask two brief questions of the chairman of the committee.

I do not care to discuss the merits or the demerits of either a sea-level or a lock-level canal, nor whether or not we ought to have undertaken to build the canal. It is sufficient for the present to know that we are actually and rapidly building it; but I desire to ask two questions. First, the Senator from South Dakota [Mr. KITTREDGE] in his remarks stated that with a sea-level canal the question is purely one of digging, and later on in discussing the matter of possible locks or gates for a sea-level canal he gave it as his opinion that neither would be necessary.

I wish to inquire whether, in the amount he gave as the sum total of the cost of a sea-level canal, an allowance was made for the building of such locks or gates as some of the engineers had proposed and asserted were necessary, or has he taken the digging of the canal alone, on the supposition that it could be handled without either locks or gates?

Mr. KITTREDGE. The estimated cost of the lock-gates on the Pacific side was included in the estimate stated as the aggregate cost of the construction of a sea-level canal.

Mr. WARREN. I think we needed that to complete the statement of the Senator. I want to ask one other question. If I understand the matter correctly, in the amount of money expended on the canal for its purchase and building we shall ex-

ceed the bonded limit by some $20,000,000 or more by the end of the present fiscal year.

Mr. KITTREDGE. There will be left about $20,000,000 of bonds possible to be issued to cover or meet appropriations that this Congress may make.

There has been, as stated in the report of the committee, to date issued in round numbers—I have not more accurate data at hand—bonds in the sum of $84,000,000. There has been appropriated for canal construction purposes in round numbers the sum of $110,000,000. The difference between $110,000,000 and $84,000,000 is, in the judgment of the committee, reimbursable prior to the end of the current fiscal year by the issue of bonds on the part of this Government. If that be done and the appropriation at this Congress for the coming fiscal year is $30,000,000, for example, there is authority to issue bonds to the amount of $20,000,000 of that $30,000,000, leaving uncovered by the issue of bonds in round numbers $10,000,000, and unless provision is made at this Congress to cover such excess the payment must be made from the general funds.

Mr. WARREN. Now, I will put it in another way. Suppose we are to bond for every dollar that we have expended or may expend on the canal for any and all purposes, where would the balance be, if we should strike it to-day, as between the total amount which has been appropriated for all purposes and the limit of $130,000,000, I believe it is, for which we are permitted to issue bonds?

Mr. KITTREDGE. Sixty million dollars, the amount appropriated in the Spooner Act, $40,000,000 of that sum going to the payment of the French company for their property.

Mr. WARREN. I understand that; but what I want to get at——

The VICE-PRESIDENT. The Chair will call the attention of Senators to the fact that the debate is proceeding out of order. The regular order has been demanded by the Senator from New Hampshire.

Mr. WARREN. I am aware of that, and I am simply asking consent to proceed. Of course, unless consent is given, I will not proceed further.

The VICE-PRESIDENT. Is there objection?

Mr. WARREN. I only want to get an answer to one question. I fear I do not quite understand the Senator.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. WARREN. My idea is that for every dollar which goes into the canal, or is on canal account, we ought to issue bonds, taking nothing directly from the Treasury, except temporarily, and that we should also reimburse the Treasury for what we have already taken from it. Now, where would the balance stand to-day, taking all the money we have appropriated for all purposes connected with the canal, and deducting it from the limit as to bonds provided now in the law?

Mr. KITTREDGE. The Spooner law permits the issue of bonds in the amount of $130,000,000. We have appropriated since the passage of the Spooner Act, in round numbers, one hundred and ten or one hundred and eleven million dollars. It is permissible, in my opinion, to issue bonds to that amount, and no more, until Congress shall make further appropriations up to the limit authorized by that act.

Mr. WARREN. Does the $110,000,000 cover every expense in connection with the canal?

Mr. KITTREDGE. It does, subsequent to the $60,000,000 appropriated in the Spooner Act.

Mr. WARREN. Ah! That is what I wanted to understand. Then your purpose is to leave out the $60,000,000 drawn from the Treasury direct and not reimburse the Treasury from the proceeds of sale of bonds, and your calculation is based upon that.

Mr. KITTREDGE. That amount was paid from the general fund in the Treasury, and the language of the act provides that sums appropriated hereafter may be covered by the issue of bonds. Under existing law, in my opinion, it is not possible to reimburse the Treasury to the extent of $60,000,000, at least without legislation by Congress.

Mr. WARREN. Then we must have some legislation in order to place it upon a bonded basis?

Mr. KITTREDGE. That is correct.

Mr. GALLINGER. Now I ask for the regular order.

The VICE-PRESIDENT. Reports of committees are in order.

OSAGE TRIBE OF INDIANS.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 70) for the enrollment of certain persons as members of the Osage tribe of Indians, and for other purposes, to report it favorably with an amendment, and I submit a report (No. 950) thereon. I ask unanimous consent for the present consideration of the joint resolution.

Mr. LODGE. I object.

Mr. KEAN. Let it go over.

The VICE-PRESIDENT. Objection is made, and the joint resolution will go to the calendar.

FRANCISCO KREBS.

Mr. MONEY. I ask unanimous consent for the present consideration of the bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns. It will take but a moment. A similar bill passed both Houses, and was vetoed by the President because of objections on the part of the Light-House Board. The Light-House Board has now made all the corrections it desires; and this is its bill. It is very necessary that it should be passed at this session in order that certain improvements which are desirable may be made.

The VICE-PRESIDENT. The bill has heretofore been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to confirm Francisco Krebs, his heirs and assigns, in his title to a certain part of Round Island, in the State of Mississippi, situated in sections 33 and 34, township 8 south, range 6 west, east of Pearl River, containing approximately 60.85 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. BLOOD.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 13809) for the relief of Charles S. Blood, to report it favorably without amendment, and I submit a report (No. 945) thereon. I call the attention of the Senator from Florida to the bill.

Mr. TALIAFERRO. I ask unanimous consent that the bill may now be considered.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. What is the bill?

The VICE-PRESIDENT. It is reported from the Committee on Claims.

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. The bill has been read. It will be read again at the request of the Senator from New Jersey.

Mr. KEAN. Is there a report accompanying it?

The VICE-PRESIDENT. There is a report accompanying it. The Secretary will again read the bill at the request of the Senator from New Jersey.

The Secretary again read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. The bill seems to pay some one. I do not understand it exactly. However, I shall not object if no one else does.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay Charles S. Blood, late a second lieutenant of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, $563.65 for services as such officer from July 2, 1863, to January 31, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 9243) for the relief of William Parsons Hayes, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 9244) to grant an honorable discharge to Francis Kelly, alias Francis Cammeron, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BACON introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9245) for the relief of the heirs of James Jordan, deceased;

A bill (S. 9246) for the relief of the heirs of L. G. Brantley, deceased;

A bill (S. 9247) for the relief of the heirs of Carr Cox, deceased;

A bill (S. 9248) for the relief of the heirs of Henry Bennett, deceased;

A bill (S. 9249) for the relief of Micajah Rasbury; and

A bill (S. 9250) for the relief of P. A. Wingate.

Mr. BACON introduced a bill (S. 9251) for the relief of the heirs of Anderson Mayfield, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9252) for the relief of the heirs of William Miller, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 9253) granting an increase of pension to Jacob Souder, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced a bill (S. 9254) for the relief of John H. Brown and certain other naval officers and their heirs or legal representatives, which was read twice by its title and referred to the Committee on Claims.

Mr. CULBERSON (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9255) for the relief of the heirs of A. H. Redus; and

A bill (S. 9256) for the relief of W. R. McGuire.

Mr. GAMBLE (by request) introduced a bill (S. 9257) to amend sections 612, 613, 617, and 621 of the Code of Law for the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. WETMORE introduced a bill (S. 9258) granting an increase of pension to Job Lewis, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 9259) to reopen and adjust the accounts for service of Brig. Gen. Thomas Ward, U. S. Army, retired, and Maj. William Silvey, U. S. Army, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9260) granting an increase of pension to George M. Teachout, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 9261) granting an increase of pension to Thomas G. Harper, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 9262) granting a pension to Jonathan Budd, which was read twice by its title and referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 9263) granting an increase of pension to John A. Blak, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 9264) granting a pension to John A. Browne, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMITH of Michigan introduced a bill (S. 9265) granting a pension to Mary Caroline Douglas, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9266) granting a pension to Helen Mervine; and

A bill (S. 9267) granting a pension to Elizabeth F. Houghton.

Mr. DICK introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9268) granting an increase of pension to Edward Everett Henry; and

A bill (S. 9269) granting an increase of pension to Dorcas Jones.

Mr. CRANE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9270) granting a pension to James E. C. Sawyer; and

A bill (S. 9271) granting a pension to Mrs. F. G. Fisher.

Mr. CRANE introduced a bill (S. 9272) to require motor vessels to be equipped with mufflers, which was read twice by its title and referred to the Committee on Commerce.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9273) granting an increase of pension to Russell C. Harris (with the accompanying papers); and

A bill (S. 9274) granting an increase of pension to Frank West.

Mr. GORE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs.

A bill (S. 9275) authorizing the Secretary of War to acquire by purchase or condemnation certain lands for military purposes; and

A bill (S. 9276) authorizing the Secretary of War to accept certain lands for military purposes.

Mr. GORE introduced a bill (S. 9277) removing restrictions from rights of way on Indian lands for public roads in Oklahoma, which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $129.20 to pay certain employees for services at the Naval Home, Philadelphia, intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GORE submitted an amendment proposing to acquire, by purchase or condemnation, for Government use certain land in the city of Lawton, Okla., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to remove the restrictions from any lands in Oklahoma, allotted or unallotted, which may be necessary for right of way for the establishment and construction of public roads, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment providing for the purchase or condemnation of certain land for Government use in the city of Lawton Okla., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate $250,000 for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OWEN submitted an amendment providing that that portion of the town of Sulphur lying south of the Platt National Park shall be acquired by the Secretary of the Interior and added to such park, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to grant, bargain, sell, and convey, at private sale, to the State of Oklahoma a tract or tracts of segregated coal lands belonging to the Chickasaw and Choctaw Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to set aside 640 acres of Choctaw Indian land for the benefit of the Old Good Land Indian Orphan Industrial School, in Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $30,000 for the payment to persons or corporations who, prior to July 1, 1904, duly presented their respective claims therefor, the sums paid for documentary stamps used on charter parties for the chartering of vessels engaged in commerce between the United States and foreign countries, between July 1, 1898, and June 30, 1901, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BANKHEAD submitted an amendment authorizing the Postmaster-General to readjust annually the compensation paid for the transportation of mail on railroads from and after the 1st of July, 1910, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

EMPLOYMENT OF STENOGRAPHER.

Mr. NELSON submitted the following resolution (S. Res. 284), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee, of its subcommittees, in connection with bills and other matters pending before said committee, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

IRRIGATION IN WYOMING.

On motion of Mr. WARREN, it was

Ordered, That there be printed for the use of the Senate and delivered to the Senate document room, 1,000 copies of the report of the United States Department of Agriculture on "Irrigation in Wyoming," with the accompanying illustrations, made by Clarence T. Johnston, of Wyoming.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

On motion of Mr. GALLINGER, it was

Ordered, That the original manuscript of Senate Document No. 645, Sixtieth Congress, second session, "Report of the eighteenth convention of the American instructors of the deaf, etc.," be taken from the files of the Senate and delivered to the official transmitting the said report.

NAVY-YARDS AND NAVAL STATIONS.

On motion of Mr. GALLINGER, it was

Ordered, That the Secretary of the Senate be, and he is hereby, instructed to withdraw from the files of the Senate the original copy of Senate Document No. 704, "Hydrographic data relating to United States navy-yards and naval stations," and return the same to the Senator presenting the data to the Senate.

REVISION OF NAVIGATION LAWS.

Mr. FRYE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That 1,000 copies in addition to the usual number be printed of Senate Document No. 701, Sixtieth Congress, second session, being the report on the revision and codification of the navigation laws, 500 copies to be for the use of the Department of Commerce and Labor.

IMITATION DAIRY PRODUCTS.

Mr. PENROSE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That there be printed for the use of the Senate 3,000 copies of S. 9065, supplementary to and amendatory of the act of May 9, 1902, entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1896,'" defining the duties of dealers in oleomargarine and other imitation dairy products; defining offenses against said act and prescribing penalties therefor.

WITHDRAWAL OF PAPERS—JAMES BROILES.

On motion of Mr. TELLER, it was

Ordered, That the papers filed in the case of James Broiles, Senate bill No. 5226, be withdrawn from the files of the Senate, no adverse report having been made upon the bill.

WITHDRAWAL OF PAPERS—JAMES MOYNAHAN.

On motion of Mr. TELLER, it was

Ordered, That the papers and affidavits filed in the case of James Moynahan with Senate bill No. 6548 be withdrawn from the files of the Senate, no adverse report having been made on the bill.

CLAIMS OF ROMAN CATHOLIC CHURCH IN PORTO RICO.

Mr. DICK. I move that 2,000 additional copies of the bill (S. 8600) to provide for the payment of the claims of the Roman Catholic Church in Porto Rico be printed.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked by the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed as the conferees on the part of the Senate Mr. GALLINGER, Mr. ELKINS, and Mr. TILLMAN.

TENNESSEE RIVER BRIDGE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.,'" which was, on page 2, after line 8, to insert:

SEC. 2. That the bridge to be constructed under the provsions of said act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. FRAZIER. I move that the Senate concur in the amendment.

The motion was agreed to.

INFERIOR COURT OF JUSTICE IN THE DISTRICT.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 6359, "An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

Page 1, line 4, of said amendment, strike out the word "five."

Page 6, lines 2, 3, 4, 5, and 6, strike out the proviso and insert in lieu thereof the following:

"*Provided*, That the expenditures to be incurred under any of the provisions of this act shall not in any case exceed the total amount of revenues and fees of the said municipal court."

And the House agree to the same.

J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.
P. P. CAMPBELL,
J. VAN VECHTEN OLCOTT,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 20837. An act to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes; and

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes.

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered was read twice by its title and referred to the Committee on Public Lands.

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. J. Res. 234. Joint resolution to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind., was read twice by its title and referred to the Committee on Military Affairs.

REPORT OF COMMISSION ON COUNTRY LIFE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 705); which was read, and, on motion of Mr. HEYBURN, was, with the accompanying paper, ordered to lie on the table and be printed:

SPECIAL MESSAGE.

To the Senate and House of Representatives:

I transmit herewith the report of the Commission on Country Life. At the outset I desire to point out that not a dollar of the public money has been paid to any commissioner for his work on the commission.

The report shows the general condition of farming life in the open country, and points out its larger problems; it indi-

cates ways in which the Government, National and State, may show the people how to solve some of these problems; and it suggests a continuance of the work which the commission began.

Judging by thirty public hearings, to which farmers and farmers' wives from forty States and Territories, came, and from 120,000 answers to printed questions sent out by the Department of Agriculture, the commission finds that the general level of country life is high compared with any preceding time or with any other land. If it has in recent years slipped down in some places, it has risen in more places. Its progress has been general, if not uniform.

Yet farming does not yield either the profit or the satisfaction that it ought to yield and may be made to yield. There is discontent in the country, and in places discouragement. Farmers as a class do not magnify their calling, and the movement to the towns, though, I am happy to say, less than formerly, is still strong.

Under our system, it is helpful to promote discussion of ways in which the people can help themselves. There are three main directions in which the farmers can help themselves; namely, better farming, better business, and better living on the farm. The National Department of Agriculture, which has rendered services equaled by no other similar department in any other time or place; the state departments of agriculture; the state colleges of agriculture and the mechanic arts, especially through their extension work; the state agricultural experiment stations; the Farmers' Union; the Grange; the agricultural press; and other similar agencies; have all combined to place within the reach of the American farmer an amount and quality of agricultural information which, if applied, would enable him, over large areas, to double the production of the farm.

The object of the Commission on Country Life therefore is not to help the farmer raise better crops, but to call his attention to the opportunities for better business and better living on the farm. If country life is to become what it should be, and what I believe it ultimately will be—one of the most dignified, desirable, and sought-after ways of earning a living—the farmer must take advantage not only of the agricultural knowledge which is at his disposal, but of the methods which have raised and continue to raise the standards of living and of intelligence in other callings.

Those engaged in all other industrial and commercial callings have found it necessary, under modern economic conditions, to organize themselves for mutual advantage and for the protection of their own particular interests in relation to other interests. The farmers of every progressive European country have realized this essential fact and have found in the cooperative system exactly the form of business combination they need.

Now whatever the State may do toward improving the practice of agriculture, it is not within the sphere of any government to reorganize the farmers' business or reconstruct the social life of farming communities. It is, however, quite within its power to use its influence and the machinery of publicity which it can control for calling public attention to the needs and the facts. For example, it is the obvious duty of the Government to call the attention of farmers to the growing monopolization of water power. The farmers above all should have that power, on reasonable terms, for cheap transportation, for lighting their homes, and for innumerable uses in the daily tasks on the farm.

It would be idle to assert that life on the farm occupies as good a position in dignity, desirability, and business results as the farmers might easily give it if they chose. One of the chief difficulties is the failure of country life, as it exists at present, to satisfy the higher social and intellectual aspirations of country people. Whether the constant draining away of so much of the best elements in the rural population into the towns is due chiefly to this cause or to the superior business opportunities of city life may be open to question. But no one at all familiar with farm life throughout the United States can fail to recognize the necessity for building up the life of the farm upon its social as well as upon its productive side.

It is true that country life has improved greatly in attractiveness, health, and comfort, and that the farmer's earnings are higher than they were. But city life is advancing even more rapidly, because of the greater attention which is being given by the citizens of the towns to their own betterment. For just this reason the introduction of effective agricultural cooperation throughout the United States is of the first importance. Where farmers are organized cooperatively they not only avail themselves much more readily of business opportunities and improved methods, but it is found that the organizations which bring them together in the work of their lives are used also for social and intellectual advancement.

The cooperative plan is the best plan of organization wherever men have the right spirit to carry it out. Under this plan any business undertaking is managed by a committee; every man has one vote and only one vote; and everyone gets profits according to what he sells or buys or supplies. It develops individual responsibility and has a moral as well as a financial value over any other plan.

I desire only to take counsel with the farmers as fellow-citizens. It is not the problem of the farmers alone that I am discussing with them, but a problem which affects every city as well as every farm in the country. It is a problem which the working farmers will have to solve for themselves; but it is a problem which also affects in only less degree all the rest of us, and therefore if we can render any help toward its solution, it is not only our duty but our interest to do so.

The foregoing will, I hope, make it clear why I appointed a commission to consider problems of farm life which have hitherto had far too little attention, and the neglect of which has not only held back life in the country, but also lowered the efficiency of the whole Nation. The welfare of the farmer is of vital consequence to the welfare of the whole community. The strengthening of country life, therefore, is the strengthening of the whole Nation.

The commission has tried to help the farmers to see clearly their own problem and to see it as a whole; to distinguish clearly between what the Government can do and what the farmers must do for themselves; and it wishes to bring not only the farmers but the Nation as a whole to realize that the growing of crops, though an essential part, is only a part of country life. Crop growing is the essential foundation; but it is no less essential that the farmer shall get an adequate return for what he grows; and it is no less essential—indeed it is literally vital—that he and his wife and his children shall lead the right kind of life.

For this reason, it is of the first importance that the United States Department of Agriculture, through which as prime agent the ideas the commission stands for must reach the people, should become without delay in fact a Department of Country Life, fitted to deal not only with crops, but also with all the larger aspects of life in the open country.

From all that has been done and learned three great general and immediate needs of country life stand out:

First, effective cooperation among farmers, to put them on a level with the organized interests with which they do business.

Second, a new kind of schools in the country, which shall teach the children as much outdoors as indoors and perhaps more, so that they will prepare for country life, and not as at present, mainly for life in town.

Third, better means of communication, including good roads and a parcels post, which the country people are everywhere, and rightly, unanimous in demanding.

To these may well be added better sanitation; for easily preventable diseases hold several million country people in the slavery of continuous ill health.

The commission points out, and I concur in the conclusion, that the most important help that the Government, whether National or State, can give is to show the people how to go about these tasks of organization, education, and communication with the best and quickest results. This can be done by the collection and spread of information. One community can thus be informed of what other communities have done, and one country of what other countries have done. Such help by the people's government would lead to a comprehensive plan of organization, education, and communication, and make the farming country better to live in, for intellectual and social reasons as well as for purely agricultural reasons.

The Government through the Department of Agriculture does not cultivate any man's farm for him. But it does put at his service useful knowledge that he would not otherwise get. In the same way the National and State Governments might put into the people's hands the new and right knowledge of school work. The task of maintaining and developing the schools would remain, as now, with the people themselves.

The only recommendation I submit is that an appropriation of $25,000 be provided, to enable the commission to digest the material it has collected, and to collect and to digest much more that is within its reach, and thus complete its work. This would enable the commission to gather in the harvest of suggestion which is resulting from the discussion it has stirred up. The commissioners have served without compensation, and I do not recommend any appropriation for their services, but only for the expenses that will be required to finish the task that they have begun.

To improve our system of agriculture seems to me the most urgent of the tasks which lie before us. But it can not, in my judgment, be effected by measures which touch only the material and technical side of the subject; the whole business and life of the farmer must also be taken into account. Such considerations led me to appoint the Commission on Country Life. Our object should be to help develop in the country community the great ideals of community life as well as of personal character. One of the most important adjuncts to this end must be the country church, and I invite your attention to what the commission says of the country church and of the need of an extension of such work as that of the Young Men's Christian Association in country communities. Let me lay special emphasis upon what the commission says at the very end of its report on personal ideals and local leadership. Everything resolves itself in the end into the question of personality. Neither society nor government can do much for country life unless there is voluntary response in the personal ideals of the men and women who live in the country. In the development of character, the home should be more important than the school, or than society at large. When once the basic material needs have been met, high ideals may be quite independent of income; but they can not be realized without sufficient income to provide adequate foundation; and where the community at large is not financially prosperous it is impossible to develop a high average personal and community ideal. In short, the fundamental facts of human nature apply to men and women who live in the country just as they apply to men and women who live in the towns. Given a sufficient foundation of material well-being, the influence of the farmers and farmers' wives on their children becomes the factor of first importance in determining the attitude of the next generation toward farm life. The farmer should realize that the person who most needs consideration on the farm is his wife. I do not in the least mean that she should purchase ease at the expense of duty. Neither man nor woman is really happy or really useful save on condition of doing his or her duty. If the woman shirks her duty as housewife, as home keeper, as the mother whose prime function it is to bear and rear a sufficient number of healthy children, then she is not entitled to our regard. But if she does her duty she is more entitled to our regard even than the man who does his duty; and the man should show special consideration for her needs.

I warn my countrymen that the great recent progress made in city life is not a full measure of our civilization; for our civilization rests at bottom on the wholesomeness, the attractiveness, and the completeness, as well as the prosperity, of life in the country. The men and women on the farms stand for what is fundamentally best and most needed in our American life. Upon the development of country life rests ultimately our ability, by methods of farming requiring the highest intelligence, to continue to feed and clothe the hungry nations; to supply the city with fresh blood, clean bodies, and clear brains that can endure the terrific strain of modern life; we need the development of men in the open country, who will be in the future, as in the past, the stay and strength of the Nation in time of war, and its guiding and controlling spirit in time of peace.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 9, 1909.*

APPENDIX.

One of the most illuminating—and incidentally one of the most interesting and amusing—series of answers sent to the commission was from a farmer in Missouri. He stated that he had a wife and 11 living children, he and his wife being each 52 years old, and that they owned 520 acres of land without any mortgage hanging over their heads. He had himself done well, and his views as to why many of his neighbors had done less well are entitled to consideration. These views are expressed in terse and vigorous English; they can not always be quoted in full. He states that the farm homes in his neighborhood are not as good as they should be because too many of them are encumbered by mortgages; that the schools do not train boys and girls satisfactorily for life on the farm, because they allow them to get an idea in their heads that city life is better, and that to remedy this practical farming should be taught. To the question whether the farmers and their wives in his neighborhood are satisfactorily organized, he answers: "Oh, there is a little one-horse grange gang in our locality, and every darned one thinks they aught to be a king." To the question, "Are the renters of farms in your neighborhood making a satisfactory living?" he answers: "No; because they move about so much hunting a better job." To the question, "Is the supply of farm labor in your neighborhood satisfactory?" the answer is: "No; because the people have gone out of the baby business;" and when asked as to the remedy, he answers, "Give a pension to every mother who gives birth to seven living boys on American soil." To the question "Are the conditions surrounding hired labor on the farm in your neighborhood satisfactory to the hired men?" he answers: "Yes; unless he is a drunken cuss," adding that he would like to blow up the stillhouses and root out whisky and beer." To the question "Are the sanitary conditions on the farms in your neighborhood satisfactory?" he answers: "No; to careless about chicken yards (and the like) and poorly covered Wells, in one Well on neighbor's farm I counted 7 snakes in the Wall of the Well, and they used the water daily, his wife dead now and he is looking for another." He ends by stating that the most important single thing to be done for the betterment of country life is "good roads;" but in his answers he shows very clearly that most important of all is the individual equation of the man or woman.

The humor of this set of responses must not blind us to the shrewd common sense and good judgment they display. The man is a good citizen; his wife is a good citizen; and their views are fundamentally sound. Very much information of the most valuable kind can be gathered if the commission is given the money necessary to enable it to arrange and classify the information obtained from the great mass of similar answers which they have received. But there is one point where the testimony is as a whole in flat contradiction to that contained above. The general feeling is that the organizations of farmers, the grangers and the like, have been of the very highest service not only to the farmers but to the farmers' wives, and that they have conferred great social as well as great industrial advantages. An excellent little book has recently been published by Miss Jennie Buell, called "One Woman's Work for Farm Women." It is dedicated "To farm women everywhere," and is the story of Mary A. Mayo's part in rural social movements. It is worth while to read this little volume to see how much the hard-working woman who lives on the farm can do for herself when once she is given sympathy, encouragement, and occasional leadership.

INDUSTRIAL PEACE COMMITTEE.

Mr. DANIEL. I wish to ask the Senate to consider the bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace."

Mr. BEVERIDGE. Let the bill be read.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. ALDRICH. That seems to be a pretty elaborate measure. I should like to look at it, and I feel obliged to interpose an objection.

Mr. DANIEL. I can make an explanation which I am sure will satisfy the Senator from Rhode Island.

Mr. ALDRICH. I should like to look at the bill before it is called up.

The VICE-PRESIDENT. The Senator from Rhode Island objects to the present consideration of the bill.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours and fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 10, 1909, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 9, 1909.

SECRETARY OF EMBASSY.

A. Campbell Turner, of Missouri, now second secretary of the embassy at Mexico, to be third secretary of the embassy of the United States at Constantinople, Turkey, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Maj. Gonzalez S. Bingham, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, from February 6, 1909, vice Jones, retired from active service.

Capt. George H. Penrose, quartermaster, to be quartermaster with the rank of major, from February 6, 1909, vice Bingham, promoted.

RECEIVER OF PUBLIC MONEYS.

John J. Guheen, of Pocatello, Idaho, to be receiver of public moneys at Blackfoot, Idaho, vice Thomas R. Hamer, resigned, and Dale K. Parrott, temporary appointee.

PROMOTION IN THE NAVY.

Surg. John M. Edgar to be a medical inspector in the navy from the 5th day of January, 1909, vice Medical Inspector Edward H. Green, promoted.

POSTMASTERS.

ARIZONA.

Leonard D. Redfield to be postmaster at Benson, Ariz., in place of Leonard D. Redfield. Incumbent's commission expired January 11, 1909.

CALIFORNIA.

James S. Bridenstine to be postmaster at Holtville, Cal. Office became presidential January 1, 1909.

Eli H. Wells to be postmaster at Willits, Cal., in place of Eli H. Wells. Incumbent's commission expired January 22, 1907.

FLORIDA.

Charles N. Hildreth, jr., to be postmaster at Liveoak, Fla., in place of Charles N. Hildreth, jr. Incumbent's commission expires March 2, 1909.

HAWAII.

Arthur J. Stillman to be postmaster at Kohala, Hawaii, in place of Mabel R. Woods, resigned.

IDAHO.

Ralph S. Smith to be postmaster at Potlatch, Idaho, in place of James Campbell, removed.

INDIANA.

Isaac F. Lawshe to be postmaster at Swayzee, Ind., in place of Isaac F. Lawshe. Incumbent's commission expired January 9, 1909.

IOWA.

Harry C. Chapple to be postmaster at Independence, Iowa, in place of Annie L. Tabor. Incumbent's commission expired November 17, 1907.

William C. Chubb to be postmaster at Corning, Iowa, in place of Charles W. Gray, resigned.

Thomas R. Shaw to be postmaster at Coin, Iowa. Office became presidential July 1, 1908.

KANSAS.

Charles E. Green to be postmaster at Effingham, Kans., in place of Charles E. Green. Incumbent's commission expired December 13, 1908.

MARYLAND.

Thomas O. Jefferson to be postmaster at Federalsburg, Md., in place of Thomas O. Jefferson. Incumbent's commission expires February 23, 1909.

William B. Massey to be postmaster at Greensboro, Md. Office became presidential October 1, 1908.

MASSACHUSETTS.

Lawrence W. Dower to be postmaster at Easthampton, Mass., in place of Lawrence W. Dower. Incumbent's commission expired February 1, 1909.

MINNESOTA.

Ellis J. Anderson to be postmaster at Coleraine, Minn. Office became presidential July 1, 1908.

O. R. Hatton to be postmaster at Booten, Minn. Office became presidential October 1, 1908.

J. T. Larson to be postmaster at Evansville, Minn. Office became presidential January 1, 1908.

Mary Mogren to be postmaster at Ortonville, Minn., in place of Nettie J. Van Inwegen. Incumbent's commission expires February 23, 1909.

MISSISSIPPI.

Fannie Hillerman to be postmaster at Kosciusko, Miss., in place of Fannie Hillerman. Incumbent's commission expired December 14, 1908.

MISSOURI.

John H. Bryant to be postmaster at Burlington Junction, Mo., in place of John H. Bryant. Incumbent's commission expired December 13, 1908.

John A. Livingston to be postmaster at Cassville, Mo., in place of Thomas M. Allen, removed.

Willard A. Seymour to be postmaster at Sturgeon, Mo. Office became presidential January 1, 1909.

MONTANA.

H. L. Coulter to be postmaster at Plains, Mont., in place of Charles A. Peterson, resigned.

NEW MEXICO.

Louis Garcia to be postmaster at Springer, N. Mex. Office became presidential October 1, 1908.

NEW YORK.

W. T. Chapman to be postmaster at Pawling, N. Y., in place of W. T. Chapman. Incumbent's commission expired December 13, 1908.

John A. Hanna to be postmaster at Dover Plains, N. Y. Office became presidential October 1, 1908.

Hiro J. Settle to be postmaster at Ballston Spa, N. Y., in place of Hiro J. Settle. Incumbent's commission expires February 13, 1909.

NORTH DAKOTA.

William E. Biggs to be postmaster at New Rockford, N. Dak., in place of Millard F. Kepner. Incumbent's commission expired December 16, 1908.

Andrew D. Cochrane to be postmaster at York, N. Dak. Office became presidential July 1, 1908.

Elstow McKoane to be postmaster at Ambrose, N. Dak. Office became presidential July 1, 1908.

OHIO.

Philip D. Shera to be postmaster at Oxford, Ohio, in place of William B. Wallace. Incumbent's commission expired December 16, 1908.

OKLAHOMA.

Harry L. Crittenden to be postmaster at Mangum, Okla., in place of Wiley C. Shadden. Incumbent's commission expires March 3, 1909.

Maud A. Falconer to be postmaster at Cheyenne, Okla. Office became presidential January 1, 1908.

James Wilkin to be postmaster at Tonkawa, Okla., in place of William L. Stalnaker. Incumbent's commission expires February 10, 1909.

OREGON.

John F. Reisacher to be postmaster at Condon, Oreg., in place of John F. Reisacher. Incumbent's commission expired January 9, 1909.

PENNSYLVANIA.

Samuel P. Arnold to be postmaster at Curwensville, Pa., in place of Samuel P. Arnold. Incumbent's commission expired January 30, 1909.

Lehman E. Gantt to be postmaster at Newport, Pa., in place of Lehman E. Gantt. Incumbent's commission expires February 27, 1909.

Aaron Hostetter to be postmaster at Hanover, Pa., in place of Aaron Hostetter. Incumbent's commission expires March 1, 1909.

David I. Stadden to be postmaster at Glen Campbell, Pa., in place of David I. Stadden. Incumbent's commission expires February 27, 1909.

SOUTH CAROLINA.

Bernhard Levy to be postmaster at Walterboro, S. C., in place of Bernhard Levy. Incumbent's commission expires March 3, 1909.

Albert S. Powell to be postmaster at Piedmont, S. C. Office became presidential January 1, 1908.

SOUTH DAKOTA.

N. Howard Wendell to be postmaster at Aberdeen, S. Dak., in place of Henry S. Williams, deceased.

TENNESSEE.

James H. Christian to be postmaster at Smithville, Tenn. Office became presidential January 1, 1909.

William L. Green to be postmaster at Spring Hill, Tenn., in place of William L. Green. Incumbent's commission expires March 1, 1909.

TEXAS.

Joshua Cooke, jr., to be postmaster at Longview, Tex., in place of Joshua Cooke, jr. Incumbent's commission expired January 10, 1909.

UTAH.

Robert B. Quay to be postmaster at Garfield, Utah. Office became presidential July 1, 1908.

WASHINGTON.

Angus D. Campbell to be postmaster at Tenino, Wash. Office became presidential October 1, 1908.

P. R. Parks to be postmaster at Colville, Wash., in place of William R. Baker, resigned.

Orin D. Post to be postmaster at Sumas, Wash. Office became presidential October 1, 1908.

WISCONSIN.

Martin A. Lien to be postmaster at Black River Falls, Wis., in place of Martin A. Lien. Incumbent's commission expired January 23, 1909.

W. H. Schallert to be postmaster at Johnson Creek, Wis., in place of John C. Grell. Incumbent's commission expired February 1, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1909.

ASSISTANT ATTORNEY-GENERAL.

Alford W. Cooley, of New York, to be Assistant Attorney-General.

UNITED STATES ATTORNEY.

John Lord O'Brian, of New York, to be United States attorney for the western district of New York.

JUDGE IN HAWAII.

Selden B. Kingsbury, of Hawaii, to be judge of the circuit court of the second circuit of the Territory of Hawaii.

PHILIPPINE COMMISSIONER.

Juan Sumulong, of the Philippine Islands, to be a member of the Philippine Commission.

REGISTER OF LAND OFFICE.

Harry H. Myers, of Brinkley, Ark., to be register of the land office at Little Rock, Ark.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Capt. Alexander Perry Rodgers Hanks to be senior captain in the Revenue-Cutter Service.

PROMOTION IN THE ARMY.

CAVALRY ARM.

First Lieut. Aubrey Lippincott, Fourteenth Cavalry, to be captain.

PROMOTIONS IN THE NAVY.

Capt. Edward B. Barry to be a rear-admiral in the navy.
Commander Charles A. Gove to be a captain in the navy.
Lieut. Frank E. Ridgely to be a lieutenant-commander in the navy.
Medical Inspector Edward H. Green to be a medical director in the navy.
Boatswain Michael J. J. Farley to be a chief boatswain in the navy.
Maj. Theodore P. Kane to be a lieutenant-colonel in the United States Marine Corps.
Capt. George C. Reid to be a major in the United States Marine Corps.
Second Lieut. Holland M. Smith to be a first lieutenant in the United States Marine Corps.

PROMOTION IN THE MARINE CORPS.

Maj. William C. Dawson, assistant paymaster, United States Marine Corps, to be a lieutenant-colonel, assistant paymaster, in the Marine Corps, from the 31st day of January, 1909, vice Lieut. Col. George Richards, assistant paymaster, promoted.

POSTMASTERS.

CALIFORNIA.

Jesse H. Dungan to be postmaster at Woodland, Cal.
George P. Manley to be postmaster at Sanger, Cal.
Winslow L. Rideout to be postmaster at Lakeport, Cal.

COLORADO.

Marshall Moore to be postmaster at Fort Collins, Colo.
William J. Rothwell to be postmaster at Hugo, Colo.
William C. Sloan to be postmaster at Creede (late Amethyst), Colo.

CONNECTICUT.

George E. Andrews to be postmaster at Noank, Conn.
Samuel H. Kellogg to be postmaster at Colchester, Conn.

FLORIDA.

Leland M. Chubb to be postmaster at Winter Park, Fla.
William C. Eddy to be postmaster at De Funiak Springs, Fla.
Samuel J. Giles to be postmaster at Carrabelle, Fla.

ILLINOIS.

John C. Adams to be postmaster at Peotone, Ill.
F. E. Herold to be postmaster at Hamilton, Ill.
Holly C. Marchildon to be postmaster at Thebes, Ill.
W. A. Perrine to be postmaster at Herrin, Ill.

IOWA.

J. M. Crosson to be postmaster at Eddyville, Iowa.
Eugene M. Crosswait to be postmaster at Earlham, Iowa.
E. E. Heldridge to be postmaster at Milford, Iowa.
James M. Hutcheson to be postmaster at Blanchard, Iowa.

KANSAS.

James M. Brown to be postmaster at Wilson, Kans.
Allen C. Carson to be postmaster at Lucas, Kans.

KENTUCKY.

William H. Jones to be postmaster at Glasgow, Ky.

LOUISIANA.

L. B. Ligon to be postmaster at Kentwood, La.

MAINE.

Fred H. King to be postmaster at Portland, Me.

MARYLAND.

Leslie W. Gaver to be postmaster at Middletown, Md.

MASSACHUSETTS.

Henry W. Dolliver to be postmaster at Whitinsville, Mass.
Francis D. Dunbar to be postmaster at Canton, Mass.
Henry J. Dunn to be postmaster at Medfield, Mass.
Leonard A. Saville to be postmaster at Lexington, Mass.

MICHIGAN.

Ebenezer A. Litchfield to be postmaster at Elsie, Mich.
Guy C. Mars to be postmaster at Berrien Springs, Mich.
Hugh W. Parker to be postmaster at Bancroft, Mich.
Charles F. Rogers to be postmaster at Hancock, Mich.
Charles H. Stevens to be postmaster at Perry, Mich.

MINNESOTA.

Mary J. Dillingham to be postmaster at Granite Falls, Minn.
Jacob Geib to be postmaster at Gaylord, Minn.
Charles S. Harden to be postmaster at Le Roy, Minn.
Hattie J. Hodgson to be postmaster at Herman, Minn.
Mathias B. Jenson to be postmaster at Clarkfield, Minn.
Peter O. Roe to be postmaster at Sacred Heart, Minn.
Mark M. Woolley to be postmaster at Howard Lake, Minn.

MISSISSIPPI.

James W. Bell to be postmaster at Pontotoc, Miss.
Harvey E. Fitts to be postmaster at Aberdeen, Miss.
Laura M. Gowdy to be postmaster at Batesville, Miss.
Alfred T. Leggett to be postmaster at Magnolia, Miss.
Monroe L. Lott to be postmaster at Sumrall, Miss.

MISSOURI.

Charles M. Clark to be postmaster at Montrose, Mo.
Alansan H. Dent to be postmaster at Osceola, Mo.
William H. Funk to be postmaster at Queen City, Mo.
Leonard W. Van Dyke to be postmaster at Marshall, Mo.

NEBRASKA.

John F. Diener to be postmaster at Syracuse, Nebr.

NEVADA.

Claude F. Perkins to be postmaster at Searchlight, Nev.

NEW JERSEY.

Louis Y. Manning to be postmaster at Red Bank, N. J.
Alexander B. Roberts to be postmaster at Tenafly, N. J.

NEW MEXICO.

George M. Chandler to be postmaster at Cimarron, N. Mex.

NEW YORK.

Albert H. Clark to be postmaster at Silver Springs, N. Y.
Peter Dahl to be postmaster at Tonawanda, N. Y.
Horace B. Fromer to be postmaster at Hunter, N. Y.
John C. Jublin to be postmaster at Lake Placid Club, N. Y.
Phil S. Spaulding to be postmaster at Whitesboro, N. Y.

NORTH CAROLINA.

Lossing L. Wrenn to be postmaster at Siler City, N. C.

NORTH DAKOTA.

Peter C. Burfening to be postmaster at Kulm, N. Dak.

OHIO.

Gustavus A. Gessner to be postmaster at Fremont, Ohio.
James H. Long to be postmaster at Ashville, Ohio.
Joseph R. Taber to be postmaster at Canfield, Ohio.

OKLAHOMA.

William Higgins to be postmaster at Bartlesville, Okla.

PENNSYLVANIA.

Andrew C. Allison to be postmaster at Mifflintown, Pa.
Frank M. Butterfield to be postmaster at New Milford, Pa.
Charles Crouse to be postmaster at Wyoming, Pa.
Thomas J. Davis to be postmaster at Avoca, Pa.
William A. Feist to be postmaster at White Haven, Pa.
Hugh W. Gilbert to be postmaster at Quarryville, Pa.
Alexander B. Grosh to be postmaster at New Bloomfield, Pa.
Ralph M. Lashelle, sr., to be postmaster at Centralia, Pa.
Timothy J. Leahy to be postmaster at Sayre, Pa.
John S. Longenecker to be postmaster at Middletown, Pa.
James B. Mates to be postmaster at Butler, Pa.
John J. Riddle to be postmaster at Bala, Pa.
Frank J. Roethline to be postmaster at Northampton, Pa.
Edward J. Stackpole to be postmaster at Harrisburg, Pa.
Sylvester C. Stout to be postmaster at Glenside, Pa.
Frank M. Tiffany to be postmaster at Dalton, Pa.
Edward Weir to be postmaster at Malvern, Pa.
Uriah H. Wieand to be postmaster at Emaus, Pa.

SOUTH CAROLINA.

John P. Little to be postmaster at Clinton, S. C.

SOUTH DAKOTA.

Arthur W. Bartels to be postmaster at Gary, S. Dak.
Fannie F. Holliday to be postmaster at Conde, S. Dak.
J. Charles Russell to be postmaster at Midland, S. Dak.

VERMONT.

Ira Towne to be postmaster at Richmond, Vt.
Carroll B. Webster to be postmaster at Barton, Vt.

VIRGINIA.

Channing M. Goode to be postmaster at College Park, Va.
Thomas G. Peachy to be postmaster at Williamsburg, Va.
F. W. Rose to be postmaster at Franklin, Va.

WASHINGTON.

John C. Davis to be postmaster at Leavenworth, Wash.

WEST VIRGINIA.

William W. Hamilton to be postmaster at Bramwell, W. Va.
Zephaniah J. Martin to be postmaster at Amos, W. Va.
Sarah K. Rush to be postmaster at Newell, W. Va.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, Wis.
Robert J. Audiss to be postmaster at Westfield, Wis.
John G. Burman to be postmaster at Amery, Wis.
Danal P. Butts to be postmaster at Frederic, Wis.
John B. Maloney to be postmaster at Kenosha, Wis.
George B. Parkhill to be postmaster at Thorp, Wis.
Frank J. Salter to be postmaster at Prentice, Wis.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 9, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

BIRTHDAY OF ABRAHAM LINCOLN.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from the further consideration of House joint resolution 247, and that the Senate amendment be disagreed to.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Committee on the Library be discharged from the further consideration of the House joint resolution which was read yesterday, and that the House disagree to the amendment of the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. MADDEN. Mr. Speaker, I move that the House concur with the amendment of the Senate.

The SPEAKER. The gentleman from Massachusetts has asked unanimous consent to discharge the Committee on the Library and disagree to the amendment of the Senate. These two requests are coupled together.

Mr. MADDEN. Then I object, Mr. Speaker.

Mr. McCALL. I hope the gentleman from Illinois will withhold his objection for a moment.

Mr. MADDEN. I will withhold it.

Mr. McCALL. Mr. Speaker, the House resolution was reported by the Committee on Library subsequent to the message of the President recommending that the 12th of February of this year, the one hundredth anniversary of the birth of Abraham Lincoln, be made a legal holiday. The House passed that resolution and it went to the Senate. The Senate added an amendment, the substance of which was to provide for the survey of a road to Gettysburg. Under the rule that amendment would go to the Committee on Library, and if we reported favorably, it would have to go to the Committee of the Whole House, and it would be quite impossible during the time between now and Friday to decide the question. I am informed that for the purpose of carrying through the recommendation of the President to have Friday made a legal holiday the other branch will probably recede so that the resolution will at once go to the President. Of course, if another proposition is insisted upon it will result in defeating the main purpose of the resolution.

Mr. MADDEN. Will the gentleman yield?

Mr. McCALL. I will yield to the gentleman from Illinois.

Mr. MADDEN. I wish to say in reply to the gentleman who makes the statement that personally I am in favor of the amendment put on by the Senate, and if unanimous consent is to be given with the end in view of striking out the Senate amendment from the resolution, I shall feel obliged to object.

Mr. McCALL. Mr. Speaker, I will say that that would not finally dispose of the proposition contained in the Senate amendment; but if the gentleman is in favor of a holiday on Friday, and everybody is, it gives the two Houses an opportunity to do the only thing possible between now and Friday, and that is to decide in favor of a holiday. Of course, this resolution must be passed before Friday. We can not well provide by retroactive statute to have a holiday on a day that has already passed.

Mr. SIMS. Will the gentleman yield for a question?

Mr. McCALL. For a question.

Mr. SIMS. What is the object of loading down the resolution to make this a holiday with some initiative process to do something that has not been discussed in the House or in the Senate?

Mr. McCALL. It seemed to the House, I think, and certainly to the Committee on the Library, that the proposition contained in the President's message was a simple and independent proposition for a holiday on Friday.

Mr. SIMS. And nothing else.

Mr. McCALL. And that it was no more appropriate to put on a provision relating to a highway than to put on some of the other numerous proposals for memorials of Lincoln in the District of Columbia.

Mr. SIMS. If the gentleman intends to yield to the Senate amendment, or any other similar amendment, or to do anything more than to pass the resolution simply for a holiday, as recommended by the President, I shall object.

Mr. McCALL. We do not ask for a conference. This gives the Senate an opportunity to recede, and I am reliably informed that it will probably do that.

Mr. MANN. The gentleman is not going to ask for a conference?

Mr. McCALL. I am not.

Mr. MANN. That would naturally come later?

Mr. McCALL. Yes; but it would be useless, because it would defeat the main purpose of the resolution.

Mr. MANN. I want to say to the gentleman that this day is set apart for the consideration of a special bill, and the rights of that bill expire to-day. If it is going to take an hour, or two hours, to dispose of this proposition after you get your committee discharged, I think I shall have to object.

Mr. McCALL. There will be no discussion, because we are asking unanimous consent to accomplish two things.

Mr. MANN. But my colleague says that he moves to concur in the Senate amendment.

Mr. McCALL. But that is not in order, because I am requesting unanimous consent for the discharge of the committee and disagreeing to the Senate amendment, that the resolution may go immediately to the Senate.

Mr. MADDEN. The easiest way to accomplish the establishment of a holiday, it seems to me, would be for the gentleman to agree to concur in the Senate amendment and adopt the resolution as amended.

Mr. MANN. That could not be done to-day by unanimous consent.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to discharge the Committee on the Library from the further consideration of the resolution indicated, and to disagree to the Senate amendment. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I want to say this to the gentleman from Massachusetts: There are some of us in the House here who concur heartily in the proposition of the Senate. We think it is more important to build a road from here to Gettysburg as a memorial to Mr. Lincoln than we do to merely set apart one day as a holiday. We think the Senate amendment is the more important of the two things, and under these circumstances, and feeling that way, if the gentleman, by his unanimous consent, attempts to keep this out of conference, where there can be a full and free conference on both questions before the Senate and the House, I shall object. If he asks for a conference, I will be willing to accede.

The SPEAKER. Objection is heard.

Mr. McCALL. Mr. Speaker, the gentleman in his zeal for a highway can defeat the main purpose of the House proposition. Obviously, he can not arrange to have a highway built between now and Friday.

Mr. UNDERWOOD. Certainly not; but the gentleman can ask to nonconcur and for a conference.

Mr. CAMPBELL. Mr. Speaker, I demand the regular order.

The SPEAKER. Objection is heard.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, be, and the same is hereby, amended to read as follows:

"That the time for the compliance of the Valdez, Marshall Pass and Northern Railroad Company with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled 'An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes,' approved May 14, 1898, by locating and completing its railroad in Alaska, is hereby extended—

"First. Said company shall have four years from the passage of this act within which to complete the first 20 miles of its railroad, by way of Keystone Canyon, Marshall Pass to Copper River, and from thence to Tanana River, and six years from the date of the passage of this act within which to complete said railroad to the Tanana River, all to be within such rights as it possesses and not in any way affecting or contravening any vested rights of any other company or person or the rights of the Government, provided said company carry out the requirements of law.

"Second. Said company shall be exempt from license tax during the period of construction and for four years thereafter: *Provided*, That the total period of exemption shall not exceed ten years from the time of the passage of this act: *And provided further*, That this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road the exemption from taxation herein provided shall cease and said tax shall be collectible as to so much of said road as shall have been completed.

"Third. Congress reserves the right to alter, amend, or repeal this act."

The SPEAKER. Is there objection?

Mr. REEDER. Mr. Speaker, I want to reserve the right to object so that I may know something of what is in the bill. It seems a very long bill, with a great many provisions, and it seems almost impossible that it would be right to pass it in this way.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. REYNOLDS. Yes.

Mr. REEDER. I want to learn how much time this extends the provisions of this bill.

Mr. REYNOLDS. Two years ago an act was passed extending the period for three years.

Mr. REEDER. Two years ago it was extended for three years?

Mr. REYNOLDS. Yes; and they have but one year under that act. By reason of the stringency of the times for the past year and a half it has been impossible for these people to raise the necessary amount of money to complete this road.

Mr. REEDER. How much of the road is now completed?

Mr. REYNOLDS. There are about 18 miles of way cleared for the road. About 8 miles, as near as I can tell, have been graded, and about 2 miles laid with ties. A wharf has been built. The parties have expended between three and four hundred thousand dollars of money in the construction of the road as far as they have gone and in the construction of the wharf.

Mr. REEDER. When was this law first passed; how long have they had since they commenced?

Mr. REYNOLDS. I could not tell exactly now. This bill is intended to give them just one year longer within that time provided by the bill which was passed two years ago.

Mr. REEDER. Does it change the conditions of the law in any way?

Mr. REYNOLDS. It does not. In express terms it reserves to others whatever rights they may have. I want to assure the gentleman that from the investigations we have made no other railroad has located in that region, and it has the unanimous report of the Committee on Territories, after a very full and careful examination.

Mr. REEDER. It does not change the provisions of law at all?

Mr. REYNOLDS. It does not, with the exception that it gives one year longer.

Mr. REEDER. I have no objection.

Mr. HULL of Iowa. Mr. Speaker, reserving the right to object, I would ask the gentleman if this has been submitted to the Secretary of the Interior? He has reported very strongly against very many of these extensions.

Mr. REYNOLDS. Well, not in this case, I will say to the gentleman from Iowa.

Mr. HULL of Iowa. Has the Secretary of the Interior passed on it at all, recommended it, or is he opposed to it?

Mr. REYNOLDS. I do not know about this particular road. There has been no objection at any time before our committee within the last three or four years with respect to this road. I yield to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I simply desire to say in reply to the gentleman from Iowa that it has been the custom of the Committee on the Territories to refer railroad bills to the Secretary of the Interior, with the request for information as to whether the proposed line conflicts in any way with any other proposed line, to ascertain how much money has been invested, and to find out as far as possible whether the company is acting in good faith. One of the crying needs of Alaska is transportation. Freight rates from the coast to inland points are practically prohibitive. They amount to six to eight dollars per ton per mile. It appeared in hearings before the committee that at a place called "Tanana Crossing," 250 miles from the Gulf of Alaska, sugar, flour, and salt were each of them 75 cents per pound, regardless of the commodity itself, depending entirely on the cost of transportation. It is therefore important that transportation shall be developed into Alaska.

Now, this railroad was projected from Valdez. Something like 18 miles have been cleared northward. It does not conflict with any other road. Six miles have been built, as I understand. They have invested between $300,000 and $400,000 in wharves, preliminary surveys, and definite locations. They are simply asking for an extension of time of one year. They say that owing to the financial stringency last year they have been hampered in getting the necessary funds to go on with this railroad, and it seemed to the committee entirely equitable to give them one year more in which to try to do something. That is about all there is to it.

Mr. FITZGERALD. This bill extends the time four years.

Mr. REYNOLDS. One year.

Mr. FITZGERALD. Four years from the passage of this act to build the first 20 miles, and six years to complete the balance of the road. Now, how many times has the time of this company been extended?

Mr. REYNOLDS. Once.

Mr. FITZGERALD. When did they start?

Mr. REYNOLDS. They start at Valdez Bay.

Mr. FITZGERALD. When were they first authorized to commence this road?

Mr. REYNOLDS. Two years ago. This bill simply extends the time one year longer than that provided for in the bill as it passed two years ago. The projectors of this road, as I understand, have made their necessary arrangements for its completion, and expect to send a surveying party out into that region this summer, and it would take the entire summer to have the survey and report.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to move an amendment to the bill by striking out, in lines 10 and 11, on page 1, the words "chapter 295 of the laws of the United States" and insert in lieu thereof the words "the act." It is a formal amendment. It means nothing the way it is now.

Mr. REYNOLDS. Mr. Speaker, that amendment is all right.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

IMMEDIATE TRANSPORTATION OF DUTIABLE MERCHANDISE.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from Washington asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the following bill and to consider the same in the House at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement.

Be it enacted, etc., That the privileges of the first section of the acts approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subports of Blaine and Sumas, in the State of Washington.

SEC. 2. That the deputy collectors of customs at the subports of Seattle and Tacoma, in the State of Washington, shall receive such compensation as the Secretary of the Treasury shall determine.

SEC. 3. That all acts and parts of acts in conflict herewith are hereby repealed.

The committee amendments were read, as follows:

Strike out all of section 2.

On page 2, line 3, strike out "3" and insert "2."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain this bill.

Mr. HUMPHREY of Washington. This is to extend the privilege of immediate transportation to Sumas and Blaine, which are ports on the northern border. That is all. The other section is stricken out.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

COLORADO DESERT LANDS.

Mr. HAGGOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 19606.

The SPEAKER. The gentleman from Colorado moves to discharge the Committee of the Whole House from the further consideration of the bill named and that the same be considered at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19606) to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State.

Be it enacted, etc., That the provision of section 4 of "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and the amendments thereof, approved June 11, 1896, and March 3, 1901, respectively, be, and are hereby, extended over and shall apply to the desert lands within the limits of all of that portion of the former Ute Indian Reservation, in the State of Colorado, described and embraced in the act entitled "An act relating to lands in Colorado lately occupied by the Umcompahgre and White River Ute Indians," approved July 28, 1882: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the act approved August 18, 1894, and amendments thereto, the State of Colorado shall pay into the Treasury of the United States the sum of $1.25 per acre for the lands so patented, and the money so paid shall be subject to the provisions of section 3 of the act of June 15, 1880, entitled "An act to accept the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and to make the necessary appropriation for carrying out same."

SEC. 2. That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States Government has valuable improvements or which have been reserved for any Indian schools or farm purposes.

The committee amendments were read, as follows:

In line 12, page 1, after the word "Reservation," insert the words "not included in any national forest;" in line 11, page 2, after the word "accept," insert the words "and ratify;" and in line 14, page 2, after the word "State," insert "and for other purposes."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SMALL HOLDINGS CLAIM.

Mr. BOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15442.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15442) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898.

Be it enacted, etc., That section 18 of an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, and by the act approved June 27, 1898, be, and the same is hereby, further amended by striking out the words "before the 4th day of March, 1901," and inserting in lieu thereof the words "before the 4th day of March, 1909," so that the first clause of said section shall read as follows, namely:

"That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor-general of the proper State or Territory before the 4th day of March, 1909, and no claim not so filed shall be valid."

The committee amendments were read, as follows:

Amend by striking out the word "nine" in lines 3 and 8 on page 2 and substituting therefor the word "ten."

Further amend by adding thereto, after line 9, page 2, the following:

"*Provided*, That the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public-land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignments made after March 3, 1901."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BOYD, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON FOR HENDERSON, KY.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from further consideration of the bill (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky., and that the same be considered in the House as in the Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Henderson, Ky., two condemned brass or bronze cannon or fieldpieces with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in Central Park, in Henderson, Ky., and for which said city is trustee: *Provided*, That the articles of ordnance property furnished under the provisions of this act shall not be required to be accounted for by the Chief of Ordnance, and no expense shall be incurred by the United States in the delivery of the same.

Also the following committee amendment:

After the word "Kentucky," in line 4, add the following: "to be placed in the public park of said city."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. STANLEY, a motion to reconsider the vote by which the bill was passed was laid upon the table.

BUILDING ASSOCIATIONS, DISTRICT OF COLUMBIA.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 691, subchapter 7, of the Code of Law for the District of Columbia, relating to building associations, be amended so that the same shall read:

"SEC. 691. Objects.—The object of such corporation shall be the accumulation of a capital in money to be derived from the savings and accumulations by the members thereof, to be paid into said corporation in such sums and at such times as may be designated by the by-laws of said corporation, from which the members thereof may obtain advances upon their shares of stock: *Provided*, That the Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any building association incorporated under the provisions of this chapter, as well as any other building or loan association located or doing business in the District of Columbia. The expenses necessarily incurred in making any such examination shall be paid by such association to the Comptroller of the Currency at the time of the making of such examination: *And provided further*, That every building or loan association located and doing business in the District of Columbia shall make to the Comptroller of the Currency at least one report during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or secretary of such association and attested by the signature of at least three of the directors. The said comptroller shall also have power to take possession of any company or association whenever in his judgment it is insolvent or is knowingly violating the laws under which such company is incorporated, and to liquidate the same in the manner provided in the laws of the United States in respect to national banks: *Provided further*, That from and after the 1st day of July, A. D. 1909, no person, company, association, copartnership, or corporation, except corporations organized under and availing themselves of the privileges of this act, and except building associations heretofore organized and in actual operation before the passage of this act, shall conduct or carry on in the District of Columbia the kind of business named in this act, without strict compliance in all particulars with the provisions of this act. Any person, officer, or agent of any company, firm, or corporation who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine or not more than $1,000 or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court. That any willful false swearing in regard to any certificate, or report, or public notice required by the provisions of this act shall be perjury, and shall be punished as such according to the laws of the District of Columbia. And any misappropriation of any of the money of any corporation or company, formed under or availing itself of the privileges of this act, or of any building or loan association located or doing business in the District of Columbia, or any money, funds, or property intrusted to any such corporation, company, or association, shall be held to be larceny and shall be punished as such under the laws of said District."

Also, the following committee amendment was read:

Add on page 4, after line 2, the following, to stand as section 2 of the act, viz:

"SEC. 2. That there be added to the Code of Law of the District of Columbia a new section, to stand as section 691a, and to read as follows:

"'SEC. 691a. That any association or corporation organized and existing under the laws of any State or Territory to do, or now doing, in the District of Columbia, a deposit, investment, loan, or mortgage business, or otherwise having any of the features of a building association, shall be subject to all the provisions of the foregoing section of this act in respect of the powers of the Comptroller of the Currency thereover, and any such association or corporation shall at all times keep on deposit with the Comptroller of the Currency in money, or stocks, bonds, and mortgages, or other securities, to be approved by said officer, not less than 25 per cent of its capital and surplus as security for its depositors and creditors and as a guaranty for the faithful performance of its contracts, and may also make such further deposits of its assets, as above described, with the comptroller for such purpose as it may from time to time desire so to do.'"

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. Is this a bill that belongs on the District Calendar?

The SPEAKER. This is a bill on the calendar and could be considered on Monday.

Mr. UNDERWOOD. It could be considered on District day?

The SPEAKER. Yes.

Mr. UNDERWOOOD. There is a special day set apart for the consideration of these bills, Mr. Speaker.

Mr. KAHN. I hope the gentleman will not object. Yesterday the time of the committee was taken up by some of the gentlemen speaking on general subjects. This bill proposes to put the building and loan associations of the District under the jurisdiction of the Comptroller of the Currency. At the present time, although they have assets of $14,000,000, they are not responsible to a single officer of the Government.

Mr. UNDERWOOD. I will say to the gentleman that I am not objecting to his personal bill.

Mr. KAHN. It is not my personal bill.

Mr. UNDERWOOD. Or to the personal idea involved in his bill. But there is a rule that applies to this side of the House, and it is fair to apply it to that side of the House, namely, that when there are bills coming up that have a special day the individual Member must wait for that day in order to get unanimous consent for his bill. What applies to this side of the House is fair to the other side of the House. So I object.

PANAMA CANAL ZONE.

The SPEAKER. There is a special order for to-day for the consideration of the Panama Canal bill.

Mr. MANN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27250) to provide for the government of the Canal Zone, for the construction of the Panama Canal, and for other purposes—the special order for to-day.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 27250, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes.

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed thereon, which said zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, including all islands within said described limits and in addition thereto the group of islands in the bay of Panama named Perico, Naos, Culebra, and Flamenco, and any lands and waters outside of said limits above described which may be or from time to time may become necessary and convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary and convenient for the construction, maintenance, operation, sanitation, or protection of said enterprise, the use, occupation, and control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, and all other territory over which the United States now has or may have hereafter obtained governmental control, situate within the territorial limits of the Republic of Panama, shall be known and designated as the Canal Zone, and the canal to be constructed thereon shall be hereafter known and designated as the Panama Canal.

SEC. 2. That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President or such person or persons as the President shall, from time to time, designate, detail, or appoint, and shall be exercised in such a manner as the President shall direct for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion; and all orders and regulations with respect to the government of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority, are ratified and confirmed, without prejudice to the power to revoke or amend the same.

SEC. 3. That the President, through one of the executive departments of the Government, to be designated by him, or otherwise in his discretion, shall cause to be excavated and completed the Panama Canal; and he is hereby authorized, in his discretion, to appoint, by and with the advice and consent of the Senate, one director and one chief engineer of the Panama Canal, and one governor of the Canal Zone, and from time to time to fix their compensation, duties, powers, and relative jurisdiction until such time as Congress may by law otherwise provide, and the same person may be appointed to any two of such offices; and the President may remove any of said officials at his pleasure. And the President is further authorized for the purposes described in this act to detail, appoint, and employ, or provide for the appointment or employment of such persons with such duties, powers, jurisdiction, and official designations as may from time to time be deemed necessary, and to dismiss or provide for the dismissal of the same; and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by appropriation act or other law regulate the same. Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. Authority is hereby given for the procurement, use, and maintenance of each and everything necessary for the complete construction, maintenance, and operation of said canal from deep water to deep water.

SEC. 4. That from and after such time as the President may designate the powers and authority heretofore conferred upon the Isthmian Canal Commission shall be exercised by such persons as may be detailed, appointed, or designated by the President in accordance with the provisions of this act.

SEC. 5. That the judicial power in the Canal Zone shall be vested in one circuit court and such inferior courts as the President may constitute. The judge of the circuit court shall be appointed by the President, by and with the advice and consent of the Senate; but in the event of the absence or incapacity of the judge so appointed, a judge pro tempore may be appointed by the governor of the Canal Zone. The records of existing circuit courts and all causes and proceedings pending therein shall be transferred to the jurisdiction of the circuit court hereby created as of the date when the judge appointed hereunder qualifies.

SEC. 6. That in all criminal prosecutions in the Canal Zone for felonies the accused shall enjoy the right of trial by an impartial jury.

SEC. 7. That jurisdiction is conferred upon the circuit court of appeals for the fifth circuit to review by appeal or writ of error or otherwise any final decision of the circuit court of the Canal Zone, which jurisdiction shall be exercised under rules to be prescribed by said circuit court of appeals, and unless otherwise provided shall be exercised as nearly as may be in conformity with the procedure on appeals or writs of error in said circuit court of appeals. The associate justice of the Supreme Court assigned to the said circuit may likewise designate one or more judges thereof, who may hold a term of said circuit court of appeals at Ancon, Canal Zone, at a time between May 1 and August 1 of each year, notice of which shall be published within the Canal Zone thirty days in advance, for the purpose of hearing and determining appeals that would otherwise be heard by the circuit court of appeals at New Orleans.

SEC. 8. That in any case proceeding from a Canal Zone court involving a question arising under the Constitution or treaties of the United States or involving a sentence of death or imprisonment for life, an appeal may be granted by the circuit court of appeals from its final judgment to the Supreme Court of the United States. The Supreme Court may also require by certiorari or otherwise any case proceeding from a Canal Zone court to be certified from the circuit court of appeals to the Supreme Court for its review and determination.

SEC. 9. That all expenses incurred by the judges of the said circuit court of appeals in holding sessions on the Isthmus shall be a proper charge against the appropriations for the construction of the Isthmian Canal; and there may be paid to any judge assigned to hear appeals on the Isthmus, in addition to his ordinary salary, his necessary traveling expenses to and from the United States and a per diem of $10 from the time he may leave the United States in the discharge of his duties until his return.

SEC. 10. That the President, through such officer as he may designate, is hereby authorized to grant leases of the public lands in the Canal Zone, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable, reserving in all cases mineral, oil, and gas rights. No agricultural lease, however, shall be granted for a tract of land in excess of 50 hectares, nor to any person who shall not have first established by affidavit, and by such other proof as may be required, that such person is the head of a family, or over the age of 21 years, that the application for a lease is made in good faith for the purpose of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law and executive regulation as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

SEC. 11. That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear by a statement or plat filed under authority of the President with the collector of revenues for the Canal Zone, that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and every lease shall be made subject to the provision that if at any time it shall become necessary for the United States to occupy or use any portion of the leased lands it shall have the right to do so without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee and a proportionate reduction of rent, the same to be determined by the courts of the Canal Zone if not mutually agreed upon.

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime, in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only, the Canal Zone shall be considered and treated in all respects as an organized territory of the United States.

Mr. KEIFER. Mr. Chairman, I would like to know what the arrangement is as to the discussion of this bill?

Mr. MANN. I would say to the gentleman that the order under which the bill is up for consideration provides for two hours' general debate.

Mr. KEIFER. How is it to be divided?

Mr. MANN. I have taken the floor for one hour, and I suppose that the gentleman who is the senior Democrat on the committee will probably take the floor for an hour. Does the gentleman desire some time?

Mr. KEIFER. As I understand it, I desire it against the bill.

Mr. RICHARDSON. The other hour is given to gentlemen on this side and on the other side to oppose the bill.

Mr. MANN. I will be very glad to yield such time as I can to the gentleman from Ohio [Mr. KEIFER].

Mr. Chairman, the purpose of this bill is primarily to provide a legal government on the Canal Zone and to legalize in effect the existing government on the Canal Zone. When we acquired our rights on the zone by treaty with Panama we enacted,

in the Fifty-eighth Congress, in 1904, a bill authorizing the President to carry on the government until the expiration of the Fifty-eighth Congress, which expired on March 4, 1905. Congress made no provision for government of the zone after that time, but under that act of Congress a government was organized on the zone, and when Congress made no other provision for the act, the President proceeded to govern the zone as though that act had continued in force.

Whether gentlemen criticise him for it or not, there was nothing else for him to do. He did the only thing that anyone having responsibility could do. Now, this act proposes, first, by description and designation, to set out what shall be the limits of the zone, and designates a new name for the canal, now known as the "Isthmian Canal;" by this act it will be known by its proper name, the Panama Canal, merely conforming to popular usage.

It then, in the second section, legalizes the acts that have been already performed in the Canal Zone, and, following the act of 1904, which itself was a copy of the act, practically, of 1803, for the temporary government of the Territory of Louisiana under the Presidency of Mr. Jefferson, it provides that the government of the zone shall be carried on by the President and by persons named by him. There will probably be some academic discussion of the bill in regard to that. Our committee has conceived that the purpose at present of our Government on the Canal Zone is the building of the canal. We have a large number of employees there. No one knows yet what will be the permanent form of government on the zone; but it is quite evident, in our opinion, that to adopt a delegated form of government, which would turn the government of the zone over by the votes of our employees there, would be very deleterious to our continuation of the work properly.

The third section of the act practically abolishes what has been practically abolished, except in the payment of salaries, of the Isthmian Canal Commission, and provides that the President shall construct the canal, either by the aid of one of the departments or otherwise, as he pleases, and authorizes him to employ a director, engineer in chief, for the construction of the work, and a governor of the Canal Zone government.

One of the most important provisions of this bill is that in regard to the judiciary to be adopted on the zone. There is now a supreme court on the zone created by the President without any great deal of work to do, but necessarily there should be a court there. There is no appeal from that court to any court of the United States. This bill proposes that instead of providing for three judges of the supreme court we provide for one circuit judge, with an appeal to the court of appeals at New Orleans, and with an appeal from that court in certain cases to the Supreme Court of the United States. So that while there is now no method for our courts to review the proceedings of the courts on the Canal Zone, under this bill there is a method by which a man can bring his case to the courts in the United States and in a proper case to the Supreme Court.

In connection with the judicial proceedings we have provided in the bill that in all trials for felony the accused shall be entitled to a trial by jury.

Another provision of the bill authorizes the leasing of land for a term of years not to exceed twenty-five years. The land laws of the United States are not in operation on the Canal Zone. We do not sell or make any provision for the sale of any of the land there.

Mr. HARRISON. Not under the bill passed last year?

Mr. MANN. The bill did not become law.

At present the leasing can be made only for five years under our law. Now, it seemed to the committee that much of this land being so that it takes several years to clear it even for any purpose, that it is desirable to give to a tenant a longer term of lease than five years, where we do not sell the land at all, and the land which anyone can take is only a small area, and he must be a resident in good faith.

Another provision of the bill is in regard to extradition. There is now no legal method of getting a criminal from either side of the line to the other side of the line, and while it is true that sometimes they rush a man across from Panama to the Canal Zone, and vice versa, there is no method by which a criminal who may have committed murder on the Canal Zone going to the United States can be taken back to the Canal Zone for trial. In other words, if he commits murder on the Canal Zone and gets away he is as free as the air. There is no chance to get him back under the existing law, and this bill makes applicable to the Canal Zone the laws of the United States in the same manner as they apply to the Territories of the United States.

Now I will yield to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. What I desired to ask the gentleman was, What would be the difference in cost by the method adopted with reference to the higher officers of the zone of the abolition of the commissioners—what amount will be saved to the Government?

Mr. MANN. Oh, I apprehend, Mr. Chairman, there will be no substantial difference. Theoretically, there will be a considerable saving to the Government. We have now seven commissioners at high salaries; this would provide for three officials at high salaries.

On the other hand, the seven commissioners are now perfofming other duties on the Canal Zone, and probably will all remain in the employment of the Government, and I apprehend there is no substantial difference, so far as pay is concerned.

Mr. STEPHENS of Texas. Have not the services of these seven commissioners all been required, and will they not be required, notwithstanding the law we enact now?

Mr. MANN. The services of the commissioners are not required at all as commissioners, nor do they perform to-day any substantial services as commissioners. When the first act was passed there was a commission appointed which sat in Washington. Whether they performed services or not it is not necessary to discuss. They performed some services, and they drew high pay. It became a method of construction utterly abhorrent to any ideas of proper business methods, and the President, in obeying the letter of the law, was compelled to violate the spirit of the law, and instead of having a commission as had been contemplated by Congress in its act, a commission sitting in Washington and discussing and determining these great engineering questions, he abolished that commission and constituted the only kind of a commission that could be any good—a commission of men on the ground, who were practically under the control of the chief commissioner or president of the commission.

Mr. STEPHENS of Texas. Will the gentleman advise us who it is that has raised objection to the present commissioners and the method we are now pursuing in carrying on the work there?

Mr. MANN. Oh, Mr. Chairman, the House never has been in favor of the commission. I think, if the gentleman will refresh his recollection, he will remember that the commission went into the bill over the protest of the House, in conference, and was agreed to only because that was the only way of getting a canal, and that afterwards the House passed a bill abolishing the commission and refused to recede from that position. That was one reason why the President was compelled to carry on the government down there. That was the reason the government bill failed in 1905.

Mr. STEPHENS of Texas. I see you provide here that the lands on the zone shall be open to mineral entry, and so forth, saying nothing at all about the timber. Is there any timber there to dispose of?

Mr. MANN. There is no timber of any value on the zone, I will say to the gentleman.

Mr. HARDWICK. I understood the gentleman just now to say that we had a supreme court there, since the expiration of the Fifty-eighth Congress. It has been existing entirely, then, by executive order, has it?

Mr. MANN. Entirely by executive order.

Mr. HARDWICK. If the executive order could provide for a legal court in that Canal Zone, why could it not provide for an appeal from it?

Mr. MANN. If the gentleman will think for a moment, the executive order could provide that the court there might grant an appeal, but the executive order could not confer jurisdiction upon any court in the United States to hear the appeal.

Mr. HARDWICK. In other words, when the question came before a court of the United States that was bound to administer the law, the illegality of the whole action of the President in this matter was bound to be declared by the court, was it not?

Mr. MANN. That is the gentleman's own opinion. Whether the President's actions were legal or not from an academic point of view, I do not undertake to say; but there was only one thing in the world the President could do, and that was to do what he did do; and even if my distinguished friend from Georgia had been President—and I hope he may be some day—he would have done the same thing and asked Congress to ratify the proceeding.

Mr. WEBB. Do we in Congress make special laws to govern the Canal Zone?

Mr. MANN. We do not. We never have.

Mr. WEBB. Are all the citizens of the Canal Zone subject to the Revised Statutes, the laws of the United States?

Mr. MANN. They are not.

Mr. WEBB. I am leading up to this question: Then what do you mean in section 6 when you provide that all persons charged with felonies shall have a trial by jury?

Mr. MANN. Exactly what we say.

Mr. WEBB. What is a felony under the statutes of the United States or on the Canal Zone?

Mr. MANN. Felony, under the Canal Zone laws, is a crime punishable by one year in the penitentiary or more.

Mr. WEBB. Or death.

Mr. MANN. I would consider that a little more than one year in the penitentiary myself. [Laughter.]

Mr. WEBB. Can you tell me where we can find the law fixing the definition of felony? We have not any in the United States statutes.

Mr. MANN. No; that is true.

Mr. WEBB. I want to know where it is defined for Panama.

Mr. MANN. I will be frank with the gentleman. Doubtless if this act passes they can change the definition of the term felony, and doubtless it will not be substantially changed.

Mr. WEBB. Is it not possible for the President to do away with trial by jury entirely in the Canal Zone by defining any particular offense and saying that it shall not be a felony?

Mr. MANN. I am not sure but it might be possible to do that. If the gentleman will permit me to go further, I will say that when we went down there there was no trial by jury for any offense. There is no trial by jury for any offense except one punishable by death or life imprisonment, and that is given by executive order. The Spanish laws in force there at the time did not provide for trial by jury at all. Now, it is possible that the legislative authority which may act down there could abolish by definition of felony trial by jury, but I can assure the gentleman that if the Executive should undertake that sort of work with Congress we had better abolish the Executive.

Mr. HARDWICK. He might abolish us.

Mr. WEBB. Does not the gentleman think there are many misdemeanors that are as serious as those defined as felonies now and which are not tried by jury? I do not think any man's liberties should be taken from him without jury trial.

Mr. MANN. If the gentleman wants my private opinion, I am willing to give it. While the bill provides for the right of trial of all persons accused of felony by a jury, my personal opinion is that it is altogether too broad, and we ought not to do it. That is not all; I will say further that the great majority of the people on the Isthmus accused of crime do not want a trial by jury. They are used to being tried by the courts and still prefer to be tried by the courts. I do not agree with the gentleman that assault and battery cases should be tried by jury down there.

Mr. DOUGLAS. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Ohio.

Mr. DOUGLAS. I notice in the first paragraph of section 10, the officer appointed by the President is given almost unlimited discretion in making leases of land up to twenty-five years.

Mr. MANN. What does the gentleman mean by "any amount?"

Mr. DOUGLAS. Any amount of land.

Mr. MANN. I am afraid the gentleman has not read the bill.

Mr. DOUGLAS. Oh, yes; I have read the bill thoroughly.

Mr. MANN. I mean that part of the bill in which there is a limitation.

Mr. DOUGLAS. I am talking not about "agricultural leases," so called, but other leases. I have read the bill very carefully.

Mr. MANN. Any lease that is not a town lot is an agricultural lease.

Mr. DOUGLAS. Might it not be for timber land? There is nothing in this paragraph that prevents granting a lease for twenty-five years to any company that wants to exploit timber lands.

Mr. MANN. It would be an agricultural lease; there is nothing else there. It is all agricultural land.

Mr. DOUGLAS. No timber?

Mr. MANN. No; no timber of any value; nothing except a little land and some water. Now I will yield to the gentleman from New York.

Mr. BENNET of New York. How many different kinds of courts are there down there?

Mr. MANN. The supreme court, the circuit court, and the police court. The supreme court consists of three members, each of whom holds the circuit court.

Mr. BENNET of New York. I ask the question because this bill provides only for the transfer of the records of one court, and does not provide for the balance of the cases in the other courts. What becomes of the cases in the other two courts?

Mr. MANN. It does not affect the other courts at all.

Mr. BENNET of New York. It seems to me that under section 5 all these other courts will be superseded.

Mr. MANN. The courts down there are the circuit courts, and they are the only courts of record.

Mr. BENNET of New York. What is the supreme court?

Mr. MANN. It is the court of appeals.

Mr. BENNET of New York. What is the circuit court?

Mr. MANN. The judges of the circuit court sit in banc as a supreme court.

Mr. BENNET of New York. Is the police court a part of the circuit court also?

Mr. MANN. Not at all; and not a court of record.

Mr. BENNET of New York. I understand that.

Mr. MANN. They are police magistrates.

Mr. BENNET of New York. What are the justices of the peace such as we have here called?

Mr. HUBBARD of West Virginia. That is the district court; there are five of them.

Mr. BENNET of New York. Does not the gentleman think the rights of the minor tribunals ought to be protected?

Mr. MANN. Those courts will be continued.

Mr. BENNET of New York. There is nothing in this bill to continue them.

Mr. MANN. Certainly; there is nothing in the bill to continue them and nothing to abolish them. That is for the President to determine; he has created them.

Mr. BENNET of New York. True; but if there are new courts and no express provision to continue these——

Mr. MANN. They are not new courts; we do not interfere with the district courts.

Mr. BENNET of New York. But you provide for new ones.

Mr. MANN. We authorize the President to do that which he has done; give our congressional consent and sanction to it.

Mr. BENNET of New York. To ratify his acts in the past and authorize him to do acts under the statute in the future.

Mr. MANN. Yes.

Mr. BENNET of New York. And therefore the same situation will arise that arose in the Dakotas and Idaho and all those Western States, when they changed the United States courts out there and simply transferred the records and found they conferred no necessary powers on the new court.

Mr. MANN. The gentleman is entirely mistaken. The district courts down there will not be changed in the slightest degree. Under this act we make no change in the district courts at all. The district courts will continue unless the President abolishes them. We do not change the laws that are there now in force.

Mr. BENNET of New York. So far as the act is concerned you do.

Mr. MANN. Why, we ratify the act which constitutes the district courts. We ratify the law which constitutes the district courts.

Mr. BENNET of New York. But do not continue the courts.

Mr. MANN. We do continue the courts. We do not abolish them.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. NORRIS. These district courts were created under the original canal act.

Mr. MANN. Not at all.

Mr. NORRIS. How were they created—by executive order?

Mr. MANN. Created by the President.

Mr. NORRIS. This bill, then, continues the executive orders; still gives him the power to continue those courts?

Mr. MANN. Let me say to the gentleman, under the authority which was conferred upon the President in the Fifty-eighth Congress, which expired with that Congress so far as the act of Congress is concerned, and which he has continued to exercise since, he has provided a whole code of laws and government on the zone. We ratify all the acts already done in regard to that by this act, and then confer upon the President the power to continue in the same way a government down there; but we do not wipe out the laws which he had established, one of which constitutes the district courts.

Mr. NORRIS. What particular part of this bill gives or continues the authority of the President to continue those courts?

Mr. MANN. Section 2.

Mr. CHANEY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CHANEY. I would ask the gentleman if the government down there has fee-simple title to all the lands aside from that owned by individuals?

Mr. MANN. No; the government owns the land which is turned over with the Panama Canal purchase from the New Panama Canal Company. The Panama Railroad Company is

owned by the government. The Panama Railroad Company owns a considerable amount of land. In addition to that there are the individual holdings of land. So that, practically, the government owns all of the land except what the individuals own, but we do a large part of it through the Panama Railroad Company.

Mr. NORRIS. Then the leases to which the bill refers are to those particular lands.

Mr. MANN. Only to the lands that are owned by the Canal Commission, now a part of the canal works.

Mr. CHANEY. Would it not, in the opinion of the gentleman, be necessary for the future civilization of the zone that some of this land be authorized to be disposed of by fee simple?

Mr. MANN. I will say to the gentleman that the Government, I think, is not yet prepared to say what land may or may not be necessary in connection with the construction, operation, fortification, and maintenance of the canal, and hence it is not desirable to give away any land which, perchance, we might have to purchase back.

Mr. CHANEY. I make this inquiry only because of the fact that when we were down there at the canal they expressed their desire that people should come there and settle there and remain there and live, in order that they might have an agricultural country.

Mr. MANN. I may say to the gentleman that the provisions in the bill on that point entirely meet the views of the officials down there, who have been most anxious to have some of this land cultivated.

Mr. TAWNEY. Mr. Chairman, I have not read the bill carefully, but I would like to ask the gentleman from Illinois a question. The Panama Railroad Company owns practically all the lots in the city of Colon and owns some property in the city of Panama. Is there anything in the bill that would prevent a conflict of jurisdiction between the authorities of the government organized under this bill, as a government and the jurisdiction of the courts of Panama with respect to the commission of offenses in Colon or on property in the city of Panama belonging to the United States?

Mr. MANN. I do not quite catch the gentleman's drift. I should say not, if I do.

Mr. TAWNEY. The point is this: The Panama Railroad Company owns all of the lots in the city of Colon.

Mr. MANN. I may say to the gentleman that under this bill we retain every possible power that we can have under the treaty with Panama.

We are asserting all the power that we claim under the bill. There is some dispute in reference to how far that power goes, but we do not yield it in this bill.

Mr. TAWNEY. Under the first section of the bill, our government in the Canal Zone as it will then be organized will have supreme jurisdiction over all the territory described in that section, which includes——

Mr. MANN. The Canal Zone, you mean?

Mr. TAWNEY. All that is there now or may hereafter be acquired.

Mr. MANN. You said the Government of Panama had control of it; I thought you said the Government of the United States.

Mr. TAWNEY. Now, it is a fact the Government of the United States does own property in the city of Panama, and the Panama Railroad Company, which the Government owns, owns practically all the lots in the city of Colon, and it is a question whether your language would not give the United States jurisdiction over this property in the two cities and whether, in the administration of justice, there may not arise a conflict of jurisdiction between the Governments of Panama and the United States.

Mr. MANN. I give the gentleman credit for what he said in the beginning—that he has not carefully read the bill——

Mr. TAWNEY. I ask the gentleman if there is anything to prevent such a conflict of jurisdiction?

Mr. MANN. There is absolutely nothing in here that makes a conflict of jurisdiction. We have no sovereignty over the lands owned by the Panama Railroad Company within the cities of Colon and Panama, and we assert no sovereignty over it in this bill or otherwise.

Mr. FITZGERALD. Under section 3 of the bill, is any additional authority given to the President to complete the construction of the canal?

Mr. MANN. No additional authority is given the President.

Mr. FITZGERALD. In the same section, page 4, the bill provides:

> Authority is hereby given for the procurement, use, and maintenance of each and every thing necessary for the complete construction, etc.

Under this authority, is it necessary to have specific appropriations made for the acquisition of the various materials required?

Mr. MANN. That is existing law.

Mr. FITZGERALD. Let me illustrate what is in my mind. Under this provision of the bill the President or those designated by him have authority, for instance, to contract for the purchase of steamboats for use in transportation of materials without specific authority.

Mr. MANN. I do not think he would without an appropriation. Now, if the gentleman will permit, the purpose of putting that provision in the bill is in order to permit the Committee on Appropriations to have the authority of law for the appropriations they may bring in.

Mr. FITZGERALD. The intention is, however, to continue the practice as far as possible, of specifying the different services, material, and so forth, to be acquired.

Mr. MANN. I put that amendment in the appropriations act, if the gentleman will remember, struck it out of a bill which I had in the House, requiring estimates to be made in detail, which means appropriations in detail.

Mr. FITZGERALD. I had in mind the question as to whether this will in any way affect that provision.

Mr. MANN. I should say, without question, it would not affect that at all. They would still be required to make estimates in detail, and expenditures in accordance with the appropriations in detail.

Mr. FITZGERALD. One other question. This bill authorizes the President to designate one person to hold one or more offices. Does not the gentleman think that the person so designated should be limited to one salary; that instead of having an official receiving so much compensation for the discharge of duties of one office and then some other compensation for some other office, that persons employed on the canal should be paid a specified sum for their services in whatever office they might hold?

Mr. MANN. I do not think so, for this reason: The purpose of this provision in the bill is to permit the President, if he desires—take the case of Colonel Goethals—to name him both as director or engineer or any other designation he may have for a position. Now, under the bill the President fixes the salary of these officials, but Congress acts by appropriation bill or otherwise, and it is six of one and a half dozen of the other whether he fixes the salary for two offices or one salary for one office; the committee still have control and Congress fixes the salary anyhow.

Now, I say to the gentleman, while there might be one person drawing two salaries, he may hold two offices down there and only draw one salary. We thought it would be an insult to put such provision in the bill.

Mr. FITZGERALD. I think not. We have seen it frequently in our experience here where a salary is fixed by law for the performance of duty in certain offices.

Mr. MANN. If we fixed the salaries by law, we would have put it in, but we do not do it unless we fix that hereafter, and if we do that that will control the situation, and the gentleman's committee will doubtless control it when they make the appropriation.

Mr. FITZGERALD. It would affect the case in this way: A man is appointed to an office and his compensation is fixed by that office. Then he is given some additional duties under some additional title, and he would not be given those duties if he did not have ample time in which to perform them; then that is immediately used as a basis for giving some additional compensation on the theory that the additional duties necessitate additional services requiring additional compensation. My judgment is this, that the services of the man should be fixed and he should be paid a certain amount as a salary in one lump, and not attempt to conceal what he is getting by separating it among different sums.

Mr. MANN. It would not be concealed. Nothing is concealed that goes to the gentleman's committee. It has to pass the inspection of the gentleman, who watches everything like a hawk watches a dove. So if one person acted as both director and engineer, he would not receive a larger salary for the two offices than if you had two persons holding those two places.

Mr. FITZGERALD. But if he were able to perform the duties that are specified as belonging to two separate offices, when in effect that would be one office, I think he should receive one salary, whatever the amount would be, and not receive two so-called "salaries" for the purpose of unnecessarily increasing his compensation.

Mr. MANN. I assume all that he will receive will be one salary, but it will be larger if he holds two offices with this responsibility than it would be if two men held the two offices.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has used thirty-five minutes.

Mr. MANN. Then, I yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Is there a circuit court in the Canal Zone?

Mr. MANN. Circuit judges; yes.

Mr. MARTIN. I will call the gentleman's attention again to the question suggested by the gentleman from New York [Mr. BENNET]. It is true that while in section 2 there is a general ratification of all acts of the President, section 5 specifically disposes of all judicial jurisdiction in the zone from now on, and it passes jurisdiction to a circuit court and to such inferior courts as may be constituted by the President.

That apparently looks to the future, and would, I think, be an abandonment of the inferior courts heretofore provided for.

Mr. MANN. I do not agree with the gentleman about that at all. I think he is mistaken about that. If that were true, then we would have to adopt a very different bill concerning everything down there.

Mr. MARTIN. Consistent with that view, later, in paragraph 5, I call attention——

Mr. MANN. The whole bill is based upon the theory that the existing law remains down there when we confirm it, before it is changed by somebody; but the gentleman assumes that by confirming a law, we abrogate it. I do not agree with that.

Mr. MARTIN. Will the gentleman allow me just a moment? The gentleman from Illinois will notice that in the latter clause of paragraph 5 a particular provision is made for the transfer of all records and cases to the circuit court. There is no provision for the transfer of cases to such inferior courts, as the President, under the first part of section 5——

Mr. MANN. The inferior courts are not disturbed, I may say to the gentleman, nor are the courts of record there.

Mr. MARTIN. Are the circuit courts disturbed?

Mr. MANN. The circuit courts are abolished by the act. We specifically abolish the circuit court by creating a circuit court in place of it.

Mr. MARTIN. Do you not consider that you abolish the inferior courts now existing by providing that the "judicial power shall be vested in one circuit court and such inferior courts as the President may constitute," apparently looking to the future?

Mr. MANN. We have confirmed the act giving to the President the power to constitute these district courts, and they continue.

Mr. MARTIN. Do you not also confirm the acts of the President constituting the inferior court?

Mr. MANN. That is what we do.

Mr. HUBBARD of West Virginia. Let me state to the gentleman, the first line of the second section shows what is done with respect to these district courts and is covered by the language there and is expressly made "subject to the provisions of this act," and the provisions of this act make regulations respecting the new circuit court.

Mr. MARTIN. To which section do you refer?

Mr. HUBBARD of West Virginia. To the first line of section 2.

Mr. MANN. I do not think the gentleman needs to disturb himself about this. This portion of the bill was worked out not only by the committee, but by the very eminent counsel of the commission. I now yield to the gentleman from Kentucky.

Mr. HELM. I understood the gentleman to state that the purpose of this bill was to abolish the commission on the zone.

Mr. MANN. That is one of the purposes.

Mr. HELM. Now, I observe that all laws enacted on the zone, if they may be so called, or orders issued on the zone are enacted or issued by the President of the United States on the authority of the Canal Commission. Now, if you abolish that commission, with whom or where is authority to legislate lodged or vested, and where shall this authority rest in regard to the Canal Zone?

Mr. MANN. It rests with such persons as the President may designate.

Mr. HELM. For legislation?

Mr. MANN. The President will select some one to legislate and enact and control the Canal Zone.

Mr. HELM. I presume that will be the only legislative authority on the zone.

Mr. MANN. There will be enacted certain legislation, whether it will be done by executive order; yet I do not know what the process will be. That has been the process up to this time.

Mr. HELM. As I understand you, the Isthmian Canal Commission is to be abolished?

Mr. MANN. Yes.

Mr. HELM. Then where would these recommendations for the origin of legislative recommendation to the President arise?

Mr. MANN. Oh, I may say that we do not propose to abolish having somebody in control. There will be people in control of the work and people in control of the government, just the same as they are now. "Isthmian" is a mere figment, so far as that is concerned.

Mr. HELM. Then it will be simply an appendix to the United States?

Mr. MANN. That may be the gentleman's opinion. If he asks me, it ought to be cut out if it is. [Laughter.]

Mr. HELM. I understood the gentleman to say a moment ago that the title to the property on the Canal Zone is vested in the United States. Is it not true that under the treaty with Panama this Government only has the right to construct, operate, and maintain the canal, and the right to maintain a civil form of government, and to enforce such sanitary measures as the Isthmian Canal Commission may see proper?

Mr. MANN. I do not think it is.

Mr. HELM. Is it not a fact that we do not own the fee in the Canal Zone? Is that not true?

Mr. MANN. That is not true; the gentleman is mistaken about that. We own the fee to the zone.

Mr. SIMS. Is it not only a difference in name, and is not the legislation there done by the Canal Commission simply an executive decree?

Mr. MANN. Oh, if the gentleman prefers—if it suits his conscience better to call it an executive decree; but, if he wants my opinion, I will say to him that I think it is legislation.

Mr. SIMS. You call it legislation. Do you regard it as legislation.

Mr. MANN. I regard it as legislation.

Mr. STERLING. This bill abolishes the supreme court now in existence in the zone.

Mr. MANN. It is supposed to.

Mr. STERLING. And it abolishes two of the circuit courts?

Mr. MANN. I am sorry it abolishes one or two constituents of my colleague.

Mr. STERLING. It abolishes two out of three, does it not?

Mr. MANN. I am free to say it abolishes the three.

Mr. STERLING. Two out of three of the circuit courts?

Mr. MANN. It abolishes three.

Mr. STERLING. And establishes one?

Mr. MANN. It establishes one by this act of Congress.

Mr. STERLING. There are now three established by act of the President?

Mr. MANN. And under the act of Congress one.

Mr. STERLING. And it has original jurisdiction in all criminal cases except misdemeanors, I suppose?

Mr. MANN. Well, I suppose so; I can not say what Congress will do about it. He has jurisdiction down there.

Mr. STERLING. Does he have appellate jurisdiction in misdemeanors?

Mr. MANN. I can not answer the gentleman.

Mr. HUBBARD of West Virginia. He has some.

Mr. MANN. It would not make any difference what he has now. They could change it at any time if this bill becomes a law.

Mr. STERLING. What jurisdiction has this court now in civil cases?

Mr. MANN. I can not answer the gentleman; and if I could, I would not take the time to give all the jurisdiction. The court there has jurisdiction just like the court in the gentleman's own State and in my own State. If this bill becomes a law, the legislative authority can change the jurisdiction, just as they can in our State.

Mr. STERLING. Under this bill the litigants have no appeal on the zone. They must go to the circuit court of appeals of the United States.

Mr. MANN. Under this bill it is provided that the circuit court of appeals shall go to the zone. That is what the bill provides.

Mr. STERLING. And that is the only redress they have from the circuit court down there. Would not that be a very expensive proposition?

Mr. MANN. If the gentleman wants my opinion, it would not be an expensive proposition at all.

Mr. STERLING. I think it would.

Mr. MANN. That is a difference of opinion.

Mr. STERLING. I suppose I am entitled to that.

Mr. MANN. Certainly; but it is plainly not an expensive proceeding.

Mr. STERLING. I know it is expensive to get into the court of appeals here in any kind of case, and probably would be more so there.

Mr. MANN. There is hardly any litigation on the zone that will have to be appealed. There is scarcely any litigation on the zone. There are three judges down there now with nothing to do, and they do nothing to speak of.

Mr. STERLING. I wish to say that if this bill passes there will not be much litigation that is appealed, if it has to go to the circuit court of appeals of the United States.

Mr. MANN. But they have no place to go now.

Mr. STERLING. They have the supreme court, have they not?

Mr. MANN. They have a supreme court composed of the three circuit judges.

Mr. STERLING. Yes; and that is infinitely better than requiring a litigant to submit his rights to one man. Then he has no choice of the forum.

Mr. MANN. If I were in the gentleman's situation in reference to this matter, I should doubtless take the same position that he does.

Mr. GAINES of West Virginia. I notice that the third section provides—

That the President, through one of the executive departments of the Government, to be designated by him, or otherwise in his discretion, shall cause to be excavated and completed the Panama Canal.

I wish to ask the gentleman, Would not that authorize the President to change the type of canal from lock level to sea level?

Mr. MANN. Oh, no; the law expressly provides for a lock-level canal.

Mr. GAINES of West Virginia. But from reading this section it occurs to me that it gives him plenary power in the construction of the canal.

Mr. MANN. I think the gentleman would not make that contention if he would read the law again.

Mr. GAINES of West Virginia. I am stating to the gentleman how it appears to me. I would be inclined to think that the careful consideration which he and his committee have given it would give him a better judgment than my own, at first blush.

Mr. MANN. If the gentleman will permit me, the first section of the bill describes the canal, and provides that it shall be called the "Panama Canal." That has reference to existing legislation. Then we provide that the President in this way shall construct and complete the canal; because the existing law provides that he shall do that through the Isthmian Canal Commission, and we repeat the language practically, only leaving out the Isthmian Canal Commission; but he is still subservient to the other provisions of the law defining what the Panama Canal is.

Mr. GAINES of West Virginia. I should like to ask the gentleman another question, which he may not want to answer. I should like to know whether the President-elect has been consulted in the matter of this provision?

Mr. MANN. He has.

Mr. GAINES of West Virginia. I believe, Mr. Chairman——

Mr. MANN. I have answered the question. Now, is the gentleman going to give the President's opinion?

Mr. GAINES of West Virginia. No; I am not.

Mr. FITZGERALD. Why should the President-elect be consulted?

Mr. GAINES of West Virginia. If the gentleman will permit me to answer, it seems to me, for this reason——

Mr. MANN. I have only a little more time left, and I have promised time to some other gentlemen. The gentleman from West Virginia can have time under the five-minute rule. Mr. Chairman, I reserve the balance of my time.

Mr. ADAMSON. Mr. Chairman, I do not know that it makes much difference what my position may be in this matter. I began twelve years ago ardently to advocate canal legislation. My judgment, together with the judgment of our committee and of this House, was in favor of the Nicaragua route, but we were overruled, and then we acquiesced in the selection of Panama. Then I, together with a great many others, preferred the sea-level type of canal. We were overruled in that. Yet I do not concede that I have entirely failed in everything. The fact remains that canal legislation has been secured, and is in operation. I still desire to secure a canal, and I do not wish to obscure that purpose nor lose sight of it in premature disputation and contention about other considerations that at this time are not necessary.

When we began work on the canal a great many gentlemen of good intentions, jealous for constitutional liberty, anxious to see theory in their minds put in practice down there, apparently lost sight of our purpose, and offered elaborate and detailed systems of legislation. Our committee and this House resisted their hasty schemes. We enacted, as far as applicable to the Canal Zone, temporarily the act under which the Territory of Louisiana was temporarily governed upon its acquisition by this Government. Louisiana was designed to form a portion of our great Republic and become the home of millions of American citizens.

We went to the Isthmus to dig the canal, not to found a colony nor seek homes for our people, but, as expressed in the treaty, in the act of Congress, in speeches everywhere, to dig a canal; not to look out for impossible places prematurely to exploit theories of government, where there were no people nor industries, nor commerce for them to operate on. In the name of liberty and all that is good, there is scope enough here at home for the talent of all statesmen to inaugurate and practice beneficent schemes of government. [Applause.]

I am opposed to anarchy; I am opposed to absolute government. I am in favor of free, constitutional, republican, democratic government by the people themselves for their own benefit. But at Panama we have practically a government reservation only. We have there no permanent citizens of the strip building homes and engaged in agriculture, manufacture, and commerce. We have there a few nondescript people not our own, but the people in that strip who know or care anything about government are our own citizens, who live not there, but live and retain citizenship in the States from which they went to the Isthmus. Here is their citizenship and here their citizenship will remain.

I have resisted premature framing of a permanent system of government there. We do not know what we will want. We do not know what we will have. We do not know what the citizenship will be. We do not know what the conditions will be when the canal has been finished and opened for use. Our only warrant for the construction of the canal is military and naval use. We have no constitutional power to construct it for commercial use. It is a fine place for a military and naval reserve. We know if we should succeed in the lock system that we will have a magnificent basin above these locks for the congregation of ships, and a splendid place in that strip to collect and organize a military or naval expedition, as well as to collect naval and military stores and equipment.

It is entirely premature to talk about permanent citizenship, and permanent courts, and permanent juries, and permanent legislatures, and all that when we have nothing but a number of employees in the strip, carried there for the sole purpose of digging a canal. Let us keep everything out of the way and dig the canal. [Applause.] When we have done that, let us provide permanently for a system of government according to conditions existing at that time.

The act, copied from the act for temporary government of Louisiana, expired by limitation with the Fifty-eighth Congress. It did so because we as conferees from this House in conference with the other great body of this Congress failed to secure an agreement in our contention to abolish the commission to which this House has always been consistently opposed.

In my judgment, the only thing necessary now is to reenact that temporary act so that it shall remain in force until such time as Congress can properly adopt a permanent system for the control and management of the zone. I am willing to couple with it, as we did, the abolition of the commission, because this House has always opposed that. Since the expiration of the Fifty-eighth Congress the President has correctly proceeded de facto to exercise the powers which he had begun to exercise during the life of that statute. I am willing to revive that statute which a part of this present bill proposes to do.

Inasmuch as it is the duty of the President to exercise such authority, maintain and protect our possessions, preserve order, proceed with the construction of the canal, and protect the people engaged in the construction, we ought, in my judgment, to give him the authority and sanction of express law. Most of the other parts of the bill are matters of detail, and the infinite diversity of opinion entertained by Representatives upon all those different features, everyone anxious to embody his own ideas, demonstrates more clearly than words can express the bad policy of undertaking to enact a system of government before we have somebody to govern, and in a place where there may never be anybody to govern. It is not true, as alleged, that we hesitate to frame a government because we do not know the conditions on the Isthmus. We object to premature legislation for the reason that we do know conditions on the Isthmus, and that they are such as do not require, at this time, the adoption of a permanent code of laws, nor will such be required until the canal is completed and in operation. Then developments, producing permanent and, in my judgment, entirely new conditions, will require legislation which would, perhaps, not now be appropriate at all. The adoption of an ill-advised system now might fasten it upon us to our detriment

and be hard to get rid of. Until that time it is unwise for us to embarrass or complicate the great enterprise in which we are engaged by undertaking, considering, or administering anything except what is merely incident to the construction of the canal. Certainly order can be preserved and the men engaged in the great work clothed, fed, and protected without any great danger to the liberties of our people or the principles of our great Government. Nobody denies that everything is working smoothly and satisfactorily on the Isthmus, and that the temporary government under executive order is affording protection, maintaining discipline, administering justice, and rapidly constructing the canal. The only objection is that the President is exercising autocratic power, and a hundred different Members want to substitute a hundred different schemes of legislation, all of which might do to govern a people, but none of which is suitable for the most rapid construction of a canal in a country where we have no other business at this time, and where there are no people to govern except those under contract with us. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed nine minutes.

Mr. ADAMSON. I now yield fifteen minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. I object to this bill from a standpoint of policy, as well as from principle. As I am advised, most of the provisions of the bill are unnecessary because they are but a repetition of existing law as applicable now to the Panama Zone. I believe that it is an inopportune time for Congress, by such legislation as this, to call the attention of the country to the fact that a change of the executive, administrative, as well as the governmental, policy of the Canal Zone is necessary.

A great many drastic criticisms, through the public press and otherwise, about the Panama Canal have recently been indulged in, which undoubtedly have had a disquieting effect in the public mind. Many well-informed people, apparently sincere in their convictions, earnestly contend that the Government made a vital blunder in preferring a lock-and-dam canal instead of a sea-level canal. So strong, earnest, and demonstrative was this sea-level sentiment that President-elect Taft, on his recent visit to the Isthmus, carried with him six expert engineers to look over and carefully examine the plans for the construction of the lock-and-dam canal as adopted by Congress and to see whether the same is in accord with the most modern and best engineering skill and ability, and whether the work in carrying out this plan was being efficiently, economically, and honestly performed.

We ought at least to await the report of those engineers. I say it occurs to me that under existing conditions this is an inopportune time to take any steps for a change in either the executive or administrative policy of the Canal Zone. I simply refer at the beginning of these remarks to one section in this bill. I think that the bill is but a repetition in nearly all of its provisions of the rules and authority that have been existing on the Canal Zone for years, and a careful scanning and perusal of this bill will disclose the fact that it is but a repetition of rules and provisions declared by the President of the United States and that have been heretofore enforced. I desire to call especial attention to section 2, which is the leading vital feature of the bill, for all other sections are secondary to its provisions. Let us look at section 2 of the bill, and I will read it:

SEC. 2. That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President or such person or persons as the President shall, from time to time, designate, detail, or appoint—

And I pause to ask any gentleman on the floor of this House, Has not the President been doing just what I have just read? To continue—

and shall be exercised in such a manner as the President shall direct for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion; and all orders and regulations with respect to the government of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority are ratified and confirmed, without prejudice to the power to revoke or amend the same.

It is claimed that the President of the United States since the expiration of the Fifty-eighth Congress has been, under the provisions of the act of Congress of April, 1904, making and enforcing law on the Canal Zone without authority. The authority conferred on the President in section 2 is too broad. Such authority is not in accord with our republican institutions. Why, I ask, this restiveness about the authority that the President has been exercising on the Canal Zone?

But the astonishing thing connected with the unlimited power that this section confers on the President and that has been enforced in the Canal Zone for years past is that it is to be ratified and confirmed; but such ratification and confirmation will not deprive the President of the power to revoke or amend the same. This virtually gives the President the authority to revoke or amend an act of Congress. No such power as this was ever before conferred in the history of our Republic on a President of the United States. I ask if that is not the sole object of this bill? In addition to that, Mr. Chairman, it is proposed to change the judiciary. My distinguished friend from Illinois [Mr. MANN] failed to read the hearings that took place on the Canal Zone before the Interstate and Foreign Commerce Committee within the last month. We had before us Judge Gudger, who had recently been appointed chief justice, and in answer to a question propounded to him he said:

Our object has been to have our people try the cases. The life of a criminal case in our courts is about three weeks from the time the crime is committed until it is out of court; that is, not a capital case. The civil cases must be tried or the parties must get out of court within a reasonable time, but there are three cases now on the docket which have been there for two or three years. We have made every exertion to have them tried or dismissed within a reasonable time.

Mr. HUBBARD of West Virginia. Will the gentleman permit a question right there?

Mr. RICHARDSON. Yes; just a question.

Mr. HUBBARD of West Virginia. That is, whether or not that same gentleman did not say—

I am thoroughly satisfied that the business (referring to the business of the courts) in the zone will not increase, and so far as the trial of cases is concerned that one judge can attend to all the business.

Mr. RICHARDSON. Yes; and afterwards he said that the best and most economical administration of justice was in the courts, as now organized, and he said further:

We try cases in this country more rapidly than is the case in the United States, because we have no juries, but we are handicapped by virtue of the fact that many of the litigants are Spanish, many of them French speaking, and a large number of Chinese, and these speak foreign languages, so we have to have interpreters.

In reply to the suggestion to send a federal judge to hold court on the zone, he said:

I do not know how much they would allow that man. He would be a regular federal judge in the United States; he would come here with a salary of $6,000 or $7,000 a year. Do you think that would save money to the Government? I think the amount would be so small that it would not compensate for the other difficulties and troubles, and I say further that our judicial system, as a whole, is little expense to the Government. The expense of all our courts amounts to practically $43,000, and the income from all sources in our offices amounts to $33,983; I have the exact figures. There is a deficit of only $9,017 as between our receipts and disbursements, and that includes salaries of all clerks connected with the courts, judges, interpreters, janitors, rent of buildings, actual running expenses, etc.

Mr. RICHARDSON. Then you do not think it can be more economically administered than now?

Judge GUDGER. That is my judgment.

And what is the substitute that this bill proposes? It is to take a federal judge from the fifth circuit, with headquarters in Louisiana, and send him over there among those people to whom he is a stranger; and you know and I know that the courts are administered with more harmony and with more dispatch of business by the men who live among the people that they know than by a judge who is sent from across the water to administer their rights in the courts. It is not any economy in any way at all.

Mr. Chairman, there are other provisions of this bill to which I would like very much to call attention, because the real purpose of the bill is to alter the judiciary and abolish the commission, and that is all there is in it. As I said, section 2 is the headlight of this bill. In the time allowed me I can not fully present my views on all the provisions of the bill.

The CHAIRMAN. The time of the gentleman has expired. The Chair will state that the gentleman from Georgia, who is temporarily absent, has authorized the Chair to recognize the gentleman from Alabama for three minutes longer.

Mr. RICHARDSON. There is nothing else in this bill but to abolish the commission, alter the judiciary, and have one judge instead of three and ratify all the acts and the works of the President there in the last four, five, or six years.

I believe that if a sea-level canal had been adopted we would have heard just as much, if not more, complaint, based on the ground that it ought to have been a lock and dam canal. Under these circumstances and surroundings, at this particular sensitive juncture of canal interest and affairs, why should Congress give impulse and character to the disturbed, distrustful feeling throughout the country by enacting a law that certainly can not be considered absolutely indispensable? I do not hesitate to say for myself that on my recent visit with the members of the Interstate and Foreign Commerce Committee of the House and others to the Panama Canal many of my preconceived prejudices and objections were removed by the opportunity given to personally look over the work at the Gatun

dam and examine the slip that had taken place on the southern toe of the dam, see the material that had formed the slip, note the depression in the embankment, have all these matters thoroughly explained by competent engineers, and, as a layman, apply your common sense. It occurred to me that the magnitude of that slip and its importance had been greatly exaggerated in this country, and that its significance tended to strengthen the belief of the engineers having in charge the construction of the great Gatun Dam that a sufficient and safe foundation to bear the great weight of this dam has been established. Unquestionably, if the material that was pressed so heavily by upper weight of the embankment had been resting on unstable or a miry foundation, it would have gone downward and would not have made the slip on the outside.

We stood in the great Culebra Cut and had explained to us the advantage that we had gained, that I had never heard of before, in the trade that we made with the French by utilizing something over 28,000,000 cubic yards of dirt that the French had taken out of the Culebra Cut. It was told to us and pointed out to us how the French had gone down, and that we had taken out an additional 31,000,000 cubic yards of dirt and had probably 30,000,000 more to take out before the canal could reach its proper level. All such matters were generally and fully explained to us, and appealed to us as laymen from a standpoint of common sense. We can better understand what progress has been made in the matter of excavation when we recall the fact that during the month of August, 1907, something over a million cubic yards of dirt was excavated, and during the corresponding month of August, 1908, over 3,000,000 cubic yards of dirt was excavated.

Of course one of the great problems in accomplishing success in the construction of the Gatun dam relates to seepage, and not the seepage on the outskirts of the dam or under its foundation, but such a seepage of water as would lower the level of the lake impounded by the dam. It is, of course, admitted that the surrounding hills near the Gatun dam are the result of prehistoric volcanic convulsions, and scientists tell us that such convulsions frequently result in leaving in their trail crevices, cavities, and seams in these hills which are invisible to the eye. It is natural to believe that when the water submerges these hills nearest to the dam, the water on the dam being 85 feet high the hills will become saturated and the water will gradually seep into these seams, crevices, and defective places and find an outlet in some other way than through the lake, and thereby reduce the level of the water impounded from 85 feet. It is a danger that no engineering skill is able to compete with any more than it could compete with an earthquake in the future. All of the safeguards and precautions have been taken by the officers in charge to find out whether these defects exist in these hills. Reservoirs have been established, and as yet no evidence has been given of the escape of the water.

I do not hesitate to say that I believe that the chief engineer and his associates in charge of the work are honest, competent, and faithful, and if left undisturbed by unnecessary interference and legislative changes, will successfully complete the canal on the plan adopted by Congress, and give to our Republic the glory it well deserves of conferring upon the nations of the world an inestimable benefaction. [Applause.]

In connection with the construction of the canal three great vital and important problems have already been successfully solved. The failure of either one would have a great effect in obstructing the construction of the canal.

The first is, that Congress, based on the opinion of competent engineers, determined to build a lock-and-dam canal. Therefore the plan for building the canal is settled, and it is unwise and hardly patriotic to urge at this time that in selecting the lock-and-dam canal we made a great and vital blunder and ought to have selected a sea-level canal. It would be just as appropriate for the Members of this House who all, almost unanimously, voted to support the Nicaragua route to contend now that we ought to go back to Nicaragua and build the canal there. The great world project has passed, in my opinion, the period of discussion. Success now, on the plan adopted, should appeal to our national pride and stimulate us to give aid and encouragement that will help the able men in charge of the work.

The second great problem solved is, the splendid sanitation wrought under the direction of the great intellect of Doctor Gorgas. To-day the Panama Zone is rated as one of the healthiest place in the Tropics, when heretofore it was a cesspool of disease and death. One of the great drawbacks that the French met was the fatality of the disease encountered in that tropical climate. The line of the Panama Railroad was a veritable graveyard, and the dead train, I am told, left Panama every morning and gathered the dead bodies between there and Colon. To-day the death rate of Panama falls but little below the death rate of the cities of the States. This question, I say, has been solved, and successfully solved.

Of the three problems that have been solved, one of the most important in connection with the building of the canal is the housing and feeding of the army of employees in that work. Colonel Goethals and those associated with him have demonstrated a capacity for organization and discipline that challenges the admiration of everyone. I was particularly impressed with what was apparent, that the humblest as well as the highest employees of the great work were profoundly interested and had pride in the successful construction of the canal.

The Government pays good wages, based on the gold standard and the silver standard. Every engineer and employee connected with the railroad service receives 65 cents in gold per hour; and every employee, labor from the West Indies, and so forth, being paid on the silver basis. Everything has been done by the Government to give satisfaction and contentment to the laborers, because without this great trouble would arise. Hotels have been built along the line of the Panama Railroad and wholesome provisions provided at the very cheapest rate, affording the laborer the opportunity to make money and send it home.

And it is under this wise policy that the question of securing labor is no longer one of doubt. The labor necessary is easily provided, for it has gotten out over the country what the policy of our Government is in reference to this labor. The difficulty of accomplishing this can well be understood when it is known that 52 different nationalities represent the laborers at work on the canal, and yet it has been done and the work is progressing in the most methodical and businesslike way.

For myself, I saw no evidence of waste or extravagance. I do not believe that graft or an improper or dishonest appropriation of the vast sum of money appropriated by the Government can be successfully charged or maintained; but we hear some people say that the expense of the construction of the canal will be more than double the estimated original cost. I have no doubt myself that it will exceed or double the estimated original cost of the canal. I am advised that we have expended already something over $80,000,000, and if it does not exceed $300,000,000 before the time we get through I think the American people ought to be content and satisfied. Everybody regrets that the cost of the canal will exceed the original estimate, but, I say, what man will stand up to-day before the American people and contend that for that reason we should abandon the work? The man who would do that exaggerates the love of money by the American people, and has but little appreciation of the pluck and pride of the people of our great Republic.

We have put our hands to this great job, and with due regard to economy and an honest appropriation of the money provided, our Government will not take its hands off this job until it is completed.

As I said in the opening of my remarks, the surest way to succeed in completing the canal is not to interfere with the present order of things prevailing on the Canal Zone. If under the present rule of matters success awaits our efforts, then let it alone. The proposed legislation is unnecessary, and for that reason harmful. Let Colonel Goethals and his able and competent associates work out the problem, and for one I believe by their ability and skill it can be done. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield fifteen minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Chairman, this bill as reported from the committee does not meet in all of its features my approval. If we had the time, and if I could control it, I would, Mr. Chairman, enact laws to govern the people upon the Panama zone, certainly our own citizens who reside there or who will be there until the completion of this canal, such as we would enact for all of the citizens of the United States, wherever they may be found. I am as strong an opponent of the government by executive order or decree, or enactment of laws by commissions, as anyone, but I can not shut my eyes to the fact that it is better for Congress to enact some sort of laws, and to recognize those laws, if they are good laws, that have already been enacted, even though they may have been enacted in a way that does not meet our approval, than to leave matters to exist on the Isthmus as they are, which means chaos and confusion.

This is the greatest engineering work probably ever undertaken in the history of the world and is expected to be carried on to a successful completion for the benefit of the commerce of the world, and mainly for the benefit of the commerce of the people of the United States and the protection of our people in time of war. There is no section of this great country of ours

that is more deeply interested in the successful completion of this work than the section that I have the honor to represent. And while we may not, as we do not, approve the questionable methods, as I believe them to be, by which the Panama Isthmus was secured, and while we may fear, as we do fear, that the future historians will properly write about that transaction in a way which will not reflect great credit upon the United States, yet, from investigation and inquiries and from personal visits to the Isthmus, I believe that the completion of this work will be accomplished and will be carried out as now is proposed and expected by those in charge of the work.

But in order that the five thousand—and the number may increase monthly and yearly—of American citizens who are compelled to reside in that zone may be given some semblance of law, some protection to person and property, some proper way in which to settle the rights of person and of property, and the proper procedure by trials in court, I have consented to at least acquiesce in, if I do not agree with, all the provisions of this bill. It is far better, in my opinion, that the bill this committee has reported should be passed than to leave the zone as it will be without the bill, to leave executive usurpation and power full and free way. I confess that if I had the time and the power to write a bill for the government of the zone I would not write it as this one is written in many particulars. I would not leave to the Executive the power to decree or repeal what law should exist in the zone. The chief and most forcible objection is the fact that power is conferred upon the President to enact laws, either himself or through commissions or officers that he might create or appoint.

I am opposed to that fundamentally, and yet I recall the act of 1803 relative to Louisiana, that the greatest patriot and the greatest lover of the liberties of the people, he who wrote the Declaration of Independence and proclaimed the fundamental doctrine of the Democratic party, on an occasion where a territory was acquired in which there was no government, recommended and Congress passed an act giving to Jefferson the same power and the same authority that this act in very language gives to the President of the United States.

I think it well to read this act with reference to the Louisiana territory that had been recently acquired by purchase, just as the Panama Zone was. It reads:

SEC. 2. *And be it further enacted,* That until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Mr. HARDWICK. Will my colleague allow me a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HARDWICK. Now, the gentleman knows very well that this power was vested in the President for but one session of Congress.

Mr. BARTLETT of Georgia. It says "until the expiration of the present session of Congress."

Mr. HARDWICK. In the case of 1803, which you state is exactly the same, it was only to continue during one session of Congress, and yet your committee comes now with a proposition that is to make it permanent.

Mr. BARTLETT of Georgia. Oh, no; and to violate a principle for a day is bad. I confess to my colleague, and nobody knows better than he, that this grant of power to the Executive to decree or enact law does not meet my approval. However, I prefer to continue to grant this power—the same that Jefferson had in Louisiana—than to permit to continue the laws under which these thousands of people now live and submit on the zone to have no jury trials and no right to appeal their cases to our own courts. In other words, between two great evils I undertake to accept the lesser; and when it is stated that we are granting power to the President to make law, either by himself or through a commission, I recall that under similar conditions the first great President of the party to which I have the honor and am proud to belong requested like authority, and it was granted by Congress. Of course I know it was not abused in that instance. It is not my duty nor my privilege, probably, to say whether it has been abused since 1904 by the present Chief Executive. I will say, however, that I have less fears in intrusting it to the incoming President than I did have in 1904 to intrust it to the then President.

Now, Mr. Chairman, we have had upon the zone until February, 1908, no trial by jury at all. Men were convicted of capital crimes and sentenced to be hanged by one judge or by two judges. That is corrected by this bill. In an executive order of February, 1908, the President provided for trial by jury in capital cases, and that is now being done. But with my love of liberty for the citizens and my veneration for the jury system, and from experience as a practitioner of law and as a judge, as well as from love of the doctrines and traditions handed down to us by our forefathers, who established this system in England, I was not willing to vote for any bill that would deprive from the right of trial by jury the people upon the zone. Therefore I insisted that there be incorporated in this bill the right of trial by jury in every case of felony, and the necessary provision has been made.

Personally, I am not like the gentleman from Illinois [Mr. MANN], who is not in favor of it. This is the provision for trial by jury in every felony case, which means that in every case where the fine exceeds $25 and the imprisonment thirty days a man on the zone will be entitled to the right of trial by jury, as is provided for in the Constitution of the United States.

Mr. CANDLER. Will the gentleman allow me to ask him what are the qualifications of the jurors?

Mr. BARTLETT of Georgia. There is nothing in this bill prescribing what their qualifications shall be. There is one prescribed in an executive order.

Mr. CANDLER. That is what I am inquiring about.

Mr. BARTLETT of Georgia. It does not provide that they shall be citizens of the United States, but does provide that they shall be able to read and write and understand the English language. That is all.

Mr. HELM. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HELM. Do you know whether it is a fact that three men have been tried, convicted, and sentenced to be hung on the Canal Zone without the intervention of a jury?

Mr. BARTLETT of Georgia. I have stated a few moments ago that three men were under sentence of death who had been convicted without being tried by a jury.

Mr. HELM. Is it not a fact that one of them has been hung?

Mr. BARTLETT of Georgia. No, sir; he was respited by Colonel Goethals upon the day that he was to be executed, and I heartily congratulated him on doing that.

Now, I say every man who may be charged with an offense for which he may be fined $25 or imprisoned thirty days under this bill will have a right to trial by jury. I have succeeded in getting that much upon this bill.

Mr. GILLESPIE. Will the gentleman allow me to interrupt him?

Mr. BARTLETT of Georgia. Certainly.

Mr. GILLESPIE. You say that the qualification of the juror is simply that he must be able to read and write the English language?

Mr. BARTLETT of Georgia. The qualification required by the executive order makes it so that nobody but white jurors are selected.

Mr. GILLESPIE. Unless you have got that qualification of "white" in there you will have 26,000 Jamaica negroes on the jury.

Mr. BARTLETT of Georgia. No; you will not, under the officials appointed by the chairman of the commission, Colonel Goethals, who may draw and select the persons qualified to serve as jurors; I will tell you that. No one but white Americans have yet been selected. And so far as the American negro is concerned, we were told that they do not want him down there for any purpose, and rather encourage his not going there; that they were a nuisance and an interference to the transaction of business being carried on, so far as that was concerned, and were mostly given to creating disturbances, and raising questions of equality and asserting their privileges and rights as citizens of the United States.

Now, Mr. Chairman, we here propose to approve and ratify the laws as they have been enacted by the Canal Commission and approved by the Executive. The Canal Zone laws are contained in this pamphlet. Having examined them, I confess that they are very admirable in many particulars. They are copied from many of the laws of the States of the Union. The same rights are guaranteed, and the same offenses are punished in most particulars, except as provisions peculiar to that locality are made. In this other pamphlet are the laws of procedure; and so far as I can learn it is very admirable from the standpoint of those who understand and favor the procedure under what is known as the "civil law" and the practice under that system.

Mr. HITCHCOCK. Under this jurisdiction given to the supreme court in the Canal Zone will it be possible, for instance, to take the editor of the New York World from New York and extradite him to the Canal Zone and try him there for criminal libel, as is contemplated under the present processes which are being experimented with?

Mr. BARTLETT of Georgia. I do not think that under the law of the United States as it now exists and has existed for

over a hundred years you can try the editor or the publisher of a newspaper—the New York World—for the alleged libel which is now the subject of public inquiry. I do not believe the offense alleged is one that can be tried anywhere in the United States, in the Canal Zone, in the Philippines, or in Porto Rico, or anywhere according to the laws of the United States. As long as the question has been asked me, I do not believe that libeling the Government of the United States is an offense that can be committed in this country since the repeal of the sedition laws of 1800.

Mr. HITCHCOCK. Would there be any difference between the jurisdiction of the supreme court of the District of Columbia and the jurisdiction of the circuit court in Panama? If it would be valid here, it would be valid in the Canal Zone, would it not?

Mr. BARTLETT of Georgia. I do not think so. I do not think under this bill that it would.

The CHAIRMAN. The Chair will state that owing to interruptions the time of the gentleman from Georgia has been consumed.

Mr. MANN. I yield to the gentleman from Georgia three minutes more, if he desires it.

Mr. BARTLETT of Georgia. Mr. Chairman, I thank the gentleman. I have said about all that I care to say except that, reluctant as I do feel to support a measure of this character—because I do not believe that as a general rule any people should be governed by orders from the Executive or by laws made anywhere except in the forum of the people authorized by the Constitution to enact law—yet, facing conditions, and not merely a theory, that exist on this Canal Zone, realizing the importance of the proper conduct and looking to the completion of this great work, which when completed means so much for our entire country and for the section from which I come and for the whole world, when we have secured to the people on the zone, as we have in this bill, a right of trial by jury in cases where it has not existed heretofore; when in additon to that we have put into this bill the right of a man in every case, whether civil or criminal, to appeal to the Supreme Court of the United States where questions involving the Constitution are concerned and in capital cases, as well the right to bring any case up by certiorari, I think that, for the time being at least, we can afford to vote for this measure rather than to leave anarchy and chaos to reign on the Isthmus, without law from any source.

Therefore, Mr. Chairman, although my views on the general subject are firm and unchanged, and will remain unchanged to the end, yet I believe that on account of the peculiar conditions that surround this work, because of the fact that the Supreme Court has but recently refused to take recognition of the jurisdiction of cases from the courts now established there; since we have not by legislative enactment provided for an appeal to the Supreme Court, rather than let the only law or procedure in court be by executive usurpation longer, and without the sanction of Congress, the lawmaking power. I have consented to support this bill, though it does not in many important particulars meet my approval. [Applause.]

Mr. ADAMSON. Mr. Chairman, when the time of the gentleman from Georgia [Mr. BARTLETT] expired, my attention was otherwise engaged, or I would have yielded to him additional time. The gentleman from Illinois [Mr. MANN] had just told me that he was embarrassed for time. Therefore I desire that the additional three minutes granted to the gentleman from Georgia [Mr. BARTLETT] be charged to me.

Mr. MANN. I thank the gentleman.

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from New York [Mr. HARRISON] twelve minutes.

Mr. HARRISON. Mr. Chairman, I hope the committee will vote down this bill. Certain features of the bill unquestionably offer an improvement upon existing conditions in regard to the government of the Panama Canal Zone, but, in my opinion, certain other features of this bill are so poisonous in principle as to corrupt the whole body of the bill.

These features, briefly stated, are: First, those contained in sections 10 and 11 of the bill, in which we are asked to vote to the President the right to make land leases on the Canal Zone, which, in my opinion, is in derogation of the rights of the courts to pass upon land titles, and therefore obnoxious to every Democrat and every strict constructionist.

A second particular in which I am unalterably opposed to the bill is contained in the second paragraph of the bill, in which it is proposed to give to the President once more the right and authority to conduct all civil and military government on the Panama Canal Zone, and to make all rules and regulations to that effect.

In the last session of this Congress a resolution passed the House of Representatives calling upon the President to inform us by what authority of law he had been continuing his personal government in the Canal Zone since the expiration of the Fifty-eighth Congress. In response to that resolution the President replied that he found his authority in certain acts of Congress, which he enumerated, and which I propose to discuss with great brevity.

The first thing to which he refers as conferring the authority upon him for his autocratic government in the Canal Zone is the treaty between the United States and Panama, where the United States acquires the "use, occupation, and control" of the Canal Zone, and also—

> All the right, powers, and authority within the zone mentioned which the United States would possess and exercise if it were a sovereign of the territory.

Well and good; that certainly gives us practical sovereignty over the zone, but does not confer on the President any right of personal government.

The next act he cites is the act of January 28, 1902, called the "Spooner Act." In the Sponer Act the President is thereby authorized to acquire certain rights and also jurisdiction over said strip and ports at the ends thereof—

> To make such police and sanitary rules and regulations as shall be necessary to preserve order and to preserve the public health thereon, and to establish such judicial tribunals—

And so forth.

This unquestionably confers upon the Congress of the United States the right to legislate in this respect, but I can not understand how it is claimed that it confers on the President the right to establish a government of personal legislation upon the zone.

The act of April 28, 1904, is the next act upon which he relies. That is one that has been often cited in the debate here to-day, and in its express terms limits the authority of the President to maintain personal government on the zone to the life of the Fifty-eighth Congress and expires with that.

The next act to which he refers is the act of March 3, 1905. That is an urgent deficiency bill of that date, and it contains a provision that so much of the sum which has been heretofore appropriated to run the Panama Canal Zone and was still unexpended might be expended, and "the commission is hereby revived and continued until the beginning of the next session of Congress." No authority by the wildest stretch of imagination is given him by the Fifty-eighth Congress to proceed further than the convening of the next Congress.

The next act to which he refers is the act of December 21, 1905. That is an act supplemental to the Panama Canal act, and in this the President is authorized "to call upon the persons who are employed to take charge of the government of the Canal Zone" for annual reports. That is all. The other acts to which he refers—June 30, 1906, and March 4, 1907—are further appropriation acts.

Now, it is perfectly clear to all of us, and it is evidently clear to the Committee on Interstate and Foreign Commerce, that the authority of the President, in spite of his somewhat laconic message in answer to the House resolution, expired with the life of the Fifty-eighth Congress. The gentleman from Illinois himself admits as much in his report, and he has again done so in his remarks this morning.

But the gentleman from Illinois goes on to say that on the expiration of his authority the President, "with a high degree of statesmanship," undertook to continue the civil government. I would ask the gentleman whether the aggrandizement of executive power at the expense of the legislative is his idea of high statesmanship [applause on the Democratic side] and whether he believes that simply because we have moved down into the middle of the Central American Republics it is necessary for us to have the Central American form of government in any Territory of the United States? [Laughter and applause on the Democratic side.]

The President was able to see in these acts of Congress to which he refers authority to continue his autocratic rule upon the zone. What an amazingly penetrating vision! What a great gift such a vision as that is! Why, Mr. Chairman, when the President gets to central Africa there will not be a wild beast on the continent lurking within the jungles that will be safe from that keen vision. It is no wonder that with a vision like that the President was able to perceive in an apparently healthy army surgeon the first signs of physical decrepitude which necessitated his retirement in order to accompany the President upon his trip!

Mr. Chairman, I am opposed to increasing the scope of executive power in the Canal Zone and elsewhere. I am particularly fearful of the consequences in the premises, because I dread the

possibility of the extension of the scope of activities of Mr. William Nelson Cromwell. I do not find under our American form of government any place for an international intriguer or for a professional revolutionist. [Applause on the Democratic side.]

The gentleman from Georgia [Mr. BARTLETT] and his colleague [Mr. ADAMSON] have both cited as an apparent precedent the act of Congress at the time of the Louisiana Purchase as the reason why Democrats in this House should vote now to give the Executive unbounded personal authority over the Canal Zone.

Mr. BARTLETT of Georgia. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HARRISON. For a question.

Mr. BARTLETT of Georgia. Mr. Chairman, I did not cite that as a reason why Democrats should vote for this bill. I simply cited it to show why I will vote for it.

Mr. HARRISON. I accept the gentleman's correction. So far as he is concerned, he does not approve it, but he is going to vote for the bill. The other gentleman from Georgia [Mr. ADAMSON], however, has unbounded approval for such a measure as this.

Mr. ADAMSON. Mr. Chairman, I beg to correct the gentleman. I am not talking about a permanent system of government for a State. I am talking about building a canal and I do not want to get lost in anything else. Therefore, I say, let the President build the canal right now.

Mr. HARRISON. Mr. Chairman, I understood perfectly the scope of the gentleman's remarks. He and I differ somewhat as to what he calls "permanent" and what he calls "premature." I will come to that in a moment. Meanwhile I wish, if possible, to controvert his statement that the act of Congress of 1803 giving President Jefferson this authority over the newly acquired Louisiana Territory was any precedent for action in this case. I have in the last session of Congress entered very fully into a discussion of the history of our country in the establishment of military or de facto governments in our newly acquired territories. I will not detain the committee at the present moment with a further discussion of that, but I wish to reiterate my former statements that the absolute authority given to President Jefferson was given to him under the apprehension that at any time a war might break out between the settlers on the Ohio and Mississippi rivers on the one side and the Spanish at the mouth of the Mississippi River on the other side as to the rights of deposit and navigation of that river. Moreover, in that case we were incorporating into our public domain a region as vast as the whole of the Untied States of that day, a region for the great part utterly unknown even to explorers and to trappers. No wonder that the Congress of the United States hesitated to frame a permanent form of government under those circumstances. They limited to the session of Congress in which the act was passed the authority to govern given to President Jefferson, and within eleven months the Congress framed a form of government for the newly acquired territory and put in charge of it as civil governor the then governor of the Mississippi Territory. That condition of affairs and this one to-day are as far apart as the two poles. In my opinion it is absurd to cite the Louisiana Purchase as a precedent for action of similar sort now.

The Panama Canal Zone, about 20 to 22 miles long and 10 miles wide, is as well known to Members of this House by personal inspection, I dare say, as is the home city of the gentleman from Illinois [Mr. MANN], and I dare say that the Members of this House are as fit to prepare a civil form of government for that territory to-day as is the legislature of the State of Illinois to prepare a charter for the city of Chicago. I see no reason for this continued delay on the part of Congress. When the Committee on Interstate and Foreign Commerce brought in its bill five years ago I opposed it upon the floor and offered a bill of my own. I may say in passing that this bill incorporates two or three of the provisions of the bill which I offered at that time and which so far as I can see might just as well have been enacted into law at that time.

Mr. MANN. O Mr. Chairman, the gentleman is mistaken about that. This does not incorporate any of that bill. Is the gentleman proud of that bill?

Mr. HARRISON. I am proud of certain features of it. I think the situation down there would have been vastly improved had we enacted it into law at that time.

Mr. BARTLETT of Georgia. I want to say to the gentleman I think so, too, and I wish I could get his bill, but I can not.

Mr. MANN. I am glad somebody thinks so.

Mr. HARRISON. Mr. Chairman, at the time that committee brought in that bill the chairman of the committee, the gentleman from Iowa [Mr. HEPBURN], a gentleman for whom I have the most profound respect and admiration, stated upon the floor of this House that the measure was purely temporary in its nature, and these are his words.

He referred to some remarks that I had just made, and he said I need not be—

> Disturbed by the fear of extension of autocratic power on the part of the President, for, by limitation, clear and explicit, this act will expire with the end of this Congress. This is only a temporary measure, and was adopted because the committee did not have the information and could not acquire the information that would be necessary for the establishment of a permanent government.

What the gentleman from Iowa meant by "temporary" is borne out by a newspaper interview which he gave out at the same time, in which he said:

> Therefore, in view of the fact that the commission would return during the summer after having studied the subject, and that we would then have some accurate information, we concluded that we would postpone all detailed legislation until that time, and that during the six or eight months that would intervene the President would have ample power to do everything that would be necessary about it.

In the course of "six or eight months," he says, while five years have now passed and we are again asked to renew that autocratic power. If some legislative Rip Van Winkle reappears on the scene in the Eightieth Congress, he will find the Committee on Interstate and Foreign Commerce urging the Committee of the Whole again to place in the President autocratic powers similar to those requested in this bill. Mr. Chairman, I hope the Democrats in this House at least will vote against this bill. I consider it a most pernicious precedent; I consider it most un-Democratic, most un-Republican, and most un-American. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WANGER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 8, 1909:

H. R. 8050. An act for the relief of James R. Wyrick.

On February 9, 1909:

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army; and

H. R. 27427. An act to prohibit the importation and use of opium for other than medicinal purposes.

GOVERNMENT OF CANAL ZONE, ETC.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I have listened with interest to the discussion of the gentleman from New York, for whose opinions I always feel a profound degree of respect, but I am unable to agree with them with reference to this bill. I believe, gentlemen, that this bill is a distinct improvement upon the existing situation, and I commit myself to its provisions with pleasure. We have from the distinguished gentleman from New York a criticism of this measure because it permits the Executive to make leases of lands, and yet almost every day of the year an executive department of this Government is making leases of the public lands within the domain of the United States. My reply to that proposition is that if the Interior Department can exercise the power to make leases or be trusted with the exercise of the power to make leases within the domain of the United States on its public lands, then the President of the United States certainly can be trusted with the power, as conditions now exist upon the Isthmus of Panama.

The second proposition raised by the gentleman from New York is that this bill gives the Executive an undue amount of power, and Congress is criticised for reposing that power in the President. It is said that the President, since the expiration of the Fifty-ninth Congress, has repeatedly and wrongfully exercised the powers of government on the Panama Canal Zone, the limitation fixed by act of Congress having expired. Let me call the attention of the gentleman to the fact that when this Government acquires unorganized territory the duty devolves upon Congress, under every decision of the Supreme Court of the United States, to legislate for the government of that territory, and when Congress prescribes by its legislation a limitation, then the duty devolves upon the Congress to extend the legislation or enact better legislation. But, gentlemen, when a government once exists, I do not understand it as a principle of law that when a limitation of that sort expires, when Congress fails to exercise its power to legislate, that the government is abol-

ished and no government exists, but that a state of anarchy arises. Let me ask, gentlemen, whether or not, when this limitation expired and Congress failed to legislate, whose dereliction that was? Was it a dereliction upon the part of the Executive or upon Congress itself? I for one am unwilling——

Mr. HARRISON. Will the gentleman yield?

Mr. ROBINSON. I can not yield now. I for one am unwilling to criticise the executive branch of this Government for continuing a government which Congress has expressly approved and refused to repeal heretofore, which was its duty if it did not approve of the government which had been established. I will say to him I believe, as a lawyer, that the President was warranted in continuing the government which had been established on the Panama Canal Zone. But, passing to the consideration of this bill, I think it is a distinct improvement on the existing government there, and that is why I am going to vote for it.

I want to see the Panama Canal completed, and I believe the gentlemen here who want to see that great enterprise consummated will join with me in voting for the provisions of this bill. I want to say to you that the judicial features of this bill are, in my humble judgment, a distinct improvement over existing conditions. Under this bill the right of trial by jury, which does not apply in unorganized territories except as extended by Congress, is guaranteed to the people on the Isthmus of Panama. I may say that, under the decision of Dorr against the United States, it was held that until Congress extended the right of trial by jury it did not apply in unorganized territory. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield the balance of my time to my colleague on the committee, the gentleman from Minnesota [Mr. STEVENS].

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] is recognized for ten minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, it seems to me that the importance of this bill has been somewhat exaggerated by some of the gentlemen who have agonized over conditions upon the Isthmus and the terrible destruction of our institutions which will ensue by the passage of this legislation. Your Committee on Interstate and Foreign Commerce have designed to meet conditions down there in a practical way.

Mr. HARDWICK. Mr. Chairman, a parliamentary inquiry. Is the gentleman in favor of the bill?

Mr. STEVENS of Minnesota. Mr. Chairman, I hope this will not come out of my time.

Mr. HARDWICK. Of course not; but I want to say this, Mr. Chairman, that there ought to be some sort of a division of time between the gentlemen in favor of and those opposed to the bill. Nearly all the time has been consumed by gentlemen in favor of the bill.

Mr. STEVENS of Minnesota. Does this inquiry come out of my time?

The CHAIRMAN. The gentleman from Georgia [Mr. HARDWICK] has the floor. He asked a parliamentary question.

Mr. HARDWICK. A parliamentary inquiry. I want to know, considering how the time has been consumed, how much of it by the friends of the bill and how much of it by the enemies of the bill, whether or not the gentleman who is now undertaking to take the last ten minutes is entitled to use that ten minutes against some gentleman who is opposed to the bill?

Mr. MANN. I call the attention of the Chair to the fact that, having taken the floor, under the rules I was entitled to one hour's time and to yield such portion of it as I please. The gentleman made a mistake in not rising and asking for recognition.

Mr. HARDWICK. Has the hour expired, I will inquire of the gentleman? I make the point of order, Mr. Chairman, that the hour has already expired, and therefore the gentleman is not entitled to the floor any longer.

Mr. MANN. The gentleman is mistaken. My hour has not expired.

Mr. HARDWICK. I think the gentleman's hour has expired.

The CHAIRMAN (Mr. FOSTER of Vermont). The Chair will state to the gentleman that he is mistaken about that. The Chair was not constituted then as it is since this discussion arose, but the Chair understands that the gentleman from Illinois rose and was recognized for one hour, and that he reserved the balance of his time when he surrendered the floor. There are ten minutes left, which ten minutes he has yielded to his colleague, the gentleman from Minnesota [Mr. STEVENS]. The Chair understands the same situation was true with reference to the gentleman from Georgia [Mr. ADAMSON], who was recognized for one hour in opposition, and that time was used by him and the persons to whom he yielded time. Now, of those two hours there are only ten minutes remaining, and the gentleman from Minnesota [Mr. STEVENS] has been recognized.

Mr. KEIFER. Mr. Chairman, let me say the decision is all right——

The CHAIRMAN. The Chair thanks the gentleman.

Mr. KEIFER. As to the fact of the apportionment; but when the gentleman from Illinois [Mr. MANN] commenced his speech he agreed to yield time to those opposing the bill out of his hour, and now he does not do so.

Mr. MANN. The gentleman is mistaken. I can not let a statement like that go unchallenged.

Mr. KEIFER. There are a hundred men here who heard him make the statement.

Mr. MANN. I would have been very glad to yield to the gentleman, as I said to him I would yield if I could.

Mr. KEIFER. You did not qualify it.

The CHAIRMAN (Mr. OLMSTED). The gentleman from Minnesota is recognized for ten minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, it seems to me that the real purpose of this bill has been somewhat obscured. This country is upon the Isthmus of Panama for the purpose of constructing a great canal, the greatest engineering work of the age. The type of it has been settled by Congress to the acceptation of the American people. Coincident with the construction of the canal it is the business of this Government, of this Congress, to establish some sort of civil government among those people who are engaged in that great enterprise. It is for the inestimable advantage of that great work that the right kind of a civil government be established among them. If that be not done, chaos and anarchy will ensue among the people engaged there; and the construction of the canal will be greatly delayed, if not entirely defeated. For that reason your committee has deemed it necessary to procure the proper information and draft a measure adapted to actual conditions as best it could, designed to facilitate the work and improve the conditions there during the construction of that great canal. For that reason it has brought in a measure in the form that it is before this House.

In listening to this debate it is difficult to realize the mental point of view of some gentlemen who oppose this measure. They oppose it because it grants to the Executive, the President, large authority in the zone in connection with this Government. It seems to me they must realize that if this bill fails there will yet remain upon the zone and controlling its people a larger authority, which they denominate as usurpation on the part of the President. Your committee has realized that it is best to legislate by the legislative branch of this Government. We believe this Congress should lay down the policy of the Government for governing its territory and possessions wherever they may be, and that our people should realize that legislative control should prevail and that executive domination should cease as soon as possible. It is for that reason that this bill is drafted to create a legislative government for the Isthmus of Panama, instead of an executive government, which exists now. We prefer that there should be a legislative government, constituted by Congress, controlled by Congress, upon rules laid down by Congress, rather than a government laid down and carried on by executive will only.

Mr. Chairman, during the past few years men have been tried for their lives and sentenced to death under executive order, a condition that is intolerable to American civilization and that ought to merit legislative action. There ought to be some form of law created by that department of government whose duty it is to make law which shall provide the procedure with reference to such affairs. It is for that reason this bill has been framed; and it is a remarkable thing that Members rise upon this floor and try to defeat a measure like this, when we try to constitute a legislative government upon legislative rules and substitute legislative proceedings in place of what they denominate a usurpation, when they know that that usurpation will continue if this bill be not passed.

Now, Mr. Chairman, unless some such measure as this pass, the construction of the canal will be impeded in various ways, its officers must be engaged upon frivilous duties instead of attending to the more important duties, and the only method of establishing law upon the Isthmus must be by an executive order of the President. It is the only way it can be done now under existing conditions. We want to improve conditions and make them the best possible for the construction of the canal. This bill does change by providing officials on the Canal Zone whose official duty it shall be to study conditions; and remember that conditions change rapidly. A force of men who may be on the northern part of the canal to-day may be on the southern part of it a week from to-day. A condition that re-

quires legislative action to-day at Colon or Christobal will change entirely in three months and need another legislative act in order to meet the then existing conditions. No one would pretend that sort of new and speedy action could be done by act of Congress. We know how difficult it is to legislate for little matters of this kind in this District of Columbia, to govern one of the most important cities of the United States. We have tried in vain to pass a penal code through this House. But this little territory is 2,000 miles away, with only six or seven or ten thousand white people and 30,000 colored people dependent upon conditions of this act, and we are asked to set aside some of our valuable time for the purpose of legislating for the petty details of government down there. The very mention of that thing to people intrusted with the important duty of legislating in this House ought to be sufficient to convince them that we are adopting the right course to facilitate the construction of that canal—to fit the laws we make to meet the conditions as they actually exist and need remedy.

Now, this sort of government is temporary in its nature. It is not designed to be permanent. The conditions fluctuate and will change as long as the canal is under construction. When the canal shall be completed and conditions become more permanent, then we can take up the question of what ought to be the permanent government for that canal strip. Nobody can foresee now what kind of a government ought to fit the conditions then. Nobody can now study it. What we are trying to do is to have a form of government that will assist the executive officers in this work of construction right now.

Now, what do we do? The first thing we provide is that the President is charged with the duty of legislating, by means of officers whom he appoints. That has been often done in our history. He appoints executive assistants down there and these officials will be constantly at hand. They are charged with the great work of constructing that canal, and in the process of doing that work they can incidentally carry on this government by making the proper legislative decrees, orders, or acts, whatever they may be.

There is one thing we do by this bill, to which we call the attention of this committee and the House. We make the courts independent of the canal government. At the present time the judges are appointed by the commission, or in whatever way they may arrange it. We provide that this circuit judge, who is to take the place of the three circuit judges now in office, shall be appointed by the President and confirmed by the Senate, and shall be entirely independent of the local government to preserve the rights and welfare of American citizens there. Now, there has been some criticism of the fact that we have abolished the system of three judges, and that we provide for only one. That is done because there is very little legal business on the zone. The report for 1908 shows that there were only 17 sessions of the supreme court, and only about a dozen or 15 cases were considered. The circuit court had only about 82 civil cases for the year in the whole zone. There are less than 10,000 white people there, and the others have no litigation at all. There never can be but little civil litigation there. It is practically all criminal, and the bulk of the cases are petty. One judge will have hard work to spend one-third of his time in doing the work there on the zone, if he has it all to do. Any Member on the floor will realize, from his own experience in his own district, how much judicial work there would be among 10,000 white people who do not engage in active personal business of their own, but who are employed upon a great enterprise like that. There will be very little litigation.

Now, Mr. Chairman, it is evident to everybody that if we have highly paid judges on that zone, with nothing on earth to do, it is a demoralizing spectacle to the other men on that zone who have work to do and who are not paid as much as those judges. For that reason, for the purpose of doing away with that scandal that now exists in having three judges there where one is more than is necessary, for the purpose of averting that source of scandal, we have abolished these three judges.

The CHAIRMAN. Pursuant to the order of the House, general debate has expired, and the Clerk will read the bill by sections under the five-minute rule.

The Clerk read as follows:

SEC. 2. That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President or such person as the President shall from time to time designate, detail, or appoint, and shall be exercised in such a manner as the President shall direct for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion; and all orders and regulations with respect to the government of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority are ratified and confirmed, without prejudice to the power to revoke or amend the same.

Mr. DRISCOLL. Mr. Chairman, I offer an amendment.

Mr. HARDWICK. I desire to move to strike out the section, and I believe that is preferential.

The CHAIRMAN. The amendment offered by the gentleman from New York [Mr. DRISCOLL] would have precedence if he desires to perfect the section. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 24, strike out "or" and insert "and," so that it will read: "The President and such person or persons," etc.

Mr. DRISCOLL. My opinion is that the President does not divest himself of the power, but that it is vested in the President and such persons as he may designate.

Mr. MANN. That matter was considered in the committee and we were inclined to think, and so was the counsel for the canal commission, that the word "or," in this case, was better than the word "and" and would give the power to the President to confer this authority upon other persons, whereas the word "and" would require both the action of the President and the other persons.

Mr. DRISCOLL. It strikes me that he may have the power and confer the authority.

Mr. MANN. I will ask the gentleman whether this happens to be a thought that comes to him now, or whether he has deliberated over the question?

Mr. DRISCOLL. I have deliberated over it for an hour or two.

Mr. MANN. As originally prepared, the word "and" was in the section, and that was stricken out and the word "or" was inserted intentionally; because it was thought that the President might desire, instead of exercising this power himself, to confer it upon some officials in the Canal Zone, and in that case it ought not to be required that he should join with them in the law.

Mr. DRISCOLL. If the committee have considered it and still stick to the opinion that "or" is the better word there than "and," I will be satisfied to defer to their opinion, although I beg to differ with them.

Mr. MANN. I base my opinion somewhat on the opinion of Mr. Rogers, counsel for the canal authorities, one of the best lawyers in the country.

Mr. DRISCOLL. If the gentleman wants me to withdraw the amendment, I will do so.

Mr. MANN. I do not want it adopted.

Mr. DRISCOLL. Mr. Chairman, at the suggestion of the gentleman from Illinois, I will withdraw the amendment. I want to ask one further question. On line 8, page 3, it says "without prejudice to the power to revoke the same." In whom is the power vested, in the President or in Congress?

Mr. MANN. It is vested in the President. Of course, Congress retains control at all times. We could not divest ourselves of the power. Here is what we wish to do: We permit by this act the laws to be put in force. We do not wish to say that they are confirmed so that they can not be amended, and without that provision, when we have confirmed the laws, that would be an act of Congress that the President could not change, and therefore we leave it subject to be amended or revoked as the situation may require. Congress could not divest itself of authority to amend the act. This is a power left to the President and to those persons whom he may designate to exercise legislative power.

Mr. DRISCOLL. Frequently when Congress makes a grant it reserves the right and the power to amend, repeal, and so forth.

Mr. MANN. That is in relation to private grants. This is a public law.

Mr. HARDWICK. Mr. Chairman, I move to strike out the entire section. I do not know that I can add anything to what has already been said, but I would not feel right if I let this occasion pass without expressing my sentiments on this iniquitous measure, as I look at it.

Mr. Chairman, five years ago, I think, when I first became a Member of this body, I remember that one of the most forceful speeches I heard on the floor fell from the lips of my distinguished friend from Iowa [Mr. HEPBURN], who, in presenting a bill of this character to this House, stated that he presented a proposition for the temporary government only of the Canal Zone. The gentleman referred to the Louisiana case as a precedent, and it was a fair conclusion from his remarks that his committee would not require a longer time than was taken in the Louisiana case to make a reasonable investigation and report some system of laws for the government of this Canal Zone.

Five years have elapsed from that day to this, and yet we are now right where we were then. The same committee comes in here with another proposition for temporary government, to bridge over a temporary emergency.

Now, Mr. Chairman, the most remarkable arguments I ever heard in my life are advanced in support of this proposition by gentlemen who advocate it on the floor of the House. The gentleman from Illinois [Mr. MANN] says that unless we vote for this bill we are voting for chaos and disorder, and, according to the view of some of us, governmental usurpation on the Isthmus of Panama.

If the distinguished occupant of the White House were to seize the reins of power at this moment and assume dictatorship over this entire country, the argument would be exactly the same, and if some gentleman would rise and move that Congress pass a resolution ratifying the action of the President in assuming to be dictator over this country, it would not be a vastly different situation than for gentlemen to tell us here today that unless we vote to give the President this extraordinary power he will exercise it anyhow, as he has been doing, without authority of law.

Now, Mr. Chairman, it strikes me that this is a clear abrogation of congressional duty. Under the treaty under which we acquired it, the Canal Zone is as much a part of the territory of the United States of America as is Alaska, as is Arizona, as is New Mexico, and it is just as much our duty to provide some civil government for the territory we acquired under that treaty, and by virtue of its terms, as to provide for the government of any other Territory in the United States.

For one, I am now and have always been and will be forever opposed to executive lawmaking. I would not favor a proposition that the governor of my own State should make the laws under which my people are to live. I would not favor a proposition that the President of the United States should make the laws under which the citizens of the United States are to live. I do not want to vote for any bill or any section under which tens of thousands of American citizens who are on the Isthmus engaged, it is true, in the government service and in public works, but none the less American citizens, may be tried under the laws framed by executive order. Never can I support such a proposition.

I want laws made according to our Anglo-Saxon theory of government, by some lawmaking body, by the Congress of this United States, by our state legislatures, and in no case by the executive, national or state. It is undemocratic, it is not right, it is not just, for gentlemen on the Interstate Commerce Committee to go on for five years without providing any system of government, when they are as thoroughly familiar with the conditions on the Isthmus of Panama and in the Canal Zone as they are with the conditions of any State in the Union, and then seek to pass a drastic, revolutionary measure of this character on the specious plea of "temporary necessity and pressing emergency."

Mr. HARDWICK. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HARDWICK. Mr. Chairman, I shall not use even the five minutes, but I want to say this: I am earnestly opposed to this bill. It is autocratic. The Czar of Russia never had in his palmiest days greater powers than it is proposed to give to the President of the United States, and not even temporarily, if gentlemen will take time to read the provisions of section 2 of this act. I do not believe in autocratic government. I do not believe in one-man government. I believe the Congress of the United States is here to legislate for the people of the United States, for the government of its territories, and for the regulation of the inhabitants of those territories and of everybody who happens to go to them, and I do not see why, after five years of continual and constant visiting, junketing trips, this particular committee and the Members of this House are not competent now to deal with this question, instead of just coming to us and saying, "You must turn it over to the President of the United States, because if you do not, he will take it anyhow." [Applause on the Democratic side.]

Mr. HARRISON. Mr. Chairman, I hope that the amendment of the gentleman from Georgia will prevail. In my opinion this is the most obnoxious feature of the bill. I further believe that it is unconstitutional. The original founders of this Republic intended that we should keep separate the three branches of the Government; and yet this specifically hands over to the executive branch of the Government the sovereign power given to the legislative branch, namely, the right to make the laws. The advocates of this measure maintain that the reason why we should give this power to the President is that we do not know enough about the conditions of the Panama Canal Zone to make the laws ourselves. In the name of common sense, why, if we do not know enough to make such laws, should we turn them over to the Executive and ask him to make them? I believe that the Congress of the United States has never descended to such depths of self-abnegation as this measure proposes. The gentleman from Arkansas [Mr. ROBINSON], in answer to my argument, maintains that if we were not to pass this measure anarchy would obtain on the Canal Zone. It is the duty of the President, Mr. Chairman, as Chief Executive, to see that anarchy does not prevail in any of the Territories over which the United States has control. It is his duty to see to the enforcement of the police and sanitary regulations on the Panama Canal Zone and elsewhere where he can exercise similar control. But it should not be put in his power to pass such laws as he has been attempting to establish by executive order upon the Panama Canal Zone, where he has abolished of his own volition the laws already established through the instrumentality of the Panama Canal Commission. He abolished all forms of local self-government, and made a more complete autocracy than has ever been fixed upon American soil, an autocracy which would have made envious a pro consul of Rome in the days of the decadence of the Roman Empire. Mr. Chairman, there is enough law down there now to maintain the status quo. The Committee on Interstate and Foreign Commerce should bring in a bill to establish a complete form of civil government for the Panama Canal Zone. I see no reason why they have not done it. They have had six years since the ratification of the treaty by which we obtained practical sovereignty over this strip, and yet, in spite of that, they still claim that we do not know enough to make the laws for this Panama Canal Zone. I hope the amendment offered by the gentleman from Georgia will prevail, and that the committee will, at least, strike out this obnoxious provision of the bill. [Applause on the Democratic side.]

Mr. HEPBURN. Mr. Chairman, I think that after reflection the gentlemen who have last spoken will somewhat modify their views and will conclude that this proposition is not "undemocratic," that it is not "unconstitutional," and that the government that has been established there is not "that of a pro consul of Rome." I am quite sure they will think so because there is some very excellent precedent for just this kind of government, and that precedent was established by men who were supposed at the time, and for many decades after the time, to be excellent Democrats, and the precedent was established at a time and by Congress when there was a large number of its membership who had been either cotemporaneous with the adoption of the Constitution or members of the constitutional convention or those who had participated in the discussions that led to the adoption of the Constitution, and who might well be supposed to know what was within the power of the Congress and what was within the domain of democracy. The precedent that I call attention to I will read:

SEC. 2. *And be it further enacted*, That until the expiration of the present session of the Congress, unless provision for the temporary government of said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. HEPBURN. Not just now—later. Mr. Chairman, Thomas Jefferson signed that bill and made it a law. It was Democratic doctrine. It was by a Democratic Congress, and yet it gave to the President every power that is conferred on the President of the United States by the bill now before this body.

Who talked then of the "pro consuls of Rome?" Who talked then of its being un-Democratic and not in harmony with the institutions of the Republic? Who talked then about its being unconstitutional and an usurpation of power, a bestowal of power far beyond the domain of the Congress? Ah, gentlemen, it was constitutional then, it was Democratic then, it was benign, it was beneficent——

Mr. HARRISON. Mr. Chairman, will the gentleman from Iowa yield?

Mr. HEPBURN (continuing). It was for the purpose of preserving the liberty and the religion of the people——

Mr. HARRISON. Mr. Chairman, will the gentleman now yield?

Mr. HEPBURN. Not now; not now. [Laughter.]

Mr. HARRISON. I beg the gentleman's pardon.

Mr. HEPBURN. Mr. Chairman, these gentlemen have either forgotten their history or they have changed their politics and their constitutional views. Which is it? Mr. Chairman, this bill is perhaps not all that the gentlemen would have made it;

but if they were familiar with the situation, if they knew of the conditions in the zone, if they knew of the needs of government they would be content, I think, with this—that is, when they became satisfied that it was constitutional and that it was Democratic, and that that arbitrary power vested was not that which would be given to a "pro consul of Rome." Mr. Chairman, the people there are there for temporary purposes. There is no reasonable probability that any large number of the 30,000 inhabitants of that zone will be there ten years from now. The probabilities are that the population will be very scant, and the type and form of government that will be needed then entirely unlike that which may be needed now. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, it was my purpose to have discussed this bill under such circumstances as would have given me an opportunity to have entered into the details of the bill to discover, if I could, whether or not there were any merits in it; but being cut off from that privilege I will occupy a moment in answering, if I can, the question just discussed by the gentleman from Iowa. I have heard it here on this floor before to-day and in former times that we were legislating with reference to the Canal Zone and not with reference to some of our Territories, and that in so doing we were following the precedent of the act that was passed in 1803 purely to enable the President of the United States to take possession of the Louisiana Purchase. That act was passed October 31, 1803, to enable President Jefferson to take possession of the recently acquired Louisiana Purchase under the treaty of Paris of date of April 30, 1803. Now, my distinguished friend from Iowa read a part of section 2 of that act, and it confers no shadow of power on the President of the United States akin to that proposed by this bill. [Applause.] It never was intended to confer on him legislative power of any kind, and then the gentleman asked a question as to who questioned the constitutionality of that proceeding. The answer is, History gives it that Thomas Jefferson did that very thing. He questioned not only that, but he said in a communication that it was necessary, in order that the purchase might be obtained under the Constitution of the United States, that it should be amended to make it legal. [Applause.]

Section 2—I have not time to read it—simply confers, under the act passed October 31, 1803, on the President the right to take possession of the territory recently acquired of France and to allow it to be governed by the same officers under the same laws that it was governed under the Spanish possession. And it was temporary, purely temporary, and it was soon superseded or repealed. This act was passed October 31, 1803. The treaty of Paris bears date April 30, 1803. The next act was passed March 26, 1804, when less than a year had elapsed from the passage of the first act. Difficulties had arisen which hastened the later legislation by Congress. Thomas Jefferson found difficulty in getting possession of even a small part of the great Louisiana Purchase, and an act was passed March 26, 1804, to aid him further in acquiring possession of territory and to enable the laws of the United States to be applied and be made to effectively apply to the government of that territory. The last act—section 4—provided for the appointment of a governor of the territory, conferring upon him pardoning power and the executive power to administer the laws. It provided also for a legislative branch to be organized to make the territorial laws, all of which were required to be submitted to the Congress of the United States before they became effective. And this is the precedent they say is followed in this bill. I quote from section 2 of the bill:

> That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President, etc.

There is nothing of that kind in the laws relating to the government of the Louisiana Purchase, but if the bill stopped there there might be some reason conjured up in the minds of constitutional lawyers. I do not believe in authorizing the President of the United States to make any law that binds the United States, whether it relates to a Territory or anything else. [Applause.]

The Constitution of the United States, paragraph 2, section 3, Article IV, gives exclusive power to Congress to legislate for the Territories. It reads:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territories or other property belonging to the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEIFER. Mr. Chairman, I would like to have five minutes more time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. Let me read further from where I left off:

> Shall be vested in the President or such person or persons as the President shall, from time to time, designate, detail, or appoint.

Any fellow that he might catch along the canal or anywhere can be authorized under this provision of the bill to make a law for the government of all the people within the Canal Zone that are subject to the control of the Government. These lawmakers, those who are detailed, are not to be appointed by and with the advice of the Senate of the United States. They are to be lawmakers in lieu of the constitutional legislative body of the United States already quoted, and are to be held responsible to nobody.

Is there any precedent for that in the law relating to the Louisiana Purchase? I regret that I could not have discussed this bill in detail some, but I will read the last clause of section 3, keeping in mind this wonderful legislative power given to the President of the United States and any of his appointees, wherever they may be.

It says, and I read from the bill:

> Authority is hereby given for the procurement, use, and maintenance of each and every thing necessary for the complete construction, maintenance, and operation of said canal from deep water to deep water.

When my friend from Minnesota [Mr. TAWNEY], the chairman of the Committee on Appropriations, would rise to make a point of order against an appropriation relating to the Panama Canal because it was not authorized by law, the mover would point to this paragraph and say that about everybody under this was authorized to do whatever he pleased, contract any obligation he chose, and involve the Government into whatever he wished, even to the power of changing the plans of building the canal, and all appropriations that were for such things as that would be in pursuance of law.

A word as to the courts. First, as to the jury. I wish my distinguished friend from Iowa [Mr. HEPBURN] would read the provision of the act of March 26, 1804, providing for juries and how they were to be selected, and then see if that is a precedent for saying that every person guilty of felony shall be tried by an "impartial jury," as this bill only says. The Constitution of the United States, paragraph 3 of section 2, Article III, says that "the trial of all crimes, except for impeachment, shall be by jury;" but they have cut the constitutional provision in two and found a class of people only who are entitled under it to trial by jury, and then does not provide how we are to get a jury. But they leave that to be worked out, because they can call Bill Jones or somebody from some place down in the Culebra cut or elsewhere and tell him to make a law on the subject and put it in force and have an impartial jury.

These are only some of the smaller objections I have to this bill. The particular one I can not now discuss, and that is the objection to destroying a great, perfectly working system that is building the canal under the engineers and that will succeed if we do not destroy that commission and institute in place of it that which is utterly and wholly impracticable. [Applause.]

Mr. RAINEY. Mr. Chairman, I want to add my protest to this legislation, no matter where the precedent for it can be found, and I undertake to say that the gentleman from Iowa has not found in the act of 1803 any precedent for legislation of this character. In those early days of the Republic Congress was not as well equipped to discharge its duties as it is now. In those early days of the Republic, when self-government was considered something of an experiment in the western world, when a young nation was feeling its way in the dark, through forests and across rivers toward the western sea, some excuse could be found for delegating temporarily to the Executive authority to govern in a military way a vast and newly acquired territory about which nothing was known.

I remember, however, that for the first fifty years of the life of the Republic one great party maintained a consistent fight against the exactions of the Executive. At the present time the fight seems to be abandoned, and we continue thrusting more and more power upon the President. One hundred and five years ago Members of Congress were not supplied with secretaries. They did not receive the salary and the mileage they receive now. They were not supplied with offices in a palatial building. At the present time they have all these things, and every time this body increases its salary, every time we increase our perquisites, we surrender more and more the functions of this Government to the Executive. This is the most absolute surrender of all. If we continue on our present career, it will not be many years, perhaps about the time Members of this body receive a salary of $10,000 a year, we will have surrendered to the Executive everything. We will then come here and stay with nothing to do except draw our salaries

and distribute garden seed. [Applause.] It is time that the Members of this body did something besides clerical work to earn the salaries they receive.

The only excuse for this legislation is that we can not do it; that we do not have time; that Congress can not examine into these conditions; that many men can not do what one man can do; and therefore we shirk these responsibilities and shoulder upon the Executive all these additional powers. [Applause.]

Mr. HEPBURN. Mr. Chairman, I move to strike out the last two words. I do not know whether the distinguished gentleman from Ohio intended to accuse me of misreading the section of the statute.

Mr. KEIFER. Oh, no; you did not read it all.

Mr. HEPBURN. I read it all; every word of the section. Mr. Chairman, I want to correct the gentleman from Ohio's history with reference to the section which I read, on the powers that were conferred. There never was a proposition on the part of Mr. Jefferson or anybody else to grant other authority in a constitutional amendment. The amendment to the Constitution which was sought by Mr. Jefferson, not once but twice, and possibly three times, was to validate his act in the purchase of Louisiana, not his acts in its government. He did not question the authority of Congress to bestow upon him the power that he exercised. And I assert now that there is no substantial difference between conferring the power in the section that it is moved now to strike out of this bill and in section 2 of the act of October 31, 1803. There is a substantial grant in that act of every power that is sought by this bill to vest in the President and the agents that he may select.

Mr. KEIFER. Will the gentleman allow me?

Mr. HEPBURN. In a moment. Further, Mr. Chairman, in that act that I have read from, of 1803, there is no reference to confirmation by the Senate. Why does the gentleman, in distinguishing between the two acts, comment upon the fact that in the bill we have introduced there is no power granted to the Senate to confirm? The bills are alike in that particular. Now, Mr. Chairman——

Mr. KEIFER. What I said was that in this act absolutely there was no legislative power conferred upon the President or anybody else. It says:

All the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

There is nothing said about creating the courts by the President, but only by carrying out the law by the old officers of old legislation.

Mr. HEPBURN. Mr. Chairman, I read that. And let me call the attention of the gentleman to the language that he does not seem to understand, although I have read it to him and he has read it himself. [Laughter.] I again read from the act of 1803:

All the military, civil, and judicial powers—

Can you think of any other power?

Mr. KEIFER. Yes, sir.

Mr. HEPBURN. The military power, to control the army and navy; the civil power, the power to make laws; the judicial power, to interpret and execute them. That is the power to govern, Mr. Chairman, and the effect was to include all the powers that could be exercised or were necessary for the government.

Mr. KEIFER. There is nothing said about legislative power.

Mr. HEPBURN. There is civil power.

Mr. KEIFER. Civil power does not mean legislative power.

Mr. HEPBURN. Does not that include legislative power?

Mr. KEIFER. "Exercised by the officers of the existing government of the same."

Mr. HEPBURN. All of the officers—the legislative officers, the judicial officers, the military officers; all the officers. I can conceive of no power that was not conferred upon the President of the United States.

What are the probabilities of the purposes of the Congress in this granting of power? Is it to be supposed that they granted a part and withheld a part, that they used this particular language, and yet in their intent there was a reservation of some power not expressed? Is that the way that laws in those days were enacted? I take it not.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Iowa has read section 2 of the act of October, 1803, twice, but he has twice emphasized the wrong part of it. That acts reads:

Be it further enacted, That until the expiration of the present session of Congress—

And by the way, I want to say in that connection that after that law expired Mr. Jefferson would have been the last man in the world to have arrogated to himself the power or right to extend it. He never did, and the Democratic Congress was not derelict in the performance of its legislative duty, but did do what it held out to the country the hope that it would do, to wit, constructed a frame of government for the Louisiana territory. But let us go on—

unless provision for the temporary government of said Territory be sooner made by Congress—

Now listen to this—

all the military, civil, and judicial power—

What military, civil, and judicial power?

Exercised by the officers of the existing government—

That is the language of the Jefferson Act. What is the language of this act?

All the military, civil, and judicial powers of the United States.

The practical operation of the Jefferson Act was merely to invest in the Executive of the United States the power to carry on the government there as it then existed. Mr. Jefferson never made a law for Louisiana. He never construed a law for Louisiana. The act merely conferred upon the President the power to see to it that the existing government exercised its functions through proper officers, and the power to appoint suitable and loyal men as officeholders to exercise those functions in the Louisiana territory, instead of those then exercising the power, if the President chose.

To read the Jefferson Act further:

All the powers exercised by the officers of the existing government shall be vested—

Where?

In such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining and protecting—

And so forth.

In other words, Louisiana was left under the existing government that had come through French and Spanish rule, and that act conferred upon the President of the United States the power to appoint Americans if he chose, or anybody, to exercise those powers. That is all. The powers were already existent. They were not created by the act, nor was the President empowered by the act to create a government, nor to make laws. The practical operation of the act was merely to give to President Jefferson the power to appoint officeholders in the Louisiana territory. I say again, what is substantially a repetition, that it is almost blasphemous to compare the provisions and intent of this act with the provisions and intent of the act to which I have referred—the so-called "Jefferson Act"—act of October, 1803. That act bore plainly upon its face—coming to the intent now—a mere temporary intent, an intent to prevent anarchy until Congress could act, and, moreover, to prevent anarchy by the maintenance of existing institutions. No wonder, then, that no one called its constitutionality into question.

This act offered here to-day bears upon its face the intent to legislate permanently, or more or less nearly permanently, into existence a condition of autocracy upon the Canal Zone. This act, without any period of limitation fixed in it—indefinite, if not perpetual; perpetual unless repealed—gives to the President of the United States judicial, legislative, and executive power; the power to make and amend laws.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I ask for a few minutes more.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes, and that debate upon the section may close in ten minutes.

Mr. COCKRAN. Do you mean ten minutes after the gentleman from Mississippi concludes, or do you mean ten minutes including his five?

Mr. MANN. I will say twenty minutes.

Mr. HARRISON. Does the gentleman mean thereby to shut out amendments?

Mr. MANN. It would not shut out amendments. It would shut out debate.

Mr. HARRISON. Debate on the amendments? Then I object.

Mr. MANN. Then I move that debate on this section and all amendments thereto be closed in twenty minutes.

The CHAIRMAN. Does the gentleman from Illinois desire that motion put now, or after the conclusion of the remarks of the gentleman from Mississippi?

Mr. MANN. I will not press that motion; but I should like to call the attention of the House, if I may, just for a second, to this proposition: This bill is up to-day. If it is to be passed at all it is to be passed to-day. We have the time before us,

and if gentlemen prefer to spend all the time on this section of the bill it is the privilege of the House.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Mississippi may proceed for five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS. Now, Mr. Chairman, the act of October, 1803, vested no power in the President of the United States at all except the power to appoint people to "exercise" the powers of an existent and ascertained government. Here is another very marked difference, and it is in two words, but it is great. The language of the act of 1803 is, after reciting the power:

Shall be vested in—

Whom?—

In the President of the United States or such person or persons.

In such person or persons. That is the language there. The language of this act is:

In the President of the United States or such person or persons,

And hence the President of the United States can sit here in Washington and execute and construe and make laws upon the zone. Why did the gentleman insert those three words, "the President or?"

The whole purpose of the act of 1803 was to enable the President to appoint persons who should exercise the functions of an already prescribed government in the Louisiana territory. The object of this act is to confer upon the President himself and upon others, merely his lieutenants, all of these extensive powers, judicial and legislative. That is not all. The Jefferson Act stops right there with the words the gentleman from Iowa has read and that I have for the most part reread. I will read the balance unread by me, so that you can see there is nothing relevant to this discussion in it:

As the President of the United States shall direct for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of liberty, property, and religion.

Did that act give President Jefferson power to amend laws?

But at the tail end of this act which we are now considering come these words:

And all orders and regulations with respect to the government of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority are ratified and confirmed, without prejudice to the power to revoke or amend the same.

Not only are we called on to ratify executive usurpation in order to give Mr. Roosevelt a "clean bill of health," but after we are through ratifying it we are to give him additional power to "amend" the very legislation which you yourselves enact in this bill by ratifying it—"subject to the provisions of this bill." What does the bill do? Ratifies the legislation already had by executive pronunciamento. What else does it do? Gives the President power to amend the legislation already had, ratified by the bill and thereafter adopted by Congress.

Mr. Chairman, as far as I am concerned, I have had a great deal of difficulty in making up my mind as to how I would vote on this matter. I admit that the conditions to be created by this bill will be infinitely preferable to the conditions that now exist, but at the same time the conditions to be created by the bill are so absolutely insufferable, intolerable, and, in my opinion, violative of every democratic and constitutional principle that I can not even swallow them as a sweeter dose than the others. [Applause on the Democratic side.]

I have been trying to make up my mind to stand by friends on the committee whom I know so well, whose love of duty I know so well, and I have been trying to get my consent to vote for the bill as a better measure than the conditions that we have now. But I do not see how I can reconcile my conscience to a breach of my oath to the Constitution in order merely to prevent the President of the United States from indulging in further breaches of his oath to the same instrument. [Applause.]

It seems to me that with this section in this bill I can not vote for it. It does not seem to me that anybody can who wants to walk in the pathway that our people over here and your people over there, for the most part, have blocked out as the American and constitutional pathway for the progress and glory of the American Republic. [Applause.]

Mr. COCKRAN. Mr. Chairman, the remarks of the gentleman from Mississippi [Mr. WILLIAMS] must simplify the question before this committee and facilitate the Members in reaching a right conclusion. As representatives of the people, sworn to defend the Constitution and to vote for the best system of laws attainable, it seems to me his conclusion that the system proposed by this measure is an improvement on the one it is intended to supplant should settle for those of us who agree with him discussion as to the action we must take now, though it may leave a wide field open for speculation as to whether a system still better might not have been submitted to us.

That a better system of government or administration might be devised I think everyone will admit. That a better system ought to have been devised everyone on this side will contend. But that we should defeat a measure which admittedly will vastly improve actual conditions merely because the improvement does not go so far as our own aspirations—does not fully satisfy our conception of what is necessary to make the situation entirely satisfactory—would be, in my humble judgment, little short of disloyalty to our obligations.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield for a question?

Mr. COCKRAN. Certainly.

Mr. WILLIAMS. Suppose the improvement involves and holds in itself a breach of fundamental principles and of constitutional law, no matter how bad a thing it is taking the place of?

Mr. COCKRAN. Mr. Chairman, I would most respectfully suggest that, according to the gentleman's own statement, we are confronted with two breaches of the Constitution, one actual and exceedingly vicious, the other threatened, but less vicious; and as between a breach of the Constitution that is wholly vicious and one that is less so, I believe we should act so as to keep vice at the minimum, even if we can not reach perfect virtue. [Applause and laughter.]

Mr. Chairman, let me say to the gentleman from Mississippi [Mr. WILLIAMS] and to my friends on this side that it seems to me much confusion of thought is likely to flow from attempts to consider the measures taken in 1803 for the government of Louisiana as at all analogous to the measure proposed now for the government of the Panama Canal Zone. The two enterprises are wholly different, radically irreconcilable. One can not furnish a precedent for the other. They can not be discussed as kindred subjects. Louisiana was acquired reluctantly, but taken for the express purpose of erecting States from it—a vast territory upon which our experiment of government (for it was then but an experiment) could be tried on a broader scale. Every measure passed with relation to its government was adopted with that end in view.

But, Mr. Chairman, we are not now contemplating the establishment of a government for territory that may some day become a State of this Union, or several States. We are engaged in prescribing conditions under which a great enterprise of improvement and commerce shall be constructed. We are discussing the care of a strip of ground 10 miles wide, taken not for the purpose of political experimentation, but solely for the purpose of constructing a canal. The principles of government applicable to communities with large populations permanently occupying the soil, whose complex interests must be served, whose diverse callings and occupations must be protected and regulated by a system of laws, can have little or no application to an enterprise where the acquisition of a narrow territory is but an incident to a superior purpose, which is the construction of a canal. It is rather the management of a contractor's yard than the establishment of a government for which we are making provision. Sir, this territory was taken against my judgment.

I do not believe the method by which we seized it was creditable to our diplomacy or to our fame. But we have it. No one now contends that we could get rid of it either with honor or advantage. No one believes a proposal to get rid of it would be feasible. It is ours irretrievably and we can not escape the duty to provide for its management and government.

Mr. WILLIAMS. Mr. Chairman, before the gentleman leaves that part of the discussion and goes into what he is now beginning to say so well, and with which I agree with him, does not the gentleman recognize that there is not one problem but that there are two problems; one the construction of a canal, which is purely physical, and the other the government of the people, which is political and social, and that the two ought to be divorced from one another?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARTLETT of Georgia. I ask unanimous consent that the gentleman be permitted to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCKRAN. Mr. Chairman, I concede that to some extent the proposition of the gentleman is entirely correct. There are two aspects to this matter. But the dominant purpose for which this land was taken and for which it is held is not the government of its inhabitants, but the construction of a canal, and it is this dominant purpose that should govern the legislation we are to enact. But even in its political aspect, the gentleman from Mississippi [Mr. WILLIAMS] knows full well that of the whole population there are not more than four or five thousand whom he would consider fit to be intrusted with power to exercise control over government. There are thirty-

five or forty thousand people there who would be incapable of exercising the suffrage with advantage to themselves or safety to the Government.

Mr. WILLIAMS. Then do not qualify the unfit as voters.

Mr. COCKRAN. Well, sir, upon that proposal I am unwilling to admit that I could ever be induced to take part in establishing a government nominally representative where any considerable number of human beings are unfit for a share in controlling it. I might, under certain circumstances, find myself compelled to accept conditions produced by a current of events which I could not control; but I will never deliberately aid in organizing a government nominally constitutional where the essence of it is contempt or distrust of a vast majority of the governed. If we are to organize a government in this territory according to the constitutional principles underlying our own, then, in God's name, let us create representative bodies with universal suffrage and a constitution securing to every inhabitant the right to vote for the officers who will administer it, and the representatives who will frame the laws under which he must live. The gentleman from Mississippi has not, nor have I, nor has this Congress, any God-given right to fasten a government on anyone, however humble we may conceive his intellectual attainments to be, merely because we consider it would be better than he himself could establish. [Applause.] But we must deal with conditions as they are, not as we might wish them to be. There is no population in this Canal Zone capable of maintaining representative institutions.

We must have order and we must arrange some form of government to maintain it. I believe, therefore, we are justified in adopting the measures now pending before us on the ground of imperious necessity.

Mr. WILLIAMS. Mr. Chairman, the gentleman from New York has misunderstood the "gentleman from Mississippi." I merely suggested to him in a side remark I made that if there were people upon the zone incapable of voting, not fit to vote as he said there were, they need not be qualified as voters, and the balance of the people being fit and qualified could and would govern the territory. I believe America is about prepared now to say that no man ought to vote who has not at least that degree of intelligence shown by the fact that he can read and write. Of course, I would not have the horde of ignorant and illiterate Jamaican negro laborers, who are after all floating and temporary residents and British subjects to boot, vote.

Mr. COCKRAN. Mr. Chairman, I am one who most emphatically denies that. I believe there is no safety for this Republic except in absolutely universal suffrage [applause], and I think the experience of this world does not show that it has been the educated and the cultivated always who have been the most virtuous or the most intelligent at the ballot box.

But, Mr. Chairman, I desire to remind the gentleman from Mississippi [Mr. WILLIAMS] that he is not proposing by the suggestion embodied in his question to disqualify merely a few persons in this territory—so few that they might be considered a negligible quantity. His proposal is to give the suffrage—that is to say, the control—of government to three or four thousand persons, principally, almost entirely, temporary sojourners there, and allow the remaining thirty-five or forty thousand people to be what? Not the equals of those who are admitted to the suffrage, but the subjects of these four or five thousand. And this small class thus vested with power over their fellows nine or ten times more numerous would not be chosen by the votes of the American people or appointed by an American authority to administer the government placed in their hands. They would not be even sworn to observe any rule of law or justice in the exercise of this enormous power. They would not even be known to any American authority, so that their identity could be fixed or determined.

There is but one method of government applicable to this territory, and that is government by force. If we must have a government by force, then let the force be confided to the highest amongst us. Sir, I hold it necessary under these conditions that when such a government is established by the American people as matter of necessity it should be administered by the highest officer in the American political system. It will not be an ideal system of government, but it is the best form possible under the conditions which confront us. The President may not know more of that people or their necessities than we do. You may say we are as well qualified as he to legislate for that territory. That I will admit. But this bill provides for a commission to exercise local jurisdiction, through which the President can be informed of everything affecting the territory and its inhabitants. His action with reference to these interests would then be based on definite knowledge, and we may presume at least that it would be governed by a conscientious conception of his sworn duty. [Loud applause.]

Mr. MANN. Mr. Chairman, I do not intend to detain the committee but a moment. This is a practical proposition. An academic discussion on government is doubtless interesting and instructive. We are in possession of the Canal Zone. We are constructing a canal. Congress has authorized no form of government there. On one hand the government is chaos, on the other hand at present is an executive government. We can confirm what has been done or we can undertake to enact legislation which has already been enacted, and I hold before you a volume of the laws on the zone, constantly requiring attention, would require the whole session of this Congress, at this rate, to pass and be under consideration every day, constantly requiring amendment. That is one proposition. Can we do it? We all know that it is impracticable. The other proposition would be to set up an elective form of government on the zone. In other words, to have our employees on the zone while there engaged in our work constructing that canal to determine for themselves all about the government on the zone, appoint the judicial officers, who would determine between them and the United States upon the zone. The idea seems to me preposterous. This is but a temporary measure. In 1903 there was a call for a temporary measure. The House responded in the Fifty-eighth Congress by providing a temporary measure governing the Canal Zone. In that same Congress we passed another act almost identical with this act, so far as this House is concerned, without even a division. Now we are called upon to provide there a government under the authority of the Congress, or else an executive government, or else chaos. Which do the gentlemen propose? Will they have the President cease the government there and have chaos while we are constructing the canal? Will they propose to vote against this bill in order to have chaos or in order to have an executive government?

Mr. WILLIAMS. Why not amend this bill now so as to give them government there?

Mr. MANN. Well, if the gentleman from Mississippi had listened to my remarks he would have heard what I said about that. There is no proposition, and there can be none, for a temporary government of the zone elected by the employees of the Government there which will be successful. We can provide that government by the enactment of laws, if we have knowledge enough, but we have not for lack of time. Here is a proposition for the construction of a great work. The men in charge of that work have charge of the employees. It is provided by the Government that the sanitation of the Isthmus shall not be left to the people who are there to determine; that the colored men from Jamaica shall not determine for themselves whether they shall keep clean or keep out yellow fever; that the men who go from the States down there shall not determine what measures of sanitation shall be taken upon this zone. These gentlemen opposing the bill would give to the employees all this control; but if they do it before the canal is completed, they will be driven out by the fever, by ill health, by sickness, and death, as the French people were driven out. It needs autocratic methods to finish the canal with safety to the Government and safety to the people of the United States engaged upon it. [Applause and cries of "Vote!"]

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. KEIFER. Mr. Chairman, I rise to discuss the question. I will make the motion to strike out the last five words, if necessary. I did not understand debate was limited.

Mr. MANN. Will the gentleman permit me to ask unanimous consent to close debate in five minutes, and I will yield that time to the gentleman?

Mr. KEIFER. I certainly will, but I do not want to shut off anybody else who desires to speak.

Mr. MANN. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and all amendments thereto be closed in five minutes. Is there objection?

Mr. HARRISON. I object, Mr. Chairman.

Mr. MANN. Mr. Chairman, I move that all debate upon the section and amendments thereto be closed in five minutes.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. HARRISON. Division, Mr. Chairman.

The committee divided; and there were—ayes 102, noes 71.

So the motion was agreed to.

Mr. HARRISON. Mr. Chairman, I offer an amendment to perfect the section.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio [Mr. KEIFER].

Mr. HARRISON. Does not this amendment take precedence? A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio has offered an amendment himself, which is in order, and the Chair recognizes him for five minutes.

Mr. KEIFER. I will occupy these five minutes as closely as possible. Wherever I can agree with Members I am going to do it. I can not agree with the distinguished Member from Illinois [Mr. MANN] in charge of the bill, that we ought to violate every principle of government and the Constitution of the United States because there is danger of chaos down on this Canal Zone of 10 miles in width and about 50 miles in length. I was down there with him once, and I went with other Members at another time, and we had no chaos, and we had no trouble. We were all protected and came home safely. The chaos of that time was as great as it is to-day, and we have had five years of that sort of chaos that is to scare us to pass this bad bill for a more permanent government.

I agreed with the distinguished gentleman from New York [Mr. COCKRAN] when he said he believed in universal suffrage, giving all an equal representation and power politically in this Government. But I do not believe, with him, that because we have got a small territory down there that we should legislate without reference to the Constitution or fundamental principles. Otherwise we might say, "Pick up little Delaware, or little Rhode Island, violate the Constitution and wipe them out of existence." But I must pass on and come to others.

I did not, Mr. Chairman, mean to have it understood that I said the gentleman from Iowa [Mr. HEPBURN] had misquoted section 2 of the act of October 31, 1803. I did say that I understood he claimed, after having read substantially all of it, or all of it, that it was exactly like an utterly dissimilar part of this bill which I read a few minutes ago. He says that I should be corrected in history with reference to Thomas Jefferson's position in regard to the acquisition of the Louisiana Purchase.

I have not time to go to the books, but Mr. Jefferson, in his own language, stated that his objection to the acquiring of territory was constitutional; but he was willing practically to violate it and take possession under the power of Congress, which he denied under the Constitution absolutely, and asked that an amendment to the Constitution should be adopted for the purpose of making legal what he did when he bought the Louisiana country—more in area than the United States owned prior to that time—of the great Napoleon I, in violation of an existing treaty to return it to Spain.

Jefferson knew all these things; but we wanted the Louisiana country, and we have gotten it. That was the extent of Mr. Jefferson's position. The act of March 26, 1804, that I have referred to before, was a temporary act also, but it provided for a legislative body until they could do certain things and make permanent new laws and by extending the laws, as they did, of the Territory of Indiana over the Territory of Louisiana, covering the whole of the Louisiana Purchase. And that law extended the other and earlier one, the act of 1803, to the end of a session, and only made the act of 1804 extend to the end of that same session of Congress, and it also was purely temporary in character.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAYES, of California, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey, with the view to establishing a harbor at New River, Fla., where same has been connected to the Atlantic Ocean by cut-off, and to report, together with estimates of the cost of the project, securing over the bar at that location at least 20 feet of water and the construction of jetties to protect the same.

Senate concurrent resolution 88.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Cheboygan River, Cheboygan County, Mich., for the purpose of widening its channel and rebuilding or repairing the locks in said river as will render the river navigable to boats drawing 8 feet of water, and to furnish an estimate of the cost of such improvement.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7808. An act to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns; and

H. R. 13809. An act for the relief of Charles S. Blood.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. ELKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.'"

GOVERNMENT OF THE CANAL ZONE, ETC.

The committee resumed its session.

Mr. WILLIAMS. Mr. Chairman, I want to offer an amendment for the perfecting of a paragraph. It has parliamentary preference over an amendment to strike out.

After the word "and," line 17, page 2, insert the words "until March 4, 1911, or," so that it will read:

Subject to the provisions of this act and until March 4, 1911, or until otherwise provided by law.

So that it may appear upon the face of the act that it is temporary.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the word "and" at the end of the line, insert "until March 4, 1911, or," so that it will read:
"That, subject to the provisions of this act and until March 4, 1911, or until otherwise provided by Congress," etc.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WILLIAMS. Division!

The committee divided; and there were—ayes 88, noes 85.

Mr. MANN. I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 86, noes 96.

So the amendment was rejected.

Mr. MACON. Mr. Chairman, I offer an amendment for the purpose of perfecting the text, by striking out, in line 20, page 2, the word "laws" and the comma and inserting in lieu thereof the word "necessary."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, strike out the word "laws" and the comma and insert the word "necessary," so as to read: "Make all necessary rules," etc.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia, to strike out the section.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HARDWICK. Division, Mr. Chairman.

The committee divided; and there were—ayes 66, noes 97.

Mr. HARDWICK. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Georgia [Mr. HARDWICK] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 110.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. That the President, through one of the executive departments of the Government, to be designated by him, or otherwise in his discretion, shall cause to be excavated and completed the Panama Canal; and he is hereby authorized, in his discretion, to appoint, by and with the advice and consent of the Senate, one director and one chief engineer of the Panama Canal, and one governor of the Canal Zone, and from time to time to fix their compensation, duties, powers, and relative jurisdiction until such time as Congress may by law otherwise provide, and the same person may be appointed to any two of such offices; and the President may remove any of said officials at his pleasure. And the President is further authorized for the purposes described in this act to detail, appoint, and employ, or provide for the appointment or employment of such persons with such duties, powers, jurisdiction, and official designations as may from time to time be deemed necessary, and to dismiss or provide for the dismissal of the same; and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by appropriation act or other law regulate the same. Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. Authority is hereby given for the procurement, use, and maintenance of each and everything necessary for the complete construction, maintenance, and operation of said canal from deep water to deep water.

Mr. RAINEY. I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "to" and before the word "detail," in line 23, page 3, the following: "by and with the advice and consent of the Senate."

Mr. COCKRAN. I would like to have that amendment repeated.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. RAINEY. This amendment, Mr. Chairman, only removes a part of the evils in this section. Under the section just read the President of the United States can appoint a director, a chief engineer of the Panama Canal Zone, and a governor of the zone, but he can only do it by and with the advice of the Senate.

Mr. WILLIAMS. Before the gentleman proceeds I want to call his attention to the manner in which his amendment would come in. I think the gentleman merely wishes to provide that when appointments are made that they shall be by and with the advice and consent of the Senate.

Mr. RAINEY. Yes.

Mr. WILLIAMS. The way you have got it, by inserting it between the words "to" and "detail," it would read:

The President is further authorized for the purposes described in this act to, by and with the advice and consent of the Senate, detail, appoint, etc.

If your amendment passed, the President could not detail an army officer except by the advice and consent of the Senate, nor a civil engineer without the consent and advice of the Senate. But if you put it after the word "appoint" it would read "appoint by and with the advice and consent of the Senate," etc.

Mr. RAINEY. I think the criticism is well made, and I change that amendment, Mr. Chairman, so as to come in after the word "appoint."

The CHAIRMAN. Without objection, the amendment will be considered as so changed.

Mr. RAINEY. This section contains some astonishing provisions. In addition to giving the President the right to appoint these three principal officials it gives him the right to give to any one man two of these offices so created.

The fixing of the amount of the salary rests entirely in the discretion of the President. It looks to me as if this particular clause in this bill was framed up for the purpose of giving a job to an ex-President of the United States after he comes back from shooting at lions in Africa. The section continues here and authorizes the President to create just as many offices as he wants to create, to fill them himself, and to prescribe the duties of these various positions, the titles of the officers, and to fix the amount of the salaries himself, without the consent of anybody. It absolutely abrogates the civil service as it might be applied to the zone. The President sent back here not long ago, with his veto, the census bill, which gave to Members of Congress the right to select some employees over here in the Bureau of Census when the time comes to take the next census, and he sent it back here because selections could be made without any sort of examination and without any reference to the civil-service laws.

This clause authorizes the President of the United States, without the consent of the Senate, to create as many offices as he pleases, to fill them with whom he pleases, and to fix salaries to suit himself. I submit that if this amendment goes through, and it is required that the appointments when made from civilians shall be with the advice and consent of the Senate, it will be something of a check on his powers in this particular. This amendment, in view of the recent veto message of the President, ought to receive the support of both sides of the House.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. RAINEY].

The question being taken, on a division (demanded by Mr. RAINEY) there were—ayes 45, noes 87.

Mr. DE ARMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by inserting immediately after the word "authorized," in line 14, page 3, the following: "To designate from the Corps of Engineers of the Army one director and one chief engineer of the Panama Canal, and;" and by striking out of lines 14 and 15, same page, the words "one director and one chief engineer of the Panama Canal."

Mr. DE ARMOND. Mr. Chairman, the effect of this amendment, if adopted, would be to have the director and the chief engineer taken by the President from the Engineer Corps of the Army and the governor appointed by and with the advice and consent of the Senate.

Everybody who has given any attention to the condition of affairs down in Panama is aware that since the work was put in charge of army engineers it has progressed very much more satisfactorily than it did before. I presume it is not the purpose to change the plan of operations down there by putting the army engineers out of charge and again putting civilians in charge. I suppose it is not the purpose in this legislation in any way to reflect upon the conduct of affairs down there under the supervision of the army engineers.

Now, if these assumptions are correct, it seems to me that the amendment ought to be adopted, because then, instead of being a reflection or an implied reflection upon the engineers who have conducted this work with very great success, it would be in the nature of a commendation of them. The President then would be authorized to designate from this Engineer Corps of the Army the one officer whom he should choose for director and the one officer whom he shall choose for chief engineer of the Panama Canal. Then he would have the same authority precisely as this bill gives, to appoint a governor, in his discretion, subject to the advice and consent of the Senate.

I think that the amendment is one that ought to be adopted. I think that not to adopt it, or something equivalent to it, would be to carry with this enactment, if it becomes a law, a suggestion that there is a design to change from the control of affairs by the engineers of the army to control again by civilians, which was certainly very unsatisfactory, as we all know.

It carries with it, I think, as it stands now (and I feel confident that that was not designed) a reflection upon the conduct of affairs down there by the army engineers. There ought to be no such reflection, actual or implied, real or supposed, because the officers in charge deserve commendation and not censure, direct or indirect. I hope that the amendment will be adopted, and I hope that there will be no opposition to its adoption.

Mr. MANN. I deny that this bill carries any reflection upon the present engineers down there in any way whatever.

Mr. DE ARMOND. I would say, and I think I did say, that I am sure there is no such intention as that, but I believe that the bill would be subject to that interpretation.

Mr. MANN. I understood the gentleman to state that that was his opinion, and now rise to give mine, so that there can be no misunderstanding as to our position on the matter. There is no such intention; far from it. The report in this case takes special occasion to pay a tribute to Colonel Goethals, the engineer down there. I hope the amendment will not prevail.

Mr. DE ARMOND. I would like to ask the gentleman a question. Is he designing to open the way for the appointment of a civilian to manage this canal work?

Mr. MANN. That way is open now. It is not designed to open or to close the way. I have no doubt that the work will continue to be administered by Colonel Goethals as long as he is willing to accupy his position, which I hope will be until after the canal is completed. But if for any reason the office should become vacant, the President ought to be permitted to select the best man he can get for the place. Probably that might be from the army engineers; but I do not believe he ought to be

compelled to take a man from the army engineers, unless in his judgment the best man for the work is to be found in that corps.

Mr. DE ARMOND. What is the occasion for having the concurrence of the Senate in the designation of an army engineer for that position?

Mr. MANN. Well, Mr. Chairman, a moment ago a gentleman on that side offered an amendment under which you could not detail an army officer down there for any purpose——

Mr. DE ARMOND. I did not offer it.

Mr. MANN. I understand the gentleman did not—without the concurrence of the Senate. If I had my way about it, I would never provide any office that I could constitutionally and require the concurrence of the Senate.

Mr. DE ARMOND. I think this is true about it: The army officer is already, of course, in the employ of the Government. He discharges all of his duties in the regular way, by designation of his commanding officer. Now, when it is required that there be such designation by consent of the Senate, there certainly is carried with it, whatever the intention may be, and I understand the intention is as the gentleman states——

Mr. MANN. I want to say to the gentleman that the officer has been confirmed by the Senate. General Goethals was appointed and confirmed by the Senate, as the gentleman will remember. I would not do anything that reflected on General Goethals. I think he is the greatest engineer in the world, and it is to strengthen his hand that we have this bill in this shape.

Mr. DE ARMOND. I think it would be better with the amendment adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was lost.

Mr. DE ARMOND. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amend by inserting after the word "compensation," line 17, page 3, the following words: "not to exceed $10,000 per annum."

Mr. DE ARMOND. Now, Mr. Chairman, a single word in regard to that. It seems to me there can be no reason why the House should not express its judgment as to what the compensation of the officers and employees should be, or at least fix a limit. I think $10,000 would be a reasonable limit; if it is not, then some other limit ought to be fixed, no matter what it may be, up or down, but it appears to me good legislation and proper procedure not to clothe the President with the power of fixing compensation as he chooses and pleases. That is all that I wish to say about that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was lost.

Mr. DE ARMOND. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amend by inserting between the words "person" and "shall," line 3, page 4, the following:
"Not to exceed $10,000 per annum for any one of them."

Mr. DE ARMOND. Mr. Chairman, that applies to what would be supposed to be the inferior officers selected by the President. What I have stated about the other amendment applies with greater force to this. That is all I care to say on the subject.

Mr. RAINEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after line 14, page 4, the following:
"*Provided*, That the employment of skilled laborers, clerks, and others who have heretofore been known as gold employees shall be restricted to American citizens."

Mr. RAINEY. Mr. Chairman, if we are to enter upon the gigantic system of spoils contemplated here in this bill, I prefer that the spoils shall go to American citizens. I am informed that this afternoon on the floor of the Senate the chairman of the Committee on Interoceanic Canals——

The CHAIRMAN. The Chair suggests to the gentleman that it is not proper to state anything that occurred on the floor of the Senate.

Mr. RAINEY. Very well, Mr. Chairman; then I will not do it. I understand it has been stated this afternoon by a gentleman in authority, who has the means at his disposal of arriving at correct conclusions, that it will cost $417,000,000 to build even this lock type of canal. Much of that money goes to employees who are on the gold rolls. Now, if the President of the United States is to create down there as many officers as he pleases and pay each one of those officers so appointed as large a salary as he pleases, then I prefer that these officers so appointed, and sharing in the moneys and spoils connected with this canal, shall at least be American citizens, even though they belong to the other party.

The so-called "gold roll" on the Isthmus of Panama takes in all those employees who are above the grade of mere laborers. Men getting $80 a month and more than that, up, perhaps, to $200 or $300 a month and more, are paid in gold, and therefore are known as "gold employees."

Within the last thirty days, by executive order, the President has put into effect on the Canal Zone an order providing that the gold employees may be selected not only from American citizens, but also from citizens of the Republic of Panama. If we are to create all these hundreds of offices and pay to the men appointed to fill them millions of dollars, I insist that, as a part of the organic law under which these appointments are made, every one of them should be an American citizen. You gentlemen on the other side who are supporting the President of the United States, who are voting here with the committee and for this particular clause which creates spoils unprecedented in the history of the Nation, if you want to be true to your own party, if you want to keep these offices within your own party, if you want to be able to go home and explain things to your constituents who are demanding places down there on the gold rolls of the Canal Zone, you will vote for this amendment; and if you do not vote for it, we will see to it that in the congressional campaign next year your constituents know that you did not. Now, vote as you please. [Laughter on Republican side.]

Mr. MANN. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 58, noes 84.

So the amendment was rejected.

Mr. RAINEY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

In line 5, page 4, strike out the words "appropriation act or other."

Mr. RAINEY. Mr. Chairman, I want to call the attention of the country to the fact, and if I am mistaken about it some gentleman on the other side can correct me now, and you are nearly all there, that not a single man on the Republican side of this House voted for the amendment which I just offered. Now, if any of you did, I wait to hear the answer, whether you did or not. [Loud cries of "No!" and laughter on the Republican side.]

Mr. Chairman, I have made the record that I want to make. I insist that if we are to legislate for the Canal Zone we should do it in a regular way and not by means of appropriation acts, and this amendment merely strikes out words which provide that in an appropriation act we can legislate for the Canal Zone.

Mr. MANN. Mr. Chairman, the provision which the gentleman seeks to strike out is one which saves to Congress the authority to fix salaries at any time in the appropriation act, and is restrictive and not an extension of authority. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That from and after such time as the President may designate the powers and authority heretofore conferred upon the Isthmian Canal Commission shall be exercised by such persons as may be detailed, appointed, or designated by the President in accordance with the provisions of this act.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, with the view of clearing up the statement made by my friend, the gentleman from Illinois [Mr. MANN]. Not only he but several others seem to take the view, or want the country to take the view, that there are but two alternatives before this Congress—either to pass this act with section 2 in it, or to have chaos on the Canal Zone.

Mr. MANN. I hope the gentleman will not misquote me.

Mr. WILLIAMS. I understood the gentleman to say that we had to do this or to have chaos.

Mr. MANN. I said one of three alternatives.

Mr. WILLIAMS. Very well. I recognize now, Mr. Chairman, that the gentleman is correct. He said that there were three alternatives—to pass this act with section 2 in it, or to consent to the continuance of affairs as they are now upon the zone, or to have chaos. I say, Mr. Chairman, that there are five alternatives, three of them bad and two of them good. One is chaos, the second is a continuation of the present system down there, which is an executive usurpation; the third is the passage of this act with section 2 in it, giving to the Executive legislative and judicial power. The other two are good alternatives—the fourth, to give a local government down there of some sort, and the fifth to govern the Canal Zone under general laws passed by Congress, with commissions or officials selected by the President, as we govern the District of Columbia.

So that there are five alternatives and not three, and there is no necessity, either, for the continuance of the present executive usurpation or for chaos if Congress wants to do its duty and proceed now to draw up a bill of some sort suitable for the government of the canal.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

SEC. 5. That the judicial power in the Canal Zone shall be vested in one circuit court and such inferior courts as the President may constitute. The judge of the circuit court shall be appointed by the President, by and with the advice and consent of the Senate; but in the event of the absence or incapacity of the judge so appointed, a judge pro tempore may be appointed by the governor of the Canal Zone. The records of existing circuit courts and all causes and proceedings pending therein shall be transferred to the jurisdiction of the circuit court hereby created as of the date when the judge appointed hereunder qualifies.

Mr. WEBB. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 23, page 4, after the word "court," insert "and inferior judges."

Mr. WEBB. Mr. Chairman, if this amendment is agreed to it will mean that the inferior judges, all judges appointed for the Canal Zone, shall be confirmed by the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. MANN. Does the gentleman want the justices of the peace on the Canal Zone appointed by the President and confirmed by the Senate?

Mr. WEBB. In answer to that I will say that the Constitution provides for only two kinds of judges; that is, the Supreme Court judges and a judge of an inferior court. A justice of the peace is not a court.

Mr. MANN. But these are not constitutional judges. The Canal Zone is not under the jurisdiction of the Constitution.

Mr. WEBB. Then how are we acting? Without constitutional warrant?

Mr. COCKRAN. I suggest probably as a club. [Laughter.]

Mr. WEBB. My friend suggested that we are acting down there as a club. I think that we are acting under the Constitution to some extent. Every judge appointed on the Canal Zone——

Mr. MANN. We even have a tariff law between the Canal Zone and the United States, passed by unanimous consent.

Mr. WEBB. That does not answer my proposition, Mr. Chairman, at all. If there are any district courts to be established down there, the judges of them should be confirmed by the Senate, as well as circuit court judges. The United States circuit court judges are confirmed by the Senate, as well as other inferior federal judges. If the President is going to appoint two or three district judges, they ought to be confirmed by the Senate. I may say further that under the Constitution he has no power to appoint justices of the peace in the Canal Zone. Section 1 of Article III of the Constitution provides that the judicial power of the United States shall be vested in the Supreme Court and in such inferior courts as the Congress may from time to time establish, and not by the President. This bill gives the President the right to establish or constitute a court. The Constitution says that the Congress shall establish the courts, and the President, therefore, can not do it.

Now, if this section of the bill refers to the inferior courts mentioned in the Constitution, those are constitutional courts and the appointments of the judges ought to be confirmed by the Senate, and that is all that my amendment provides. The President has no authority under our Constitution to appoint any but judges mentioned in that instrument; and when they are so appointed, they hold their positions as such judges and ought to be confirmed by the Senate, as all federal judges are now confirmed.

Mr. MANN. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on the section and all amendments thereto be closed in five minutes.

Mr. MARTIN. Mr. Chairman, I have an amendment which I desire to offer and make a few brief remarks, and I do not want to be cut off——

Mr. MANN. Suppose I make it fifteen minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this section and all amendments thereto close in fifteen minutes.

Mr. MARTIN. I understand that this is not all to be taken up by this present amendment.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

Mr. UNDERWOOD. Mr. Chairman, I wish to speak to the gentleman's amendment. I believe I am entitled to recognition in opposition to it.

The CHAIRMAN. The gentleman from Albama is right.

Mr. UNDERWOOD. Mr. Chairman, I do not agree with my friend from North Carolina with reference to this question. I do not agree, and I believe it is a mistake that the words should remain in the paragraph that the President shall have the right to appoint these judges, by and with the advice and consent of the Senate. Now, I agree with the gentleman from North Carolina that in all probability the use of the words "by and with the advice and consent of the Senate" will make this judge a constitutional judge with the power to hold his office for life. I think that would be very unwise, especially at this particular point of territory of the United States. It is well recognized that in the Territories, and I presume in the colonies as well, we can appoint judges who shall not hold a life tenure of office. I believe all the judges in the present Territories hold office of a fixed tenure and not for a life tenure. Now, the reason why I think it is unwise for us to take the chance of appointing judges with a life tenure to office in this particular zone, when we do not have to do so, is this——

Mr. WILLIAMS. Right there, before the gentleman leaves that point. The gentleman is right in saying we have two sorts of judges in the country. We have regular United States judges, who have been appointed for life, and we have territorial judges, but the territorial judges are also, are they not, appointed, by and with the consent of the Senate, no matter what the term is?

Mr. UNDERWOOD. I think they are, but I think in the Territories at the present time that we only have territorial judges and not district and circuit court judges, except there is an appeal to the circuit court of appeals. My objection to a federal judge being appointed for life to the Canal Zone is that, if there is any possibility of one holding for that length of time, whenever we engage in a war with a foreign country the keystone of the arch of our defense will be the Canal Zone. It will be an important point; it will be a point at which the enemy fires its first shot; it will be a point that we have to maintain under any and all circumstances in order that we can utilize the full power of our fleets. Now, we should not forget that there was a time in the history of the United States when the city of New Orleans was jeopardized, when the British force was about to attack that city, by the federal judge issuing an injunction against General Jackson and attempting to tie his hands and hamper him in using the authority of a general of the United States Army.

Now, if we appoint judges in this territory who hold for life, who are not subject to removal by the President of the United States, we may hereafter find that we are facing conditions that will hamper not only the Government in that territory, but the handling of the armies and the navies of the United States in time of war. As it is not necessary to appoint a judge for life, I think it would be very wise to select the judges for that particular territory who can be removed at the discretion of the President of the United States.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the amendment was rejected.

Mr. MARTIN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 5, page 4, by striking out, in line 22, the words "may constitute" and insert the words "has constituted or may hereafter constitute."

Mr. MARTIN. Mr. Chairman, when the committee was considering this bill under general debate attention was called by the gentleman from New York [Mr. BENNET] and myself to what seems to me to be an unfortunate provision in the bill. I think there would be great confusion as to whether the inferior courts now existing in the Canal Zone continue, and if they do not continue, what becomes of the cases pending therein in case the Congress shall adopt this section in its present form? It is true that the latter clause in section 2 of the bill approves of all acts of the President, and this is undoubtedly an approval of the constitution of such courts, circuit and inferior, as have been constituted in the zone. But section 5 disposes of the entire judicial jurisdiction and power upon the zone, which is, I think, exclusive of the other provisions so far as the judiciary question is concerned. This very section which I propose to amend vests the entire judicial power upon the

zone, first, in a circuit court, and then in such inferior courts as the President may constitute, plainly looking to the future and not to the past.

It is very clear to my mind that the effect of that would be to dissolve from the time of the approval of this act any of the inferior courts of the Canal Zone. If that is to be done, then this section should be amended later on to provide for the transfer of the causes pending in these inferior courts to such inferior courts as may be constituted in the future by the President. If, on the other hand, it is the purpose of the committee, which it appears to be from the general language of this bill, that the present inferior courts shall continue and shall continue to have their jurisdiction, then I think the amendment which I propose is absolutely necessary. That would approve of the continuance of the present inferior courts and for the adoption of such others as the President might hereafter constitute. Certainly, if we adopt it in its present form, it appears clear that we, by so doing, limit the entire jurisdiction for judicial purposes upon the Canal Zone to the new courts, first to the circuit court, which is proposed to take the place of the present circuit court, and then to such inferior courts as may be hereafter constituted, and continue with the jurisdiction now employed and exercised by the present courts. I can see no objection to the adoption of this amendment if the purpose of the bill, as intimated by the member of the committee in charge of it, is to continue these inferior courts. If this is not done by this amendment, it does seem to me that the effect would be to leave numerous cases now pending in those inferior courts up in the atmosphere, without any transfer or disposition of their causes, possibly to the loss of the rights of litigants interested in them.

Mr. PARKER rose.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. PARKER] oppose the amendment?

Mr. PARKER. I shall oppose the amendment because I expect to make a motion to strike out the clause, and I desire to say here that it ought to be stricken out.

Mr. MARTIN. Mr. Chairman, I rise to a point of order as to whether a motion to strike out the entire paragraph is germane or whether the debate on the amendment I offered is alone in order at this time.

Mr. PARKER. Can I have five minutes on the motion to strike out?

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent that he may speak for five minutes upon a motion which he proposes to make later to strike out the section.

Mr. PARKER. I desire to inform the House——

Mr. MANN. Mr. Chairman, if consent can not be given, I can inform the gentleman that he will have the time.

The amendment offered by the gentleman from South Dakota ought not to prevail for this reason: The law creating the court is the law of the Isthmian Canal Commission, by authority of the President, and to put in the language of the gentleman would only make it involved and not accomplish the purpose he seeks.

The question was taken, and the amendment was rejected.

Mr. PARKER. I desire to strike out the section and to be heard on that motion.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania offers an amendment to perfect the text, which is entitled to precedence over the motion to strike out. The Chair desires to state that there are only five minutes for debate remaining.

Mr. NICHOLLS. Mr. Chairman, I offer to amend by adding two sections to the bill, to be numbered 6 and 7, and the other sections to be numbered in accordance therewith.

The CHAIRMAN. The Clerk will report the amendment.

Mr. UNDERWOOD. I desire to offer an amendment.

The CHAIRMAN. The Chair observes that the amendment sent to the Clerk's desk by the gentleman from Pennsylvania does not appear to be an amendment to the pending paragraph. It therefore is not in order now.

Mr. UNDERWOOD. I desire to offer an amendment to perfect the section.

The CHAIRMAN. That is a preferential amendment, and takes precedence of the motion of the gentleman from New Jersey.

Mr. UNDERWOOD. I move to amend the section by adding, after the word "Senate," on line 24, the words "who shall be subject to removal at any time by the President of the United States." I stated a while ago why I think these words should be added, and as the gentleman from New Jersey desires the balance of the time to make a speech in, I will not take up the time, but ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama, which the Clerk will report.

The Clerk read as follows:

After the word "Senate," page 4, line 24, insert the words "who shall be subject to removal at any time by the President of the United States."

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. UNDERWOOD. I ask for a division.

The committee divided; and there were—ayes 78, noes 10.

So the amendment was agreed to.

Mr. BENNET of New York. Mr. Chairman, I offer an amendment to perfect the section.

The Clerk read as follows:

On page 5, line 5, at the end of the line, add "and such causes, cases, and proceedings continued therein."

Mr. BENNET of New York. Mr. Chairman, it is simply a continuation of the cases as well as a transfer of the records.

Mr. MANN. I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now the gentleman from New Jersey moves to strike out the section. The gentleman is recognized for four minutes.

Mr. PARKER. Mr. Chairman, I should have liked to have had five minutes. There are three judges now on the Canal Zone. They are called the circuit court. One sits at Ancon, another at Empire, and the other place I have forgotten. Each one holds a circuit court, and they sit together as a united supreme court, where the two who did not try the cause below determine cases on appeal. This supreme court hears appeals right there in the zone and determines them. It is true that the court has not enough business for three judges. But the reason is that there are too many inferior courts—inferior courts of district judges, who can impose a sentence of thirty days' imprisonment and a fine of $100. If the three circuit judges tried all the cases, there would be plenty to do. But I object to the system in this bill, where there will be but one circuit judge, who tries all cases and has absolute power as one judge, without any appeal, in the zone, and that it is proposed either that parties shall wait for a year in order to get two judges down from the circuit court of appeals of New Orleans in order to try the appeal there or else that they shall take the appeal over to New Orleans. We remember that the Revolution was caused very largely because appeals had to be taken over to England from our colonies. Provision is rightly made in section 7 that there shall be a certiorari or appeal in capital cases and cases of great importance to the Supreme Court of the United States.

We have in the second section provided already that the judicial power on the Isthmus shall be vested in such persons as the President may from time to time designate and determine. That can be better designated by him from time to time as the exigencies require by continuing the present circuit court and getting rid of the useless district court, allowing appeals to be there determined, in their own court, and allowing only a certiorari to the Supreme Court of the United States.

I believe in independent local free government, not in one single judge in the zone as the whole judicial government, with only an appeal to a distant court in New Orleans, unless they wait for a year for a hearing. That is all I wish to say.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey to strike out the section.

The question was taken, and the amendment was rejected.

Mr. NICHOLLS. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

Mr. BENNET of New York. Mr. Chairman, I offer a new section.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. NICHOLLS] has a similar amendment pending, which will be reported by the Clerk.

The Clerk read as follows:

After line 5, page 5, insert two new sections to stand as sections 6 and 7, as follows:

"SEC. 6. That no restraining order or injunction shall be granted by any of said courts, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or between persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee or to assume or create such relation with any particular person or

persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

"SEC. 7. That in cases arising in or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definition contained in the foregoing section."

Mr. MANN. I make the point of order that that amendment is not germane to any provision of the bill.

The CHAIRMAN. The Chair finds that the bill provides for the creation and constitution of courts; the amendment appears, from a hasty reading, to describe, define, or limit the functions and powers of these courts which the bill itself creates. The Chair is of opinion that the amendment is germane, and therefore overrules the point of order.

Mr. NICHOLLS. Mr. Chairman, I offer this amendment at this time because I believe it ought to be enacted for the purpose of protecting the rights of certain citizens of this country, which rights are not now protected and cared for according to the practice indulged in by many of the courts, and because I believe also it ought to be a part of the laws governing the whole of the United States.

I realize that this amendment can affect only those who come under the jurisdiction of the courts in the Canal Zone, but I believe that action upon it by this body at this time will indicate what the membership of this House think as to the principle of this anti-injunction legislation.

The President has said in several of his messages, and I remember distinctly in the last message, that abuses in the issuance of injunctions in labor disputes continue to occur. He has recommended that this House take up the question and pass upon it, and enact some legislation so as to prevent the recurrence of those abuses in the issuance of injunctions in labor disputes. The House has not yet taken any action whatsoever. The Committee on the Judiciary have not yet seen fit to report any kind of a measure whatsoever. A then member of the committee was reported last winter as saying in public addresses that their committee would not report this legislation, and substantially said that they feared it would pass the House almost unanimously if opportunity were given the House to pass upon it.

It has thus far been impossible to get such a measure before this House for consideration, and that is one of the reasons, aside from the main point in this amendment, why I bring the matter up at this time. If we are opposed to such legislation, let us say so, but let us not continue to allow a committee of a few Members, or a subcommittee of a very few Members, to prevent consideration on such an important matter by this House.

Some argument has been made against a part of the amendment which I have offered, when it has been discussed in the committee room, on another bill, on the ground that it is designed to take away certain property rights now enjoyed; but I want to make the point that the clause says substantially that those things shall not be considered property rights for the purposes of this measure, and only for this measure. The rights mentioned therein are the rights of the employer to employ, and the right of those whom he may possibly secure as employees to refuse to be employed or to accept employment; the rights of people whom the business man may seek as patrons; the principle being that he has no right to their patronage until it has been granted. I think the rights of the laboring men who may become involved in such a dispute are entitled to be considered.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HUGHES of New Jersey. I ask unanimous consent that the gentleman have five minutes.

Mr. MANN. I hate to object, but I will ask the gentleman if two minutes will be sufficient.

Mr. NICHOLLS. Yes.

The CHAIRMAN. Is there objection?

Mr. HASKINS. I object.

The CHAIRMAN. Objection is heard.

Mr. HUGHES of New Jersey. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New Jersey desire to address the committee in opposition to the amendment?

Mr. OLLIE M. JAMES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLLIE M. JAMES. Would it be in order to move that the gentleman from Pennsylvania have five minutes to conclude his remarks?

The CHAIRMAN. It would not; it requires unanimous consent.

Mr. MANN. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be now closed.

Mr. HUGHES of New Jersey. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUGHES of New Jersey. I addressed the Chair some time ago, and the Chair started to address me and various gentlemen interrupted, and I now rise for the purpose of speaking to the amendment.

The CHAIRMAN. The Chair asked the gentleman from New Jersey if he desired to address the committee in opposition to the amendment, and the gentleman did not reply, but took his seat.

Mr. HUGHES of New Jersey. I desire to speak in favor of the amendment.

The CHAIRMAN. That can be done now only by unanimous consent.

Mr. HUGHES of New Jersey. Nobody has made the point of order.

Mr. MANN. I moved to close debate on this paragraph.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this paragraph and pending amendment be now closed.

The question was taken; and on a division (demanded by Mr. OLLIE M. JAMES and Mr. HUGHES of New Jersey) there were 90 ayes and 54 noes.

Mr. HUGHES of New Jersey. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. HUGHES of New Jersey and Mr. MANN.

The committee again divided; and the tellers reported that there were 97 ayes and 51 noes.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. Cox of Indiana) there were 29 ayes and 87 noes.

So the amendment was lost.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment in the nature of a new section.

The Clerk read as follows:

SEC. 6. No court or judge in the Canal Zone shall have or exercise jurisdiction in naturalization proceedings.

Mr. BENNET of New York. Mr. Chairman, the explanation of that is brief. Under the immigration act of 1907, for obvious reasons, we admit people to the Canal Zone whom we do not admit to enter any portion of the United States. It may be that the danger of naturalizing these men is remote.

Mr. MANN. Does the gentleman understand that it is thoroughly settled that the naturalization laws do not apply to the Canal Zone?

Mr. BENNET of New York. Yes; under section 33 of the naturalization act.

Mr. MANN. Then what is the use of putting in a provision of this kind?

Mr. BENNET of New York. The immigration laws do not extend to the Canal Zone, but men are admitted to the Canal Zone that are not admitted to the United States. Once there and the courts having the right to naturalize them, a naturalization law being extended to the Canal Zone, the men might be naturalized.

Mr. MANN. Nobody would argue for a moment that a court in the Canal Zone could naturalize anyone so as to to make him an American citizen. You might as well say that a thousand other things should be prohibited in this bill.

Mr. BENNET of New York. The President could extend the power to the court there or to a judge to naturalize as soon as this became law.

Mr. MANN. Not a bit of it; not at all.

Mr. BENNET of New York. No question about it.

Mr. MANN. You might as well put a thousand prohibitions into this bill.

Mr. BENNET of New York. I think it is necessary because of the immigration statute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

The Clerk read as follows:

SEC. 6. That in all criminal prosecutions in the Canal Zone for felonies the accused shall enjoy the right of trial by an impartial jury.

Mr. BRODHEAD. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Illi-

nois who has the bill in charge to explain this section. Here is the difficulty, as it appears to me, and if the gentleman will explain it, no doubt it will be of benefit to others who, like myself, do not understand it. First, why is the word "impartial" used before the word "jury?" Is there any particular meaning in that word, and would not the section mean just the same if the word "impartial" was left out?

Mr. MANN. I think it would. I say to the gentleman frankly that that is the language of the executive order providing for jury trial on the zone, and we simply followed that language.

Mr. BRODHEAD. Does the gentleman say the word is wholly unnecessary?

Mr. MANN. It declares the intention of Congress that the jury shall be impartial.

Mr. WEBB. I will say to the gentleman that that is the language of the Constitution also.

Mr. BRODHEAD. What is the number of men composing this jury?

Mr. MANN. I take it that it would be a jury of 12.

Mr. BRODHEAD. The gentleman says he takes it that there would be 12. Why could it not be 6?

Mr. MANN. I may say to the gentleman that the gentleman from Georgia [Mr. BARTLETT] is entitled to the credit for having this provision in the bill. He has given a great deal of attention to the subject. We went over and examined it very carefully, intending to provide that there must be a jury trial, if the accused demanded it.

Mr. BRODHEAD. Is there any authority which now fixes the number of this jury at 12.

Mr. MANN. The order now provides for a jury of 12.

Mr. BRODHEAD. Does the gentleman mean the order of the President?

Mr. MANN. Yes.

Mr. BRODHEAD. Then, if the President has the right to order a jury of 12, has he not the right to order a jury of 6?

Mr. MANN. I presume he would have.

Mr. BRODHEAD. Can the number of this jury be changed from time to time as it may strike the President's fancy?

Mr. MANN. I do not know whether it can be or not. I hope it can be. My hope would be that it could be.

Mr. BRODHEAD. I understand that the number of this jury is supposed to be 12, that it is supposed to stay at 12. I understand from the gentleman that this number may be changed from time to time as it may strike the President's fancy. With that view, I offer an amendment.

Mr. MANN. I would prefer to take the opinion of the gentleman from Georgia [Mr. BARTLETT], although personally I think that a jury of 6 in many cases down there would be just as sufficient as a jury of 12.

Mr. BRODHEAD. Can the gentleman inform the House how that jury is selected and who is going to compose the jury? Will the jury be composed of white men exclusively?

Mr. MANN. I may say to the gentleman that the jury is now selected, and I suppose will continue to be, by a jury commission, who select American white citizens to act as jurors.

Mr. BRODHEAD. And that is under the President's order?

Mr. MANN. Yes.

Mr. BRODHEAD. And may be changed at any time?

Mr. MANN. Yes; it might be changed at any time. The gentleman perhaps wants to let anybody select the jury down there, and select some of the colored people? I have no doubt that is his amendment.

Mr. BRODHEAD. No. I do not understand what the gentleman means.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRODHEAD. I have an amendment to offer to this section, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend section 6, page 5, line 8, after the word "jury," by striking out the period and adding the words "of twelve."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to be heard in opposition to the amendment.

Mr. MANN. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be closed in five minutes.

The motion was agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia for five minutes.

Mr. BARTLETT of Georgia. Mr. Chairman, I do not desire to occupy the full five minutes. I desire simply to say this: That the President did, some time in February of this year, issue an executive order by which he directed that parties charged with capital offenses should be tried by a jury to be selected by commissioners, to be appointed by the chairman of the Isthmian Canal Commission; that these jury commissioners should select sixty names, and these should constitute the jurors from whom juries should be selected; they were not confined to American citizens in making selection, nor to white nor to black people; but the order prescribed that they should have three months' residence upon the Isthmus, and should be able to read and write the English language. Now, it is true that in carrying out that order there have been none but white people who have been selected as jurors to try any cases. This section of this bill, which extends the right of trial by jury to include not only capital cases, but every case which was denominated a felony by the laws now in force on the zone, was engrafted on the bill upon my suggestion and earnest advocacy. It secures a right which should be preserved to the citizen wherever the flag of our country floats.

Referring, Mr. Chairman, to the amendment of the gentleman from Pennsylvania [Mr. BRODHEAD], I do not mean to say, when I oppose that amendment, that I am in favor of a jury of less than 12. I am not, and I would resist any effort to make a jury in a criminal case consist of less than 12, but the Supreme Court of the United States, in construing this section of the Constitution, which provides for a trial by an impartial jury, have in a number of cases held that that provision of the Constitution means an impartial jury of 12 men; that the jury trial, as contemplated by the adoption of the Constitution, meant a jury trial as was in existence in England at the time of the adoption of the Constitution; and that court has gone further than that and has held that a jury trial as provided by this section of the Constitution meant both an indictment by a grand jury and a trial by a jury of 12.

Mr. WEBB. I want to ask the gentleman if he thinks the Constitution applies to the Canal Zone?

Mr. BARTLETT of Georgia. I do not think that the Constitution, under the decision of the Supreme Court, which I am bound to accept but which I can differ from, now applies to the Canal Zone, but I do think that whenever Congress in pursuance of its power to enact law for such territory—extend the Constitution to it—and provides for a jury trial in a United States court, it can not provide for a jury trial in any way except that required by the Constitution. Whenever you extend to the Panama Canal Zone or to the Philippines or to any of these territories, which are called "appurtenant," but which are not under the Constitution until Congress so declares, but a part of the United States, the provisions of the Constitution, especially those provisions which contain great guaranties of the right of the citizens, every part and every provision of that Constitution, and the construction of such provisions as made by the courts will be applied in the decisions of cases arising in the territory where the Constitution is by legislative enactment carried. This the Supreme Court of the United States has, in effect, decided in the cases arising in the Philippine Islands.

So if we establish in the zone the right of trial by jury, the citizen will enjoy all the rights which that provision of the Constitution carries or establishes for the citizen in the United States courts. This provision extends to the Canal Zone the right of trial by jury and gives to defendant the same right we enjoy here. It gives all the rights of trial by jury, as is provided by the Constitution of the United States and as it has been interpreted by our courts. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. OLLIE M. JAMES. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend in line 7 of section 6 by adding after the word "felonies" the following:

"Or misdemeanors where the punishment is by imprisonment or a fine exceeding $20."

Mr. OLLIE M. JAMES. Mr. Chairman——

The CHAIRMAN. The Chair will state that debate has closed on the paragraph and amendments thereto.

Mr. OLLIE M. JAMES. I thought it was on the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The amendment is in order, but debate is closed.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. OLLIE M. JAMES) there were—ayes 52, noes 86.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after "prosecutions," in line 6, page 5, the following: "wherein the accused may be imprisoned in the penitentiary or suffer death or be fined exceeding $200 or be imprisoned in jail more than thirty days." Also strike out "for felonies," in line 7, page 5.

The question was taken, and the amendment was rejected.

Mr. RAINEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "jury," in line 8, page 5, the following: "of 12 men, and shall be entitled to the same rights of challenge for cause and to the same number of peremptory challenges as defendants charged with felonies are entitled to receive under the laws of the United States."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 7. That jurisdiction is conferred upon the circuit court of appeals for the fifth circuit to review by appeal or writ of error or otherwise any final decision of the circuit court of the Canal Zone, which jurisdiction shall be exercised under rules to be prescribed by said circuit court of appeals, and unless otherwise provided shall be exercised as nearly as may be in conformity with the procedure on appeals or writs of error in said circuit court of appeals. The associate justice of the Supreme Court assigned to the said circuit may likewise designate one or more judges thereof, who may hold a term of said circuit court of appeals at Ancon, Canal Zone, at a time between May 1 and August 1 of each year, notice of which shall be published within the Canal Zone thirty days in advance, for the purpose of hearing and determining appeals that would otherwise be heard by the circuit court of appeals at New Orleans.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting immediately after the words "Canal Zone," in line 12, page 5, the following:

"Which under existing law might be thus reviewed if such final decision were that of a circuit or district court within said fifth circuit."

Mr. MANN. Mr. Chairman, I have no objection to that amendment.

The question was taken, and the amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I move to strike out, in line 18, page 5, the words "one or more" and insert in lieu thereof the word "three."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, in line 18, page 5, the words "one or more" and insert in lieu thereof the word "three."

Mr. KEIFER. Mr. Chairman, the law creating the court of appeals expressly requires it to be a court of three judges. The appellate power that is attempted to be given to the circuit proposed to be created by this bill for the government of the Canal Zone is to the court of appeals of the fifth circuit, and then comes this provision, if gentlemen will look at the bill, which authorizes the associate justice of the supreme court assigned to the said circuit the right to designate one or more judges thereof, who may hold a term of said court of appeals at Ancon, Panama Canal Zone. Now, this would seem to authorize one circuit judge, appointed by the associate justice of the supreme court of appeals at Ancon Hill. It would be very anomalous that if an appeal went to the fifth circuit there would have to be three judges, or at least a quorum of them, and if the associate justice of the fifth circuit of the United States were to designate one of the circuit judges to go to Ancon, the bill proposes to vest that one person with all the powers of the court of appeals. My amendment is simply to make the bill consistent in that respect.

Mr. MANN. Mr. Chairman, there is no reason why they should send three judges down there from New Orleans to hold court every year any more than there would be to send three justices from the Supreme Court into a circuit to hold court every year. The bill is designedly drawn the way it is, and it is in the interest of both the administration of justice and economy.

Mr. FITZGERALD. When is the bad, unhealthy season on the Canal Zone—the rainy season?

Mr. MANN. The rainy season commences in the latter part of April, and gets worse along in August, September, October, and November.

Mr. FITZGERALD. What grievance has the gentleman from Illinois that he compels this circuit court of appeals to hold court down there between the 1st of May and the 1st of August?

Mr. MANN. That is as good a time as there is, I may say to the gentleman.

Mr. FITZGERALD. I understand that is the rainy season, and it is very unhealthy down there at that time.

Mr. MANN. Not at all. That is not a bad season down there.

Mr. FITZGERALD. I think they ought to go down there when there would not be any danger.

Mr. MANN. I do not think they will go there enough to hurt their health.

Mr. KEIFER. I am not captious about this matter, but I want to know if it is the purpose of the friends of the bill to create a court of appeals that can sit at Ancon, consisting of one?

Mr. MANN. It is the purpose.

Mr. KEIFER. Then I think the bill fails to even do that effectually. If there is but one judge there under the present law, unless you are going to change the whole system, he can not hold any court of appeals.

Mr. MANN. When the gentleman made his first speech I understood him to say that under this bill he could.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KEIFER].

The question was taken, and the amendment was rejected.

Mr. KEIFER. Mr. Chairman, I move to strike out the word "one," in line 18, and insert "two," so that we may have a court there if the justice of the circuit should designate persons to go there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KEIFER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 8. That in any case proceeding from a Canal Zone court involving a question arising under the Constitution or treaties of the United States or involving a sentence of death or imprisonment for life, an appeal may be granted by the circuit court of appeals from its final judgment to the Supreme Court of the United States. The Supreme Court may also require by certiorari or otherwise any case proceeding from a Canal Zone court to be certified from the circuit court of appeals to the Supreme Court for its review and determination.

Mr. OLLIE M. JAMES. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in section 8, line 4, after the word "imprisonment," the words "for life."

[Mr. OLLIE M. JAMES addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. OLLIE M. JAMES. Division, Mr. Chairman.

The committee divided; and there were—ayes 61, noes 81.

So the amendment was rejected.

The Clerk read as follows:

SEC. 10. That the President, through such officer as he may designate, is hereby authorized to grant leases of the public lands in the Canal Zone, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable, reserving in all cases mineral, oil, and gas rights. No agricultural lease, however, shall be granted for a tract of land in excess of 50 hectares, nor to any person who shall not have first established by affidavit, and by such other proof as may be required, that such person is the head of a family, or over the age of 21 years, that the application for a lease is made in good faith for the purpose of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law and executive regulation as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

Mr. RAINEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Line 25, page 6, strike out the word "agricultural."

Mr. RAINEY. Mr. Chairman, the clause as it stands now gives the right to the President or such officer as he may designate to lease any number of acres.

Mr. MANN. We will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RAINEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 83, noes 16.

So the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Illinois a question. Is there any provision in this bill

to prevent either the subletting of leased land or the assignment of leases? In other words, is there anything really to prevent the accumulation of large bodies of this property in the hands of one person?

Mr. MANN. Oh, certainly; I think so. But I may say to the gentleman that the great object is to get somebody down there to go on the land and raise vegetables for the benefit of the people who are down there.

Mr. COOPER of Wisconsin. In reply to that statement, I will say that if the lands are valuable for agricultural purposes, it does not seem to me that there will be any trouble, especially after the canal is completed, to get natives to lease and cultivate them.

Mr. MANN. We sell no land on the Isthmus.

Mr. COOPER of Wisconsin. I understand that.

Mr. MANN. Now, the purpose is to give the men some rights, and we give them the right to lease the land for as much as twenty-five years.

Mr. COOPER of Wisconsin. Mr. Chairman, permit me to say in reply to that suggestion of the gentleman that 50 hectares (about 125 acres) of good agricultural land in the Canal Zone is the equal of 400 acres in the North for the purpose of raising products.

Mr. MANN. I can not agree with the gentleman——

Mr. COOPER of Wisconsin. One moment. I do not know how much available valuable agricultural land there is there, but I do know that under this bill, if it becomes a law, the land in the Canal Zone will not be half as carefully guarded as is the land in the Philippine Islands, where we prohibit subleasing and the assigning of leases until a public officer, the Secretary of the Interior or the Chief of the Bureau of Public Lands, first gives his consent. This bill would also permit the leasing of the timber lands.

Mr. MANN. There is no land in the zone of any value as far as timber is concerned. None of the land has any timber on it that is of any value. I know that, for it is nothing but a lot of sharp pines.

Mr. COOPER of Wisconsin. I am talking particularly of agricultural lands. I am thoroughly convinced that we should prohibit subleasing and prohibit assignments of leases, or there will be an accumulation of these agricultural lands in the hands of a few.

The Clerk read as follows:

SEC. 11. That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear by a statement or plat filed under authority of the President with the collector of revenues for the Canal Zone that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and every lease shall be made subject to the provision that if at any time it shall become necessary for the United States to occupy or use any portion of the leased lands it shall have the right to do so without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee and a proportionate reduction of rent, the same to be determined by the courts of the Canal Zone if not mutually agreed upon.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting between the words "become" and "necessary," in line 19 on page 7, the words "or be deemed;" and by inserting in line 20, same page, immediately after "necessary," the words "or desirable."

Mr. MANN. That amendment is acceptable.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime, in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, shall extend to and be considered in force in the Canal Zone, and for such purposes, and such purposes only, the Canal Zone shall be considered and treated in all respects as an organized Territory of the United States.

Mr. RAINEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

In lines 9 and 10, page 8, strike out the words "for such purposes and such purposes only."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. RAINEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 40, noes 63.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, and had directed him to report the same with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. MANN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold his motion a moment?

Mr. MANN. I withhold the motion.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. MCKINLAY of California, for four days, on account of important business.

To Mr. CLARK of Florida, indefinitely, on account of illness.

SENATE RESOLUTIONS AND BILL REFERRED.

Under clause 2 of Rule XXIV, the following resolutions and bill of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 88.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Cheboygan River, Cheboygan County, Mich., for the purpose of widening its channel and rebuilding or repairing the locks in said river as will render the river navigable to boats drawing 8 feet of water, and to furnish an estimate of the cost of such improvements—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey, with the view to establishing a harbor at New River, Florida, where same has been connected to the Atlantic Ocean by cut-off, and to report, together with estimates of the cost of the project, securing over the bar at that location at least 20 feet of water and the construction of jetties to protect same—

to the Committee on Rivers and Harbors.

S. 7808. An act to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes—to the Committee on the Judiciary.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 26399. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. WANGER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John Hancock, Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. COX of Indiana, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Harris Alvin Conrad, Sixtieth Congress, no adverse report having been made thereon.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President of the United States. Pending the reading of the message,

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 19 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

Application of the State of Oregon for a convention to so amend the Constitution of the United States that United States Senators shall be elected by a popular vote—to the Committee on Election of President, Vice-President, etc.

Report of the Superintendent of the Capitol on the proposed remodeling of the Hall of the House (H. Doc. No. 1428)—to the Committee on the Library, and ordered to be printed, with illustrations if possible.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for water supply in the consulate-general at Seoul, Korea (H. Doc. No. 1430)—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the disposal of the Omaha tribal lands (H. Doc. No. 1431)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for contingent expenses of the Land Office (H. Doc. No. 1432)—to the Committee on Appropriations and ordered to be printed.

Report of the Washington, Alexandria and Mount Vernon Railway for the year 1908 (H. Doc. No. 1433)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the Washington Gaslight Company, transmitting report for the year ended December 31, 1908 (H. Doc. No. 1434)—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16733) to establish a laboratory for the study of the criminal, pauper, and defective classes, reported the same, together with the views of the minority, without amendment, accompanied by a report (No. 2087), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 126) authorizing the Secretary of War to donate 6 condemned cannon to the city of Cheyenne, Wyo., reported the same without amendment, accompanied by a report (No. 2088), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26739) authorizing the creation of a land district in the State of South Dakota to be known as the Le Beau land district, reported the same without amendment, accompanied by a report (No. 2099), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, reported the same with amendment, accompanied by a report (No. 2100), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24837) to amend section 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," reported the same with amendment, accompanied by a report (No. 2101), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27672) to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers, reported the same with amendment, accompanied by a report (No. 2086), which said bill and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the resolution of the House (H. Res. 543) requesting the Secretary of War to furnish a report to the House of Representatives relative to hazing at the West Point Military Academy since January 1, 1908, reported the same with amendment, accompanied by a report (No. 2090), which said resolution and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21873) to define the manner in which public lands containing valuable deposits of phosphate and phosphate rock may be acquired, reported the same with amendments, accompanied by a report (No. 2091), which said bill and report were referred to the House Calendar.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25139) to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906, reported the same without amendment, accompanied by a report (No. 2092), which said bill and report were referred to the House Calendar.

Mr. GUERNSEY, from the Committee on the Territories, to which was referred the bill of the House (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska, reported the same without amendment, accompanied by a report (No. 2095), which said bill and report were referred to the House Calendar.

Mr. CALDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," reported the same with amendment, accompanied by a report (No. 2102), which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company, reported the same without amendment, accompanied by a report (No. 2103), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7640) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, reported the same without amendment, accompanied by a report (No. 2104), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. THOMAS of Ohio, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett, reported the same without amendment, accompanied by a report (No. 2089), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8898) granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 2094), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 27974) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2093), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 23512) for the relief of Frank Wyman, postmaster at St. Louis, Mo., reported the same with amendment, accompanied by a report (No. 2098), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 8429) to refund certain tonnage taxes and light dues levied on the steamship *Montara* without register, reported the same without amendment, accompanied by a report (No. 2096), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 7804) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope, reported the same with amendments, accompanied by a report (No. 2097), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15558) granting a pension to Thomas T. McMullen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27961) granting a pension to Mollie J. Howard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21657) granting a pension to Thomas Wyman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 27971) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior—to the Committee on the Judiciary.

By Mr. HEFLIN: A bill (H. R. 27972) to secure fair jury trials in criminal cases in the United States district and circuit courts—to the Committee on the Judiciary.

By Mr. THOMAS of Ohio: A bill (H. R. 27973) to provide for a survey of Mahoning River, in the State of Ohio—to the Committee on Rivers and Harbors.

By Mr. ESCH: Resolution (H. Res. 546) directing the Doorkeeper of the House to furnish Members files containing reported bills and resolutions of the House, etc.—to the Committee on Rules.

By Mr. POLLARD: Resolution (H. Res. 547) to provide additional compensation from the contingent fund of the House to the two chief pages and the two messengers in charge of telephones—to the Committee on Accounts.

By Messrs. TOWNSEND, FOSTER of Vermont, ANTHONY, SCOTT, CAMPBELL, HOWLAND, PARSONS, and McLAUGHLIN of Michigan: Resolution (H. Res. 548) amending the rules of the House—to the Committee on Rules.

By Mr. FOWLER: Resolution (H. Res. 549) to pay to the clerk of the Committee on Banking and Currency additional compensation—to the Committee on Accounts.

By Mr. CLARK of Florida: Resolution (H. Res. 550) requesting certain information from the Secretary of the Interior concerning employees of the Government Hospital for the Insane—to the Committee on the District of Columbia.

By Messrs. BOYD, CARY, COOPER of Wisconsin, DAVIS, ELLIS of Missouri, ESCH, FOWLER, GARDNER of Massachusetts, GRONNA, HAUGEN, HAYES, HEPBURN, HINSHAW, HUBBARD of Iowa, KINKAID, LINDBERGH, LOVERING, MADISON, MARSHALL, McKINLAY of California, MORSE, MURDOCK, NELSON, NORRIS, PEARRE, POLLARD, STEENERSON, VOLSTEAD, and WALDO: Resolution (H. Res. 551) amending the rules of the House—to the Committee on Rules.

By Mr. McCALL: Joint resolution (H. J. Res. 254) creating a commission to recommend a design and site for a monument or monumental memorial to Abraham Lincoln, and for other purposes—to the Committee on the Library.

By Mr. HAWLEY: Memorial of the legislature of Oregon, concerning the direct election of Senators—to the Committee on Election of President, Vice-President, etc.

Also, memorial of the legislature of Oregon, concerning tax on oleomargarine—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, concerning wagon roads in Alaska—to the Committee on the Territories.

Also, memorial of the legislature of Oregon, concerning national roads—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, concerning Malheur irrigation project—to the Committee on the Public Lands.

By Mr. CANNON: Memorial of the legislature of Oregon, praying for legislation making more permanent public roads—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, concerning the Malheur irrigation project—to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 27975) granting a pension to Carrie F. Wright—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 27976) granting an increase of pension to Thomas Hurney—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 27977) granting an increase of pension to Andrew E. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 27978) granting an increase of pension to Alfred Clark—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27979) to remove the charge of desertion standing against the military record of Patrick Powers—to the Committee on Military Affairs.

Also, a bill (H. R. 27980) to remove the charge of desertion standing against the military record of Leonard Seis—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 27981) granting an increase of pension to Luke Tabor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27982) granting an increase of pension to Isaac L. Ferris—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 27983) granting a pension to Margaret Nevison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27984) granting a pension to Mary E. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 27985) granting an increase of pension to James L. Look—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27986) granting an increase of pension to George C. Presley—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 27987) for the relief of Benjamin W. Chase—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 27988) granting an increase of pension to James L. Humphrey—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 27989) granting an increase of pension to Andrew J. Pugh—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 27990) granting an increase of pension to John H. Irwin—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 27991) granting an increase of pension to Richard H. Ely—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27992) granting an increase of pension to Floyd M. Sellards—to the Committee on Pensions.

Also, a bill (H. R. 27993) granting an increase of pension to Hurom Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27994) granting an increase of pension to Sanford Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27995) granting an increase of pension to Irvin Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27996) for the relief of John T. Magowan—to the Committee on War Claims.

Also, a bill (H. R. 27997) for the relief of Eliza Magowan—to the Committee on War Claims.

Also, a bill (H. R. 27998) to correct the military record of W. M. Penix—to the Committee on Military Affairs.

Also, a bill (H. R. 27999) to correct the military record of Norval Noland—to the Committee on Military Affairs.

Also, a bill (H. R. 28000) granting a pension to Robert Fletcher—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 28001) granting an increase of pension to Charles F. Conner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28002) granting an increase of pension to George W. Lloyd—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28003) granting an increase of pension to Martha D. Bryson—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 28004) granting a pension to Charles S. Munger—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 28005) granting an increase of pension to Isaac Wilkison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28006) granting an increase of pension to Alexander Duncan—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 28007) for the relief of Mrs. Jane A. Sanders, widow of Edward W. Sanders—to the Committee on War Claims.

Also, a bill (H. R. 28008) for the relief of Miss Evalina A. E. Fripp—to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 28009) authorizing the payment of a claim to Tolivar B. Clark—to the Committee on War Claims.

Also, a bill (H. R. 28010) granting a pension to William T. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28011) granting an increase of pension to William Harrold—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 28012) granting an increase of pension to Charles A. Lewis—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 28013) for the relief of the heirs of Wesley W. Wallace—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 28014) for the relief of Shelby Lodge, No. 162, Ancient Free and Accepted Masons, Bristol, Va.—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 28015) providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho—to the Committee on the Public Lands.

By Mr. BURLESON: Resolution (H. Res. 552) to pay R. E. Cowart, jr., a certain sum of money as additional compensation—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Asiatic Exclusion League of North America, protesting against the right of any other nation to determine as to domestic questions within the United States—to the Committee on Foreign Affairs.

Also, petition of Frank E. Burr, of Carbondale, Pa., and other individuals and firms in various parts of the United States, praying for the removal of the duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the passage of the Lincoln farm bill—to the Committee on Labor.

Also, petition of the Ellensburg (Wash.) Chamber of Commerce, praying for an increase in the salaries of the circuit and district court judges of the United States—to the Committee on the Judiciary.

Also, petition of William Young and 17 other citizens of the United States, praying for the creation of a national highways commission—to the Committee on Agriculture.

Also, petition of the west Wisconsin conference of the Methodist Episcopal Church, praying for legislation to prevent Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Association of Masters, Mates, and Pilots, praying for the passage of the so-called "Hayes bill"—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of labor unions in Pollok, Tex., and Onarga, Ill., protesting against the extradition of Pouren and Rudovitz—to the Committee on Foreign Affairs.

Also, petition of Atlantic Harbor, No. 77, American Association of Masters, Mates, and Pilots of Steam Vessels, praying for the passage of the bill H. R. 15657 (the so-called "Hayes bill")—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Freedom Grange, of Freedom, N. H., and the East Branch Grange, of Pennsylvania, praying for the establishment of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Center Church, of Meriden, Conn., favoring the Burkett-Foelker antigambling bill—to the Committee on the Judiciary.

Also, petition of grain growers' department of the American Society of Equity, protesting against the removal of the duty on wheat and other grains—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of the Philadelphia Association of ex-Prisoners of War, for passage of pension bill benefiting ex-prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of J. M. Smucker, of Orrville, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Memorial of the legislature of Missouri, in favor of deepening the channels of the Mississippi and its tributaries—to the Committee on Rivers and Harbors.

By Mr. BATES: Petition of citizens of Albion, Pa., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Association of ex-Prisoners of War, for amendment to pension laws placing ex-prisoners on the roll—to the Committee on Invalid Pensions.

Also, petition of citizens of Corry, Pa., favoring parcels-post and savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of heirs of Simon B. Rockwell—to the Committee on War Claims.

Also, paper to accompany bill for relief of Alfred Clark—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of Union ex-prisoners of war, for the passage of ex-prisoners of war pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of certain letter carriers and widows of letter carriers, as per the omnibus claims bill—to the Committee on War Claims.

Also, petition of the Team Owners' Review, favoring a bill for the prevention and punishment of cruelty to animals—to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Chamber of Commerce of New York State, for appropriation for government exhibition at Brussels Exposition in 1910—to the Committee on Industrial Arts and Expositions.

Also, petition of the Manufacturers' Association of New York, for appropriation to improve the upper Hudson River—to the Committee on Rivers and Harbors.

Also, petition of the New York Produce Exchange, against federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Manufacturers' Association, for appropriation as subsidy to a line of fast ships to South America, Australia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. CHAPMAN: Petition of the National Anti-Retail Mail Order League, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of Union ex-prisoners of war, for passage of pension bill for ex-prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. DENBY: Petition of Fred Shelby and others, of Michigan, against the passage of the bill (S. 3940) for the proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of W. W. Wilson, of Troy, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. ELLIS of Oregon: Petition of Woodlawn Grange, No. 350, Patrons of Husbandry, against a parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of New York Board of Trade and Transportation, for appropriation to improve the upper Hudson—to the Committee on Rivers and Harbors.

Also, petitions of the Stationers' Board of Trade of New York City; Levy Brothers, of New York City; the Rochester Stamping Company; E. W. Hanchet; the Schlegel Manufacturing Company; the W. Stursberg Schell Company; the Sibley, Lindsay & Curr Company; James F. White & Co.; and the Jewelers' Board of Trade, favoring present bankruptcy law and any legislation for its improvement—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of New York, favoring appropriation for representation of American products at the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the Manufacturers' Association of New York, for appropriation for survey of the upper Hudson—to the Committee on Rivers and Harbors.

By Mr. FOWLER: Petition of John W. Stevens and others, of the Fifth Congressional District of New Jersey, favoring the Burkett-Foelker bill, prohibiting telegraphing of gambling bets, etc.—to the Committee on the Judiciary.

Also, petition of Antoinette Hayes and others, of the Thursday Morning Club of Madison, N. J., favoring H. R. 24148, relative to children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. FULLER: Petition of citizens of Rutland, Ill., against legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of Seattle, favoring appropriation of $1,000,000 for aid in construction of highways in Alaska—to the Committee on Agriculture.

Also, petition of the Vulcan Refining Company, of Streator, Ill., to place tin scrap waste on the free list—to the Committee on Ways and Means.

Also, petition of Wilmer Atkinson, editor of the Farm Journal, of Philadelphia, against H. R. 24473, for revision of postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of committee of wholesale grocers of New York, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of West Newbury (Mass.) Grange, for legislation to establish a parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Danvers Grange, No. 263, Patrons of Husbandry, for a national highways commission and for federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Danvers Grange, No. 263, Patrons of Husbandry, favoring passage of Davis bill (H. R. 24841)—to the Committee on Agriculture.

By Mr. GOEBEL: Petition of the Minn & Dixon Company, of Cincinnati, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Cincinnati, Ohio, favoring the enactment of an effective Asiatic law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petition of the Rochester Stamping Company, New York, favoring improvement of bankruptcy act in the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

Also, petition of the Antikamnia Chemical Company, of St. Louis, Mo., against the Mann bill (H. R. 21982)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of New York, for appropriation for the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the National Civil Service Reform League, favoring support of the veto of the census bill—to the Committee on Reform in the Civil Service.

By Mr. GRAHAM: Petition of Union ex-prisoners of war, favoring the ex-prisoners of civil war pension bill and asking passage of the same—to the Committee on Invalid Pensions.

Also, petition of M. E. Rhea, of Avalon, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of Commercial Club of Dickinson, N. Dak., for the issuance of clear titles to lands covered by homestead entries of which final proof has been made or may be made—to the Committee on the Public Lands.

Also, petition of citizens of Bergen, N. Dak., against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of North Dakota Wholesale Grocers' Association, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of citizens of Cass County, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Twelve Corners Grange, of Berrien County, Mich., favoring a national highways commission—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of Lyng & Johnson and 18 others, of Pricelyn, Minn., against establishment of parcels post and postal savings banks (S. 5122 and S. 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of Smith Brothers, of Augusta, Ga., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Steamboatmen's Union of San Francisco, Cal., against removal of the marine hospital from its present location to Angel Island—to the Committee on Naval Affairs.

Also, petitions of J. E. Reinwater and 42 others, of Shubuta, Miss.; George Boden and 48 others, of Turtle Creek, Pa.; Paul Moveroy and 95 others, of San Francisco, Cal.; and Hugh Dixon and 92 others, of Seattle, Wash., favoring an effective Asiatic exclusion law against all Asiatics, excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HIGGINS: Petition of Connecticut Civil Service Reform Association, favoring support of the veto of the census bill—to the Committee on the Census.

Also, petition of George A. Welten and others, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of B. P. Bishop and others, of Norwich, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of citizens of Linwood, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of William Edward Prater (H. R. 27849)—to the Committee on Pensions.

By Mr. HOWLAND: Petition of citizens of Hinckley, Medina County, for legislation creating a national highways commission—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of Thomas Cawley, jr., of Brainerd, Minn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Minnesota Live Stock Breeders' Association, supporting Davis bill favoring technical education—to the Committee on Agriculture.

Also, petition of the Minnesota Implement Dealers' Association, for H. R. 15837—to the Committee on Agriculture.

Also, petition of Columbia Typographical Union, favoring printing the work of the census by the Government Printing Office—to the Committee on the Census.

Also, petition of Silas W. Burt, favoring support of the President's veto of the Crumpacker census bill—to the Committee on reform in the Civil Service.

Also, petition of the American National Live Stock Association, at Los Angeles, Cal., against advances in interstate rates, fares, and charges except upon approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of citizens of Culbertson, Nebr., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. PARKER: Petition of citizens of Montclair, N. J., favoring legislation against telegraphing gambling news—to the Committee on the Judiciary.

By Mr. ROBINSON: Paper to accompany bill for relief of Mont M. James (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RYAN: Petition of the Chamber of Commerce of New York, favoring participation of the United States Government in the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the L. Dollman Company, of Buffalo, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Grand Army of the Republic, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Indianapolis Freight Bureau, for increase of power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Commandery of Naval and Military Order of Spanish War Veterans, favoring campaign badges indicating service in Cuba, the Philippines, and China—to the Committee on Military Affairs.

By Mr. SABATH: Petition of the Illinois Manufacturers' Association, favoring appropriation to secure swift lines of steamers to South America, Australia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHEPPARD: Paper to accompany bill for relief of George W. Blake—to the Committee on Invalid Pensions.

By Mr. SLEMP: Paper to accompany bill for relief of Shelby Lodge, No. 162, Ancient Free and Accepted Masons, of Bristol, Va.—to the Committee on War Claims.

By Mr. SMITH of Michigan: Petition of Z. H. Van Norman and 24 others, of Drayton Plaines, Mich., favoring H. R. 18204, for national aid in technical education—to the Committee on Agriculture.

Also, petition of Casco Pomological Society, of South Haven, Mich., favoring the bill for regulation of manufacture, sale, and transportation of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Petition of Mather's Printing House, favoring legislation against the Government printing cards on

stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Alabama: Paper to accompany bill for relief of C. A. Powell, attorney of the estate of Dr. John H. Jones—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of citizens of Portage County, Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of M. L. Crouch and others, for H. R. 15837, in aid of highways—to the Committee on Agriculture.

By Mr. TIRRELL: Petitions of William H. Bacon and others, and A. A. Barber, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of William H. Bacon, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Kennedy Grange, No. 496, Patrons of Husbandry, and Ross Grange, No. 305, Patrons of Husbandry, favoring a national highways commission—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *February 10, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

Mr. HENRY C. HANSBROUGH, a Senator from the State of North Dakota, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DISBURSEMENT OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of May 16, 1908, a detailed statement showing all revenues of every kind and character collected and all funds from all sources received and credited to each of the Choctaw, Chickasaw, Cherokee, Creek and Seminole tribes of Indians from January 28, 1898, to July 1, 1908 (S. Doc. No. 707), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel ship *Hope*, Sylvester Bill, master (H. Doc. No. 1440), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Cornelia A. Ulmer, widow of Albert F. Ulmer, deceased, *v.* United States (S. Doc. No. 709);

In the cause of John Alexander Besonen *v.* United States (S. Doc. No. 711); and

In the cause of Elmer K. Ramsburg and Alvah S. Ramsburg, executors of Urias D. Ramsburg, deceased, *v.* United States (S. Doc. No. 710).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

ROCK RIVER BRIDGES.

The VICE-PRESIDENT laid before the Senate the bill (S. 8564) to authorize the construction of two bridges across the Rock River, State of Illinois, returned from the House of Representatives in compliance with the request of the Senate.

Mr. CULLOM. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CULLOM. I move that the bill be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907; and

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 13809. An act for the relief of Charles S. Blood; and

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns.

CREDENTIALS.

Mr. TALIAFERRO presented the credentials of DUNCAN U. FLETCHER, appointed by the governor of the State of Florida a Senator from that State until the next meeting of the legislature thereof, to fill the vacancy in the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Board of Trade of Wilmington, Del., remonstrating against the enactment of legislation proposing to fix arbitrarily the price for smokeless powder, which was referred to the Committee on Naval Affairs.

He also presented memorials of the Typographical Union of St. Louis, Mo.; the Typographical Union of Henderson, Ky.; the Allied Printing Trades Council of St. Louis, Mo.; the Typographical Union No. 79 of Wheeling, W. Va.; the Typographical Union of Syracuse, N. Y.; the Typographical Union of Cincinnati, Ohio; the Typographical Union of Bradford, Pa.; the Typographical Union of Adrian, Mich.; and the Typographical Union of Evansville, Ind., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

Mr. KEAN presented a petition of the State Board of Agriculture of Trenton, N. J., and a petition of the State Horticultural Society of Trenton, N. J., praying for the enactment of legislation to prohibit the manufacture, sale, and transportation of fungicides and insecticides entering into interstate commerce, which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to establish a national children's bureau in the Department of the Interior, which was referred to the Committee on Education and Labor.

He also presented a petition of Rear-Admiral H. F. Picking Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the navy after twenty-five years' actual service, which was referred to the Committee on Military Affairs.

Mr. SCOTT presented a petition of Local Lodge No. 308, Benevolent and Protective Order of Elks, of Grafton, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRANDEGEE presented a petition of the congregation of the First Baptist Church of Bozrah, Conn., and a petition of the congregation of the Center Congregational Church, of Meriden, Conn., praying for the passage of the so-called "Burkett antirace-gambling" bill, which was referred to the Committee on the Judiciary.

Mr. PILES presented a petition of Washington Grange, No. 82, Patrons of Husbandry, of Vancouver, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the ratification of reciprocal trade relations with the Dominion of Canada, which was referred to the Committee on Foreign Relations.

Mr. FLINT presented a memorial of sundry citizens of California, remonstrating against any reduction being made in the duty on sugar imported from the Philippine Islands, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 6935) for the relief of the Merritt & Chapman Wrecking Company, reported it without amendment and submitted a report (No. 956) thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States relating to radio-telegraphy, being Senate Document 700, Sixtieth Congress, second session, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce, which was agreed to.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 8558) for the relief of R. J. B. Newcombe, reported it without amendment and submitted a report (No. 957) thereon.

Mr. McCREARY, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 958), accompanied by a bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 2721. Thomas H. Reynolds;
S. 3736. Perry Duncan;
S. 4215. Anna Sterr;
S. 5302. George W. Webb;
S. 6281. Frances G. Webster;
S. 6297. Calvin W. Cooke;
S. 6693. Mary R. Greer;
S. 7629. Byron H. Bronson;
S. 7664. Alexander Snodgrass;
S. 7976. Florence Van Etta;
S. 8641. George Stevens;
S. 8858. Thomas H. Beck;
S. 8861. Martha E. Bradley;
S. 8926. Sarah B. Hatch; and
S. 9095. John W. Ragan.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments, and I submit a report (No. 955) thereon. I shall call up the bill for consideration at the very earliest practicable moment.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. PAYNTER, from the Committee on Claims, to whom was referred the bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased, reported it without amendment and submitted a report (No. 959) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 26th ultimo, authorizing the President to assign any regularly appointed consul of class 7 or 8 to service in the Department of State without change of salary, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be printed and, with the explanatory papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 26th ultimo, authorizing the President to assign any regularly appointed secretary of embassy or legation to service in the Department of State without change of salary, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be printed and, with the explanatory papers, referred to the Committee on Appropriations, which was agreed to.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 25805) to reenact and to amend sections 3646 and 3647 of the Revised Statutes, reported it without amendment and submitted a report (No. 960) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," reported it without amendment and submitted a report (No. 961) thereon.

EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 284, submitted yesterday by Mr. NELSON, reported it without amendment, and it was considered, by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee, of its subcommittees, in connection with bills and other matters pending before said committee, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

CLARK COUNTY, KY.

Mr. PAYNTER. I report back favorably from the Committee on Claims, without amendment, the bill (H. R. 18417) for the relief of Clark County, Ky. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the county of Clark, State of Kentucky, $2,727.05, to reimburse that county for the building of a bridge across Howards Creek in said county.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 9279) to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers, which was read twice by its title and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 9280) granting an increase of pension to William T. Coleman, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 9281) to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross," which was read twice by its title and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. SCOTT introduced a bill (S. 9282) for the relief of Marcellus Troxell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Interoceanic Canals.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9283) for the relief of Hettermann Brothers Company, a corporation under the laws of the State of Kentucky;

A bill (S. 9284) for the relief of Madison County, Ky.; and

A bill (S. 9285) for the relief of Madison County, Ky.

Mr. GUGGENHEIM introduced a bill (S. 9286) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. TILLMAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9287) for the relief of the heirs of Daniel W. Brown, deceased; and

A bill (S. 9288) for the relief of the heirs of Tirzah P. Brown, deceased.

Mr. PILES introduced a bill (S. 9289) granting a pension to Francis R. Gorman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PAYNTER introduced a bill (S. 9290) for the relief of the Christian Church of California, Ky., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9291) for the relief of W. J. Vanhoose, heir of Felt Vanhoose, of Louisa, Ky., which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 9292) granting a pension to Louis Francke, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 9293) to establish and construct a national highway from the southern limits of the city of St. Louis to the national cemetery at Jefferson Barracks, Mo., which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BAILEY (by request) introduced a bill (S. 9294) granting a pension to Malinda E. Church, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 9295) in relation to the salary of the Secretary of State, which was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN submitted an amendment relative to granting leaves of absence to per diem employees in the navy-yards of the country, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $2,500 for the establishment of a professorship at the forestry school at Fort Collins, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,500 for the establishment of a professorship at the forestry school at Fort Collins, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $30,000 for a light-house and fog-signal station on Eliza Island, Bellingham Bay, Washington, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the purchase of a site and the purchase or construction of a wharf and store-houses thereon at some point on the northern coast of the State of Washington, between Cape Flattery and Port Townsend, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to extend the limit of cost of the court-house, custom-house, and post-office building at Seattle, Wash., to $12,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. OVERMAN submitted an amendment proposing to appropriate $30,000 to increase the limit of cost for the site and public building at Washington, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $40,000 to enable the Secretary of the Interior to purchase lands and water rights for the use of the Navajo Indians who have lost title to their homes on the public domain in Arizona, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMERICAN NATIONAL INSTITUTE AT PARIS.

On motion of Mr. FRYE, it was

Ordered, That there be printed for the use of the Senate 1,000 copies of Senate Document No. 167, Fifty-eighth Congress, third session, concerning the proposed American National Institute at Paris, which shall include new matter, bringing it up to date.

IRON ORE AND PIG IRON.

Mr. CUMMINS submitted the following resolution (S. Res. 285), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, directed to furnish the Senate, as soon as practicable, a report showing the total amount of iron ore and pig iron produced and manufactured in the United States in any twelve successive months ending not earlier than June 30, 1908; and also showing the names of all persons, partnerships, or corporations producing iron ore or manufacturing pig iron and the amount produced or manufactured by each thereof.

MEXICO'S INTEROCEANIC ROUTE.

Mr. GALLINGER. Mr. President, in the South American Journal, of London, under date of August 15, 1908, there is a very interesting article entitled "Across America: Mexico's New Interoceanic Route—Rival to Panama Canal." It is not a lengthy article, and I ask that it may be printed in the RECORD and also as a Senate document.

There being no objection, the matter referred to was ordered to be printed as a document (S. Doc. No. 706) and to be printed in the RECORD, as follows:

ACROSS AMERICA—MEXICO'S NEW INTEROCEANIC ROUTE—RIVAL TO PANAMA CANAL.

[From the South American Journal (London), August 15, 1908.]

In September of this year the Tehuantepec National Railway will be opened for European freight and passenger business.

This bald statement will convey very little to the ordinary Englishman, but its importance is fully realized in the United States, where the new line is looked upon as a rival to the future Panama Canal. It is, at any rate, certain to become the most favored of all transcontinental land routes. The Tehuantepec National Railway runs from Puerto Mexico (formerly known as Coatzacoalcos), on the Atlantic, to Salina Cruz, on the Pacific coast. As the bird flies it is about 125 miles across the isthmus from ocean to ocean, but by the road which the railway is compelled to follow the distance is 190 miles. With the exception of the Panama railway, it is the shortest transcontinental route.

From the very earliest times the advantages of the isthmus as a line of communication between the two oceans would appear to have appealed to the minds of travelers and explorers, and it is on record that Humboldt designated it the "bridge of the world's commerce." But the bridge has taken a long time to finish. The project of actually constructing some line of communication dates back nearly half a century. Long before Capt. James Eads planned his ship railway across the isthmus attempts were made both at building ordinary railroads and at digging a canal. From 1857 until 1882 various concessions were granted, generally to American citizens or corporations, and were invariably forfeited owing to the inability of the concessionaires to fulfill their obligations. In the latter year the Mexican Government determined to build the railway themselves, and entered into a contract with Mr. Delfin Sanchez for the construction of the road. This arrangement also proved unsatisfactory, and it was rescinded after about 67 miles of railway had been completed.

A loan of £2,760,000 was then raised, and a new contract was made with Colonel McMurdo for the reconstruction of the 67 miles of the line, which had been built in a hurried and unsatisfactory manner, as well as for the completion of the line, some 142 miles more. The contractor undertook to finish the work in thirty months, but he died in 1890.

FROM OCEAN TO OCEAN.

At length, after considerable difficulties, financial and otherwise, had been surmounted, the railroad was actually completed from ocean to ocean in 1894; but no sooner was it done than defects in construction, as well as want of suitable harbor facilities on both the Gulf and Pacific coasts, made it necessary to begin the work over again.

Much remained to be done in order to adapt the line to heavy traffic; and, recognizing that the railway was to all intents and purposes a valueles property, the Mexican Government began to devise means for rendering the line of some practical use as a route for transcontinental traffic. With this object in view, they entered into negotiations with the firm of S. Pearson & Son (Limited), the great contractors, whose head, Sir Weetman Pearson, M. P., had already gained a great name in Mexico through the successful construction of the drainage canal of the Valley of Mexico and of the port works at Veracruz.

Under the various contracts entered into the firm of Pearson & Son enjoyed, so to speak, a dual character toward the Mexican Government—first, as contractors for the construction of two harbors, at Salina Cruz and Puerto Mexico, and, secondly, as partners in the exploitation of the railway and the ports when completed. This is believed to be the first instance on record in which a national government has taken a private firm into partnership, and speaks volumes for the high reputation for efficiency and integrity which Sir Weetman Pearson had acquired in his earlier dealings with the Mexican Government, as Mr. W. Max Muller, secretary to his Majesty's legation at Mexico, points out in his report on the enterprise.

£10,000,000 EXPENDED.

The cost of the improvement of the railway, which involved its practical reconstruction, has been borne entirely by the Mexican Government, who up to date have certainly spent not less than £2,000,000 in bringing it to its present efficient state. The actual work was carried out by the Pearson firm, not as contractors but as agents, at cost price. On the works at Salina Cruz and Puerto Mexico the expenditure was originally limited to £6,500,000, but this is likely to be considerably exceeded before the harbors and jetties are completed. By the terms of other contracts Messrs. Pearson have entered into a partnership with the Mexican Government under the title of the Tehuantepec National Railway Company. The agreement holds good for a period of fifty-one years from 1902, and the partners furnish in equal shares the working capital of $7,000,000. But Messrs. Pearson are the managers of the property, the Government merely retaining the right of inspection.

It is calculated that since the first work was done on the Tehuantepec route over £10,000,000 have been expended, and before the harbor works are perfected the capital expenditure will have reached £13,000,000. The work, both on the railway and at the ports, seems to have been carried out with the thoroughness that characterizes the enterprises of Messrs. Pearson. "It certainly was a delightful sensation," writes Mr. Max Muller, "to be rushing through the tropical forest at a rate which sometimes exceeded 56 miles per hour, and so smoothly that even during meals one was not incommoded by the speed. I wish travelers could experience such a sensation on the other lines of Mexico," he adds, with feeling.

THROUGH TROPICAL FORESTS.

Many difficulties were encountered by the contractors in the initial periods of the reconstruction of the railway, arising principally from the heavy rainfall during the rainy season, the exuberant vegetation, and other tropical conditions, and also on account of the difficulty in obtaining labor, caused chiefly by the fears of yellow fever. These difficulties have now been triumphantly overcome, and the railroad is in excellent structural condition, with a good roadbed of rock ballast and new steel bridges, while the management appears to be thoroughly capable and efficient.

The equipment of the Tehuantepec road is of the most modern description. The gauge is the standard one of 4 feet 8½ inches; the numerous bridges are of steel, with solid masonry abutments, and culverts of adequate capacity have been put in wherever required. One of the many problems which had to be solved was presented by the luxurient vegetation, which if left to itself would soon overgrow the track and stop the trains. Manual labor is constantly employed to remove the rapid growth, and figures for a considerable sum in the annual maintenance of the road; but in addition the company has made use of an ingenious device for sprinkling the roadbed with crude oil, heated to 210° F., from their oil fields on the Coachapu River, which destroys even the roots of plants, and has the additional advantage of laying the dust, thus adding to the comfort of traveling in a hot climate. The rolling stock is of the most substantial and modern description, and is more numerous in proportion to the mileage than that of any other railway in the Republic. All the locomotives burn oil fuel, which at present is imported from Texas; but very shortly Messrs. Pearson will be able to supply the oil more cheaply and expeditiously from their own oil fields adjacent.

The Mexican Government has spared no expense to make this new interoceanic route between the Atlantic and Pacific oceans across Mexico an unqualified success. The equipment at the railway company's terminal ports, and also the rolling stock, are the best of their kind obtainable, and fully adequate and specially designed to handle transshipment freight in any volume with the greatest safety, economy, and dispatch. The railway company claim that actual handling of the cargo

at the terminal ports is in every case reduced to a minimum, as, where possible, all freight is transferred by one operation direct from steamers' holds at Puerto Mexico to covered box cars by the company's electric cranes, and similarly the electric cranes handle the goods also by one operation direct from the railway company's cars alongside the steamer at Salina Cruz to the ship's hold; if necessary, goods can be transferred direct from the ship's hold to the ample steel and masonry warehouses at each port, and vice versa.

There is no lighterage of any description at this company's port terminals, thus avoiding any rehandling; all vessels are discharged alongside the railway company's wharves. Over 26 miles of sidings at each port insure expeditious handling of the cars and quick dispatch of the steamers. The terminal ports of Puerto Mexico and Salina Cruz being absolutely under the control of the Tehuantepec National Railway, the risk of loss or damage to goods on the Isthmus of Tehuantepec is reduced to a minimum. Each terminal of the railway is a bonded zone, securely protected by surrounding iron fences; while as the entrances are protected by customs guards, pilferage should be impossible.

It will be noted that the Isthmus of Tehuantepec is some 600 miles farther north of the equator than Panama. During the greater part of the year the climate on the isthmus is tempered by strong northerly winds. It can not be said that at any time the heat on the Isthmus of Tehuantepec is greater than at New Orleans or Galveston; it is, in fact, but little greater than the average summer heat at New York itself. In comparison with the all-rail transcontinental routes from New York, New Orleans, etc., to the Pacific coast points, it should be remembered that the Tehuantepec route is essentially a sea route, and that the actual haul from the Atlantic to the Pacific occupies no more than half a day. With the frequent steamship connections at both Salina Cruz and Puerto Mexico it is fair to reckon that freight will not be detained on the Isthmus of Tehuantepec longer than at most a week, while the period will generally not be more than two days.

During that period the railway company's equipment adequately protects the cargo from all climatic influence. This compares with an average of five weeks in transit by the transcontinental railways from Atlantic ports to Pacific ports. At Puerto Mexico the Tehuantepec Railway Company has seven steel warehouses and at Salina Cruz four steel warehouses, with two others under construction, making altogether a total warehouse capacity at the terminal ports on the Isthmus of Tehuantepec for 150,000 tons of cargo.

Although this is a new interoceanic route, and through-billing facilities from Europe to all ports on the west coast of America between Valparaiso and Vancouver, B. C., inclusive, are only now offered to European shippers for the first time, yet this route has been successfully handling interoceanic traffic since January, 1907, and over 500,000 tons of American domestic traffic have passed over the Isthmus of Tehuantepec since that date and have been delivered in quick time and good condition.

STEAMSHIP CONNECTIONS.

Salina Cruz will possess one of the finest dry docks in the world, and the largest on the Pacific coast. It is 610 by 89 feet, with a depth on sill at low water of 28 feet. It is now completed, and only waiting for the entrance channel to be dredged. Arrangements have been made for steamship connections from Salina Cruz to all ports on the west coast as far south as Valparaiso and to all ports as far north as Victoria and Vancouver, B. C., as well as to the Far East. There will be regular northbound sailings from Salina Cruz on the Pacific as follows:

American-Hawaiian Line, direct to United States Pacific ports, three a month.

Kosmos Line, to Mexican, also United States Pacific ports, two a month.

Cia Naviera, to Mexican ports, three a month.

Canadian-Mexican-Pacific Line, to Mexican and Canadian ports, one a month.

In addition, the Kosmos Line will have two sailings a month from Salina Cruz to all ports southbound.

The numerous lines already running from England to the Gulf of Mexico, and from the Continent to the Gulf, are putting on regular services from European ports to Puerto Mexico, and within a month the following will make this a port of call: Royal Mail Steam Packet Company, Harrison Line, Leyland Line, Cuban Line, Hamburg-American Line, Compagnie Generale Transatlantique, and Compagnia Transatlantica.

"It is always dangerous to prophesy," writes Mr. Max Muller at the end of his report, "but if pluck and perseverance are to have their reward, certainly the Mexican Isthmus route should be a success. The object which the Government and the contractors have had before them has been to handle freight at the lowest possible cost by preparing to do it on the largest scale practicable with modern machinery, and to attain this object neither money nor labor has been spared. To those who, like myself, have only seen the almost completed results, it is difficult to realize the conditions that existed on the isthmus five years ago, when nature was continually undoing the work done, and when the financial prospects appeared gloomy. I have little doubt that the optimistic forecasts of the Mexican Government as to the future of the route will be realized, but in any case the railway will remain as a monument to the enlightened and progressive policy of General Diaz and to the pluck and efficiency of the British firm who have carried through the great work to such a successful conclusion."

HOUSE BILLS REFERRED.

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898, was read twice by its title and referred to the Committee on Private Land Claims.

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State was read twice by its title and referred to the Committee on Public Lands.

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement, was read twice by its title and referred to the Committee on Commerce.

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, was read twice by its title and referred to the Committee on Territories.

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky., was read twice by its title and referred to the Committee on Military Affairs.

THE CALENDAR—BILLS PASSED OVER.

The VICE-PRESIDENT. The morning business is closed, and the calendar is in order under Rule VIII. The first bill on the calendar will be announced.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government was announced as first in order on the calendar.

Mr. SCOTT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from West Virginia.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. KNOX. That may go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Pennsylvania, without prejudice.

The bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, was announced as next in order.

The VICE-PRESIDENT. This bill is the unfinished business of the Senate.

Mr. McCUMBER. Let it go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from North Dakota.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was announced as next in order.

The VICE-PRESIDENT. This bill was considered January 6 last and read in full.

Mr. CLARK of Wyoming. I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Wyoming.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as next in order.

Mr. FLINT. I ask that the bill may go over under Rule IX.

Mr. CLARK of Wyoming. I hope the Senator will not insist on that, but will allow the bill to be passed over without prejudice.

Mr. FLINT. I can not be here every minute to watch it. If it is understood that the bill will not be called up in my absence, I will not object.

Mr. CLARK of Wyoming. I have no desire to call up the bill out of its order, though I feel great interest in it. But I dislike to have it go under Rule IX.

Mr. FLINT. Very well.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was announced as next in order.

The VICE-PRESIDENT. On January 6 the bill was considered as in Committee of the Whole, and the committee amendments were agreed to.

Mr. CLARK of Wyoming. I do not desire to have the bill considered in the absence of the Senator from Maine [Mr. HALE]. Let it go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Wyoming.

The bill (S. 7697) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Lahaina, Territory of Hawaii, was announced as next in order.

Mr. FLINT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from California, without prejudice.

The bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii, was announced as next in order.

Mr. FLINT. I make the same request in regard to this bill.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

The bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. KEAN. Let it go to the calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX at the request of the Senator from New Jersey.

KALAMAZOO RIVER LIGHT-HOUSE.

The bill (S. 7210) to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and to insert:

That upon receipt of a conveyance vesting in the United States a good and sufficient title to such equal quantity of land adjoining the new channel now being the outlet of Kalamazoo River as in the opinion of the Secretary of Commerce and Labor is satisfactory in character and location to serve as a site for a light station and accessories, and in consideration thereof the Secretary of Commerce and Labor is authorized and directed to receive said conveyance and to execute and deliver to the grantor in the former deed a good and sufficient conveyance of all the land comprising the present site, which is described in the deed thereof to the United States as village lots Nos. 10, 11, 12, 13, 14, 15, 16, 17, and 18, in block No. 27, in the village plat of Kalamazoo, in Allegan County, Mich.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Committee on Commerce also report to strike out the preamble. The question is on agreeing to the amendment striking out the preamble.

The amendment was agreed to.

WILLIAM T. ROSSELL, JR., AND HARRY G. WEAVER.

The bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy was announced as next in order.

Mr. DICK. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Ohio, without prejudice.

NAVAL PRISONERS ON DISCHARGE.

The bill (S. 7652) to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge was considered as in Committee of the Whole. It provides that persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed $3 per month, for necessary prison expenses, and shall, upon discharge, be furnished with suitable civilian clothing and paid a gratuity not to exceed $25. Such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy, and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., 460), entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," was announced as the next business in order on the calendar.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from North Dakota.

The bill (S. 7916) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" was announced as next in order.

Mr. McCUMBER. That also may go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from North Dakota, without prejudice.

The bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," was announced as next in order.

Mr. KEAN. That is the bill the Senator from Rhode Island [Mr. ALDRICH] desires to look into. Let it be passed over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from New Jersey, without prejudice.

The bill (S. 8396) incorporating the National Academy of Art and Letters was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over and be placed on the calendar under Rule IX.

The VICE-PRESIDENT. The bill will be placed on the calendar under Rule IX, at the request of the Senator from North Dakota.

The bill (S. 8395) incorporating the National Institute of Arts and Letters was announced as next in order.

Mr. McCUMBER. I make the same request in regard to this bill. Let it go to the calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from North Dakota.

The bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes was announced as next in order.

Mr. FRYE. The bill may go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Maine.

The bill (H. R. 3760) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala., was announced as next in order.

Mr. SMOOT. I ask that the bill may go over without prejudice, in the absence of the Senator from Rhode Island [Mr. ALDRICH].

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Utah.

The bill (S. 8245) to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes was announced as next in order.

Mr. CLAPP. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Minnesota, without prejudice.

DISTRICT OF COLUMBIA MILITIA.

The bill (H. R. 21926) for the organization of the militia in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 2, line 3, after the word "the," to insert "land forces of the;" in line 4, after the word "brigadier-general," to insert "(the commanding general of the Militia of the District of Columbia);" in line 8, after the word "department," to insert "a department of small-arms practice;" in line 14, before the word "to," to insert "all;" in line 15, after the word "Army," to insert "or the organized militia;" and in line 25, after the word "and" where it occurs the second time, to strike out "noncommissioned officers" and insert "enlisted men," so as to read:

Strike out the whole of section 11 and insert in lieu thereof the following:

"SEC. 11. That the land forces of the national guard shall consist of one brigadier-general (the commanding general of the Militia of the District of Columbia), an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a department of small-arms practice, a medical department and hospital corps, a pay department, a corps of engineers, an ordnance department, a signal corps, a coast-artillery corps, two regiments and one separate battalion of infantry, four companies of coast artillery, a troop of cavalry, and one battery of field artillery, all to be organized by the President as now provided for the Regular Army or the organized militia by law or regulation: *Provided*, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased, and he shall at any time have power to change the organization of departments, staff corps, regiments, battalions, companies, troop, and battery so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers and enlisted men of any grade in departments, staff corps, regiments, battalions, companies, troop, and battery may be increased to the extent made necessary by the new positions thus created."

Mr. KEAN. Do I understand that there is a general of militia in the District of Columbia? He is named general.

Mr. DICK. A brigadier-general.

Mr. WARREN. The commander of the militia in the District is a brigadier-general now.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert the following:

Strike out all of sections 12, 13, 14, 15, 16, and 17; change the number of section 18 to 12; and amend section 19 to read as follows:

"SEC. 13. That all officers shall be commissioned by the President of the United States, on the recommendation of the commanding general. That they shall be nominated as herein provided. No person commissioned as an officer shall assume such rank or enter upon the duties of the office to which he may be commissioned until he has accepted such commission and taken such oaths or affirmation as may be prescribed."

The amendment was agreed to.

The next amendment was, on page 3, line 16, after the word "of," to strike out the word "section" and to insert "sections 20 and;" in line 18, after "Sec.," strike out "21" and insert "14;" and in line 19, after the word "the," to strike out "troop and companies" and insert "organizations," so as to read:

Strike out all of sections 20 and 21 and insert in lieu thereof the following:

"SEC. 14. That the officers of the staff departments, staff corps, and the organizations created by this act when organized shall be nominated by the commanding general, subject to the examination required by law."

The amendment was agreed to.

The next amendment was, on page 3, line 25, after "Sec.," to strike out "22" and insert "15;"

On page 4, line 10, after "Sec.," strike out "22a" and insert "16;"

On page 4, in line 16, after "Sec.," strike out "23" and insert "17;"

On page 5, line 5, after the word "for," to strike out "one year" and insert "ninety days;"

On page 5, line 11, after "Sec.," strike out "23a" and insert "18;"

On page 5, line 15, after "Sec.," strike out "23b" and insert "19;" and

On page 6, line 6, after "Sec.," strike out "23c" and insert "20."

The amendment was agreed to.

The next amendment was, on page 7, after line 22, to insert the following:

Change the number of section 24 to 21.

The amendment was agreed to.

The next amendment was, on page 8, line 3, after "Sec.," to strike out "25" and insert "22."

On page 8, line 24, after "Sec.," to strike out "26" and insert "23."

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert the following:

Change the number of section 27 to 24.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after "Sec.," to strike out "28" and insert "25."

The amendment was agreed to.

The next amendment was, on page 9, after line 23, to strike out the following:

SEC. 28a. That an enlisted man be discharged without honor at any time by order of the commanding general on account of his being continually absent without leave from his command for a period of not less than three months.

And to insert:

26. That an enlisted man may be discharged without honor at any time by order of the commanding general on account of fraudulent enlistment, or on account of his being continuously absent without leave from his command for a period of not less than three months.

The amendment was agreed to.

The next amendment was, on page 10, line 7, after "Sec." to strike out:

29. That an enlisted man shall be dishonorably discharged by order of the commanding general to carry out the sentence of a court-martial.

And insert:

27. That an enlisted man shall be dishonorably discharged by order of the commanding general upon conviction of felony in a civil court; upon discovery of reenlistment after previous dishonorable discharge; or to carry out a sentence of a court-martial.

Change the number of section 30 to 28.
Change the number of section 31 to 29.
Change the number of section 32 to 30.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after "Sec.," to strike out "32a" and insert "31."

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to insert:

Change the number of section 33 to 32.
Change the number of section 34 to 33.

The amendment was agreed to.

The next amendment was, on page 11, line 23, after "Sec.," to strike out "35" and insert "34;"

On page 12, line 7, after "Sec.," to strike out "35a" and insert "35;"

On page 13, line 1, after "Sec.," to strike out "35b" and insert "36;"

On page 13, line 15, after "Sec.," to strike out "35c" and insert "37;"

On page 14, line 3, after "Sec.," to strike out "35d" and insert "38;" and

On page 14, line 13, after the word "section," to strike out "33" and insert "32."

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to insert:

Change the number of section 36 to 39.
Change the number of section 37 to 40.
Change the number of section 38 to 41.
Change the number of section 39 to 42.
Change the number of section 40 to 43.
Change the number of section 41 to 44.
Change the number of section 42 to 45.
Change the number of section 43 to 46.
Change the number of section 44 to 47.
Change the number of section 45 to 48.
Change the number of section 46 to 49.
Change the number of section 47 to 50.
Change the number of section 48 to 51.
Change the number of section 49 to 52.

The amendment was agreed to.

The next amendment was, on page 15, line 5, after "Sec.," to strike out "49a" and insert "53;" and in line 13, after the word "officer," to strike out "below the grade of major," so as to read:

Following section 49 insert the following additional section:

"SEC. 53. That whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, tumult, breach of the peace, or whenever called in aid of the civil authorities, all enlisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Each mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him: *Provided*, That when the National Guard of the District of Columbia is called into the actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army."

The amendment was agreed to.

The next amendment was, on page 15, line 23, after "Sec.," to strike out "50" and insert "54;" and on page 16, line 1, after the word "court," to insert "and;" in the same line, after the word "inquiry," to strike out "and battalion courts;" and in line 2, after the word "now," to insert "or hereafter," so as to read:

Strike out the whole of section 50 and insert in lieu thereof the following sections:

"SEC. 54. That the military courts of the District of Columbia shall be: General courts-martial, garrison courts-martial, the summary court, and courts of inquiry, as now or hereafter provided by law."

The amendment was agreed to.

The next amendment was, on page 16, line 3, after "Sec.," to strike out "50a" and insert "55."

The amendment was agreed to.

The next amendment was, on page 16, after line 12, to insert:

Change number of section 51 to "56."

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to strike out:

Following section 54 insert the following additional sections:

"SEC. 54a. That the constitution and jurisdiction of courts-martial, the form and manner in which the proceedings of military courts shall be conducted and reported, and the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in revisions shall be governed by the Articles of War and the law and procedure of the courts-martial of the United States."

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

After section 51 insert the following additional sections:

The amendment was agreed to.

The next amendment was, on page 17, line 1, after "Sec.," to strike out "54a" and insert "57;" and in the same line, after "57," to insert:

That the constitution and jurisdiction of military courts, the form and manner in which their proceedings shall be conducted and reported, and the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in revision shall be governed by the Articles of War and the law and procedure of the military courts of the United States.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after "Sec.," strike out "54b" and insert "58;" and in line 15, after the word "court," to insert "nor shall any officer or enlisted man be liable to civil or criminal prosecution for any act done while in the discharge of his military duty," so as to read:

SEC. 58. That no action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court, nor shall any officer or enlisted man be liable to civil or criminal prosecution for any act done while in the discharge of his military duty.

The amendment was agreed to.

The next amendment was, on page 17, line 18, after "Sec.," to strike out "54c" and insert "59;" on page 17, line 22, after "Sec.," to strike out "54d" and insert "60;" on page 18, line 20, after "Sec.," to strike out "54e" and insert "61;" and on page 18, line 24, after "Sec.," to strike out "54f" and insert "62."

The amendment was agreed to.

The next amendment was, on page 19, after line 12, to insert:

Strike out all of sections 52, 53, and 54.

Change number of section 55 to 63.

Change the number of section 56 to 64, and amend it to read as follows:

"SEC. 64. That during the annual encampment, and on every duty on parade ordered by the commanding general, there shall be allowed and paid for each day of service: To each member of the regularly enlisted bands, $4; to the chief musicians, $8; and to the principal musicians, $6. In event there is no enlisted band or field music, or not a sufficient number of either, the commanding general may authorize the employment of such as he may deem necessary for the occasion: *Provided*, That the total pay of enlisted musicians shall not in any event exceed the rates authorized by this section."

Change the number of section 57 to 65.

Strike out all of section 58, and insert in lieu thereof the following:

"SEC. 66. That the commanding general shall annually transmit to the Commissioners of the District of Columbia an estimate of the amount of money required for the next ensuing fiscal year to pay the expenses authorized by this act, and the said Commissioners shall include the same in their annual estimates of appropriations for the District; and all money appropriated to pay the expenses authorized by this act shall be disbursed in accordance with law."

Change the number of section 59 to 67.

Change the number of section 60 to 68.

Change the number of section 61 to 69.

Change the number of section 62 to 70.

Change the number of section 63 to 71.

Mr. SUTHERLAND. I observe in this section and in a number of others the provision is to "strike out all of section 58," and so on. It seems to me that that language would be appropriate if we were undertaking to amend a pending bill, but it does not seem to me to be appropriate when the evident intention is to repeal an existing law. It appears to me that the language in all those instances should be that sections so and so are hereby repealed.

Mr. HEMENWAY. I think we are following here the custom in amending sections of existing law. The law we are amending applies to nothing but the District of Columbia, and the bill is as nearly as possible in the form of bills passed by the various States to comply with the Dick law as amended.

Mr. SUTHERLAND. The point I make is that the language is not appropriate. To say that a certain section of existing law is hereby stricken out is not appropriate language to use when the intention is to repeal the law.

Mr. HEMENWAY. We are not repealing the law as a whole; we are only repealing certain sections of the law.

Mr. SUTHERLAND. I understand; but the effect would be the same. We are repealing section so and so of the law, and that is an entire section.

Mr. HEMENWAY. The effect is exactly the same.

Mr. GALLINGER. We are amending the act.

Mr. HEMENWAY. We are amending the act, and the effect would be the same.

Mr. SUTHERLAND. It occurs to me that the language is entirely inappropriate. I merely call attention to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 20, line 23, after "Sec.," to strike out "64" and insert "72;" and on page 21, line 15, after "Sec.," to strike out "64a" and insert "73."

The amendment was agreed to.

The next amendment was, on page 21, line 18, after "Sec.," to strike out "65" and insert "74;" and in line 21, after the word "three," to insert "as amended," so as to read:

SEC. 74. That whenever the words "State or Territory" are used in the "Act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, as amended, they shall be held to apply to and include the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 21, line 23, after "Sec.," to strike out "66" and insert "75;" and in line 24, after the words "held to," to strike out "change or otherwise interfere with the dates of existing commissions of officers of the National Guard of the District of Columbia or with the" and insert "alter the status or," so as to read:

SEC. 75. That nothing herein contained shall be held to alter the status or organization of the naval battalion as now provided for by law.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

SEC. 76. That any commission issuing under the provisions of this act shall, where the rank remains unchanged, bear the date of the commission now held; and that any officer who has served continuously in the same grade may be recommissioned with rank from date of his original commission to that grade.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REGISTERS OF LAND OFFICES.

The bill (S. 6986) for the relief of registers and former registers of the United States land offices was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 9, after the words "*And provided further*," to strike out—

That the sums so refunded shall not exceed the amount authorized in each case to be paid as salary to such receiver.

And to insert:

That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to registers and former registers of United States land offices money earned by them for issuing notices of the cancellation of entries subsequent to July 26, 1892, which money, under the instructions of the Secretary of the Interior, they were erroneously required to deposit in the United States Treasury, contrary to the provisions of the act approved July 26, 1892: *Provided*, That such refund shall be made only of money deposited subsequent to the approval of the act of July 26, 1892, and shall be made upon accounts stated and certified by the Secretary of the Interior: *And provided further*, That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year.

Mr. KEAN. Mr. President, when that bill was up the other day I objected to it because there was no statement of the amount that would be required to pay these fees. The Senator from Minnesota [Mr. CLAPP], I understand, has a statement giving the amount. I should like, before the bill is acted upon, to have him give it to the Senate.

Mr. CLAPP. Mr. President, I have a copy of a letter addressed to the chairman of the Committee on Claims [Mr. FULTON] by the Secretary of the Interior, in which he gives a list of names and the amount which is to be paid to each. I have footed it up, and the amount is $7,732.11. I ask that the letter of the Secretary be inserted in the RECORD at this point.

The VICE-PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DECEMBER 5, 1908.

Hon. C. W. FULTON,
Chairman Committee on Claims,
United States Senate.

SIR: In compliance with your request of June 6 last, to be advised as to the amounts involved in each of certain bills introduced at the last session for the purpose of refunding to registers of United States land offices "cancellation fees" collected under the act of July 26, 1892 (27 Stat. L., 270), I have the honor to report that the records of this department show that the registers named in the respective bills would receive, upon the passage of the bills, the amounts indicated in the attached table.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Senate bill.	Name of register.	Cancellation fees not paid to registers.
7236	H. F. Millikan	$459.00
7239	C. C. Schuyler	154.11
7240	Alexander C. McGillivray	426.00
7241	Ole Serumgard	1,257.00
7242	Lee Stover	223.00
7243	Marshall H. Jewell	2,515.00
7244	Alfred H. Boles	65.00
7245	John J. Boles	142.00
7246	Emory D. Brownlee	907.00
7247	R. A. Cameron	307.00
7248	A. R. Museller	274.24
7249	E. G. Spillman	126.00
7250	Frank M. Swasey	3.00
7251	Frank G. Prescott	80.00
7252	J. B. West	37.00
7253	Harry J. Syms	262.00
7255	Edward P. Tremper	42.00
7256	Hatthew B. Malloy	583.00
Total		7,732.11

Mr. KEAN. I ask that the report of the committee be published, with the letter submitted by the Senator from Minnesota.

The VICE-PRESIDENT. Without objection, it is so ordered.

The report referred to, submitted by Mr. CLAPP on January 25, 1909, is as follows:

The Committee on Claims, to whom was referred the foregoing bill, having examined the same, recommend its passage with an amendment.

After the word "Interior," on line 6 of page 2, insert the following: "*And provided further*, That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year."

The object of the bill is to refund to registers and former registers of United States land offices the fee of $1 collected by them from successful contestants on homestead land entries for issuing a notice of the cancellation of the entry.

The act approved May 14, 1880, provided that that fee should not be reported by the register to the United States, and they were allowed to retain it as a personal fee.

The act approved August 4, 1886, changed the law and required that all fees earned by the registers should be reported to the Treasury, which requirement was complied with.

The act of Congress approved July 26, 1892 (27 Stat. L., 270), restored the provisions of the act of 1880 and provided that that particular fee need not be reported to the United States.

Notwithstanding the provisions of that latter act, the Interior Department, through its agents, demanded that all fees earned by the registers should be reported to the United States and covered into the Treasury, which was done.

The Secretary now reports that that fee should have been retained by the registers as personal, and the requirement that such fees be reported to the Government was not warranted.

In support of the foregoing bill your committee beg leave to refer to the annexed letters.

DEPARTMENT OF THE INTERIOR,
December 31, 1908.

* * * The question now at issue is whether section 2 of the act of May 14, 1880, supra, as amended by the act of July 26, 1892, is correctly interpreted in the case of Cunningham *v.* Langley, paragraph 9, above, and in the circular of May 16, 1907, paragraph 10, above, or whether the proviso in section 2 of the act of March 3, 1887, that the register shall be entitled to a fee of $1 for giving notice of cancellation, to be paid by the contestant and "not to be reported," means that said fee is to be reported, under the prior legislation set forth in paragraph 4, above, and the prior regulations cited under paragraph 8, above.

I am of the opinion that the words "not to be reported" embodied in section 2 of the act of July 26, 1892, are capable of only one meaning, which can not be more clearly expressed than in the words themselves; that the registers' cancellation fees should not have been reported subsequent to the month of July, 1892, and that provision should be made for payment to Theodore Bruener of $19 cancellation fees earned by him but not paid to him.

I would suggest, however, that instead of introducing a multiplicity of private bills for the relief of registers and ex-registers, Senate bill No. 6986, for the relief of registers and former registers of the United States land offices, introduced by Senator Clapp and referred to the Committee on Claims May 5, 1908, be acted upon. Senate bill 6986 would afford relief to Theodore Bruener and to all registers and ex-registers who have similar claims. * * *

JAMES RUDOLPH GARFIELD,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 7, 1908.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed papers are true copies of the originals as the same appear of record in this department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed the day and year first above written.

[SEAL.]

FRANK PIERCE,
First Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1908.

SIRS: In reply to your request of the 23d instant I have the honor to report on the amendment intended to be proposed by Senator KITTREDGE to the bill (H. R. ——) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, as follows:

Senator KITTREDGE'S proposed amendment seems to be predicated upon departmental instructions addressed to registers and receivers at United States district land offices on May 16, 1907, and now in force, to wit:

"Paragraph 11. The register's fee for notice of the cancellation of an entry, provided by the act of May 14, 1880 (21 Stat. L., 140), amended by the act of July 26, 1892 (27 Stat. L., 270), shall not be demanded at the time a contest is initiated nor until the entry is canceled and notice thereof given to the successful contestant. The register will collect this fee at the proper time and retain the same as personal. Deposits on account of register's fee for notice of cancellation now reported in the account of unearned fees and unofficial moneys shall, if possible, be returned to the parties who deposited the same, the receiver securing proper voucher therefor."

The feature of said paragraph 11 of importance herein is that the register was directed to collect and retain the fee of $1 for giving notice of the cancellation of an entry; whereas prior to the instructions above quoted and under departmental instructions of March 15, 1887 (5 L. D., 577), the receiver was directed to collect the register's cancellation fee and to deposit the same to the credit of the Treasurer of the United States pursuant to section 2240, United States Revised Statutes, and acts of August 4, 1886 (29 Stat. L., 239), and March 3, 1887 (24 Stat. L., 526).

The last-mentioned instructions apparently had the support of law until the passage of the act of July 26, 1892 (27 Stat., 270), amending section 2 of the act of May 14, 1880 (21 Stat., 140), to read:

"SEC. 2. In all cases where any person has contested, paid the land-office fee, and procured the cancellation of any preemption homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of $1 for the giving of such notice, to be paid by the contestant, and not to be reported."

Assuming that the basis of paragraph 11 of the circular of May 16, 1907, is correct, to wit, that the proviso, cited above, in the act of July 26, 1892, places the register's cancellation fee without the pale of section 2240, Revised Statutes, and acts making appropriations for salaries and commissions of registers and receivers, by force of the express direction that the cancellation fee is "not to be reported," it follows that such fees ought not to have been reported subsequent to the act of July 26, 1892, and that registers are equitably entitled to such cancellation fees as have been covered into the Treasury since July 26, 1892, and which have not entered into their compensation or been paid to them since that date under the appropriations for salaries and commissions of registers and receivers.

It should be noted that cancellation fees have been paid to the registers from the appropriations for salaries and commissions of registers and receivers in all instances where their earnings, including cancellation fees, have been less than the maximum of $3,000 per year, specified in section 2240, Revised Statutes.

I therefore recommend that Senator KITTREDGE'S proposed amendment be amended in the following particulars:

1. By limiting its application to cancellation fees earned subsequent to July 26, 1892.

2. By limiting the reimbursement to registers to such cancellation fees as have been deposited in the Treasury and have not entered into the compensation paid to them under appropriations for salaries and commissions.

Both of the above suggestions may be incorporated in Senator KITTREDGE'S amendment by inserting therein after the word "Treasury," on line 10, the following: "subsequent to July 26, 1892, and which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year, $100,000."

I may add that several claims for cancellation fees earned by registers and covered into the Treasury are now pending before the Court of Claims.

Respectfully submitted.

FRANK PIERCE,
Acting Secretary.

COMMITTEE ON PUBLIC LANDS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1908.

SIR: I am in receipt of your letter of the 8th instant in which you call attention to Senator KITTREDGE'S proposed amendment to the bill making appropriation for sundry civil expenses:

"To reimburse registers of United States land offices for the amount of all fees for notices of cancellation authorized to be paid by them by the act entitled 'An act to amend section 2 of an act approved May 14, 1880, being an act for the relief of settlers on public lands,' approved June 26, 1892, but which, pursuant to instructions of the Department of the Interior, prior to May 6, 1907, were collected by receivers of public moneys and deposited in the Treasury, ——— dollars."

You ask if further amendment will be necessary to authorize reimbursement to former registers, and in reply I beg to suggest that from the language of his amendment it seems to have been the intention of Senator KITTREDGE to extend relief to former registers as well as to those now in office, and in my judgment his amendment is susceptible of such an interpretation, but if there is doubt on the subject the effect of the bill may be made certain by adding the words "and former registers," after the word "register," in line 1 of the proposed amendment. Please notice my report to the Senate committee on Mr. KITTREDGE'S amendment.

Very respectfully,

FRANK PIERCE,
Acting Secretary.

Hon. T. P. GORE,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 29, 1908.

SIR: Replying to your letter of the 24th instant, in which you state that the proposed legislation having for its object the payment to registers of United States land offices of certain fees for giving notices of the cancellation of entries is now before the Appropriation Committee of the House of Representatives, and asking for full information as to the practice of this department in regard to the disposition of such fees under the several acts approved August 4, 1886; March 3, 1887 (24 Stat., 239 and 526); and July 26, 1892 (27 Stat., 270), I have the honor to advise you as follows:

On March 15, 1887 (5 L. D., 577), a circular was issued citing the acts of August 4, 1886, and March 3, 1887 (supra), in which registers were instructed that—

"The fee of $1 authorized to be returned by the register for giving notice of the cancellation of an entry, as provided by the act of May 14, 1880 (21 Stat., 140), will be paid to the receiver, who will deposit it with other fees when the entry is canceled and the notice given.

"Registers of land offices have no right officially to receive any moneys whatever, except such as are paid to them by receivers as salary, fees, and commissions."

The act of July 26, 1892 (27 Stat., 270), amending section 2 of the act of May 14, 1880, contains the proviso "that said register shall be entitled to a fee of $1 for the giving of such notice, to be paid by the contestant and not to be reported."

In the case of Cunningham *v.* Longley (18 L. D., 76), decided on February 12, 1894, the department held that—

"The proviso to the second section of the act of May 14, 1880, entitled him (the register) 'to a fee of $1 for the giving of such notice, to be paid by the contestant and not to be reported;' while this department will, in proper cases, exact its payment, neither the Government nor the contestee has any interest therein. It is a matter personal to the register, and he alone has standing to complain of its nonpayment."

Notwithstanding the proviso in the act of July 26, 1892, that said fee was "not to be reported," that is, to be accounted for, and the decision just cited, the circular of March 15, 1887, remained in full force and effect until the issuance of the circular of May 16, 1907 (35 L. D., 568), since which date the register has been authorized to collect the cancellation fee "and retain the same as personal."

From March 15, 1887, to May 16, 1907, it was held that the register should not be paid any fees that would increase his compensation to over $3,000 per annum. This holding was correct until the passage of the act of July 26, 1892, which act is independent of the act making appropriation for salaries and commissions of registers and receivers, this latter act providing only that they should each be paid no more than $3,000 from that appropriation, and not interdicting the payment of moneys by settlers to the register for notices of the cancellation of entries, which construction of said acts required the issuance of paragraph 11 of the circular of May 16, 1907.

Very respectfully,

FRANK PIERCE,
First Assistant Secretary.

Hon. BIRD MCGUIRE,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, April 29, 1908.

SIR: Replying to your letter of the 24th instant, in which you state that the proposed amendment by Senator ALFRED B. KITTREDGE, having for its object the payment to registers of the United States land offices of certain fees for giving notices of the cancellation of entries, is now before the Appropriation Committee of the Senate, and asking for full information as to the practice of this department in regard to the disposition of such fees under the several acts approved August

4, 1886; March 3, 1887 (24 Stat., 239 and 526); and July 26, 1892 (27 Stat., 270), I have the honor to advise you as follows:

On March 15, 1887 (5 L. D., 577), a circular was issued citing the acts of August 4, 1886, and March 3, 1887 (supra), in which registers were instructed that—

"The fee of $1, authorized to be retained by the register for giving notice of the cancellation of an entry, as provided by the act of May 14, 1880 (21 Stat., 140), will be paid to the receiver, who will deposit it with other fees when the entry is canceled and the notice given.

"Registers of land offices have no right officially to receive any moneys whatever, except such as are paid to them by receivers as salary, fees, and commissions."

The act of July 26, 1892 (27 Stat., 270), amending section 2 of the act of May 14, 1880, contains the proviso "That said register shall be entitled to a fee of $1 for the giving of such notice, to be paid by the contestant and not to be reported."

In the case of Cunningham *v.* Longley (18 L. D., 76), decided on February 12, 1894, the department held that "the proviso to the second section of the act of May 14, 1880, entitled him (the register) 'to a fee of $1 for the giving of such notice, to be paid by the contestant and not to be reported;' while this department will, in proper cases, exact its payment, neither the Government nor the contestee has any interest therein. It is a matter personal to the register, and he alone has standing to complain of its nonpayment."

Notwithstanding the proviso in the act of July 26, 1892, that said fee was "not to be reported"—that is, to be accounted for—and the decision just cited, the circular of March 15, 1887, remained in full force and effect until the issuance of the circular of May 16, 1907 (35 L. D., 568), since which date the register had been authorized to collect the cancellation fee "and retain the same as personal."

From March 15, 1887, to May 16, 1907, it was held that the register should not be paid any fees that would increase his compensation to over $3,000 per annum. This holding was correct until the passage of the act of July 26, 1892, which act is independent of the act making appropriation for salaries and commissions of registers and receivers, this latter act providing only that they should each be paid no more than $3,000 from that appropriation and not interdicting the payment of moneys by settlers to the register for notices of the cancellation of entries, which construction of said acts required the issuance of paragraph 11 of the circular of May 16, 1907.

Very respectfully,

FRANK PIERCE,
First Assistant Secretary.

Hon. H. M. TELLER,
United States Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF PROVISIONS OF CAREY ACT.

The bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, was considered as in Committee of the Whole. It proposes to extend to the Territories of Arizona and New Mexico all the provisions of section 4 of the act of Congress approved August 18, 1894, being chapter 301 to Supplement to Revised Statutes of the United States, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," and the amendments thereto, and such Territories upon complying with the provisions of the act shall be entitled to have and receive all of the benefits therein conferred upon the States.

Mr. KEAN. I ask the Senator from Wyoming kindly to make an explanation of what benefit the two Territories will receive by the passage of this bill.

Mr. CLARK of Wyoming. The benefit the Territories will receive will be the same benefit that the States in the arid regions now receive from the application of the Carey Act, so called, the best act that has ever been passed for the arid States. This bill provides for extending that act to the Territories named in the bill, which were inadvertently omitted from its original provisions.

Mr. KEAN. I hope they will remain Territories for some time to come.

Mr. HEYBURN. If the Senator from Wyoming has no further remarks to make——

Mr. CLARK of Wyoming. I have no remarks to make. I am merely answering a question.

Mr. HEYBURN. Mr. President, when this measure was before the Committee on Public Lands I stated that I would not oppose its consideration at any time, but that I reserved the right to make a statement to the Senate on the question of our power to do the things proposed to be done by his bill.

It is an important question. The Territories of Arizona and New Mexico have only temporary governments. They can make no laws, except subject to the approval of Congress, and while I am in thorough sympathy with the Carey Act and would like to see it extended to every portion of the United States where arid lands exist, yet I doubt the power of those Territories to take title as it is provided by the terms of the Carey Act the States shall take title.

But, Mr. President, inasmuch as in a very few minutes the Senate will be compelled to proceed to the Hall of the House of Representatives to take up another matter in joint session with the House, I do not feel that I could make the statement that I desire to make with that fullness with which it should be made before the Senate votes upon this question. I do not ask that the bill go over. I only suggest, inasmuch as we have only six minutes before leaving this Hall, that the matter be retained for consideration. I am advised by the Senator from New Jersey [Mr. KEAN] that we only have one minute.

Mr. CLARK of Wyoming. I exceedingly regret that the Senator feels it necessary to oppose this measure. My purpose in pressing it at this time is simply because the legislature of New Mexico is now in session, and unless early action is taken on this bill no benefit can accrue to the Territories of Arizona and New Mexico under the bill until the next session of the legislature.

Mr. HEYBURN. It may be that the Senator is entirely right in the matter, and it may, and probably will, be that he will succeed in his wish for the favorable consideration of the bill; but I feel it my duty, before the Senate acts upon it, to make the statement that I want to make. The time is up now for further proceedings in this body. I will not ask that the bill go over, nor do I wish to delay it, but I simply desire to make a statement before it is passed.

Mr. CLARK of Wyoming. They have already received grants. They have taken the lands under the law and now hold them.

Mr. HEYBURN. I will stand ready to answer the suggestions of the Senator when we have time.

The VICE-PRESIDENT. What disposition does the Senator from Idaho desire made of the bill now under consideration? Does he desire that it go over?

Mr. HEYBURN. I presume everything will have to go over, Mr. President, without a motion. We have an order of business for this hour, and it is after the time for its execution now.

ESTATE OF JOHN H. HAMITER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4024) for the relief of John H. Hamiter, which were in line 4, after the word "to," to insert "Allen H. Hamiter, administrator of the estate of;" in line 4, after the name "Hamiter," to insert the word "deceased," and to amend the title so as to read: "An act for the relief of Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased."

Mr. DAVIS. Mr. President, that is a bill that was introduced by my colleague [Mr. CLARKE of Arkansas]. As I understand all that is necessary is that the Senate concur in the House amendments, and I make that motion.

The VICE-PRESIDENT. The Senator from Arkansas moves that the Senate concur in the amendments of the House of Representatives.

Mr. KEAN. What is the bill?

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (S. 4024) for the relief of John H. Hamiter.

Mr. DAVIS. It is a local bill.

Mr. KEAN. Is it a bill that has already passed the Senate?

Mr. DAVIS. It has passed the Senate and has passed the House with amendments.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

COUNT OF ELECTORAL VOTES.

At 12 o'clock and 57 minutes p. m.,

The VICE-PRESIDENT. Senators, under the concurrent resolution providing for the count of the electoral votes for President and Vice-President of the United States, the Senate will now proceed to the Hall of the House of Representatives.

The Senate, preceded by the Vice-President, the Secretary, and the Acting Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral votes for President and Vice-President of the United States.

The Senate returned to its Chamber at 1 o'clock and 45 minutes p. m., and the Vice-President resumed the chair.

Mr. BURROWS, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States, said:

Mr. President, the tellers on the part of the Senate report to the Senate the following as the result of the ascertainment and counting of the electoral votes for President and Vice-President of the United States for the term beginning March 4, 1909, in order that the report may be entered upon the Journal of the Senate.

The VICE-PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 483, of which a majority is 242.

William Howard Taft, of the State of Ohio, has received for President of the United States 321 votes;

William Jennings Bryan, of the State of Nebraska, has received 162 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 483, of which a majority is 242.

James Schoolcraft Sherman, of the State of New York, has received 321 votes;

John Worth Kern, of the State of Indiana, has received 162 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, each for the term beginning March 4, 1909, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The report of the tellers as entered on the Journal is as follows:

The undersigned, JULIUS C. BURROWS and JOSEPH WELDON BAILEY, tellers on the part of the Senate, and JOSEPH H. GAINES and WILLIAM W. RUCKER, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1909:

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		William Howard Taft, of Ohio.	William Jennings Bryan, of Nebraska.	James Schoolcraft Sherman, of New York.	John Worth Kern, of Indiana.
11	Alabama		11		11
9	Arkansas		9		9
10	California	10		10	
5	Colorado		5		5
7	Connecticut	7		7	
3	Delaware	3		3	
5	Florida		5		5
13	Georgia		13		13
3	Idaho	3		3	
27	Illinois	27		27	
15	Indiana	15		15	
13	Iowa	13		13	
10	Kansas	10		10	
13	Kentucky		13		13
9	Louisiana		9		9
6	Maine	6		6	
8	Maryland	2	6	2	6
16	Massachusetts	16		16	
14	Michigan	14		14	
11	Minnesota	11		11	
10	Mississippi		10		10
18	Missouri	18		18	
3	Montana	3		3	
8	Nebraska		8		8
3	Nevada		3		3
4	New Hampshire	4		4	
12	New Jersey	12		12	
39	New York	39		39	
12	North Carolina		12		12
4	North Dakota	4		4	
23	Ohio	23		23	
7	Oklahoma		7		7
4	Oregon	4		4	
34	Pennsylvania	34		34	
4	Rhode Island	4		4	
9	South Carolina		9		9
4	South Dakota	4		4	
12	Tennessee		12		12
18	Texas		18		18
3	Utah	3		3	
4	Vermont	4		4	
12	Virginia		12		12
5	Washington	5		5	
7	West Virginia	7		7	
13	Wisconsin	13		13	
3	Wyoming	3		3	
483	Total	321	162	321	162

J. C. BURROWS,
J. W. BAILEY,
Tellers on the part of the Senate.
JOSEPH H. GAINES,
W. W. RUCKER,
Tellers on the part of the House of Representatives.

EXTENSION OF PROVISIONS OF CAREY ACT.

Mr. KEAN. We were on the calendar under Rule VIII.

The VICE-PRESIDENT. The Senate will resume consideration of the bill which was under discussion at the time when the Senate left its Hall.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

Mr. HEYBURN. Mr. President, I am very loath to intrude this question upon the Senate at the present time, and did it not seem to me one of more than passing importance, I would let it go by.

The proposition is one of the power of Congress to do what it is proposed to do by this bill, and it seems to me it is a character of question that ought never to be waived, because if there is anything we must first consider in legislating it is our power to legislate.

Mr. President, the Carey Act provides that upon certain proceedings by a State the Government shall deed to the State lands to be taken up under the Carey Act. That act has been in operation for some years, and it is the very best public-land act, outside of the homestead law, ever enacted. I am in sympathy with it, and I should like to see it extended to the Territories, if I were sure we had the power to do it. But I do not think, after some investigation of the question, that a Territory is capable of receiving title from the Government of the United States under the provisions of the Carey Act.

The territorial government is a temporary government. It takes the use of public lands through the title of the United States and not through any title in itself. It is proposed to extend the provisions of the Carey Act to the Territories of New Mexico and Arizona; and I hope that those people will very speedily receive the benefit of that act, because I sincerely hope that they will soon be States, when they would need no further legislation of a serious character. But under what provision of law or the Constitution a Territory can receive the title to lands from the United States for the purpose of distribution I am unable to satisfy my mind. I think there is none.

I merely desired, and I thought it was my duty at this time, to call the attention of the Senate to it, and I regret that the luncheon hour has made the Senate so thin that only a few will perhaps be able to consider these questions at all when they vote upon the pending bill. But if we should proceed to enact this law, authorizing the Government of the United States, upon the application of a State to grant it certain lands under the provisions of the Carey Act and a Territory were to undertake to receive title as a State, in my judgment no title would pass, and we should be laying the foundation for a confusion in the law affecting the titles to those States. That we ought not to do. There is a sovereign power in the State under which it may hold title to land and may take a grant of land, but the Territories of New Mexico and Arizona have no final jurisdiction even to legislate. Legislation by the terms of the organic act of those Territories must be submitted to Congress under the limitations prescribed in the act.

I know of no instance, but I am told there are instances where we have granted lands to a Territory. However, I feel quite sure that there was no power to take the grant in the Territory, and that the title is still in the United States. I have had some experience, having lived in Territories for a number of years. We did not take a grant of title to the lands which the Government gave us for any purpose. They were merely set aside for our use.

Mr. CLARK of Wyoming. Will the Senator permit a question?

Mr. HEYBURN. Certainly; any number.

Mr. CLARK of Wyoming. In the time when the Senator lived in the Territory of Idaho, did the Territory take the title to land there?

Mr. HEYBURN. I think it did not take title to the land. I think the Government, in effect, set aside the land for its use.

Mr. CLARK of Wyoming. I am not speaking of the Government. My recollection is that the Territory of Idaho had numerous public institutions, its state capitol and other institutions. Did the Territory hold the title to the land upon which those institutions were erected?

Mr. HEYBURN. No; because it was necessary when we were admitted as a State to enact in the law title in the State.

Mr. CLARK of Wyoming. Exactly; title from the Territory into the State, but not from the original grantee.

Mr. HEYBURN. No; the initial admission act of the State which the Senator in part represents and the State which I in

part represent grants the land for school purposes, it grants the land for the capitol——

Mr. CLARK of Wyoming. The Senator evades my question.

Mr. HEYBURN. If the Senator will just give me a chance to go on, I will answer his question.

Mr. CLARK of Wyoming. I will.

Mr. HEYBURN. The lands upon which the territorial capitol stood, the lands upon which the penitentiary stood, and the insane asylum, and the State University had to come to the State through an act of Congress.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. KEAN. I ask the Senator from Montana if he desires specially to go on with this bill. There are a number of unobjected cases on the calendar that a great many Senators are interested in, and I think if we could run on with the calendar for a little while we could get through with a good deal of business. Of course I do not want to interfere with the unfinished business, because I know it has been laid aside rather unduly lately.

Mr. CARTER. I am quite anxious, of course, to see the calendar disposed of, but I have greater anxiety to see the unfinished business disposed of.

Mr. WARREN. Will the Senator yield to me to present a conference report on the legislative, executive, and judicial appropriation bill?

Mr. KEAN. Before the Senator presents the report, I will ask the Senator from Montana how long he thinks he would like to go on to-day with the unfinished business?

Mr. CARTER. I think we can dispose of all the amendments pending this afternoon, and I hope we shall vote at no very distant hour on the bill.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Wyoming?

Mr. KEAN. Certainly.

Mr. CLARK of Wyoming. I simply want to impress upon the Senator from Montana the necessity of the passage of the pending bill very early if the bill is to be of any advantage to the Territories of Arizona and New Mexico. It is well known that the legislatures of those Territories are now in session and will soon adjourn. If the act is to be extended to those Territories, it will need legislative action before they can take advantage of it. I think we can get through with the bill in a short time.

Mr. TILLMAN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from South Carolina will state his parliamentary inquiry.

Mr. TILLMAN. The bill which was under consideration when the morning hour expired goes on the calendar?

The VICE-PRESIDENT. It is now on the calendar.

Mr. TILLMAN. Therefore it can not come up again unless it is called up by unanimous consent or is reached in its order?

The VICE-PRESIDENT. Or by motion.

Mr. TILLMAN. It goes to the foot of the calendar, then?

The VICE-PRESIDENT. No; it retains its place on the calendar.

Mr. TILLMAN. I was going to say that if the unfinished business is not to be considered and there is a proposal to further discuss this measure, noting that none of the Senators on this side who belong to the Public Lands Committee are in their places, I want to object to its further consideration, because it seems to me there are questions involved here of some moment, as to whether a Territory can properly enter upon obligations and perform the necessary acts to protect the public domain. Therefore, unless that bill is to be laid aside, I shall object to its further consideration.

The VICE-PRESIDENT. The consideration of the bill ceased at 2 o'clock.

Mr. TILLMAN. That is what I wanted to find out. There was some discussion as to whether the unfinished business would be laid aside and the consideration of that bill resumed.

The VICE-PRESIDENT. Under the rule its consideration is not carried beyond the hour of 2 o'clock.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CARTER. The conference report which the Senator from Wyoming [Mr. WARREN] desires to present is a privileged matter, and I yield to him for that purpose.

Mr. WARREN. I desire before the report is read to say that it is a report of a partial agreement, and I will state the condition.

The Senate added to the bill $664,224 in 210 items, and the amount of the bill as passed by the Senate was $32,326,984.

The net amount reduced in conference so far is $16,440. The amount in disagreement is $322,000 in 24 items, which includes the salaries of the President, Vice-President, and Speaker, and the $5,000 allowance for horses and carriages for Vice-President and salaries of judges of the various courts.

Other than the items mentioned the conference report is a complete agreement. There were 210 items in disagreement.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 39, 40, 83, 84, 95, 99, 102, 105, 106, 109, 112, 113, 114, 131, 132, 133, 175, 176, 177, 179, 180, 181, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 101, 103, 104, 107, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 134, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 171, 172, 173, 174, 178, 183, 184, 185, 186, 187, 188, 190, 191, and 208, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "; hire of horse and wagon for the Secretary's office, four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand four hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-four thousand nine hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-seven thousand seven hundred and forty-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ", or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, ten thousand dollars, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ", to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert ", to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of said amendment, after

the word "State," insert the following ", said provisions and appropriations for private secretary, and clerk to the Secretary of State, private secretary to the Undersecretary of State, and clerk to the Undersecretary of State, to be immediately effective and available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "Messenger to the Secretary of State, one thousand dollars, to be appointed by the Secretary of State, to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "Chief clerk, $2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500;," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert the following: "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Four copyists of maps, at nine hundred dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

On amendments numbered 43, 46, 60, 61, 62, 63, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210 the committee of conference have been unable to agree.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move that the Senate still further insist upon its amendments in disagreement and ask for a further conference with the House, and that the Vice-President appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER the conferees on the part of the Senate.

CITIZENSHIP OF NAVAL DESERTERS—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, on motion of Mr. HALE (S. Doc. No. 708), was, with the accompanying papers, referred to the Committee on Naval Affairs and ordered to be printed.

To the Senate:

I return herewith without approval S. 5473, an act amending section 1998 of the Revised Statutes of the United States and to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, and I inclose the adverse reports of the Secretaries of War and the Navy and the Attorney-General. The reasons set forth in these three reports seem to me conclusive. A previous Secretary of the Navy has recommended that in the case of deserters from the naval service the Secretary of the Navy shall be given power to mitigate or remit the loss of the rights of citizenship where the offense was committed in time of peace, and where the exercise of such clemency will not be prejudicial to the public interest. With the purpose of this recommendation I entirely agree, but my attention has been called to the fact that under the decision of the Supreme Court in re Garland, Fourth Wallace, it is a matter of grave doubt whether legislation vesting a portion of the pardoning power in any officer or department of the Government except the President is warranted under the Constitution, the language of the Supreme Court being such as to make it at least doubtful whether this pardoning power can be given to any other official, can be added to or subtracted from, or can be rendered subject to legislative control. In view of this decision the power to pardon, or to remit or mitigate the loss of rights of citizenship, which is of the nature of a pardon, can only be exercised by the President.

But aside from this, the bill is gravely defective and goes far beyond what the Secretary of the Navy recommended. The language is confused and conflicting, so that the exact meaning of the proposed act is not plain. But in the first place it is clear that while it provides for the abolition of the penalty of loss of citizenship in regard to deserters both from the Army and the Navy, yet, curiously enough, it only specifies the Secretary of the Navy and not the Secretary of War as having power to mitigate or remit the penalty in question. This alone would render it in the highest degree inadvisable to sign the bill, for of course it can not have been the intention of Congress to make a one-sided discrimination of an entirely illogical kind between the Army and the Navy in this matter. But in addition it seems probable that the discretion of the Secretary of the Navy to pardon offenders, which was what the previous Secretary of the Navy asked for, is only extended to offenses that have already been committed. As to offenses hereafter committed, while the language of the bill is sufficiently confusing to make it a little difficult to say with certainty what it means, it appears probable that it means that hereafter there shall be no loss of citizenship in any case where a man deserts from the Army or Navy in time of peace, and this no matter how heinous his offense. Such a provision would work grave wrong; for, if enacted into law it would seriously embarrass the discipline of the military and naval services, and would completely mislead public opinion as to the grave moral obliquity involved in the crime of desertion. Desertions from the Army and Navy are already a crying evil; in very many cases the crime is committed under circumstances which show deliberate intention and hardened indifference to the interests of the country. It appears therefore that the present bill would actually encourage hardened offenders to commit a heinous crime against the flag and the Nation, and as regards future cases would refuse to permit discrimination between such offenders and those whose offense is committed under circumstances which so mitigate it as to make it comparatively venial and really amounting to not much more than absence without leave; while in addition, as already pointed out, it discriminates in most curious fashion and probably quite unintentionally between what is required in cases which arise in the Navy and what is required in cases which arise in the Army.

There would be no objection to the proposed act if it were drawn up as recommended by the then Secretary of the Navy a year ago, and if the pardoning power were lodged in the President, who could then exercise it both as regards the Army and the Navy. The bill would then read as follows:

That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six: *Provided*, That the loss of rights of citizenship imposed by law upon deserters from the military or naval service may be mitigated or remitted by the President where the offense was committed in time of

peace and where the exercise of such clemency will not be prejudicial to the public interests.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 10, 1909.*

EXTENSION OF PROVISIONS OF CAREY ACT.

Mr. FORAKER. I ask unanimous consent for the present consideration——

Mr. CARTER. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Montana demands the regular order, which is the unfinished business.

Mr. CARTER. Mr. President, the Senator from Wyoming [Mr. CLARK] advises me that the bill which was under consideration at the hour of 2 o'clock can be disposed of within five minutes. In order that a vote may be taken on the bill which has been discussed, I ask unanimous consent that the unfinished business be laid aside for five minutes, in order to permit the Senator to have the bill disposed of.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana [Mr. CARTER] that the unfinished business be laid aside for five minutes?

Mr. HEYBURN. Mr. President, I withdraw any objection that I may have made to the passage of the bill referred to by the Senator from Wyoming.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana [Mr. CARTER]? The Chair hears none, and it is agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. The bill is before the Senate, as in Committee of the Whole.

Mr. TILLMAN. Is that the bill to which I objected a short time ago?

The VICE-PRESIDENT. It is the bill to which the Senator from South Carolina objected.

Mr. TILLMAN. I know nothing about the merits of the bill, but I know Senators on this side of the Chamber who belong to the committee from which it is reported, who are not now here, and the bill can just as well go over until to-morrow.

Mr. CLARK of Wyoming. Will the Senator allow me a moment?

Mr. TILLMAN. Why not let the bill go over until to-morrow?

Mr. CLARK of Wyoming. The difficulty of letting it go over until to-morrow, if the Senator please, is that if it goes over until to-morrow it will probably go over day after day. It is simply a bill for the benefit of the Territories of Arizona and New Mexico.

Mr. TILLMAN. I understand that—that is, on its face.

Mr. CLARK of Wyoming. That is the truth.

Mr. TILLMAN. I do not know that, and I should prefer that some of the Senators on this side of the Chamber who belong to the Committee on Public Lands should be here and tell us so, not that I dispute the Senator's good faith or honesty of purpose or anything of that sort; but one of the Senators on the other side of the Chamber has expressed a doubt as to whether or not a Territory can occupy the place of a State under the Carey Act. That being the case, I should think the Senator could very well let this matter go over until to-morrow.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. With pleasure.

Mr. NELSON. Mr. President, when this measure was before the Committee on Public Lands nearly all the members of the committee were present, both Republicans and Democrats, and the only objection made to the bill came from the Senator from Idaho [Mr. HEYBURN]. All of the committee, except that Senator, were entirely unanimous. There is no question about the bill.

Mr. TILLMAN. Then it is just as easy to wait until to-morrow and let them say so.

Mr. CLARK of Wyoming. I want to remind the Senator from South Carolina that, in order to make this bill effective for the benefit of these Territories, it must be passed at an early date.

Mr. TILLMAN. I hope it will be effective for the States; and there is some proposition here to make them States, if not at this session, then at the next session. But this bill must wait until to-morrow if my objection can carry it over.

Mr. CLARK of Wyoming. The Senator's objection will certainly carry it over.

Mr. TILLMAN. Then I certainly shall object, though I think I have the interest of the people of New Mexico and Arizona at heart as much as any one in this Chamber.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill.

Mr. CARTER. I call for the regular order, Mr. President.

POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. CARTER. On that amendment I call for a division. We perceive that the amendment proposes to strike out section 10 and to substitute a new section for section 11.

The VICE-PRESIDENT. The Senator from Montana demands a division of the amendment.

Mr. McCUMBER. Before we have a division, I want to know what the amendment is, and I should like to have it again read.

The VICE-PRESIDENT. The amendment will be again stated, at the request of the Senator from North Dakota.

The SECRETARY. The proposed amendment is as follows:

Strike out section 10.

Strike out section 11 and substitute therefor the following:

SEC. 10. That the Postmaster-General shall, as herein provided, deposit postal savings depository funds received at the post-office in any city, town, or village in the bank or banks organized under the national law or a state or territorial law and doing business in such city, town, or village, ratably according to their capital; and if in any such city, town, or village there be no such bank, or if the funds have been received at a post-office not within a city, town, or village, then in the nearest bank or banks in the State or Territory: *Provided, however,* That no depository funds shall be deposited in any bank organized under a state or territorial law unless the laws of the State or Territory in which it is located require public supervision and examination: *And provided further,* That such examination shows the bank to be solvent not only as to creditors, but with unimpaired capital.

Before a deposit is made in any bank as above authorized the bank shall agree to pay interest thereon computed upon the daily balance at the rate of not less than 2¼ per cent per annum. Each bank receiving deposits under the authority of this act shall from time to time give such suitable bond or bonds, with surety or sureties to be approved by the Postmaster-General, as will indemnify the Government against loss. If the banks herein described as the banks in which the funds are to be deposited refuse to accept a deposit or deposits upon the terms and conditions above prescribed, then and in such case the Postmaster-General may use any bank designated by him and complying with said terms and conditions for such deposit or deposits; or he may invest the same in state, territorial, county, or municipal bonds to be selected by him with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

Strike out the figures "12" in line 15 on page 7 and substitute the figures "11."

Strike out the figures "13" in line 25 on page 7 and substitute the figures "12."

Strike out the figures "14" in line 9 on page 8 and substitute the figures "13."

Strike out the figures "15" in line 21 on page 8 and substitute the figures "14."

Strike out the figures "16" in line 8 on page 9 and substitute the figures "15."

Strike out the figures "17" in line 1 on page 10 and substitute the figures "16."

Mr. TELLER. Mr. President, I should like to inquire if the amendment has been printed.

The VICE-PRESIDENT. It has been printed. The amendment has been modified in one particular since its printing. The Secretary will state the particular in which the amendment has been modified.

The SECRETARY. On line 8 of the printed amendment, after the word "village," the words "ratably according to their capital" were inserted.

The VICE-PRESIDENT. That modification of the amendment has been agreed to.

Mr. CUMMINS. Mr. President, I believe the question upon this amendment is clearly divisible, and therefore I have no objection to the suggestion of the Senator from Montana [Mr. CARTER].

Mr. BORAH. In order that we may understand precisely what we are voting on, I should like to have a statement as to what division takes place.

Mr. CARTER. I did not hear the statement of the Senator from Idaho.

The VICE-PRESIDENT. The Senator from Idaho desires that the Senator from Montana shall restate the precise division

of the question embraced in the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CARTER. Mr. President, the amendment of the Senator from Iowa first provides that section 10 shall be stricken out, and then provides a substitute for section 11. Of course these amendments are clearly divisible; but the amendment proposing to strike out section 10 is very clearly subject to subdivision, because there are several propositions involved in section 10. It is readily conceivable that a Senator might favor one or two propositions in that section and be opposed to the one remaining. I will state what the propositions are.

First, section 10 provides—

That postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor.

That is one clear and distinct proposition.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I yield to the Senator from Idaho.

Mr. BORAH. If that is one of the distinct propositions, one of the subdivisions, I do not care to be heard upon that particular division. That was the reason I asked the Senator from Montana to state the divisions.

Mr. CARTER. I will ask a vote, with the permission of the Senate, and I hope it will be granted, upon that proposition standing alone.

The two following propositions are equally separable from the body of the section. One provides that the money shall be exempt from garnishment or seizure, under legal process, while in the possession of the Government. The second provides that the funds "shall not be subject to taxation by the United States or any State, county, or municipality."

The question of garnishment stands alone as a separate, distinct proposition. The question of taxation is equally separate and distinct, neither depending upon the judgment of the Senate with reference to the other.

Then comes a final or concluding clause in section 10, to which I imagine no Senator will have any objection, which provides that—

No person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

I think this feature of the section all will approve without dissent. It would be strange indeed if the postmasters of the country and the clerks in the post-offices were permitted, without any restraint whatever, to make common street gossip of the state of a depositor's account. No bank permits its administration any such freedom with reference to depositors' affairs, and I believe it is currently understood that banks will only yield a statement when compelled so to do by due process of law.

Now, Mr. President, I ask unanimous consent that the first portion of the amendment, proposing to strike out that part of the section relating to the safeguarding of the funds, be considered as disagreed to.

Mr. CUMMINS. Mr. President, I am not able to concur with the Senator from Montana with respect to the first clause or division of this section. It reads:

SEC. 10. That postal savings depository funds are hereby declared to be public moneys—

As a mere abstract announcement, I have no objection to that part of the section. In my opinion, they are and would be public moneys without any such characterization in this proposed statute. But that part of the section to which the Senator refers, the proposed amendment to which he now asks be disagreed to, proceeds:

And subject to the safeguards and preferences provided by statute therefor.

My particular objection to that clause in the section is that my amendment is based upon the hypothesis that there shall be no preference to the United States growing out of a deposit of these moneys in the banks in which they are deposited. I hope that the fairness of that suggestion will so effectually appeal to the Senate that my amendment in that respect will not be disagreed to.

Mr. CARTER. Mr. President, the only question involved in this portion of section 10 is whether it is the disposition of the Senate to throw about these postal funds the safeguards provided by the criminal statutes for public moneys.

Mr. CUMMINS. Mr. President, may I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.

Mr. CUMMINS. Does the Senator understand that the word "preferences" as contained in this section is intended to throw about these deposits the safeguards of the criminal statutes?

Mr. CARTER. The safeguards would unquestionably relate to the criminal statutes. Preferences such as attach to the public moneys ought not to be denied funds of this kind. I believe in guarding these funds with the greatest and most jealous possible care, and no safeguard or preference given the public moneys is too good for the postal savings funds.

Mr. CUMMINS. Mr. President, might I recall something of the discussion the other day upon this point? I have no desire to take away from these depositors entire security, but I am opposed fundamentally to giving their deposits a preference or a lien upon the assets or resources of a bank over other deposits in any such bank. It seems to me when you examine comprehensively the purpose that is in view it must be apparent that to give these depositors a prior lien over the ordinary customary depositors in the banks is to inflict upon them a most serious injustice.

This part of section 10 is inseparably connected with section 11, in which it is expressly provided that there shall be a lien upon the resources of the bank in favor of the Government upon its deposits.

Mr. CARTER. May I interrupt the Senator at that point, in order that possibly we may make progress by reaching an understanding? If the word "preferences," after the word "and," in line 24, should be stricken out in this part of the section, I understand that the Senator would have no objection to it, because the safeguards would manifestly relate only to the application of the criminal statutes.

Mr. CUMMINS. I should have no objection to it if you would strike out the word "preferences," and add to that clause in the section such words as would make it perfectly clear that only the criminal safeguards or protection of the laws are assured for these moneys. With that understanding, I would have no objection to that part of the section.

Mr. McCUMBER. Mr. President, about the same time the Senator from Iowa [Mr. CUMMINS] submitted his amendment I also offered an amendment covering in many respects the same ground. The principal difference was that my amendment did not cover as much ground. The amendment that is proposed here covers several different and distinct propositions. One of the propositions, as I understand, is that the deposits made by the Government in the banks shall have preference over claims of other creditors of the bank. Upon that proposition I am certainly in accord with the views of the Senator from Iowa, but I am doubtful whether striking out the single word "preferences" will meet the objection, because a preference is certainly a protection; and striking out the word "preferences" alone would not leave the section in such a shape that it would under the other words used make a preference in favor of the United States for its deposits. I wish to discuss another feature of this matter, but I understand it is agreed that this shall be voted upon as a separate proposition. I only suggest to the Senator that before he accepts the amendment suggested by the Senator from Montana the proposition should be very carefully considered and the language carefully drawn.

Mr. CUMMINS. Mr. President, I hope the Senator from North Dakota did not understand me to agree that the amendment should be disregarded, or this part of the section retained merely because of the striking out of the word "preferences." I expressly stated that if that part of the section were so changed as to make it certain that it referred only to the criminal statutes, then I would have no objection to it, although I may add that the criminal statutes will be effective in protecting the deposits without any reference to them in the law, if these moneys are public moneys, and I assume that nobody will question the proposition that they are public moneys when they come into the hands of the Government and the Government undertakes an absolute obligation to repay.

Mr. CARTER. Mr. President, the portion of section 10 under discussion was inserted through extra caution. But in order to defer the question of preference for deposits until we reach that question distinctly in section 11, I am prepared to meet the Senator's views by moving to strike out the words "and preferences," and inserting after the word "by" and before the word "statute" the words "the criminal," and making the word "statute" plural, so that it will read:

Subject to the safeguards provided by the criminal statutes therefor.

If the Senator will withdraw his amendment as to that portion of the section, I will move the amendment which I have suggested.

Mr. FLINT. Mr. President, do I understand that the Senator, in consenting to strike out the word "preferences," does not in-

tend that the Government shall have a preferred claim in the matter of savings-bank deposits?

Mr. CARTER. Mr. President, I would not assent to this change at this point in the bill were it not for the fact that in the succeeding section, section 11, specific provision is made for the preference of government deposits in the banks.

In order to reach the matter otherwise, I move that the amendment of the Senator be laid on the table as to the portion of section 10 concluding with the word "therefor," on line 24, and that the section be amended as I have suggested.

Mr. CUMMINS. I can not agree that the amendment should be laid on the table.

Mr. CARTER. Only that portion indicated. I understand we have agreed to divide the question.

Mr. CUMMINS. I am not very familiar with parliamentary procedure in the Senate; but reaching it as specifically and as directly as possible, I want to say that if the words the Senator has suggested be added to this clause of the section and the words "and preferences" are stricken out, I have no objection to that part of the section which remains becoming a part of the law.

Mr. CARTER. Then, Mr. President, as I understand, the Senator withdraws his amendment to this portion of the section as amended.

Mr. CUMMINS. I suppose the most direct way of reaching it, then, would be for the Senator to move to strike out that part of my amendment which touches section 10 and insert the words which he now proposes. In that way the Senator will reach the section he wants.

The VICE-PRESIDENT. The Chair will suggest that the Senator from Montana can move to amend the section proposed to be stricken out. Then the motion will recur, if the Senator insists upon a division of the question, as to whether the three first lines in section 10 shall be stricken out. If the Senator from Iowa accepts the amendment, of course the matter will remain in the bill.

Mr. CARTER. The amendment is accepted.

Mr. CUMMINS. I have agreed that it is fair to divide this question, but not in the manner suggested by the Senator from Montana. My amendments propose, first, to strike out section 10 and, next, to substitute something for section 11. I agreed that the question might be divided so far as section 10 was concerned, but I have not assented that the amendment to strike out section 10 shall be subdivided in the way suggested by the Sentor from Montana.

I shall not, however, interpose any objection that will prevent the Senate from reaching the real heart of the matter in whatever way it seems best to reach it.

Mr. CARTER. Mr. President, the question recurs for the Vice-President to determine whether the motion to strike out section 10 is divisible, the section embodying four different and distinct propositions. As to some of those propositions Senators are favorable; as to others, certain Senators are opposed; and the purpose of separating the amendment is to allow the Senate to vote upon the separate propositions according to its judgment.

Mr. BURKETT. Has the Senator perfected this part of section 10?

Mr. CARTER. I understand it is perfected so as to be accepted by the Senator from Iowa.

The VICE-PRESIDENT. The proposed amendment has not been stated by the Secretary. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 7, line 24, after the word "safeguards," it is proposed to strike out the words "and preferences."

The amendment was agreed to.

The SECRETARY. In the same line, before the word "statute," it is proposed to insert the word "criminal."

Mr. BURKETT. I suggest it should be "the criminal," as I recollect the amendment.

Mr. CARTER. The word "the" should be inserted.

The SECRETARY. In line 24, before the word "statute," it is proposed to insert "the criminal;" and in the same line to strike out "statute" and insert "statutes," so as to read: "provided by the criminal statutes therefor."

The amendment was agreed to.

Mr. HEYBURN. I should like to ask the Senator from Montana a question. What additional force does the provision of section 10, that these deposits of public money shall be safeguarded by the criminal statutes, confer? Are they not already safeguarded? If they are public funds, we have legislation which makes their wrongful use or diversion a criminal offense.

Mr. CARTER. It occurred to the Solicitor for the Post-Office Department that these funds were not, in legal contemplation, of the same character as the funds collected at the custom-houses and deposited in the Treasury.

Mr. HEYBURN. Then, do I understand the Senator to say that we are to have two classes of public funds, each of them differing in character?

Mr. CARTER. The Senator does not desire to have two classes of public funds. The Solicitor for the Post-Office Department, however, after a rather exhaustive examination of the statutes, proposed this part of the section. It was originally presented to the committee by the junior Senator from Pennsylvania [Mr. KNOX] and adopted by the committee, I think, through an excess of caution. But I feel disinclined, and I think the Senate would be, after the solicitor of the department had reached the conclusion that in some forced construction it might be held that the criminal statutes would not apply to employees embezzling or misappropriating these funds, as would be the case with funds collected at the custom-houses or by internal-revenue officers——

Mr. HEYBURN. After they are declared public funds, does the Senator think that embezzlement of them would not constitute a crime?

Mr. CARTER. This act proposes to declare them to be public funds.

Mr. HEYBURN. Does the Senator think that under existing law it would not be a crime to steal or embezzle this class of moneys declared to be public funds?

Mr. CARTER. Oh, the Senator well knows that there are certain statutes of the United States specifically applicable to employees of the Government of the United States and not applicable to persons outside of the public service. The public servant is held to a degree of accountability before the criminal law and maintains certain relations not generally applicable, and the purpose of this portion of the bill is to make it clear and unquestionable that these funds will have every safeguard thrown about any public funds by the laws of the country.

Mr. HEYBURN. The bill as it is proposed to be amended provides "that postal savings depository funds are hereby declared to be public moneys and subject to the safeguards provided by the criminal statutes therefor." That is provided by the criminal statutes, with relation to public funds. If the Senator proposes to make any other class of persons liable under the criminal law than those liable now—I suppose it might be suggested that the officers of banks may embezzle these funds, and they should be liable—it would be necessary to enact additional criminal law.

Mr. CARTER. I imagine the embezzling of these funds would subject such an individual to prosecution for larceny.

Mr. HEYBURN. Under existing law.

Mr. CARTER. Under existing law.

Mr. HEYBURN. Undoubtedly. Then, why incorporate this portion of the bill? Why not strike it out?

Mr. CARTER. I have clearly stated, or attempted to state, to the Senator that this section was imported into the bill at the request of the Post-Office Department——

Mr. HEYBURN. That is a pretty poor reason.

Mr. CARTER (continuing). Whose solicitor has after painstaking investigation concluded that as a matter of extra precaution and to prevent any question arising in the future as to these funds being public funds and entitled to the protection of all the statutes punishing the embezzlement or misappropriation of public funds, it would be better to incorporate it in the bill.

Mr. HEYBURN. Is it proper for us to incorporate in this bill a provision that does not meet with the approval of our judgment simply because the solicitor of some of the bureaus or departments of the Government wants it there?

Mr. CARTER. The fact that any question arises or exists upon the subject causes me as a Senator to approve the presence of the precautionary measure in the bill.

Mr. HEYBURN. And yet the Senator agrees that the law already covers that question.

Mr. CARTER. The only question would be that of the general proposition as to whether these were public moneys.

Mr. HEYBURN. We declare them to be public moneys.

Mr. CARTER. We declare them to be public moneys; and I understand that is the portion of the bill to which the Senator objects.

Mr. HEYBURN. As I understand the Senator from Montana——

Mr. CUMMINS. Mr. President, we on the "strip" are being deprived of the advantage of this debate. I should be glad to hear what is going on.

Mr. HEYBURN. I was suggesting to the Senator from Montana that inasmuch as it seems to be admitted all around that under existing law the embezzlement or misdealing with these

funds would subject a party to criminal prosecution, there is no occasion for reenacting existing law in this bill.

Mr. BURKETT. Let me call the attention of the Senator to section 16, on page 11 of the bill, which makes this section unnecessary, if it is calculated to have it go no further than what I understand the Senator in charge of the bill now to suggest. Section 16 provides:

All statutes relating to the embezzlement, conversion, and improper handling, retention, use, or disposal of postal and money order funds—

Shall be applicable to this law. It seems to me if it is intended to go no further than that, this language makes section 10 unnecessary.

Mr. HEYBURN. Certainly. If any further legislation were necessary, that would cover it. Originally section 10, in line 24, page 7, evidently was not to have any application whatever to the criminal statutes. The words "that postal savings depository funds are hereby declared to be public moneys, and subject to the safeguards and preferences provided by statute therefor" had no relation whatever and was not intended to relate to criminal proceedings, but to ordinary provisions of law relating to the disposal of this money and the control of it. I would inquire of the Senator from Montana if that is not the fact, and if it was not the intention that section 16 should provide the criminal remedy?

Mr. CARTER. It was the intention to leave no question anywhere as to this fund being subject to all the safeguards thrown about public funds by the criminal statutes. I eliminate that which relates to any kind of civil safeguard because of the desire of the Senator from Iowa to urge his amendment to section 11, where that question will be brought forward to be discussed on its merits.

The amendment I have just proposed, which has proved agreeable to the Senator from Iowa, disposes of this portion of section 10 in a satisfactory manner, unless the Senator can now urge some objection. Perchance we are too cautious with reference to safeguarding the money. In legislating I would rather err on the side of safety with reference to public funds than to omit anything necessary to guard them.

Mr. HEYBURN. Mr. President——

Mr. CARTER. I do not wish to discuss the matter further.

Mr. HEYBURN. I may possibly desire to discuss it a little further before voting on it.

Section 10, as amended upon the suggestion of the Senator from Montana, duplicates the provision of section 16. Section 16 provides:

All statutes relating to the embezzlement, conversion, and improper handling, retention, use, or disposal of postal and money-order funds—

Shall be applicable to this fund. That is a distinct provision in section 16. Section 10 undertakes to do the same thing in general terms, and I suggest that it is not a proper amendment, that it tends only to confuse the bill, and that the amendment should not be adopted. I refer to the amendment suggested in line 24, page 7, of the bill.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. How has the section been amended now? I did not quite catch it.

Mr. HEYBURN. It has been amended by striking out in line 24, first, the words "and preferences."

Mr. PILES. And what has been inserted?

Mr. HEYBURN. Nothing. And then by adding, after the word "by," in the same line, the words "the criminal."

Mr. PILES. How does it read now?

Mr. HEYBURN. As amended, it reads:

The postal savings depository funds are hereby declared to be public moneys and subject to the safeguards provided by the criminal statutes therefor.

Mr. PILES. Let me ask the Senator, does he see any objection to that?

Mr. HEYBURN. I see the same objection that I do in any legislation to duplicating the provisions of a bill.

Mr. PILES. Would it not be better, as the Senator from Montana suggested, in order to remove any doubt on that question, to let it go in? The point I desire to make, if the Senator will pardon me, is this: I should like to see this bill enacted into law at the present session of Congress, and I am going to contend for its enactment before this session adjourns; and if it is not enacted into law when it does adjourn, I am going to be one of the friends of the measure who will go to the President-elect and ask him to insert it in his call for the extra session of Congress, that the people may get what the Republican party promised in its national platform they would get.

Mr. HEYBURN. Does the Senator from Washington suppose that the insertion of this provision in any call for an extra or special session would have very much effect upon the legislative branch of this Government?

Mr. PILES. No; I do not. But I simply make the remark for this purpose: Inasmuch as there appears to be no serious objection to it, why not let it go in and thus expedite the bill? We could then proceed to the consideration of some other section. That is the only idea I have.

Mr. HEYBURN. A very ready answer to that is that I do not desire to expedite the enactment of this bill into a law.

Mr. PILES. That is a good explanation.

Mr. HEYBURN. And a perfectly candid one, too; and if I am to submit to what, in my judgment, is an inartistic provision in this bill merely in the interest of haste, I am afraid I will not meet the expectations of those who ask me to do so.

Mr. PILES. I beg the Senator's pardon. I did not know he was opposed to this bill. I did not know he was opposed to the principle incorporated in this bill. Naturally there are some amendments that ought to be adopted, but I did not know the Senator from Idaho was opposed to the principle announced in the bill. I supposed he favored it. Otherwise I would not have made to him the suggestion I did.

Mr. HEYBURN. What the Senator calls "the principle"—I have forgotten the words the Senator used; I will say "the principle in this bill"—is rather an indefinite statement. I perhaps would interpret this legislation in one way and the Senator in another. I am not in favor of the enactment into law of a bill along the lines of this measure. Whether I would support another measure drawn upon a different basis is a question to be determined when that measure is before the Senate. I am directing my remarks and my objections to the bill under consideration.

Mr. PILES. Has the Senator any objection to the postal savings bank plan in principle?

Mr. HEYBURN. I am afraid the Senator from Washington was not present recently when I addressed the Senate upon this question. Had he been, I think there would have been no occasion to make the inquiry.

Mr. PILES. Possibly I was out of the Chamber when the Senator addressed the Senate on it. I am sure I missed a very rare treat, because I always enjoy everything the Senator says. I had up to this point thought he was in favor at least of the principle embodied in this bill; that is, the establishing throughout this country of postal savings banks, according to the national platform. I will not say that there may not be some amendments needed here. I myself think there are.

Mr. HEYBURN. I stated the other day, in the absence of the Senator from Washington, that I am not in the habit, in the light of my experience, of estimating the contents of a package by the label on the outside of it. It is easy enough to say, "Are you in favor of a postal savings bank bill?" and it is easy enough to reply, "Oh, yes, I am;" but it does not follow that you are in favor of this bill, because you might be in favor of another dealing with the same question. I am looking to the contents of this package. It is like a good many other questions presented to us in political platforms. They bear very attractive labels, but they are sawdust packages, and I am not going to be led astray or committed to this bill by any general statement in favor of this class of legislation by any platform.

Mr. PILES. I will ask the Senator if he will not kindly help those who favor this plan of establishing postal savings banks throughout the country to get this bill in some form——

Mr. HEYBURN. What plan?

Mr. PILES. So that we may enact the bill into law before this Congress adjourns?

Mr. HEYBURN. The words "establishing a postal savings bank system" convey no concrete or definite idea of what the Senator says the people want.

Mr. PILES. I think the people of this country want the Government of the United States to permit them to put their savings in the various post-offices of the United States. Now, does the Senator oppose that?

Mr. HEYBURN. That is not the provision of this bill, unfortunately for the Senator's contention. This bill undertakes to provide that the Government shall borrow money of one man, at a given rate of interest, and loan it to another at a profit, and that it shall protect that money against attachment and taxation and every other liability to which the funds of the individual are subject under the law. Is that a postal savings bank bill? That is a banking bill. That is a bill to establish a new system of banking, whereby the Government will gather up the pennies of the poor and loan them to the rich.

Mr. PILES. Then, as I understand the Senator, he is opposed to the Government taking this money and paying any interest on it?

Mr. HEYBURN. That is the way the Associated Press, I judge, sent out my statement the other day—I noticed it all over the country—cut in two. They sent out the first half of the sentence, and they kept the balance, which I presume is somewhere about the floor. I am not at their mercy, and I have the RECORD that I can appeal to here, and I do not propose to be half stated. I would rather be misstated, oftentimes.

I stated the other day, and I repeat it, I am opposed, under the pretense of establishing a postal savings bank, to the Government borrowing money from the people at a low rate of interest and loaning it to others of the people at a high rate of interest. They cut that in two just as the question of the Senator from Washington cut it in two.

Mr. PILES. Would the Senator oppose a bill which did not provide for the payment of interest to the depositor?

Mr. HEYBURN. Would I oppose it?

Mr. PILES. Yes.

Mr. HEYBURN. Whether I would oppose it or support it would depend upon how it was drawn; what provisions it contained.

Mr. PILES. The particular point——

Mr. HEYBURN. Is there such a bill before the Senate?

Mr. NELSON. Mr. President, will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. There would be no difficulty about this proposition and gentlemen would not be agitated if the Senate would adopt my plan of guaranteeing the deposits in our banks.

Mr. HEYBURN. This amounts to it.

Mr. NELSON. This is a quasi guaranty——

Mr. HEYBURN. Yes.

Mr. NELSON. Of the smaller depositors, and it is because you ignored my plan at the last session that the people hunger for this homeopathic dose.

Mr. HEYBURN. The proposition of the Senator was to guarantee all the deposits of depositors in national banks. The Senate did not seem to be ready at that time to adopt that view. Now they come in and ask that they may reach the same end by piecemeal and that the Government shall guarantee one class of deposits and not another.

Mr. NELSON. I will remind the Senator that that is not different from what pertains to the practice of medicine. Some prefer allopathy and some homeopathy.

Mr. HEYBURN. And some none.

Mr. NELSON. If we can get insurance of deposits in homeopathic doses, why should we not take it as a beginning? It may lead to something better. I know the Senator from Idaho is immensely anxious to help the people of this country. If we can guarantee the deposits of small depositors, these little fellows, in an indirect way, by having Uncle Sam stand back of their deposits, if we can make that beginning, may it not be the entering wedge by which we can get the banks to withdraw their objection to the general guaranty of deposits.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. HEYBURN. Certainly.

Mr. OWEN. I desire to suggest to the Senator from Idaho that Oklahoma has passed an act providing for the guaranty of deposits in state banks, which has resulted in the retirement of 33 national banks, and they have taken out state charters because of this advantage to the bank. The state banks have gained $12,000,000 in deposits and the national banks have lost two millions within the last twelve months under that system. In homeopathic doses it seems to be doing very well, and I want to commend it to the Senator from Idaho on that ground.

Mr. HEYBURN. I have had a watchful eye on the great State of Oklahoma for a number of years—even before it was a State. Its citizenship is composed of bright, energetic, restless men—men who went there because they were restless in their disposition. They were not satisfied with the conditions that surrounded them before they went there, and they are still of an inquiring mind. They are still inquiring whether there are not some substitutes for existing things in a good many ways. I am still watching them with interest. I want to see how they will work out that problem of state government upon which they have entered. My hope is with them. I have confidence in their integrity and good intentions. But we need more than the few months that have intervened since that great State was launched as one of the States of this Union in order to reach a safe, sound, and conservative judgment as to whether or not it is a successs.

Mr. President, this is exactly in the line of the legislation that we had under consideration at the last session of the Fifty-ninth Congress, which permitted the national banks of the United States to carry their reserves away from home and get them into the money centers; and that will be the result of this legislation if it is enacted into law.

Mr. CARTER. Will the Senator kindly explain how?

Mr. HEYBURN. Yes; I certainly will not leave my thought unfinished. The bill provides that where there is not a market for this money in the vicinity of its deposit, it may be sent to other business centers for investment. In other words, we will assume that the bank at home first takes this money. It then becomes, of course, a part of the reserve which it carries. It will enable the bank either to send all of the private depositors' money abroad and keep this for the purpose of the bank or to send this abroad and keep the other. In other words, it enlarges not only the ability of the banks under existing law to send their reserves in a larger measure away from home, but it is a temptation for them to do it, because they pay a small rate of interest and they can send it where money is worth more. That proposition is in this bill, because by the direct terms of the bill this money, if it can not find a market at home, goes wherever it can find a market; and whose money is it? By the terms of the bill it is the Government's money. The ownership of the money shifts at the time of the deposit from the depositor to the Government of the United States. Where is it? In the Government Treasury? No; it does not go to the Government Treasury. It goes into the national banks, and it is still branded "public funds." It is still safeguarded, as it is expressed in section 10, notwithstanding the fact that it is not in the Treasury of the United States. The Government is keeping it in national banks. The national banks are keeping it where they please, or may, under the law, because there is no restriction in the bill as to where they may keep it.

The individuality or the identity of the money has been lost, by the very provision of section 10. It becomes public funds on general deposit. It is not on special deposit. There is no restriction as to what the bank may do with the money. There is no provision that it shall hold a certain amount in reserve to meet emergencies. There is none of those ordinary precautions at all that would stand between reckless banking and the safety of the depositor. If the Government is going to take this fund and be responsible for it, and pay it on demand, then the Government should protect it, at least to the extent that other deposits are now protected.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I yield to the Senator.

Mr. NEWLANDS. I should like to ask the Senator from Idaho whether it would not be entirely possible under this bill for the country banks to receive very large amounts of postal deposits and to turn them over to the great reserve banks, retaining in their own hands only 6 per cent to meet the demands of the Government in case those depositors should call upon the Government for their deposits?

Mr. HEYBURN. Mr. President, they are not even required to keep 6 per cent under this bill.

Mr. NEWLANDS. The Senator will remember that the national banking act provides that the central reserve cities shall keep 25 per cent.

Mr. HEYBURN. But the Senator loses sight of the fact that these come under the character of government deposits and they do not carry any reserves against them. That was disclosed in the discussion of the question here in the Fifty-ninth Congress. They claim immunity from the responsibility of carrying reserves against government money. So they would not have to carry any reserves against these deposits.

Mr. NEWLANDS. I will ask the Senator if under the bill, then, no reserves are required, is there any security that is required?

Mr. HEYBURN. No security is required. The provision on that subject is that—

> Such deposits shall be made in national banks in the States and Territories in which the funds are received, and when possible in the counties in which such funds are received.

There is no provision here requiring them to give security for these funds.

Mr. NEWLANDS. So they are not obliged either to give security or to keep any reserve.

Mr. HEYBURN. No.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I can not allow the Senator from Nevada to go away without some information on that subject.

Mr. NEWLANDS. That is what I am seeking.

Mr. CUMMINS. The matter now under consideration is an amendment to the bill. Nevertheless, the original bill provided that the government deposits should be a first lien upon the resources of the bank. The amendment under consideration provides that the banks shall give an indemnifying bond to the satisfaction of the Government for the return of all moneys deposited by the Government in the bank. So the Senator from Idaho did not catch that part of the bill which does afford the Government real, substantial security for the money.

Mr. HEYBURN. I was directing my remarks to the bill. The immediate question under consideration was not the amendment offered by the Senator from Idaho, although that is also under consideration. I was considering section 10 and the amendments which were accepted by the Senator from Montana.

The Senator from Iowa suggests the fact of making these deposits a first lien upon the assets of the bank. That does not constitute a guaranty. The bank is not required to have any assets. The bank may have disposed of every dollar of its funds.

It is true that the amendment offered by the Senator from Iowa provides for the giving of an indemnifying bond, but the indemnifying bond would be given, I suppose, by the bank receiving deposits to the Government of the United States, so that the Government would be protected against loss at the hands of is own agency, the national bank. Would that constitute any protection to the depositor? The depositor needs no other protection than the Government itself. The Government of the United States receives this money. It becomes public funds, and the Government enters the credit in a book; the depositor presents that pass book, and of course the Government will pay him. He needs no other guaranty than the faith and the ability of the Government.

But I was directing my remarks more to the other depositors of the bank than those who deposit under the provisions of the bill. A bank has a million dollars in deposits from merchants and business men in a community. You are going to take away from those men the security that rests in the fact that the assets of the bank are responsible to them against loss. You are going to deprive them of that right. You are going to protect this single class of depositors at the expense of whom? The bank? No. The Government? No. You are going to protect this class of depositors at the expense of the general depositors in the bank. If a bank with a million dollars of general deposits had $500,000 of this class of deposits were to fail or become insolvent and had $500,000 of assets, the Government would take those assets to do what? To protect the depositors in the postal savings bank? No; he is already protected. But to protect the Government itself. Then, what would become of the million dollars belonging to depositors doing business in the ordinary way with that bank? Those depositors would not be left to share in these assets at all. The Government would have recouped itself against loss, and the general business community doing business with the bank would be out and injured.

No amendment offered to the bill, nothing in the provisions of the bill, seems to take into account the position of the ordinary class of depositors. Are we going to diminish their security in the interest of those who to-day are said to be so timid that they will not bring the money out of the hiding places? As an inducement to bring money out of supposed hiding places are we going to destroy the credit of the bank and the security of those who do business with it in the ordinary responsible methods? I would hardly see any necessity for that.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Does the Senator know that an amendment pending provides for just the things the Senator is now speaking of?

Mr. HEYBURN. I think the Senator from Nebraska overlooks the fact that there are two amendments pending. This amendment is separable. The Senator in charge of the bill undertook to accept the amendment proposed on line 24 of page 7 in section 10. That was the point which brought me to my feet. I have not undertaken to discuss the amendment of the Senator from Iowa in its general terms. We have not reached it, and I have not realized the necessity of doing so. We will reach it; we must reach it.

Mr. BURKETT. The real thing that was up for discussion at the time was the first few lines of section 10, providing that this deposit fund should be public money, and providing that it should be public money, subject to the criminal statute. The Senator took issue because he said section 16 practically covered the same thing. That was the real amendment which was being considered at that time. The other part of the amendment, to which the remarks of the Senator are now directed, was not under immediate consideration at that time.

Mr. HEYBURN. If I were in court arguing a demurrer, I would be subject to the rule suggested by the Senator from Nebraska; but we are in a higher court than those in which such questions are raised by the technical rules of pleading, and we are discussing this measure a little along the lines suggested by the now absent Senator from Washington. We are discussing this question as a political principle.

Mr. BURKETT. My object in interrupting the Senator was to find if we could not discuss it in a way by which we would finally reach an end and accomplish something.

Mr. HEYBURN. I am very anxious, of course, to accommodate the Senator.

Mr. BURKETT. I am anxious to have the amendments acted upon, and we should consider one amendment at a time. If we considered one amendment at a time and discussed it, we might get something accomplished at this session; but it will not be possible otherwise.

Mr. HEYBURN. I think we will get to a point where we will have a clear comprehension of the spirit and purpose of this proposed legislation. That is what I am hoping, and if we do not reach that point, as far as I am concerned, it will not be for want of careful inquiry and consideration.

Of course it would be very nice indeed to just push a bill like this through and say we promised something in the platform, and we must hurry and do it or somebody will be calling us to account. I do not stand in any fear of being called to account by the public or any part of the public for my action in this body. I propose that it shall be a conscientious discharge of my duty, and I stand ready to give a reason anywhere for my action and for the faith that dictates it.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Was not the Senator from Idaho a delegate to this convention that approved the postal savings bank system?

Mr. HEYBURN. The Senator says "this convention" that approved a postal savings bank bill. Inasmuch as the Senator has asked me the question, I will make my position so plain that there will be no future cause for inquiry.

Mr. CARTER. I asked the Senator if he was a delegate to the convention.

Mr. HEYBURN. I will answer the question. It is the privilege of the Senator to ask a question, and it is my privilege to answer it. Each of us choose phrases according to our fancy. I will answer it whenever I am given the opportunity.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. I want to remind the Senator from Idaho that he is not obliged to incriminate himself. [Laughter.]

Mr. HEYBURN. Mr. President, it is just these little pleasantries interjected into the proceedings of this body that afford us rest.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. Can the Senator from Idaho confess that he was a member of that convention without incriminating himself?

Mr. HEYBURN. We will let that answer, Mr. President, come along in due time. I think I have been sitting in party councils as long as, or perhaps a little longer, than the Senator from Montana. I have at all times since I first entered upon the responsible duties of citizenship given heed to the good faith that rests upon a party and its responsibilities. I have never engaged or participated in the making of a platform that expressed principles I did not adhere to and live up to. The making, as I have said, in the Chicago convention of a declaration in favor of the enactment of a proper law establishing postal savings banks did not carry with it the promise or the responsibility to adopt any legislation upon that subject that might be proposed by anybody.

Mr. CARTER. Mr. President, I should like to ask the Senator——

Mr. HEYBURN. Let me anticipate the Senator for a moment.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Does the Senator admit that he was a member of that convention?

Mr. HEYBURN. I was not a member of the convention, but it was a convention of the party that I belong to.

Mr. CARTER. Since the Senator believes in executing the purposes of the party as announced, and the party announced itself in favor of a postal savings banks system, I ask him if he can outline what he understands by a postal savings banks system such as he would support?

Mr. HEYBURN. Yes, I can; and perhaps I may do so before the consideration of this question leaves the Senate, but I am not obliged to do it every time I get on my feet to discuss the pending bill.

Mr. President, we had a glimpse at this proposed legislation before we went to our respective conventions.

Mr. OVERMAN. I suggest to the Senator that perhaps his platform was made to get in on rather than to stand on.

Mr. HEYBURN. I do not concede that political principle. I believe in an intelligent political conscience, and I believe in the right of all men to speak responsibly for their party and to have a patient and careful hearing as to the interpretation that they place upon those promises.

Mr. BURKETT. Mr. President——

Mr. HEYBURN. I will yield in just a moment. As I have already said, the declaration in the Chicago platform, or any other platform upon this subject, was merely a label, and it behooves us to fill the package with gold and not with sawdust.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. I am sure that the platform did not specify just how the bill should be drawn, but does not the Senator recall that at that time this very bill was pending in the Senate, and before the meeting of the convention this very bill had been set down for a day certain for consideration? This was the bill that committee of the Senate had reported, and it must have been the bill the convention had in mind when they indorsed the proposition, if they had any bill in mind. Furthermore——

Mr. HEYBURN. The indorsement had no responsibility behind it at all and our indorsement has.

Mr. BURKETT. Furthermore, if there had been no bill so that it could not have been brought to a close interpretation, would not the Senator suppose a general interpretation of postal savings bank, as shown by fifty years of practical experience in the rest of the world, would mean to convey what was intended by the words "postal savings bank" when they indorsed it?

Mr. HEYBURN. I would not arrive at any such conclusion, Mr. President.

Mr. BURKETT. Would the Senator expect, then, that the convention in saying that they indorsed the postal savings system were indorsing a system entirely different from the general system as announced in this bill, and entirely different from the system of all the world as shown by fifty years of experience and the practice of practically every other nation? Would the Senator suppose the convention intended to indorse something entirely different from all of them?

Mr. HEYBURN. Mr. President, if the convention acted intelligently, and I have no doubt it did, it simply recommended the subject to us for intelligent and responsible legislation; that is all.

Perhaps planks in platforms are sometimes framed in unfortunate language; they undertake to command and direct. There is no political convention that has a right to direct the act of a Senator under his conscience in this body. That a committee which meets and sits for four or five hours at nighttime, without any instruction from any constituency and without any responsibility for their act, is to dictate the conscience of a Senator is not to be thought of for a minute. The conscience that impels us to take the oath of office and assume the duties here is the only measure of legislation or action on the part of the Senate.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Recognizing, as the Senator has finally done, that the convention at most only commanded this body to enact some responsible legislation, if I remember the Senator's words, does he think he is even complying with the instruction and command of his convention when he stands here and opposes the proposed legislation?

Mr. HEYBURN. I take no instruction or command from any convention on earth except as to general principles of government. I know when I go into a national convention what the principles of the party to which I belong are, and I do not have to relearn them every time I go there. That they should assume to say that the Senator from Nebraska or the Senator from Idaho shall vote so and so is beyond their province.

Mr. BURKETT. Then, what is the object of a party platform?

Mr. HEYBURN. It is the declaration of the general principles of a party on political questions and not upon questions of detail in legislation.

Mr. BURKETT. Is the Senator carrying it out when he makes the statement that he is going to prevent a vote on the bill?

Mr. HEYBURN. Yes; I am absolutely carrying it out. Let me ask the Senator a question. Does the Senator from Nebraska expect to offer any amendments or to vote for any amendments to the Carter bill as it came here?

Mr. BURKETT. I certainly will if they are good ones.

Mr. HEYBURN. Then, is not the Senator disregarding just as much as I, there being only a difference in measure, what he calls the dictates of that convention?

Mr. BURKETT. I understood the Senator to say that he proposes to prevent us from getting a vote on the bill.

Mr. HEYBURN. No; I did not say that.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I have just come into the Chamber, but I think I catch the drift of the discussion. I have heard a great deal of talk about conventions, state and national, binding the conscience of the members of the party. I will remind the Senator from Idaho that only a few years ago I chanced to be a member of the committee on resolutions of a national convention when the Republican party was committed to 1 cent postage in the platform. I presume that if a bill establishing 1 cent postage had been offered in this body it might have received a vote or two, but it would not have been seriously considered; and yet it was a part of the platform of the party to which the Senator and I belong.

Mr. BACON. In other words, it was simply put in there to catch votes.

Mr. GALLINGER. I think probably that was the purpose. I voted against it, I will say to the Senator.

Mr. HEYBURN. I am not willing to admit that at all. I have a conscientious respect and regard for the declarations of a platform. I have served on a committee on platforms in the national convention three or four times, and I have served more than once on the subcommittee that did the responsible work in the making of the platform and I know something of the manner in which platforms are made. I have never felt that I was released from responsibility at all when I left the convention and when the platform went out as a declaration of principles. Platforms sometimes are not wisely drawn and they undertake to go beyond the province of the convention in entering into details. A platform is a declaration of the principles of the party and is not to direct the responsible representatives of the people in the details of carrying those principles into effect.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Right in line there, what provisions did the Senator, as the working member of the platform committee, put in platforms that were not put in with the intention of carrying them out?

Mr. HEYBURN. None at all. I never voted to put a plank in a platform or to make a declaration that was intended merely for use in the campaign, as has been suggested, or that I did not seriously believe to be the fundamental and foundation principles upon which our Government should rest, and I never expect to. I never believed in the doctrine that platforms were made to ride into power on. I believe a platform should be a declaration of the principles the party stands for. I believe one of the most serious duties men perform is the declaration of the principles of a party, and I think sometimes we forget it in the elaborateness of the platform.

Mr. BURKETT. I understood the Senator to say a moment ago that he was not a delegate to the last convention. Is he, then, taking this position because he does not himself feel personally bound by that declaration in the platform?

Mr. HEYBURN. I am taking the position because I do not approve the provisions of the bill.

Mr. BURKETT. Does the Senator take this position from the fact that he was not a party to the convention?

Mr. HEYBURN. Not at all.

Mr. BURKETT. And did not help make the platform?

Mr. HEYBURN. Not at all.

Mr. BURKETT. That does not lessen the obligation.

Mr. HEYBURN. Not at all. I am opposing the enactment of this proposed measure because I do not believe that its enactment would be in conformity with the best interests of the people.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Certainly.

Mr. TILLMAN. I have been out of the Chamber, but I came in in time enough to catch a little of what is going on. I should like to inquire whether or not the Carter bill, or the bill under consideration, is one of the planks in the Republican platform?

Mr. HEYBURN. It is not.

Mr. TILLMAN. Or whether the general subject of postal savings banks, without designating any bill or without going into particulars, was a part of the Republican scheme?

Mr. HEYBURN. The latter statement of the Senator is the correct one. The Carter bill is no part of the Republican platform.

Mr. TILLMAN. I thought from what the Senator from Nebraska said that it was a part, verbatim et literatim, of the Republican platform.

Mr. HEYBURN. It was to that purpose I asked the Senator if he intended to vote for or to propose any amendments, because it would be as much treason to the party, from the standpoint the Senator suggested, to propose to amend the bill or to vote for amendments as it would be to oppose the bill.

Mr. President, I do not believe that I stand alone in my opposition to this measure. I shall be very much interested to hear developed the position of other Senators on this question. I have taken part in the discussion of it thus early because there seemed to be no one else to stand in the breach against hasty action on the bill. Amendments were being made here by the Senator in charge of the bill, without any considerable consideration by the Members of the Senate.

Mr. President, this is an attempt to establish a new branch of the Government that will represent an increase in the clerical force of the Government in the neighborhood of 40,000 people. An accurate estimate at this time is not possible, but it is not difficult to double the number of postmasters in the United States and add to that a force of admittedly eighteen hundred clerks in the city of Washington. Like some other recent grafts upon the body politic, we will soon have a new department here, for which we will be making appropriations from year to year.

I discussed the necessity of this measure on a former occasion, and I do not care at this time to enter largely into the consideration of that question. But this is one of those hysterical cries that come up from time to time, and that people without investigating them accept as though they had a value.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, the hysteria has considerably exceeded a century in duration and has been crystallized into very important legislation all over the world except here; but passing hysteria, I do not wish to leave unchallenged the wholly unauthorized statement of the Senator from Idaho that the bill will necessitate the employment of 40,000 additional people, nor the statement that it will draw one dollar from the Treasury of the United States for the execution of its purposes. The fact is that not one additional postmaster will be required in the United States for the administration of this law; not one additional post-office will be established in consequence of the law; not one additional clerk in a post-office in the country will be employed in consequence of the law; and only a limited clerical force at the capital will be required to compute the interest annually on the deposits as the books come in.

Mr. President, I believe the Senator from Idaho desires to be fair and just in his statement of the subject before him, but in the enthusiasm of the moment he seems inclined to deal in reckless statements which I think he will feel impelled to correct when they appear in the RECORD.

Mr. HEYBURN. I call upon the Senator from Montana to name a statement that he thinks I shall be called upon to correct.

Mr. CARTER. Mr. President, the Senator has just made a statement that it will be necessary to have 40,000 additional postmasters in the United States if this bill be enacted.

Mr. HEYBURN. Mr. President——

Mr. CARTER. I hope the Senator will correct that.

Mr. HEYBURN. I hope the Senator will be just as careful as he suggests I should be. I did not say that we should need 40,000 additional postmasters. I said double the number of postmasters. I do not know their number.

Mr. CARTER. There are 76,000 postmasters in the United States now, and that makes the Senator's expression even more extravagant.

Mr. HEYBURN. Very well. That is one of my objections to the system.

Mr. CARTER. Will the Senator explain how an additional postmaster can be appointed under this proposed law?

Mr. HEYBURN. Mr. President, I care not whether you call him a postmaster or a postmaster's clerk, or an assistant, or a financial clerk, or what you call him, it is the man who is going to take the money in and enter the amount on the books, transfer it to the government accounts, and transfer the money to the bank. The posmaster can not do it without some additional help in any post-office.

Mr. CARTER. Mr. President, the Post-Office Department, which is charged with the administration of this great service, has made very accurate computations, has considered the operation of this bill should it become a law, and the judgment of that department, familiar with the subject-matter, should certainly be accepted in preference to the statement of the Senator, which was 40,000 off to begin with, and he made it 76,000 off in trying to correct the statement.

Mr. HEYBURN. No; I did not make it; the Senator did.

Mr. President, has it occurred to the Senator that, instead of sitting here day after day and depriving ourselves of the benefit of exercise and the enjoyment of outside life, we might just as well send over and have the Post-Office Department legislate for us and announce the result and we should have it filed here? I, for one, do not propose to take the action of the Post-Office Department as conclusive upon myself.

Mr. CARTER. Mr. President, I hope the Senator from Idaho does not understand me to request him to subordinate his judgment to anybody or to any department. That request I would not prefer, and it would be futile to prefer it if I were so disposed.

Mr. HEYBURN. It certainly would.

Mr. CARTER. There was no intention of having the Senator from Idaho either terrorized or coerced by the suggestion; but I assume that the Senator will assent to the fact that those who know something about the subject——

Mr. HEYBURN. "Who know."

Mr. CARTER. Are better able to judge than those who know nothing about it.

Mr. HEYBURN. Yes; but who is it that knows, Mr. President? I want to know who is to be accepted as knowing something which somebody else does not know?

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, I realize the great learning of the Senator from Idaho in law, in the history of his country, and in the broad domain of general information; but he has demonstrated to my satisfaction, and I think to everybody's satisfaction here this afternoon, that he does not know anything about this bill. [Laughter.]

Mr. HEYBURN. Mr. President——

Mr. CARTER. When the Senator makes the statement deliberately that this bill will entail the appointment of 40,000 additional postmasters, and then says, in correcting himself, that it will only require a duplication of existing postmasters, and they are seventy-odd thousand in number, I submit he admits himself out of court so far as any information on this bill or its operation is concerned.

Mr. HEYBURN. Mr. President, it is a fortunate thing that in this deliberate body we have an accurate record, which is official, and that we are not at the mercy of the statement of any man as to what we say. Of course the RECORD will not bear out the Senator from Montana in any such conclusion, and when he reads it to-morrow, if he does, he will be surprised that he should have been led into making such a statement.

Mr. CARTER. I hope the Senator will agree not to correct the RECORD.

Mr. HEYBURN. Oh, Mr. President, I am one of those who never correct the CONGRESSIONAL RECORD, nor read a speech

after I have made it until it is in print. No reporter of this body will ever say that the print in the CONGRESSIONAL RECORD is not as I uttered it on the floor of the Senate on any occasion.

Mr. President, what I said was true, in my judgment, that this bill would double the force, or make it necessary to double the force—I care not whether you call it of postmasters or not—in the post-offices; and that it would add largely to the clerical force in Washington to take care of this continuous and enormous daily stream of business coming in from, as I understood the Senator to say, 70,000 post-offices to this great center to be converted into book accounts. How many accountants and how many bookkeepers would be required here to take care of the flow of items that would come in every day—not once a month or once in a given period, but every day—flowing in here to be tabulated, adjusted, posted, and recorded; and not only coming in, but going out again?

I care very little, so far as the discussion of this principle is concerned, about the question that will probably be more interesting to the Appropriations Committee some day, but I want to reply to the suggestion the Senator wrapped up in the body of his remarks, and which seems to me to be utterly without reason. The Senator says, first, that it will require no additional help at the post-offices, and he charges me with being absolutely lacking in knowledge because I suggest that, in my judgment, a large increase in the post-offices will be necessary. Then he says not an additional clerk in any post-office will be required by this proposed act. I leave that to the judgment of people who think. He admits that some additional clerical force will be necessary here in Washington for the posting up of these accounts. That situation does not need any very great amount of elaboration.

Mr. CARTER. I can elaborate it somewhat for the Senator's information, if he desires it at this moment.

Mr. HEYBURN. I am always ready to yield, and pleased to yield, to the Senator from Montana.

Mr. CARTER. Mr. President, it will be observed by an examination of the terms of the bill that it will only provide for postal depositories in the money-order post-offices.

Mr. HEYBURN. How many are there?

Mr. CARTER. About 39,000.

Mr. HEYBURN. That is what I had in my mind when I made the suggestion as to the number of additional officers in the post-offices.

Mr. CARTER. There are altogether about 76,000 post-offices in the country. Of those 76,000 post-offices probably 39,000 are money-order offices. In each money-order office of the country is a money-order clerk assigned to the duty of looking after the money-order business.

Mr. President, it is well known that such clerks are not employed on an average in a money-order office to exceed two hours in a day, all told. In some of the larger offices there is a larger clerical force employed looking after the money-order business, but the computations made by the department—and without being at all frightened by the suggestion that we are subordinating our judgment to that of a department, I think it may well befit us to consult the experience of those who have been administering the department for years and who are familiar with its operations—the computations made by the department result in assurances given the committee to the effect that no additional clerical force will be necessary throughout the country to operate these postal savings depositories in the post-offices. That eliminates at once the increase contemplated by the Senator in the 39,000 money-order offices. There will be, of course, a number of clerks required at the capital to compute interest, to keep the books, to send notices to depositors, and all that.

Mr. HEYBURN. Does it not occur to the Senator from Montana that there must be a great deal of idle time on the hands of the existing clerks and officers in the post-offices if they can take charge of this immense business without burdening them?

Mr. CARTER. The department thinks there is ample time now for the clerks to do the additional business without any cost to the Government.

Mr. HEYBURN. In regard to the question of the overpowering influence of the opinion of executive officers, I would not detract from any credit that is due to them either for their efficiency in the performance of their executive duties or in their judgment regarding public questions. I suppose they vary in their ability just as the great body of citizenship varies. I do not suppose you add anything to the intelligence of a man by making him an officer in the Post-Office Department of the United States. I might be willing to attach much importance to his judgment had I a personal acquaintance with him that would enable me to properly estimate him, but because an officer in the executive branch of this Government feels like exploiting the fields of legislation and impressing his name upon the history of the country by sending in a bill that is known as the bill of this certain officer, I do not propose to blindly follow any such lead. I do not know of any experience that such an officer has had that would justify any Member of this body in deferring his own judgment to that of such a man.

Mr. NELSON. Mr. President, to whom does the Senator refer?

Mr. HEYBURN. I refer to whomsoever I mention. [Laughter.]

Mr. CARTER. Will the Senator permit an interruption?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. The Senator from Idaho would convey the impression—not consciously, of course—that this bill had evolved from a period of hysteria and that the hysteria was of recent origin.

Mr. HEYBURN. Oh, no; it is not.

Mr. CARTER. Mr. President, this postal savings bank legislation has been earnestly urged by the Postmasters-General of the United States from 1871 to this time. Time and again the officers of the Post-Office Department have forwarded drafts of bills to cover the subject in mind. Members of both Houses of Congress have introduced bill after bill in session after session, and report after report has been made in favor of such bills in both Houses of Congress in the forty years past.

Mr. HEYBURN. Just a word there—and been repudiated by the intelligence of the American people.

Mr. CARTER. Ah, Mr. President, that is the view of the Senator expressed on the floor, but the Senate Committee on Post-Offices and Post-Roads years ago, after mature consideration, reported a bill substantially in terms like unto the one here pending.

Mr. HEYBURN. I want to ask a question there——

Mr. CARTER. Mr. President, with reference to repudiation, after this subject-matter had been pressed upon the attention of the American people year after year from 1871, after numerous bills had been put forward embodying the administrative and other features, the people became, in due time, pretty fairly familiar with the matter. They were familiar with the history of the world; they knew that there were postal savings banks in practically every civilized country on the globe, and that they were all working well. So last year, in every national convention that assembled on this continent, postal savings banks were approved as a safe, sane, and worthy system to be legislated upon and put upon the statute books of the country.

Mr. HEYBURN. What kind of savings banks?

Mr. CARTER. Unquestionably the kind of savings banks that had been put forward by various bills and reports and discussions and editorials, magazine articles, and other forms of expression through which the people of the country arrive at a conclusion.

Mr. HEYBURN. Does the Senator undertake to say that the bills put forth by the newspapers were like those put forth by the magazines, and that those put forth by the magazines were like those put forth by the Committee on Post-Offices and Post-Roads, and so on, and so on? Not any two of them had the same idea about it.

Mr. CARTER. Mr. President, the underlying idea of each and every one was substantially the same. They only differed in details.

Mr. HEYBURN. There never has been a bill reported into the Senate in all the years to which the Senator refers that met with the approval of this body, or, presumably, that met with the approval of the country, because the country sends this body here.

Mr. CARTER. If the Senator will now agree to take a vote on this bill within a week, I will show him that two-thirds of the Senate favor its passage.

Mr. HEYBURN. I am afraid the Senator from Montana does not give full credit—I will not say to the intelligence, but to the judicious action of this body.

Mr. CARTER. In order that he may be better informed and I may be better informed as to how the Senate stands on it, will the Senator now consent to take a vote on this bill and pending amendments on the 20th day of this month?

Mr. HEYBURN. Mr. President, by that time I hope this bill will bear but little resemblance to its present form.

Mr. CARTER. Will the Senator consent to have a vote taken at any time during the session on the bill and pending amendments?

Mr. HEYBURN. Mr. President, I will not say that it is not the privilege of the Senator to ask that question, but I will say

that at this time it is my privilege to say that I have not fully considered this measure or fully discussed it. I have, perhaps, fully considered this bill, but I have not fully considered the question of a postal savings bank system.

Mr. CARTER. Mr. President, I do not wish at this time to ask unanimous consent for a time to take a vote; but I will prefer such a request before the close of this week, when Senators who have an interest in the subject are present. I hope the Senator from Idaho will exert himself to secure unanimous consent for a vote at this session, and I assure him that a majority of the Senate equal to two-thirds will sustain the peculiar view which he assumes to criticise.

Mr. HEYBURN. Mr. President, I have sometimes thought that I could prophesy as to just how a vote would stand in this body and have been woefully disappointed with the result.

I do not intend to be in the position of one who "filibusters," as it is termed, in regard to this bill at all, but I do intend to try to prevent unwise legislation by legitimate means. I shall not speak one word or one moment longer than I think is proper to speak upon this measure; but I will not at this time promise that I will do something that was perhaps the evil that was committed by the conventions that have been referred to, and which they promised to do without sufficient thought as to the result of their promise.

Mr. President, the wisdom, very much extolled by the Senator from Montana, of former Postmasters-General does not appeal to me at all. I care more for the wisdom of this hour and this age, because it is with this hour and this age that the responsibility rests. It may be that in the past measures have been proposed for the establishment of postal savings banks that would come nearer meeting with my approval than the bill under consideration could possibly ever do; but I have not felt it profitable to take them up for consideration. Certain it is that I am not in favor of any bill that is based upon the principle that the Government shall borrow money of one man in order that it may loan it to another selected person. That does not appeal to me; and if I can prevent any such legislation as that, I will feel that I have contributed to the welfare of the country.

I will not support a measure that provides for the turning over of deposits of this character to banks of a particular class, to be by them loaned out or disposed of or controlled. I will support a measure, aptly drawn and phrased, that provides for the deposit of sums of money through the post-offices or a central bank and its agencies, to be kept by the Government for those who have not confidence enough in their own ability to keep it, until the owner of the money wants it; but I would provide that the character of the money shall change, and that it shall become a public fund. I will not, however, support any such measure as this.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. I do not understand the character of bill which the Senator now says he would support. Is it a bill providing banks for incompetents?

Mr. HEYBURN. I do not know just exactly where the Senator's failure to understand commences.

Mr. BURKETT. For the last three or four minutes we over on this side have been unable to understand——

Mr. HEYBURN. I am afraid that the conversation of the Senator was occupying his mind to the exclusion of hearing what I said.

Mr. BURKETT. The Senator was not engaged in any conversation.

Mr. HEYBURN. I will repeat——

Mr. BURKETT. I should like to know just the kind of postal savings banks the Senator was saying he is willing to support.

Mr. HEYBURN. I will repeat what I said at the expense of the public printing bill. I will support a system which provides that those who feel that they are not capable of safely guarding their own money, whether they be rich or poor, may deposit it with the Government of the United States, through agencies, either the post-offices or a central bank and its branches, and that the Government will keep the money of these incompetents until such time as they feel that they want to use it.

Mr. BURKETT. Would the Senator want any further statement or affidavit to that effect on the part of the depositor than the mere fact of depositing the money in the bank would be?

Mr. HEYBURN. Mr. President, that designation is my own, and I would not require any other person to adopt it. I never saw public sentiment, represented by those who are pressing the passage of this bill, so wrought up on behalf of a class of their fellow-citizens who have not been consulted in this matter. Has any Senator, has any man anywhere, ever been appealed to by anyone who had money in a teapot to provide him some safe place for it?

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Let me ask the Senator if he ever heard of a heathen appealing to anybody for a Bible?

Mr. HEYBURN. I did not catch the Senator's remark.

Mr. BURKETT. I asked the Senator if he ever heard of any heathen country appealing for Bibles; and yet all the time we are sending Bibles and missionaries to countries that do not have Bibles and missionaries.

Mr. HEYBURN. With due respect to the Senator from Nebraska, I think I will not undertake to answer a question like that. I will leave that to the Senator to answer himself on some memorial day.

Mr. BURKETT. Let me remind the Senator that he asked the question whether any Senator here who was advocating this bill had ever had any appeal from anybody for a depository of this kind. Simply because the people who need savings bank depositories have not appealed for them is not, to my mind, any answer that there is not a just field for them. Compulsory school laws have been passed perhaps in his State and in mine for the benefit of a class of people that never appealed for a compulsory school law; but we have enacted such laws for their good. So we may enact this bill for a class of people who do not save their money, who do not know how to save, and who are spendthrifts. The Senator certainly would not expect us to sit here and wait until the class of people whom he has been describing come to Congress and appeal for the enactment of the legislation now proposed.

Mr. HEYBURN. Mr. President, there is no analogy at all between the case stated by the Senator and the one under consideration. We devote a good deal of time to constituting ourselves the guardians of those who need no guardians. Recently my attention was drawn to a statement, in writing or printing, suggesting that the great mass of the American people needed the services of a volunteer guardian; that some one ought to intrude himself into their households and teach their children manners; that some one, a self-constituted guardian, ought to invade the family, so as to control the disposition and the raising of the children. I have no sympathy with that. One man in this country is the equal of another, so far as his right to regulate his own conduct and the conduct of those for whom he is responsible is concerned. Such people seem to forget the quality of the citizenship of this country. They seem to think that this is a government to be governed only by what they term "the good." The rights of those they term "the bad" are just the same as the rights of those they term "the good." A person of responsible age has a right to keep his money in his own possession, and, in my judgment, it tends to a higher grade of prosperity, a quicker response to opportunity, than when the money is in the bank, on the down slide to the financial centers of speculation.

I like to feel that the community in which I live have their accumulated money in their own grasp, and that it is not subject to the control or the negative shake of the head of a bank cashier. I like to feel that they are enjoying the rights of citizenship—the control of their own property. We sit here and talk about these things as though we were the guardians of people who perhaps understand the Government as well as we do. All the intelligence and the integrity of the American people are not in legislative halls.

There have been as wise and capable figures outside of Congress dealing with this question as there have been in Congress. All of the ability to deal wisely with this question has not been at the head of the Post-Office Department. They are capable gentlemen—men for whom I have the respect that men are entitled to have. They come and go. They are Postmaster-General for a week or two or six months or two or three years. They did not grow up in the business, and I doubt if they have given more attention to the question than Senators on this floor who are participating in its discussion. Why should we look to them for counsel and advice in this matter? What is there in the enumeration of our duties and responsibilities that would justify us in looking to them for the wisdom to guide us in this matter.

Mr. President, so long as my voice or my vote can prevent it there will be no addition to the existing banking system of the United States based upon the principle that it is to be the king pin of the whole financial system, and that it shall have a preferential right in every settlement and adjustment of difficulties over the people who deposit in the banks. I would give no man

in this country a superior right to another in any respect. If he puts his money in a bank, he should have exactly the same right and be subjected to the same risk as another. What! Are you going to give the miser a superior claim as against a merchant in distributing the assets of a bank? I think not. Are these people whose guardians you are going to become so meritorious that they shall have any preferential rights as against the candid, open, responsible business world? I think not. The fact is, with all the enumeration of the men and the bodies of men who have considered this question, there has not been recited a single instance of special qualifications on the part of any man whose judgment is relied on.

I would rather take the judgment of the Senator from Montana than the judgment of any man who ever occupied the position of Postmaster-General of the United States, and I would rather take the judgment of the Senate of the United States than the judgment of any body of men in the world upon this question. But we will have to bow to the judgment of the Congress of the United States, because the Congress of the United States is the United States Government.

Mr. President, why should we protect the deposits of this class of undesirable citizens—because if the charges against them are sustained that is what they are? Why should we make their deposits sacred from taxation? Why should we exempt them from their liability to attachment, to execution under the law? Why should we protect the deposits of this undesirable class of citizens from whom we are to wrest their savings and take possession of them as their guardians? Why should we give them special favors and benefits under the law by exempting their deposits from taxation and liability to attachment and the other things from which they are exempted? Why do we not exempt the money of the man who is doing business and adding to the prosperity of the country, if we are going to exempt anybody? I am not in favor of exempting any man's money from the burdens and the responsibility which the law places upon it. But I certainly am not going to vote for any bill that proposes to exempt this fund, real or imaginary—and no man knows how much of it is real and how much of it is imaginary—from the burdens that other men's property bear, in response, if I may be permitted to say, although it is not very parliamentary, to a half-baked sentiment.

I will not slander the Congress by saying we have in the past or will in the future give the country unwise legislation for want of intelligent consideration; but I feel justified in uttering a warning against it on this occasion because of the urgent, persistent demand that a vote shall be taken to-day on this bill or some amendment to it.

The amendment the Senator from Iowa [Mr. CUMMINS] offers, which provides for the striking out of section 10 and inserting a new section 10 in place of section 11, raises an entirely new question and presents an entirely different system. There are some features of it which would commend themselves to me if they were not coupled with the general plan of borrowing one man's money to loan it to another.

I understand the Senator from Illinois [Mr. CULLOM] desires to move an executive session.

Mr. CULLOM. I do.

Mr. HEYBURN. I yield for that purpose.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is of the impression that the ayes have it.

Mr. BURKETT. A division, Mr. President.

Mr. CULLOM. I will say to Senators that no treaty is to be taken up, if that is the objection.

The question was put; and there were on a division—ayes 18, noes 9, no quorum voting.

Mr. CULLOM. I ask for a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Crane	Guggenheim	Page
Bacon	Culberson	Hemenway	Paynter
Bailey	Cullom	Heyburn	Piles
Beveridge	Cummins	Johnston	Rayner
Borah	Curtis	Kean	Simmons
Bourne	Dick	La Follette	Smoot
Brandegee.	Dixon	Lodge	Sutherland
Briggs	du Pont	McCreary	Taylor
Brown	Elkins	McCumber	Teller
Burkett	Flint	McEnery	Warner
Burnham	Foster	McLaurin	Warren
Burrows	Frazier	Martin	Wetmore
Carter	Frye	Milton	
Clark, Wyo.	Fulton	Nixon	
Clay	Gore	Owen	

The VICE-PRESIDENT. Fifty-seven Senators have answered to their names. A quorum of the Senate is present. The question recurs on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes seem to have it.

Mr. BURKETT and Mr. CARTER demanded a division; and the Senate proceeded to divide.

Mr. BURKETT. We may as well have the yeas and nays.

Mr. CULLOM. If there is any trouble about the matter, I will withdraw the motion. There is very little to be done in executive session, but some Senators wish to have certain nominations acted upon.

The VICE-PRESIDENT. Does the Senator insist upon his motion or does he withdraw it?

Mr. CULLOM. I insist upon it, in view of the statement I have made, and I will let the Senate determine the question.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded.

The yeas and nays were ordered.

The Secretary called the roll, and the result was announced—yeas 39, nays 16, as follows:

YEAS—39.

Bacon	Cullom	Heyburn	Page
Bailey	Dick	Johnston	Paynter
Bourne	Elkins	Kean	Rayner
Brandegee	Frazier	Lodge	Richardson
Briggs	Frye	McCreary	Smoot
Burnham	Fulton	McEnery	Sutherland
Burrows	Gallinger	McLaurin	Teller
Clark, Wyo.	Gary	Martin	Warren
Clay	Guggenheim	Milton	Wetmore
Crane	Hemenway	Nixon	

NAYS—16.

Borah	Cummins	La Follette	Piles
Brown	Curtis	McCumber	Simmons
Burkett	du Pont	Nelson	Taylor
Carter	Flint	Overman	Warner

NOT VOTING—37.

Aldrich	Depew	Hopkins	Scott
Ankeny	Dillingham	Kittredge	Smith, Md.
Bankhead	Dixon	Knox	Smith, Mich.
Beveridge	Dolliver	Long	Stephenson
Bulkeley	Foraker	Money	Stone
Clapp	Foster	Newlands	Taliaferro
Clarke, Ark.	Gamble	Owen	Tillman
Culberson	Gore	Penrose	
Daniel	Hale	Perkins	
Davis	Hansbrough	Platt	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

PENSION BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate now proceed to the consideration of unobjected pension bills upon the calendar and that no other business be transacted during the remainder of the day.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the calendar and that no other business be transacted. Without objection, it is so ordered, and the Secretary will announce the first pension bill on the calendar.

The bill (H. R. 24831) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 13, after line 19, to strike out:

The name of Leander E. Baldwin, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 24, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Ezer D. Largent, late of Independent Company, Dennison Guards, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 20, before the word "dollars," to strike out "forty-five" and insert "forty," so as to make the clause read:

The name of James H. Easley, late first lieutenant Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the word "dollars," to strike out "forty-five" and insert "forty," so as to make the clause read:

The name of John A. Walsh, late quartermaster-sergeant Twelfth Regiment, and lieutenant-colonel Fifty-sixth Regiment New York State Militia, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, to strike out:

The name of Orestes L. Strong, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. McCUMBER. The beneficiary has died since the bill passed the House.

The amendment was agreed to.

Mr. McCUMBER. On page 26 I move to strike out lines 21 to 24, inclusive, in the following words:

The name of William H. Dorrance, late of Company K, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 8, to strike out:

The name of Thomas E. Jacobs, late of Company B, Fourth Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 18, before the word "dollars," to strike out "twenty-four" and insert "thirty-six," so as to make the clause read:

The name of Jacob L. Parker, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 19, line 8, before the word "dollars," to strike out "thirty" and insert "forty," so as to make the clause read:

The name of Elizabeth Sanderson, widow of Thomas W. Sanderson, late lieutenant-colonel and colonel Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 8, to strike out:

The name of Benjamin F. Rantz, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, after line 14, to strike out:

The name of Francis Heath, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 16, to strike out:

The name of Benajah E. Smith, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "dollars," to strike out "forty-five" and insert "forty," so as to make the clause read:

The name of Nicholas C. Buswell, late lieutenant-colonel, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, after line 12, to strike out:

The name of Lewis Carbino, late of Company G, Sixtieth Regiment New York Volunteer Infantry, and Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, after line 20, to strike out:

The name of Stephen D. Compton, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 9067) to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month named:

Simeon F. Dickinson, late first lieutenant Company E, Second Regiment Michigan Volunteer Cavalry, $30.

Elmira S. Tupper, widow of George W. Tupper, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $12.

William J. Irvine, late of Company B, Denver City Home Guards, Colorado Volunteer Infantry, $20.

John Reed, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, $30.

Richard H. Tombaugh, late of Twenty-sixth Independent Battery, Ohio Volunteer Light Artillery, $30.

Louis N. Lafontisee, late of Company A, Ninety-second Regiment, and Company D, Ninety-sixth Regiment, New York Volunteer Infantry, $24.

Samuel P. Leith, late of Company C, Ninety-eighth Regiment Illinois Volunteer Infantry, $30.

Herman J. Wall, late of Company M, Twenty-first Regiment New York Volunteer Cavalry, $30.

John Frazer, late of Company G, Thirty-fifth Regiment Illinois Volunteer Infantry, $30.

John S. Hall, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, $30.

Malinda Wood, helpless and dependent child of John H. Wood, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, $12.

Benjamin F. Martz, late captain Company E, Fifty-seventh Regiment U. S. Colored Volunteer Infantry, $30.

William Crawford, late of Company D, Third Regiment Iowa Volunteer Cavalry, $30.

Girden C. Day, late of Company C, Sixty-ninth Regiment Illinois Volunteer Infantry, $20.

John A. Wier, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, $30.

Thomas H. Wells, late of Company F, Ninety-third Regiment New York Volunteer Infantry, $24.

Conrad Seim, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, $24.

Alfred R. Babb, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, and second lieutenant Company C, Fifty-fifth Regiment U. S. Colored Volunteer Infantry, $30.

William A. Plantz, late second lieutenant Company E, Forty-sixth Regiment Illinois Volunteer Infantry, $24.

George W. Parsons, late of Company I, First Regiment Maryland Volunteer Cavalry, $30.

Joseph B. Graham, late of Company F, Ninety-first Regiment Indiana Volunteer Infantry, $24.

Robert W. Pool, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, $50.

Hezekiah Allen, late of Company E, Twenty-third Regiment Indiana Volunteer Infantry, $30.

Charles Muller, late of Company G, Second Regiment California Volunteer Cavalry, $30.

Peter J. Coughlin, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, $30.

Mary A. Wampler, dependent mother of William A. Wampler, late of Company C, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company K, Seventeenth Regiment Indiana Volunteer Mounted Infantry, $12.

John A. Gibson, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, $24.

George W. Morton, late of Company F, Ninth Regiment New Hampshire Volunteer Infantry, $24.

Bernard W. Fisher, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, $30.

Richard S. Harrison, late of Company C, Sixteenth Regiment, and Company L, Twelfth Regiment, Kentucky Volunteer Cavalry, $24.

Maberry Riggs, late of Company H, Eighth Regiment Missouri Volunteer Infantry, $30.

Martha S. Taylor, widow of Henry S. Taylor, late captain Company H, Third Regiment Kentucky Volunteer Infantry, $30.

Cynthia L. Allen, widow of Christopher C. Allen, late of Fifth Independent Battery, Massachusetts Volunteer Light Artillery, $12.

Mary E. Williams, widow of James M. Williams, late colonel Seventy-ninth Regiment U. S. Colored Volunteer Infantry, and brigadier-general, United States Volunteers, $30.

Sarah A. Conner, widow of John Conner, late of Company H, Thirty-seventh Regiment Iowa Volunteer Infantry, $20.

Daniel Martin, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, $24.

Samuel Campman, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, $24.

James F. Spencer, late first lieutenant and adjutant, Eleventh Regiment Wisconsin Volunteer Infantry, $40.

William W. Graves, late captain Company G, Twelfth Regiment Michigan Volunteer Infantry, $30.

Francis Hale, late of Company H, Twenty-fifth Regiment Connecticut Volunteer Infantry, $30.

Anna Scofield, widow of Charles H. Scofield, late of Company F, Twenty-second Regiment New York State Militia Infantry, $12.

William W. Darrow, late of the Eleventh Independent Battery, New York Volunteer Light Artillery, $30.

Rowena C. Lummis, widow of John Lummis, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, $20.

William H. Nichols, late of Company K, Third Regiment Iowa Volunteer Infantry, $50.

Edward A. Wyman, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, $24.

Elizabeth A. Nye, widow of George H. Nye, late major and colonel Twenty-ninth Regiment Maine Volunteer Infantry and brevet brigadier-general, United States Volunteers, $12.

John L. Rushton, late of Company H, Ninth Regiment Maine Volunteer Infantry, $30.

Charles Dalle, late of Company D, Ninth Regiment Wisconsin Volunteer Infantry, $30.

James B. Herron, late of Company C, Fourth Regiment Vermont Volunteer Infantry, $30.

Oscar Perkins, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, $24.

Ira H. Thurber, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, $24.

Barney B. Mattimore, late of Company I, Sixth Regiment Vermont Volunteer Infantry, $30.

Daniel A. Grosvenor, late of Company C, Third Regiment Ohio Volunteer Infantry, $30.

Hiram Dice, late of Company C, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $24.

Joseph H. Owen, late of Company I, Seventh Regiment Missouri State Militia Cavalry, $24.

Charles F. Chapman, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, $30.

William Oscar Ward, late of Company F, Second Regiment United States Veteran Volunteer Infantry, $30.

Jacob Hill, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, $24.

Dilazon D. Holdridge, late first lieutenant and quartermaster, Forty-sixth Regiment Iowa Volunteer Infantry, $24.

Eva A. Blanchard, widow of William Blanchard, late captain Company D, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, $20.

Abram Rhinehart, late of Company B, First Regiment New York Volunteer Light Artillery, $30.

Wales W. Wood, late first lieutenant and adjutant, Ninety-fifth Regiment Illinois Volunteer Infantry, $24.

John Wickham, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, $30.

James A. Light, late of Company H, Third Regiment Iowa Volunteer Cavalry, $24.

Henry E. Steele, late of Company F, Fifth Regiment West Virginia Volunteer Infantry, $30.

Rodham Miller, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, $24.

Amasa Smith, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, $30.

Michael Archer, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, $24.

Wallace A. McKinstry, late of Company E, Third Regiment Vermont Volunteer Infantry, $40.

George Lashus, late of Company G, Third Regiment Maine Volunteer Infantry, $24.

Lewis Roberts, late of Company C, Ninth Regiment Rhode Island Volunteer Infantry, $24.

John Donnelly, late of Company C, Eleventh Regiment Rhode Island Volunteer Infantry, $24.

James W. Bedford, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, $24.

Henry Deuble, late of Company E, One hundred and seventh Regiment Ohio Volunteer Infantry, $24.

Moses Bradford, late of Company B, Forty-third Regiment Missouri Volunteer Infantry, $24.

Cerelle Shattuck, widow of Leander L. Shattuck, late major Ninth Regiment Illinois Volunteer Cavalry, $20.

Emma C. Orr, widow of Adelbert L. Orr, late unassigned Maine Volunteer Infantry, $12.

Francis M. Brannon, late of Battery E, First Regiment Tennessee Volunteer Light Artillery, $30.

William J. Ludley, blind and dependent son of Joseph Ludley, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, $12.

Miranda A. Wheelock, widow of Lewis L. Wheelock, late first lieutenant Company B, and captain Company C, One hundred and sixtieth Regiment New York Volunteer Infantry, $12.

Edward H. Richards, late of Company B, Thirty-ninth Regiment Ohio Volunteer Infantry, $30.

George E. Wilkinson, late of Company B, Fifth Regiment Rhode Island Volunteer Heavy Artillery, $30.

Martin V. Briggs, late of Company K, Fortieth Regiment Pennsylvania Volunteer Infantry, $30.

Alexander S. Stewart, late second lieutenant Company E, Second Regiment Nebraska Volunteer Cavalry, $30.

John Farrell, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, $24.

James H. Tilman, late of Company G, First Regiment Indiana Volunteer Cavalry, and Company I, Fifty-third Regiment Indiana Volunteer Infantry, $30.

John Monett, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, $30.

William O'Brian, late of Company H, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, $30.

Nathan Dodge, late of Company E, Thirteenth Regiment, and Company E, Seventh Regiment, Vermont Volunteer Infantry, $24.

Frank G. Treash, late of Company E, One hundred and fifteenth Regiment Ohio Volunteer Infantry, $30.

Charles G. Allen, late captain Company D, Fourteenth Regiment U. S. Colored Volunteer Heavy Artillery, $40.

Margaret E. Colby, widow of Jonas P. Colby, late of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, $30.

John E. Rogers, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, $30.

Charles H. Wells, late of Company B, One hundred and sixth Regiment New York Volunteer Infantry, $30.

Sylvia Housiaux, late nurse, Medical Department, U. S. Volunteers, and widow of John Housiaux, late of Troop K, Fifth Regiment U. S. Cavalry, $24.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 25806) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 11, before the word "National," to strike out "Regiment," so as to make the clause read:

The name of John W. Hays, late of Company B, National Guard of East Tennessee, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to strike out:

The name of Jerome A. Schutt, late of Company B, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

The name of Erastus Barry, late acting second assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 25, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Ellen T. Cowen, widow of Benjamin R. Cowen, late major and additional paymaster, United States Volunteers, and pay her

a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 26461) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 6, to strike out:

The name of Thomas R. Harris, late of U. S. S. Princeton, Linda, and Delta, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. CULBERSON. Do I understand that it is agreed that after the passage of these pension bills no further legislative business will be transacted this afternoon?

The VICE-PRESIDENT. It is the understanding that nothing shall be considered except unobjected pension bills.

The next amendment was, on page 18, after line 10, to strike out:

The name of Elry P. Parsons, late of Company H, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 25, after line 8, to strike out:

The name of Andrew Minkler, helpless and dependent child of Levi Minkler, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, after line 14, to strike out:

The name of Margaret Hiles, widow of John Hiles, late of Company A, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 7474) granting a pension to Charles H. Balch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, on page 1, after line 8, to insert:

The name of Paul W. Draheim, late of Company K, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of Delia E. Ahern, widow of Timothy J. Ahern, late of Company G, Ninth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month for each of the minor children of said Timothy J. Ahern until they have reached the age of 16 years.

The name of Gay W. Schell, widow of Franklin J. Schell, late lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Fenemore Ames, late landesman, U. S. S. Hartford, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John T. Maloney, late of Company F, Fourth Regiment Illinois Volunteer Infantry, war with Spain.

The name of Alexander Iaun, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Balch, late corporal of Company I, Third Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Paul W. Draheim, late of Company K, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Charles H. Balch and others."

The bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month named:

Mary A. Barnum, widow of Joseph H. Barnum, late captain Company H, Sixteenth Regiment Connecticut Volunteer Infantry, $20.

Simon Collier, late of Company D, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and Company D, Ninth Regiment Veteran Reserve Corps, $30.

Joseph Kingsbury, late of band, Fifty-first Regiment Illinois Volunteer Infantry, $24.

Franklin W. McKinley, late of Company L, First Regiment Rhode Island Volunteer Cavalry, $24.

John W. Foote, helpless and dependent son of Robert Foote, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, $12.

Elisha Strang, late of Company B, Sixty-second Regiment Illinois Volunteer Infantry, $24.

Wade H. Powers, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, $24.

John Landram, late of Company C, Nineteenth Regiment, and first lieutenant Company A, Seventh Regiment, Kentucky Volunteer Infantry, $30.

Hugh Brady, late of Company I, Eighty-fourth Regiment Illinois Volunteer Infantry, $50.

Amos C. Ellsworth, late of Company B, Third Regiment Vermont Volunteer Infantry, and unassigned, Veteran Reserve Corps, $30.

Cyrus B. Norris, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, $30.

John L. Daniels, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, $24.

John H. Cooper, late of Company K, Second Regiment Connecticut Volunteer Heavy Artillery, $30.

Charles Dominick, late of Company L, First Regiment Pennsylvania Provisional Volunteer Cavalry, $30.

William A. Gunn, late of Company K, Thirteenth Regiment, and Company H, Sixty-sixth Regiment, Ohio Volunteer Infantry, $30.

Nancy Jane Frazee, widow of John J. Frazee, late of Company E, Seventh Regiment Iowa Volunteer Cavalry, $12.

William S. Marriott, late of Company E, Eighth Regiment Iowa Volunteer Cavalry, $24.

Joseph C. Flickinger, late of Company F, Fourth Regiment, and Company K, Seventy-first Regiment, Ohio Volunteer Infantry, $30.

Robert S. Wharton, late second lieutenant Company A, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30.

Eliza A. Morrill, widow of Henry C. Morrill, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, $20.

Walter A. De La Matyr, late captain of Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, $36.

William T. Hubbell, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, $24.

Sarah T. Young, widow of Thomas Young, late first lieutenant Company D, Fifth Regiment New York Volunteer Heavy Artillery, $25.

John W. Hewitt, late of Company G, Sixth Regiment Iowa Volunteer Cavalry, $24.

Matthew Donahoe, late of Companies G and H, Seventh Regiment Rhode Island Volunteer Infantry, $24.

Mary L. Morrow, widow of William Morrow, late captain Company D, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, $20.

Horace R. Butts, late of Battery H, First Regiment Rhode Island Volunteer Light Artillery, $30.

Andrew C. McMaken, late of Company A, First Regiment Nebraska Volunteer Cavalry, $30.

James Donovan, late of Company F, Eleventh Regiment, and Company I, Twenty-ninth Regiment, Maine Volunteer Infantry, $30.

George Searles, late of Company N, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and Company K, Third Regiment Pennsylvania Volunteer Heavy Artillery, $30.

Alfred C. Hawley, late first lieutenant Company I, Eleventh Regiment Minnesota Volunteer Infantry, $30.

Samuel W. Wallis, late of Company H, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and Company C, Twenty-second Regiment Veteran Reserve Corps, $24.

Henry W. Smith, late of Company A, Forty-fifth Regiment Missouri Volunteer Infantry, $24.

George T. Anderson, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, $24.

Robert Hodge, late of Company C, Eighty-first Regiment New York Volunteer Infantry, $30.

Frederick Geiger, late second lieutenant Company K, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, $30.

Esther A. Turner, widow of Isaac D. Turner, late of Companies C and M, First Regiment Connecticut Volunteer Cavalry, $20, and $2 per month additional on account of the minor child of said Isaac D. Turner until he reaches the age of 16 years.

Henry H. Manley, late of Fourth Independent Battery, Wisconsin Volunteer Light Artillery, $24.

James R. Werts, late of Company C, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, $24.

David W. Dale, late of Company D, Sixty-first Regiment Pennsylvania Volunteer Infantry, $36.

Ezra J. Yingling, late of Company F, Third Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, $12.

John H. Brandenburgh, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, $30.

Sarah Couch, widow of William Couch, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, $20.

George Whitson, late of Company B, Thirty-sixth Regiment Wisconsin Volunteer Infantry, $30.

Eliza C. Clark, widow of William C. Clark, late captain Company A, First Regiment Maine Volunteer Heavy Artillery, $30.

Bridget Maker, widow of Henderson P. Maker, late of Company C, Coast Guards, Maine Volunteer Infantry, $12.

Samuel H. Freer, late of Company I, Ninth Regiment New York Volunteer Cavalry, $24.

Joseph M. Rees, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, $30.

Emily J. Cory, widow of Abraham M. Cory, late acting assistant surgeon, United States Army, $12.

Daniel R. Firman, late first lieutenant Company C, First Battalion Nevada Volunteer Cavalry, $24.

Charles L. White, late of Company A, Forty-fifth Regiment Iowa Volunteer Infantry, $20.

Nancy J. Martin, widow of Thomas H. Martin, late of Company F, Sixty-third Regiment Pennsylvania Volunteer Infantry, $20.

Eliza Mills, widow of Thomas A. Mills, late first lieutenant Company E, Fourth Regiment Maryland Volunteer Infantry, $25.

Arthur W. Smith, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, $12.

John Burton, late of Company B, One hundredth Regiment Indiana Volunteer Infantry, $30.

Joshua Foster, late of Company C, Twenty-fourth Regiment, and Company F, Eighteenth Regiment, Ohio Volunteer Infantry, $24.

William Evans, late of Company B, Twenty-sixth Regiment New York Volunteer Infantry, and Company B, Twenty-fourth Regiment New York Volunteer Cavalry, $30.

Augustus Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, $40.

William H. Ferris, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, $30.

Ella M. Glass, widow of Henry Glass, late rear-admiral, United States Navy, $50.

Maggie Wickersham, widow of Casper Wickersham, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, $12.

William H. Kough, late of Company C, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, $30.

Michael White, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, $24.

Francis S. Shove, late of Company H, Ninth Regiment, and Company B, Eleventh Regiment, Rhode Island Volunteer Infantry, $24.

Albert F. Arnold, late of Company F, Fifth Regiment Rhode Island Volunteer Infantry, $36.

James C. Burns, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, $24.

Cynthia A. Brown, widow of Albert S. Brown, late of Twenty-fourth Battery, Ohio Volunteer Light Artillery, $12.

Levi Sisco, late of Company C, Ninety-sixth Regiment New York Volunteer Infantry, and Twenty-ninth Company, Second Battalion, Veteran Reserve Corps, $30.

Carroll B. Beasley, late of Company C, Eighteenth Regiment Illinois Volunteer Infantry, and Company K, Thirteenth Regiment Illinois Volunteer Cavalry, $30.

Samuel M. McAnally, late of Company I, Sixth Regiment Illinois Volunteer Cavalry, $24.

William Minix, late of Company D, Fourteenth Regiment Kentucky Volunteer Infantry, $24.

William H. Grafton, late of Company C, Eighty-second Regiment, and Company H, One hundred and seventy-ninth Regiment, Ohio Volunteer Infantry, $24.

Daniel L. Ordway, late of Company I, Seventh Regiment, New Hampshire Volunteer Infantry, $24.

Henry A. Read, late major Ninety-ninth Regiment Pennsylvania Volunteer Infantry, $30.

Lucy P. Hicks, widow of James W. Hicks, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, $20.

Amanda Green, widow of Spencer Green, late of Company A, One hundred and twenty-first Regiment U. S. Colored Volunteer Infantry, and Company G, Thirteenth Regiment U. S. Colored Volunteer Heavy Artillery, $12.

Hiram A. Wilson, alias Hiram A. Bass, late of Company I, Fifteenth Regiment New York Volunteer Cavalry, $24.

Mary H. Wham, widow of Joseph W. Wham, late first lieutenant Company G, Twenty-first Regiment Illinois Volunteer Infantry, and major and paymaster, United States Army, $25.

Nora C. Calhoun, widow of James T. Calhoun, late assistant surgeon, United States Army, $30.

William H. Douglas, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, $30.

Martin Maginnis, late second lieutenant Company F, First Regiment, and major, Eleventh Regiment, Minnesota Volunteer Infantry, $50.

Thomas E. Glass, late of U. S. S. *North Carolina* and *Thomas Freeborn*, United States Navy, $30.

John Nelson, late of Company C, Hatch's independent battalion, Minnesota Volunteer Cavalry, $30.

James Enloe, late second lieutenant Company F, Ninth Regiment Provisional Enrolled Missouri Militia, $24.

William Clarke, late of Company F, Ninety-first Regiment New York Volunteer Infantry, $24.

William J. Allen, late first lieutenant Company E, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $30.

Abby A. Thompson, widow of Samuel Thompson, late of Company K, Eighteenth Regiment New Hampshire Volunteer Infantry, $12.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 26746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 11, to strike out:

The name of Will P. Hall, late of Company I, Seventeenth Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 7, before the word "dollars," to strike out "twenty" and insert "twelve," so as to make the clause read:

The name of Albert Werner, late of Battery N, First Regiment U. S. Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. WARREN. I desire to amend the bill, on page 4, line 3, by striking out the word "sixteen," before "dollars," and inserting "thirty," so as to read:

The name of Dennis Driscoll, late of Troop I, Second Regiment U. S. Cavalry, and pay him a pension at the rate of $30 per month.

Mr. Driscoll's service was of a very hard nature and very valuable to the United States.

Mr. McCUMBER. If the Senator will agree to be satisfied with a pension of $24 a month, I will consent to that raise. While it was rather hard service, he was not in the civil war, and we do make a distinction in the amounts that are granted to veterans of the civil war over and above those who enlisted a considerable time afterwards.

Mr. WARREN. Of course I know what the Senator says must be true. This man was in 46 Indian battles within the first six months of his service. If it is true that $24 is as much as can be allowed under the circumstances, I shall accept that modification of the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming, as modified.

The amendment, as modified, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The VICE-PRESIDENT. This seems to complete the pension bills on the calendar.

Mr. McCUMBER. I move that the Senate adjourn.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I withdraw the motion for a moment.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

Mr. GORE. Mr. President, I desire to make a parliamentary inquiry.

Several days ago House joint resolution 247, relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, was passed by the Senate. The joint resolution was amended in the Senate by inserting a provision in regard to a memorial road to Gettysburg. I am not officially advised, but I understand that amendment has not been and will not be agreed to by the House. If I am in order, I desire to move to recall the joint resolution from the House.

The VICE-PRESIDENT. The understanding was that no business should be considered except unobjected pension bills. The Chair is of the opinion that a motion such as the Senator from Oklahoma desires to make would be in contravention of the understanding.

Mr. McCUMBER. I understand that under the unanimous-consent agreement nothing can be considered except the pension bills.

Mr. GORE. Very well.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, February 11, 1909, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1909.

CONSUL-GENERAL.

Robert E. Mansfield, of Indiana, now consul of class 4 at St. Gall, to be consul-general of the United States of class 5 at Zurich, Switzerland, vice Hector de Castro, deceased.

CONSULS.

Dominic I. Murphy, of the District of Columbia, now consul of class 5 at Bordeaux, to be consul of the United States of class 4 at St. Gall, Switzerland, vice Robert E. Mansfield, nominated to be consul-general of class 5 at Zurich.

Alfred K. Moe, of New Jersey, now consul of class 5 at Dublin, to be consul of the United States of class 5 at Bordeaux, France, vice Dominic I. Murphy, nominated to be consul of class 4 at St. Gall.

Thomas P. Moffat, of New York, now consul of class 7 at La Guaira, to be consul of the United States of class 7 at Trinidad, West Indies, vice William W. Handley, promoted to be consul-general of class 5 at Boma.

Isaac A. Manning, of Oregon, now consul of class 9 at Cartagena, to be consul of the United States of class 7 at La Guaira, Venezuela, vice Thomas P. Moffat, nominated to be consul of class 7 at Trinidad.

SECRETARY OF PUBLIC INSTRUCTION.

Newton W. Gilbert, of Indiana, to be secretary of public instruction in the government of the Philippine Islands, to be effective March 1, 1909, vice W. Morgan Shuster, whose resignation has been accepted to take effect on that date.

SURVEYOR OF CUSTOMS.

Robert B. Junk, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, in place of George H. Ludde, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1909.

CONSUL.

Stuart K. Lupton, of Tennessee, to be consul of class 7 at Catania, Italy.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Joseph Pettyjohn to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Asst. Surg. Francis H. McKeon to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Asst. Surg. Eugene H. Mullan to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Asst. Surg. Wade H. Frost to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

APPRAISER OF MERCHANDISE.

John D. Pringle, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, Pa.

POSTMASTERS.

ARKANSAS.

John W. Terry, at Marvell, Ark.

James W. Willoughby, at McGehee, Ark.

INDIANA.

Solomon C. Dickey, at Winona Lake, Ind.

MINNESOTA.

J. B. Pallansch, at Albany, Minn.

MONTANA.

George W. Crane, at Fort Benton, Mont.

NEBRASKA.

Albert W. Searl, at Elwood, Nebr.

NORTH DAKOTA.

Charles Lano, at Mohall, N. Dak.

OHIO.

Milton B. Dickerson, at Marion, Ohio.

OKLAHOMA.

William N. Walker, at Stillwater, Okla.

PENNSYLVANIA.

William C. Smith, at Dunbar, Pa.

SOUTH DAKOTA.

Lenore Green, at Kadoka, S. Dak.

Philip Schamber, at Eureka, S. Dak.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 10, 1909.

W. E. Singleton to be postmaster at Mansfield, in the State of Louisiana.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 10, 1909.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, offered the following prayer:

Infinite and Eternal Spirit, never very far from any of us, we would draw near to Thee after the manner of the world's great Exemplar that we may receive abundantly that life which quickens, enobles, and enlarges the soul's capacity for righteousness, truth, justice, honesty, and integrity.

We thank Thee for the object lesson which will be afforded the world here to-day of American honesty and integrity in the selection of a President and Vice-President of our Republic. Let Thy richest blessings descend upon those who shall be selected, that they may honor their respective offices by a wise, faithful, and efficient service to their country, and we will ascribe all praise to Thee, for Thine is the kingdom and the power and the glory forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PANAMA CANAL ZONE.

The SPEAKER. The question is on the passage of the bill under consideration yesterday upon which the previous question was ordered.

Mr. HARDWICK. Mr. Speaker, on the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WALDO. Mr. Speaker, let the Clerk read the title to the bill.

The SPEAKER. The Clerk will read the title to the bill.

The Clerk read as follows:

The bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes.

The question was taken; and there were—yeas 203, nays 101, answered "present" 9, not voting 73, as follows:

YEAS—203.

Acheson	Douglas	Huff	Nye
Adair	Draper	Hull, Iowa	Olcott
Adamson	Driscoll	Humphrey, Wash.	Olmsted
Alexander, Mo.	Edwards, Ky.	Humphreys, Miss.	Overstreet
Alexander, N. Y.	Ellis, Mo.	James, Addison D.	Padgett
Allen	Ellis, Oreg.	Jenkins	Parker
Anthony	Englebright	Jones, Wash.	Parsons
Barchfeld	Esch	Kahn	Payne
Barclay	Fairchild	Kennedy, Iowa	Pearre
Bartholdt	Floyd	Kennedy, Ohio	Perkins
Bartlett, Ga.	Foelker	Kinkaid	Pollard
Beale, Pa.	Foss	Knapp	Porter
Bede	Foster, Ind.	Knopf	Pray
Bennet, N. Y.	Foster, Vt.	Knowland	Prince
Bennett, Ky.	Foulkrod	Küstermann	Ransdell, La.
Bingham	French	Landis	Reynolds
Birdsall	Fuller	Langley	Roberts
Bonynge	Gaines, W. Va.	Laning	Robinson
Boutell	Gardner, Mass.	Law	Rodenberg
Boyd	Gilhams	Lawrence	Russell, Tex.
Broussard	Gillespie	Lindbergh	Ryan
Brownlow	Gillett	Lindsay	Scott
Burke	Goebel	Livingston	Shackleford
Burleson	Goulden	Longworth	Smith, Cal.
Burton, Del.	Graff	Loud	Smith, Iowa
Butler	Greene	Loudenslager	Smith, Mo.
Calder	Gregg	Lovering	Snapp
Calderhead	Gronna	Lowden	Sperry
Caldwell	Guernsey	McCreary	Stafford
Campbell	Hackney	McGavin	Steenerson
Capron	Haggott	McGuire	Stevens, Minn.
Caulfield	Hale	McLachlan, Cal.	Sturgiss
Chaney	Hall	McLaughlin, Mich.	Sulloway
Chapman	Hamill	McMillan	Swasey
Cockran	Hamilton, Mich.	Madden	Tawney
Cocks, N. Y.	Hammond	Madison	Taylor, Ala.
Cole	Harding	Malby	Thistlewood
Cook, Colo.	Haskins	Mann	Thomas, Ohio
Cook, Pa.	Haugen	Marshall	Tirrell
Cooper, Pa.	Hawley	Martin	Townsend
Cooper, Tex.	Hayes	Miller	Volstead
Crumpacker	Henry, Conn.	Mondell	Waldo
Currier	Hepburn	Moon, Pa.	Wanger
Cushman	Hill, Conn.	Moore, Pa.	Washburn
Dalzell	Hinshaw	Morse	Watkins
Darragh	Hobson	Mouser	Watson
Davis	Holliday	Mudd	Weeks
Dawson	Howell, N. J.	Murdock	Wheeler
De Armond	Howell, Utah	Needham	Wilson, Ill.
Denby	Howland	Nelson	Woodyard
Diekema	Hubbard, W. Va.	Norris	

NAYS—101.

Aiken	Ferris	Johnson, S. C.	Rauch
Ansberry	Finley	Jones, Va.	Reid
Ashbrook	Fitzgerald	Keifer	Rhinock
Beall, Tex.	Flood	Kipp	Richardson
Booher	Fornes	Kitchin	Rothermel
Bowers	Foster, Ill.	Lamb	Rucker
Brantley	Fulton	Lee	Russell, Mo.
Brodhead	Garner	Lenahan	Sabath
Brundidge	Garrett	Lever	Sheppard
Burgess	Gill	Lloyd	Sherley
Burnett	Gordon	McDermott	Sims
Byrd	Hackett	McHenry	Slayden
Candler	Hamilton, Iowa	McLain	Small
Carlin	Hardwick	Macon	Smith, Tex.
Carter	Hardy	Maynard	Sparkman
Clark, Mo.	Harrison	Moon, Tenn.	Spight
Clayton	Hay	Moore, Tex.	Stanley
Cox, Ind.	Heflin	Murphy	Thomas, N. C.
Craig	Helm	Nicholls	Tou Velle
Cravens	Henry, Tex.	O'Connell	Underwood
Crawford	Hitchcock	Page	Wallace
Davenport	Houston	Patterson	Webb
Denver	Hughes, N. J.	Peters	Williams
Dixon	Hull, Tenn.	Pou	
Edwards, Ga.	James, Ollie M.	Rainey	
Ellerbe	Johnson, Ky.	Randell, Tex.	

ANSWERED "PRESENT"—9.

Barnhart	Cary	Higgins	Stephens, Tex.
Bartlett, Nev.	Cousins	Sherman	Sterling
Bell, Ga.			

NOT VOTING—73.

Ames	Focht	Kimball	Sherwood
Andrus	Fordney	Lafean	Slemp
Bannon	Fowler	Lamar, Fla.	Smith, Mich.
Bates	Gaines, Tenn.	Lamar, Mo.	Southwick
Bradley	Gardner, Mich.	Lassiter	Sulzer
Burleigh	Gardner, N. J.	Leake	Talbott
Burton, Ohio	Glass	Legare	Taylor, Ohio
Cassel	Godwin	Lewis	Vreeland
Clark, Fla.	Goldfogle	Lorimer	Weems
Conner	Graham	McCall	Weisse
Cooper, Wis.	Granger	McKinlay, Cal.	Wiley
Coudrey	Griggs	McKinley, Ill.	Willett
Davidson	Hamlin	McKinney	Wilson, Pa.
Dawes	Hill, Miss.	McMorran	Wolf
Durey	Howard	Pratt	Wood
Dwight	Hubbard, Iowa	Pujo	Young
Estopinal	Hughes, W. Va.	Reeder	
Fassett	Jackson	Riordan	
Favrot	Keliher	Saunders	

So the bill was passed.

The following pairs were announced:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. MCMORRAN with Mr. PUJO.

Until further notice:

Mr. AMES with Mr. CLARK of Florida.

Mr. BRADLEY with Mr. GAINES of Tennessee.

Mr. BURLEIGH with Mr. GLASS.

Mr. BURTON of Ohio with Mr. GOLDFOGLE.

Mr. CARY with Mr. FAVROT.

Mr. COUDREY with Mr. GRANGER.

Mr. DAVIDSON with Mr. GRIGGS.

Mr. DAWES with Mr. HOWARD.

Mr. DWIGHT with Mr. KELIHER.

Mr. FASSETT with Mr. KIMBALL.

Mr. FOCHT with Mr. LAMAR of Florida.

Mr. FORDNEY with Mr. LAMAR of Missouri.

Mr. GRAHAM with Mr. LASSITER.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. LAFEAN with Mr. LEWIS.

Mr. MCKINNEY with Mr. PRATT.

Mr. SLEMP with Mr. SAUNDERS.

Mr. SMITH of Michigan with Mr. SHERWOOD.

Mr. SOUTHWICK with Mr. WEISSE.

Mr. STERLING with Mr. WILEY.

Mr. TAYLOR of Ohio with Mr. WILLETT.

Mr. YOUNG with Mr. WOLF.

Mr. VREELAND with Mr. WILSON of Pennsylvania.

Mr. MCKINLAY of California with Mr. BARTLETT of Nevada.

Mr. MCCALL with Mr. BELL of Georgia.

Mr. LORIMER with Mr. LEAKE.

Mr. ANDRUS with Mr. SULZER.

Mr. BATES with Mr. HILL of Mississippi.

Mr. MCKINLEY of Illinois with Mr. GODWIN.

Mr. HARDING with Mr. TALBOTT.

Mr. GARDNER of Michigan with Mr. BARNHART.

Mr. CASSEL with Mr. HAMLIN.

Mr. WOOD with Mr. ESTOPINAL.

On this vote:

Mr. COOPER of Wisconsin with Mr. STEPHENS of Texas.

The result of the vote was announced as above recorded.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

ABRAHAM LINCOLN.

Mr. MCCALL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of House joint resolution 254, creating a commission to recommend a design and site for a monument or monumental memorial to Abraham Lincoln, and for other purposes, and consider the same in the House at this time, which House joint resolution I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 254.

Resolved, etc., That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, the Superintendent of the United States Capitol Buildin gand Grounds; Daniel S. Burnham, of Evanston, Ill.; Charles F. McKim and John M. Carrere, both of New York City, be, and they hereby are, created a commission to prepare, or approve of, a general design for a monument or monumental memorial to be erected to Abraham Lincoln in the city of Washington, said monument or monumental memorial to cost, exclusive of the site, about, but not exceeding, the sum of $1,250,000, and to consider the selection of a suitable site for said monument or monumental memorial; and that the said commission report to Congress on the first Monday in December, 1909, concerning the design and the site for such monument or monumental memorial.

SEC. 2. That to enable the commission to carry out the purposes of this act, the expenditure of $10,000, or so much thereof as may be necessary, is hereby authorized. The members of the said commission shall serve without compensation, but shall be paid their necessary traveling expenses; and disbursements made under this act shall be made by the Secretary of the Interior on vouchers approved by the Superintendent of the United States Capitol Building and Grounds as the appropriations for the Capitol building are approved and disbursed.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts [Mr. MCCALL] if he receives unanimous consent for the consideration of this resolution, he proposes to allow debate on it and amendment?

Mr. MCCALL. Well, Mr. Speaker, the matter would scarcely be in my control to that extent. I would say that this resolution has the simple purpose of creating a commission for the purpose of taking preliminary steps which may result in erecting in the city of Washington a monument to Abraham Lincoln. It does not involve the question whether some highway or some other monument be built outside of the city of Washington.

Mr. UNDERWOOD. I have no objection to the gentleman's resolution at all, but I want to know whether, if he receives unanimous consent for its consideration now, he proposes to choke off debate and choke off consideration, or whether he is going to allow an opportunity for debate and for amendment.

Mr. McCALL. I have not any desire to shut off debate. As for the proposition, it is a simple one. The gentleman from Alabama [Mr. UNDERWOOD] yesterday insisted upon complicating a resolution to make the one-hundredth anniversary of the birth of Abraham Lincoln a holiday with an independent and different proposition, and the result is that we can not have Friday as a legal holiday. This resolution simply proposes to have a commission consider the question of some suitable design and location in the city of Washington for a memorial to Mr. Lincoln.

Mr. UNDERWOOD. If the gentleman receives unanimous consent, will he allow five minutes' debate on this side?

Mr. McCALL. I certainly will.

Mr. OLMSTED. Mr. Speaker, reserving the right to object, I would ask whether the adoption of this resolution would not, in effect, practically and substantially cut out the proposition to build a memorial road, or Lincoln Way, from Washington to Gettysburg?

Mr. McCALL. It would not have any such effect. If that memorial road were built, it seems to me it would still be the duty of the United States to erect in the Capital City some suitable memorial to Abraham Lincoln. He has been dead for nearly half a century. His name is as great as any name in the history of the country. We have our squares and circles thronged with memorials to different generals and statesmen, and there is no memorial at this capital to Abraham Lincoln. This resolution presents simply that naked question.

Mr. OLMSTED. Then, may I ask the gentleman why his committee has not permitted to come before the House for its consideration the amendment put on by the Senate to another resolution providing for a survey of that memorial road to Gettysburg?

Mr. McCALL. This committee has had no control over it. There is now upon the calendar of the Committee of the Whole House a report from this committee, but there is no way of getting at that report except by unanimous consent. I have twice tried to call it up by unanimous consent, and it has been insisted that a certain appropriation should be made for the survey of the highway as a condition precedent to having a holiday on Friday—an entirely different proposition from that. I would say that this highway proposition can be considered separately upon its own merits.

Mr. OLMSTED. Mr. Speaker, I am in favor of a splendid memorial to Abraham Lincoln. I think the whole proposition ought to be considered together, and therefore, for the present, because I think the adoption of this resolution would cut out all further consideration of the Lincoln Way between here and Gettysburg, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

IMMIGRATION STATION AT BOSTON, MASS.

Mr. FRENCH. Mr. Speaker, I call up the conference report on the bill (H. R. 13851) providing for a site and the erection of a new immigration station thereon at the city of Boston, Mass., and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H. R. 13851) entitled "An act providing for the purchase of a site and the erection of a new immigration station thereon at the ctiy of Boston, Mass.," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House to the amendment of the Senate and agree to the same with an amendment, striking out all the said amendment of the House to the Senate amendment, and inserting:

"*Provided*, That this act shall not be construed to amend, modify, or repeal joint resolution numbered seventeen authorizing the use and improvement of Castle Island, in Boston Harbor, approved May 1, 1890."

Also, on page 1, line 5, strike out the words "a site now owned by or to be ceded" and insert the words "any site except Castle Island now owned or controlled by the Government of the United States or upon any site to be ceded."

And the House agree to the same.

BENJ. F. HOWELL,
BURTON L. FRENCH,
JOHN L. BURNETT,
Managers on the part of the House.

WILLIAM P. DILLINGHAM,
H. C. LODGE,
A. J. McLAURIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The only matter in difference between the two Houses was whether or not Castle Island should be removed from the provisions of the bill. The Senate recedes from its disagreement from the amendment of the House to the Senate amendment and agrees to the bill with an amendment which removes Castle Island from the provisions of the bill, and an amendment which recites that the bill shall not be regarded as disturbing a resolution touching upon the ownership, use, or control of Castle Island.

BENJ. F. HOWELL,
BURTON L. FRENCH,
JOHN L. BURNETT,
Managers on the part of the House.

Mr. FRENCH. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

MESSAGE FROM THE PRESIDENT—REPORT OF COMMISSION ON COUNTRY LIFE.

The SPEAKER laid before the House a message from the President, which was read and referred to the Committee on Agriculture.

[For message see proceedings of Senate of yesterday.]

COUNTING THE ELECTORAL VOTE.

The SPEAKER. Under the law governing the counting of the electoral vote the Senate will be seated on the right of the Speaker. It has been customary for Members to vacate from the center aisle to the wall the first four rows of seats for the Senate. Gentlemen will be kind enough to vacate those seats and accommodate themselves elsewhere.

At 1 o'clock the Doorkeeper announced the Vice-President and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant-at-Arms and headed by the Vice-President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice-President took his seat as presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The PRESIDENT OF THE SENATE. The two Houses of Congress have assembled pursuant to the requirements of the Constitution and the laws of the United States for the purpose of counting the votes of the electors of the several States for President and Vice-President. Agreeably to the well-established practice, the reading of the formal portion of the certificate will be omitted unless there is demand to the contrary. Having ascertained that the certificates are in due form and properly authenticated, the tellers will count and make a list of the electoral votes of the several States in the alphabetical order of the States, beginning with the State of Alabama.

Senators BURROWS and BAILEY, the tellers appointed on the part of the Senate, and Representatives GAINES of West Virginia and RUCKER of Missouri, the tellers on the part of the House, took their places at the Clerk's desk.

Mr. BURROWS (one of the tellers). Mr. President, from the duly formed certificate of the electoral vote of the State of Alabama it appears that William J. Bryan received 11 votes for the office of President [applause] and John W. Kern 11 votes for the office of Vice-President.

The PRESIDENT OF THE SENATE. The Chair is obliged to suggest that all manifestations of applause or approval are in contravention of the proprieties of the occasion. They disturb the dignity and decorum which should characterize the great transaction now proceeding in the presence of the American people. The Chair is confident that a repetition of this admonition will be unnecessary.

The tellers then proceeded to announce the electoral votes of the several States in their alphabetical order.

The PRESIDENT OF THE SENATE. The certificates of all the States have now been opened and read. The tellers will now make a final ascertainment of the result and report the same to the President of the Senate.

Mr. BAILEY (one of the tellers). Mr. President, the certificate from the State of Wisconsin recites that its electoral vote was cast for "William H. Taft, of New York, for President," and for "JAMES S. SHERMAN, of New York, for Vice-President." Under the Constitution, it is not permissible for electors to vote for a candidate for President and Vice-President both from the same State with themselves; and we are not, therefore, at liberty to treat this as surplusage, because it is proper, and I might almost say essential, to designate the State of the candidate voted for, so as to show that the candidates for President and Vice-President are not both of the same State as the electors. Your tellers perfectly understand, however, that this is a clerical error and, with the permission of the body controlling it, they would be glad, with this explanation, to report the vote of the State of Wisconsin as having been cast for William H. Taft, of Ohio, for whom all the other electoral votes were cast, and the tellers ask the President of the Senate to submit that question.

The PRESIDENT OF THE SENATE. Unless there is objection to so doing, the vote of Wisconsin will be recorded for William H. Taft, of Ohio. [After a pause.] The Chair hears no objection.

Mr. BURROWS (one of the tellers). Mr. President, the tellers report the result of the ascertainment and the counting of the electoral votes for President and Vice-President of the United States, for the term beginning March 4, 1909, as follows:

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		William Howard Taft, of Ohio.	William Jennings Bryan, of Nebraska.	James Schoolcraft Sherman, of New York.	John Worth Kern, of Indiana.
11	Alabama		11		11
9	Arkansas		9		9
10	California	10		10	
5	Colorado		5		5
7	Connecticut	7		7	
3	Delaware	3		3	
5	Florida		5		5
13	Georgia		13		13
3	Idaho	3		3	
27	Illinois	27		27	
15	Indiana	15		15	
13	Iowa	13		13	
10	Kansas	10		10	
13	Kentucky		13		13
9	Louisiana		9		9
6	Maine	6		6	
8	Maryland	2	6	2	6
16	Massachusetts	16		16	
14	Michigan	14		14	
11	Minnesota	11		11	
10	Mississippi		10		10
18	Missouri	18		18	
3	Montana	3		3	
8	Nebraska		8		8
3	Nevada		3		3
4	New Hampshire	4		4	
12	New Jersey	12		12	
39	New York	39		39	
12	North Carolina		12		12
4	North Dakota	4		4	
23	Ohio	23		23	
7	Oklahoma		7		7
4	Oregon	4		4	
34	Pennsylvania	34		34	
4	Rhode Island	4		4	
9	South Carolina		9		9
4	South Dakota	4		4	
12	Tennessee		12		12
18	Texas		18		18
3	Utah	3		3	
4	Vermont	4		4	
12	Virginia		12		12
5	Washington	5		5	
7	West Virginia	7		7	
13	Wisconsin	13		13	
3	Wyoming	3		3	
483	Total	321	162	321	162

J. C. BURROWS,
J. W. BAILEY,
Tellers on the part of the Senate.
JOSEPH H. GAINES,
W. W. RUCKER,
Tellers on the part of the House of Representatives.

The PRESIDENT OF THE SENATE. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 483, of which a majority is 242.

William Howard Taft, of the State of Ohio, has received for President of the United States 321 votes;

William Jennings Bryan, of the State of Nebraska, has received 162 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 483, of which a majority is 242.

James Schoolcraft Sherman, of the State of New York, has received 321 votes;

John Worth Kern, of the State of Indiana, has received 162 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, each for the term beginning March 4, 1909, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Gentlemen, the great business for which the two Houses of Congress were assembled having been completed, the joint meeting is dissolved. The Senate will now return to its Chamber.

The Senate retired from the Hall, and (at 1 o'clock and 43 minutes p. m.) the Speaker resumed the chair and called the House to order.

RECESS.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House take a recess for five minutes.

The SPEAKER. The gentleman from New Jersey moves that the House stand in recess for five minutes.

The motion was agreed to.

Accordingly (at 1 o'clock and 45 minutes p. m.), the House took a recess for five minutes.

The recess having expired,

The SPEAKER. The House will be in order.

AMENDMENT TO NAVIGATION LAWS.

Mr. CALDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

The SPEAKER. The Clerk will read.

The Clerk read as follows:

A bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

Be it enacted, etc., That section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," be amended by inserting in line 8, page 427, of the Statutes at Large, first session Sixtieth Congress, after the word "sides," the words "or ends," and on line 21, after the word "dollars," the following:

"*Provided, however,* That the foregoing requirement in regard to life line or rope shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed 1 foot in width."

Also the following committee amendment:

Strike out all after the enacting clause and insert:

"That the requirements in regard to life line or rope contained in section 8 of the act approved May 28, 1908 (being chapter 212 of the Statutes at Large, first session Sixtieth Congress), entitled 'An act to amend the laws relating to navigation, and for other purposes,' shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed 1 foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least 14 inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. CALDER, a motion to reconsider the vote by which the bill was passed was laid upon the table.

HAZING AT MILITARY ACADEMY.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to report the following privileged resolution, with a recommendation that it do pass.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 543.

Resolved, That the Secretary of War be directed to furnish to the House of Representatives of the United States copies of all reports, recommendations, and other correspondence of record in the War Department or at the United States Military Academy at West Point relative to the subject of hazing at the Military Academy since January 1, 1908; also copies of all reports, recommendations, and other correspondence of record in the War Department relative to cadets of the Military Academy reported as deficient in either conduct or studies, or both, as a result of the last general examination held at the Military Academy.

Also the following committee amendment was read:

After the word "Academy," in line 12, strike out the period and insert a comma and the words "omitting the names of such cadets found deficient in conduct or studies."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote by which the resolution was agreed to was laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 18417. An act for the relief of Clark County, Ky.

INTRODUCTION OF BILLS AND RESOLUTIONS.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of privilege and present the following resolution.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House resolution 553.

Whereas it appears from the RECORD of February 9, 1909, that House resolutions Nos. 548 and 551 purport to have been introduced by a number of Members of the House; and

Whereas it is a question of serious doubt whether such practice is in conformity with and is authorized under the parliamentary procedure governing the control and the conduct of the business of this House; and

Whereas it is desirable to determine whether bills or resolutions may be presented to the House in the name of more than one Member:

Resolved, That the Speaker be, and he is hereby, authorized and directed to appoint a select committee of five Members of the House to investigate and report as to the right of Members to present bills or resolutions as provided by the rules with the name of more than one Member of the House attached thereto.

Mr. FITZGERALD. Mr. Speaker, in presenting this resolution I have no desire whatever to interfere with the two resolutions mentioned in this resolution. There has been recently a practice initiated to present bills with the names of two Members or more appended thereto. The resolutions mentioned illustrate the development of the innovation. One of them purports to be introduced by 8 Members, the other by 29 Members. There are serious objections to this practice. In the first place, the introduction of bills or resolutions originally was a question of leave, and only by a gradual evolution have Members been permitted to present, as under our present rules, private bills to the Clerk and public bills to the Speaker. In effect, the presentation of bills and resolutions is a motion to introduce or to be permitted to introduce such bills in the House. If bills of a scandalous character are introduced, under the practice of the House they may be stricken from the files. If bills are introduced with the name of a Member attached thereto without his authority, they may be stricken from the files. If a number of names be attached to a bill and the inference allowed or the statement made that a particular bill is introduced by more than one Member, it may be a very difficult matter at some time to fix the responsibility for scandalous matter or to determine whether a particular Member authorized the use of his name.

At any rate, the practice, which in my opinion is unwarranted, has been growing to such an extent that it seems to me that in the interest of proper procedure in this House it is desirable, after a careful examination, to determine whether more than one Member can attach his name to a bill. As illustrating the results of this procedure a question might arise in this way: Suppose a resolution of inquiry were introduced in the name of more than one Member. If not reported within a certain time it would be a privileged motion to discharge the committee from the consideration of the resolution. It might be a difficult matter for the Speaker to determine which of the two or three or a dozen Members whose names were attached to the resolution would be entitled to recognition to make the privileged motion. Under all the circumstances, it seems most desirable that the proper practice be determined at this time, so that the House may conduct its business in conformity with the rules of procedure that from time immemorial have regulated such matters.

Mr. KEIFER. Mr. Speaker, I move that the resolution be referred to the Committee on Rules.

Mr. FITZGERALD. Mr. Speaker, I do not yield to the gentleman for that purpose. If he wishes to make any comment, I shall yield him time. Otherwise, I demand the previous question.

The SPEAKER. The gentleman demands the previous question upon the resolution.

The question was taken, and the previous question was ordered.

Mr. WALDO. I ask that the resolution be read.

A MEMBER. I object.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. KEIFER. Division!

The House proceeded to divide,

Mr. WALDO. Mr. Speaker, I again request that the resolution be read. I am unable to ascertain what the gentleman is trying to do, and I want to know before I vote.

The SPEAKER. The House is dividing. Objection was made to reporting the resolution again.

The House divided; and there were—ayes 120, noes 6.

So the resolution was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

The SPEAKER. The Chair announces the appointment of the following Members as the committee provided for under the resolution: Mr. FITZGERALD, Mr. OLMSTED, Mr. CURRIER, Mr. TOWNSEND, and Mr. SHERLEY.

SALE OF TIMBER ON ALLOTTED INDIAN LANDS.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4548.

The Clerk read as follows:

A bill (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes.

Be it enacted, etc., That any adult Indian of any reservation to whom an allotment has been or hereafter shall be made and a trust or other patent containing restrictions on alienation issued, or hereafter shall be issued therefor, is, with the consent of the Secretary of the Interior and under such regulations as he may prescribe, hereby authorized to sell the timber on his allotment.

Timber on the allotments of minors may likewise be sold by the father, mother, or Indian agent, or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman what is the reason for giving this permission, not only to sell the timber on lands allotted of Indians, but of minors?

Mr. JONES of Washington. Well, Mr. Speaker, the reason is simply this: At the present time there is no law by which the timber on allotted Indian lands may be sold, no matter what the necessity or what advantage it may be to the Indians. For instance, there is a particular case in my State in the Colville Indian Reservation, where we granted by a special act to a smelting company the right to build a smelter there. There is no land in the neighborhood excepting that belonging to the Indians; and while we authorized this company to use such timber as it needed, there was no way by which the people who went in there and settled up the country could obtain lumber. The company could not buy the timber from the Indians and sell lumber to the people; there is no lumber there, and so far the people simply have to live in tents. There is no railroad and they can get no lumber. That is one illustration. The adult Indians can not sell. If the land is allotted to a minor, he can not work it, nor can he sell the timber to anyone.

And it does seem it would be well, in the interests of the Indians as well as the community, that, under proper regulations, down timber or ripe timber could be sold; and in case even the timber were only fit for cord wood, that could be sold instead of being wasted, and the Indians' interests protected by restrictions that would be imposed by the Interior Department. The Secretary of the Interior controls all that, just as he does in the case of the lands themselves, and it seems to me that it would be very greatly to the interest of the Indians, and also to the various communities of the country, if something of this kind could be enacted into law. It might be well for the Indian to clear 5 or 10 acres of his allotment for cultivation, and yet, as it is now, the timber can not be sold, the land can not be cleared, and the Indian is encouraged to live in idleness.

Mr. MANN. Well, of course, no doubt there ought to be some method by which mature timber and down timber and dead timber could be disposed of; but does the gentleman go so far as

to say that we ought to authorize the cutting of all timber on all Indian allotted lands, including minors' lands, practically without restriction, at this time, when we are endeavoring to conserve our timber resources?

Mr. JONES of Washington. Well, I think the Secretary of the Interior, with his officials, and the Department of Agriculture, through the Forestry Division, can be depended upon to see that it is not wasted. The committee considered the proposition of putting in the words "mature and down timber," but it was thought best not to limit it at all.

Mr. MANN. I do not see what the Forestry Service has got to do with it.

Mr. JONES of Washington. That was struck out in the Senate, but I referred to it as it had been in, and I have no doubt but that the Interior Department would ask the cooperation of the Agricultural Department.

Mr. MANN. I have not that confidence in the Interior Department in regard to timber that the gentleman has, though I have great confidence in the department.

Mr. JONES of Washington. Well, in answer to that, I will say that they are looking after the Indians' welfare very closely, and I do not expect that they will sell that timber, except on a limited number of allotments and in a fair and reasonable way.

Mr. MANN. I saw last summer I do not know how many million feet of logs lying on the ground in the Menominee Reservation, in Wisconsin, half of which was destroyed, spoiled, and of no value, and most of the balance probably will be, because the Interior Department had permitted it to be cut.

Mr. JONES of Washington. That was the reservation that we passed a special act for, I presume.

Mr. MANN. Before the sawmills had been taken onto the ground perhaps most of the timber was valueless. They will not cut enough timber with that sawmill out of this immense quantity of saw logs to pay the expense of cutting and selling the timber.

Mr. JONES of Washington. A situation like that should not be permitted, of course. I do not anticipate that anything of that kind will result from the passage of this bill.

Mr. MANN. That is just the situation that grew up, when they did not even have the authority to cut all the timber on the land. Now, the Interior Department are not timber experts.

Mr. JONES of Washington. They have men in connection with the Indian Department who are pretty familiar with the timber conditions.

Mr. MANN. Can the gentleman tell us how much timber this would affect?

Mr. JONES of Washington. I do not know. In our section it would affect, I suppose, quite a good deal, because there are some of the reservations that contain considerable timber. It is limited, however, to allotted lands, and most of these are agricultural in character, with possibly a small amount of timber, much of which it would be well to sell.

Mr. MANN. It would affect a great deal of timber elsewhere, probably.

Mr. JONES of Washington. Possibly so, although the great part of the timber on these reservations will be on unallotted lands.

Mr. MANN. Does not the gentleman think we ought to know something about what amount of timber is to be affected, and the effect of that timber cutting, before we pass a bill drawn primarily in the interest of some particular section of the country, with reference to which it may be perfectly proper?

Mr. JONES of Washington. So far as the bill is concerned, it is one in which I have no personal interest. It was introduced in the Senate by Senator KNOX, at the suggestion of the Secretary of the Interior himself, and this particular instance I have referred to was called to my attention, and I began to look the matter up and found this situation.

Mr. MANN. I have no doubt there ought to be relief.

Mr. JONES of Washington. It seems to me there ought to be legislation along these lines, because the timber is absolutely going to waste now.

Mr. MANN. But this bill, if it becomes a law, is an invitation to every timber speculator and to every sawmill man to immediately commence work to get hold of the timber belonging to the Indians; and if this bill becomes a law, there will not be enough timber on Indian allotted lands in five years to be worth bothering about.

Mr. JONES of Washington. I have great confidence in the Secretary of the Interior and those looking after the Indians. I do not believe there will be any such difficulty as the gentleman thinks; but if he believes that, why, he is justified in objecting to the bill.

Mr. GRONNA. Would the gentleman have any objection to specifying what kind of timber should be cut?

Mr. JONES of Washington. I do not think it would be wise to put in any provision of that kind.

Mr. MANN. The gentleman had better let it lie over until we can investigate it a little further and see if we can not prepare a measure that will not turn everything absolutely loose and still will grant the relief which the gentleman seeks.

Mr. JONES of Washington. I do not think this turns the matter loose. I would not be willing to put any restrictions in reference to the character of the timber that should be sold. I would have no objection to allowing the Forestry Service of the Agricultural Department to look after that.

Mr. MANN. I would be perfectly willing if the Forestry Service, devoted to that subject, had control of it.

Mr. JONES of Washington. That was in the original bill as introduced, but was stricken out, for what reasons I do not know.

Mr. MANN. Now, I understand, as a matter of fact, if this bill should become a law, the Interior Department, as at present constituted, would ask the Forestry Service for its assistance.

Mr. JONES of Washington. I am inclined to think so.

Mr. MANN. That might not be the case to-morrow.

Mr. JONES of Washington. I suggest to the gentleman, however, that matters relating to the Indians are entirely under the control of the Secretary of the Interior, and there might be a very serious question as to the advisability of having a divided control with reference to these lands.

Now, this timber is a part of the real estate, and, as a matter of fact, the adult Indians could sell their allotments, timber and all, under laws that we have passed and under regulations to be prescribed by the Secretary of the Interior.

Mr. MANN. That is not the case all over the country.

Mr. JONES of Washington. It is, except where you may have special legislation, because we passed that legislation in the last session of Congress.

Mr. MANN. We have several bills to that effect now on the calendar.

Mr. JONES of Washington. We passed general legislation in the last session applying to allotments all over the country, applying to every reservation, possibly, except those in Oklahoma. Now, if we can trust the Secretary of the Interior to look after the allotments, to allow the sale of them upon such regulations as he may prescribe, it seems to me we can grant him the same authority with reference to the timber on the allotments, and permit him to sell it separate from the fee title to the real estate.

I very seriously doubt the advisability of dividing the responsibility and power between two departments of the Government. It rather seems to me that we ought to depend on the Interior Department, and if that department needs the advice of the Secretary of Agriculture it will get it, but it would be unwise to divide the responsibility. We should have to do that if we brought the Forestry Department into the matter by the terms of the bill. I have no doubt that is why this provision was stricken out of the bill. I think it would be wise to pass this legislation in this way.

Mr. MANN. I can not agree with the gentleman.

Mr. JONES of Washington. Of course the gentleman has a right to object.

Mr. MANN. Yes; and for the present I object.

TELEPHONE SYSTEM IN HAWAII.

Mr. COLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25139) to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for construction of that portion of the telephone system of the Standard Telephone Company prescribed in the act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," be, and is hereby, extended to three years from and after the passage of this act, during which extended period the rights and privileges conferred upon the said Standard Telephone Company in and by said acts shall continue in full force and effect, but subject to the forfeiture therein provided on the failure of said company to otherwise comply with the provisions of time limitations therein prescribed within such extended period.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if there is anything in the act except an extension of time?

Mr. COLE. That is all.

Mr. MANN. Reserving the right to object, I want to ask the gentleman if the company has commenced its work?

Mr. COLE. Yes. Now, a word in connection with the bill. The territorial legislature of Hawaii passed this measure three years ago. It was investigated and confirmed by Congress two years ago. The company that was constructing the telephone business was composed of men from San Francisco. By the earthquake and fire they lost their property, and on that account they could not complete the work within the time prescribed by law. Now they ask for an extension of time for two years.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENDING TIME FOR FINAL ENTRY OF MINERAL CLAIMS WITHIN SHOSHONE OR WIND RIVER RESERVATION, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration, and for the present consideration, of the bill (H. R. 23473) extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of chapter 1452 of the Statutes of the Fifty-eighth Congress (U. S. Stat. L., vol. 33, pt. 1), being "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," be, and the same is hereby, amended so that all claimants and locators of mineral lands within the ceded portion of said reservation shall have five years from the date of location within which to make entry and payment instead of three years, as now provided by the said act.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Reserving the right to object, I would like to have the matter explained.

Mr. MONDELL. The mineral locator of public lands at large is not obliged to make final proof and entry of his lands. He may hold them indefinitely and work them, if he desires. The middle entrymen on the Indian reservation are required under the act to make final proof within three years. It is a departure of legislation of this character. The middle entrymen are mostly poor men, and they find it impossible to make a final proof and entry as required by the act; and this proposes to give them an extension of two years, so as to give them the same length of time that a homesteader has within which to make final proof. It is reported by the Committee on Indian Affairs.

Mr. REEDER. Is there any time limit when they can make the original entry?

Mr. MONDELL. Most of the original entries were made about the time the reservation was opened. They can make them at any time.

Mr. REEDER. They can make them at any time, and then this gives them five years from the time they make them?

Mr. MONDELL. Yes.

Mr. REEDER. Why can they not make the proof earlier?

Mr. MONDELL. In a mineral claim the entryman must spend $100 a year on his claim, and $500 in all.

Mr. REEDER. The gentleman says this was reported by the Indian Committee?

Mr. MONDELL. Yes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

Mr. SCOTT. Mr. Chairman, I would like unanimous consent to make a brief statement, and then present a request.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to make a brief statement. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, when the committee rose on Thursday of last week there was pending a demand for tellers on the question of the adoption of an amendment offered by the gentleman from South Carolina [Mr. LEVER]. The purport of that amendment was to strike out of the appropriation bill any authority that it might contain for the continuation of what is known as the "board of referees of consulting chemists."

Mr. BURLESON. I think the gentleman is mistaken in that, because the gentleman from South Carolina denies that there was any authority whatever for the creation of that board of referees.

Mr. SCOTT. The Chair has ruled that there was such authority, and the purpose of the amendment, as I understood it, was to make it very certain that the law should not be so construed.

Mr. BURLESON. I did not understand the Chair to so rule. The Chair ruled that certain language in the bill was authorized by law. The question is open whether under that language the board of referees is authorized.

Mr. SCOTT. I think the gentleman from South Carolina will not deny that if his amendment prevails it will result in the abolition of the board of referees of consulting chemists.

Mr. BURLESON. Undoubtedly that was his purpose.

Mr. SCOTT. That was the only statement I intended to make. In view of the importance of this proposition, and in view, further, of the fact that a great many gentlemen are present now who were not in the House at that time, I ask unanimous consent that debate be permitted to continue on the amendment for forty minutes, the time to be equally divided between the two sides and to be controlled on the side of the minority by the gentleman from South Carolina [Mr. LEVER] and on this side by myself.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate may be had on the pending question for forty minutes, to be equally divided between the two sides, one half to be controlled by himself and the other half by the gentleman from South Carolina [Mr. LEVER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LEVER. Mr. Chairman, I will ask the gentleman from Kansas to use some little time, to give me some idea as to the number of speeches to be made on that side.

Mr. DRISCOLL. Mr. Chairman, before debate begins I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 27, strike out all after the word "dollars," in line 71, down to and including the word "dollars," in line 21, and insert, on line 17, page 27, after the semicolon, the following:

"For the examination of specimens of foods and drugs made in the Bureau of Chemistry, under the direction and supervision of such bureau, for the purpose of determination from such examination whether such articles be adulterated or misbranded within the meaning of said act, in the city of Washington, $200,000; out of the city of Washington, $266,460."

Mr. SCOTT. Mr. Chairman, I yield five minutes to my colleague on the committee, the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Chairman, this is perhaps one of the most embarrassing cases that we have had before the Committee on Agriculture. Those of you who listened to the very temperate and able speech of my colleague from South Carolina [Mr. LEVER] will remember that he discussed this question from the viewpoint of there being no law or authority for the appointment of this board. Now, under the rulings of the Chair a few days ago we were led to believe that the very law creating this Department of Agriculture gave authority to the Secretary of Agriculture to carry out the provisions of the law touching the pure food and drug act. I am ready to admit, Mr. Chairman, that upon the naked technical question of whether or not this referee board should have been appointed there is considerable doubt, but when we take into consideration the magnitude of the interests involved, the importance to the whole country of carrying out this pure food and drug act, I think, upon a calm consideration of the whole matter, this committee must come to the conclusion that the Secretary of Agriculture acted judiciously and within the provisions of the law construed liberally. This very section here quoted by my friend will, in my judgment, give ample authority. Mr. Chairman, I have not the time to read section 3 of this act, for I suppose gentlemen here are as well posted as I am, but if they will turn to section 3 of the food and drug act they will see, I think, that there is provision even in that act for the appointment of these experts.

Brought down to its last analysis, the question presented for us to decide to-day is just this, whether we are going to leave all of this administration work in the hands of one man, whether we are going to turn the Department of Agriculture over to the rulings of one of the chiefs of a bureau in that department, or leave it in the hands where it belongs, the Secretary of Agriculture. If there be no law for the creation of this referee board, then I ask you under what law and by what authority are there to-day serving perhaps 75 or 100 appointees under this inspection law, recommended by the Chief of the Bureau of Chemistry and confirmed by the Secretary of Agriculture? If you adopt this amendment and turn this department over to the

rulings of the Chief of the Bureau of Chemistry, what becomes not only of this referee board but of these other appointees? In other words, if there be no law and no authority for the action of the referee board, what authority is there for the other board, composed of the Chief of the Bureau of Chemistry, Mr. Dunlap, a scientist, and Mr. McCabe? If the Secretary of Agriculture can not control his own department, then we had as well abolish the office of Secretary of Agriculture. There is more at stake here than one would think who had not studied the question carefully. It is a question reaching down to every article of food consumed in this country, and while I have the highest regard for the Chief of the Bureau of Chemistry, it is well known not only to the members of the Agricultural Committee, but to Members of this House, that he has made rulings on the pure-food question that affect the manufacture of articles all over the country and comes home to every farmer. I will give an illustration. Let us take the question of saltpeter. If the rulings of the Chief of the Bureau of Chemistry are carried out, we in Virginia and other States will not be allowed to put saltpeter on the hams that we send in interstate commerce, and I say to you now, as I have said before, that if saltpeter would kill people there would be scarcely a man living in eastern Virginia to-day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, the gentleman from Virginia [Mr. LAMB] has referred to the magnitude of the interests involved in my amendment. What are the interests involved? To what interest does the gentleman from Virginia refer. To the lives and health of 90,000,000 of the consumers of this country, or the few hundred packers who have persistently and flagrantly since the enactment of the pure-food law of 1906 evaded and violated its provisions? The interests are enormous, but as far as I am concerned, I prefer to stand by the interests of the great consuming public, rather than to place myself on the side of the illegitimate and dishonest packers who have violated and are now violating the law, and endeavoring by every device to hamper the thorough enforcement of its provisions against food frauds and poisons. I want to say in the outset, Mr. Chairman, that my amendment is not prompted by any partisan feeling or political motive, and——

Mr. GRONNA. Mr. Chairman, I would like to ask the gentleman a question just for information. As I understand the gentleman's amendment, it takes it from the board and simply places all power in the hand of this chemist. Am I right?

Mr. LEVER. My proposition is to see to it that the law is enforced by the official upon whom the law places the enforcement—the Chief of the Bureau of Chemistry—as is set out in section 4 of the pure food and drugs act.

Mr. GRONNA. And is that decision final?

Mr. LEVER. That decision is final as far as facts are concerned. The facts are referred to the Secretary of Agriculture under the law; and in his discretion he passes the facts up to the proper federal district attorney, as the law provides, and the district attorney brings suit in the name of the Government against the offending packer, as is directed by this same section 4 of the act, which is our work and will.

Mr. GRONNA. Does the gentleman believe it would be well upon such an important question as this to make it possible for anyone to take it to the court?

Mr. LEVER. I beg the gentleman's pardon; I did not catch that.

Mr. GRONNA. Does the gentleman believe it would be well upon a proposition of this kind, of such importance, to compel a man to take the decision of this one man, for, as I understand the gentleman, his decision would be final and no appeal could be taken from that decision?

Mr. JOHNSON of South Carolina. Will my colleague allow me to make a suggestion?

Mr. LEVER. One moment—the gentleman from South Carolina finds no discretion in this matter. The law itself points out what appeal an aggrieved manufacturer may have and to what court he can take an appeal. The language of the law is unmistakable on this point. Congress provided the machinery in the law and we ought to see to it that the law is obeyed or else amended.

Mr. GRONNA. I understand that is what you are trying to change by your amendment.

Mr. LEVER. Not at all. Let me say to my friend that the President, acting through the Secretary of Agriculture, some months ago appointed a referee board of consulting chemists, with jurisdiction over and above that now exercised by the Chief of the Bureau of Chemistry under his statutory authority. The law gives the Chief of the Bureau of Chemistry a specific duty to perform, a duty imposed by us, but the referee board is appointed in the meantime, without authority of law, and in the exercise of its powers supersedes the authority of the Bureau of Chemistry and takes into its own hands the enforcement of the law. That is the point to this.

Mr. HAYES. Will the gentleman yield for a question?

Mr. LEVER. I yield for a question.

Mr. HAYES. I would like to ask the gentleman, with his permission, if it is not true that this will not destroy this referee board completely, but simply prevents them from receiving pay for their services.

Mr. LEVER. I may say to the gentleman from California frankly that if my amendment prevails here, or if it does not prevail, I intend to follow it up by offering another amendment to take care of the question which the gentleman has raised.

Mr. DRISCOLL. Is the order of the President creating or appointing this referee board at the command of the gentleman?

Mr. LEVER. I think I might find it here somewhere.

Mr. DRISCOLL. I thought it might be well to have it read.

Mr. LEVER. It was read in my speech of the 3d instant, and it is in the RECORD. Now, Mr. Chairman, I was saying when interrupted—and it is well-nigh impossible to make a logical statement with all these interruptions—that I hope this matter will not take on a partisan aspect. I have been in this House many years, and I have my first political speech to make.

I have been sent here, as I understand it, to represent the business interests—the farmers, merchants, professional men, and all—of the district which I have the honor to represent, and I feel that I can be of more service to my people by looking after their business, material interests, than I can in taking up time in discussing academic political questions which others are better prepared and more inclined to discuss. Mr. Chairman, I want it distinctly understood that this amendment is not intended as a criticism of the Secretary of Agriculture. No man in this House, no man in the country, has a higher regard for Secretary James Wilson than I have. In my contact with him, socially and officially, I have found him courteous, frank, and always ready to give ear to any statement that may have in it an idea or suggestion calculated to be of use to the agricultural interests of any section of the country. In the administration of his great office he knows neither political nor sectional lines, and we in the South have come to look upon him as our special friend, as somewhat one of us. [Loud applause.]

His work in my State has been of extreme benefit to us, and our farmers feel they have no more earnest friend that he. He has been among us, and has a most comprehensive understanding of our agricultural problems and a most sincere sympathy with us in solving them.

He has done as much for the State that I in part represent and for the entire South in the last twelve years as any man living to-day, and I have for him not only a profound admiration, but almost a feeling that amounts to veneration, and I would be the last to criticise him or wound his feelings. [Applause.] But the matter of the diversion of $100,000 from the purposes for which it was appropriated came to the attention of the committee. It struck me as bad administration, bad business, and it occurred to me that if the President of the United States, acting through the Secretary of Agriculture, had deliberately diverted an appropriation from the purposes for which it was appropriated and had applied it to the payment of the expenses of a referee board created in violation of law, then it was time for somebody to protest on the floor of this House. If the time has come when executive impulses are to take the place of well-deliberated legislative action, then this House, in the interest of economy, ought to adjourn sine die, go home, and stay there. [Applause.] And to bring this situation to the attention of the House is my only motive, save the greater one of my interest in the strict enforcement of the law against fraudulent and dangerous foods.

Mr. COLE. How much of this appropriation has been expended for the purpose?

Mr. LEVER. I understand about $27,000 have already been expended in the examination of one of the subjects referred to and that there are two more to be examined.

Mr. COLE. Will a part of this remaining $100,000 be available for this purpose unless the appropriation provided for in this bill is carried?

Mr. LEVER. It is available, and it is being used.

Mr. HITCHCOCK. Mr. Chairman, I would like to request the gentleman to inform the committee what appeal there is now from the chemist when he renders a decision?

Mr. LEVER. An appeal to a federal court, as laid down by the act; and let me read to the gentleman from Nebraska the act, so that the committee may know just what the law says about it:

SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such bureau, for the purpose

of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

Does that answer the gentleman?

Mr. HITCHCOCK. That is to say, then, that the decision of the chemist does not of itself shut the manufacturer out of the market, but the process of the court must be appealed to before he can be prevented?

Mr. LEVER. That is entirely correct; and that, Mr. Chairman, is the proposition we are standing for—a proposition of permitting the law to stand as it now stands; of allowing the Chief of the Bureau of Chemistry to perform, unhampered and unhindered, the duties imposed on him by the law. If there is an aggrieved manufacturer, if somebody feels that he has been badly treated, he has his recourse under the act, and that recourse is in the federal court when his case reaches it. That is all. For sixteen or eighteen years the great consuming public of this country demanded pure-food legislation——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. I will.

Mr. HUMPHREYS of Mississippi. The gentleman says that if any manufacturer feels aggrieved at the decision of the chemist, he has his remedy by going to the federal court. Is it not the law that the Government must go to the federal court?

Mr. LEVER. That is true.

Mr. HUMPHREYS of Mississippi. The procedure, as I understand it, must be begun by the Government against the manufacturer.

Mr. LEVER. That is very true; but the manufacturer has his remedy in the court. He meets the prosecution arranged by the Government; he brings his expert chemists to testify, and the Government brings its chemists to testify; and the evidence is taken and the case is heard like any other case in any other court and decision made from the facts presented. No one can be injured by such a course, and the public is saved the great risk in eating preserved foods.

Mr. HUMPHREYS of Mississippi. The point I had in mind was that the burden is not on the manufacturer. The burden is on the Government.

Mr. LEVER. The burden is on the Government to prove its case. The manufacturer has been protected by the law. He has been leniently treated. In fact, I fear he has been hugged to the bosom of the Government, and we want to hug him a little bit more by creating a sort of a filtration plant of referee boards and commissions, through which justice must slowly filter while the great consuming public suffers. My amendment proposes to give consideration to the public, protect the people against the greed of food adulterators and misbranders.

Responding to the demand of the people during sixteen years for pure-food legislation, Congress in 1906 enacted a pure-food law; and in the enactment of that law I want to call the attention of the committee to this fact. It is a most important fact as showing the intention of Congress in the matter of this referee board. The House sent its bill to the Senate with a provision in it carrying a commission with authority exactly like this now carried by the referee board. The Senate debated that proposition, and pointedly and deliberately struck it from the House bill. The bill as amended went to conference, and the conferees agreed that this provision should be stricken from it. It became a law and was signed by the present Chief Executive without this provision.

Yet, in face of the fact that Congress enacted this legislation, pointedly, specifically, deliberately cutting out a referee-board idea, and after the law has been in operation for only two years, this same President, at the behest of the manufacturers—perhaps legitimate, very likely illegitimate—directed the Secretary of Agriculture to appoint a referee board. The expressed and positive will of Congress is of no avail against his hasty impulse to listen to siren song of the insidious packer. How was this law enforced? The Chief of the Bureau of Chemistry, Doctor Wiley, enforced it in the spirit in which it was enacted. What was that spirit? The spirit of protecting the health and life of the consumer against preservatives, drugs, poisons, and misbranding. He enforced the law liberally; it was his duty to enforce it liberally. It is presumed Congress intended and the country expected a liberal enforcement in the protection of the public against poisonous preservatives and fraudulent foodstuffs.

Some have criticised the chief of the bureau for being enthusiastic. Enthusiastic in what, gentlemen? Enthusiastic in the interests of the great consumers of this country, enthusiastic for a strict enforcement of the spirit of the pure-food act. If such enthusiasm be a crime, would that more of the public officials of this country were tainted with that crime. [Applause.]

Mr. ANTHONY. Will the gentleman submit to a question?

Mr. LEVER. Yes.

Mr. ANTHONY. Does not the gentleman think that the manufacturers of the country ought to be protected from technical decisions in matters that affect their business?

Mr. LEVER. Of course.

Mr. ANTHONY. I would like to state to the committee that the flour millers of the country understand Doctor Wiley has made a decision restricting them from electric bleaching, because he says that it introduces a nitreous element in the flour, and he has prohibited the use of the process. Now, the facts are that the process only causes about one-millionth part of nitreous condition to form in the flour, and that means a man would have to eat 10,000 loaves of bread to be injured.

Mr. LEVER. Now, let me tell you the facts about it.

Mr. ANTHONY. Now, why should not the flour manufacturers be protected against such a ruling as that?

Mr. LEVER. Now, what are the facts as to that? I am perfectly familiar with the ruling. Let me call the attention of the gentleman from Kansas to the fact that not more than three or four weeks ago the supreme court of North Dakota passed upon this very flour case, and held that the bleaching of flour was in violation of the law of the State of North Dakota, on the ground that bleaching covered up inferior material.

What is the purpose of bleaching? It is to take inferior wheat, bleach it, and make the flour look as if it were ground from first-class wheat. [Applause.] Not only that, but it will be remembered some years ago we introduced the growing of durum wheat into this country. Durum wheat does not make as white flour as does hard wheat. Durum wheat, to be used, has to go through this bleaching process to get white flour, so that it can go on the market in competition with the hard wheat of the country. This durum wheat, mind you, sells in the market, I am told, for 20 cents per bushel less than the hard and fine grades of wheat, and it is of importance to the durum dealers that they should be able to bleach this flour, and thereby sell it under a deception and fraud as having been made from the best grade of wheat.

Mr. ANTHONY. Does not the gentleman admit that the process allows the farmer to find a better market for his wheat?

Mr. LEVER. I do not admit it. The durum wheat grower comes in competition with the grower of first-class wheat, and sells his cheap wheat for just as good a price as does the grower of the first-class wheat, and to that extent limits the market for first-class wheat.

Mr. GRONNA. Will the gentleman allow me a moment? I am glad the gentleman has brought this matter up. I say that it is a fraud upon the farmers to permit this bleaching process. Under the pure-food law they should not be permitted to use this process. As the gentleman has well explained, the durum wheat is sold at from 10 to 20 cents a bushel less, and the flour is not the same as that which is made from hard wheat.

Mr. LEVER. This is another case where your preservatives and artificial processes permit gross frauds upon the consuming public, and positive injury to the legitimate industry. The pure-food act is intended to remedy this abuse which had grown to alarming proportions before the enactment of the law, and which will again become a scandalous abuse under the present system of hampering and retarding the enforcement of the act in all its strength and spirit of protection.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. I have not used twenty minutes, have I?

The CHAIRMAN. The gentleman has used twenty minutes.

Mr. LEVER. I should like to have opportunity to conclude my remarks.

Mr. GRONNA. I ask unanimous consent that the gentleman from South Carolina be allowed five minutes more.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the gentleman from South Carolina may have five minutes more. Is there objection?

Mr. SCOTT. Mr. Chairman, I think we will have to object, unless this side can have five minutes more.

Mr. GRONNA. Then I will ask unanimous consent that five minutes more be given to the gentleman from Kansas [Mr. SCOTT].

Mr. LAMB. Will my friend agree that the gentleman from South Carolina may have five minutes if he can also have five minutes?

Mr. SCOTT. If we can have five minutes on this side, I will not object. I will ask unanimous consent that the time for debate be extended ten minutes, the gentleman from South Carolina to have five minutes and this side to have five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Now, I do not know, because I am not a chemist, whether benzoate of soda is a dangerous preservative or not. I know that the Chief of the Bureau of Chemistry says it is a dangerous substance. I know that the great food experts of the world are almost unanimous in the opinion that it is a dangerous preservative. I know that the great chemists of the world and the medical profession say that it is harmful. I know that the great preponderance of the evidence is against its use, and that is sufficient reason for my objecting to its use.

I know that the state food and dairy commission in their convention have protested strongly against its use; that the convention of canners held at Louisville, Ky., only a few days ago, 3,000 strong, unanimously adopted resolutions against its use and commendatory of Doctor Wiley's great work. I know that my mail for the past week has been literally flooded with letters, resolutions, newspaper articles, and petitions sustaining my position and urging me in the interest of the consuming millions to continue the fight for the integrity of the pure food and drugs act and its enforcement in the spirit of its enactment.

I say I do not know that benzoate of soda is a dangerous preservative. I believe that it is; but whether it is or not, I do not wish to take the chance of permitting it in the foods of this country in the face of the opinions of so many great experts who firmly believe in its deleteriousness. This is the situation: Your child is lying sick. A half dozen physicians are called in. Five of them say that the use of a certain drug can do the child no good, but at the same time can do it no harm. The one says that to administer this drug may bring fatal results. These men are of equal ability and standing in their profession. Life and death hang upon the decision. Shall the drug which can do no good but may do harm in the opinions of the five be administered, when the one positively declares that its use may be fatal? Prudence and common sense would forbid the use of the drug. And this is the exact situation with respect to the use of preservatives in foods. No one claims them to have any food value. The very fact that they are used to preserve foods from decomposing shows conclusively that they can not aid digestion, for digestion is a process of decomposing food and not preserving it.

If benzoate of soda as a preservative may be harmful and is pronounced by those who should know best to be harmful, if it has no food value, if it is not necessary in the manufacture of foods from wholesome first-class materials, if it works no good and may work so much harm, what justification is there for its use? Why does a certain class of manufacturers insist upon its use? There is but one answer—they desire to palm off upon an unsuspecting public cheap and inferior goods.

They desire to fatten their purses at the risk of the lives and health of their customers. It is cheaper to use cores, peelings, and refuse; cheaper to employ insanitary methods in manufacture; cheaper to employ cheap labor, than it is to use first-class raw material, first-class sanitary methods, and first-class, well-paid labor. It is the old fight of dividends over again. No one denies that these preservatives can be, and in many cases are, used to cover up the methods I have mentioned to put upon the market food frauds, and it is against these practices, against these methods, that the strong arm of the law was raised, and when it was about to be brought down upon the heads of conscienceless manufacturers by the Chief of the Bureau of Chemistry, these concerns rushed to cover behind this new creation—the referee board.

My amendment proposes to leave the enforcement of the law where the law put it, and my whole desire is to maintain the integrity of this act, which is a part of our law, because the consuming public demanded protection against the intolerable methods of food manufacturers. If the law needs amendment, let it be amended in the proper way; but I protest against these insidious plans to nullify its provisions and to lay down the gap for the return of the methods in vogue before its passage. [Loud applause.]

Under the leave given me to print certain statements, letters, and other documents, I insert the following.

This is an advertisement of one of the largest and most reputable manufacturers in the country:

A PUBLIC STATEMENT.

THE PEOPLE'S HEALTH OR THE FOOD MANUFACTURER'S PROFIT.

Experts always disagree on scientific questions, and so they naturally differ about the danger of benzoate of soda in prepared foods. Some of them say it is a harmless substance in small quantities, while many other leading authorities of both Europe and America pronounce it a dangerous drug. Thus a doubt exists about the safety of its use.

Benzoate of soda is not used to improve any good article of food. There is no difference of opinion on that point.

Why, then, do any manufacturers contend for the privilege of using benzoate of soda? Simply because it permits a cheapening of the cost of product through a reduction of food value, employment of loose methods, and too often of unfit raw material.

All that is necessary to say to any thinking person is that reputable manufacturers who use only fresh fruit and vegetables and who employ only sanitary methods in their preparation (and there are many) do not find it necessary to use any chemical preservative.

Also this letter:

COLUMBIA CONSERVE COMPANY,
Indianapolis, Ind., February 6, 1909.

A. F. LEVER, M. C., *Washington, D. C.*

MY DEAR SIR: Your telegram of January 30, addressed to the Columbia Conserve Company, was received during my absence. I regret very much the unavoidable delay in answering it.

We are distinctly opposed to the use of benzoate of soda in foods. I have never claimed that I knew anything about the physiological effect of benzoate on the consumer, and I do not feel that I know anything more about it now than I have for several years. Scientists seem to be very evenly divided with reference to this matter.

My position is that it is not necessary in those products which we pack, namely, condiments; and that therefore as there is doubt as to its healthfulness I can see no reason why the public should not be given the benefit of the doubt.

My principal objection to its use is that it permits, and in fact, fosters unsanitary conditions in the packing of food products, and also admits and fosters the use of unsanitary food materials.

With reference to the matter of tomato catsup, there is several times as much catsup made from refuse material in this country to-day as there is catsup made from whole, ripe tomatoes. I doubt very much that the use of this refuse material can be prohibited if artificial preservative is not prohibited, unless the national and state governments put into effect an adequate system of factory inspection. This same result could be secured, in my judgment, by the very much cheaper system of prohibiting chemicals.

Yours, very truly,
WM P. HAPGOOD.

REFERENCES AND QUOTATIONS RE ARTIFICIAL PRESERVATIVES.

The society strongly disapproves of the practice of adding preservative chemicals to milk and other foods. (Resolution of British Society of Medical Officers of Health.)

An opinion inimical to the use of preservatives * * * on the ground that these substances were added to food for the purpose of destroying or preventing the devolpment therein of living organisms, and hence that these same substances when introduced into the highly organized animal could not behave indifferently to living matter, but must also tend to exert upon it some influence. (Conclusion 93.)

Both of above from the "Report of the departmental committee appointed to inquire into the use of preservatives and coloring matters in foods." (London, 1901.)

I believe that, in general, preservatives and antiseptics in food are unfavorable to digestion and injurious to health, and they invite the use of certain grades of foods which would otherwise not obtain. (Prof. A. B. Prescott, of Ann Arbor, Mich. Evidence before Interstate and Foreign Commerce Committee, House of Representatives, 1902.)

On general principles, one would object to the use of antiseptics. The substance that would destroy the life of micro-organisms could not be expected to be beneficial to the life of a higher organism. It would be largely a matter of dose. I mean to say that the same dose that would kill a bacterium would not necessarily kill a man, but still it would be hostile to the protoplasmic actions that constitute the life of even a high animal like man. (Dr. W. D. Halliburton, F. R. S., professor of physiology, King's College, London. Testimony before the departmental committee, London, 1901.)

S. A. Vasey, F. C. S., F. I. S., member S. P. A.:

"In the case of benzoic acid, the presence of that acid—certainly in the case of invalid foods, and, possibly, ordinary foods—might be objectionable on the score of increasing the acidity of the urine and possibly setting up irritation in the urinary tract. It gives, as you know, hippuric acid." (P. 69.)

Dr. William Williams, representing the Incorporated Society of Medical Officers of Health:

"* * * and in the present state of our knowledge regarding these substances (preservatives), it would probably be better to prohibit their use altogether, for there can be no doubt that the principle is utterly bad, and the practice of drugging the public promiscuously and without their knowledge, and by incompetent persons, when they are in good health is very dangerous." (P. 71.)

Maj. C. E. Cassal, public health officer of Great Britain:

"The admixture of certain chemicals with articles of food for the purpose of keeping them in a salable state, and also for the purpose of enabling sale of inferior and even actually bad articles, to be palmed off on the public as good and fresh, is a practice which has become very widespread. It is alleged by the apologists for this practice and by those who are obviously interested in its unrestricted continuance that the 'public demand' for many articles of food can only be met by the use of preservative chemicals. Apart from the question of 'cheapness,' this argument is disposed of from the fact that the articles in question are largely and successfully sold without the admixture of any preservative chemicals at all. If a preservative chemical is present in a food in sufficient amount to exert its specific effect on that food, that fact is in itself sufficient to show that the digestion of the food by the consumer must be injuriously affected, and such admixtures must therefore be regarded as injurious to health.

* * * * * * *

"In my opinion, the use of preservative chemicals is unnecessary, as far as public advantage is concerned, while no doubt their use may be advantageous to certain manufacturers and venders for pecuniary reasons." (P. 130.)

Harold Faber, commissioner of Danish Government:

"I think there may be two objections in principle to the use of preservatives. In the first place, they are chemicals, and the people using them, not being generally chemists, are unable to judge of the quality of the article they use; they are also generally ignorant of the effects of them. It therefore seems less safe to leave it to them to decide whether to use them and in what quantities and so on. That is my objection in the first instance. Secondly, the idea of adding preservatives to foods is to prevent them from decomposing, but in the course of digestion these same articles of food are intended to be decomposed, and I therefore think, as far as the preservatives prevent these foods from decomposing by their use, they are also liable to prevent the proper digestion of them." (P. 145.)

Dr. A. Grunbaum, lecturer on chemical physiology, University College, Liverpool:

"I should like to say that it seems to me that, on general grounds, preservatives should be forbidden." (P. 222.)

Interview in Washington (D. C.) Post, January 27, 1909:

Dr. H. S. Blackmore, consulting chemist to State of New York:

"Benzoate of soda, of which we have heard so much of late as being employed as a food preservative, has all of the ear marks of a most dangerous substance.

* * * * * * *

"Commercial benzoic acid is manufactured from horse or other animal urine or artifically made from coal tar. All these facts would point to the possibility of benzoic acid, or its compounds, not only being of a composition most dangerous to health, if continuously used, but, to say the least, an unclean substance as a constituent of an article of food."

Minutes incorporated, Sanitary Association of Scotland, Congress at Perth, September 8, 1904:

"I would urge that in the present state of our knowledge it is not right or safe in the interests of public health that any unskilled person should be permitted to dose the public with preservatives, even with less harmful preservatives." (James Hendrick.)

When we consider that the excretion of most of these substances (preservative) falls chiefly upon the kidneys and recognize the fact that kidney disease is a main cause of the loss of one kind or another of vitality in middle life, and, indeed, figures very largely in mortality records, we can not but feel that the legalization of potent germicide is a matter of the most serious kind."—Doctor Magill, address before British Medical Association, Toronto, August, 1906.

These decisions (Food Inspection Decision, 101–102, United States Agricultural Department), as every practicing physician must know, are fraught with great danger to the public health. There is considerable difference between the foods of any poison or irritant given in a few experiments in the laboratory and those of the same poison taken continuously after long periods, even in small quantities. I have not the slightest doubt that sodium benzoate, and especially the commercial or synthectic benzoate, taken in foods more or less continuously will derange digestion and set up irritation and degenerate changes in the gastro-enteric mucus. (Dr. S. Solis Cohen, Philadelphia; General Medical American Association, January, 1909.)

International Congress of Medicine, Madrid, April, 1903:

"Long-continued use of food containing antiseptics may cause grave digestive disturbances, the real cause perhaps not being recognized by physicians. The substance administered in small daily doses for a long time may show its toxic effects very different from those caused by the single administration of a medical dose of the substance. The statement on the label of the presence of the antiseptic is not sufficient for the protection of the consumer, as in most cases the latter is ignorant of the danger of the chemical preservative." (Dr. P. Bronardel, delegate of Legal Society of Medicine of France.)

Presidential address, North Wales Branch British Medical Association:

"In actual practice the ingredients are daily used in unknown quantities, and often under distressing and lowering circumstances. It is also proved that fully 80 per cent of preservatives used in food are excreted unchanged by the kidneys. This statement has been confirmed by Doctor Hannington, who states that in his investigations he found 'the kidneys inflammatory.' The action becomes insidious, and although there may be but few instances of acute poisoning, it is interesting to note the comparative prevalence of diseases of the alimentary system in 1904 as compared with twenty years ago, when the use of these preservatives was not carried on to such an enormous extent as it is in these days." (Dr. Richard Jones.)

You may take it when antiseptics are added it is because the proper means are not adopted to insure sterilization; to prevent, in other words, the ill results from bad working or the use of poor or dirty material. As a rule you will only find antiseptics added by second-rate firms and to the cheapest articles.

There is no doubt that the unrestricted use of these should be condemned, for although in the case of those more commonly employed the recorded instances in which the practice has caused harm to the consumer are few, the ignorant employment of large quantities may effect slight and indirect injury to health, and are capable of seriously interfering with digestion. Salicylic acid is depressing, benzoic acid is irritating, sulphurous acid is a gastric irritant, and formaldehyde has a strong tendency to combine with proteids and to harden them and reduce their digestibility.

Moreover, the use of chemical antiseptics is not necessary, and they facilitate an uncleanly, slovenly treatment of food, and render it possible to preserve articles in incipient decomposition for some time with every appearance of freshness. (Journal of the Sanitary Institute, vol. 26, 1905–6, pp. 276–277, H. R. Kenwood, professor of public health, University College, London.)

It is not permissible to agree to the proposition that the maximum amount of any single preservative shall be determined. As in the case of strong poisons, views of experts as to toxic doses in single or repeated use are widely divergent, and it is much more difficult to determine with scientific accuracy the active qualities of preservatives which may be used for years. Even if it were possible to determine the quantity of every preservative which would not injure health when consumed with the food in a single day, further difficulty would arise when this daily dose of the material under consideration would have to be distributed among the foods to be preserved thereby, and which would be consumed in the various meals. (Deutscher Reichs-Anzeiger, Berlin, Feb., 1902.)

International Congress for Hygiene, Berlin, 1907:

"The application of chemical methods of preserving food increases dangers to health in many ways:

"(*a*) The added preservative may be directly injurious to the human body. In this connection the dangers to children, invalids, and old people should be considered. The general use of chemical preservatives may cause a considerable amount thereof to be ingested in one's daily food, even though each single article of food contains very little.

"(*b*) The preservative may decrease the nutritive value of the food.

"(*c*) The addition of a preservative may permit a careless and dirty method of manufacture.

"(*d*) The addition of a preservative stops the growth of bacteria that has already begun in the food and thereby keeps it in an apparently unchanged, fresh state, when in this food poisons quite sufficient to make it dangerous to health have already been formed. If the preservative had not been added, the food would have continued to decay, when its condition would have been a warning against the use of it.

"(*e*) The added preservative may only apparently stop decay of the food, when the latter may become poisonous. In these cases the preservative has not removed the danger from decayed or stale food, but it has removed the warning of the danger, viz, the changed appearance of food that is not sound or fresh.

"This effect is specially dangerous when the preservative has no perceptible taste or smell by which the purchaser or the consumer may know he has to deal with a food containing a chemical preservative.

"For the protection of the health of the people, it is not sufficient to prohibit such preservatives as have been already proved to be harmful, because the injurious effects of many substances are manifested very slowly and may not be noticed for a long time. The principle should be that no added preservative shall be permitted that has not been proved harmless by long-continued experiments on animals and on human beings." (Dr. M. Gruber, Prof. K. B. Lehmann, Dr. Th. Paul.)

"Concur in the opinion of Messrs. Gruber, Lehmann, and Paul that all chemical preservatives should be prohibited by law except those that have been used for centuries and have been found to be harmless." (Dr. Abel, Berlin.)

If benzoate of soda is used in food for human beings it may cause grave injury to health, especially when consumed by invalids and delicate people.

Benzoate of soda should be included in the list of preservatives injurious to health. (Dr. Doepner, University of Königsberg.)

I have long held the opinion that the practice of adding antiseptics to articles of food which are daily and habitually consumed by individuals of all ages is not a desirable practice. (Sir Henry Thompson.)

Because no tangible evidence is forthcoming of injury to health arising from the employment of antiseptics in small quantities for the preservation of articles of food, I do not consider that our knowledge can be regarded as sufficiently extended and complete upon the point to permit its being absolutely taken for granted that no injury is producible. By the use of antiseptics it is the vender and not the consumer that is benefited. (Dr. Pavy.)

The onus of proof rests with those who use preservative substances in foodstuffs. We know that the question of idosyncrasy enters largely as to whether the substances used—salicylic acid, boric acid, and the like—are dangerous. And what may be comparatively harmless in ninety-nine cases out of a hundred may be exceedingly harmful in the hundredth case. Also, what may be considered harmless when given in a single dose, or for a short period, may have very serious effects if continued over a lengthened period and the physiological effect of multiple doses, especially if the substances have an accumulative action, may be exceedingly harmful. (Dr. G. Sims Woodhead.)

On general a priori grounds it can hardly be doubted that the continued use of even small quantities of antiseptics is injurious. (Dr. W. D. Halliburton, The Lancet (London) 1897.)

(Meeting American Public Health Association, Boston, 1905.)

Formol, or formaldehyde, acid benzoic, salicylic, sulphites, bisulphites and hyposulphites, boric acid, boratium of soda, and silicate of soda, as also fluoruros and fluoborates, are products dangerous to health, and which are recommended against the opinions of hygienists who, with reason, proscribe all these additions.

The foods conserved with these products are less assimilable and their digestion slower and incomplete. Some of these foods certainly increase mortality.

Studies of great importance have been made with other products, such as sulphite of soda and all the remaining compounds which owe their properties to sulphurous acid.

The fatty degeneration of the parenchyma of the kidneys is due to the continued use of this product, as shown by Doctor Kionka, who has since 1896 experimented with these substances on a grand scale on dogs. (Prof. Jose D. Morales, Mexico.)

COMPARATIVE EXAMINATION OF THE PHARMACOLOGICAL ACTION OF ORGANIC COMBINED SULPHUROUS ACID AND NEUTRAL SODIUM SULPHITE.

[By Reg.-Rat. Dr. E. Rost and Dr. med. Fr. Franz.]

1. The principal result of the preceding experiment is, first, the determination that sulphurous acid in no way loses its poisonous properties, for all conditions, by its combination with aldehyde, sugar, and acetone. The addition products are neither inactive, as has been claimed by some, nor have they a peculiar action independent of the properties of their single constituents, but they act according to their wont, not other than sodium sulphite or sulphurous acid.

2. A further result is therefore: The dissolution of the organic bonds of the combined sulphurous acid is the necessary precedent for the appearance of the action. The speed with which this dissolution proceeds determines the quantity and concentration of the active constituent broken off, the same for all the compounds examined, and therefore the degree of the poisonous action and the speed of its appearance.

3. The third result of the preceding investigation is therefore: The poisonous series determined under the experimental conditions maintained proceeds parallel with the series in which the four compounds concerned appear according to their dissociation which proceeds gradually in aqueous solution, measured with iodin solution (at ordinary temperature) by the part of the combined sulphurous acid which could be titrated.

In the single experimental series in which all experimental conditions were maintained the same, so that the results of the series concerned were comparable, the four combined sulphurous acids examined differed always in the same way one from the other. In all experimental series the glucose compound showed sulphite action strong-

est; it dissociates fastest in aqueous solution; in all experimental series the acetaldehyde compound was less poisonous; it dissociates to a less degree in aqueous solution. Only the formaldehyde compound, being still less dissociable, showed itself less poisonous in our experiments. (Arbeiten aus dem Kaiserlichen Gesundheitsamte, 1904, vol. 21. Work from the Imperial Health Department (Germany), 1904, vol. 21.)

NORTH DAKOTA AGRICULTURAL COLLEGE,
February 1, 1909.

Hon. A. F. LEVER, M. C., *Washington, D. C.*

DEAR SIR: Replying to your favor of January 30, I am in receipt of your telegram reading as follows:

"Does your association oppose the use of all chemical preservatives in foods? Are you officially and personally opposed to the use of all chemical preservatives in foods? Will the legalization of an unrestricted use of benzoate of soda result in harm to infants and invalids? Would you favor letting all questions go to courts instead of being officially decided by the referee board of consulting chemists? Wire answer and write full particulars at once."

The Association of State and National Dairy and Food Departments at their annual conference at Mackinac August 4 to 7, 1908, unanimously adopted the following resolution:

"*Resolved*, That this association is convinced that all chemical preservatives are harmful in foods, and that all kinds of food products are and may be prepared and distributed without them, and pledges its best efforts to use all moral and legal means at its disposal to exclude chemical preservatives from food products, and to this end we ask the cordial support of all national, state, and municipal authorities charged with the enforcement of food and drug laws. And in this connection we desire to express our gratitude for the helpful services of the medical profession generally, and especially to the American Medical Association."

Thus placing themselves on record as squarely opposed to the use of chemical preservatives of any kind in the preparation of food products, and this came as the result of the experience of food men of the country, both food commissioners and chemists, after many years of study and observation.

Personally and officially I am opposed to the use of all chemical preservatives, and the legalization of an unrestricted use of benzoate of soda will, in my judgment, result in harm to infants and invalids and introduces into the system a product which is not a food but a drug and medicine, a product which is recognized by the physician to modify some vital action of the body without itself furnishing any nutriment to the body.

I am opposed to the use of benzoate of soda for the further reason, without regard to its effect upon health, that where benzoate of soda is used we often find vegetable products which have become decayed and are unfit for human food and could not and would not be utilized if benzoate of soda were not employed as a preservative agent.

At the present time our examinations show, for example in catsup, that when catsup is made from ripe tomatoes without the use of preservatives the product keeps and there are very few mycelium present, indicating little or no decay. In the majority of cases where benzoate of soda is used, an abundance of mycelium may be found by the use of the microscope, showing clearly the refuse character of the material employed, and that decayed material is largely admixed. The same thing is true with regard to other food products.

Personally, it seems to me that the only place for testing the law or for deciding the questions involved under the law is in the courts, and that the official in charge of the food law should be allowed the greatest degree of latitude. Where there is a difference of opinion between the food official and the manufacturers the courts should decide each individual case and establish the precedents to be followed.

Yours, very truly,

E. F. LADD.

LETTER FROM A CALIFORNIA WINE PRODUCER STATING WHAT THE PERMISSION OF BENZOATE OF SODA WOULD MEAN TO THE CALIFORNIA WINE PRODUCER.

[From letter of Percy T. Morgan, dated February 1, 1909.]

You can, I think, well understand how much "up in the air" we are at this decision of the "referee board" on benzoates. For ten years we have been fighting the use of preservatives in wine. Now, it would seem that all the labor we have expended, all the trouble we have gone to, all our immense investments in permanent structures for storing and maturing wines, and in fact everything that made the wine business attractive to settled capital and tended to withdraw it from the realms of pure gambling from season to season has, all at one sweep of the pen, been nullified. If deleterious fermentations can be arrested and held by the use of antiseptics, then skill and care in wine making will become old-fashioned and obsolete. The careful nursing of wines, the elimination of distillation of those developing poorly will be commercially unnecessary, because in the initial stages all defects will be able to be covered up by sophistication.

As I have said before, we do not know where we stand; we do not know what course to take, because it is perfectly patent to anybody who knows anything of the wine business that the greatest items of expense in connection with it are interest, taxes, insurance, and evaporation upon the maturing product. If it is not necessary in order to make wine marketable, to mature it so that clarification is a natural process; if all imperfections can be concealed and the wines rendered clear and marketable through the addition of extraneous agents, then all a wine merchant needs for the ordinary line of trade, namely, the supplying of the daily wine consumer (who looks to the price of his beverage as one of its most important things), is a shed, a few tanks, and a good supply of bill heads.

I print here parts of an editorial from the February number of the National Food Magazine:

The people of the United States believe chemical preservatives to be harmful—the farmer and the urbanite are of one opinion on this subject.

While chemists have detected their harmful qualities from laboratory experiments, the people have learned of them through sad experience.

It is probable that there is not a man, woman, or child in the United States, not interested in a food factory, who would not vote against the use of chemical preservatives in foods.

With the preponderance of evidence to the effect that chemicals in foods are harmful and poisonous, it would at least seem that there is room for doubt as to their legality and wholesomeness. *As long as there is such a doubt, why should not the people be given the benefit of it instead of the manufacturers of chemical foods? Are the people not as worthy?*

Even, however, if we should disregard this mighty array of evidence that chemicals are harmful, there is still another reason why they are illegal and should not be used. This consists in the facts that *they are not foods*, they contain absolutely no food value, and the only possible excuse for their use is to lessen the cost of production, conceal inferiority, and encourage slovenliness and insanitation in food factories.

THE PEOPLE MUST KNOW THE CAUSE.

But there are manufacturers of legitimate foods who have souls and consciences, and who would rather go out of business than to be responsible for such widespread disaster as they firmly believe results from the chemical treatment of food products. They say that chemicals are unnecessary for the preserving of foods when pure raw products are employed and when absolute cleanliness is observed in the manufacture. It would seem that our national authorities ought to side with this class of manufacturers and with the people instead of with the class of manufacturers which caused the pollutions of America's food supply before the enactment of the national food law.

PURE-FOOD MANUFACTURERS ORGANIZE.

The attempt to nullify the provisions of the national food law has aroused new and powerful forces into action. The highest class of manufacturers, who originally favored the enactment of a national food law, and who have been satisfied to abide by its provisions, both in letter and in spirit—regardless of the numerous exceptions and rulings that have been made in favor of the manufacturers of low-grade materials—are now up in arms to secure their own protection from the vilest kind of competition to which they have been subjected.

These manufacturers of strictly pure, high-grade foods have organized themselves into a mighty force. The organization will represent a combined capital of millions of dollars. It will expose the graft there is in the manufacture of food frauds. It will open the eyes of the people to where they are being robbed and swindled by the meanest kind of deception. It will bring into view conditions existing in many food factories worse than Upton Sinclair ever pictured in Packing Town.

This organization of pure-food manufacturers proposes to make itself felt with the administration at Washington and with the food department in every State.

Also parts of an editorial from The Outlook of January 30, 1909, a paper with which President Roosevelt is to become identified after the 4th of March:

PURE FOOD AND DECENT FOOD.

One of the best results of the operation of the pure-food law has been to make it possible for people to learn for themselves what prepared food products are mixed with chemicals and what not, and to decide, apart from any question of possible poisoning, which kind they prefer to eat.

There are certain chemical substances concerning which, among scientists, some doubt may exist as to their injurious effects; yet if even these are used, the label on the bottle or package must state the fact. Now, it is urged, with much force and truth, that even where chemicals used for preservative reasons are not in themselves poisonous, yet their use allows the manufacturer to put up inferior fruit, or meat, or what not, and even to put up refuse material—in some cases it is alleged that the material rejected and thrown on the floor when putting up the superior brands is swept up and included in goods of the cheaper brand. If it is true that the use of chemical preservatives allows such abominations to go undetected, then the consumer may well, for his own sake, refuse to buy tinned or bottled food products when the label shows, in however small print, that a chemical preservative has been used. But this raises another question, namely: Is it possible to put food products on the market without the use of chemical preservatives? Here we find another exceedingly encouraging result of the pure-food law. Several of the larger and better-known manufacturers of such products, actuated evidently both by genuine interest in the consumer's welfare and by a sound commercial instinct, have declared that in most if not in all cases the use of preservatives is quite unnecessary. Every housewife knows that fruit, for instance, if carefully selected, with the rejection of all tainted parts, carefully handled, not diluted with water, and protected accurately and positively from the air, will "keep" perfectly well with only the addition of sugar and, if desired, of spices. What can be done by the ordinary housewife can be done with far more certainty if performed on a large scale with the increased accuracy of measurement, mixing, and handling which naturally and necessarily accompanies wholesale manufacture. It is true that some large manufacturers declare that unless chemicals are used there is danger of ptomaine poisoning, and that their rivals who will not use chemicals bring about the same result to some extent by the excessive use of condiments, and that these in turn may serve to conceal the early stages of taint. The best authorities in this country, however, and we may add the practical experience in every household, confirm the reasoning of those who believe that "pure food" means "nothing but food"—that is, no chemicals. Furthermore, the consumer must be very careful not to assume that a chemical is not in fact injurious. Take, for instance, benzoate of soda. The chemist of the Department of Agriculture has never declared that this substance is altogether harmless, and, as we understand it, entertains a contrary belief. Yet, since there is a fair difference of opinion among scientists on this point, and as regards certain other chemical substances used in the preparation of food, their use in limited quantities and with the fact stated on the label has been permitted temporarily.

The resolutions of the canners referred to in the body of my remarks are as follows:

[Louisville Courier-Journal, February 5, 1909.]

THREE THOUSAND CANNERS ADOPT RESOLUTIONS.

The committee on resolutions, composed of Hugh Orem, of Baltimore, chairman; S. F. Hazerot, of New York; William R. Roach, of Hart, Mich.; L. A. Sears, of Chillicothe, Ohio; and George G. Bailey, of Rome, N. Y., offered several resolutions regarding important legislation that were unanimously adopted. These resolutions follow:

"Prior to the enactment of the food and drugs act by the Congress of the United States, in 1906, the National Canners' Association, in convention at Atlantic City, N. J., placed itself upon record and published its findings to the consumers of the United States, declaring its unequivocal, unalterable, and inflexible opposition to the use of chemical preservatives in whatever form or by or under whatever name.

"To this positive, definite, and advanced action and the influence of the National Canners' Association, which was brought to bear upon the

representatives in Congress, the adoption of the pure-food law was largely due.

"Since the adoption of the federal law various state laws have been enacted regulating the canning and selling of hermetically sealed fruits and vegetables. In the main these laws accomplish the same purpose of the federal law, but not infrequently they differ in some minor provision, subjecting the canner to a useless and unnecessary expense in his desire to comply therewith. Uniformity of state laws with the national law is most desired and earnestly recommended. It is therefore

"*Resolved*, That the National Canners' Association in convention reaffirm every action in the past wherein it has protested against the use of chemical preservatives in the manufacture of canned food as entirely useless and unnecessary, sterilization by heat being the only preservative known or of any use to the canner.

NOT INTERESTED IN CHEMICALS.

"*Resolved*, That the membership is not interested in the merits of chemical preservatives of any kind, nor, indeed, has it any knowledge either as to their beneficial or harmful effects. Our interest is confined exclusively and entirely in acquainting the public that such preservatives have not been nor are they now used by the canner in the preparation of his food output.

"*Resolved*, That the thanks of this association are due and are thus conveyed to Dr. Harvey W. Wiley for the many favors given this association, and for his hearty cooperation with us in upholding the letter and the spirit of the law. His services have been invaluable to the consuming public and he is justly entitled to the gratitude he is receiving from the American people.

"*Resolved*, That the legislative committee of this association shall be instructed to adopt ways and means whereby the various state pure-food laws may be amended to conform more closely to the act of Congress known as the 'Food and drugs act.'"

NAVY SNUB FOR DOCTOR WILEY—DEPARTMENT ORDERS CATSUP PRESERVED WITH SODA BENZOATE.

NEW YORK, *February 6, 1909.*

That the Navy Department and Doctor Wiley are at odds on the poisonous character of benzoate of soda is shown in the latest proposal from the Navy Department. On October 3, 1908, the Navy Department called for proposals for 600 gallons of tomato catsup. The specifications describing the catsup say that it is to be made of whole ripe tomatoes and must be guaranteed to keep at least three months.

It is right here the proposal and Doctor Wiley come into conflict. Doctor Wiley, after extensive study last June, came to the conclusion that benzoate of soda as a preservative was deleterious. President Roosevelt's board took up the matter and disagreed with the doctor. Now, to clinch the matter, the navy proposal specifies outright that the benzoate of soda is to be the only preservative used.

Doctor Wellman, who it is presumed has something to do with the specifications for the catsup, has not been heard from so far, but it is expected that the controversy may lead to an investigation of the Navy Department's method.

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., February 9, 1909.

SIR: Referring to your visit to the bureau to-day, the attached article in the Washington Post, headed "Navy snub for Doctor Wiley," in representing that the Navy Department has disagreed with Doctor Wiley as to the use of benzoate of soda is incorrect and without foundation. On the other hand, this bureau has been only too pleased to follow the wishes of the Chief of the Bureau of Chemistry in regard to any provision in the specifications for any article which it purchases for the naval service. The facts are that when the question of preparing the specifications for catsup was under consideration the bureau consulted with Doctor Wiley's office as to the use of benzoate of soda; and inasmuch as it had not been then determined as to whether this article should be prohibited commercially under the pure food and drugs act, it was decided to incorporate into the specifications a provision requiring each bidder to state the percentage of benzoate of soda which was used by him. In accord with this arrangement those firms who offered their products in which this article was used stipulated the percentage, and other manufacturers who did not use it omitted filling in the amount used.

The bureau did not require the use of any preservative. Some firms submitted bids on catsup put up with not more than one-tenth of 1 per cent of benzoate of soda, and others used no preservative at all. This arrangement was made, as stated above, solely because it was not specifically prohibited in commercial use, and the bureau was awaiting the decision of the Bureau of Chemistry as to whether or not it should be used.

Since the passage of the pure food and drugs act the bureau has been working in entire harmony with Doctor Wiley's office in regard to any changes or amendments in specifications, and all of its contracts for provisions contain the following clause:

"It shall be expressly understood that all of the provisions to be furnished under this contract are guaranteed by the contractor to conform to the provisions of the national food and drugs act, approved June 30, 1906, as well as conforming to any state law in which deliveries are made, in so far as they apply; compliance therewith will be proved by tests made at the navy-yard, or under the direction of the Secretary of Agriculture, and shall conform to the standards prescribed in Circular No. 19, office of the Secretary of Agriculture, dated June 26, 1906, or to such other standards as may be subsequently adopted by that department."

The bureau considers itself very fortunate in obtaining the expert assistance of the inspectors of the Bureau of Animal Industry, Bureau of Chemistry, and other bureaus of the Department of Agriculture. Its inspectors now inspect all meats and meat-food products, groceries, butter, etc., which are purchased for the enlisted men of the naval service and which forms part of the ration allowed each man by law. This assistance has been rendered with hearty cooperation, and has resulted in improving very materially the quality of the food furnished the enlisted men. No changes in specifications for any article are adopted until after the approval of the proper bureau of the Department of Agriculture, and this bureau is in constant consultation with that department in regard to questions which arise in conducting official business.

The bureau is pleased to take this opportunity to express its highest appreciation of the valuable assistance which it has received from the officials of the Department of Agriculture, particularly those of Doctor Wiley's office, and it is always only too glad to follow their wishes in any question which may arise.

Respectfully,
E. B. ROGERS,
Paymaster-General, U. S. Navy.

The Hon. A. F. LEVER,
House of Representatives, Washington, D. C.

Mr. HAUGEN. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. OLLIE M. JAMES. I ask unanimous consent that the time of the gentleman from South Carolina may be extended for five minutes.

Mr. SCOTT. I shall have to object to that.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SCOTT. I now yield two minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Chairman, the question before the House is a very important one and yet not a very difficult one to understand. The thing that we are all trying to do is to discover the truth. The pure-food law passed a few years ago made it unlawful to place upon the market foods that had been adulterated or treated in a manner which rendered them injurious to health.

I shall speak particularly with reference to the treatment of dried fruit, as that is the one that interests my constituents, and it is a question with which I am most familiar. It is the practice in California, where fruits are dried in the sun, to give them a smudge of sulphur. Doctor Wiley, the eminent chemist which we admit him to be, does not say that all applications of sulphur fumes are injurious, but he admits that they may be used up to a certain point. We differ from him as to the amount of sulphur that may be safely used. It is the judgment of the fruit growers of California that if we were limited to the very small amount that he suggests, it would practically drive us out of the dried-fruit business, unless we could discover a new treatment.

The question was considered of sufficient importance for the President to refer the matter to five of the most eminent chemists in the land. The gentleman from South Carolina [Mr. LEVER], urging his point, does not object to a rehearing of the matter; he does not urge that the opinion of Doctor Wiley shall be conclusive. But he says, "go to the courts."

Mr. LEVER. Where the law says you must go.

Mr. SMITH of California. We say, "go to the most eminent aggregation of men on this subject that you can possibly have in the Nation."

Suppose we take up the course suggested by the gentleman from South Carolina [Mr. LEVER] and take the matter into court. What results? We stand before a lawyer and ask him to determine a purely scientific and hygienic question. Of course no upright judge would undertake to solve the question by the knowledge he had obtained from the law books. He would be obliged to take testimony, and expert testimony, of course, and hence we should, by a circuitous route, get back to the point where we now stand, except that it is doubtful if any court in the land could command the testimony of such eminent and disinterested witnesses as the President has called in in the present instance. The question involving the sulphuring of fruit would probably be tried in the West, where sulphur is used, where the defendants reside. If the use of the benzoate of soda is to be tested, that would go to the courts in the jurisdiction where that preservative is chiefly used, and so on through the list of disputed points. Is it probable that any of these courts will sit in entirely disinterested surroundings? And could and would a judge in California call in the best men from the East, South, or Middle West?

Let it not be forgotten that the fruit and vegetable growers will suffer seriously by having this case dragging through the courts, with the attendant notoriety, not to mention the injury done by the preliminary order resting on Doctor Wiley's finding.

Why should these roundabout and injurious methods be chosen when there is now in session a "court" of ideal composition quietly seeking for the truth? This body has been at work for a year past, and to cut it down now would be to cast aside all it has accomplished. From every point of view I hope the amendment will not be agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PERKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SCOTT. Mr. Chairman, I now yield three minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Chairman, the amendment submitted by the gentleman from South Carolina [Mr. LEVER] is a most remarkable proposition. Its purpose and effect is to make the chief of a division in the Department of Agriculture paramount to the head of the department himself.

It seems to me there can be no escape from the proposition that the responsibility for the administration of the pure-food law must rest with the Secretary of Agriculture as the head of that department. The Secretary of Agriculture ought not to be simply a scientist or a chemist—he should be an eminently practical man, such as the present Secretary, Hon. James Wilson, who has filled that position for the past twelve years with such great distinction to himself and such vast and far-reaching benefits to his country, and whose service in that department I trust may continue for many years to come.

Now, we are confronted with the question—with responsibility for the enforcement of the pure-food law placed upon the Secretary, are we to deny him the right to call in such expert assistants as he may require for the proper determination of scientific questions arising under that law? Secretary Wilson gives it as his personal opinion that it is necessary for him to have the assistance of eminent and distinguished experts. It seems to me, Mr. Chairman, there can be no reasonable doubt that this House ought not to set up a chief of division—even so eminent and able a man as Doctor Wiley—not only above the Secretary of Agriculture, but above the President of the United States. Surely it is not wise to make the chief of a division the final arbiter in such important matters, especially when final responsibility rests with the Secretary.

Mr. LANDIS. Is it not true that the Bureau of Chemistry is now composed of expert chemists?

Mr. DAWSON. To be sure; but the expert scientific gentlemen everywhere are always in controversy as to what the real truth is.

Mr. LANDIS. How much nearer the truth are you if you refer it to this board of chemists composed of the heads of colleges?

Mr. DAWSON. The Secretary of Agriculture, upon whom rests the responsibility in the last analysis for the enforcement of the pure-food law, ought to have the power to call in such experts as he may wish in regard to determining technical and scientific questions and to assist him in reaching an intelligent judgment in these matters. That is the nub of the whole question.

Mr. SCOTT. Mr. Chairman, I now yield two minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, I believe I am as firm a friend to the pure food and drug legislation as any man in this House. I think that when we have heard to-day the statement in reference to pure food, and that this means that we are not to continue investigations in reference to poison put in food, I think it is a mistake. The idea is this: If conditions continue to go on as they are now, Doctor Wiley, for whom I have as high a regard as any man in the House, will be supreme in his decisions. His decision will be final; and when he makes a decision there will be no appeal, except if in his judgment we violate the law we will be permitted to go into the court, permit ourselves to be arrested, and demonstrate whether Doctor Wiley is right or wrong.

Now, if this referee board is appointed, it simply means this: That you have that much more evidence, if they agree with Doctor Wiley, that he is right. It is sometimes the case that men are mistaken in these things; sometimes as good men as Doctor Wiley are mistaken in their opinions in reference to what is deleterious to health, and, in my judgment, I believe this board ought to be kept in force so the Secretary of Agriculture may have these questions referred for final decision, that are matters of dispute in the medical profession and among scientists.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. FOSTER of Illinois. Yes.

Mr. STANLEY. In the event that the Supreme Court of the United States should render a decision which was manifestly erroneous and oppressive to the great majority of people and to the President of the United States, and the President should appoint a commission to review that decision of the Supreme Court, would the gentleman approve that act or regard it as legal?

Mr. FOSTER of Illinois. Mr. Chairman, I do not believe that is an analogous case to the one we are discussing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois. I want to say just one word in addition, if the committee will bear with me, that so far as benzoate of soda is concerned, if used in small quantities it may likely not be deleterious to health, yet I think the greatest caution should be exercised in the use of any preservative. Nothing, in my judgment, should be done to impair the effects of the pure food and drug law. I believe a referee board, where those who are dissatisfied may go for appeal, will have a tendency to strengthen the act.

Mr. SCOTT. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Chairman, we are all working to the same end, that the pure-food law may be enforced and that only healthful and wholesome food may be allowed to go into trade. Chemistry is an occult science about which the ordinary man knows but little, and it is quite true that great chemists may differ as to their analyses of various things. This is an important question not only to the consumer but also to the producer, and the best ability obtainable in the decision about which there is grave dispute should be secured. And no man should arrogate to himself all the ability or knowledge of this important matter. The good judge of an inferior court is always glad to be reviewed by a court of appeals. He has no pride, and he is willing to have his judgments reviewed and to follow the decision of the higher court in his next decision. This board of referees is a court of appeals in this matter of the analysis of foods. I do not know any of them except the chairman, Dr. Ira Remsen. Thirty-odd years ago, when I was in Williams College, Doctor Remsen was the professor of chemistry and physics in that institution. He was a young man then and he was an able chemist and a great physicist. He was accurate in all his analyses. He was an honest man and he was fearless. He has been growing ever since and he is now the president of Johns Hopkins University. He is the foremost chemist in the United States to-day. Notwithstanding my respect for Doctor Wiley, for his ability, his character, his honesty, I do not think he ought to refuse to be reviewed or to have any of his examinations on important matters reviewed by so great a man as Doctor Remsen, and I do not think that we ought to deprive ourselves or the people of the country of the protection assured to them by the scientific knowledge of that great chemist and honest man who is now the president of Johns Hopkins University. This proposed amendment should fail.

Mr. SCOTT. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, personally I object to the statement that has been made or intimated to the effect that all of those who would oppose this amendment are not friendly to the enforcement of the pure-food law. I also dissent from the statement that the manufacturers of this country are opposed to that law. I myself was a member of the committee which framed the pure-food act and which sat and took the testimony of gentlemen who were interested, and I saw only one disposition, and that was to have a law that would protect the public against impure food and drugs and at the same time afford protection to the manufacturing interests of this country which would try to obey that law. What do gentlemen propose? It is to prevent as far as may be the possibility of obtaining the highest, fullest, and best information on foods and food preservatives—to prevent fullest information on doubtful and yet most important questions and leave the decision to one man. And the gentleman from South Carolina [Mr. LEVER] has served notice that he has others if this shall fail. Nobody on this floor has attacked for one moment the finding of the referee board about benzoate of soda.

There is not a man who has questioned the honesty, character, or ability of the gentlemen who constitute that board. I submit that it is not a question of pure food, it is not a question of using deleterious preservatives, but it is a question, in spite of all that gentlemen may say to the contrary, as to whether one man shall decide this question, because the amendment proposes——

Mr. LEVER. Mr. Chairman——

Mr. TOWNSEND. Oh, I do not want to be discourteous, but I would like to finish this statement.

Mr. LEVER. Will the gentleman yield then?

Mr. TOWNSEND. Certainly, if I have time. Under the law as it exists now, when the Chief Chemist decides that a substance used as a preservative is not fit or that any form of food is not proper to use, and a dealer or manufacturer violates such opinion of the Chief Chemist, suit may be brought. The defendant is brought into court and is tried by the standard which the Chief Chemist has laid down. The defendant has the burden of proving the harmlessness of the thing used and must bring in the men of superior expert ability to make his defense. Why not let a board of such experts pass on these questions of general importance before the man is branded as a criminal and his business injured, if not ruined? I submit, gentlemen, that what the Secretary of Agriculture did in suggesting this board of referees was just what Doctor Wiley, in the printed testimony before our committee, said should be done.

Mr. OLLIE M. JAMES. But Congress refused to do it?

Mr. TOWNSEND. No; the House passed a bill including a provision for a board of referees, and it went out in the Senate; but when the question was brought up to Doctor Wiley before our committee he was asked what objection there was to a board of this kind, and he said there was no objection to experts that he could see, but it was not necessary to put it in the law, for the Secretary of Agriculture would take advantage of all these opportunities in finding out what were deleterious and what were harmless.

Mr. LEVER. Will the gentleman yield now?

Mr. TOWNSEND. Yes, I will; but the gentleman must remember I have only five minutes.

Mr. LEVER. I understand; but I would like very much to ask the gentleman from Michigan what reason there is for the use of these preservatives at all.

Mr. TOWNSEND. I do not know, and for that reason I want a board which does know to tell me about it. [Applause.]

Mr. LEVER. And for that reason I want to protect the public against the use of them. [Applause.]

Mr. TOWNSEND. Yes; the gentleman wants one man to sit in judgment, who may have already prejudged the question. Now, I have a great deal of confidence in Doctor Wiley, but if he is the eminent scientist which gentlemen claim for him he will not object to sitting in council with the eminent gentlemen who constituted that board. What we are after is to get at the truth of this matter, and we can get at it no more directly than through the provisions adopted by the Secretary of Agriculture. [Applause.]

Mr. SCOTT. Mr. Chairman, I would like to inquire how much time I have remaining.

The CHAIRMAN. Five minutes.

Mr. SCOTT. Mr. Chairman, I am anxious that the Members of this House should understand exactly what the issue is which is brought up by the pending amendment, because I am sure that if the House does understand it the amendment will be voted down.

An impression seems to prevail in the minds of some gentlemen that if this amendment is defeated in some way there will be an attack made upon the pure-food law. I wish to give assurance that there is no thought of that kind in the mind of anyone who opposes this amendment. I wish to suggest that the most beneficent law can be broken down by a harsh, uncompromising, unreasonable, and unreasoning construction and enforcement of it.

I wish also emphatically to deny that any of us who oppose this amendment do so through antagonism to Doctor Wiley, the eminent Chief of the Bureau of Chemistry. My own relations with him have long been intimate and cordial, and I have had the highest regard for his professional attainments.

But I take the position that it is the Secretary of Agriculture, and not a subordinate official of his department, upon whom has been imposed by Congress the duty of enforcing the pure-food law. I know the law prescribes that to the Bureau of Chemistry shall be referred the question of determining the character of the ingredients of foods and drugs; but that law also provides that in case any citizen feels himself aggrieved by the determination of the Bureau of Chemistry he shall have a chance "to be heard." Heard by whom? Not by the Chief of the Bureau of Chemistry, but by the Secretary of Agriculture. And why heard if not that in the Secretary of Agriculture there rests discretion to overturn the decision of the Bureau of Chemistry, if in his judgment the facts so warrant? Why should you give to the man an opportunity to be heard if you deny to his judge the privilege of rendering a verdict in his favor? There can be no question of the intent of Congress when it made the Secretary a court of appeal to whom a man who believed himself to be aggrieved by a decision of the Bureau of Chemistry could come; and there is no doubt that Congress intended to give the Secretary discretion to get information in whatever way he thought best in order to enable him rightly and fairly to determine the matter.

And if the Secretary believes that in order to get the right information it is necessary for him to call in the aid of this distinguished board of chemists, undoubtedly he is within his rights in so doing. Moreover, Congress has distinctly declared him to be within his rights, in my judgment, because in the appropriation act——

Mr. MANN. Mr. Chairman, will the gentleman yield——

Mr. SCOTT. I can not yield now, I desire to finish this statement—because in the appropriation act for the Department of Agriculture, immediately succeeding the passage of the pure-food law, authority was given the Secretary of Agriculture—not the Chief of the Bureau of Chemistry—to enforce this law, and to enable him to do so authority was given him "to employ such assistants, clerks, and other persons" as he—the Secretary of Agriculture, not the Chief of the Bureau of Chemistry—might consider to be necessary. Under such language it seems to me that Congress plainly foresaw the necessity of the Secretary to employ experts other than those in his own bureau in order to reach a wise decision, and intended to give him the authority to do it.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the adoption of the amendment offered by the gentleman from South Carolina [Mr. LEVER], and on this question tellers have been ordered. The gentleman from Kansas [Mr. SCOTT] and the gentleman from South Carolina [Mr. LEVER] will take their places as tellers.

The committee divided; and the tellers reported—ayes 70, noes 111.

So the amendment was rejected.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 27, at the end of line 21, insert:

"*Provided*, That no part of the moneys appropriated herein shall be used for payment of compensation or expenses of any member of any board of referees or other body constituted without specific authority of law for the purpose of revising, modifying, or overruling the action of any official of the Department of Agriculture had under the said act of June 30, 1906."

Mr. SCOTT. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] makes a point of order.

Mr. SCOTT. Mr. Chairman, I will withdraw my point of order and ask for a vote.

Mr. LEVER. Mr. Chairman, I should like to be heard on the amendment.

Mr. SCOTT. Mr. Chairman, I should like to inquire of the Chair whether or not debate was closed by vote of the House on this section?

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I did not understand that debate was closed on this paragraph. I do not think, and I do not understand, that debate was closed on this paragraph.

The CHAIRMAN. The matter is being investigated and report will be made in a moment.

Mr. SCOTT. Mr. Chairman, the RECORD shows as follows:

Mr. SCOTT. Mr. Chairman, I move that the debate on the pending paragraph close at 5 o'clock.

The CHAIRMAN. On what page is that?

Mr. SCOTT. That is on page 1916 of the RECORD. This morning unanimous consent was given to continue the debate for fifty minutes, but I do not think that it recalls the action of the House taken on last Thursday.

Mr. LEVER. Mr. Chairman, I call the attention of the Chair to the fact that even though the RECORD shows as the gentleman from Kansas has stated, that would not prevent the offering of amendments and debate upon amendments.

The CHAIRMAN. The Chair will inform the gentleman from South Carolina [Mr. LEVER] that amendments are in order, but if the time was all consumed on Thursday last by limitation, no debate is in order.

Mr. LEVER. I call the attention of the Chair to the fact that the unanimous consent or agreement entered into this morning referred to the amendment that was pending and not to future amendments.

The CHAIRMAN. The Chair so understands it. The question depends wholly upon the action that was taken when the bill was under consideration on last Thursday. It is the recollection of the Chair that the time for debate on this paragraph was limited and was consumed last Thursday. Therefore the

question is upon agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. WILLIAMS. Mr. Chairman, that being the case, in order that the committee may know what it is voting upon, I ask that the amendment be reported once more.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LEVER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 53, noes 79.

So the amendment was rejected.

Mr. LEVER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 21, page 37, after the word "dollars," insert:
"Of which sum not to exceed $60,000 may be used for the payment of all expenses of the referee board of consulting chemists."

Mr. SCOTT. I have no objection to that amendment.

Mr. MANN. I reserve the point of order on this amendment, or I make the point of order. It is clearly subject to the point of order. I do not see how it could be otherwise. It is a specific authorization of $60,000 for purposes not now allowed by law. It is not a limitation, it is an authorization.

Mr. LEVER. I understood the Chair to rule that the point of order would not lay against the original language, because there was no law for this very thing.

Mr. MANN. It is not the original language at all. Here is a specific authorization for a board of referees not now created by law. Whether you can pay a board of referees out of the appropriation is one thing. This is a specific authorization for a particular class of employees. It is practically obligatory.

Mr. LEVER. Will the Chair permit me just a word on the point of order? I agree fully with the gentleman from Illinois that this referee board was not authorized by law and is not authorized by law. This amendment is offered largely for the purpose of permitting gentlemen on that side, and a few on this side, to chew their own cud for a little while. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the investigation of soils, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $137,360.

Mr. UNDERWOOD. Mr. Chairman, I desire to offer an amendment to the paragraph.

The Clerk read as follows:

Page 29, line 5, change "one" to "two," so as to read "$237,360."

Mr. UNDERWOOD. Mr. Chairman, this amendment increases the appropriation for soil-survey work $100,000. The reason I offer this amendment is that I believe the most important work that is being done by the Department of Agriculture is the base work, on which all of its investigations must depend, and that is upon the soil. Unless the farmer, or whoever is interested in agricultural developments, knows what is in the soil, all of your scientific investigations go for naught, because they are absolutely based upon the soil as the foundation stone of the entire investigation. The soil survey to agriculture is like a chart of the seas to navigation. In order that you may sail to the port in safety that you desire to reach you must have a chart of the seas. In order that you may accomplish what you want through scientific agriculture, you must have a knowledge of the soils to begin with before you can expect to accomplish anything.

Now, this Government is spending vast sums of money building a navy, maintaining an army, building public buildings throughout the country. I believe the appropriations for the last session of Congress amounted to something like $800,000,000; and yet for this basic proposition of soil survey, the base of all agriculture, the committee brings in the pitiful appropriation of $137,000.

Now, I know the answer to that is, they say the Secretary of Agriculture does not want any more money and that somebody else does not want any more money. I believe that the Agricultural Department is an excellent adjunct to agriculture. I believe in many ways it is doing great work. But the Department of Agriculture is going to science too much and to the farm too little. What good is all this investigation of scientific problems in agriculture if you do not bring it home to the farmer? To accomplish anything by it toward developing your agricultural resources, the first proposition to bring to the farmer is a knowledge of the soil he is cultivating, and then send a utilization man to him to explain how scientific agriculture can be taken advantage of by the man who tills the soil.

The development of agriculture in this country for the last few years has grown to an untold amount. The reports show that the products of agriculture in the last year amounted to $8,000,000,000, and that that amount has been trebled in the last twelve years; in other words, that our wealth attained through agriculture twelve years ago was only a third of what it is today. It is true the country has grown some, and population has grown some, but that does not account for the development of agriculture. It means that scientific methods, better farming, better utilization of the information that we have, has created all this great development in the field of agriculture; and if you will give them an opportunity to carry this scientific knowledge to the farm and farmer, in the next twelve years we will double the products of agriculture again. But this is the base, this is the foundation rock on which you have got to build, and I say that there is a great demand all over this country from the people, from societies, organizations, farmers' unions, from everybody, demanding that this part of the work be done, that this foundation work be carried out; and yet the committee has brought in this insignificant appropriation and asked this House to vote upon it.

The Bureau of Soils is intrusted with the study of the soil resources of the United States. The first step in such a study is to ascertain accurately, by actual field investigations, the extent, location, and character of each and every distinct soil type in the country and to determine the actual condition and efficiency of each of the different soils as a factor in the annual production of new agricultural wealth. This work is accomplished through the soil survey.

A soil survey determines the exact character of each soil, the kind of crops which it is best suited to produce, and the methods of tillage and fertilization which will lead to the most efficient cultivation of each soil. The survey ascertains by personal observation in the field the present use and capabilities of the different soils and also investigates the results which are being obtained by the most successful practical farmers owning and operating the lands in each district studied. The soil survey summarizes all present knowledge of soils, whether obtained by field investigations or by the chemical, physical, and soil fertility investigations at the bureau's laboratories. It also summarizes the experimental and research work of the various state institutions which are investigating the agricultural resources of the different States and Territories. The soil survey presents an unprejudiced statement of fact concerning each soil and its most profitable uses in each area investigated, and in the vast majority of cases also forecasts and advises additional and more profitable cultivation for each soil.

It presents to the farmer a summarized statement of the best agricultural practice in connection with the soils which he owns and works, and it also summarizes the methods of soil management and soil treatment which are used by successful farmers elsewhere on the same class of soil.

It furnishes to the state institutions engaged in local investigation an opportunity for the application of their experiments and research in connection with individual classes of soils and enables them to advise directly with the farmers in regard to the most successful treatment to increase the crop-producing power of their soils.

The soil surveys also call attention to undeveloped and unused soils and their capabilities, and direct the line of occupation of which these soils are capable, calling attention to new crops which may be introduced and to new methods of cultivation which may be employed.

The importance of the soil survey as a fundamental factor in national development may be judged from the fact that the annual production from the soils of the United States has now reached the enormous figure of $8,000,000,000, having been trebled in the last twelve years. It is the conservative estimate of the experts in the Bureau of Soils that this stupendous amount may easily be doubled within the next fifteen or twenty years through a complete study of the capabilities of soils now cultivated and through the discovery of the proper uses for soils not now occupied as farm lands.

Such an undertaking is of the greatest national importance, not only to secure a firm foundation for the agricultural activities of the nation, but also in order that the necessities of the rapidly growing population of the whole country may be met through the increased efficiency of the farmers and the farms of the United States.

In the conduct of these soil surveys in the various parts of the United States there has at all times been hearty cooperation between the Bureau of Soils and the various state organizations interested in soil study.

In the State of Maine an extension of soil-survey work has been requested by the State College of Agriculture as a basis for recommendations by the state college in connection with the improvement of the general agriculture of the State.

The state college and experiment station in New Hampshire have requested additional soil surveys to assist them in the development of the horticultural interests of the State. In the State of New York a definite agreement has been entered into between the New York State College of Agriculture and the Bureau of Soils, providing that the state college shall furnish both men and funds for the extension of the soil-survey work within the State to serve as a basis for horticultural and agricultural surveys and the agricultural extension work of the New York state college.

In the State of Pennsylvania the dean of the college of agriculture and the director of the experiment station have requested the broad extension of soil-survey work to serve as a basis for both horticultural and agricultural work on the part of the college and station.

In the State of Maryland cooperation exists between the Maryland geological survey and the Bureau of Soils. In the State of West Virginia the field expenses of the soil-survey work are paid by the West Virginia geological survey in order that a larger amount of soil-survey work may be done each year.

The director of the Virginia agricultural experiment station has highly commended the work of the Bureau of Soils already done within that State, and has requested that additional soil-survey work throughout the State be completed as rapidly as possible.

In the State of North Carolina the North Carolina department of agriculture is cooperating actively with the Bureau of Soils, furnishing both men and money, in order to secure additional soil-survey work within the State. The North Carolina state department of agriculture is also following up the soil-survey work with direct demonstrations of the utility of each soil for the production of staple and special crops, and is using the soil surveys as a basis for its experimental work and for the work in connection with farmers' institutes.

The director of the South Carolina experiment station has requested additional soil-survey work in the State as a basis for agricultural extension work on the part of the experiment station in all parts of the State.

The state officials of Georgia have repeatedly in the past requested that soil surveys should be made in every county in which the 11 congressional-district agricultural high schools are located and in contiguous counties as rapidly as possible.

The State of Alabama has appropriated for use by the state department of agriculture the sum of $10,000 annually to be expended in cooperation with the Bureau of Soils in making soil surveys in that State, and the commissioner of agriculture for Alabama says:

> The soil-survey work in the State of Alabama is of the utmost importance to every agricultural interest. The experiments conducted upon the experimental farms in the different congressional districts of the State show that it is easily possible by procuring the right character of cotton for each of the different soil types of the State to increase the profit of cotton production from ten to twenty dollars per acre over that which is attained at the present time. A thorough knowledge of the soils of the State is essential in order to bring about this great increase in the value of the cotton crop of the State.

In Louisiana the officers of the state college and experiment station desire the rapid extension of the soil-survey work in connection with the experimental and demonstration work being carried on by these organizations.

The authorities of the state college of agriculture of the State of Missouri have recently requested that the Bureau of Soils should enter into cooperation with them in making at the earliest possible date a complete soil survey of that State to serve as a basis for further investigations on the part of the college of agriculture. They desire to expend from seven to ten thousand dollars annually of state funds to make this cooperation effective.

The chemist of the state college of agriculture desires the Bureau of Soils also to undertake cooperative work in making soil surveys in the State of Arkansas and has inquired as to the best methods for arranging such cooperation at an early date.

A similar request comes from the authorities of the state college of agriculture of the State of Washington.

A cooperative agreement between the North Dakota agricultural and economic survey and the Bureau of Soils has been in effect for nearly five years, and the State of North Dakota is furnishing both men and funds in order to secure the extension of the work in the State of North Dakota.

Wherever these cooperative agreements have been entered into between the Bureau of Soils and the various state organizations a great impetus has been given to the agricultural progress of the States involved and the state authorities have in all cases requested the Bureau of Soils to allot larger funds for the work within their States as soon as the effects of the soil-survey work and its influence on agricultural uplift have become known.

The soil survey constitutes the first and most fundamental step in the development and maintenance of the agricultural resources of the United States. The work has only been in progress for a period of eight or nine years, and thus far only a beginning has been made in ascertaining the total soil resources of the United States. The work has been so distributed as to give the largest amount of information possible in regard to the different agricultural and soil regions of the country and has proved of inestimable value in the uplift of agricultural conditions throughout the entire country.

There are now on file at the Bureau of Soils the requests for over 500 different soil surveys, covering an area of more than 500,000 square miles. These requests come from every State in the Union and are supported by the petitions of agricultural societies, local and state granges, horticultural societies, and farmers' organizations of every description. In many instances they are also supported by boards of trade, chambers of commerce, and industrial associations of various localities. The funds which have been provided for the prosecution of this soil-survey work during the current fiscal year have not been sufficient to enable the bureau to meet even the new requests which have been placed on file during the year, and at the present rate of appropriation for the conduct of this work the requests on file at the present time could not be met during the next ten years. It is therefore absolutely essential, in order that the wishes of the people of the United States, as expressed to the Department of Agriculture, may be met, that this appropriation should be increased materially.

APPENDIX.

UNIVERSITY OF MAINE, COLLEGE OF AGRICULTURE,
Orono, Me., September 23, 1908.

Dr. J. A. BONSTEEL,
Bureau of Soils, Washington, D. C.

MY DEAR DR. BONSTEEL: I know that the soil-survey work which Mr. Westover has carried on in Aroostook County this summer is most valuable; but, as I have explained in other letters, the conditions are entirely different than in the southern part of the State. The soils of Aroostook County are not varying in character, while in the southern part we have all types, and there is a desire on the part of these people there to use these lands to the best advantage.

I would like to make application through you for a soil survey in southern Maine for next summer, and I trust the Bureau of Soils will see to it that this is allowed.

Assuring you that the university will do all that it can to help in this work, or any other work you desire to carry out, I remain,

Very truly, yours,

W. D. HURD,
Dean and Professor of Agronomy.

CLEMSON AGRICULTURAL COLLEGE OF SOUTH CAROLINA,
Clemson College, S. C., March 20, 1908.

Prof. MILTON WHITNEY,
Chief Bureau of Soils, Washington, D. C.

MY DEAR PROFESSOR WHITNEY: I have hoped to make a visit to Washington this winter to talk with you regarding your bureau cooperating with this experiment station in some cotton work that I would like to undertake in this State. There is no doubt but that the different soil types of the State greatly influence the lint of cotton grown, and I would like for your bureau to cooperate with me in determining the exact influence of the different soil types found in the State upon the staple and yield of cotton. Some of the varieties of cotton that have led at Clemson College in yield are poor yielders on other types of soil found in the State, whereas some of the poorest yielders here at the college give the very best results when grown on other soil types. Just why this is and how much the soil's physical make-up has to do with it is a problem worth solving. In other words, if we can determine and know the different soil types found in the State and then determine the best variety for these different soil types we would have solved a problem of great importance to the farmers.

Very truly, yours,

J. N. HARPER, *Director.*

LINCOLN, NEBR., *September 26, 1906.*

A day or so ago Mr. J. L. Burgess, of your bureau, brought a soil map of the Nebraska Experiment Station farm to my office, where it was examined by myself and Dean Bessey, of the Industrial College. We were greatly pleased with it. I wish to express my high appreciation of the kind and quality of the work which has been done by your men in making this survey. It was a revelation to us in regard to the work of the bureau and impressed me greatly as to its high value to the farmers of the country. With such a map of the experiment station farm to show the kinds of soil on which its crops are grown, the farmer in any surveyed part of the State may draw safe conclusions in regard to similar crops on his farm. When all the State is mapped by your bureau the value of the work of our experiment station will be greatly enhanced.

E. BENJ. ANDREWS,
Chancellor of the University of Nebraska.

DEPARTMENT OF CHEMISTRY,
UNIVERSITY OF WASHINGTON, SEATTLE,
University Station, December 23, 1908.

Dr. MILTON WHITNEY,
Bureau of Soils, Washington, D. C.

DEAR SIR: I wish to acknowledge your valued favor in regard to the cooperation of your survey with a similar survey of logged-off lands in this State. The association has taken definite action and is quite enthusiastic over the prospect of having an appropriation of $10,000 made by the state legislature for our end of the work.

Now, what I should like to have from you, after giving me the arrangements you have with various States, is an outline of the next steps necessary to secure work in this territory. To what extent will it be necessary for us to petition, and to what extent shall we get the assistance of our Congressmen and Senators in having requests made to your bureau?

Any suggestions that you can give me will be promptly acted upon and the movement started in earnest.

Sincerely, yours,
H. K. BENSON.

SEATTLE, WASH., *December 21, 1908.*

United States Department of Agriculture, Washington, D. C.

GENTLEMEN: I am a member of the state legislature and know some little of the work of the Geodetic Survey, and I have just had placed in my hands a copy of the soil survey in the vicinity of Everett. I should be pleased to have you inform me what appropriation should be made by the State of Washington to get this work carried on to completion in the State of Washington. I am advised the department helps those who help themselves, and I would like to have an expression of what this survey would cost and what appropriation should be contributed by the State, and how much annually, to accomplish this result.

Yours, truly,
E. B. PALMER.

PHOENIX, ARIZ., *January 16, 1909.*

Prof. MILTON WHITNEY,
Department of Agriculture, Bureau of Soils, Washington, D. C.

DEAR SIR: We are having frequent calls for the soil maps which the department has issued for this valley. They are extremely interesting and valuable. Can you tell me where we can get copies for distribution; and if the edition was exhausted, can you tell me whether another edition will be soon issued?

Awaiting a reply at your convenience, I am,
Yours, very truly,
B. A. FOWLER,
President Salt River Valley Water Users' Association.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
SOUTH TEXAS GARDEN, FORT BROWN,
Brownsville, Tex., December 22, 1908.

MILTON WHITNEY,
Chief Bureau of Soils, Washington, D. C.

DEAR SIR: I beg to acknowledge your favor of December 14, transmitting a map and report covering the Fort Brown soil survey, for which kindly accept my thanks. A year's experience upon this land shows me that the map and description is remarkably accurate, and these papers will prove of considerable value here in the office.

There are a great many inquiries for copies of the Soil Survey of the Brownsville Area, and we have distributed to people wanting them about 25 copies from this office. I should esteem it a favor if you could send us 25 or 50 more of these bulletins, as our supply is exhausted. The planters and ranchmen about here have spoken very highly of this bulletin, stating that on their own lands the characters of the soil indicated upon the map can be accurately traced.

Thanking you, I am,
Very truly,
E. C. GREEN, *In Charge.*

LINCOLN, NEBR., *June 15, 1908.*

United States Department of Agriculture,
Washington, D. C.

DEAR SIR: The copy of Soil Survey of Lancaster County has been received, and I think it a very valuable publication and should be in the hands of every farmer and landowner in the county.

I have owned land here now three years, and have continually advocated plowing deep, clover and alfalfa, etc., as recommended in this pamphlet. It is almost impossible to convince the old timers, but believe the younger men may yet take heed. I will very much appreciate it if you will kindly send copies of above survey to the following farmers, who own land adjoining mine, in the hope they may profit thereby. I shall call their attention to its importance from a scientific as well as practical importance.

George Stabler, Robert Casey, George Trumble, Mr. Feather, Levi Wilhelm, Louis Rust, Frank Hansen, Havelock, R. F. D.; D. T. Jewett, Waverly, R. F. D.

I could use a few extra copies, if the department will send them to me. Thanking you for the favor, I am,
Respectfully, yours,
IRA E. ATKINSON.

We, the undersigned, as members of the Roxanna Grange, of southern Delaware, desire to express our great appreciation for the most excellent work being done in this section by the Bureau of Soils, through Mr. J. W. Nelson, and we wish to thank our Secretary of Agriculture (Hon. James Wilson) and Professor Whitney, of the Bureau of Soils, for the valuable assistance given us in selecting and testing for us the most suitable types of soil for strawberry growing and other truck crops, and also advising with us as to the preparation and treatment of the various types for these industries.

We consider this work as the most valuable for our farmers that can be taken up, as it will aid us in choosing the soils best adapted to the crops we desire to grow and thereby enable us to avoid the failures in the past by enabling us to plant our crops on soil types which are suited to them.

We therefore hope the Bureau of Soils will continue its good work of educating our farmers on this important question of "our soils."

P. W. MURRAY, W. M.
J. C. EVANS, *Secretary.*

MAY 1, 1908.

VIRGINIA AGRICULTURAL EXPERIMENT STATION,
Blacksburg, Va., March 31, 1908.

Mr. MILTON WHITNEY,
Chief of Bureau of Soils,
United States Department of Agriculture,
Washington, D. C.

DEAR SIR: We have received 12 copies of your report of the soil survey of Chesterfield County, Va., and thank you for the courtesy. I hope it may be your plan to extend the survey work in this State. I have not been in this State long, but have been here long enough to have heard of the keen interest that many of our people take in this work.

I have just spent a week in deciding locations for tobacco experiment stations, and found your survey of Louisa and Hanover areas very valuable indeed as a guide in determining the best location.

If your files will permit, I shall be glad to have 12 copies of each of the other areas surveyed in Virginia.

Yours, very truly,
S. W. FLETCHER.

BLACKSBURG, VA., *November 24, 1908.*

Mr. MILTON WHITNEY,
Chief of Bureau of Soils,
United States Department of Agriculture,
Washington, D. C.

DEAR SIR: I have received the soil survey of Montgomery County. It will be very useful to us.

I appreciate the work that the bureau has done in this State, and have occasion very frequently to refer to it.

Yours, very truly,
S. W. FLETCHER,
Director Virginia Experiment Station.

NORTH MILWAUKEE, WIS.,
January 28, 1908.

Hon. WILLIAM H. STAFFORD,
Washington, D. C.

DEAR SIR: Would you be so kind to mail me the reports (together with the maps) of the Field Operations of the Division of Soils. I would like to have the first report (1899) and the sixth (1904) report, and all following. I have already the years 1900 to 1903 (second to fifth report). Valuable as they are, I can not miss a single report, for I use them freely to make extracts for our agricultural and horticultural papers. To help both our farmers and intending settlers we can not do better but to distribute the knowledge gained by these documents (what crops to raise on a certain soil in a certain area). And in the future much good will come for our unsettled land in northern Wisconsin, when these districts will be mapped out and the various soils described.

Thanking you in advance for your kindness, I am,
Very truly, yours,
W. A. RICHTER.

Mr. EDWARDS of Georgia. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Alabama, proposing an increase for the Bureau of Soils in the Agricultural Department. I am convinced that the soil survey and investigation work as conducted by this bureau is of great importance and benefit to the farmers of this country, as well as of great value to its commercial interest. I believe that the main opposition to the soil survey springs from a lack of knowledge of its true merits. You take the Members of this House who have been reared on farms or who have had practical experience in farming, and they are all impressed with the importance of the soil survey, almost without exception. It is easy to explain why this is; in fact, it is self-explanatory. These Members of the House have a practical experience in farming; they know something of the trials and obstacles that farmers have to encounter; they are in sympathy with the farmers; they know that the soil survey is a great blessing to the farmer; they know that the farmers are entitled to a great deal more than they are receiving from the Congress of the United States; they want to better conditions on the farms throughout the country; they want to place it in the power of the farmer to better understand, if possible, the soil upon which he is supporting himself, his family, and helping to support the rest of the world; they want to show, if possible, how the yield of the farm can be doubled, thus putting surplus dollars into the pockets of our farmers. No one can do anything successfully unless he knows what he is doing. There are many of our farmers who are running their farms and getting along very well without knowing the classification of the soil upon which they are farming. I know this is a fact—I was raised on a farm and spent many years of my life in farming, and I am running two small farms now.

We all must admit that farming for many years has been conducted not wholly, but almost entirely, without regard to scientific methods. If money can be made in loose farming—I might say in chance farming—how much better would it be if our farmers could be brought to understand that farming is not only a science, but the most important industry of the world, and that it should be conducted upon practical lines under the guidance of scientific methods. The farmers are coming to understand this. The people as a whole are coming to understand it, and farming to-day is being done upon a more scientific and businesslike scale than ever before in the history of the world. The necessity of educated farmers is being recognized more than ever before, and statistics show that within the last few years

there has been a great increase in the number of agricultural institutions throughout the country and that farmers are educating their sons and daughters to a greater extent than ever before. This is gratifying, for it means greater things for the agricultural industry. [Applause.]

You will pardon this digression from my subject. This subject of the education of our country boys and girls is one of intense interest to me. I know from actual experience the hardships and obstacles they encounter in an effort to secure knowledge. They are not provided with as good schools and facilities of obtaining an education as the boys and girls in the cities and towns. Any action looking to the improvement of the rural schools has my hearty indorsement, and anything that tends to give assistance to the farmers whereby they will be in better position to supply better educational advantages for their boys and girls also has my support.

Now, then, let us go back to the soil survey. I am so deeply interested in this vital matter of better educational facilities for the boys and girls in the rural districts that I was about to lose sight of the topic I had under discussion.

What is the soil survey for—what are its purposes? I have not the time to go into a full discussion of it, but as I understand it, the object of the work of the Bureau of Soils is to investigate and map out the important soil areas in accordance with their geological relations and their agricultural value. These maps are of such a character as to show farmers or prospective settlers the character of the soil and the nature of the crops or the general classes of crops adapted to the general soil formations of the different regions. The soils adapted to the certain classes of crops should also be thoroughly investigated and mapped so that one could see by consulting the maps the areas adapted to certain classes of tobacco, truck, horticultural, or other crops. Such work forms an essentially new line of agricultural geology, and requires for its successful prosecution persons trained in the difficult problems of surface geology and who have a broad appreciation and knowledge of the relation of soils to crops.

There are still large areas of land along the Atlantic coast and in other parts of the country, so we are told by the Agricultural Department, lying out as waste lands, which are adapted admirably to the raising of early truck crops. There are large areas of land in many of our States, well adapted to the different classes of tobacco and to other agricultural and horticultural crops, which are at present not used to the best advantage, because the relations of the soils to crops are not fully understood or appreciated.

The soil survey and examination work is to help us know the soils, by giving us a scientific investigation, which is to be fully shown upon a soil map showing beyond doubt, and as accurately as can be done, the classification of the soils. Who can say that such an examination is not of vital help to the agricultural interest of the country? What farmer is there in this whole country who would not be glad to get without cost to himself a soil survey of his lands and be furnished a map of that survey showing up the character of his soils, showing what crops it is best adapted to, showing in what plant food his soils are deficient, showing what treatment his soils need? The farmers usually get this knowledge, but how have they been getting it? By experimenting a lifetime, trying first one fertilizer and then another; in many cases it is purely guesswork. Many have lived a long life and died without ever knowing their soils. It just seems to me that this is of the most vital importance to the farmers, and especially the young farmers, or those who are seeking new fields in which to apply the art or science of farming. It strikes me that a young farmer with the benefit of one of these soil surveys, provided with the usual soil map, showing up the character of soils, their crop adaptation, the treatment needed, the best kind of fertilizers to be used, will save not only many years of experimenting, but will save thousands and thousands of dollars that, in my opinion, are now spent uselessly in fertilizers that are misapplied and not what the lands need. This would be a blessing not only to the farmer himself, but to the whole world, for the farmer is the "Atlas" who supports the world. [Applause.]

Showing the many strong points in favor of the Bureau of Soils, I beg to refer here to an article from the New York Tribune, which is as follows:

The greatest fear of the American soil tillers—exhaustion and unproductiveness of land—is rapidly being dispelled by the experiments and investigations of the Bureau of Soils. This branch of the Department of Agriculture has received little advertising; it does its work quietly and the cities hear little of it, but to the great and small farming districts, to the hesitating planter, and to the dependent settler it is a great boon and a daily counselor. It has shown the way to scientific farming; it has made briar patches into grassy, fertile plains; swamps into blooming cornfields; sandy prairies into acres of production. In short, a man can learn in an hour from the Bureau of Soils what his father spent years in ascertaining, and he can learn it with greater accuracy. From a map or a report he can see what crop his land will best produce, what it will not yield, and, perhaps, that it will bring him undreamed of produce and wealth. The Bureau of Soils has made many farmers rich, and the number that make use of the bureau is increasing daily.

Its possibilities seem unlimited; its results at present are extraordinary, but its scope is of necessity limited because of a lack of funds with which to carry on the work completely and comprehensively. The authorities of the bureau, under the direction of Prof. Milton Whitney, have asked for $500,000 for the fiscal year 1909, and they have some assurances that this amount will be appropriated by Congress. Representatives who have studied the workings of the bureau and who have satisfied themselves of its utility say that half a million is insufficient, and that the tremendous advantages it is working to the country, both monetary and otherwise, warrant a much larger expenditure. The authorities of the bureau, however, have been wisely modest in their request and are daily engaged in explaining the work of the institution to all who are interested. What will be accomplished with the $500,000, if it is granted, can best be gauged by a consideration of what has been done with the $200,000 spent in 1907.

In the main, the Bureau of Soils devotes a large portion of its attention to surveying, mapping, and classifying the land of the United States and determining the constituents of soil in such a precise manner that a farmer wishing to plant a certain crop can determine in advance the advisability of such a course by a moment's reference to the report of the bureau. Irrigation and its success must be largely credited to this department. Reclamation owes its inception to the bureau; fertilization and erosion are studied in their most technical phases and reported in simple language, while the transplanting of seed and the adaptability of soil complete the main uses of the bureau.

The maps issued are used not only by farmers and agriculturists but by landowners of all classes, including real estate and railroad men. From every part of the country come requests asking that particular portions of land be surveyed; thousands of maps and reports are asked for, and many letters of appreciation and thanks are on file at the bureau. To chart every necessary portion of land in the country is the ultimate aim, but at present the bureau is ten years behind, even in those regions where a survey will mean a certain and immediate increase in the value of soil. More than 40,000 requests come to the bureau in a year from struggling farmers, from cattle raisers, from important chambers of commerce, from boards of trade, and from various state departments of agriculture and geological surveys. Several States have cooperated with the bureau to a considerable extent, Alabama having given $10,000 for this purpose and, it is said, has received thousands in return. Only a small proportion of the requests can be complied with, as the force of surveyors is small. A systematic plan is being followed out, which in the course of time will give satisfaction to all regions, and which an increased appropriation would greatly facilitate.

That is an able newspaper argument for a good cause.

I wish to quote from a report of the Agricultural Department, which sheds further light upon the real necessity and importance of this soil survey, which is as follows:

The soil is fundamental in its uses. For these reasons the study of the soil must always occupy a fundamental position in the development of the resources of the United States and in the arrangement of its economic conditions. Only within recent years has the great variety which actually exists in the soil resources of the United States been understood. Beginning in 1899 the soil survey of the Bureau of Soils has been engaged in the classification of soils, in the representation, upon soil maps, of the occurrence of the various types discovered, and in the preparation of reports which describe the characteristics and the uses of the different soils encountered. Since the beginning of this work in 1899 approximately 100,000 square miles of the agricultural regions of the United States have been surveyed. Nearly 600 different types of soil have been encountered, and special studies have been made not only of the soils adapted to the growing of the cereal crops, but also of those special-purpose soils which have a high value for the production of fruit of various kinds, of truck, of market-garden crops, of different varieties of tobacco, of sugar beets, and of many newly introduced crops.

Studies along the Atlantic seaboard have demonstrated that the Norfolk sand, Norfolk fine sand, and the Norfolk fine sandy loam are peculiarly adapted to the production of those early vegetables and fruits which furnish the supply for the northern city markets. It has also been shown in this connection that where transportation is adequate land belonging to these three soil types which formerly had a value of $5 an acre can readily be made to have a value of from $100 to $200 an acre for the production of the truck crops.

The recent importance of the rice industry in Louisiana and Texas has led to investigations of the soils best adapted for growing this crop. It has been found that in general the heavy silt loams and clay loams of the Louisiana and Texas seacoast prairies are well adapted to rice production, and it has been upon soils of this character that the wonderful strides in rice production have been made possible.

It was through the soil surveys that the rich tobacco lands of Florida and south Georgia were discovered. Lands that were considered ordinary lands and of small value are now yielding large and valuable crops and are greatly enhanced in value.

I was greatly interested in a speech made during the last session of this Congress by Hon. J. E. ELLERBE of South Carolina, and to further show in this connection the great importance of the soil survey I wish to quote the following from his remarks:

Such was the work on the tobacco soils and to such extent with the tobacco problems that soils are now chosen by the growers in the leading tobacco districts of the United States, and favorable results are certain from the start, and the industry has been placed on a very permanent and profitable basis.

As another illustration, it is found that not only are the different types of soils of widely different value for growing cotton, but also that the different varieties of cotton require different soils for their most profitable growth, and that the working out of the soil preferences for each of the many varieties of that crop is a most necessary and entirely possible problem, the solution of which would save the southern planters hundreds of thousands of dollars each year. Sufficient progress has now been made in soil studies to be certain that many of our crops are not only grown to the best advantage on certain classes of soils, but that the

different varieties thereof are very definite in their soil preferences or requirements.

In my own district there are thousands of acres of land planted to cotton and producing $10 to $15 per acre, that could, if devoted to other crops, produce from $100 to $500 per acre. Some men have been pioneers in this great work and deserves the "well done" of every man who delights in the prosperity of his country.

McIver Williamson, of Darlington County, S. C., has revolutionized corn growing in my State and proven that with proper selection, preparation, fertilization, and cultivation of soil from 75 to 150 bushels of corn can be grown per acre instead of 10 to 15 bushels, as formerly.

Captain Drake, of Marlboro County, some years ago contested for the prize of $500 offered by the Orange Judd Publishing Company for the most corn grown on 1 acre. This was open to every State in the Union. He opened the eyes of the people of this country when he grew 254 bushels and 50 pounds of corn on a measured acre of Marlboro land.

Some years ago the managers of the Raleigh and Charleston Railroad, in their efforts to develop the country through which their road ran, sent a man to Marion, S. C., who sold one crop of lettuce from a single acre of Marion soil for more than $1,800.

Captain Westbrook, of North Carolina, made $23,000 above expenses on 20 acres of land, considered by many to be of little value. Strawberries were grown entirely.

There can be no doubt about the soil survey and soil maps being of great help to the farmers. The question is, Are we going to continue to make a farce, so to speak, out of the bureau from which this great help emanates, or are we going to back it up with funds and assistance such as it needs in order that this good work can go forward? I am in favor of making sufficient appropriations for this bureau, so that it will be in position to be of material help to the farmers. We have long since passed the experimental stage with it. It has been abundantly shown that it is one of the most important branches of the Agricultural Department, and that if the work was not so hampered from time to time by small appropriations it could and would result in great blessings to the farmers, and this Bureau of Soils should receive more favorable consideration at the hands of Congress than it does. It is not treated fairly, and by discriminating against it the farmers are discriminated against.

I have known for a long time that the soil survey was a good thing for the farmers, and for nearly two years I have been pleading for soil surveys in certain counties of the district which I represent, particularly for Bulloch County, in which is located, at Statesboro, Ga., the agricultural college for that district. I thought at one time that I almost had the soil survey for Bulloch County, which had been requested through a formal resolution of many of the citizens of that county, but I was doomed to disappointment, for the answer finally came "not now," "not sufficient funds at this time," or words to that effect. I have had it up with the department and with the Bureau of Soils on several occasions, and it is always "a lack of funds" to postpone this important work. [Applause.]

I am tired of that answer; I am tired of the delay. This bureau should be given sufficient funds with which to operate, because, as I have already said, it has long since passed the experimental stage, and it should be permitted to grow and develop in usefulness. It should be properly cared for and permitted to expand its great work. The farmers want it to be taken care of; they want it to expand; and the fact that there are to-day something like 500 applications on file in that bureau for soil surveys in various parts of the United States is sufficient evidence of its merit. The Bureau of Soils has been investigating soil conditions in the United States for over ten years, and in that time there has been only nine soil surveys made in the great State of Georgia, and not a single one of the nine, except the small area at the agricultural college at Statesboro, Ga., is in the First Congressional District. My people want a soil survey, and we must have it; and if we do not get it, I want them to know that I am not to blame in the matter. In the nine soil surveys that have been made thus far in Georgia, I am advised that a total area of 3,300 square miles has been covered, at an expense of less than $9,000. I am advised that, including my requests for soil surveys, there are 31 requests on file for surveys and maps in Georgia at the present time, covering a total of something like 12,350 square miles.

The Chief of the Bureau of Soils, in his annual report, has recommended that $4,500 to $5,000 should be expended annually in Georgia for the conduct of this soil-survey work. He says in his annual report for 1908:

> This work is being done at the request of the governor of Georgia and of other state officials. These officials request and desire that detailed soil-survey maps on the scale of 1 inch to the mile should be made in the 11 counties in Georgia within which the agricultural high schools are located, in order that the results of the experimental work conducted at these high schools may be applied immediately throughout the county surrounding each school. It is thoroughly appreciated by those having the agricultural development of the State and its educational facilities in charge that the value of the work of these schools will be largely increased if such soil surveys can be made at an early date. There are also other agricultural interests, including those of the tobacco growers in southwest Georgia, the fruit growers in central Georgia, and the rice and sea-island cotton growers in eastern Georgia, that are urgently calling for the extension of soil-survey work in these different localities. The amount of money expended in the State might well be increased to $4,500 or $5,000 annually in consideration of the valuable results which might be obtained during the next few years.

Soil surveys already made in Georgia have shown the existence of large areas of low-priced land well suited to the production of both filler and wrapper tobacco, and have aided enormously in the development of the tobacco industry in Georgia. At the present time individuals and corporations desiring to engage in the tobacco industry will only purchase land for that purpose according to the findings of the soil survey. As a result of the soil-survey work in southwest Georgia, the revenue from tobacco paid into the United States Treasury annually has in the last five years increased sufficiently to more than pay the total cost of the soil-survey work in the entire United States. [Applause.]

The soil surveys in central Georgia have aided in the extension and development of the peach industry, and Georgia, because of these soil surveys and of the information about peach soils which is contained in these soil surveys, is rapidly becoming one of the leading peach-producing States.

No soil surveys have yet been made in the Atlantic coast section of Georgia, and work of this character should be undertaken at once, in order to determine the relationship of the soils along the Atlantic coast to those in South Carolina similarly situated and upon which extremely valuable crops of cabbage, lettuce, and other winter vegetables are produced.

Soil surveys are also needed in Georgia to show the character and extent of the swamp lands which are capable of reclamation and agricultural occupation along the seaboard.

The farmers of Georgia are alert and desirous of using every known agency for the improvement of their farm conditions. Since 1880 there has been an increase of 86,000 in the number of Georgia farms. During that length of time there has been an increase of nearly 350,000 acres of land held in farms in the State, while for the same period there has been an increase of nearly two and one-half million acres in the improved land of the State. These figures show (1) that there is an increased demand for Georgia lands; (2) that Georgia farmers are going into intensive farming and are using the land which they possess to increasing advantage; (3) that Georgia farmers are building up for themselves an increasing number of prosperous farm homes. In this same period of time the value of Georgia farms and farm buildings has increased seventy-one and one-half million dollars.

In order that there may be increased specialization in crop production, in order that additional crops suited to Georgia soils and climate may be grown, in order that both the citizens of Georgia and their neighbors throughout the United States may know the exact resources of Georgia soils, these soil surveys must be extended as rapidly as possible throughout the unsurveyed portion of Georgia.

The citizens of Georgia are so much in earnest in desiring to improve their agricultural conditions and in desiring to develop their agricultural resources that they have provided 11 agricultural colleges, 1 for each of the 11 congressional districts of the State. They have requested, through their state officials, through their local boards of trade, through various farmers' organizations, and through their Representatives in Congress, that this soil-survey work should be extended as a sure foundation for additional growth in agricultural wealth and prosperity. The farmers of Georgia annually contribute their share to the support of the Federal Government, and they annually desire their just share in the work which the Bureau of Soils and the United States Department of Agriculture are doing for the improvement of farm conditions and the increase of agricultural efficiency.

There are now on file requests for over 500 additional soil surveys in the United States, covering an area of more than 500,000 square miles.

It would take the present force of the Bureau of Soils ten years to comply with these requests under the appropriation as it exists, and more new requests are placed on file each year than can be complied with during that year.

Since May 1, 1899, when the soil-survey work was first begun, surveys have been made of 160,000 square miles, located in 44 different States and 2 Territories.

The cost of this field work has been a little over $400,000, and the demand for this class of work for the last seven years has been far in excess of any of the sums appropriated for its conduct.

The soils of the United States constitute its greatest economic resource, and, unlike the mines, the forests, and the fisheries, the soils are usually held by small individual owners, who have not the facilities for securing expert advice which lie within the reach of great corporations and extensive mill operators. The farmers of the United States, who own its soil, must depend largely upon the investigations and knowledge of the United

States Department of Agriculture and their own state experiment stations for expert knowledge and businesslike advice.

The people not only want these soil surveys and soil maps of their lands, but they are clamoring for them. We can a great deal better make appropriations for a productive and important interest of this kind than for huge battle ships costing into the millions, in the building and maintenance of which we are literally wasting the people's money. I am opposed to all such extravagant and wasteful appropriations, and think it is high time that the Government, which is now at peace with the rest of the world, should cease to increase its already unreasonable appropriations for a larger army and a larger navy. These large and extravagant appropriations should and could be applied with better advantage and with better grace to the payment of the public debt and to purposes that will be productive instead of destructive to the Nation's wealth.

I want to see the appropriations for the Agricultural Department generally increased until that department, which is intended to help the farmers, is in a position to really do what it was intended that it should do. The appropriations that are made for the benefit of the farmers are so miserably small as compared with the other appropriations that they are all out of proportion. It seems that Congress never dreams of real economy in making appropriations until appropriations are to be made for the agricultural interests, then economy is had, as usual, at the expense of the farmers. [Applause.]

Before concluding my remarks upon this very important matter, I wish to submit an extract from the report of the Chief of the Bureau of Soils, which will further illustrate the value of this work to the American farmers:

PHYSICAL AND CHEMICAL INVESTIGATIONS.

During the last fiscal year the Bureau of Soils has made mechanical analyses of about 2,000 soils for the use of the Soil Survey of the Bureau. It has made upward of 800 chemical examinations of soils for the field parties of the bureau, and about 4,500 chemical examinations of soils, drainage waters, and fertilizers for other bureaus and outside parties entitled to such assistance. The bureau has devised several new forms of apparatus and new methods for the analysis of soils, descriptions of which have been given in appropriate places in literature. Besides this routine work, the laboratories have continued investigations upon the fundamental properties of soils. The absorption of vapors, especially water vapor and carbon dioxide, has been thoroughly investigated, as well as the absorption of dissolved substances from solution, properties of the utmost importance as affecting the physical condition of soils. The retention of soluble fertilizers and the reclamation of soils "affected by alkali" have been studied, and the investigations which have been carried on for some years past by this bureau and the results obtained by other investigators in these lines of investigation throughout the world have been brought together and made available for scientific workers in two bulletins of this bureau. Work has been continued on the closely related subjects of flocculation and sedimentation, with results which throw light not only on the physical structure and arrangement of the soils, but also on the nature of flowing waters and soil wastage, etc., and the investigation of this subject is now being actively continued.

I sincerely hope that this amendment to increase the appropriation for the Bureau of Soils will be agreed to, for I think it is one of the most meritorious appeals that has been before Congress during this session. It will be money spent for a good purpose in a field that will prove of vast benefit to the agricultural and commercial interests of this country. [Applause.]

Mr. POLLARD. Did I understand the gentleman to say that the Bureau of Soils make chemical analyses of soils?

Mr. EDWARDS of Georgia. That is my understanding, that they examine soils.

Mr. POLLARD. The gentleman is in error when he says they make chemical analyses of soils.

Mr. EDWARDS of Georgia. What is the gentleman's understanding of the analysis that is made?

Mr. POLLARD. They simply make a physical analysis of the soil.

Mr. EDWARDS of Georgia. Do they not determine the chemical properties of the soil as well?

Mr. POLLARD. Not at all.

Mr. UNDERWOOD. As I understand it, the Bureau of Soils, in making an examination, determine what class of soil a particular specimen is, and at times they make chemical analyses of the soil where it is necessary; but they determine the class of soil it belongs to, so that they will know how to apply scientific agriculture to the particular soil that is on a man's farm.

Mr. EDWARDS of Georgia. I am not so far wrong, then, when I say they do make chemical analyses.

Mr. UNDERWOOD. Sometimes.

Mr. SCOTT. The gentleman from Georgia is doubtless acquainted with Dr. H. C. White, of Georgia University?

Mr. EDWARDS of Georgia. Yes.

Mr. SCOTT. Appearing before the Committee on Agriculture and asked whether he believed that any beneficial result had come from the soil survey in the State of Georgia, he said:

I can not now recall that any advantage has come to our farming interests.

Does the gentleman think he is qualified to pass upon that subject?

Mr. EDWARDS of Georgia. I will reply to the gentleman in this way: That there has never been a sufficient amount of work done by the Bureau of Soils in the State of Georgia upon which to fix an intelligent conclusion. We have not had a thorough test.

Mr. SCOTT. Does the gentleman think Doctor White would express a conclusion that was not intelligent?

Mr. EDWARDS of Georgia. I think Doctor White is entirely wrong on this proposition. I have a high regard for him, but I differ with him in this. Doctor White is like a great many other gentlemen who are trying to conduct farming at long range and telling the farmers what they need without having practical experience themselves. I know Doctor White well and I have a high regard for him, but I disagree with him in this instance.

Mr. MADDEN. Will the gentleman say that the Bureau of Soils or anybody connected with it has had any practical experience in farming?

Mr. EDWARDS of Georgia. Yes; I think there are a great many practical farmers who are connected with it.

Mr. MADDEN. The gentleman is really convinced, then, that the work of the Bureau of Soils is of some use to the farmers of the country?

Mr. EDWARDS of Georgia. Yes; I am thoroughly convinced of that fact.

Mr. MACON. Will the gentleman yield for a question?

Mr. EDWARDS of Georgia. Yes.

Mr. MACON. I would like to ask the gentleman if he can call to mind a single farmer who ever profited by any soil survey made by the National Government?

Mr. EDWARDS of Georgia. Yes; I can in my own State.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. OLLIE M. JAMES. I ask unanimous consent, Mr. Chairman, that the gentleman from Georgia may continue for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Georgia may continue for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I simply wish to say that I have one of the largest farms in the State of Illinois, which I operate, and in connection with which I have never asked or received any information from the Bureau of Soils.

Mr. EDWARDS of Georgia. That accounts for the lack of knowledge which the gentleman displays on the floor, because he has not investigated this bureau and does not know what it is really doing. I am a farmer, and was raised on a farm, and have made some study of this matter. I have become thoroughly convinced, although I may not be able to convince the gentleman from Illinois, that the Bureau of Soils is a great thing for the farmer.

Mr. MACON. I want to ask the gentleman a further question. I want to know in what respect any farmer has ever been benefited by a soil survey made by the National Government?

Mr. EDWARDS of Georgia. We have but one soil survey in my district, the first district, which I have the honor to represent. That survey is a small one, and was made under the direction of the Bureau of Soils, I think, and was made on the site where the agricultural college is located at Statesboro; and they have profited greatly, as I understand it, through this survey. They have had only a small number of surveys made in the State, and I have talked with many farmers about them, and have learned that great good has resulted from these soil surveys.

I understand further that through the soil survey the tobacco lands of southwest Georgia, as I stated a while ago, were discovered, and that the tobacco lands of Florida were found to be adapted to the growing of that fine grade of tobacco that they are now producing.

Mr. MACON. The gentleman claims that this great improvement came from the investigation of the Bureau of Soils?

Mr. EDWARDS of Georgia. I do.

Mr. MACON. I am anxious to do anything to better the condition of the farmers, and I am trying to find out something about it. I have never heard any farmer say that he got any benefit from this Bureau of Soils. I am trying to find out about it.

Mr. EDWARDS of Georgia. I have told you of those that we have in my State, and I have looked into it with some care. I would like to ask the gentleman from Arkansas a question. Have you had a survey made in your district?

Mr. MACON. No; but they have right across the river from me.

Mr. SHEPPARD. I want to say, Mr. Chairman, that the farmers of Texas have benefited immensely by these soil surveys. The land in certain regions there was used only for grazing, and since investigations by the Bureau of Soils the great rice industry has assumed enormous proportions in these regions. The Bureau of Soils has also made important discoveries as to the practicability of growing tobacco in certain parts of Texas.

Mr. MACON. And it was the result of the surveys by the Bureau of Soils?

Mr. SHEPPARD. It was; and I consider it one of the most valuable bureaus of the Government.

Mr. EDWARDS of Georgia. It is my information that it is a good thing, and the gentleman from Arkansas ought to go to the Bureau of Soils, or get in touch with it, and get a soil survey in the State of Arkansas, and if possible in his district, and learn something of this great work from practical experience. [Applause.]

Mr. POLLARD. Mr. Chairman, I am surprised that the gentleman from Georgia began his speech by stating that he has looked into the question of soil surveys with great care, and then in the next statement says that the soil survey is a chemical analysis of the soil. In the first place, the experts in this department do not claim to make any chemical analysis of the soil.

Mr. COX of Indiana. What do they do?

Mr. POLLARD. They classify the soil.

Mr. COX of Indiana. What do you mean by "classify?"

Mr. POLLARD. They have divided the soils of the United States into about 400 different classes, and they go to a locality and classify that soil. They say this is marsh loam, and this is silt loam, and so forth; and, as I say, it is nothing but a description or classification of the soil. The soil survey is a physical, and not a chemical, analysis.

Mr. COX of Indiana. Do I understand you to say that they divide the soil into about four classes?

Mr. POLLARD. Four hundred classes.

Mr. COX of Indiana. If they have divided the soil into 400 classes and the farmer knows what each class is peculiarly adapted to, does not the gentleman think that in that way it will do the farmer a great deal of good?

Mr. POLLARD. If that was the case, I would say yes.

Mr. COX of Indiana. Is not it the case?

Mr. POLLARD. It is not the case at all, and there is the trouble with the whole proposition. The trouble with the soil surveys is this: That the soil surveys they send out over the country—and it is not alone confined to my part of the country, but to the South and East and every other part of the country—are oftentimes filled with as much misinformation or false information as with matters of fact.

Mr. HUMPHREYS of Mississippi. Then, what does the committee provide for any of them for?

Mr. POLLARD. I will state, Mr. Chairman, I made these strong assertions at the beginning simply to attract the attention of the committee to what I propose to show. The committee is in favor of certain features of the work of the soil survey. The trouble with the question is that it is all yet an experimental question. It is an investigational question. We have not reached any conclusions yet that have been recognized by scientists of the United States or of the world.

Mr. EDWARDS of Georgia. Will the gentleman yield?

Mr. POLLARD. I will not yield to any more questions now until I make my statement. Then I will yield. The whole work is in an experimental stage, and the greatest harm that comes to the country from these soil surveys comes from the fact that a man goes into a certain part of the country and makes a soil survey, and he classifies the soil, and then he goes ahead and undertakes to tell what will grow in this kind of soil and what will grow in that kind of soil when he may not know a thing in the world about it. There is the trouble with the whole situation.

Mr. SHACKLEFORD. Mr. Chairman——

Mr. POLLARD. I can not yield now. I will yield later if I have time. I want to make my statement. It is all an unknown problem. So far as their work is investigational we are heartily in favor of it. We want they should continue the investigations as far as possible, and we are in hopes that they will reach some conclusion somewhere along the line that we can tie to and we will know what we are talking about when we get out bulletins. As an instance of that to which I have referred, I want to call the attention of the committee to the hearings of last year. As an illustration of what the bureau undertakes to do, I read from page 397 of the hearings of this year. I asked Mr. Whitney, the chief of the bureau, who was then before the committee, this question:

> May I ask you whether you do any work of any experimental character with fruit?

His reply is:

> Only so far as this—and I should like, if it would not have seemed discourteous, to have corrected Mr. UNDERWOOD in some of his remarks, as he preceded me. The only work we do in fruit is to study the adaptation of soils to fruit, and beyond that we do nothing—that is to say, we can determine from our soil surveys and from our utilization work the character of the soil that is adapted not only to any kind of fruit, but to any variety of fruit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. I ask unanimous consent to continue for ten minutes.

Mr. EDWARDS of Georgia. I object unless the gentleman will yield.

The CHAIRMAN. Objection is heard.

Mr. POLLARD. I think the gentleman had ten minutes.

Mr. EDWARDS of Georgia. Yes; but "the gentleman from Georgia" yielded very courteously to the gentleman from Nebraska when he was asked to do it.

The CHAIRMAN. Objection is heard.

Mr. EDWARDS of Georgia. Mr. Chairman, I withdraw the objection if the gentleman will yield to a question in the ten minutes.

Mr. POLLARD. I have no objection to being interrupted when I make my statement, but I can not make a statement and be interrupted.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to continue for ten minutes. Is there objection?

There was no objection.

Mr. POLLARD. I now yield to the gentleman from Georgia.

Mr. EDWARDS of Georgia. Mr. Chairman, the gentleman says that the Bureau of Soils does not undertake to do any chemical examination. I hold in my hand the report of the Chief of the Bureau of Soils for 1908, by Mr. Whitney, the chief of the bureau, and on page 27 I find the following:

> During the last fiscal year the Bureau of Soils has made mechanical analyses of about 200 soils for the use of the soil survey of the bureau. It has made upward of 800 chemical examinations of soils for the field parties of the bureau and about 4,500 chemical examinations of soils, drainage waters, and fertilizers for other bureaus and outside parties entitled to such assistance.

Mr. POLLARD. Mr. Chairman, I do not care about the gentleman using up my ten minutes in reading an article to the House. My statement was this, that in the soil surveys that are made in the field, which are mapped and distributed, no chemical analysis of the soil is made. On that question I am right, and I challenge the gentleman from Georgia to show to the contrary. They do make chemical analyses here in the bureau; there is no doubt about that. When samples of soil are sent in to the chemist in the bureau they make a chemical analysis of them.

Mr. UNDERWOOD. Will the gentleman allow me to interrupt him?

Mr. POLLARD. The gentleman from Alabama can not interrupt me. If the gentleman desires to ask me a question, all right; but I can not yield to him to make a speech.

Mr. UNDERWOOD. I want to know if the gentleman does not know that when a forest survey is made in the field they bring the soil they get in the field to the laboratory and make a chemical analysis of it?

Mr. POLLARD. What I know is this, and the gentleman knows the same thing if he has investigated the question, that the soil surveys made broadcast over the country are not a chemical analysis of the soil at all. They are a physical analysis of the soil, wherein the soils are simply classified. Now, Mr. Chairman, this bureau has not only undertaken to go into the field and make a survey of the soil and tell whether apples can be grown or grapes can be grown there, but they also pretend to be able to tell what variety of grapes or apples can be grown. Now, this statement of Mr. Whitney's, which I was reading when interrupted, is absurd on its face, and to any thinking man is ridiculous.

Mr. MADDEN. Will the gentleman yield?

Mr. POLLARD. Certainly.

Mr. MADDEN. If the Bureau of Soils only guesses at what it does, would it not be a good idea to abolish it?

Mr. POLLARD. No; I do not think so, and I will tell the gentleman why I do not think so.

Mr. MADDEN. Does the gentleman admit they are only guessing at their work?

Mr. POLLARD. About half the time they guess right and about the other half of the time they guess wrong.

Mr. MADDEN. Then they must be guessing all the time, if they only guess right about half the time.

Mr. POLLARD. That is true. This statement, however, only applies to the advice given. The soil surveys themselves are accurate, so far as I know. As I said a moment ago, if the gentleman will give his attention, the investigational work they perform is of very great value, and that ought to be encouraged and carried on to the greatest extent. As an illustration of the point I have made, they went out into this same country from which the gentleman from Georgia comes, covering parts of Georgia, Florida, Alabama, and Louisiana. After this soil survey was made, they told the people down there that the character of those soils were such that they could grow the finer grades of tobacco. They told them that they could grow Sumatra tobacco, the most valuable tobacco that is grown. The people who lived there believed this report of the Soils Bureau, simply because it came from the Government of the United States. They had confidence in it because they did not believe that the Government would send out any information unless it was reliable. Consequently, they began to grow the Sumatra tobacco, and the result was that millions of dollars worth of Sumatra tobacco were grown down there which was of such an inferior quality that the people could not market it——

Mr. UNDERWOOD. I challenge that——

Mr. POLLARD (continuing). And they have not had a market for that——

Mr. UNDERWOOD. I challenge the gentleman's statement on that proposition.

Mr. POLLARD. I have been informed to-day by a gentleman who has been on the ground that now there are upward of a million dollars' worth of tobacco in that country that the farmers can not sell simply because it is of such poor quality that it will not meet the demands of the trade. The business there has been virtually ruined on that account.

Mr. UNDERWOOD. I know the gentleman will not stand for a statement unless it is true——

Mr. POLLARD. Certainly not.

Mr. UNDERWOOD. A part of that Sumatra tobacco is raised in my district, and I know there has not been any of it that has been raised there that has not been sold for a good profit, and they are selling it to-day. Now, I challenge the gentleman to say where this tobacco has been raised that could not be sold. I know it has always been sold in my district, and at a profit.

Mr. POLLARD. Of course, I will admit the gentleman from Alabama knows more about what is being done in his district than I do, but I want to say this, that the information I received came from a man who has been on the ground and who has investigated the work——

Mr. UNDERWOOD. Tell us who he is.

Mr. POLLARD. I can not do that. He is a man who went down there from the Bureau of Plant Industry after the work of the Bureau of Soils was found to be a failure. When they found they could not grow the high-grade tobacco with success, then they called upon the Bureau of Plant Industry to help them out. A man from the Plant Bureau was sent to save the property from loss. He has been compelled to develop by breeding a new species of that Sumatra tobacco that is acclimated to that country and can be grown at a profit.

I am told, also, that the same conditions prevailed up in the State of Connecticut, where they undertook to give advice concerning a matter that they had very little, if any, information about. They told the farmers of Connecticut they could grow Sumatra tobacco if planted and cultivated under shade. The shades were made at great expense, millions of dollars invested, and failure was the result. Again the Plant Bureau had to come in and develop by breeding a species of this tobacco that would grow in Connecticut. The trouble is that these men are soil men. They are not plant men. They make an analysis of the soil, and without taking into account the habits of the plant, without taking into account at all times the climatic conditions as well, they undertake to tell the farmers what they can do. and it oftentimes proves that their judgment is wrong.

The position of the committee on this matter is this, that we ought to go slowly, and that is why we did not increase the appropriation for this bureau. We thought that they ought to be required, so far as is possible, to confine their work to research work, to experimental work, and to investigational work, and not branch out into other lines until we know where we are, until we are sure of our ground; and we have not yet reached that point.

I can state other instances. Another instance occurred in the State of California, where the soil men had gone into the State and examined the soils in a particular region in the Sacramento Valley, I believe it was. They said the soil had a disease which prevented the people from raising potatoes. Last year Congress took from the Bureau of Soils the research work they had been doing and turned it over to the Bureau of Plant Industry, and this work was put on the latter bureau. They sent a man out there, and they found that the trouble was not a soil problem at all, but that there was a disease of the tuber, a disease of the potato plant, that was making the trouble. It was not a soil problem in any sense of the word.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question for information?

Mr. POLLARD. Certainly.

Mr. HUMPHREYS of Mississippi. Do the investigations of the Bureau of Soils throw any light on the question of fertilizers to enable the farmers to select more intelligently the kind of fertilizers that should be put on their crops?

Mr. POLLARD. To a limited extent I think that is true.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman, as I have never understood exactly, what the misinformation is that they are sending about over the country?

Mr. POLLARD. The misinformation I have just stated concerning the care of tobacco in the South, notably in the State of Florida and other parts of the South.

Mr. HUMPHREYS of Mississippi. That is a result of this investigational work that I understand the gentleman is in favor of?

Mr. POLLARD. They went in there and made a survey of the soil, and they told the people there that they could grow a particular type of tobacco. And when they came to grow the tobacco they found it did not grow successfully.

Mr. HUMPHREYS of Mississippi. Let me see if I understand the situation. I am asking for information. It is the gentleman's idea and it is the committee's idea that they ought to ascertain the facts and not express an opinion on them?

Mr. POLLARD. No, sir. We want them to ascertain the facts. That is the trouble. They publish stuff that does not prove to be the facts. What we want them to do is to go slow and know their ground, and not publish any information until they are sure they are right. That is all. The fact is that we know very little about the subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. Mr. Chairman, I would like to ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EDWARDS of Georgia. Mr. Chairman, I wish to make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Chairman, I favor this amendment, and I want to say to the chairman of the Committee on Agriculture that I have not read the testimony of Doctor White given before that committee; but I know him to be a gentleman of very high literary attainments; a member of the faculty of the State University, at Athens, Ga., from which I graduated; a gentleman whom I personally know and that, too, very pleasantly. I understood the gentleman to read from his testimony in which he disapproved of the appropriation for soil surveys. There has been for some years past a difference between Doctor White and the practical farmers of the State on this and other matters as to the best methods to be used in advancing education in agriculture and in the application of the fund appropriated for the benefit of agricultural colleges. Doctor White lives in the city of Athens, the most aristocratic city in our State, and where the State University has always been situated, and there has been an effort going on to remove the experiment station from Griffin to Athens. While I have the utmost confidence in Doctor White as a teacher and a professor in the University of Georgia and in his sincerity, there are many farmers in the State of Georgia and in my own district, where some of these surveys have been made, whose opinions as to whether this survey has been of any practical benefit to the farmer or not I would readily accept in preference to his.

Now, I hold in my hand the report of the Secretary of Agriculture, and I want to read what is stated in reference to some of the soil surveys and the benefits that have resulted therefrom:

> The importance of the soil survey as a factor in national development may be judged from the fact that the value of the annual products of the soil has now reached $8,000,000,000, and in the conservative estimate of the experts of the Bureau of Soils this stupendous amount might easily be doubled within the next twenty years through a complete comprehension of the full capabilities of soils now cultivated and the discovery of the proper uses for soils not now cultivated. Such an undertaking is worthy the careful consideration of all who desire the present achievements of American agriculture to be surpassed by those of the immediate future and by all who desire to provide a secure foundation for all the industrial activities of the Nation.

I do not like that word "Nation" very much. Still, I will have to accept it.

The necessities of that population for which the United States must provide under normal conditions of increase of population demand that all agencies leading to the increased efficiency of soils should be fostered.

We foster and protect manufactures of all kinds; spend a hundred millions and more for battle ships a year, and many millions more which in no way add to or increase our material wealth—and surely the insignificant sum asked for to aid in increasing the products of agriculture should not meet such strenuous opposition.

Further on:

One of the most notable accomplishments of the Bureau of Soils is the development and extension of the tobacco industry in southern Georgia and northern Florida, in Alabama, and in east Texas, whereby the area planted to tobacco has been more than doubled since the inception of soil-survey work in the regions, and the profits derived by the farmers have been more than quadrupled in the last six years.

A statement, so far as Georgia is concerned, which I am satisfied is a fact——

Mr. SCOTT. May I inquire from what the gentleman is reading?

Mr. BARTLETT of Georgia. From the report of the Secretary of Agriculture for 1908.

Mr. SCOTT. I presume the Chief of the Bureau of Soils wrote that part of the report which the gentleman has been reading.

Mr. BARTLETT of Georgia. Certainly he did.

Mr. SCOTT. He is hardly a competent witness in a matter of his own work.

Mr. BARTLETT of Georgia. He is not asking for this.

Mr. SCOTT. You are very much mistaken.

Mr. BARTLETT of Georgia. Mr. Chairman, I want to say that so far as the Chief of the Bureau of Soils is concerned, and the expert men whom we employ for the purpose of making these soil surveys, I would take their statement over that of Doctor White, elegant and accomplished gentleman as he is. Now, this report states further:

In the Gulf States the development of special industries along the coast is showing uses for lands which have been previously considered of little or no agricultural importance, and lands once held at a nominal value for their timber stand now have a greater value for agricultural lands, even after the timber has been removed. This is largely due to the fact that their agricultural uses have been shown by a number of well-located soil surveys.

Do I understand the gentleman to discredit the report of the Chief of the Bureau of Soils, which has been transmitted to us by the Secretary of Agriculture with his apparent approval?

Mr. SCOTT. All I undertook to say was that it would be a poor chief of a bureau who would not claim that the work of his bureau was of use.

Mr. BARTLETT of Georgia. It would be a poor and unworthy chief of a bureau who, when the work was not satisfactory or of no value, had not accomplished the results that were desired, would not have the honesty to tell Congress of it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, I would like to have about three minutes more.

The CHAIRMAN. The gentleman asks that his time may be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. There were four gentlemen before us connected with the National Association of Agricultural Colleges during this past year, each of whom testified that, in their judgment, the value of the work of the Bureau of Soils had been grossly exaggerated. Does not the gentleman think that their opinion is entitled to great weight?

Mr. BARTLETT of Georgia. Will the gentleman tell us their positions? I do not ask for their names.

Mr. SCOTT. They are connected with state agricultural colleges and experiment stations—Doctor White, Doctor Jordan, Doctor Stone, and Professor Curtiss.

Mr. BARTLETT of Georgia. Doctor White is the president of the agricultural college at Athens, and the experiment station for Georgia is in my district; and the survey of the lands in the county where it is located was made at my request, and at the instance of many prominent farmers.

Mr. SCOTT. Doctor White stated that a survey had been made on the experimental farm over which he had control, and he did not regard it of sufficient importance to consider it.

Mr. BARTLETT of Georgia. Doctor White, I apprehend, did not know what I know of the great number of applications that are made for information on this subject.

Mr. SCOTT. Then the State of Georgia better employ a more efficient man to protect its agricultural interests.

Mr. BARTLETT of Georgia. A great many farmers in Georgia might agree with the gentleman on that.

Mr. CANDLER. Does the gentleman know that the files of the Bureau of Soils are filled with requests for soil surveys, many of them coming from agricultural colleges?

Mr. BARTLETT of Georgia. Yes, sir; I do know it; and know it by reason of the fact that that has been given me as the reason why surveys could not be made in my district when asked for. All I desire to add is, that if the real farmers were consulted more by the committee we would be better informed what the farmers need. In the county in my district when the survey of the soils has been made, and it happens to be the one referred to by Doctor White, I know the farmers believe it has been of benefit. I am sorry Doctor White should express the opinion he does, as it is not sustained by the information I have received on the subject.

Mr. SCOTT. I believe the time has been equally divided between the two sides, and I ask unanimous consent that debate upon this paragraph and all amendments thereto close in twenty minutes. I believe that will be satisfactory.

Mr. OLLIE M. JAMES. I do not think that the time has been fairly divided.

The CHAIRMAN. Pretty nearly.

Mr. UNDERWOOD. I would say half an hour would be satisfactory, if the time could be equally divided between the two sides.

Mr. SCOTT. I ask unanimous consent that debate close on this paragraph and amendments thereto in thirty minutes, the time to be equally divided between the two sides.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on the paragraph and amendments thereto close in thirty minutes.

Mr. UNDERWOOD. The time to be controlled by the gentleman from Kansas and myself.

The CHAIRMAN. The time to be controlled by the gentleman from Kansas [Mr. SCOTT] and the gentleman from Alabama [Mr. UNDERWOOD]. Is there objection? [After a pause.] The Chair hears none.

Mr. LAMB. Who controls the time?

The CHAIRMAN. The gentleman from Alabama and the gentleman from Kansas.

Mr. BARTLETT of Georgia. I would like to get permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. I yield three minutes to the gentleman from Mississippi.

Mr. CANDLER. Mr. Chairman, it is of course very difficult to say anything in two minutes; but in view of the statement of the gentleman from Nebraska [Mr. POLLARD], who challenges absolutely any benefits to be derived from the work which is being done by the Bureau of Soils, and in view of his statement that the experts who have made these soil surveys make reports which are practically valueless, I feel that in justice to the House and to myself I should say a word in reference to some surveys which have been made in my own district. The surveys there have developed the fact that alfalfa, which is one of the most beneficial crops now being raised in the United States and one of the most profitable, can be raised upon lands which heretofore were not thought at all suitable for the production of it. The information was given by the soil-survey experts in their report. This has been followed up by actual experiments by the farmers themselves, which have demonstrated the fact that the information given by those experts was absolutely reliable and that it could be depended upon, and the actual results which have come from the experiments made show the value of the soil survey. My observation is that some scientists may believe and these so-called "agriculturists" may think that these soil surveys are of no value; but whenever you get down to the soil itself and investigate it and analyze it and determine what crops can be grown upon it, it has been demonstrated oftentimes and in almost every instance that the information given by this bureau is of great value to the farmer himself. He is the man whom I am anxious always to benefit and to help, because, as I said upon this floor the other day, whenever you help him you help every other calling, business, and avocation of every other citizen of the United States. [Applause.]

Mr. UNDERWOOD. I yield two minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Chairman, I am unable to say what benefits have resulted to other States from the soil survey, but I do know that it has been of very great service to the State of Florida. An investigation was started in my State some time ago, as was stated by the gentleman from Nebraska, to determine the adaptability of certain soils in Florida for the

production of tobacco, and as a result of those surveys large tobacco fields were established, yielding a very great income to those engaged in the business. Furthermore, these tobacco growers have produced and are producing a very fine quality of Sumatra tobacco; in fact, I think I risk nothing in asserting that they are producing a finer grade than the imported article, perhaps the finest and best that is being grown in this country. Only a few sections of the State were touched by these surveys, but as a result tobacco is being grown in large quantities in Pasco County, in the middle portion of the peninsula, and in Gadsden, Leon, and Jefferson counties, in the northern part of the State; and I have no doubt that if the investigations by the bureau were continued as they ought to be carried on soil well adapted to the growth of tobacco would be found in other portions of Florida.

I want to say further in this connection that the gentleman from Nebraska is entirely mistaken when he says, as I understood him to say, that the tobacco produced in Florida is useless and can not be sold; that while those engaged in the survey reported that they had found soil adapted to the growth of tobacco, that mistakes were made by those who acted upon the report of the bureau and, undertaking to grow tobacco not suited to the soil, had made failures, producing an article that could not be sold at remunerative prices, and that hence the business was languishing. This I deny, for, from the very beginning, the tobacco growers have received satisfactory prices for their products. It is true that during last year, for reasons which we can all understand, the price of tobacco was not as high as it had been theretofore; but the producers, knowing that they have a good article, one that could and should command fair returns, are holding for higher prices, and will no doubt get them.

I was down in the tobacco-growing section of northern Florida a few days ago and talked with several people engaged in that industry, and instead of finding them discouraged, as one would suppose from the remarks of the gentleman, I found them still enthusiastic over the results, as they expect within a very short time to be able to market the entire output of last year at fair prices.

Mr. POLLARD. Will the gentleman yield for a question?

Mr. SPARKMAN. I have only a few minutes, and I hope the gentleman will excuse me.

Mr. Chairman, this work of the soil survey has not been carried on as yet to any great extent, comparatively speaking. I have been making an effort for the past two or three years to have it carried further, but without satisfactory results, owing to a lack of money with which to conduct it. Some gentleman here a moment ago said, as if apologizing for the bureau, that all one had to do to obtain a survey was to go to the department and ask it to be made and that it would be done. My experience, however, does not sustain that assertion, for I have been there time and again and have uniformly received the same answer—that the department did not have money enough to carry on surveys for the various States as rapidly as they should be carried on and as the department wished to carry them on. I am therefore in favor of this amendment, which proposes to increase the amount recommended by the committee, as I desire, within reasonable bounds of course, to place at the disposal of the department all the money it may need to perform this very important service, for important it is. It has been intimated here that the department was not only getting all the money it needed, but practically all it wished. I do not so understand the language of the Secretary of Agriculture in his annual reports, to say nothing of statements that have been made to me from time to time by department officials.

The Secretary of Agriculture, in his report for 1908, undertakes to show the importance of these surveys by stating their character and the extent to which they have been carried. Let me read a paragraph or two from this report:

> A soil survey determines the exact character of the various soils, and their location and extent in each area is studied. It also ascertains their present use and capabilities by personal observation of the field force and the report of practical farmers owning and operating the soils and the farms investigated. It summarizes all of the present knowledge of these soils, whether obtained from the farmers who are cultivating them, from the chemical, physical, and fertility investigations of the bureau's laboratories, or from the experimental and research work of the various State institutions concerned. It also enables all soil investigators and agricultural experimenters, as well as the farmers, to make direct comparisons between the soils of any one locality and of all others in the United States. It presents an unprejudiced statement of fact concerning each soil and its uses in each area, and, wherever possible, also forecasts and advises additional and more profitable occupation for each soil. It presents to the farmer a statement of what the full capabilities of his soils are and of the crops produced and methods of cultivation and soil management employed throughout the region in the successful handling of these soils. It gives to the investor and the home seeker those statements of fact concerning soil and agricultural conditions which are essential to insure safe investment and a satisfactory home. It calls attention to the undeveloped soils and their capabilities and the lines of their safe occupation and profitable development. It serves as a summary of the best that is known about soils and a forecast of the best than can be discovered. Such service is essential to the individual welfare of the citizen and to the well-balanced, systematic development of the national soil resources.
>
> The importance of the soil survey as a factor in national development may be judged from the fact that the value of the annual products of the soil has now reached $8,000,000,000, and in the conservative estimate of the experts of the Bureau of Soils this stupendous amount might easily be doubled within the next twenty years through a complete comprehension of the full capabilities of soils now cultivated and the discovery of the proper uses for soils not now cultivated. Such an undertaking is worthy the careful consideration of all who desire the present achievements of American agriculture to be surpassed by those of the immediate future and by all who desire to provide a secure foundation for all the industrial activities of the Nation. The necessities of that population for which the United States must provide under normal conditions of increase of population demand that all agencies leading to the increased efficiency of soils should be fostered.

Certainly a system which produces such results as these is well worthy of being fostered to any reasonable extent by Congress, and the appropriation proposed by the committee, enlarged as this amendment would enlarge it, would not be in excess of the amount required. Indeed, I think it could profitably be increased to a still greater amount.

Still further on the Secretary gives the results of the soil-survey investigations in some of the Southern States, as follows:

> In the Gulf States the development of special industries along the coast is showing uses for lands which have previously been considered of little or no agricultural importance, and lands once held at a nominal value for their timber stand now have a greater value as agricultural lands even after the timber has been removed. This is largely due to the fact that their agricultural uses have been shown by a number of well-located soil surveys.

And in his report for 1907, in speaking of the results of these investigations in the matter of tobacco growing, he says:

> As a direct result of the soil surveys and of the laboratory investigations, the possibility of producing a finer textured tobacco wrapper leaf in the Connecticut Valley was taken up, and it has been developed to a point where it is assured that a leaf approaching the Sumatra tobacco in texture, but with other local and distinctive characteristics, has been produced in the Connecticut Valley; and largely as a result of the bureau's work in Florida, the American-grown wrapper leaf has taken a foremost rank, is being exported to foreign countries, and is taking its place in real competition with the Sumatra leaf. The interest in this shade-grown product has grown to large proportions and the extension of this industry is contingent to a very large extent upon the soil surveys which shall point out the soils upon which this desirable leaf can be produced.

No suggestion there that the grower has been misled to his injury; on the contrary, it is shown that he has greatly prospered by the information given him by the department.

Hence it will be seen that the Secretary places, and very properly so, too, great store by the soil surveys, and states not extravagantly but conservatively the great benefits which have accrued to those sections of the country, including Florida, where this work has been carried on.

Mr. Chairman, one of the greatest problems now claiming the attention of the legislator in this country is how best to decentralize urban population, how best to check the tendency of the individual to leave the farm and go to the city. A partial solution of this great problem may be found in pointing the industrious and enterprising farmer to the land, no matter where located, out of which he can get the best results for his labor; in giving him information as to the soil where he may produce those special crops which will bring him better returns than ordinary farming. Such may be done in almost any section of the country, and particularly in Florida, where nearly every product of the farm, the orchard, and the garden may be produced. These soil surveys will, by furnishing this much-needed information, accomplish great good along the lines just suggested.

Some one says, however, that we should go slowly, doing a little this year, a little next, and so on, thus spreading the work over a number of years, as if there was merit in long delay. But if it is important to do the work at all, as it certainly is, why not accomplish it as early as possible? That, to my idea, would be the wise course to pursue, and the only way to do it would be to furnish adequate appropriations, which we have not been making heretofore. I therefore hope the amendment will prevail.

Mr. UNDERWOOD. I yield two minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Chairman, I do not know much about soil surveys, because there has been so little of it done around my country. There has been, as the map before you shows, some surveys made on the Salt and Colorado rivers. I am informed by various boards of trade in telegrams received yesterday that these soil surveys have been of great value in the selection of soil for appropriate crops. I am very much in favor of this amendment, providing always that a little more

of it comes to Arizona. [Laughter.] We have tracts of land containing a vast number of acres of the finest soil in the world, but it is difficult for sparsely settled populations to ascertain by costly experiment what crops can be most profitably grown upon it. Without detaining the committee, I should like to say that this amendment I hope will pass, if the appropriation will give to the soils of that Territory a little more investigation. It is more needed in the West than elsewhere, for the reasons indicated. I have no doubt that vast tracts of land lying in many fertile valleys in Arizona, the great value of which is yet unknown, may shortly become the most fruitful fields on earth, when the anxious homeseeker is informed, through the publication of scientific experiments, of the crops to which these lands are peculiarly adapted.

But if these soil surveys are to be confined to old and thickly settled agricultural districts, I doubt whether the appropriation should be enlarged. These experiments should be largely confined to government lands, with the purpose of building homes in the waste places rather than on soils that have been cultivated by intelligent farmers for the last fifty or one hundred years.

I have little doubt that certain districts in Arizona could grow the finest tobacco in the world. But who is to ascertain this fact? The poor settler is not able to do it. He can barely make a good living on his little homestead entry in the desert by raising the crops costing the least labor. He can not afford to hire help to experiment on the agricultural possibilities of the soil. I am sure the finest cotton in the world can be grown on thousands of acres of the public domain in Arizona. Soil surveys should reveal to the cotton growers this fact and make the growing of that staple a great western industry. I hope the amendment will be adopted, but whether it is or not, I sincerely hope that a much larger sum than usual under this soil-survey appropriation may be dedicated to its fittest purpose, in pointing out to the homeseeker the lands on which, by industry and intelligent work, he may find shelter and comfort for his family on a farm and under a roof all his own.

Mr. UNDERWOOD. I now yield two minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, in my judgment the soil survey, if properly made and afterwards followed by demonstrations as to what particular plant that soil is adapted, is of the utmost importance to the farmer. It has been demonstrated in the State of Arkansas that rice growing has been made profitable, and that land that was formerly worth but $2 is now worth $75 per acre.

I believe, Mr. Chairman, that these soil surveys should be made wherever it is possible to do so. In a new country where the land is rich and where it will produce almost any kind of a crop it is not necessary; but in the old countries where farming has been going on for years and years until the land is worn out and no longer produces good crops, it is necessary to know the elements that are in that soil and to know the elements that are not in there in order to supply the proper elements lacking to produce the best crops for which that particular soil is capable. You can not know that unless you know what is in the soil.

The farmer can not know the profitable crops adapted to his land unless he knows the elements that are necessary are in the land. If any of the elements are lacking, it is necessary to place them there to produce the crop that is desired. When this is done, the tilling of the soil is brought down to a scientific basis, and it can only be done in this way.

The State of Illinois is doing a great work in soil survey under the direction of Prof. C. G. Hopkins, of the State University. He has demonstrated to the farmers of that State the importance of knowing all about the soil and how to supply the missing elements. Through the proper survey of the soil and the demonstration of the particular crop to which it is adapted his assistance has been of great benefit to our people. I am sure we appreciate it in that State very much. The benefit of the analysis of the soil enables our farmers to know how to till the soil in a scientific way. Under the work of Professor Hopkins it is intended to make a survey of the whole State, so we may know the different kinds of soils and what crops can be grown to the best advantage. The soil survey without a demonstration of what can be done is of little value. [Applause.]

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. SHACKLEFORD. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I think the Bureau of Soils is a humbug. I think the head of the Bureau of Soils knows a good deal more about running a campaign for increased appropriations than he does about soils or their uses. I am not willing to take the judgment of a man who devotes most of his time to having telegrams sent to Members of Congress to vote for increased appropriations instead of devoting all of his time to the duties for which he is paid by the Government. I think if the head of the Bureau of Soils would devote less of his time to campaigns for increased appropriations and more of his time to the study of his job he might some day or other learn something about the thing for which he is being paid, and his judgment might in the end be worth taking on a proposition as important as this.

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. MADDEN. Oh, surely.

Mr. OLLIE M. JAMES. Does the gentleman tell the House that the head of the Bureau of Soils has caused these telegrams to be sent here?

Mr. MADDEN. I believe, without any question, that the telegrams sent by the people from the various States of the Union to Members of this House were sent at the instigation of the man in charge of the Bureau of Soils.

Mr. OLLIE M. JAMES. Does not the gentleman believe that he does that gentleman a grave injustice to assert he did that when he has not any personal knowledge of it?

Mr. MADDEN. I would not want to do anybody an injustice, but I am quite sure this is not the first time that he has done that sort of thing. I have ample evidence to be able to reach a conclusion that he has done it in former cases, and the fair assumption is that he has done it in this instance. So that if the gentleman paid by the Government for discovering the value of soils in the various sections of the country would devote himself to the duties for which he is paid, and about which he is supposed to know something that is of some use to the people of the country, he would be more valuable doing that than he would be doing what I am sure he has done and ought not to do.

Mr. NORRIS. If that be true, would it not be a good idea to increase this appropriation, so as to give him more to do in his particular line of soil culture, and then he would not have time to run the other campaign? [Laughter and applause.]

Mr. MADDEN. On the contrary, I believe that, with such a man at the head of such a bureau, all the appropriations now standing to the credit of that bureau ought to be eliminated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STANLEY. Mr. Chairman, I hope the committee will permit me to say this much in justice to Mr. Whitney. I want to say that he stated to me that he had never used any influence of that kind, directly or indirectly, to affect the view of any Member.

Mr. SCOTT. Mr. Chairman, I would like to inquire in whose time the gentleman from Kentucky is speaking. I have not yielded him any time.

The CHAIRMAN. The gentleman is speaking by unanimous consent.

Mr. SCOTT. I will now ask the gentleman from Alabama to use some of his time.

Mr. UNDERWOOD. How much time is left?

The CHAIRMAN. The gentleman from Alabama has eight minutes remaining, and the gentleman from Kansas twelve minutes.

Mr. SCOTT. Then I yield five minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Chairman, there is but one question before this House, and that is whether or not you will adopt this amendment adding $100,000 to the Bureau of Soils or whether you will stand by your committee, who had a fair opportunity and one of the best opportunities to ascertain what amount should be appropriated for this bureau. All this wide range that this question has taken is not germane to the discussion at all, and I do not propose to discuss the utility of the soil survey or its desirability. But I want to say this, that as a member of that committee and the oldest member in service on it, and this opinion is shared by many another Member of this House, that this Bureau of Soils should never have been created, that it should be a division in the Bureau of Plant Industry, because these soil surveys are of no service to anybody until there is a demonstration, and the Bureau of Plant Industry takes these soil surveys and makes experiments, and analyzes the different soils reported by the survey, and tells the farmers through bulletins what these soils will produce best. That map in front of the Speaker's desk shows whether or not your committee has been niggardly toward this Bureau of Soil

Survey—we have given them an increase every year for ten years.

When I first became a member of the Agricultural Committee the Division of Soils, as it then was, received $16,000 in round numbers. This year the appropriation amounts to $237,000. These surveys are made faster than the Bureau of Plant Industry can demonstrate the possibility and practicability of the soils and to what those soils are adapted. Now, it is a wild speculation to attribute the prosperity that has come in this country to the farmers and others to the soil surveys. It is all chimerical; it is useless to talk in that sort of way. We have given the Soils Survey all the money they can use, and I ask this committee to stand by the report of the Committee on Agriculture. Every year we are troubled with this. Last year there was put on a great addition here, and the Senate cut it out, as it will do this time should the amendment prevail. We are wasting time talking about it. The question is whether we shall add the $100,000 or stand by the report of your committee, which I think knows what it is doing and is one of the most industrious committees in this House, if I do say so. [Applause.]

Mr. COX of Indiana. How much did this bureau demand of your committee in appropriations this year?

Mr. LAMB. They do not demand, but they estimate for $287,100, and we gave them the same sum as last year.

Mr. COX of Indiana. How much did they recommend the increase to be over what it was last year?

Mr. LAMB. Forty-nine thousand four hundred dollars.

Mr. COX of Indiana. Then I understand the Committee on Agriculture complied with their recommendation?

Mr. LAMB. We did not give them all they asked. Of course we are not going to give them all they asked; if we did, we would not have money for anything else.

Mr. COX of Indiana. How much did your committee increase it?

Mr. LAMB. We did not increase it. We gave them the same as last year. I now yield back the time to the gentleman from Kansas. I simply desired to discuss the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] and show to the House that the report of our committee was reasonable and all that the Soils Survey should ask.

Mr. SCOTT. Mr. Chairman, I now yield two minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Chairman, I recognize the value of the work that has been done by the Bureau of Soils surveys. I went into the committee this year with the express determination of offering an amendment to increase that appropriation in accordance with the estimates of the department. I believe that anything that will conserve the fertility of the soil ought to be encouraged, because we recognize it as the greatest natural resource that the Nation possesses to-day. Any contribution to that end should certainly be welcomed by Congress. But after I had listened to all the evidence on this proposition and ascertained the use that is being made of these soil surveys, the impracticability of the reports which were being made, the utter impossibility of the farmers applying it practically in their operations throughout the country, I concluded to vote with the committee, and believe that the present appropriation is sufficient.

They are engaged in good work. Let them proceed with this experimental work that they are now doing for years with the present appropriation. Then, if it becomes practical and can become of use to the American farmer, we can increase the appropriation. But during the experimental stages let us permit the appropriation to remain where it is. The sum is sufficient for experimental purposes.

Mr. EDWARDS of Georgia. Will the gentleman yield?

Mr. ASHBROOK. Mr. Chairman, will the gentleman permit a question?

Mr. COLE. Certainly; I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I would like to ask the gentleman if it is not a benefit to the farmers to have these soil surveys made, how does the gentleman account for the fact that there is a general clamor to have them made throughout the country?

Mr. COLE. Mr. Chairman, I have not observed any great clamor for these soil surveys. I think that the evidence on file will not sustain any such conclusion.

Mr. EDWARDS of Georgia. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLE. My time has expired.

Mr. EDWARDS of Georgia. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended——

Mr. SCOTT. Mr. Chairman, I must object. We on this side have only one more speech, and I would like for the gentleman from Alabama to use that time, and I yield four minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, in the midst of so much difference of opinion as to the usefulness of soil surveys, I think it might be timely to cite cases that are certain. Sumter County, in the sixth district of Alabama, was surveyed some years ago. In the last three years we have undertaken to utilize the benefits of that survey, the result of which has opened up a large part of the soil of Sumter County to the culture of alfalfa and has shown the possibilities of other culture that have never been suspected before.

We have completed the survey of Marion County, in the sixth district of Alabama, and have discovered, where it was never dreamed before, that here also there are soils suited to the culture of alfalfa. We are now beginning that culture in this county. We believe that in the county of Tuscaloosa and the county of Pickens and the county of Hale that we have soils similar to the county of Perry, in the ninth district, where tobacco has been successfully grown as the result of a soil survey. We are now waiting for the survey of those counties to begin the introduction of this valuable culture.

Mr. COLE. Will the gentleman yield for a question?

Mr. HOBSON. I am sorry, but the four minutes I have are all needed to make a simple statement of fact.

Mr. Chairman, there is a great deal of confusion on this subject that ought not to exist. Many Members are confusing the soil survey with the utilization work that follows. I found the reports of the survey of Sumpter County piled up in the probate office. Nobody had ever used them. They had been there for some time and had done no good. I can see perfectly well that if no utilization work is undertaken after the survey is made the survey will not be of much use. I believe that utilization work should be pushed and rapidly developed. But, at the same time, you can not take up the best and most complete and most scientific work of utilization until after the soil survey has been made. Therefore the survey work should be pushed the more rapidly, so that utilization can go ahead. Confusion seems to exist as to the relation of the work of the bureaus in the Department of Agriculture, due no doubt to the former overlapping of the work of the Bureau of Soils and Bureau of Plant Industry. This overlapping has now been eliminated by a ruling of the Secretary of Agriculture.

The Bureau of Soils has now been confined strictly to the work in which it is expert. There can now be no question of misinformation, no question of doubt, as to the accuracy of the reports sent out by this bureau.

It is a mistake to assume, however, that restricting the duties has reduced the amount of work now falling to this bureau. On the contrary, the field of this work has been enormously extended by adding the whole semiarid zone. The country has been divided during this last year into great zones, one of which is called the "semiarid zone," extending from Texas to the Canadian frontier. This great section of the country is waiting on these surveys to utilize great possibilities known to exist there. In order to meet the demands from this zone it was decided to reduce the surveys in the South and in other parts of the country, which has worked a hardship there. Mr. Chairman, no section of the country ought to be made to wait. The survey is the first step needed, and no time should be lost in making surveys of all the farm lands of the Nation. Nor is it a matter for the States alone or the Nation alone, but for cooperation of both State and Nation. We should lose no time in putting agriculture on the most scientific basis and in finding out, as in my district, the extent of the soils available for all the great crops.

The best-informed and most farsighted men of the country are pointing to a day not far distant when America will be compelled to import foodstuffs. We can make no mistake in supplying ample funds for pushing forward the soil-survey work. As to the Chief of the Bureau of Soils, the chief complaint seems to be his enthusiasm for the cause. As far as my observation has been able to extend, he is one of the most conscientious, hard-working, competent public servants I have ever known; but even if he has been overzealous, that is no just ground for making the agricultural interests of the country suffer for lack of funds. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I would like one minute more.

Mr. UNDERWOOD. I have promised the balance of my time, I will say to the gentleman from Alabama.

Mr. HOBSON. Could the chairman of the committee give me one minute?

Mr. SCOTT. I am very sorry, but my time is all used.

Mr. UNDERWOOD. I yield one minute to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a criticism has been made of the experiments in tobacco culture which resulted from the soil surveys. The fact was reported to this House last year, and is uncontradicted so far as I know, that the internal-revenue increase as the result of these tobacco experiments in Alabama and in Texas brings into the Federal Treasury more than the Government has ever appropriated for all these surveys.

The gentleman from Nebraska [Mr. POLLARD] in his criticism, and a harsh criticism, of the Bureau of Soils admits that these surveys do enable the farmers in a large way to determine what fertilizers to use. The Secretary of Agriculture in his report says that the farmers of this country spend a hundred million dollars a year for fertilizers, and that a third of that sum, $33,000,000 a year, is wasted because of the misapplication of fertilizer elements to soil conditions and needs. If we are to save the farmers in this country $33,000,000 a year, or any fraction of that sum, it occurs to me to be inexcusable economy to refuse to appropriate $100,000 for the purpose. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield a minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I simply want to state this: Five or six years ago I had these soil surveys made in my district in two of the largest counties. The farmers were greatly benefited and so told me. A commercial board in one county and others urged me last session, I think, and I brought the matter to the attention of the committee last session to ask for reprints of what had been done, so that all the farmers in the district might study what had been said by the scientists who went there and investigated this matter. The latter showed the people where it was best to plant their seed corn, wheat, potatoes, tobacco, berries, and so forth, and they have, to a great extent, done so and been greatly benefited. For instance, they said that out yonder on the side of a barren hill, among the little oak bushes and in similar soil, they could best produce berries and fruit. So the people down there, who were not using these barren hills, are now, as a result of this information, and they turned these hills into vineyards and formed associations for that purpose. I say that it has been a great benefit to those who have studied what these men have taught. [Applause.]

Mr. SHEPPARD. The soils of the United States constitute the greatest natural endowment of the American people, far exceeding in the value of their annual products the returns secured from all mines and fisheries. The Bureau of Soils is charged with the investigation of these soil resources and with determining the best methods for the development of agricultural industry upon all of the various soils which exist in the different portions of the country.

Soil surveys have been made of the tobacco soils of the United States covering the most important tobacco-producing districts in 16 different States. The results of these soil surveys show that among all of the agricultural crops the tobacco crop is probably more directly affected by the character of the soil upon which it is grown than any other. The heavy clay soils of Kentucky and Tennessee produce the thick export tobacco to the best advantage. The light sandy soils of the Connecticut Valley and of Florida produce the cigar-wrapper tobaccos. The sandy loam soils underlain by clay at a moderate depth produce the cigar-filler tobaccos in Florida, Alabama, and Texas, which are excelled only by the very best leaf produced in the most favored tobacco districts of Cuba. Through the work of the Bureau of Soils in outlining and indicating the existence of these different classes of soils, the area devoted to tobacco, particularly in the Gulf States, has been more than quadrupled in the last five years, and sections which ten years ago depended solely upon cotton as their money crop are now producing millions of pounds of tobacco upon soils which have been shown by the soil surveys to be peculiarly suited to the production of this crop and of far greater value for the production of tobacco than of any other crop which can be grown.

The investigations of the Bureau of Soils, through its soil surveys, have also shown the existence along the Atlantic and Gulf coasts of large areas of sandy loam soils peculiarly suited to the production of market-garden and winter truck crops, and as a result of soil surveys throughout the Southeastern and Southern States, land which was formerly held to be worthless for the production of staple crops, is now valued at $100 to $200 per acre for the production of winter truck and small fruits.

The Bureau of Soils has investigated the types of soils best suited to the production of a large number of different varieties of apples, not only throughout the Northeastern States, but also throughout the Appalachian region and the Ozark uplift of Missouri and Arkansas. These soil surveys have shown that different soil types are suited to single and peculiar varieties of apples which can be produced to the greatest perfection only upon a definite class of soil. The horticultural interests of several States have been vitally affected by the results of these soil surveys in New York, Pennsylvania, Virginia, Alabama, Arkansas, and Missouri.

The soil surveys in south Texas have shown that the soils of a vast region formerly given over to the grazing of cattle, and considered of only moderate value for the production of cultivated crops, are suited to the production of citrus fruits and highly valuable varieties of table grapes. The soil surveys in northern and northeastern Texas have also indicated the existence of hundreds of thousands of square miles of land especially well suited to the production of alfalfa and of other valuable forage crops. These lands constitute vast stretches of prairie which had formerly been given up to the sole production of the cotton crop. With this crop threatened by the advance of the Mexican cotton-boll weevil, it is absolutely essential that the farmers of north Texas should understand the capabilities of the soils for the production of alfalfa, corn, and sorghum. Extensive soil surveys should be made in order to demonstrate the existence of soils suited to these crops.

Along the Gulf coast of Texas, extending westward from the Louisiana rice fields, are extensive areas of prairie soils which a few scattered soil surveys have shown to be peculiarly well suited to the production of rice. Additional soil surveys should be made along the Gulf coast from the Sabine River westward to indicate the remaining areas of this prairie land which may be occupied by the rice crop. Throughout the same region the alluvial lands along the rivers constitute an additional area upon which sugar cane may be produced economically, and the extension of the home production of refined sugar necessitates the extension of soil surveys to show the extent and character of these soils.

One of the most important results of the soil-survey work throughout the cotton-growing States has been to demonstrate beyond question the fact that the annual cotton production of the Gulf States may be more than doubled without the use of a single additional acre of soil for growing the cotton crop. Soil surveys in Alabama, Mississippi, Louisiana, and Texas, and a study of the adaptation of these different soils to the different varieties of cotton, have shown that the States of the cotton belt annually suffer millions of dollars of loss from the indiscriminate planting of unknown varieties of cotton upon types of soil to which such varieties are not at all suited. Experimental work at the different state stations have shown that the amount of lint produced by cotton which has been originated and bred upon a distinct type of soil is not infrequently reduced to less than one-half the yield when this variety of cotton is planted upon another soil. If the cotton planters of the Southern States can be shown, by the means of these soil surveys, what the capabilities of their cotton soils are, and can be told what varieties of cotton will produce the largest yields upon each of these soil types, there will be an annual profit to the cotton planters alone which will return to them $1,000,000 for each $1,000 expended in the prosecution of these soil surveys.

The agricultural lands of the Southern States are not like those of the great central prairie States densely occupied by an agricultural population. In the majority of the Gulf States less than one-third of the available agricultural land is under cultivation at the present time, and in the State of Texas less than one acre in ten which is available for the production of crops was occupied by the farming population at the time of the last census. Since that time the agricultural population of Texas has been increased by over 1,000,000 people, as nearly as can be estimated in the absence of later census figures, and citizens of other States are crowding into Texas at the rate of 30,000 to 40,000 persons per month, in search of homes and agricultural opportunities on Texas soils.

Requests for the soil survey of over 60 additional Texas counties have been presented to the Bureau of Soils, supported by the petitions of the Texas Farmers' Congress, representing over 300,000 Texas farmers, by local agricultural organizations, and by boards of trade. In order that the agricultural opportunities of Texas and the nature and the character of Texas lands may be made known, not only to the present population of the State but to those who are desiring to make their homes there, the extension of the soil-survey work in Texas is earnestly desired and as earnestly urged.

Mr. UNDERWOOD. Mr. Chairman, in conclusion I want to say this, that the gentleman in charge of this bill and the gentlemen who have reported the bill to the House have uniformly,

almost, condemned the Bureau of Soils, condemned the Soil Survey, and yet we find in this bill an appropriation already of $137,000 to carry out this work.

Now, if it is no good, if it is a fake, as you say it is, if it is a useless proposition, why are you wasting government money for it; why are you bringing in an appropriation of $137,000 if it is no good? It is good, and by your very action in reporting this appropriation you stand for the Bureau of Soils; you stand for soil surveys, or you condemn yourselves. If it is good, then why should we not carry on the work; why should we not make it $237,000 instead of $137,000 to finish the work?

Mr. RUCKER. Why should we limit it to $237,000?

Mr. UNDERWOOD. I think we should push it as rapidly as we can, and if we had the men to do the work to-day, and bring it to the people, I would say $400,000; but we have got the men to work for which we ask this sum.

Mr. SHEPPARD. Five hundred thousand dollars would not meet the expense to supply all the requests made for these surveys.

Mr. UNDERWOOD. Undoubtedly. Here are people from one end of the country to the other demanding these soil surveys. Now, they want them, and the Committee on Agriculture approves the Bureau of Soils, because I will not say they condemn themselves. Therefore why should we hesitate to increase this appropriation the pitiful sum of $100,000, when you are spending millions that go to the benefit of no one, especially not to the benefit of the producing classes in this country? [Applause.]

Mr. SCOTT. Mr. Chairman, I would like to inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Kansas has six minutes remaining.

Mr. SCOTT. Mr. Chairman, while the appropriation bill was pending before the Committee on Agriculture the following gentlemen appeared before that committee to ask for more liberal appropriations for some of the bureaus: Dr. W. H. Jordan, of Geneva, N. Y.; Dr. W. E. Stone, president of Purdue University, Indiana; Dr. H. C. White, of the University of Georgia; and Prof. C. F. Curtis, dean of the College of Agriculture, of Ames, Iowa. They did not volunteer any comment upon the Bureau of Soils, I think I ought to say in fairness to them; but they were asked whether they believed the work of that Bureau of Soils to be of practical value, and they united in the declaration that in their judgment the value of that work had been grossly exaggerated. Doctor Jordan expressed this opinion, in which they all declared they concurred:

> We recognize the fact that there is being done in the laboratories of the Bureau of Soils some excellent investigational work which we would not like to see cease, and which should be encouraged. But as to this broad general study by the Bureau of Soils of various sections of the country, I do not feel that in the State of New York we have gotten anything out of it. I am answering you frankly, without the slightest desire to reflect upon anybody.

Then Doctor White, of Georgia, said:

> You are asking me now my opinion and that of the gentlemen with whom I am associated, and the general farming people whom I know, as to the utility of the soil surveys in farm practice, and I tell you that in my judgment, and I believe in the judgment of others, the importance which has been given by the Bureau of Soils itself in its reports and elsewhere to the value of that work has been grossly exaggerated.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. SCOTT. The gentleman will pardon me; I can not yield.

Mr. BARTLETT of Georgia. I should like to read some statements that the gentleman has not read.

Mr. SCOTT. The gentleman will understand, in view of the brief time I have, that I can not yield.

The extracts which I have read show clearly enough the opinion of men who have control of the state agricultural colleges, and certainly the views of trained and scientific agriculturists ought to be entitled to some weight.

The gentleman from Alabama very properly inquires why it is, if the committee believes these soil surveys to have no value, that we make any appropriation for them at all? We do believe they have value, but we believe the value depends on whether or not the surveys are followed up by utilization work; and the position we take is that with the appropriation we carry in this bill they will be able to make all the surveys which can possibly be so followed up. It is because we take this position that we make that appropriation. And to say that because $137,000 is good, $237,000 would be better, is just about as logical and worthy of about as much consideration as to say because one battle ship is good a hundred battle ships would be better, basing upon that argument a demand for an appropriation of a sufficient amount to build them.

But I take the position that if the claims of the Bureau of Soils were ten times as great as they are, I should still wish to see this amendment defeated because of the methods used to force it through this House. Of course I do not refer to the gentleman from Alabama or to any other Members of the House who are supporting this amendment. They have done nothing and are doing nothing not absolutely within their rights.

But it is well known that as long ago as last Friday, days before this paragraph in the bill had been reached, long before any public announcement had been made that this amendment would be offered, gentlemen on this floor began to receive telegrams from their constituents asking them to support "the Griggs amendment," the expectation at that time doubtless being that it would be offered by the gentleman from Georgia.

Now, those of us who have served even a single session here know perfectly well that such telegrams as these are inspired. They are not spontaneous. In the very nature of things, those who sent them could not have known that such an amendment as this was to be offered unless they had been informed, directly or indirectly, by some one who was on the inside here in Washington. Now, I know the gentleman from Alabama [Mr. UNDERWOOD] has not sent out this information, and I do not believe it has been done by any other Member. Then, who did send it out? Who is likely to have sent it except some one who had a personal interest in swelling the appropriations for this bureau? [Applause.]

No one could be more reluctant than I to make a damaging charge against any man without absolute proof to sustain it. But it is so obvious that these telegrams were inspired, and it is so obvious that the men connected with the Bureau of Soils have a greater interest than anyone else has in the passage of this amendment that I can not believe I am wrong in charging that someone connected with that bureau is responsible for this outrage. For is it not an outrage? Can there be conceived a more intolerable situation than would exist if bureau officials generally, whenever they failed to get all the money they asked for from a committee, should go over the head of that committee, over the head of their department chief, and by "building a fire" under Members of the House, by the meanest and most disreputable of the tricks of the lobbyist, should attempt to coerce Congress into swelling their appropriations?

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. SCOTT. I shall be obliged to decline. If this were the first time the Bureau of Soils had offended in this way, I should not feel so strongly about it. But gentlemen may remember that we had a precisely similar experience with this same bureau last year. At that time the officials of that bureau, in utter contempt of your Committee on Agriculture, in insolent disregard of the wishes of the Secretary of the department, demanded from this House a hundred per cent increase in their appropriation and enforced that demand through a species of lobbying, bolder and more unscrupulous than any I have ever known. The House yielded to that demand, and to-day we see the result. Emboldened by their success last year the officials of this bureau are attempting another raid upon the Treasury through the same tactics. Will they win again? I can not believe it. I can not believe that this House will deliberately give notice that all any bureau chief has to do who is disappointed with the appropriation given him by a committee in order to get all the money he wants is merely to build a hot enough fire under the Members at home. I can not believe that this House will vote to discredit its own committee and declare in effect that its recommendations are entitled to no weight as against the demands of a bureau chief. I appeal to the House to vote down this amendment and thus serve notice that the Congress reserves to itself the right to fix the limit of appropriations and that lobbying on the part of bureau officials is insufferable and must cease. [Applause.]

The CHAIRMAN. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question being taken, on a division (demanded by Mr. UNDERWOOD) there were—ayes 60, noes 90.

Accordingly the amendment was rejected.

The Clerk read as follows:

Total for Bureau of Soils, $232,660.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, re-

ported that that committee had had under consideration the bill H. R. 27053, the agricultural appropriation bill, and had come to no resolution thereon.

QUAPAW AGENCY LANDS.

The SPEAKER laid before the House the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference.

Mr. MANN. What is this bill?

Mr. SHERMAN. An Indian bill, for the alienating of certain lands of the Quapaw Nation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas.

ESTATE OF SARAH EDWARDS.

By unanimous consent, at the request of Mr. MILLER, the Committee on Claims was discharged from the further consideration of the bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station, District of Columbia, and the same was referred to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARDNER of Michigan, for four days, on account of important business.

To Mr. ESCH, for five days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns; and

H. R. 13809. An act for the relief of Charles S. Blood.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans.;

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907;

S. 8540. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.;'" and

S. 6359. An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 13809. An act for the relief of Charles S. Blood; and

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. GARDNER of New Jersey, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Henry Walrath, Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. BOOHER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of W. S. Thatcher, Sixtieth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for care and custody of insane persons in the district of Alaska for the fiscal year ending June 30, 1909 (H. Doc. No. 1435)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for care and custody of the insane in the district of Alaska for the fiscal year ending June 30, 1910 (H. Doc. No. 1436)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for an accountant for the office of Commissioner of Indian Affairs (H. Doc. No. 1437)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for the Bureau of Animal Industry (H. Doc. No. 1438)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for expenses of representation at the Brussels Conference on International Law (H. Doc. No. 1439)—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Hope*, Sylvester Bill, master (H. Doc. No. 1440)—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCALL, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 254) creating a commission to recommend a design and site for a monument or monumental memorial to Abraham Lincoln, and for other purposes, reported the same without amendment, accompanied by a report (No. 2106), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. McCALL, from the Committee on the Library, to which was referred the amendment of the Senate to the joint resolution of the House (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, reported the same adversely, accompanied by a report (No. 2105), which said amendment and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 27594) granting a pension to Anna Kennah, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LINDBERGH: A bill (H. R. 28016) to authorize the sale at auction of public land heretofore withdrawn for reser-

voir purposes and islands of less than 10 acres area—to the Committee on Indian Affairs.

By Mr. GARRETT: A bill (H. R. 28017) to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: A bill (H. R. 28018) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874—to the Committee on the Merchant Marine and Fisheries.

By Mr. PETERS (by request): A bill (H. R. 28019) for the relief of the officers of the Regular Army, Navy, and Marine Corps of the civil war, not now on the retired list of the army or navy, who resigned from said service because of wounds received in battle or because of other disabilities incurred in said service—to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 28020) to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision—to the Committee on the District of Columbia.

By Mr. SMALL: A bill (H. R. 28021) authorizing the purchase by the United States of the Albemarle and Chesapeake Canal, in the States of Virginia and North Carolina—to the Committee on Rivers and Harbors.

By Mr. HULL of Tennessee: A bill (H. R. 28022) to amend an act entitled "An act to create a new division in the middle judicial district of the State of Tennessee"—to the Committee on the Judiciary.

By Mr. ALLEN: A bill (H. R. 28023) authorizing the preparation of plans, estimates, and survey for a bridge across the Eastern Branch of the Potomac River on the line of Massachusetts avenue extended, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Ohio: A bill (H. R. 28024) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 28025) granting a pension to Katie E. Delph—to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 28026) for the relief of the Louisiana State Bank—to the Committee on War Claims.

By Mr. BRUNDIDGE: A bill (H. R. 28027) for the relief of the heirs of Wesley W. Wallace—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 28028) granting an increase of pension to Horace W. Nungesser—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 28029) to correct the military record of Robert F. Hamilton—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 28030) granting an increase of pension to George E. Lewis—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 28031) granting an increase of pension to Henry H. Minor—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 28032) granting an increase of pension to W. J. Ray—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 28033) granting an increase of pension to Nora Shepard—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 28034) granting an increase of pension to Simon P. Ulch—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 28035) granting an increase of pension to W. H. Burtnett—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 28036) granting a pension to Ethel M. Hoffman—to the Committee on Pensions.

Also, a bill (H. R. 28037) granting an increase of pension to David Rizor—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 28038) granting an increase of pension to James Enloe—to the Committee on Invalid Pensions.

By Mr. SLAYDEN (by request): A bill (H. R. 28039) granting an increase of pension to John S. Churchill—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 28040) for the relief of John W. Alves—to the Committee on War Claims.

By Mr. SWASEY: A bill (H. R. 28041) granting a pension to George I. Leonard—to the Committee on Pensions.

Also, a bill (H. R. 28042) granting a pension to John Aldrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28043) granting an increase of pension to Stephen B. Marston—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 28044) granting a pension to Peter A. August—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 28045) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Company and to permit the relinquishment of lands in certain Choctaw and Chickasaw coal leases and the substitution of other lands therefor, and for other purposes—to the Committee on Indian Affairs.

By Mr. LOUDENSLAGER: Resolution (H. Res. 554) to pay to Herman Gauss and L. S. Terry certain sums of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEALE of Pennsylvania: Petition of Woman's Christian Temperance Union of Apollo, Pa., for interstate regulation of commerce in liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. CALDWELL: Petition of M. M. Heath, of Pana, Ill., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of National Board of Trade, favoring parcels-post and savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Board of Trade, for legislation to establish schools for the training of applicants for the consular service—to the Committee on Foreign Affairs.

By Mr. DAVIS: Petition of the Minnesota Live Stock Breeders' Association, favoring the Davis bill, for promotion of technical education—to the Committee on Agriculture.

Also, petition of W. R. Wood and others, of Castle Rock; John O'Brien, of Kilkenny; and O. A. Olin and others, of Lafayette, all in the State of Minnesota, against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges (S. 6973)—to the Committee on Appropriations.

By Mr. DAWSON: Petition of James Heatley and others, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of 100 mercantile firms of the Second Congressional District of Iowa, against a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of the Shenandoah Valley Fruit Growers' Association, for law to compel inspection of imported nursery stock—to the Committee on Agriculture.

By Mr. FULLER: Petition favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American National Live Stock Association, opposing advancement in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of supervisors of San Francisco, Cal., favoring action in taking water from the Hetch Hetchy Valley, etc.—to the Committee on Irrigation of Arid Lands.

Also, petitions of the National Civil Service Reform League and Columbia Typographical Union, No. 101, of Washington, D. C., against the Crumpacker census bill (H. R. 16954)—to the Committee on the Census.

By Mr. GARDNER of Massachusetts: Petition of Salisbury Grange, No. 228, Patrons of Husbandry, favoring a national highways commission and federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. GARRETT: Paper to accompany bill for relief of W. J. Ray—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Theodore Kintzi and 33 others, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Tim Sammons and 5 others, of Triumph, Minn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Jamaica Grange, No. 378, and Calais Grange, No. 387, favoring a national highways commis-

sion and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of Ministers' Association of South Amboy, N. J., favoring temperance legislation of various sorts—to the Committee on Alcoholic Liquor Traffic.

By Mr. HUGHES of New Jersey: Petition of Delaware Valley Grange, of Landgston, N. J., favoring legislation to establish parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Delaware Valley Grange, No. 143, favoring a national highways commission—to the Committee on Agriculture.

By Mr. KAHN: Petitions of Alice M. Lord and 95 other residents of Seattle, Wash.; Byron S. Thornton and 12 other residents of Ellenville, N. Y.; John Scanlan and 96 other residents of San Francisco, Cal.; John A. Warren and 35 other residents of St. Elmo, Tenn.; Gust. Jordan and 97 other residents of Tacoma, Wash.; David C. Foss and 27 other residents of Lititiz, Pa.; Fred Noltsten and 48 other residents of Lehighton, Pa.; and A. V. Fortune and 87 other residents of San Francisco, Cal., for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., in favor of H. R. 26092, for a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Sailors' Union of the Pacific, against removal of the United States marine hospital at San Francisco from its present location to Angel Island—to the Committee on Naval Affairs.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, favoring S. 6990—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, favoring H. R. 15657—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of San Francisco Labor Council, Bayard River Steamboat Men's Union, and Marine Firemen, Oilers, and Watertenders' Union of San Francisco, Cal., against removal of the United States marine hospital at San Francisco from its present location to Angel Island—to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of U. S. Grant Post, of Brooklyn, N. Y., favoring H. R. 15829, relative to a medal of honor for Charles Rapp—to the Committee on Military Affairs.

Also, petition of S. W. Eccles, favoring H. R. 25553, for the relief of the Alaska Pacific Railway and Terminal Company—to the Committee on the Territories.

By Mr. MALBY: Petition of members of the Congregational Church of Poughkeepsie, N. Y., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. MANN: Petition of the Shenandoah Valley Fruit Growers' Association, for legislation to control manufacture and sale of insecticides and fungicides—to the Committee on Agriculture.

Also, petition of Shenandoah Valley Fruit Growers' Association, favoring a quarantine and inspection of imported nursery stock, etc.—to the Committee on Agriculture.

By Mr. NORRIS: Petition of the Grand Army of the Republic Post of Hastings, Nebr., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of S. Perkins & Co., of Rochester, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SABATH: Petition of the National Live Stock Association, of California, against advancement of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Paper to accompany bill for relief of John S. Churchill—to the Committee on Invalid Pensions.

Also, petition of citizens of Gillespie County, Tex., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolution of the directors of the Hartford Business Men's Association, of Hartford, Conn., urging the passage of the Appalachian and White Mountains forestry reserve bill—to the Committee on Agriculture.

By Mr. STANLEY: Paper to accompany bill for relief of John W. Alves, of Henderson County, Ky.—to the Committee on War Claims.

By Mr. STURGISS: Petition of John N. Tregellas, of Grafton, W. Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SWASEY: Paper to accompany bill for relief of George I. Leonard—to the Committee on Pensions.

Also, papers to accompany bills for relief of Stephen B. Marston and John Aldrich—to the Committee on Invalid Pensions.

Also, petition of citizens of Industry, Me., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Belfast Grange, No. 1068, Patrons of Husbandry, and Cassadaga Grange, No. 659, Patrons of Husbandry, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of business men of Cuba, Allegany County, N. Y., against a parcels-post and savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of oil producers of Allentown, N. Y., against putting oil on the free list—to the Committee on Ways and Means.

Also, petition of the Fredonia Preserving Company, of Fredonia, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of oil producers of Friendship, Allegany County, N. Y., against any change in tariff relative to crude oil—to the Committee on Ways and Means.

By Mr. WEBB: Petition of citizens of Lincoln County, N. C., favoring a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *February 11, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELECTRIC LIGHTING IN MANATI, P. R.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, certified copies of a franchise granted by the executive council of Porto Rico for the purpose of erecting, maintaining, and operating an electric plant, etc., in the municipality of Manati (H. Doc. No. 1444), which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company of the District of Columbia for the fiscal year ended June 30, 1908 (H. Doc. No. 1442), which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal, or canals, and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23473. An act extending the time for final entry of

mineral claims within the Shoshone or Wind River Reservation in Wyoming;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 27250. An act to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes; and

H. R. 27970. An act to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

The message further requested the Senate to furnish the House with a copy of the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 4024. An act for the relief of Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased;

S. 6359. An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia;

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907;

S. 8540. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.;'"

H. R. 18417. An act for the relief of Clark County, Ky.; and

S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of Typographical Union No. 2, of Philadelphia; Typographical Union No. 151, of Oil City; Typographical Union No. 7, of Pittsburg, and of the Allied Printing Trades Council of Erie, all in the State of Pennsylvania; of the Tri-City Allied Printing Trades Council, of Davenport, and of Typographical Union No. 203, of Council Bluffs, in the State of Iowa; of the Typographical Union of St. Joseph, Mo.; of Typographical Union No. 89, of Chattanooga, Tenn.; of Typographical Union No. 384, of Montpelier, Vt.; of the Typographical Union of Lacrosse, Wis., and of the Typographical Union of Topeka, Kans., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

Mr. CULLOM presented a memorial of Local Branch No. 119, Glass Blowers' Association of the United States and Canada, remonstrating against the decision of the court in imposing a jail sentence on Gompers, Morrison, and Mitchell, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Local Lodge No. 146, Benevolent and Protective Order of Elks, of Manchester, N. H., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Woolsorters' Local Union No. 349, American Federation of Labor, of Lawrence, Mass., remonstrating against any reduction being made in the duty on textile goods, which was referred to the Committee on Finance.

He also presented a petition of the East Washington Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing a retirement fund for the public-school teachers of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of Local Grange No. 10, Patrons of Husbandry, of West Kingston, R. I., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented petitions of Acme Grange, No. 1440, of Welshfield; of Local Grange No. 1566, of Troy, all Patrons of Husbandry; and of sundry citizens of Marlboro, Bryan, Athens, and Delphos, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the navy after twenty-five years' actual service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Columbus, Ohio, praying for the enactment of legislation to restore the business confidence of common carriers, transportation companies and associated industrial interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Grange No. 119, Patrons of Husbandry, of Randolph, Ohio, praying for the enactment of legislation to create a national highways commission, and also that an appropriation be made for the improvement and maintenance of the public highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Aero Club of Canton, Ohio, praying that an appropriation of $500,000 be made for the development of aeronautics in the United States Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Business League of America, praying that an appropriation be made to acquire in foreign countries sites and buildings for the use of the diplomatic and consular establishments of the United States, which was referred to the Committee on Foreign Relations.

Mr. ANKENY presented a petition of Local Grange No. 82, Patrons of Husbandry, of Vancouver, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Farmers' Institute of Madison County, Nebr., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented petitions of the Bay and Rivermen's Union; of the Sailors' Union of the Pacific; and of the Marine Firemens, Oilers, and Watertenders' Union, all of San Francisco, in the State of California, praying that an appropriation of $500,000 be made for the erection of a new marine-hospital building at that city, and remonstrating against the proposed removal of the hospital to another city, which were referred to the Committee on Commerce.

He also presented a memorial of the Sacramento Valley Development Association, of Sacramento, Cal., remonstrating against the enactment of legislation limiting the expenditure of the reclamation fund by the Secretary of the Interior, which was referred to the Committee on Irrigation.

He also presented a memorial of sundry citizens of California, remonstrating against any reduction being made in the duty on sugar imported from the Philippine Islands, which was referred to the Committee on Finance.

Mr. GAMBLE presented memorials of sundry citizens of South Dakota, remonstrating against the treatment accorded German-Russian immigrants by government officials on account of their alleged suffering from trachoma on their arrival at Ellis Island, N. Y., which were referred to the Committee on Immigration.

Mr. BRIGGS presented petitions of sundry citizens of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the State Board of Children's Guardians, of Jersey City; of the Woman's Club of Orange; and of the Civic Association of Madison, all in the State of New Jersey, praying for the enactment of legislation to establish a national children's bureau in the Department of the Interior, which were referred to the Committee on Education and Labor.

He also presented a petition of the State Horticultural Society, of Riverton, N. J., praying for the enactment of legislation to prohibit the manufacture, sale, and transportation of fungicides and insecticides entering into interstate commerce, which was ordered to lie on the table.

He also presented a petition of Enterprise Harbor, No. 2, American Association of Masters, Mates, and Pilots, of Camden, N. J., praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented the memorial of Henry M. Nevius, commander in chief, Grand Army of the Republic, of Red Bank, N. J., remonstrating against the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Beckwith-Chandler Company, of Newark, N. J., praying for the enactment of legislation providing for the federal inspection, gauging, grading, and marking of all naval stores, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Mercer County Central Labor Union, of Trenton, N. J., praying for the enactment of legislation to curtail the power of judges in imposing jail sentences on leading members of organized labor, which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. Aloys M. Fish, president of the American Prison Chaplains' Association, of Trenton, N. J., praying that an appropriation be made for the reception of the International Prison Congress, to be held in Washington, D. C., in 1910, which was referred to the Committee on Appropriations.

He also presented a petition of Local Union No. 112, International Brotherhood of Stationary Firemen, of Orange, N. J., praying for the enactment of legislation to license firemen, stokers, and water tenders in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the librarian of the Free Public Library of Newark, N. J., praying for the repeal of the duty on books and other printed matter, which was referred to the Committee on Finance.

Mr. McCUMBER presented a memorial of the North Dakota Retail Hardware Association, of Bismarck, N. Dak., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Morton and Oliver counties, N. Dak., praying that an appropriation be made to protect the banks of the upper Missouri River in townships 140 and 141, range 81, in that State, which was referred to the Committee on Commerce.

Mr. BURKETT presented a petition of the Farmers' Institute of Madison County, Nebr., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented a petition of sundry citizens of Lyme, Conn., praying for the passage of the so-called "rural parcels-post' and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Colchester, Conn., praying for the passage of the so-called "Burkett antigambling race bill," which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Middletown, Conn., praying for the enactment of legislation to provide for national cooperation in technical education, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of sundry citizens of Colchester, Conn., praying for the passage of the so-called "Burkett antigambling race" bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Rippowan Grange, No. 145, Patrons of Husbandry, of Stamford, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the year 1908, as required by the statute. The same statute provides for the printing of the report, so that no action by the Senate is necessary.

The VICE-PRESIDENT. The report will lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 27342) to amend the military record of David H. Dickinson, reported it without amendment and submitted a report (No. 967) thereon.

He also, from the same committee, to whom was referred the bill (S. 8932) to amend the record of David H. Dickinson, reported adversely thereon and moved that the bill be postponed indefinitely, which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5491) to increase the efficiency of the pay department, United States Army, reported it with amendments and submitted a report (No. 968) thereon.

He also, from the same committee, to whom was referred the bill (S. 9198) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah, reported it without amendment and submitted a report (No. 969) thereon.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 241) to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill., reported it without amendment.

Mr. CRANE, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 5728) for the relief of James H. De Coster; and

A bill (H. R. 15603) for the relief of John W. Wood.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 7752) for the relief of the Boston and Maine Railroad (Report No. 977); and

A bill (S. 8324) for the relief of E. C. Mansfield (Report No. 978).

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 27th ultimo, providing for an increase in the number of officers of the grade of senior captain in the Revenue-Cutter Service, etc., intended to be proposed to the sundry civil appropriation bill, reported it with amendments and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 8231) to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site, reported it without amendment and submitted a report (No. 971) thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant, proposing to appropriate $35,000 for the Alcatraz light station, California, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1894) for the relief of Lawrence T. Fetterman, submitted an adverse report (No. 972) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3828) to correct the military record of Laurence T. Fetterman and grant him an honorable discharge, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 127) authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans., reported it without amendment and submitted a report (No. 973) thereon.

Mr. FLINT, from the Committee on Education and Labor, to whom was referred the bill (S. 8323) to establish in the Department of the Interior a bureau to be known as the Children's Bureau, reported it without amendment and submitted a report (No. 974) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 10th instant, proposing to appropriate $30,000 for a light-house and fog-signal station on Eliza Island, Bellingham Bay, Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 10th instant, providing for the purchase of a site and for the purchase and construction of a wharf and storehouses thereon at some point on the northern coast of the State of Washington between Cape Flattery and Port Townsend, intended to be proposed to the sundry civil

appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant, proposing to appropriate $140,000 for establishing aids to navigation in Alaskan waters, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, reported it without amendment, and submitted a report (No. 975) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas tribe of Indians in Oklahoma, reported it with amendments and submitted a report (No. 976) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 9295) in relation to the salary of the Secretary of State, reported it with an amendment.

DONATION OF CONDEMNED CANNON.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6392) to authorize the Secretary of War to furnish two condemned brass cannon and cannon balls to the county court of Mercer County, W. Va., to report it favorably with an amendment, and I submit a report (No. 965) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, after the word "authorized," in line 3, to insert:

And directed to donate to the county court of Mercer County, W. Va., two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be used in the park surrounding the court-house, in the town of Princeton, W. Va.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to donate two condemned cannon to the county court of Mercer County, W. Va."

WYATT O. SELKIRK.

Mr. TALIAFERRO. I report back favorably, without amendment, from the Committee on Military Affairs the bill (H. R. 18726) for the relief of Wyatt O. Selkirk, and I submit a report (No. 963) thereon. I invite the attention of the senior Senator from Texas to the bill.

Mr. CULBERSON. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the name of First Lieut. Wyatt O. Selkirk shall be advanced to a place next above the name of First Lieut. George A. Wildrick on the lineal list of officers of the Coast Artillery Corps, and that thereafter the name of Lieutenant Selkirk shall be borne in that relative position on the records of the War Department and on the Army Register.

Mr. KEAN. What is the object of the bill?

Mr. WARREN. It is to correct an error. It is being done on the recommendation of the Chief of Staff.

Mr. KEAN. I thought the President had vetoed several of those bills.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. McCREARY. I am authorized by the Committee on Military Affairs to report back favorably the bill (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMAHA AND WINNEBAGO INDIAN LANDS.

Mr. BROWN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 20385) to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, to report it favorably without amendment, and I submit a report (No. 964) thereon. I ask for the present consideration of the bill. I will state that the bill in all its provisions is identical with Senate bills passed by the Senate at the present session.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BROWN. I move that the bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, and the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, be recalled from the House.

The motion was agreed to.

Mr. BROWN. I enter a motion to reconsider the votes by which the bills were ordered to a third reading and passed.

DONATION OF CONDEMNED CANNON.

Mr. WARREN. From the Committee on Military Affairs, I report back favorably without amendment the bill (S. 9160) authorizing the Secretary of War to furnish four condemned brass or bronze field guns, carriages, and cannon balls to the State of South Carolina, and I submit a report (No. 966) thereon.

Mr. TILLMAN. I ask unanimous consent that the bill may have immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORTH AMERICAN GYMNASTIC UNION.

Mr. FORAKER. From the Committee on Military Affairs, I report back favorably without amendment the joint resolution (H. J. Res. 226) authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909, and I submit a report (No. 962) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDUSTRIAL PEACE COMMITTEE.

Mr. CLARK of Wyoming. From the Committee on the Judiciary, I report back the bill (H. R. 19662) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace." The Committee on Education and Labor has had under consideration a bill identical in form and substance, and I move that the Committee on the Judiciary be discharged from its further consideration, and that the bill be referred to the Committee on Education and Labor. I call the attention of the Senator from Virginia [Mr. DANIEL] to the bill.

Mr. DANIEL. Can not the motion be divided, and the question first put on discharging the committee?

The VICE-PRESIDENT. Without objection, the question will first be put as to whether the Committee on the Judiciary shall be discharged from the further consideration of the bill. The question is on agreeing to the motion to discharge the committee.

The motion was agreed to.

Mr. DANIEL. Mr. President, this bill is identical with a bill which has been recommended by the Committee on Education and Labor, and is now on the calendar. It is simply to amend the act to establish the Foundation for the Promotion of Industrial Peace in the matter of organization, as recommended by Secretary Straus. There can be no possible objection to it. It merely changes the membership by adding the trustees provided in the original act. A similar Senate bill has been before the Committee on Education and Labor and is recommended by it for passage. I ask that the bill now before the Senate be passed.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the bill. It will be read for the information of the Senate.

Mr. HALE. I am very desirous of getting an important appropriation bill through to-day. I must object to the consideration of anything that will give rise to debate.

Mr. DANIEL. There is no possible chance for debate. Secretary Straus thus sums up the amendments, which are by the bill made to the act that was passed some two years ago:

> The amendment provides that the "Industrial Peace Committee" shall consist of 16 members instead of 9, as now provided, and shall include the 7 trustees created by the act.
>
> * * * * * * *
>
> I have also drafted an amendment to section 3, which does away with the necessity of calling an annual conference with the representatives of capital and labor for the purpose of discussing industrial problems.

These are the only changes in the act to establish the Foundation for the Promotion of Industrial Peace, under which the President awarded the Nobel prize. The substantial parts of the measure are already the law of the land.

Mr. HALE. What committee reports the bill?

Mr. DANIEL. It was reported from the Committee on Education and Labor.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. HALE. My attention has been called to the fact that the Senator from Rhode Island [Mr. ALDRICH] is not here, who objected the other day to the consideration of the bill, and I think I must object, in order that he may have an opportunity to examine it.

Mr. DANIEL. The Senator from Rhode Island objected under a misconception. The proposed law merely makes two changes in the organization.

Mr. HALE. I have stated the reason. The Senator from Rhode Island who objected to the bill is not here.

Mr. DANIEL. He objected under a misapprehension of the bill.

Mr. HALE. I know the Senator was very strong in his objection. It had better lie over until he is here.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming, that the bill be referred to the Committee on Education and Labor.

Mr. DANIEL. The bill has already been recommended by that committee. I ask that it be placed on the calendar.

The VICE-PRESIDENT. The question is, Shall the bill be referred to the Committee on Education and Labor?

The motion was agreed to.

THE SECRET SERVICE.

Mr. HEMENWAY. From the Committee on Appropriations I present a report, and I ask that the report be read.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the report.

The Secretary read the report (No. 970), as follows:

> The Committee on Appropriations, to whom was referred Senate resolution 233, given below, submit the following preliminary report:
>
> "*Resolved*, That that portion of the annual message of the President relating to the Secret Service is hereby referred to the Committee on Appropriations, who are instructed to inquire whether the legislation referred to in the message has impaired the efficiency or sufficiency of the force employed in the Secret Service; and such committee are further directed to ascertain what persons other than those included in the Secret Service were paid from the Public Treasury during the fiscal year ended June 30, 1908, for services in connection with the enforcement of the laws or for work in the detection or investigation of possible crimes or criminal acts or violations of law, including all special attorneys, special agents, inspectors, or other employees of any department of the Government or any branch of the public service, and also same information as to all persons whose employment was authorized by indefinite or general appropriations; the information to contain the names of all persons so employed or paid, their previous occupation, the nature of the work in which they were engaged, by whom they were appointed, and upon whose suggestion or recommendation; the inquiry, however, not to include officers appointed by the President and confirmed by the Senate, or officers specifically provided for by law, or laborers appointed as such and actually engaged in employment as laborers.
>
> "For the purpose of carrying out the instructions of the Senate, the Committee on Appropriations are hereby authorized, by subcommittee or otherwise, to sit during the sessions or recess of the Senate, to send for persons and papers, to subpœna witnesses, to administer oaths, to examine witnesses under oath, and to employ such clerical and other assistance as shall enable the committee to report fully and promptly upon the matters contained in this inquiry, the expenses of the investigation to be paid from the contingent fund of the Senate, upon vouchers approved by the acting chairman of the Committee on Appropriations; and said committee are further directed to report as soon as practicable, from time to time, the results of their inquiry, and to make such recommendations as they may see fit with reference thereto, and further to report what action, if any, in the judgment of the committee, the Senate should take with reference to that portion of the message."

This resolution (S. 233) was adopted by the Senate on December 16, 1908, and it authorizes the Committee on Appropriations to make inquiry into certain legislation referred to by the President in his message to Congress. That portion of the President's message which gave rise to the adoption of this resolution reads as follows:

> "SECRET SERVICE.
>
> "Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others.
>
> "The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer. The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret-service force in investigating Members of the Congress. It would be far better to do this than to do what actually was done, and strive to prevent, or at least to hamper, effective action against criminals by the executive branch of the Government."

The amendment referred to by the President in his message is an amendment to the sundry civil appropriation bill making appropriations for the fiscal year ending June 30, 1909, and the amendment reads as follows:

> "No part of any money appropriated by this act shall be used in the payment of compensation or expense of any person detailed or transferred from the Secret Service of the Treasury Department or (and) who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division."

Your committee has taken occasion to make some investigation into the origin and purpose of legislation creating the secret-service force in the Treasury Department and find that in 1857 the following joint resolution was adopted:

> "*Resolved*, That the Secretary of the Treasury be authorized to cause inquiry to be made by two competent commissioners into processes and means claimed to have been discovered by J. T. Barclay for preventing the abrasion, counterfeiting, and deterioration of the coins of the United States, and to report the results of the said inquiry to Congress at its next session, with his opinion as to the probable value of the alleged discoveries; and the sum of $2,500, out of any money of the Treasury not otherwise appropriated, is hereby appropriated for that purpose." (Approved Feb. 26, 1857.) (Stat. L., vol. 2, p. 254.)

In 1860 an appropriation of $5,000 was made by Congress to be expended under the above resolution. (Stat. L., vol. 12, p. 83.) The following appropriations were subsequently made:

Fiscal year 1861, "For the detection and bringing to trial persons engaged in counterfeiting the coin of the United States, to be expended under the direction of the Secretary of the Treasury, $10,000." (Stat. L., vol. 12, p. 102.)

Fiscal year 1865, "For the purpose of meeting any expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, or other securities of the United States, as well as the coin of the United States; * * * $100,000." (Stat. L., vol. 13, p. 351.)

Fiscal year 1866, same purposes, $50,000. (Stat. L., vol. 14, p. 22.)

Fiscal year 1867, same purposes, $150,000. (Stat. L., vol. 14, p. 310.)

Fiscal year 1868, same purposes, $150,000. (Stat. L., vol. 14, p. 455.)

Fiscal year 1868, deficiency, "For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, and other securities of the United States, as well as the coin of the United States, and other frauds on the revenue, $25,000." (Stat. L., vol. 15, p. 173.)

In appropriating for fiscal year 1869, Congress varied the language contained in the above provision in the deficiency bill and used the following language:

> "For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, and other securities, as well as the coins of the United States, and other frauds upon the Government, $150,000." (Stat. L., vol. 15, p. 111.)

This language was adhered to by subsequent Congresses until 1872, when the following provision was enacted:

> "For detecting and bringing to trial persons engaged in counterfeiting Treasury notes, national-bank notes, bonds, and other securities of

the United States, as well as the coins of the United States, and other frauds upon the Government, $125,000." (Stat. L., vol. 16., p. 497.)

For fiscal year 1873 the same amount was appropriated as was appropriated in the previous year, but the words "national-bank notes" and the words "as well as the coins of the United States" were omitted.

The language of the statute of 1874 for the same purpose is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and the coinage thereof, and for detecting other frauds upon the Government, $125,000." (Stat. L., vol. 17, p. 512.

The language of the statute of 1875 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and the coinage thereof, and for detecting other frauds upon the Government, to be disbursed under the direction of the Secretary of the Treasury, $125,000." (Stat. L., vol. 18, p. 206.)

Fiscal year 1876, same purposes, $125,000. (Stat. L., vol. 18, p. 375.)
Fiscal year 1877, same purposes, $100,000. (Stat. L., vol. 19, p. 109.)
Fiscal year 1878, same purposes, $100,000. (Stat. L., vol. 19, p. 354.)

The language of the statute of 1879 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as coins of the United States, and other frauds on the Government, $100,000." (Stat. L., vol. 20, p. 217.)

The language of the statute for 1880 is as follows:

"For detecting and bringing to trial and punishment of persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other crimes against the Government, and for no other purpose whatever, $60,000." (Stat. L., vol. 20, p. 384.)

The language of the statute for 1881 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and robbing mails, and other felonies, committed against the United States relating to postal service, the pay and bounty laws, and against the laws relating to the revenue service, and for no other purposes whatever, $80,000." (Stat. L., vol. 21, p. 265.)

The language of the statute for 1882 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other felonies committed against the law of the United States relating to the pay and bounty laws, and for no other purpose whatever. $80,000." (Stat. L., vol. 21, p. 441.)

Fiscal year 1883, same purposes, $67,000. (Stat. L., vol. 22, p. 313.)

In addition to the foregoing lump sum for 1883, specific appropriations were made for salaries of the chief and for other employees in the "Secret Service Division" in the Treasury Department amounting to $12,980. (Stat. L., vol. 22, p. 230.)

The latter appropriation, and similar ones for every year since, was made because of the act of 1882 (Stat. L., vol. 22, p. 255), requiring specific appropriations to be made for salaries of all persons employed in the executive departments at Washington.

Fiscal year 1884, same purposes, $67,000. (Stat. L., vol. 22, p. 612.)
Fiscal year 1885, same purposes, $60,000. (Stat. L., vol. 23, p. 206.)
Fiscal year 1886, same purposes, $60,000. (Stat. L., vol. 23, p. 495.)
Fiscal year 1887, same purposes, $60,000. (Stat. L., vol. 24, p. 237.)
Fiscal year 1888, same purposes, $60,000. (Stat. L., vol. 24, p. 524.)

Fiscal year 1889, same purposes, $64,000, including $4,000 to make the necessary investigation of claims for reimbursement of expenses incident to last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes. (Stat. L., vol. 25, p. 524.)

Fiscal year 1890, same purposes, $64,000. (Stat. L., vol. 25, p. 956.)

Fiscal year 1891, same purposes, $69,000, including $5,000 for the necessary investigation of violations of section 5209 (national-bank embezzlement) of the Revised Statutes. (Stat. L., vol. 26, p. 386.)

Fiscal year 1892, same purposes, $75,000. (Stat. L., vol. 26, p. 968.)

Fiscal year 1893, "For detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments as well as the coins of the United States and of foreign governments, etc., $70,000." (Stat. L., vol. 27, p. 365.)

Fiscal year 1894, "For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, etc.: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, $60,000." (Stat. L., vol. 27, p. 589.)

Fiscal year 1895, same purposes, except inquiry as to violations of section 5209, Revised Statutes, embezzlement from national banks, omitted and not included thereafter, $60,000. (Stat. L., vol. 28, p. 390.)

Fiscal year 1896 and fiscal year 1897, same purposes, $65,000 each year. (Stat. L., vol. 28, p. 931; vol. 29, p. 430.)

Fiscal year 1898, same purposes, $75,000. (Stat. L., vol. 30, p. 28.)

Fiscal years 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906: Law remained the same for each of these years.

In 1907 Congress enlarged the work of the Secret Service Division by adding the following provision: "Except in the protection of the person of the President of the United States." Otherwise the law remained unchanged.

No further change was made in relation to the authority of the Secret Service until the amendment in the sundry civil act making appropriations for the year 1909, which is as follows:

"No part of any money appropriated by this act shall be used in the payment of compensation or expense of any person detailed or transferred from the Secret Service of the Treasury Department or (and) who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division."

It would appear from reference to the various statutes relating to the secret-service work of the Treasury Department that Congress has from time to time temporarily broadened or limited the scope of this work, following in most instances the recommendations of the Secretary of the Treasury, and that it has been the intention of Congress since 1857 to limit the operation of the employees paid from this fund to investigations of counterfeiting and similar frauds incident thereto.

CUSTOM OF DETAILING OR LOANING SECRET-SERVICE AGENTS TO DEPARTMENTS.

From the testimony of the heads of various departments furnished the committees of Congress in relation to this matter, it would seem that previous to the current fiscal year a custom had grown up whereby the secret-service employees of the Treasury Department were, upon the demand of any department, loaned or detailed to such department, and paid from the funds of the department to which they were detailed or loaned, and after the particular work to which they had been assigned was finished, they were again returned to the Secret Service Division of the Treasury Department, in the meanwhile remaining on the rolls of the Secret Service Division and reporting to the chief of that division.

The effect of the amendment in the sundry civil bill for the current year is that if such transfers or details are made for the use of other departments or divisions such employees detailed can not be paid from any money appropriated by the sundry civil act. This amendment of itself does not prohibit any department or division from using such employees, provided they are paid from the appropriations other than those contained in the sundry civil act. However, it does not appear to your committee that it has ever been the intention of any Congress to build up a secret-service force under one particular head to make all classes of investigations other than those enumerated in the statute against counterfeiting, etc., and have such secret-service force working for one department, yet under the control of and reporting to a chief in another department. In the land-frauds investigation it appears that agents were detailed from the Secret Service Division of the Treasury Department to the Department of Justice and there assigned to land-fraud cases. Thus there was the situation of agents of one department loaned to another to investigate violations of laws under the administration of still another department and reporting back to the Secret Service Division, which had nothing to do with the administration of the laws violated or with the prosecution of the violators. As to whether a system of this character would or would not be desirable is another question, but such an arrangement does not appear to have ever been the intention of any Congress.

Your committee are of the opinion that Congress should make ample provision for the apprehension and conviction of all violators of the federal laws, and it is our opinion, as shown by the facts, that never before in the history of the Government has Congress so amply provided for the detection and prosecution of violations of the laws.

LAND-FRAUD INVESTIGATIONS BY THE INTERIOR DEPARTMENT.

Your committee has made inquiry into the work of the Interior Department, which has jurisdiction over the public lands and the execution of the land laws and land frauds, about which much has been said, and while this investigation of necessity has not been as thorough as it must be in order to comply with all the requirements of the resolution (S. 233), we have been able to arrive at some conclusions as to whether or not Congress has in any manner hampered the investigation and apprehension of crimes under the jurisdiction of the Interior and other departments, and also as to whether the amendment to the sundry civil bill has worked as a hindrance to justice in these matters.

It appears by the testimony of the Secretary of the Interior, given below, that but one agent from the Secret Service Division of the Treasury Department was ever detailed to the Interior Department to work on land-fraud cases:

"The CHAIRMAN. As a matter of fact, Mr. Secretary—and if I am not correct in my statement you can correct me—the Interior Department has never had but one man detailed from the Secret Service Division of the Treasury Department for the investigation of land frauds, and that man's name was Burns.

"Secretary GARFIELD. So far as the records show, I do not know of any other one." (Hearings on sundry civil bill, January 29, 1909, H. R.)

It further appears from testimony of Secretary Garfield that when he became Secretary of the Interior the matter of administering the land laws and investigating frauds was in a very chaotic and unsatisfactory condition. It appeared that the system of having secret-service employees from another department working on land matters under the control of some other chief frequently resulted in conflict and friction. The Department of Justice, being the department in which prosecutions were conducted, had detailed to investigation of land frauds secret-service employees who were evidently working at cross-purposes with the agents of the Interior Department. It does not appear who the secret-service men were, but the testimony indicates that they were detailed to the Department of Justice from the Secret Service Division of the Treasury Department. To meet and remedy this condition it appears that the Secretary of the Interior and the Attorney-General entered into an arrangement whereby agents of the Interior Department were to have sole charge of land-fraud matters until the cases were worked up and ready for prosecution, at which time they would be turned over to the Department of Justice. In reference to this arrangement it is proper to note the following statement by Secretary Garfield:

"The CHAIRMAN. The conditions prior to the making of this arrangement in the matter of investigating land frauds were not satisfactory?

"Secretary GARFIELD. The conditions were not satisfactory. There was a force under the Department of Justice that was doing work of which the Land Office had no information, and I found that they were engaged upon cases upon which our own men were engaged, and there was overlapping of work, conflict, and friction between the two bodies of men; and it was only after months of inquiry that the Attorney-General and I were able to get a clear and definite statement of exactly what cases were being worked up, whether they were old cases, or whether they were instituting new cases; and as soon as we got that informaton we did away with the independent force under the Department of Justice initiating new cases." (P. 461, sundry civil hearings, Jan. 29, 1909, H. R.)

All the evidence goes to show that the Secretary of the Interior and the Attorney-General entered into this arrangement not because of any limitation by Congress as to the use of secret-service agents, but because the previous arrangement was unsatisfactory.

The Secretary of the Interior testified (p. 462, sundry civil hearings, Jan., 1909, H. R.) that he had not used secret-service men during the fiscal year 1908 and that he did not contemplate their future use.

In fact, evidence from other sources has been brought to the attention of your committee indicating that agents of the Secret-Service Division of the Treasury Department were not considered desirable for investigation of land-fraud cases, because of their lack of knowledge of the land laws and lack of knowledge of the character of evidence that would be admissible in courts and sufficient to sustain a cause of action. Your

committee, however, has not had sufficient opportunity to verify these allegations, but they appear to be founded on facts.

CONGRESS HAS COOPERATED WITH INTERIOR DEPARTMENT FOR BETTER ADMINISTRATION OF LAW.

The multiplicity of land-fraud matters, and the laxity in the enforcement of these laws and in the apprehension of criminals, can in no wise be charged to Congress, for in only one instance in nine years has Congress failed to appropriate the amount asked for by the Interior Department, and in some instances has exceeded the estimate, and for the last five years Congress has at no time appropriated less than the amount asked for for this purpose. For the fiscal year 1908 Congress appropriated for this branch of the service in the Interior Department $250,000. For the fiscal year 1909, the year that the sundry civil amendment referred to in the President's message was in effect, Congress doubled the appropriation for the investigating branch of the Interior Department and gave them $500,000. In this connection it is proper to note the following statement made by the Secretary of the Interior before the Appropriation Committee of the House of Representatives on sundry civil hearings this session of Congress:

"The CHAIRMAN. As a matter of fact, Mr. Secretary, there is nothing in the record to show that it could be attributed in any way to the failure on the part of Congress to provide all the money that it was estimated to be necessary for the service.

"Secretary GARFIELD. You are quite right. There has never been any criticism by me made of the action of Congress in giving the department the appropriations that have been asked for this purpose, and I simply attribute the conditions we find now to the fact that there was not the present keenness for careful administration and careful investigation and examination of the work itself and the methods of conducting that work. (P. 471, sundry civil hearings, Jan. 29, 1909, H. R.)

"Secretary GARFIELD. * * * Our own officers have been negligent in not using good common sense in acting upon the cases that have come before them. The basis of the land system is the work of the register and receiver. If you have not men that are straight, with knowledge of their districts, and with legal ability on the part of the register and of ordinary business sense on the part of the receiver, then we are going to have things radically wrong. I think that much of the difficulty in land administration has been due to the failure to get the right sort of men as registers and receivers, and we have made a very great effort, and have had the hearty cooperation of the Members of the House and Senate in getting a better class of men for these positions, so that now we have very much less difficulty of that kind than we had before. Further, the inspection service that has gone into these offices during the last year has caused a number of recommendations resulting in changes of registers and receivers because they were men not fitted to carry on the work in the way that it ought to be carried on." (P. 482, sundry civil hearings, Jan. 30, 1909, H. R.)

In view of the testimony of the Secretary of the Interior, and in view of the increased appropriation given the Interior Department for the investigation of frauds, your committee are of the opinion that the amendment to the sundry civil bill referred to in the President's message has in no wise hampered the work of the Interior Department in relation to land-fraud matters, as but one agent of the Secret Service Division of the Treasury Department has ever been detailed to that department—none were used last year—and the Secretary of the Interior said that he had not contemplated using any in the future, and that owing to the fact that Congress doubled the appropriation for the purpose of investigating frauds under the jurisdiction of the Interior Department, and that the Department of Justice and the Interior Department have entered into an arrangement to handle these matters without conflicting, there has been more work done along the lines of proper administration of the law up to date of the current fiscal year than was ever done before in the same period of time in the history of the Government.

SECRET-SERVICE FORCE HAS BEEN ENTIRELY OCCUPIED IN COUNTERFEITING INVESTIGATIONS AND IN PROTECTING THE PRESIDENT.

Another matter which is relevant in considering this question is what assistance, if any, could have been rendered the various departments by the secret-service employees of the Treasury Department up to date during the current fiscal year in investigation of crimes had no limitation been placed upon their transfer or detail. In this connection it is proper to note the following statement by the Chief of the Secret Service Division:

"The CHAIRMAN. On what basis do you estimate $135,000 for the next fiscal year, which is $10,000 in excess of any amount every appropriated for this service?

"Mr. WILKIE. I estimate that because our expenses for the first half of this year have been practically half of that amount; and if we are to get through, and the business keeps up as it is, we will have to have that amount of money or hang up or discontinue the service altogether for thirty to forty-five days when we get to the end of the fiscal year. When we were confronted by this condition and found counterfeiters active all over the country, I went to the Secretary and said to him, 'We have got to spend more than we would spend if we made a monthly allotment and were held rigidly in it.' It is, of course, quite difficult in our service to say what we will have to spend in a particular month. There might come an emergency where we would have to spend $30,000 in a month. I told the Secretary how things were, and that we would either have to get after them or let them go, and he told me to go ahead." (P. 212, sundry civil hearings, H. R., Feb., 1909.)

A reference to the previous appropriations for the Secret Service Division of the Treasury Department will show that in previous years when there were no limitations upon the detail or transfer of these agents, that in several instances money appropriated for this division was turned back into the Treasury unused, as was the case in 1907 and 1908. But during the current fiscal year, with the Secret Service Division limited to work in suppressing counterfeiting and protecting the person of the President, they have all the work they can do, and an increase of $20,000 is asked for this division for the next fiscal year. It would appear from this that this division has all it can do in performing the duties for which it was originally intended. The force, however, has been reduced from 65 men to 56 men, thereby cutting off the service of 9 men. But according to the testimony of the Chief of the Secret Service Division, these men are now employed in the Department of Justice, where the Government still has the advantage of their experience and training in this work.

FORMER METHOD OF DETAILING SECRET-SERVICE EMPLOYEES TO THE DEPARTMENT OF JUSTICE NOT CONSIDERED DESIRABLE BY THE ATTORNEY-GENERAL.

Had Congress placed no limitation upon the use of secret-service employees from the Treasury Department and had given an increased appropriation, additional men could no doubt have been employed by this division and perhaps some could have been detailed to other departments. As to the desirability of this plan it is interesting to note the following statement made by the Attorney-General:

"The CHAIRMAN. The next item is, 'Detection and prosecution of crimes.'

"Mr. BONAPARTE. There, Mr. Chairman, is rather an important matter to be considered. This would be the place, if it is thought proper, to insert language which would allow us to organize a permanent force of our own, so as to get rid of the employment of secret-service men, of bank examiners, and of other persons loaned to us—not loaned in the sense of being loaned gratuitously, but hired to us by other departments. That would be the proper place in which to put in an increase of appropriation for that purpose. It would decrease the miscellaneous expenses of the United States courts, and would probably come in this place under the provision for the detection of crime. I have already stated my views pretty fully to the committee on that point." (Sundry civil hearings, p. 773, H. R., Apr. 2, 1908.)

It will be seen that the system in vogue previous to the current fiscal year was not considered a desirable one either by the Attorney-General or by the Secretary of the Interior. In fact, the Chief of the Secret Service Division himself admits, as is shown by the following statement, that the proper place for a secret-service force for general work is under the Department of Justice:

"Mr. WILKIE. * * * I grant you that the ideal situation would be to have under the direction of the Attorney-General in the Department of Justice a well-trained force that could be used for the purpose of gathering evidence in all these cases. That is where investigating forces really belong, in my opinion. They should be in the Department of Justice. The cases have to go there eventually. All our cases go to the department of prosecution." (Sundry civil hearings, p. 236, H. R., Jan., 1909.)

Congress has made an appropriation for the employment of secret-service agents by the Department of Justice, and that department has at present such a force organized; and it is the opinion of your committee, that with the exception of a small force in the Treasury Department for use in investigating counterfeiting and protecting the person of the President of the United States, the Department of Justice is the proper place for the employment of secret-service agents, as it is the department to which finally all violations of the law must be reported and which must conduct the prosecutions and trials. There is appended to and made a part of this report (marked "appendix") a list of appropriations for the fiscal years 1908 and 1909, from which the attitude of Congress may be determined.

If the amendment to the sundry civil bill for the current year 1909 has operated as a restriction upon the use of the employees of the Secret Service Division of the Treasury Department, such restriction is so technical and limited in character that it does not appear sufficient to warrant the impugning of the motives of Congress in adopting the amendment. No Congress in the history of the Government has so liberally supported the executive branch of the Government by appropriations to aid in the execution of law as has the Sixtieth Congress. The scope of the work of the Secret Service Division of the Treasury Department might be enlarged so as to enable them to investigate violations of law under the jurisdiction of that department, but to give them authority to conduct all governmental investigations would, in the opinion of your committee, be very unwise and result in much conflict and friction between the various departments.

It has never been the intention of any Congress to build up a spy system of that character. The Department of Justice, to which ultimately all prosecutions for violations of law must be referred, should have secret-service agents to enable that department to properly conduct such prosecutions. It has not appeared to your committee that there are any violations of federal laws that the Department of Justice has not the authority to investigate, including lotteries, trusts, customs frauds, and all others, except, perhaps, counterfeiting. That department now has a secret-service force of its own which will no doubt be increased as future needs demand it.

The resolution (S. 233) under which this committee is operating is very comprehensive, and it will take considerable time to collect the information to comply with its requirements. There appears to be a considerable field for useful investigation along the lines suggested in the resolution. There has come to the attention of your committee alleged cases of misuse and improper official conduct of secret-service employees, but your committee has not had the time nor opportunity to verify these, as well as many other reports conveying alleged information relating to the subjects contemplated by the resolution. It is the opinion of your committee that this investigation should continue until all the facts in reference to specific charges can be thoroughly investigated and until all other information called for by the resolution can be collected and embraced in a report to the Senate with the recommendation of the committee as to future legislation affecting these matters.

APPENDIX.

Appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908 that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States.

[The reference following each item is to the Statutes at Large, United States, volume and page.]

	Fiscal year 1909.	Fiscal year 1908.
In sundry civil act.		
Interstate Commerce Commission: For all other authorized expenditures, necessary in the execution of laws to regulate commerce, of which sum not exceeding $50,000 may be expended in the employment of counsel, and not exceeding $3,000 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding $1,500 may be expended for printing other than that done at the Government Printing Office	$700,000.00	$603,245.00

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
In sundry civil act—Continued.		
To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners	$350,000.00	
To carry out the objects of the "Act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898	10,000.00	$10,000.00
To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and to execute and enforce the requirements of the said act, including the employment of inspectors. Hereafter all inspectors employed for the enforcement of said act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General (vol. 35, p. 324; vol. 34, p. 1311)	100,000.00	100,000.00
General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, etc., $3,000; and for actual necessary traveling expenses, not exceeding $2,000; in all	5,000.00	5,000.00
Inspector of furniture and other furnishings for public buildings: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, $2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding $3,000; in all	5,500.00	5,500.00
For assistant inspector of furniture and other furnishings for public buildings, $1,600 (vol. 35, p. 327; vol. 34)	1,600.00	1,600.00
Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts" (vol. 35, p. 328; vol. 34, p. 1315)	115,000.00	125,000.00
Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs-revenue laws (vol. 35, p. 329; vol. 34, p. 1315)	25,000.00	20,000.00
For the detection and prevention of frauds upon the customs revenue (vol. 35, p. 328; vol. 34, p. 1315)	200,000.00	200,000.00
Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act (vol. 35, p. 325; vol. 34, p. 1312)	125,000.00	100,000.00
Alaskan seal fisheries: For salaries of agents at seal fisheries in Alaska, as follows: For one agent, $3,650; one assistant agent, $2,920; two assistant agents, at $2,190 each; janitor service at the government buildings at the Pribilof Islands, not exceeding $480; in all (vol. 35, p. 343; vol. 34, p. 1329)	$11,430.00	$11,430.00
Enforcement of the Chinese-exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, which shall be paid from the permanent appropriation for expenses of regulating immigration, and of said sum $1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation (vol. 35, p. 343; vol. 34, p. 1329)	500,000.00	500,000.00
Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, to be immediately available, of which sum $250,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares (vol. 35, p. 346; vol. 34, p. 1332)	500,000.00	250,000.00
Expenses of hearings in land entries: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, and of hearings in disbarment proceedings (vol. 35, p. 346; vol. 34, p. 1332)	35,000.00	9,000.00
Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City: For pay of inspectors, deputy inspectors, office force and expenses of office, $10,260; for pay of crews and maintenance of 6 steam tugs and 1 launch, $75,000; in all (vol. 35, p. 367; vol. 34, p. 1351)	85,260.00	85,260.00
Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General (vol. 35, p. 374; vol. 34, p. 1358)	20,000.00	20,000.00
NOTE.—The foregoing appropriation was $55,000 for 1908, but the difference between that sum and $20,000 was taken up in specific salaries in the Attorney-General's Office for 1909.		
Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of the United States prisoners and prisons; collection, classification, and preservation of criminal identification records, and their exchange with the officials of state and other institutions, to be expended under the direction of the Attorney-General, District of Columbia (vol. 35, p. 376; vol. 34, p. 1358)	30,000.00	30,000.00
NOTE.—The foregoing appropriation was $65,000 for 1908, but the difference between that sum and $30,000 was taken in specific salaries in the Attorney-General's Office for 1909.		
For payment of assistants to the Attorney-General and of assistants to United States district attorneys, employed by the Attorney-General to represent the United States in naturalization and other proceedings, and for other necessary expenses in connection with such proceedings and cases, which shall be paid from the permanent appropriation for expenses of regulating immigration (vol. 35, p. 376; vol. 34, p. 1361)	150,000.00	100,000.00

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
In sundry civil act—Continued.		
Enforcement of antitrust laws: That the balance of the appropriation of $250,000, entitled "Enforcement of antitrust laws, 1907 and 1908," contained in the sundry civil appropriation act approved March 4, 1907, shall be available during the fiscal year 1909, and an additional appropriation of (vol. 35, p. 375; vol. 34, p. 1359)	$250,000.00	$250,000.00
For payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records: *Provided*, That in so far as it may be deemed necessary by the Attorney-General this appropriation shall be available for such expenses in the district of Alaska (vol. 35, p. 377; vol. 34, p. 1361)	560,000.00	540,000.00
In the legislative, executive, and judicial appropriation act.		
Secret Service Division: For 1 chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; 1 clerk of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 clerk of class 1; 1 clerk, $1,000; and 1 attendant, $720; in all (vol. 35, p. 205; vol. 34, p. 955)	16,120.00	17,020.00
For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes of the United States, also including examinations of cash accounts at mints (vol. 35, p. 209; vol. 34, p. 960)	3,000.00	3,000.00
Two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each (vol. 35, p. 223)	5,000.00	----------
For per diem in lieu of subsistence of 2 special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior (vol. 35, p. 224)	4,000.00	----------
Special land inspector, connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, $2,500 (vol. 34, p. 973)	----------	2,500.00
Five special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at $2,500 each (vol. 34, p. 973)	----------	52,100.00
For per diem in lieu of subsistence of 1 special land inspector connected with the administration of the public-land service, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior (vol. 34, p. 974)	----------	2,000.00
For per diem in lieu of subsistence of 5 special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior (vol. 34, p. 974)	----------	10,009.00
NOTE.—The foregoing reduction of 4 special inspectors and expenses therefor was recommended by the Secretary of the Interior in the annual estimates for 1909.		
Three inspectors of surveyors-general and district land offices, at $2,000 each (vol. 35, p. 225; vol. 34, p. 975)	6,000.00	6,000.00
For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office vol. 35, p. 225; vol. 34, p. 975)	$7,000.00	$7,000.00
For an additional force of 100 special examiners for one year, at a salary of $1,300 each; and no person so appointed shall be employed in the States from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified (vol. 35, p. 227)	130,000.00	----------
For an additional force of 125 special examiners for one year, at a salary of $1,300 each; and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified (vol. 34, p. 977)	----------	162,500.00
For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams (vol. 35, p. 227; vol. 34, p. 977)	250,000.00	300,000.00
NOTE.—The reduction in the number of special pension examiners and the sum for expenses was made for 1909 on the recommendation of the Commissioner of Pensions.		
Division of post-office inspectors: Chief inspector, $4,000; chief clerk, $2,000; 3 clerks of class 4; 8 clerks of class 3; 12 clerks of class 2; 16 clerks of class 1; 15 clerks, at $1,000 each; 14 clerks, at $900 each; 3 assistant messengers, and 1 laborer; in all (vol. 35, p. 232; vol. 34, p. 982)	90,620.00	10,620.00
Six special agents, division of classification, at $2,000 each (vol. 35, p. 233)	12,000.00	----------
Four special agents, division of classification, at $2,000 each	----------	8,000.00
For per diem allowance for special agents, division of classification, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding $4, and for other actual and necessary traveling expenses arising in connection with the business of the division of classification (vol. 35, p. 234; vol. 34, p. 984)	7,000.00	7,000.00
For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all (vol. 35, p. 238; vol. 34, p. 987)	175,000.00	175,000.00
For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $2,500; 3 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 7 clerks of class 1; 4 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger; 1 assistant messenger; in all (vol. 35, p. 240; vol. 34, p. 990)	38,960.00	41,600.00
For Division of Information, established under section 40 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," namely: For chief of division, $3,500; assistant chief of division, $2,500; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 3 clerks of class 1; 1 clerk, $900; 1 messenger; in all (vol. 35, p. 241; vol. 34, p. 1329)	19,840.00	19,840.00
NOTE.—The foregoing was provided for in a general appropriation for 1908.		

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
In the District of Columbia act.		
FOR METROPOLITAN POLICE.		
For major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; 3 inspectors, at $1,800 each; 10 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; 3 clerks, at $1,000 each; 4 surgeons of the police and fire departments, at $600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 12 lieutenants, 1 of whom shall be harbor master, at $1,320 each; 45 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at $1,250 each; 431 privates of class 3, at $1,200 each; 123 privates of class 2, at $1,080 each; 105 privates of class 1, at $900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1909, $8,308.35; 6 telephone operators, at $600 each; janitor for police headquarters for July, 1908, $60; 14 janitors, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; 55 captains, lieutenants, sergeants, and privates, mounted, at $240 each; 64 lieutenants, sergeants, and privates, mounted on bicycles, at $50 each; 26 drivers, at $720 each; and 2 police matrons, at $600 each: *Provided*, That hereafter, in order that the full complement of the Metropolitan police force may at all times be maintained as authorized by law, the Commissioners of the District of Columbia are authorized, when vacancies occur in classes 2 and 3 of said Metropolitan police force which can not be filled by promotion, to appoint privates in class 1 equal in number to the positions vacated in said classes 2 and 3; and the respective salaries specifically provided for such vacant positions may be reduced to pay the salaries of the privates so appointed in class 1: *Provided further*, That within 30 days after the passage of this act and every 2 years thereafter persons on the pension rolls in the District of Columbia for disabilities incurred while in the service of the police department or fire department of the District of Columbia shall undergo a medical examination, and as a result of such examinations the commissioners shall determine whether the pension being paid in each case shall continue in whole or in part (vol. 35, p. 296)	$915,593.35	
For major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; 3 inspectors, at $1,800 each; 10 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; 3 clerks, at $900 each; 4 surgeons of the police and fire departments, at $600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 12 lieutenants, one of whom shall be harbor master, at $1,320 each; 45 sergeants, one of whom may be detailed for duty in the harbor patrol, at $1,250 each; 422 privates of class 3, at $1,200 each; 110 privates of class 2, at $1,080 each; each; 127 privates of class 1, at $900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3, and privates of class 1 who will be promoted to class 2, during the fiscal year 1908, $9,935.63; 6 telephone operators, at $600 each; janitor for police headquarters, $720; 14 laborers, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; 55 captains, lieutenants, sergeants, and privates, mounted, at $240 each; 64 lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each; 26 drivers, at $720 each; and 2 police matrons, at $600 each; in all (vol. 34, p. 1142)		$912,545.63
In the pension act.		
For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes (vol. 35, p. 419; vol. 34, p. 1407	1,500.00	1,500.00
In the post-office act.		
For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 10 inspectors, at $2,400 each; 15 inspectors, at $2,250 each; 15 inspectors, at $2,000 each; 10 inspectors, at $1,800 each; 130 inspectors, at $1,600 each; 110 inspectors, at $1,400; and 50 inspectors, at $1,200; in all	572,750.00	

	Fiscal year 1909.	Fiscal year 1908.
In the post-office act—Continued.		
For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home or their designated domicile, for a period not exceeding 20 consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more	$325,000.00	
For compensation to clerks and laborers at division headquarters, 15, at $1,600 each; 9, at $1,400 each; 27, at $1,200 each; 8, at $1,100 each; 13, at $1,000 each; 5, at $900 each; and 2, at $660 each; in all	96,620.00	
For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance	35,000.00	
For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes	50,000.00	
For necessary miscellaneous expenses at division headquarters	6,000.00	
For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That of the amount herein appropriated not to exceed $5,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals (vol. 35, p. 405)	20,000.00	
Salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 10 inspectors, at $2,400 each; 15 inspectors, at $2,250 each; 15 inspectors, at $2,000 each; 10 inspectors, at $1,800 each; 130 inspectors, at $1,600 each; 110 inspectors, at $1,400 each; and 72 inspectors, at $1,200 each; in all		$599,150.00
For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more		350,000.00
For compensation to clerks and laborers at division headquarters, 15, at $1,600 each; 9, at $1,400 each; 27, at $1,200 each; 8, at $1,100 each; 13, at $1,000 each; 5, at $900 each; and 2, at $660 each; in all		96,620.00
For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance		25,000.00
For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes		60,000.00
For necessary miscellaneous expenses at division headquarters		6,000.00
For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That of the amount herein appropriated not to exceed $2,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals (vol. 34, p. 1205)		20,000.00
In the diplomatic and consular act.		
EXPENSES UNDER THE NEUTRALITY ACT.		
To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes (or so much thereof as may be necessary)	8,000.00	8,000.00

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
In the diplomatic and consular act—Cont'd.		
EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.		
To enable the President to meet unforeseen emeregencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes (or so much thereof as may be necessary) (vol. 35, p. 175; vol. 34, p. 919)	$90,000.00	$90,000.00
For salaries of five consular inspectors, at $5,000 each	25,000.00	25,000.00
EXPENSES OF CONSULAR INSPECTORS.		
For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State (vol. 35, p. 180; vol. 34, p. 923)	15,000.00	15,000.00
In the Indian act.		
To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic in intoxicating liquors among Indians (vol. 25, p. 72; vol. 34, p. 1017)	40,000.00	25,000.00
To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of $3 to cover all expenses, exclusive of transportation and sleeping-car fares (vol. 35, p. 72; vol. 34, p. 1018)	3,000.00	3,000.00
For pay of 8 Indian inspectors, 2 of whom shall be engineers, 1 to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at $2,500 per annum each, except the chief engineer, who shall receive $3,500	21,000.00	21,000.00
For traveling expenses of 8 Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days (vol. 35, p. 74; vol. 34, p. 1019)	12,800.00	12,800.00
For services of officers, at $25 per month each, and privates, at $20 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies (vol. 35, p. 75; vol. 34, p. 1019)	200,000.00	200,000.00
For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at $2,000 per annum each (vol. 35, p. 75; vol. 34, p. 1020)	85,000.00	75,000.00
In the army act.		
Contingencies of the army: For all contingent expenses of the army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War (vol. 35, p. 106; vol. 34, p. 1158)	15,000.00	10,000.00
Inspector-General's Department: For pay of officers in the Inspector-General's Department	50,500.00	50,500.00
For additional pay to such officers for length of service, to be paid with their current monthly pay (vol. 35, p. 112; vol. 34, p. 1161)	16,000.00	16,000.00
For pay of expert accountant for the Inspector-General's Department (vol. 35, p. 114; vol. 34, p. 1163)	2,500.00	2,500.00
In the naval act.		
Contingent, navy: For all emergencies and extraordinary expenses exclusive of personal services in the Navy Department, or in any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper (vol. 35, p. 129; vol 34, p. 1177)	$65,000.00	$65,000.00
Total	7,214,593.35	6,520,230.63

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States.

[The reference following each item is to the Statutes at Large, United States, volume and page.]

	Fiscal year 1909.	Fiscal year 1908.
In the legislative, executive, and judicial act.		
For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices	$2,075,000.00	$2,075,000.00
For salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers	2,400,000.00	2,310,000.00
To carry out the provisions of the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," as amended by the act of March 2, 1907. And for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law (vol. 35, p. 207; vol. 34, p. 957)	200,000.00	250,000.00
Department of Labor: Six special agents, at $1,600 each; 8 special agents, at $1,400 each; 4 special agents, at $1,200 each	25,600.00	25,600.00
For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labor Legislation," and necessary expenses connected with representation of the United States Government therein (vol. 35, p. 238; vol. 34, p. 988)	64,090.00	64,090.00
In the sundry civil act.		
Expenses of United States courts: For expenses of United States courts, other than the sums for miscellaneous expenses, and for assistant attorneys in naturalization cases noted elsewhere, including salaries and expenses of United States marshals and their deputies; salaries of United States attorneys and their assistants; fees of clerks of United States courts; fees of United States commissioners; fees of jurors; fees of witnesses; and support of United States penitentiaries (vol. 35, p. 375; vol. 34, p. 1360)	6,641,480.00	5,871,820.00
In the agricultural act.		
General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering; but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to investigate and test American timber and timber trees, and their uses, and methods for		

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
In the agricultural act—Continued.		
the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $500; to pay all expenses necessary to protect, administer, and improve the national forests; and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests shall aid the other federal bureaus and departments, on request from them, in the performance of the duties imposed on them by law; to ascertain the natural conditions upon and utilize the national forests, and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 1, 1910; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the District of Columbia or elsewhere; and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department; to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding $500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the District of Columbia and elsewhere (vol. 35, p. 259, and Book of Estimates for 1908, p. 483)----	$3,151,900.00	$1,200,000.00
Pure food: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, supplies; repairs to engine and apparatus, gas and electric current, official traveling and other expenses, telegraph and telephone service, express and freight charges, labor and expert work, and all necessary expenses in conducting investigations in this bureau in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; for the rent of buildings in the city of Washington and elsewhere; to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; for all expenses necessary to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation, of		

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
In the agricultural act—Continued.		
adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named (vol. 35, p. 261; vol. 34, p. 1272)----	$760,000.00	$650,000.00
In the army act.		
Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for noncommissioned officers of the United States military prison guard; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture, hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the army, and at military posts, and not expressly assigned to any other department (vol. 35, p. 118; vol. 34, p. 1168)----	2,200,000.00	1,944,016.72
Permanent appropriations.		
Salaries of steamboat inspectors and clerks: Indefinite appropriation to pay salaries of the Supervising Inspector-General, supervising inspectors, local inspectors, and assistant inspectors of steam vessels, and clerks of steamboat inspectors, under the acts of June 19, 1886, and April 4, 1888, as amended by the acts of March 1 and 2, 1895, and April 21, 1898, and June 2, 1900 (appointments authorized by secs. 4402, 4404, and 4414, Rev. Stat.), amended by act approved March 3, 1905, and further amended by act of April 8, 1906----	450,000.00	400,000.00
Contingent expenses, Steamboat-Inspection Service: Indefinite appropriation for the payment of fees to United States marshals and witnesses (sec. 4451, Rev. Stat.), and traveling		

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
Permanent appropriations—Continued.		
and other expenses, when on official duty, of the Supervising Inspector-General, supervising inspectors, local and assistant inspectors, and all instruments, furniture, and other things necessary to carry into effect the provisions of Title 52, Revised Statutes (sec. 4461, Rev. Stat.), under the act approved April 4, 1888, amending the act of June 19, 1886, as amended by the acts of March 1, 1895, February 15, 1897, March 3, 1905, and April 9, 1906. (Book of Estimates, 1909, p. 551, and Book of Estimates 1908, p. 489)	$100,000.00	$85,000.00
Expenses of regulating immigration: For expenses of regulating the immigration of aliens into the United States, including salaries and expenses of all officers, clerks, inspectors, and other employees, permanently appropriated annually. (Book of Esitmates, 1909, p. 550, and Book of Estimates, 1908, p. 488)	2,500,000.00	1,500,000.00
Meat inspection, Bureau of Animal Industry: There is permanently appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat and meat-food products thereof which enter into interstate or foreign commerce, and for all expenses necessary to carry into effect the provisions relating to meat inspection, including rent and the employment of labor in Washington and elsewhere for each year. (Book of Estimates, 1909, p. 550, and Book of Estimates, 1908, p. 487)	3,000,000.00	3,000,000.00
Total	23,568,170.00	19,375,526.72
In the legislative, executive, and judicial act.		
[Vol. 35, p. —, and vol. 34, p. 952.]		
ACCOUNTING OFFICES OF THE TREASURY DEPARTMENT.		
Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $4,500; chief clerk, $2,500; chief law clerk, $2,500; 8 law clerks revising accounts and briefing opinions, 1 at $2,100 and 7 at $2,000 each; 6 expert accountants, at $2,000 each; private secretary, $1,800; 8 clerks of class 4; 2 clerks of class 3; 2 clerks of class 2; stenographer and typewriter, $1,400; 1 typewriter-copyist, $1,000; 2 messengers; 1 assistant messenger; and 2 laborers; in all	71,420.00	
Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $4,500; chief clerk, $2,500; chief law clerk, $2,500; 8 law clerks revising accounts and briefing opinions, 1 at $2,100 and 7 at $2,000 each; 6 expert accountants, at $2,000 each; private secretary, $1,800; 8 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 stenographer and typewriter, at $1,400; 1 typewriter-copyist, $1,000; 2 messengers; 1 assistant messenger; and 2 laborers (including 1 transferred from the Bureau of Engraving and Printing, who shall be transferred without regard to civil-service rules and regulations); in all		69,820.00
Office of Auditor for Treasury Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 4 chiefs of division, at $2,000 each; 17 clerks of class 4; 15 clerks of class 3; 13 clerks of class 2; 31 clerks of class 1; 17 clerks, at $1,000 each; 6 clerks, at $900 each; 3 assistant messengers; 4 laborers; in all	153,700.00	
Office of Auditor for Treasury Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 4 chiefs of division, at $2,000 each; 17 clerks of class 4; 15 clerks of class 3; 13 clerks of class 2; 30 clerks of class 1; 17 clerks, at $1,000 each; 6 clerks, at $900 each; 3 assistant messengers; 4 laborers; in all		152,500.00
Office of Auditor of War Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 6 chiefs of division, at $2,000 each; 24 clerks of class 4; additional to 1 clerk as disbursing clerk, $200; 50 clerks of class 3; 71 clerks of class 2; 83 clerks of class 1; 20 clerks, at $1,000 each; 14 clerks, at $900 each; skilled laborer, $900; 3 clerks, at $840 each; 1 messenger; 5 assistant messengers; and 12 laborers; in all	391,280.00	
Office of Auditor for War Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 6 chiefs of division, at $2,000 each; 24 clerks of class 4; additional to 1 clerk as disbursing clerk, $200; 50 clerks of class 3; 71 clerks of class 2; 83 clerks of class 1; 20 clerks, at $1,000 each; 14 clerks, at $900 each; skilled laborer, $900; 3 clerks, at $840 each; 1 messenger; 5 assistant messengers; and 12 laborers; in all		391,280.00
Office of Auditor for Navy Department: For auditor, $4,000; deputy auditor, $2,500; law		

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

	Fiscal year 1909.	Fiscal year 1908.
In the legislative, executive, and judicial act—Continued.		
ACCOUNTING OFFICES OF THE TREASURY DEPARTMENT—Continued.		
clerk, $2,000; 3 chiefs of division, at $2,000 each; 10 clerks of class 4; 19 clerks of class 3; 15 clerks of class 2, 23 clerks of class 1; 17 clerks, at $1,000 each; 15 clerks, at $900 each; 1 clerk, at $800; 1 messenger; 1 assistant messenger; and 3 laborers; in all	$146,340.00	
Office of Auditor for Navy Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 10 clerks of class 4; 19 clerks of class 3; 15 clerks of class 2; 19 clerks of class 1; 18 clerks, at $1,000 each; 15 clerks, at $900 each; 1 clerk, $800; 1 messenger; 1 assistant messenger; and 3 laborers; in all		$142,540.00
Office of Auditor for Interior Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 13 clerks of class 4; 16 clerks of class 3; 28 clerks of class 2; 29 clerks of class 1; 15 clerks, at $1,000 each; 10 clerks, at $900 each; 2 assistant messengers; 4 skilled laborers, at $720 each; 6 laborers; and 1 female laborer, $600; in all	170,380.00	
Office of Auditor for Interior Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 12 clerks of class 4; 16 clerks of class 3; 28 clerks of class 2; 28 clerks of class 1; 15 clerks, at $1,000 each; 10 clerks, at $900 each; 2 assistant messengers; 4 skilled laborers, at $720 each; 6 laborers; and 1 female laborer, $600; in all		167,380.00
Office of Auditor for State and other Departments: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 16 clerks of class 4; 1 clerk of class 4 (special examiner); 17 clerks of class 3; 13 clerks of class 2; 13 clerks of class 1; 5 clerks, at $1,000 each; 6 clerks, at $900 each; 1 messenger; 2 assistant messengers; and 3 laborers; in all	120,760.00	
Office of Auditor for State and other Departments: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 15 clerks of class 4; 1 clerk of class 4 (special examiner); 15 clerks of class 3; 13 clerks of class 2; 12 clerks of class 1; 5 clerks, at $1,000 each; 6 clerks, at $900 each; 1 messenger; 1 assistant messenger; and 3 laborers; in all		113,840.00
Office of Auditor for Post-Office Department: For auditor, $4,000; 2 deputy auditors, at $2,500 each; chief clerk, $2,000; law clerk, $2,500; 8 chiefs of division, at $2,000 each; 40 clerks of class 4; additional to 1 clerk as disbursing clerk, $450; 72 clerks of class 3; 91 clerks of class 2; 121 clerks of class 1; 104 clerks, at $1,000 each; skilled laborer, $1,000; 81 clerks, at $900 each; 15 female skilled laborers, at $780 each; 69 skilled laborers, at $720 each; 15 female operatives, at $720 each; 53 skilled laborers, at $660 each; 15 female operatives, at $660 each; 8 messengers; 12 assistant messengers; 6 watchmen; 24 male laborers, at $660 each; and 21 charwomen; in all	825,270.00	
Office of Auditor for Post-Office Department: For auditor, $4,000; 2 deputy auditors, at $2,500 each; chief clerk, $2,000; law clerk, $2,000; 8 chiefs of division, at $2,000 each; 40 clerks of class 4; additional to 1 clerk as disbursing clerk, $450; 71 clerks of class 3; 90 clerks of class 2; 118 clerks of class 1; 104 clerks, at $1,000 each; skilled laborer, $1,000; 81 clerks, at $900 each; 69 skilled laborers, at $720 each; 15 female operatives who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at $720 each; 65 skilled laborers, at $660 each; 15 female operatives who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at $660 each; 8 messengers; 12 assistant messengers; 6 watchmen; 24 male laborers, at $660 each; 3 female laborers, at $660 each; and 21 charwomen; in all		816,370.00
Total accounting offices	1,879,150.00	1,853,730.00

	1908.	1909.
Appropriations that can be used for frauds on the Government and violations of the law	$6,520,230.63	$7,214,593.35
Appropriations that can be used in whole or in part for investigation of frauds on the Government and violations of the law	19,375,526.72	23,568,170.00
Appropriations for accounting offices of the Treasury Department	1,853,730.00	1,879,150.00
Total	27,749,487.35	32,661,913.35

Increase of 1909 over 1908, $4,912,426.

Mr. HEMENWAY. Mr. President, I ask that the table showing the appropriations, and appearing as an appendix to the report, be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. OVERMAN. I want to make a few remarks on this report.

Mr. HEMENWAY. I want to make a few remarks myself.

Mr. OVERMAN. Very well; I will speak when the Senator concludes.

Mr. MONEY. I did not hear the request of the Senator from Indiana. I shall be glad to hear what it is.

Mr. HEMENWAY. The request was that the appendix to the report, showing the statement of appropriations for the fiscal years 1908 and 1909, be printed in the RECORD.

Mr. MONEY. Has the reading of the report itself been finished?

Mr. HEMENWAY. The reading of the report has been concluded.

The VICE-PRESIDENT. The Secretary has completed the reading of the report. The Senator from Indiana is entitled to the floor.

Mr. HEMENWAY. Mr. President, there is one thing in connection with the report that I think ought to be made clear to the members of the Senate as well as to the public. There seems to have been a misapprehension growing out of the language used in the President's message, which has led many people to believe that the whole inspection force of the Government was hampered in some way by the restriction placed on the sundry civil bill. There were only 65 men employed under the Secret Service Division of the Treasury Department when this restriction was placed on the bill. The total appropriation for that service for the fiscal year 1908 was $125,000. At the close of the fiscal year only $106,000 of that money had been used, and $19,000 was turned back into the Treasury. So the limitation that was placed in the sundry civil bill only affected the 65 men who were employed in the Secret Service Division of the Treasury Department. Now there are 56 men employed in that service, and this restriction only applies to the 56 men.

But what is the restriction? Commencing away back in 1857, this division was built up for the detection of counterfeiting and bringing to justice men who counterfeited the moneys, bonds, and securities of the United States and of foreign countries. From year to year the appropriation for this purpose has been continued, averaging possibly $75,000 a year, and in 1907 we added to this appropriation the authority to protect the person of the President. So the 56 men now in the Secret Service of the Treasury Department have as their duty the suppression of counterfeiting, numerous smaller duties, and the protection of the person of the President.

What effect has the limitation had upon that particular force? The chief of the secret-service force, Mr. Wilkie, in appearing before the committee the other day and asking for appropriations for the coming fiscal year, stated that this force had been employed all of its time during the present fiscal year in suppressing counterfeiting and in protecting the person of the President; that the appropriation that they had for this fiscal year was not sufficient and that it would have to be increased to $135,000, being $20,000 more than they used for the fiscal year 1908.

It ought to be fully understood by the people that all the discussion about this restriction upon the use of the secret-service force of the Government only applied to 65 men at the time it was made, and now applies to but 56 men.

There is suggested the further question, Did the Congress of the United States hamper the President, the Interior Department, or the Department of Justice in following up land-fraud cases by putting on that restriction? Let us see. It has been shown by this report that every minute of the time of the 56 men who belong to the secret-service force of the Treasury Department is necessary to suppress counterfeiting and protect the person of the President. So, then, if the restriction had not been put on the sundry civil bill not one of these men could be assigned to any other duty without neglecting the duty that Congress intended he should perform.

In 1906 we appropriated for the inspection force of the Interior Depatrment $250,000. The Secretary of the Interior used but $180,000 of the money, and $70,000, in round numbers, was turned back into the Treasury.

In addition to the fact that the Secretary of the Interior had a larger appropriation than he could use, the Department of Justice had a large surplus or an unexpended balance which could be used in securing evidence, preparing cases, and presenting them to the courts. So there was no restriction upon this work on the part of Congress in 1906. In 1907 and 1908 will be found the same condition of unused balances returned by these departments.

Now, let us note the fiscal year 1909, when this restriction was placed upon these 65 men, and many of the people of the country led to believe that that restriction extended to the whole inspection and special-agent force employed in the various departments of this great Government of ours. For that year we gave the Secretary of the Interior $250,000 additional money. What for? To investigate land frauds. He had $250,000. We made it a half million dollars, the greatest sum ever appropriated in the history of the Government for this purpose.

It went on the bill at the time when this restriction, applying only to these few men, went on the bill. We increased the appropriation for the expenses of hearings in land entries and for the expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries had been made or not, and so forth, from $9,000 to $35,000, an increase of $26,000. We increased the appropriation for expenses of the Department of Justice also.

It is evident and made clear, I think, in this report that the Secretary of the Interior and the Attorney-General were not satisfied with the arrangement of transferring secret-service agents to their departments to make these investigations of land frauds. You will note by the evidence of the Secretary of the Interior that he said that these secret-service agents went out to investigate land frauds, but he did not know what they were doing. He had in charge the administration of the law under his department; yet there was a force of men out there making investigations as to violations of that law, and he did not know whether they were trying to make up new cases or investigating old ones.

He took up the matter with the Attorney-General, and the Attorney-General advised him that he did not know what they were doing—whether they were investigating old cases or were trying to work up new ones—and out of that state of affairs came the arrangement between the Attorney-General and the Secretary of the Interior that these investigations ought to be taken up in the proper way—through the Land Office and through the Department of Justice.

When they came to Congress we gave them every dollar of money they asked to carry out their purpose. In fact, in the last five years Congress has continually increased the appropriations for this purpose, until we have built up an inspection service whose members, if they were to march through the streets of Washington to-day, would make an army as compared with the force we had a few years ago.

Mr. FORAKER. Will the Senator from Indiana yield to me for a question?

Mr. HEMENWAY. Certainly.

Mr. FORAKER. I should like, before the Senator passes from that, to learn, if he can inform us, how these secret-service men, who belonged in the Treasury Department, happened to become engaged in the investigation of frauds connected with the Interior Department if neither the Secretary of the Interior nor the Attorney-General knew anything about it. Who sent them?

Mr. HEMENWAY. I hope, Mr. President, if this investigation continues long enough, to be able to answer the inquiry of the Senator from Ohio. I can not answer it to-day. The Committee on Appropriations simply undertook by this first report to point out as nearly as possible the effect that this limitation has had upon the suppression of crime; and if the effect had been to prevent a proper administration or to suppress crime, the Committee on Appropriations would have promptly recommended a change in the law. But, judging from the information we have received, it has not in any manner prevented any department of this Government from making every investigation that ought to have been made, and I may say any that could be thought of by anyone to bring about the suppression of crime and bring the guilty to justice.

Mr. HALE. I ask the Senator from Indiana, who has just made this report, to state to the Senate, if he thinks it worth while, on the point he is bringing out, what the Secretary of the Interior said—that instead of being in any way assisted by the intrusion of the Secret Service in his department he has been embarrassed. If the Senator thinks that is worth while, I wish he would read here what the Secretary said about it.

Mr. HEMENWAY. I shall——

Mr. HALE. If the Senator proposes to read it later, very well.

Mr. HEMENWAY. I shall later on read just what the Secretary said in that regard. It is true the Secretary of the Interior was embarrassed and the Department of Justice was em-

barrassed by the interference of these secret-service agents in the work of investigating land frauds.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. Certainly.

Mr. TILLMAN. Can the Senator tell me whether the investigations of the subcommittee have enabled him to answer this question: If the Department of Justice, Attorney-General Bonaparte, did not have control of these men, and if Secretary Garfield did not have control of them, who did?

Mr. HEMENWAY. They were under the control of the Chief of the Secret Service.

Mr. TILLMAN. Who is he; and under whose control is he?

Mr. HEMENWAY. He was under the control of the Secretary of the Treasury, so far as the records show.

Mr. TILLMAN. I know, of course, that he is under the control of the Secretary of the Treasury in general, but under whose control was he acting in this particular business; by whom were the orders given?

Mr. HEMENWAY. I would prefer, if the Senator will permit me, to proceed.

Mr. TILLMAN. I do not want to interrupt the Senator, but that seemed to be such a remarkable condition that I did want to find out if possible, right now and here, who had them under control.

Mr. FORAKER. Will the Senator from Indiana allow me to ask him one other question at this point?

Mr. HEMENWAY. Certainly.

Mr. FORAKER. The Senator stated that the small number of secret-service men had been increased until if they were to march through the streets of the city of Washington to-day it would appear as if there were a whole army marching. That was rather an impressive figure of speech. I should like to have the figures themselves, if the Senator can give them. How many of these secret-service men have we in the employ of the Government, if the Senator's investigation has yet proceeded far enough to enable him to state?

Mr. HEMENWAY. It has not proceeded far enough for me to make an accurate statement as to the number of inspectors. They are not called secret-service men, but they do similar work and have the same powers, but are simply given a different title. I have gone far enough to know that there are more than 3,000 men now in the secret-service and inspection work of the Government, to say nothing about the men we have under the pure-food law and the meat-inspection law.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. Certainly.

Mr. TILLMAN. Could the Senator tell us how many there were five years ago or three years ago?

Mr. HEMENWAY. I could not give exact figures, but quite a number less. In fact, they have doubled and trebled during the last few years——

Mr. TILLMAN. Quadrupled, quintupled?

Mr. HEMENWAY. I would not wish to make that statement unless I were sure of the matter.

Mr. FORAKER. I hope the Senator will indulge me a little bit further. I ask this question because I saw it stated in a public address by a Member of the House in connection with the Appropriations Committee that at the close of President McKinley's administration we had only 167 such men on the pay rolls of the United States, and that we now have more than 3,000, and that the appropriations on that account for last year, or perhaps the year before, amounted to nearly $10,000,000; something in excess of $9,000,000. It was rather startling.

Mr. HEMENWAY. I should like to proceed. In addition to the fact that we gave the Secretary of the Interior $250,000 more than he had the previous year—making a half a million dollars—and in addition to the fact that we increased the other appropriation for investigations by the Commissioner of the General Land Office from $9,000 to $35,000, we increased the appropriation for the Forestry Service from $1,200,000 to $3,151,000, an increase of $1,950,000, and under the law it was permitted to transfer to any department of the Government having in charge the enforcement of the laws relating to the forestry any of these men provided for under this appropriation to assist in enforcing the law. In other words, out of this great appropriation they have the power specifically given to them in the appropriation to transfer to any department or bureau of the Government any of these men to assist in enforcing the law.

They have the power, further, to assist the States of the Union in enforcing the law. So that, so far as the appropriations for the fiscal year 1909 are concerned as relate to the Interior Department and the enforcement of the land laws and the other laws that are under the Interior Department, we have given $250,000 increase in one item, $26,000 increase in another item, and they have the benefit of this large appropriation under the agricultural act in addition.

What was taken away from them? All of this was added, and what was taken away? By the testimony of Secretary Garfield only one man had ever been assigned to the Interior Department from the Secret Service of the Treasury Department, and that man had not been at work in the Interior Department during the last fiscal year.

Now, let us see as to the Department of Justice. It is claimed——

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. HEMENWAY. Certainly.

Mr. SMOOT. I did not quite understand what the Senator said in relation to the appropriation of $3,151,000 for the Forestry Division. He does not mean to say that any part of that money was used for the Secret Service?

Mr. HEMENWAY. Oh, no. I simply say this: That under the law——

Mr. SMOOT. Under the law it could have been done.

Mr. HEMENWAY. It could have been used, as is specifically stated in the law, by any department or bureau of the Government to aid in enforcing the law relating to our timber lands.

Mr. SMOOT. But you do not claim that any of it was so used?

Mr. HEMENWAY. No; because the trouble has been we have given the Interior Department so much money to spend of their own that they could not spend it all, and they had no occasion to call for the services of these men.

Mr. SMOOT. So far as the $3,151,000 for the Forestry Bureau is concerned, I think every dollar has been accounted for, and I do not think one dollar of it ever went to the Secret Service.

Mr. HEMENWAY. I am not criticising the appropriation in the slightest, so far as this item is concerned. I am simply trying to point out to the Senate that so far as concerns the charge that Congress hampered the Interior Department in detecting crime and enforcing the law, that charge is erroneous and ought never to have been made.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. Certainly.

Mr. TILLMAN. It follows, if the Senator's statement is true, and I think the facts bear him out—that Congress in nowise has hampered the executive branch of the Government in ferreting out crimes—that the charge made that Congressmen were afraid of being investigated must also fall to the ground.

Mr. HEMENWAY. When I get through with my remarks I think I shall have convinced myself at least, whether I do anyone else or not, that the charge ought to fall to the ground.

Now, as to the Department of Justice, it might be inferred that this department was in some way hampered in making investigations. I make this statement, and I make it upon the authority of evidence from the Department of Justice, that they have complete power to investigate every crime against the Government, with the possible exception of counterfeiting, and that is because we make a specific appropriation to investigate counterfeiting. They have power to investigate every crime for which investigation a specific appropriation is not otherwise made. So there is no crime against the Government that can not be investigated by the Department of Justice or by one of the other departments of the Government.

Mr. GALLINGER. The Department of Justice has a force for that purpose.

Mr. HEMENWAY. The Department of Justice, following out the agreement made by the Secretary of the Interior and the Attorney-General, has been provided with a secret-service force of its own, and now has 40 men engaged on that work, and has power and funds to increase that force, because, as Senators well know, the Department of Justice has had a fund which it has carried over since the appropriation of a half million dollars was made to investigate trusts and to employ lawyers, to employ detectives, to be used in the discretion of the Attorney-General in ferreting out crime, and the department has had a balance from that appropriation for a number of years since the original appropriation was made. In fact, it has had more funds on hand each year than it could expend.

So no one can claim, Mr. President, that the Department of Justice has been hampered in ferreting out crime, in preparing

its cases, in having detectives to look up evidence, and watch juries, or in doing anything that can be done to bring to justice men who are guilty of crime against the Government.

Now, then, I want to make the further statement that if Congress had not appropriated sufficient funds to make these investigations of crime and to bring the criminals to justice, there might be some warrant in criticising the action of Congress. But I call upon any Senator to point out any single recommendation that has come to Congress in the last five years for the appropriation of funds to suppress crime or prosecute criminals that has not been promptly complied with. If the executive department of the Government has failed in enforcing the laws, it can not properly be charged to Congress. The fault is well explained by the efficient Secretary of the Interior, Mr. Garfield, in his testimony before the House committee, where he says their own officers have been negligent. He says:

Our own officers have been negligent in not using good common sense in acting upon cases that have come before them. The basis of the land system is the work of the register and the receiver. If you have not men that are straight, with knowledge of their districts, and with legal ability on the part of the register and of ordinary business sense on the part of the receiver, then we are going to have things radically wrong.

Congress does not appoint the registers and receivers, and is not responsible for the fact that men of this character have been placed in office. Then Congress ought not to be charged with responsibility for their inability to enforce the law.

He says further:

I think that much of the difficulty in land administration has been due to the failure to get the right sort of men as registers and receivers, and we have made a very great effort, and have had the hearty cooperation of the Members of the House and Senate in getting a better class of men for these positions, so that now we have very much less difficulty of that kind than we had before.

I want to pause long enough to congratulate Secretary Garfield upon being one man who has been willing in the present state of the public mind to compliment the House and the Senate, and to say that the Members of the House and the Senate have heartily cooperated in securing proper men for those positions.

Further, the inspection service that has gone into these offices during the last year has caused a number of recommendations, resulting in changes of registers and receivers, because they were men not fitted to carry on the work in the way that it ought to be carried on. (P. 482, sundry civil hearings, Jan. 30, 1909, H. R.)

Mr. TILLMAN. Mr. President——

Mr. HEMENWAY. The Senator will allow me for a minute. The Secretary makes this statement, and he is sustained by the Department of Justice, that in the fiscal year up to date there has been more done in the way of proper administration of the law than during any other similar period in the history of the Government. Yet this limitation was on the sundry civil act during the time when there has been more accomplished in the way of suppressing crime than during any other similar time in the history of the Government.

I can understand how men are ambitious to have more power, and how the head of the Secret Service Division would have liked to have had all of the inspection service of the United States under his control and deal them out to the various departments and have them report to him. That was one of his dreams. But the Attorney-General did not believe in it. The Secretary of the Interior did not believe in it. The other heads of departments did not believe in it. The evidence that our committee has secured proves beyond question that it would be a mistake.

We have the further statement from the Department of Justice that from an economical standpoint we save thousands of dollars by having the inspection service under the Department of Justice, where crime has to be looked into, cases worked up, witnesses secured by men who are competent to know what it takes to make their case. Senators sitting here to-day who have practiced law know that the first accomplishment necessary in a good lawyer is to know what he has to prove to make his case.

One of the objections to the use of secret-service men in the land-fraud cases was that they did not know what it required to make a case, and the result was that in Colorado, where many indictments were returned, cases had to be dismissed because the evidence did not sustain them. I want to say to the Senate of the United States and to the country that it is a very serious proposition to indict a man and bring him into court, and to that extent destroy his reputation, and then have to say, "It was all a mistake; there is not evidence enough to convict."

I heard the Senator from Montana on the floor of the Senate tell how this occurred in his State. Some 90 or 100 innocent men, as the record shows, were brought into court, their reputations destroyed. Many of them had been kept in jail. When the time came to try them the prosecution had to say, "We can not support our case."

Then, it is necessary for the protection of the citizen that men who are sent out to make these investigations have sufficient intelligence and sufficient knowledge of the law to know when they have secured the necessary evidence, and not bring men into court and afterwards turn them loose with reputations destroyed.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. I do.

Mr. TILLMAN. The Senator from Indiana has just mentioned the incompetency, or the unfitness, of receivers and registers of land offices as being the source of much of this trouble. I want to inquire whether they are appointed under the civil service.

Mr. HEMENWAY. I understand not.

Mr. TILLMAN. Then the President himself appoints them from the best information he can obtain, or for some other reason.

Mr. HEMENWAY. They are appointed by the President.

Mr. TILLMAN. The President the other day vetoed a bill in regard to the census, because the employees were not to be appointed as the result of civil-service examination; and yet he himself or his secretary does not follow that plan in regard to getting good men for this service.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. HEMENWAY. I do.

Mr. SMOOT. In further answer to the Senator from South Carolina, I will state that the President never appoints registers or receivers, however, unless they are agreed to by the Senators and Representatives in the land-office district.

Mr. TILLMAN. Unless they happen to come from the South.

Mr. SMOOT. Well, that may be true, but I mean, generally speaking.

Mr. FORAKER. Or from Ohio. [Laughter.]

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. HEMENWAY. I do.

Mr. CARTER. The registers and receivers of the land offices of the country are appointed by the President, by and with the advice and consent of the Senate, and in the long years during which these officers have been regularly appointed and have regularly served I think the records will show that no more efficient or faithful body of public servants has ever been sworn into the service of the Government in any capacity.

Within the last fifty years there have been very few cases indeed of misconduct and a trifling number of cases of embezzlement or misappropriation of money, notwithstanding from seven to ten million dollars were collected every year from public lands through these officers. If the record of the appointments under civil service could be compared with the record made by this class of officers the civil service would suffer most seriously by the comparison. The greatest possible care is exhibited in the selection. As a rule the register, a quasi judicial officer, is a lawyer; and the receiver is an expert accountant. I doubt if any process of examination would produce as able or competent a body of men as the registers and receivers are and have been.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. HEMENWAY. I will be through in just a moment.

Mr. TILLMAN. If the Senator from Indiana will permit me, I should like to ask the Senator from Montana a question. Does the Senator disagree, then, with Mr. Garfield in his statement?—

I think that much of the difficulty in land administration has been due to the failure to get the right sort of men as registers and receivers.

Does the Senator agree with Mr. Garfield?

Mr. CARTER. The registers and receivers, who have their offices at stated places, have been expected of recent years by the Interior Department to go into the country frequently a hundred or two hundred miles to inspect land. They have not been provided with traveling expenses or with means of locomotion except to go on foot. In consequence, I think the department has expected more than the provision made by the Government will supply.

Mr. TILLMAN. Just tell me whether Mr. Garfield is right or wrong. Are these good men or are they bad men?

Mr. CARTER. From my knowledge, Mr. Garfield is not borne out by the facts in the case if, as the Senator avers, he states that the officers referred to are bad men. The Senator may not understand the Secretary.

Mr. NEWLANDS. Mr. President, I should like to say a word on that subject.

Mr. HEMENWAY. I want to conclude my speech, and then I will yield the floor.

The VICE-PRESIDENT. The Senator from Indiana declines to yield.

Mr. HEMENWAY. Mr. President, in submitting the report from the committee we have simply tried to determine the facts, and I think they demonstrate that this limitation upon the sundry civil bill, which did not apply to more than 65 men, and now to 56 men, has in no way hampered the detection of crime or prevented the bringing of criminals to justice. The increased appropriations given to various departments of the Government bear out my statement that if there has been any lax administration, if criminals have gone unpunished, the departments have not performed their duty, and they can not charge it to Congress. Congress has given them every dollar they have asked for and given them every opportunity and every encouragement to detect crime and enforce the law.

Mr. CLAPP. Will the Senator from Indiana allow me to ask him a question?

Mr. HEMENWAY. Certainly.

Mr. CLAPP. I have no doubt the statement has been made, but I have not happened to see it, and perhaps there are others who have not, as to the reasons, if any have been assigned, for the amendment placing the limitation.

Mr. HEMENWAY. The reasons grew out of the fact stated by me in the early part of my remarks. The Secretary of the Interior and Attorney-General, from evidence shown in this report, had discovered that these men were making investigations as to land frauds, and they had no means of knowing what the investigations were, whether there had been a duplicate investigation. Detectives from the Secret Service were inspecting a matter pertaining to the Land Office, under the charge of the Secretary of the Interior, and if crime was discovered the law must be enforced by the Department of Justice; but these detectives did not report to the head of either department, but reported back to the Chief of the Secret Service. It was bad administration. I do not think any man who has had any experience in legislation or in executing the law would for a minute encourage such administration.

Mr. CLAPP. If the Senator will pardon me, was it not at the suggestion of these officers that it was done?

Mr. HEMENWAY. I do not know.

Mr. NEWLANDS. Mr. President, I wish to say just one word regarding the question of registers and receivers of the land office which the Senator from South Carolina [Mr. TILLMAN] put. There has been in the past a very lax administration of the land laws of the country, which has resulted in extensive frauds upon and evasions of the law, and many prosecutions have been pending in that region with reference to such frauds. Secretary Garfield, since he assumed his office, has taken the view that it is fully as important to prevent these frauds in the future and to reform the administration of the law as it is to punish those who have offended against the law. He has been particularly insistent that good men should be appointed as registers and receivers; he has sought the cooperation of Senators and Representatives from the West in that direction; and he has, according to his own statement, secured that cooperation.

In my judgment, Mr. Garfield is one of the most efficient Secretaries of the Interior we have had. I have not within my experience known any official who has been more persistent in inquiring upon the ground itself into all matters relating to our Indian Service, our Land Service, and our Irrigation Service. He has thoroughly familiarized himself with all the problems of the West by personal contact with the enterprises themselves and by personal contact with western men, and he has in all instances sought to bring into cooperation with him the best sentiment of the West.

I regret very much to learn that Mr. Garfield is not included in the next Cabinet to carry on the good work that he has already inaugurated.

Mr. OVERMAN. Mr. President, I just want to say that if I heard the reading of the report correctly, the enormous sum of more than $10,000,000 has been spent in the Secret Service of the Government, and there is an army of men engaged in that service.

For the information of the chairman of the committee and the Senate, I wish to show in a few moments how some of this money is being spent and the character of the men who compose this grand army of the Republic.

I had occasion at the last session, Mr. President, to criticise the report of the Attorney-General, in which he said there was peonage in North Carolina. I thought it was a slander, and I believe now that it was a slander upon my State. I stated in that speech that there had been no peonage cases in North Carolina except in the extreme eastern and extreme western parts of the State, where certain foreigners had come down for the purpose of building railroads, and there were some indictments, but every man who was tried was acquitted, and the district judge had said that the prosecutions were frivolous.

Now, I want to call the attention of the Senate to a very significant fact. After I had made those few remarks here in the Senate it was announced in the papers of my own particular section of North Carolina, to wit, in the Piedmont section, that detectives there were on the track of the cotton-mill men of North Carolina and that certain leading men in my State had been indicted for peonage. It turned out on the trial that was held a few weeks ago that this great Government of ours had gone to North Carolina and employed as detectives discharged cotton-mill hands who could not prove a good character in court. The cases were tried. There were indictments had against leading men in my State. Charges were brought by detectives, self-convicted criminals, employed at $2 a day, men of infamous character; and so flimsy was the testimony, so outrageous the prosecution, that the judge upon the bench felt called upon to go out of his way to criticise this great Government for bringing such charges against these good men of a great State.

I desire the Secretary to read from the report of that trial. I want the committee to hear it. I want to show the country how the people's money is being spent and wasted by the Government in indicting and trying good citizens of this country upon frivolous charges. I want the country to know what the judge on the bench says. I want the country to know the character of the witnesses and the character of the detectives employed by the Department of Justice. I ask that the Secretary read from one of the leading newspapers—one of the best papers in the country, the Charlotte Observer—what the judge said, what the lawyers said, what the witnesses testified, and what the paper said editorially, and let there be an end of such prosecutions upon such frivolous charges.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Carolina that the paper submitted by him be read by the Secretary? Without objection, the Secretary will read as requested.

Mr. HALE. Mr. President, I do not wish to interfere with the Senator from North Carolina [Mr. OVERMAN], but this whole proceeding is by unanimous consent. A very important appropriation bill is ready for the consideration of the Senate. I had hoped to be able to take it up and, as there is not likely to be any contest upon it, to conclude it this afternoon in order that the Senate might, in view of to-morrow and the next day, adjourn until Monday.

Mr. OVERMAN. It will take only a few minutes. There is only one column anyway.

Mr. HALE. The Senator is not in any way a man who takes up time here unnecessarily. I am not going to interfere with him, but I appeal to Senators to allow business to proceed. After the paper has been read I think I must make an objection to the continuation of this debate.

Mr. OVERMAN. Very well.

The VICE-PRESIDENT. The Secretary will read the paper.

The Secretary read as follows:

[The Charlotte Observer, Saturday, December 19, 1908.]

THE "PEONAGE" CASE FIASCO.

The cotton manufacturers and other employers of labor in North Carolina wil be heartened by the clear-cut certain sentences which Judge Boyd uttered in the United States district court here yesterday to the jury which brought in a verdict of "not guilty" in the alleged "peonage" cases against reputable citizens of Gaston County. He concurred in the verdict and expressed in vigorous terms his opinion regarding cases which are brought on flimsy evidence and with no legitimate end in view. It is safe to say that no more "peonage" cases which have no substantive basis to rest upon will be brought in his court; and with the outcome here yesterday and the result of the English immigrant cases at Greensboro about two years ago in mind, it is reasonably safe to say that the so-called "Department of Justice" at Washington will not soon again institute frivolous prosecutions against honest men in this federal district of North Carolina.

* * * * * * *

CHARLOTTE CASES.

The facts connected with the recent prosecutions of Andrew B. Moore, manager of Loray Mills; B. J. Dobbins, superintendent of the Loray Mills; L. H. Moore, bookkeeper of the Loray Mills; and J. W. Prim, superintendent of the Anchor Mills, of Huntersville, make an interesting story. It seems that the great United States Government has a special department at Washington that is giving its attention

to the offense of peonage, and as is usually the case is looking to the South for violations of the offense. These people up there seem to have an idea that as the South was once a slaveholding country, that she is still trying to uphold that institution and to enforce "involuntary servitude." Some government officials have been "nosing" among dissatisfied and irresponsible people and have discovered many "mares' nests."

The bill of indictment was served upon the gentlemen above named, but when the case came for trial, there was not a vestige of offense on most of the accounts in the bills of indictment; and as to those cases where there was what the lawyers call a "scintilla of evidence," it was so flimsy that the jury could not hesitate a single moment in deciding the cases. All of these men who were charged with this offense denied in the most emphatic language that they ever at any time attempted to make any man work in the mill against his will. Indeed, they say, it would be the height of folly to attempt to force a man to work in the mill, for the reason that a dissatisfied employee could with the greatest ease wreck the machinery and do more damage in one minute than could be repaired in many weeks. So that, as a matter of fact, no mill owner wants to force an employee to work in his mill.

THE STAR WITNESS.

But the curious thing about the cases just tried against Messrs. Moore and Dobbins was that one Ed McFadden was the star witness; and strange as it may seem, it is yet true that McFadden was the man who had himself been an employee of the Loray Mills, and he claimed that he was the one who had held these several parties as peons. In other words, he was the real guilty man according to his own confession; and yet, instead of prosecuting McFadden, the great United States Government employed him to get up evidence to convict Moore and Dobbins of being participants in his crime. McFadden testified that the government agents paid him $2 per day and all his traveling expenses while he went around with them working up these cases against Moore and Dobbins.

LAWYERS ROAST THE GOVERNMENT.

It is not surprising that with this state of affairs the lawyers for the defendants gave the Government a good roasting. Mr. Tillett, in his argument for the defendants before the jury, stated that there seemed to be something behind these prosecutions, and there seemed to be somebody somewhere who was trying to disturb our labor conditions and threaten and intimidate our cotton-mill men. He referred in scathing language to the spectacle presented in this case, in which the money of the Government, which belongs to all the people, was being spent to hire a self-convicted offender to go about the country and get up testimony to punish other people for his own wrongdoings. He showed what an outrageous wrong was done to have innocent men, men of the highest standing and respectability, arrested and hauled before the courts upon charges furnished by such a man as McFadden, and he asked the jury to give a sharp rebuke to such prosecutions and to let the authorities at Washington and elsewhere know that such proceedings could not be tolerated and that they might as well stop spending the Government's money in this way. His appeal was that our cotton-mill men be let alone and be allowed to work out for themselves the many and difficult problems that confronted them. Mr. Mangum, of Gastonia, also spoke for the defendants along the same line.

JUDGE BOYD'S POSITION.

A good many people have an idea that the federal court is a foreign institution, but it should be borne in mind that this court is made up of our own people. Judge Boyd is a native and citizen of this State, and all the jurors are citizens of this State and likewise the other court officials. It is not surprising, then, that the jury not only promptly returned a verdict of not guilty in the case, but that Judge Boyd delivered himself in clear language condemning unreservedly such prosecutions as these. He seemed to think that it was well enough to let the people who were stirring up such charges know that it was useless to bring them into his court where there was no more foundation for them than there was in these cases. It is thought that Judge Boyd's wholesome remarks from the bench will serve to put a quietus upon this business for a while at least.

LET US HAVE PEACE.

The Observer makes bold to express the hope that with the incoming administration Mr. Taft, who has manifested a friendly disposition to the South, will put men in the saddle in the Department of Justice, and elsewhere, who will not have any desire to harass and vex the southern people with unjust and vexatious prosecutions. Nobody here wishes to permit any slavery or peonage, but the Government can not afford to be relying upon the statement of every dissatisfied and unscrupulous employee and bring before the courts our "captains of industry" and men who are doing more than any others for the upbuilding of our material prosperity. In the language of General Grant, "Let us have peace."

During the reading of the foregoing paper.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary will resume the reading of the paper.

After the reading of the paper had been concluded,

Mr. HEMENWAY. I ask unanimous consent that 2,000 extra copies of the report I have just filed be printed for the use of the Senate. Quite a number of Senators have asked that additional copies be supplied.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

NAVAL APPROPRIATION BILL.

Mr. HALE. A good many Senators, as the morning hour has been cut off, have matters to present in the ordinary run of morning business. I should like to have unanimous consent to take up the naval appropriation bill, and then I will not try to proceed with it until the morning business has been completed.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent for the present consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes. Without objection, the bill is before the Senate, and at the request of the Senator from Maine it will be temporarily laid aside.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced a bill (S. 9296) granting an increase of pension to James P. Logan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 9297) granting a pension to Louise Lawson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 9298) authorizing the preparation of plans, estimates, and survey for a bridge across the Eastern Branch of the Potomac River on the line of Massachusetts avenue extended, in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 9299) to regulate the price of gas in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 9300) to provide for the extension of Newton place NW., from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass's subdivision with Newton place in Whitney Close subdivision, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. McCUMBER introduced a bill (S. 9301) to provide for refund to Adam Pfeifer of money erroneously paid by said Adam Pfeifer to the Government of the United States in making final homestead proof, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 9302) for the relief of Margaret F. Watson, which was read twice by its title and referred to the Committee on Claims.

Mr. FRYE (by request) introduced a bill (S. 9303) to provide for the better security of lives of passengers and crews on board vessels of the United States, which was read twice by its title.

Mr. FRYE. This is a very important bill, and is the result of the deliberations of the commission appointed by the President. I approve of some of the provisions and of some others I can not approve. Therefore I wish that the bill may show that it was presented by request.

I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. McCREARY introduced a bill (S. 9304) for the relief of Madison County, Ky., which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Indian Affairs:

A bill (S. 9305) to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska; and

A bill (S. 9306) to authorize the issuance of patents to members of the Turtle Mountain Band of Chippewa Indians for allotments and selections made under the act of April 21, 1904.

Mr. McENERY introduced a bill (S. 9307) for the relief of the Louisiana State Bank, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BEVERIDGE submitted an amendment proposing to increase the limit of cost for the purchase of a site and erection of a post-office building at Goshen, Ind., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $125,000 for the purchase, by condemnation or otherwise, of additional lands and grounds for the government building at Boise, Idaho, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CARTER submitted an amendment proposing to acquire water rights and necessary lands therewith, intended for a permanent water supply for Fort William Henry Harrison, Mont.,

etc., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. OVERMAN submitted an amendment providing for the completion of the roadway from the Salisbury National Cemetery from Union street in the city of Salisbury, N. C., to the Salisbury gate, etc., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $30,000 to establish a denatured-alcohol distillery at Lincoln, Nebr., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $1,300 for the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate $2,500 for the equipment of certain suburban school buildings in the District of Columbia with stationary chemical fire-extinguishing appliances, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $80,000 for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

REPORT ON FUELS AND STRUCTURAL MATERIALS.

Mr. DIXON. I present a letter from the President of the United States, transmitting a copy of the report of the advisory board on fuels and structural materials. I move that the letter and accompanying report be printed as a document (S. Doc. No. 713).

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 11th instant approved and signed the following acts:

S. 568. An act for the relief of Capt. George Van Orden, U. S. Marine Corps;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France; and

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

COMMISSION ON NATIONAL HISTORICAL PUBLICATIONS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 714), which was read, and, on motion of Mr. HALE, was, with the accompanying paper, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, a report by the committee on department methods on the documentary historical publications of the United States Government, together with draft of a proposed bill providing for the creation of a permanent commission on national historical publications.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 11, 1909.*

RESTRICTIONS ON INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CLAPP, Mr. CURTIS, and Mr. PAYNTER.

CONSTITUTION ISLAND.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to be furnished with a copy of Senate amendment to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in Hudson River, New York, to replace the original copy of amendment, which had been lost; and there being no objection, by unanimous consent, the request was ordered to be complied with.

HOUSE BILLS REFERRED.

H. R. 23473. An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the Island of Oahu, Territory of Hawaii," approved June 20, 1906, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 27250. An act to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was read twice by its title and referred to the Committee on Interoceanic Canals.

ADOLPHUS ERWIN WELLS.

Mr. OVERMAN. I move that the President of the United States be requested to return to the Senate the bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells.

The motion was agreed to.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

Mr. GORE. I move that the Senate request the House of Representatives to return the joint resolution (H. J. Res. 247) relating to the celebration of the one-hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, with the Senate amendment to the same.

The motion was agreed to.

LANDS IN KOOTENAI COUNTY, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 8822) providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho. An exigency exists in this case; public work is being retarded; and there is no controversy about the matter.

Mr. HALE. And there will be no debate?

Mr. HEYBURN. No debate at all.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for the relinquishment by the United States unto the county of Kootenai, in Idaho, of all of its right, claim, or title to or possession of a certain piece or parcel of land situated in Kootenai County, in the State of Idaho, being a part of lot 49, which is a portion of the Fort Sherman Military Reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE LINES ON SCOWS.

The bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," was read twice by its title and referred to the Committee on Commerce.

Mr. DEPEW subsequently said: I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," to report it favorably without amendment. As the bill is very brief, I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill which he has just reported. Is there objection?

Mr. DEPEW. Mr. President, at the last session there was enacted a bill which I introduced at the request of certain marine bodies in New York for the purpose of putting life lines and other methods of protection on scows going out to sea. It was meant to apply only to scows which went beyond the harbor. This bill is intended to restrict the operation of that act to such scows, and not to have its provisions apply to those which work simply in the harbor of New York. The bill has passed the other House.

Mr. KEAN. While this matter is up, I want to ask the Senator from New York if he has ascertained whether this will assist the people engaged in the shad fisheries, who are now for-

bidden under the law passed last year even to go out in boats and draw in their nets?

Mr. DEPEW. It will assist, as I understand, all that class of boats that do not go out to sea that are now compelled to obey those regulations and put life lines and other paraphernalia on their scows, which it is impracticable for them to do.

Mr. KEAN. Then it will relieve the people engaged in the shad fisheries?

Mr. DEPEW. It is intended to do that.

Mr. CULBERSON. Mr. President, we are unable to hear the conversation which is going on on the other side of the Chamber.

Mr. FRYE. Mr. President, this bill relates to scows in New York Harbor which carry out the refuse of the city of New York and dump it into the ocean. It is utterly impossible for them to have life lines or ropes. All the bill does is to relieve them from that requirement.

Mr. CULBERSON. I understand this is a House bill which has been reported favorably from the Committee on Commerce?

Mr. DEPEW. Yes, sir.

The VICE-PRESIDENT. The bill has been favorably reported from the Committee on Commerce by the Senator from New York [Mr. DEPEW], who has asked unanimous consent for its present consideration.

Mr. HALE. It will not give rise to debate?

Mr. DEPEW. No.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the requirements in regard to life line or rope contained in section 8 of the act approved May 28, 1908 (being chap. 212, Stat. L., 1st sess. 60th Cong.) entitled "An act to amend the laws relating to navigation, and for other purposes," shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed 1 foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least 14 inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. McLAURIN. Mr. President, I desire to submit a few remarks on what is known as the "Brownsville affair," and I ask that Senate bill 5729 be laid before the Senate.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. Yes, Mr. President, for the present; though, of course, I do not want the naval appropriation bill displaced.

The VICE-PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Mississippi.

Mr. HALE. Let the title of the bill be read.

The VICE-PRESIDENT. The Secretary will read the title of the bill.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. McLAURIN. Mr. President, on the night of the 13th of August, 1906, the people of the town of Brownsville, a population of six or eight thousand, retired in supposed perfect safety and protection. There were three companies of United States soldiers stationed in the town, organized, armed, equipped, and salaried by the people of the United States, including the people of Brownsville, to protect all the people of the United States, including the people of Brownsville. They were sworn to this effect. These soldiers were negroes—about 150 in number.

About midnight of this day a fusillade of high-power guns was turned loose upon the houses and the sleeping occupants thereof, and upon any who happened to be in the streets; and one man was killed in his house, a lieutenant of police had his arm shot off, and another man was slightly wounded in the hand. This murderous assault was made without the least warning to any citizen of the town, and upon the population who were resting in supposed perfect security.

The eyes of all who were in eyeshot of the firing immediately turned upon the assassins, and to the astonishment of the populace they were discovered to be negro soldiers. Their flight to the barracks where the three companies were quartered evidenced, and even demonstrated, that they were members of the three companies, B, C, and D, of the Twenty-fifth Infantry, whom I have just mentioned.

The President of the United States promptly and properly set to work to ascertain whether it were true, as charged in the next day's dispatches, that the soldiers who were organized for the protection of the country and the community where they were stationed, had actually made a raid upon a peaceable town and shot its citizens who were in the peace of the Commonwealth. He ascertained beyond doubt that soldiers of these three companies, and they alone, were the murderers, and then set agencies to work to ascertain, if possible, which particular soldiers were the principals engaged in the murder of one citizen, maiming of another for life, wounding another, and shooting into houses where men, women, and children were asleep, and endangering their lives.

He was unable to fix with certainty the identity of the ones who did the shooting, but he became thoroughly convinced that practically all the members of these three companies knew who did the shooting or were cognizant of facts which would disclose the identity of the real perpetrators of the murderous act, if they would divulge them. The negroes refused to disclose the names of the assassins.

Under this state of facts, what was the President to do? What ought he to do as Commander in Chief of the Army? Here were three companies of soldiers, one-tenth of whom had, "in that noon of night, when thought mounts her zenith with the stars, and graveyards yawn and give up their dead," shot into the houses of an unoffending American town, murdered and maimed its citizens, and the other nine-tenths could disclose the identity of the murderers if they would, and refused to do so. If these soldiers, after the commission of this brutal murder of one citizen and murderous assault upon the whole population of the town, were to go entirely unpunished, they would thereby be encouraged to the commission of other crimes of the same diabolical character, and on a larger scale. If one was to go unpunished all must go unpunished, because it was impossible to name the specific individuals who pulled the triggers of the guns when the shooting was done. It was therefore impossible to punish any soldier, either by the military discipline or by the civil government, on a charge of murder.

Must the President, therefore, leave these men, one-tenth of whom are known to be assassins, in the town of Brownsville to further terrorize the citizens? Imagine the consequences. The people could not afford to retire to their rest at night under such circumstances, and they would naturally provide some means for their defense, and, in doing so, they would endanger the peace of the community, which danger might result in the death of hundreds of citizens and in the destruction of the entire three companies of negro soldiers as well. Would any fair-minded citizen blame the people of the town of Brownsville for so organizing for their protection under such impending threatenings? You would not; you could not blame them.

No fair-minded man can say for a minute that the people of Brownsville could have felt safe in the lives of their men, women, and children if these troops had been left there after the shooting of the night of the 13th of August, 1906, with no punishment inflicted upon anybody. No just man would have put such an infliction upon any community. If that is so with reference to Brownsville, is it not so with reference to every other community in the United States? If they were not fit to remain in Brownsville as an organized body, were they fit to be sent to a town in any other part of the country? If not, then what was the President to do except to discharge them from the army? Not to punish them, but to discharge them from the army, because they were no longer, under the circumstances, of any use to the military service of the country.

You say this is punishment indiscriminately of guilty and innocent alike. This is a mistake; it is not the punishment of anybody. You say men are being punished without trial and without conviction. They are not being punished. They can no longer serve the country with efficiency nor with safety to the citizens of the country, and they must necessarily, therefore, be discharged if the people are to be protected from murder and assassination. This is not punishment of the soldiers, but protection of the lives of the people.

If you had a bushel of wheat one-tenth of which was saturated with poison and you could not discriminate between the healthy and the poisonous wheat, you would reject it all. You would not give the wheat thus contaminated to a horse, nor would you give bread made from it to a dog.

If a hundred and fifty American citizens were on board a ship and one-tenth of them had been exposed to yellow fever or smallpox or cholera, and you could not distinguish those who had from those who had not been so exposed to these plagues or diseases, you would not permit one of the cargo of passengers to land upon our shore. It would not be a punishment of the innocent without trial; it would be an exigency which would

necessitate their exclusion for the protection of the health and lives of the people of the country. So in this case, the exclusion of all the members of the Companies B, C, and D, of the Twenty-fifth Infantry, was not a punishment of the innocent with the guilty, but it was a necessity that could not be avoided by any power of the military or civil government. The people are not for the army, but the army is for the people. When any company or companies of soldiers are no longer of any service to the country it is the right of the country and the duty of the Government to disband them. More especially is this so when any company or companies, in their organization, are dangerous to the lives and peace of the people.

But a resolution was introduced by the senior Senator from Ohio to investigate the action of the President and the Secretary of War in disbanding these three companies. That able, learned, and distinguished Senator is to be congratulated on the triumph in the Senate which seems now to be almost within his grasp. At the outset he seemed to have before him a hopeless task. It is fair to say that at least one-half of the Republican Senators and all the Democratic Senators were opposed to the bill which he presented at the conclusion of the investigation that proceeded from the resolution that he introduced. Now, if present indications are worthy of credence, it seems that he will be able to rally nearly the entire support of the Republican Members of the Senate for his bill. He has accomplished this against the power and influence of the administration. Grappling with the administration in mortal political combat with one hand, he has been able with the other to compel the hostile Republican party in the Senate into obedient followers of his flag, and this just as he is leaving the Senate. Certainly he is to be congratulated even if his triumph should go no further.

Of course I have no right in this body to say what the President will do with the bill if it should ever get to him; whether he will sign it or veto it. One can scarcely help conjecturing, however, that the President would hardly stultify himself by putting upon the bill the approval of his signature.

I think the President acted with due deliberation in his investigation of the Brownsville affair. I think he had sufficient facts before him to justify him in the course he pursued, and he can hardly be expected now, just as he is going out of office, to attach his signature to a bill that would condemn him in all history. If he gave proper consideration to the case when it was presented to him, and rendered a fair decision upon it, why should he now be expected to confess by the approval of this bill that he was hasty, inconsiderate, and unjust in the one act which, above all other acts of his, should entitle his administration to the esteem of his countrymen?

His discharge of these negro soldiers was absolutely necessary to the security of life and the protection of property. It was necessary for him to discharge these three companies of negro soldiers, or else impose their threatening and dangerous presence upon the town of Brownsville or some other community in the country, one-tenth of whom had demonstrated their capacity to commit brutal, cowardly, and diabolical murder with impunity, and the other nine-tenths either so worthless that under the glaring circumstances they could not detect the least evidence that would point to the criminals, or so base and depraved that they would not disclose the evidence that would lead to the detection of the actual participants in the terrible crime.

No man in the President's position could hesitate for a minute as to what he should do, and the President is entitled to the plaudit, "Well done, good and faithful servant," for the act of discharging the whole worthless band. It is not to be expected now that he will do any act in reference to this matter that will draw a black mark across a course of conduct in the matter deserving of such high commendation.

If they had been white soldiers instead of negroes who were guilty of the murderous affray in Brownsville, I do not believe their discharge by the President would have excited any interest in or provoked any consideration of Congress. But as soon as the President, in the faithful performance of an exalted duty, discharged the murderous band of negroes the anger of the negro race all over the country was aroused.

Almost the entire negro race in the country poured out their wrath upon the President and demanded the restoration of these three companies of negroes to the army. They made no inquiry of the facts, they cared nothing of the guilt of the negroes. It was enough for them that the negroes had murdered white people and not negroes, and that the President had taken steps to prevent the recurrence of such a horrible crime, and that the steps taken by the President discharged the guilty negroes from the army. The negroes, without regard to the merits of the case, made it a race issue and demanded of the President that he surrender to them his judgment and discretion in the performance of this high duty. There were, and are, some negroes who did not, and do not, take this vicious view, but they are the exception and not the rule.

The negro race, with these exceptions, now demands of Congress without regard to the justice or merits of the case that these three companies be restored to the army simply because they are negroes. It is useless to talk of restoring the innocent and excluding the guilty. When I say guilty, I mean the ones who actually did the shooting, for I believe every negro in the three companies is guilty in the sense that every one of them knew who did the shooting and concealed his knowledge of the crime, and is therefore guilty of the grossest breach of discipline. You can not distinguish between those who are guilty of the act and those who are not, and therefore if you restore one you must restore all, including the assassins.

I appeal to you to be careful of what you do in this regard. Do not restore these bloody assassins to the army. Do not give them to understand that their cruel crime is indorsed by the Congress of the United States. I know you do not mean to indorse this crime by the action you take on this bill, but every negro, both in the army and outside of the army, will understand by your passage of this act that you mean to indorse the diabolical crime committed by the negro soldiers in Brownsville.

And why should they not so understand? They understand the traits of the negro, but they do not know that you do not understand them. They know that it was impossible for one-tenth of the negro soldiers to take their guns and ammunition and fire volley after volley into the town not more than 350 yards from the barracks and to arouse both the populace and the soldiers by resounding arms and then return to the barracks ten or twelve minutes after the firing without discovering their identity to any other soldiers. They know further that negroes do not conceal from one another their acts of violence committed against white people. They know that it would have been a matter of boast of the negroes who did the shooting to those who did not participate that they were the heroes of this bloody tragedy.

In the South, when the negroes commit a crime against the white race, they have nothing to fear of disgrace in the estimation of their race. When a negro has been sent to the penitentiary and served his sentence, or is pardoned and returns to his old haunts, instead of with a mark of infamy he returns as one distinguished. They often boast of the fact that they are of such consequence that they have been sent to the penitentiary for crime, and therefore other negroes must beware of incurring their displeasure, because they have upon them the insignia of a dangerous man in the fact that they have served in the penitentiary.

It is no pleasure to me to recount these traits of the negro character. I wish it were not so. But it is so, and the fact that it is so ought to be prominent in the consideration of this question. I can not shirk this duty. I owe its performance to the country in general, and to the people of Mississippi in particular. The people of Mississippi have been and are good to me. I owe it to them when I see a dangerous measure like this impending to give, if I can, the facts that ought to be considered in its aversion, however unpleasant to do.

Let it once be admitted that the criminal actors of the murderous affray at Brownsville were members of the negro companies—and what impartial thinking man could reach any other conclusion—and let it be admitted that it is impossible to distinguish the guilty from the innocent members of the company, admitting for the sake of argument that there are innocent members, and to me the restoration of these three companies to the army is horrible to contemplate. I was about to say the restoration of these companies to the service of the country in the army, but I will not say that, because it is impossible for companies in this state of case to serve the country in the army. Tainted with one-tenth of their number as assassins, nobody could trust them.

The Senator from Ohio spends hours in an exhaustive attempt to show that the most strenuous efforts of the President have been unable to distinguish the guilty from the innocent; that after spending thousands of dollars and weeks and months of labor, the President has been unable to designate a single one of the bloody actors in that tragedy. Not only does the Senator from Ohio contend that the President has been unable to designate one of the criminal actors, but he contends that the President's most strenuous efforts have not been able to throw any reasonable suspicion upon any one. It has been two years and nearly a half since the crime was committed, and if during that time all the efforts that have been exerted have failed to give a single circumstance that would indicate the par-

ticular ones that did the shooting, how is it possible for a board composed of five officers to designate any particular ones as the guilty—even if we hold that none are guilty except those who pulled the triggers?

If not, what then is to be the rule? Is every man to be presumed innocent until proof points conclusively to his guilt? If so, the enactment of this bill will be virtually to restore the three companies entire, because it will be impossible to distinguish the ones who did the shooting from those who did not participate. Admitting the guilt of some—about one-tenth of the three companies—does any Senator want these guilty assassins in the army? If he does not want them in the army, is he so solicitous to have the other nine-tenths in the army that he is willing to vote the one-tenth of the number who are assassins of the blackest type into the army in order to put the other nine-tenths in the army uniform?

But let us reverse the case. If it is the proposition to only restore those who can prove their innocence, how is that going to be done? You can not prove the innocence of a part of these three companies unless you prove the guilt of the other part, and, if, as the Senator from Ohio has said, it is impossible to prove that any particular ones did the shooting you can not prove the guilt of anyone. You can not prove the innocence of one without proving the innocence of all. If, as has been suggested, all who will swear they are innocent shall be permitted to return to the army and draw pay from the time they were discharged, notwithstanding they have not rendered any service during this time, the guilty will be almost compelled to take the oath, lest their failure to do so will be construed as a confession of their guilt. Men who will commit such cold-blooded midnight murder as was perpetrated at Brownsville will not hesitate to blacken their putrid souls with the foulest perjury. So in either point of the dilemma to establish the board would be vain legislation.

If there is any in the three companies who is innocent of the shooting, and innocent of any participation in it, and innocent of any guilty knowledge, and if a hardship has been put upon him, it has been done, not by the President of the United States, but by his own comrades. It will not do to say that he is not responsible for the acts of his comrades, because the answer to that is, neither is the President nor the Secretary of War responsible for the acts of these negroes' comrades. The acts of the guilty ones have made it impossible for those three companies to hereafter serve the country with efficiency, and the Government is no more responsible for this than the most innocent member of the company, if there is such a member.

I reiterate my plea to Senators: Do not vote these negroes back into the army merely because they are negroes, for if you do you will encourage the vicious negroes to believe that it matters not what crime they commit against white men, white women, and white children, they will only have to look to Congress for immunity from responsibility. The lives of many men and helpless women will be sacrificed to this morbidly depraved ignorance of the most vicious and callous element of negroes if they are thus permitted to believe. Some who are thus sacrificed will be themselves negroes murdered by members of their own race; for when a vicious negro gets on the rampage he is liable, for want of better food for his powder, to dip his hand in the blood of his own race. I know you do not intend this result. You do not believe that our knowledge of the negro is accurate and full, nor that our judgment is correct. This is so because you have not been where you could learn the negro traits of character. If you thought our apprehensions were well founded, you would desist, for I am sure you wish us well.

Do not make another mistake. Just after the war the ballot was given to the whole negro race, thereby proclaiming that they were capable of self-government. Their ancestors for thousands of years had been barbarians and cannibals and had made no improvement whatever. They were elevated to a condition of slavery, and within a little more than a hundred years, with no opportunity for improvement, except that given by slavery, they were said to be capable of self-government. That was a tribute to slavery greater than was ever paid to all the learning of Greece or to any other institution.

It is said now by everybody that that was a great mistake. You admit that it was a great mistake. To aggravate the mistake the fifteenth amendment to the Constitution was interpolated. Do not make the mistake now of saying by your votes on this bill that if any organized band of negroes shall commit barbarous assassinations they shall be rewarded by the Government with two and a half years' pay for service they never performed.

It must be admitted that the service of these three companies can not again be useful to the country. If a man's leg is diseased, the surgeons often cut it off to save the body. These three companies are diseased. Cut them off to save the balance of the army. You will poison the army if you return them to its uniform.

We do not desire to do the negro any harm. We have race prejudice, but we do not entertain race hatred. We wish the negro well. We spend hundreds of thousands of dollars trying to provide him with the rudiments of education. We protect him in his life, liberty, and property, and try to point him the way to morality and redemption, but we do not want him to govern us. He is not capable of governing himself.

The Creator, in His infinite wisdom, has made the Caucasian the supreme race of the world. The eye of fancy, in its utmost reach, can not measure the elevation at which the Caucasian race stands above the pure African race in his native jungles. Brought to this country from barbarism and cannibalism, the African was enslaved in all the original States of the Union. One by one the northern States repealed their slave laws, but in some way the negroes of those States nearly all reached slavery in the South. Their numbers in the South almost equaled the numbers of the whites. When they were manumitted and enfranchised they were a menace to the people of the South, and in a measure a menace to the entire country, because that which was a menace to so large a portion of the country as the South carried with it danger to all the country. The North did not know of the danger they incurred. We did know. The North has learned much of the negro, but I fear it has a great deal more to learn than it has yet learned.

We have done the best we could for the negro with the conditions that confronted us at the time of his manumission. He was ignorant, dependent, and shiftless. We had been impoverished by the support of the contending armies of both sections of the country during the war, and at the close of the war by the obliteration of thousands of millions of dollars' worth of property, in which the labor and earnings of our people for a century had been invested.

We had not only to contend against the impoverishment that had been inflicted upon us, but we had to contend with the thriftlessness and ineradicable political ignorance of the negro race. We set to work to improve them as best we could. We had improved his condition in slavery above his condition in his native jungles, and we were now to improve his condition in freedom, a freedom which he neither understood nor appreciated.

When we were rebuilding our fallen fortunes we were sending the negro to school upon the money which we ourselves earned. We have continued to send him to school. In some instances they have attained to a considerable degree of education and have acquired a considerable amount of property. A considerable number of them can read and write. With all this it requires the hand of the white man to hold them up, and they are no more capable of standing upon their own strength to-day than they were at the close of the war.

I say without fear of contradiction from anyone who knows the negro nature, the negro character, and the negro disposition, that you might furnish the brain of every negro in the United States with an academic education, and then withdraw from them entirely the presence of the white people and in less than five generations they would lapse into barbarism. You say that they have not retrograded. It is because the hand of the white man of the South has held them up. I ask northern Senators to study this question. Go where you can learn the facts, and when you learn I know you will remove the weight of your misguided efforts intended for philanthropy completely from us.

As you have become more and more acquainted with conditions in the South you have more and more permitted us to work out our own destiny, both for our welfare and for the welfare of the negro. Continue to acquaint yourselves with conditions and with the negro character and with the negro race. Throw party considerations to the winds. Let the negro go where he will politically. If he is left alone, he will of his own volition and nature abandon politics. He is of an inferior race, but he is not responsible for it. He is not capable of self-government, but he can not help it. He never can be made capable of self-government. He is an object of our sympathy and needs now and always will need our help.

I am willing to help him. One must know him to know how to help him. Those who have been raised with him know him and know how to help him. Let those who do not know him apply themselves to learn. He can not be helped by thrusting him into politics, that for which he has no capacity, and never can have any capacity, and that in which he would never dabble if he were left to his own impulses.

You say that you would not shut the door of hope to the negro. It is a great mistake to suppose that the door of hope is shut to the negro if he is not permitted to hold office and par-

ticipate in the Government. The door of hope does not necessarily open into office. Thousands of white men never expect nor desire to hold office, yet are of the happiest and have the brightest hopes in this world. No man ought to want to hold office except for the good of his country, and the negro can not hold office for the good of his country.

We are not responsible for this character and deficiency of the negro. A higher, a supreme, power made the decree, and to it we bow. We have not deteriorated the negro; we have improved him. He came to us a barbarian and cannibal, and we turned him loose semicivilized. We continue our efforts to improve him mentally, morally, and spiritually; and if in the course of time, probably thousands of years, at an expense to the white man of hundreds, aye, thousands of millions of dollars, he shall ever be able to stand alone, it is to be hoped that he will be returned to Africa as his own, there to manifest his governmental capacity, but not to govern white people.

The door of hope is open to him if his rights to life, liberty, and property and the pursuit of happiness are protected by the law. His rights to life, liberty, property, and the pursuit of happiness are protected by the law in the South as sacredly as in any other part of the country. Not only so, but he has the advice, encouragement, and help of our people whenever he shows any disposition to do anything for himself. Of course there are individual instances where injustice has been done him, just as there are individual instances where injustice has been done white people, but they are rare and impartially punished. We indulge him more than he is indulged anywhere in the world. With the exception of murder and that crime not to be uttered in this presence, our courts punish him by lighter sentences than white men for the same crimes. With all this, we do not want him to govern us.

We know where two separate and distinct races live together one or the other must control. This law is as immutable as the law of gravity. We know further, and you know, that of these two races one is the superior and the other is the inferior race. We know, and you know, that the Caucasian race is the superior and the negro is the inferior race. Now, I put this to you: Which of the two races do you desire to rule in the South, the Caucasian or the negro race? For I repeat, one or the other must rule.

Your answer is ready, and you would not hesitate to say that you are in favor of the white race ruling, if it is true that one or the other must rule; but you are skeptical of this immutable law. Your skepticism is born of your ignorance of the negro and of race conditions in the South.

How can it be possible that two races, who are so utterly different and distinct that you look with horror upon their amalgamation, can ever be partners in a government where their numbers are anything like equal? They can not do so where there is any considerable number of the inferior race, as the people in the North will in the near future learn. Miscegenation and amalgamation are viewed by you with such horror that no self-respecting white man would tolerate the contemplation of a marriage of one of his family to a negro. When you scorn the idea of taking the race as connubial partners, why offer them political partnership?

Do not force the negro race to dizzy altitudes where they can not stand, much less walk; for they will not only themselves fall from such giddy heights, but they will pull down to destruction those who would be their benefactors.

There are good negroes, and for such we have high regard and good esteem. Around such we throw the ægis of the Caucasian's capacity for democratic-republican self-government, a thing it is impossible for him to do for himself. We protect his life, liberty, property, and pursuit of happiness. Here is a door of real hope open to him, which he can enter and find full fruition, that which he can never find in the pursuit of politics for which he is not capacitated; hope of accumulating a competency for this life; hope of the liberal education of his children; hope of mental, moral, and spiritual improvement; hope of the peace that passeth understanding; and, finally, hope of a home in heaven.

Mr. BEVERIDGE. Mr. President, I do not intend to crave the attention of the Senate for longer than a moment, and I rise now to point the question which I asked the Senator from Mississippi a moment ago, which was not answered, which I have asked under different circumstances, and which has not yet been answered, but which sooner or later in this Chamber must be answered.

I think every Senator in the Chamber will agree with the opinion of the country that the Senator from South Carolina [Mr. TILLMAN] is the acknowledged spokesman of the view of that section of the country which is hostile to the voting of its negro population.

Mr. BACON. Why does the Senator say that?

Mr. BEVERIDGE. The Senator from Maine——

Mr. BACON. Why does the Senator say that?

Mr. BEVERIDGE. I say it for the reason that the Senator from South Carolina has——

Mr. BACON. Does he occupy any broader view of the question than any other Senator on this floor who is a representative of the South?

Mr. HALE. Mr. President, the Senator from Indiana asked me to give him sixty seconds.

Mr. BEVERIDGE. That is all I intend to take if Senators will not interrupt me, but I can not refuse to answer when I am asked a question.

Mr. BACON. I desire just one minute to say that I do not intend by my question to derogate from the right of the Senator from South Carolina to speak for himself or for his State, but I do say that the Senator from Indiana assumes a great deal when he assumes to say that any Senator speaks for anybody else except for himself and for his particular State.

Mr. BEVERIDGE. I will not take up the time now to answer the Senator, but if the Senator from Maine will permit me a moment I will answer that later. I merely want to say this, which I think will fulfill my promise to the Senator from Maine——

Mr. MONEY. If the Senator will pardon me for an interruption, I do not think he ought to make that statement, and then proceed to take his seat, without allowing Senators the privilege of contradicting him.

Mr. BEVERIDGE. Certainly not.

Mr. MONEY. Will you permit me to say a word?

Mr. BEVERIDGE. Will the Senator pardon me? The Senator from Maine desires to go on with the appropriation bill. I will promise the Senator to bring this up at another time.

Mr. MONEY. I would rather have it go in the RECORD at this moment.

Mr. BEVERIDGE. If the Senator from Maine will pardon me——

Mr. HALE. I think I must call for the regular order, which is the consideration of the naval appropriation bill.

The VICE-PRESIDENT. The Senator from Maine demands the regular order, which is the naval appropriation bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to amendments of the Senate to the bill (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6252) to promote the administration of justice in the navy.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in Hudson River, New York, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPRON, Mr. CHANEY, and Mr. HAY managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with; that the bill be read for amendment; and that the committee amendments be first considered.

The VICE-PRESIDENT. The Senator from Maine asks that the formal reading of the bill be dispensed with; that the bill be read for amendment; and that the committee amendments be first considered.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Without objection, it is so ordered. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. For what purpose?

Mr. LA FOLLETTE. I rose in the first place to address myself to the Chair before the request for unanimous consent to dispense with the formal reading of the bill should be declared as having been submitted and passed upon.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. LA FOLLETTE. Mr. President, I interposed an objection for a moment to get an opportunity to inquire of the Senator from Maine if he would not consent that the bill might go over until Monday or Tuesday, at least until the first of next week, and to couple with that request this statement, if I may be indulged for a moment.

The bill was reported from the Committee on Naval Affairs yesterday, printed, and placed upon the desks of Senators for the first time this morning. It is a bill of 74 or 75 pages. It is accompanied by a report which, from the brief examination I have been able to make of it, is not very helpful, at least to me, in arriving at any conclusions with respect to the changes made in the bill as passed by the House.

For one, I should like to have an opportunity to read the bill with some care before it is acted upon and before I am required to vote upon it. I am not a member of the committee which has been accorded ample privilege to know what the bill contains, but I have a certain responsibility to the State which commissions me here with respect to the appropriations which the bill carries—nearly $137,000,000.

Mr. HALE. The amount appropriated is about $137,000,000.

Mr. LA FOLLETTE. Yes; about $137,000,000.

I observe that the bill as reported from the Senate committee increases the appropriations made by the House by something over a million dollars, and that the total appropriations provided in the bill are something more than $2,000,000—nearly two and a half million dollars—more than was estimated by the Navy Department.

A great many Senators are absent this afternoon and will be absent to-morrow and Saturday. I know that some of those Senators desire to be present when this bill is considered. They are out of the city in response to invitations to attend, with their fellow-citizens, the Lincoln memorial celebration, which occurs to-morrow in almost every hamlet and village of the country.

It does not seem to me to be an unreasonable request, Mr. President, in regard to a bill as important as this, and of which every member of the Senate, excepting those members upon the Committee on Naval Affairs, can have but little knowledge or information. Those members of the Senate who have had a brief service here of two or three years must rest in entire ignorance of the real significance of these large appropriations, if the bill is to be put through, as I have understood, this afternoon.

I know that the Senator from Maine is very busy. I know that he has service on many very important committees. I assume that that must be the reason for urging the speedy consideration of this bill, immediately following its report. But with all respect to the Senator from Maine and his very heavy responsibilities, it seems to me that other Senators here have certain responsibilities to their constituencies and to the country which they want to discharge, and I know that I voice the wishes of Senators, some of whom are absent, in proffering my request that the bill may go over until Monday.

Mr. HALE. Mr. President, I can see considerable force in the appeal of the Senator from Wisconsin, that the bill go over. It is an actual fact that, coming as late as it did from the House and receiving reasonable consideration at the hands of the committee, it came in here only yesterday morning, and Senators have not had much time to examine it.

Unfortunately, Mr. President, that is the condition the Senate is met with at the end of every session of Congress, and especially at the end of a short session, which by law dies on the 4th of March.

It is not a question of my being overburdened with work as the foundation of my desire to get the bill through this week. It is a question of the Senate being overburdened with work for the rest of the session. Almost all of the great appropriation bills that will involve subjects of interest and will necessitate debate are still in the House of Representatives and have not reached the doors of the Senate, and unless as fast as the committees having them in charge can report them to the Senate and they be considered, it will be impossible for the Senate to give due consideration to the great subjects embraced in the appropriation bills.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. Certainly.

Mr. LA FOLLETTE. Would the Senator from Maine kindly inform the Senate as to how many appropriation bills remain to be acted upon at this session?

Mr. HALE. The army appropriation bill, the Military Academy appropriation bill, two; the agricultural appropriation bill, three; the Indian appropriation bill, four; the post-office appropriation bill, five; the sundry civil bill, six; the great deficiency bill, seven; and I do not know but the consular and diplomatic bill, making eight.

Mr. BEVERIDGE. And this bill, nine?

Mr. HALE. And this one, nine.

Mr. WARREN. And the legislative bill is not yet finished.

Mr. HALE. And the legislative bill has not yet been concluded.

Mr. WARREN. And the fortifications bill?

Mr. HALE. And the fortifications bill.

Mr. PERKINS. And the river and harbor bill?

Mr. HALE. I give it up; I did not know there were so many. Now, the Senator is an old legislator; he is a Member here, with service in this body——

Mr. LA FOLLETTE. Will the Senator from Maine permit me, in connection with his statement as to the number of bills remaining to be passed, to make a statement before he proceeds?

Mr. HALE. Yes.

Mr. LA FOLLETTE. As enumerated by the Senator, I understood him to say that there were nine, possibly ten. How many of those bills, if I may make further inquiry, have reached the Senate committees and are in the possession of the Senate?

Mr. HALE. I know of but one, the army appropriation bill.

Now, another thing. I am trying to have a reasonable talk and a colloquy with the Senator; I do not think he is prepared to embarrass the Senate, but does the Senator realize that with the two days which he says will be lost, because Senators are abroad upon other missions, there are only fifteen working days between now and the 4th of March?

Mr. LA FOLLETTE. Did the Senator pause for me to reply?

Mr. HALE. Yes; I will pause.

Mr. LA FOLLETTE. I thank the Senator.

I understand how many working days there are left, Mr. President, but I want to direct the attention of the Senator from Maine and of other Senators to a fact in connection with the bills yet remaining to be passed. If I rightly understand the record, this naval appropriation bill was sent to the Naval Committee of the Senate on the 25th of January. Am I correct about that, I would ask the Senator from Maine?

Mr. HALE. I do not know the exact date. I know the committee has had repeated sessions.

Mr. LA FOLLETTE. If committees of the Senate are to hold these bills in the committee rooms for fifteen days and then allow the Senate two or three hours to consider them when they are brought in here for passage, it is possible that we may not be able to conclude the session with all the appropriation bills passed. But if that process could undergo some slight modification, if the committees might give the Senate a small fraction of the large amount of time which they seem to have appropriated to the consideration of this bill, and let us, in some slight measure, know about the legislation that we are passing upon, it seems to me it would be a fairer division of responsibility.

Mr. HALE. Now, Mr. President——

Mr. LA FOLLETTE. If the Senator will permit me, I do not see the difficulties that surround the Committee on Appropriations and the committees having charge of the separate appropriation bills, because under the arrangement of the distribution of the work of the Senate a few Senators gather most of it to themselves. A very large number of the Members of this body are not permitted to participate in the important work of the consideration of these bills in committee, because at the beginning of each Congress, through an arrangement which has grown up here, a very limited number of Senators succeed in having themselves assigned to two or three or four of the great committees of the Senate, and in some cases to five, and, of course, it is impossible for them to take all of the business of legislation into their hands without having these bills delayed in committees brought in at the very close of the session and thrust upon the consideration of this body without any opportunity for Senators to know what they are legislating upon.

Mr. HALE. Mr. President, I have no sensitiveness at the intimation that the Committee on Naval Affairs has not been prompt and ready to report this bill earlier. All appropriation bills have to be considered with great care and circumspection

in committees. They involve hundreds and thousands of items. The Committee on Naval Affairs had repeated meetings and had the officers of the Government before it. If other appropriation bills had been ready and had been coming over from the House it is possible that the committee might have shortened its time, but not very much, considering the importance of the bill.

Senators must bear in mind that in dealing with appropriation bills the great part of the work, the consideration of the multifarious subjects, must be done in committee. I have no doubt the Senator has in mind a very profound scheme for reforming the usages, the customs, the practice, the habits of Senators, and the way of dealing with these subjects; but he will never get any new plan or any new arrangement that will not commit every appropriation bill to some committee. That committee will have to take it up, and that committee alone will be complete master of the subject when the bill is reported to the Senate. It will be, and it ought to be, subject to the scrutiny of the Senate; but if the Senator and I should join our efforts, particularly in the short session, we should never avoid the difficulty against which the Senator inveighs, especially in such a situation as that which now confronts us, for I have never known matters to be choked——

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. Will the Senator let me complete my expression?

Mr. LA FOLLETTE. Certainly.

Mr. HALE. I have never known a condition where such a jam, to use the metaphor of the lumbermen, has accumulated as at present. I am not speaking except as the representative of the Senate. If there is undue haste and undue time given at the end of the session, and all bills must be passed, then it is not anything more to me than it is to the rest of the Senate, including the Senator from Wisconsin. All that I am seeking, and all that I have tried to do, is to get this bill before the Senate. If the Senator from Wisconsin is bound, and feels that it is his duty to have more time to consider the bill, that is for him alone to settle and not for me; and it is not for me to find fault, and I do not, for I see how the Senator is situated. I suppose he wants to make an earnest research into this bill and has not had time to do so. Of course Senators understand that when a bill comes over from the other House and is being considered in committee here, they can study that bill if they take the House bill and they will be informed, so far as they can inform themselves, upon nineteen-twentieths of all the subjects that will be up in a bill when reported from the committee of the Senate, because almost the entire body of the bill is covered by the House bill which has been here for two or three weeks.

So far as I am concerned, as the organ of the Senate upon this bill, I am doing all that I can to get it up and to have it considered for the rest of the day and make some progress on it. I do not know, with the hour of 4 o'clock so nigh, that we can finish the bill to-day. I do not think when we consider it that there is likely to be any prolonged conflict, because the committee in reporting it has sought to present a bill that would be commendable and acceptable and avoid conflict. I should like very much—of course, the Senator can, as he has, and that is always the right of a Senator—to ask for the actual reading of all the provisions of the bill of seventy-odd pages, and no one can complain; but it has become part of the accepted routine of the Senate, when an appropriation bill comes up with so many items, that the formal reading is dispensed with for the reason that it is to be considered clause by clause and amendment by amendment as reported, with a complete and unqualified right of amendment on the part of the Senate. I think that practice, Mr. President, has worked well; and yet the Senator, if he interposes that objection, can consume an hour of the time of the Senate in the reading of the bill.

Now, I am only going to say that I am in the hands of the Senate. I do not know; I have not looked into it, but I presume what the Senator says may be correct. I think, however, there is undoubtedly a quorum here now to do business. I do not know but that Senators are going away to-morrow or the next day, so that we can do nothing but lose those days. I am not losing them; I can abide it if the Senate can. I should like to go on, as we do on appropriation bills, and see how far we can proceed with this bill. I have been kept off to-day by things of importance which I could not arrest. I got the bill up as early as possible, and I should like to go on and consider it and get as far along with it as we can until a reasonable hour, or until the Senate is weary, and then I shall, of course, submit it entirely, so far as I am concerned, to the judgment of the Senate. If the Senate, under the conditions which have been disclosed by the statement of the Senator from Wisconsin, feels that Senators have departed or will depart and leave the body either without a quorum or with a bare quorum, which is a thin line in order to do business, it would be useless to come here. I had hoped that we might get the bill up early this morning and that we might pass it to-day, and then, if Senators are leaving or expect to leave or have left already, we could adjourn over until Monday. I have lost the day practically, except perhaps a couple of hours.

Mr. WARREN. Could the Senator not get the bill read?

Mr. HALE. Yes; undoubtedly. If the Senator from Wisconsin insists upon his point of order, I shall ask to have the Senate stay and have the bill read at any rate; and then it will be for the Senate to decide; only I hope it will be borne in mind that it is not the fault of anybody in charge of the appropriation bill if we get into a great jam. Therefore, if the Senator does not object, or if the Senator does not make his point about the reading of the bill, I will ask that we go on with the bill.

Mr. LA FOLLETTE. Mr. President, I arose to interrupt the Senator from Maine to say just a word in reply to his suggestion that I was considering some scheme of very great reform of procedure in this body, and that no plan could ever be worked out which would improve upon the method of sending bills to committees for their consideration. I am very frank to say to the Senator from Maine that I have thought about the present arrangement of committee appointments in this body; that I have had the temerity to consider whether it might not be possible to make some other arrangement for the appointment of committees which would distribute the consideration of the business of this body more equitably among all the Senators.

It never had occurred to me, Mr. President, that committees should be abolished. I realize that congressional legislation in its first stages must be largely by committees, but I had been led to think—of course I may be all wrong about it, and it may be almost treasonable for one to entertain the idea that there might be any improvement made upon the existing methods of disposing of the membership of this body in the appointment of committees—but, in view of the fact that legislation must be considered by committees, in view of the fact that it is only in committees that you can have that nice and fine consideration of the language of a bill, and in view of the fact that every legislative body must be more or less dependent upon the action of its committees, I have had the hardihood not only to doubt the divine perfection of the present arrangement, but almost to believe that if the business of considering the legislation of the Senate could be distributed among its 92 members instead of being taken in charge by less than one-third of the body it would be an improvement over existing conditions. When I say "the legislation," of course I do not mean the unimportant legislation, but I mean those great subjects which deal with business, with transportation, with finance, those great subjects that go to the prosperity of all of the homes of this country, the great subjects that must absorb the attention of the members of the committee, and which, therefore, it seems to me, ought to be distributed over a larger field for consideration.

Now, Mr. President, I have to confess a very great ignorance with respect to this bill, but I confess also to a very earnest and sincere desire to know something about it. I am not here talking against time or interposing any factious objection, and I shall not do so further than to give to myself, as one member of the Senate, a fair and reasonable opportunity to examine this bill. In doing that I think I am simply discharging an obligation owing to my State and to myself.

Mr. WETMORE. Mr. President, will the Senator from Wisconsin yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. LA FOLLETTE. I will be most happy to yield to the Senator from Rhode Island if he rises to put through, in some acceptable form, the joint resolution making to-morrow a legal holiday in the Territories and in the District of Columbia.

Mr. WETMORE. Mr. President, that is my purpose.

CENTENARY OF BIRTH OF ABRAHAM LINCOLN.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives returning to the Senate, in compliance with its request, the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of

the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

Mr. WETMORE. Mr. President, this morning the Senate passed a resolution asking the House to return to the Senate House joint resolution 247, which has just been laid before the Senate. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. Can that be done under the rule? Does not the Senator from Wisconsin [Mr. LA FOLLETTE] have to yield entirely under the rule? I observed the rule applied to the Senator from New Hampshire this morning.

The VICE-PRESIDENT. The questions are quite different.

Mr. LA FOLLETTE. I hope the Senator from Indiana will not raise that question on this particular joint resolution.

The VICE-PRESIDENT. It is not the introduction of a bill nor a petition nor a memorial that is asked, but the consideration of a message from the House of Representatives.

Mr. BEVERIDGE. That does not fall, then, within the rule?

The VICE-PRESIDENT. It does not fall within the prohibition of the rule.

Mr. BEVERIDGE. The only reason, I will say to the Senator from Wisconsin, that I raise the question is that this rule is very properly, as I think, being universally applied, and it was the opinion of Senators, until the Chair made it clearer, that the request of the Senator from Rhode Island fell within the rule. It is a very important rule.

Mr. WETMORE. Mr. President, I think this joint resolution ought not to take more than a moment. I hope there will be no objection to the present consideration of the joint resolution.

Mr. BEVERIDGE. No; none.

Mr. WETMORE. I wish to ask unanimous consent for the immediate consideration of the joint resolution. Before doing so, however, I should merely like to state that I have conferred with the junior Senator from Pennsylvania [Mr. KNOX], who was the mover in the Senate of the amendment which was adopted. He was perfectly willing, in view of the nearness of the approach of Lincoln's birthday, if this joint resolution came back from the House, to withdraw the amendment, as he did not desire in any way to obstruct its passage.

Mr. MONEY. Mr. President, I was unable to hear what the Senator had to say. I should like to know whether this is simply a proposition to make to-morrow a memorial day for President Lincoln, and a national holiday, or whether it is encumbered with the proposition to build a highway from Washington to Gettysburg?

Mr. WETMORE. The joint resolution simply provides for observing the day, and nothing else.

Mr. HALE. Let the joint resolution be read, and then the Senate will know about it.

The VICE-PRESIDENT. The Secretary will read the original joint resolution for the information of the Senate.

The Secretary read as follows:

Resolved, etc., That the 12th day of February, 1909, the same being the centennial aninversary of the birth of Abraham Lincoln, be, and the same is hereby, made a special legal holiday in the District of Columbia and the Territories of the United States. Be it further

Resolved, That the President be authorized to issue a proclamation in accordance with the foregoing, setting apart the 12th day of February, 1909, as a special legal holiday.

Mr. WETMORE. Do I understand that unanimous consent has been given for the present consideration of the joint resolution?

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HALE. I have no objection, if it will give rise to no debate.

Mr. CULLOM. I hope the joint resolution will pass without delay.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. WETMORE. Mr. President, I move to reconsider the votes by which the amendment of the Senate to the joint resolution was ordered to be engrossed and the joint resolution to be read the third time and passed.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the respective votes are reconsidered.

Mr. WETMORE. Now I move that the Senate disagree to the amendment heretofore adopted by it to the joint resolution of the House of Representatives.

The motion was agreed to.

Mr. CULBERSON. Let the joint resolution as it will stand if now adopted be read.

Mr. CULLOM. It has been read just this moment.

Mr. CULBERSON. I was out of the Chamber, and I should like to hear it read again.

The VICE-PRESIDENT. The amendment will be again read.

The Secretary again read the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

CONSTITUTION ISLAND.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island in the Hudson River, New York.

Mr. WARREN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. LODGE, Mr. du PONT, and Mr. FOSTER.

COURTS FOR TRIAL OF ENLISTED MEN.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6252) to promote the administration of justice in the navy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The House recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment as follows:

In lieu of the proposed amendment insert the following:

"That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authority.

"SEC. 2. That such courts shall be known as 'deck courts,' and shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article thirty of the Articles for the Government of the Navy: *Provided*, That in no case shall such courts adjudge discharge from the service or adjudge confinement or forfeiture of pay for a longer period than twenty days.

"SEC. 3. That any person in the navy under command of the officer by whose order a deck court is convened may be detailed to act as recorder thereof.

"SEC. 4. That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated, and such officer shall have power to pardon any punishment such court may adjudge.

"SEC. 5. That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe.

"SEC. 6. That the records of the proceedings of the courts hereby authorized shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon, except that if the party accused demands it within thirty days after the decision of the deck court shall become known to him, the entire record, or so much as he desires, shall be sent to the reviewing authority. Such records, after action thereon by the convening authority, shall be forwarded directly to, and shall be filed in, the office of the Judge-Advocate-General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action.

"SEC. 7. That no person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary or by general court-marital, as may be appropriate.

"SEC. 8. That the courts authorized to impose the punishments prescribed by article thirty of the Articles for the Government of the Navy may adjudge either a part or the whole, as may be appropriate, of any one of the punishments therein enumerated: *Provided*, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial.

"SEC. 9. That the Secretary of the Navy may set aside the proceedings or remit or mitigate, in whole or in part, the sentence imposed by any naval court-martial convened by his order or by that of any officer of the navy or Marine Corps.

"SEC. 10. That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander in chief of a fleet or squadron, and by the commanding officer of any naval station beyond the continental limits of the United States.

"SEC. 11. That a naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State, Territory, or District where such naval court shall be ordered to sit may lawfully issue.

"SEC. 12. That any person duly subpœnaed to appear as a witness before a general court-martial or court of inquiry of the navy, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by such naval court, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witness and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: *Provided further*, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

"SEC. 13. That persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed $3 per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed $25: *Provided*, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy, and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate demands.

"SEC. 14. That section sixteen hundred and twenty-four, article thirty-four, Revised Statutes of the United States, is hereby amended as follows: 'The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President; and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed, in the discretion of the Secretary of the Navy.'

"SEC. 15. That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the navy or Marine Corps of the United States and deliver him into the custody of the naval authorities.

"SEC. 16. That the depositions of witnesses may be taken on reasonable notice to the opposite party, and when duly authenticated, may be put in evidence before naval courts, except in capital cases and cases where the punishment may be imprisonment or confinement for more than one year, as follows: First, depositions of civilian witnesses residing outside the State, Territory, or District in which a naval court is ordered to sit; second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District; third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance.

"SEC. 17. That all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office.

"SEC. 18. That all acts or parts of acts inconsistent herewith are hereby repealed."

GEO. C. PERKINS,
J. H. GALLINGER,
B. R. TILLMAN,
Managers on part of the Senate.

ERNEST W. ROBERTS,
A. F. DAWSON,
L. P. PADGETT,
Managers on part of the House.

The report was agreed to.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor. Does he yield to the Senator from Maine?

Mr. HALE. Only to ask the Senator whether he is willing now, as he has called for the reading of the bill, to let the bill be read, so that at least we may have that out of the way tonight? Does the Senator object to that?

Mr. LA FOLLETTE. Oh, certainly not, Mr. President, and I would not insist upon that if it were not just with a view of getting time enough to examine this bill.

Mr. BEVERIDGE. That will save time.

Mr. LA FOLLETTE. I should like before the reading of the bill is proceeded with to say just a word or two.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. Certainly.

Mr. FLINT. Before any further action is taken, as the Senator from Wisconsin stated that one of his reasons why this bill should go over was that a number of Senators were absent from the Chamber making speeches, I desire to suggest the lack of a quorum, so that we may ascertain the number of Senators who are present.

The VICE-PRESIDENT. The Senator from California suggests the absence of a quorum. The Secretary will call the roll.

Mr. LA FOLLETTE. I said "would be absent to-morrow," if that little correction will induce the Senator to withdraw his call for a quorum——

Mr. GALLINGER. Let the call proceed.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Heyburn	Penrose
Bailey	Daniel	Kean	Perkins
Bankhead	Depew	Kittredge	Piles
Beveridge	Dick	La Follette	Rayner
Brandegee	Dixon	McCreary	Richardson
Brown	Elkins	McCumber	Scott
Bulkeley	Flint	McEnery	Smith, Md.
Burkett	Foraker	McLaurin	Smoot
Burnham	Foster	Martin	Sutherland
Burrows	Frazier	Milton	Teller
Carter	Frye	Money	Tillman
Clapp	Fulton	Nelson	Warner
Clay	Gallinger	Newlands	Warren
Crane	Gamble	Overman	Wetmore
Culberson	Guggenheim	Owen	
Cullom	Hale	Page	
Cummins	Hemenway	Paynter	

The VICE-PRESIDENT. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, I was very glad to yield to the Senator from Rhode Island [Mr. WETMORE] to have the Senate pass the joint resolution making the 12th of February a legal holiday. Something more than a year ago I introduced exactly such a bill. It went to the Committee on the District of Columbia. It was reported out of that committee on the 24th day of March for indefinite postponement and, in my absence from the floor, was indefinitely postponed. So, sir, I was glad to see that some one is able to secure at the hands of the United States Senate, after many years, favorable consideration for a measure to make the birthday of Abraham Lincoln a legal holiday within the territory under the jurisdiction of the Congress.

Mr. President, I have not taken the floor for the purpose of consuming the time of the Senate or to delay legislation further than to secure for myself and possibly for other Senators who

may wish to do so the opportunity to know what this legislation is to be before we are required to pass upon it.

I will consume no time to interfere with the reading of the bill to-day if, at the conclusion of its first reading, the bill may go over until Monday morning.

Mr. HALE. So far as I am concerned, in charge of the bill, as I have already intimated, I shall be entirely willing to leave it to the Senate whether the Senate, when it adjourns to-day, will adjourn until Monday. There would be nothing gained by attempting to hold a session with the lack of a quorum or a very thin quorum. I stated when the bill was made the business of the Senate that my hope was to pass it to-night, so that in view of the absence of many Senators we might adjourn until Monday.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. Certainly.

Mr. GALLINGER. In view of the fact that the Senator from Wisconsin asks for time, which is a reasonable and proper thing, and in view of the further fact that it is evident we will probably not have a quorum to-morrow, I move that when the Senate adjourns to-day it be to meet on Monday next.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire, that when the Senate adjourns to-day it be to meet on Monday next.

Mr. CARTER. Mr. President——

Mr. GALLINGER. The question is not debatable, Mr. President.

The motion was agreed to.

Mr. HALE. Let the reading of the bill be proceeded with, so that it will be disposed of.

Mr. LA FOLLETTE. I have no objection to interpose to the reading of the bill this evening——

The VICE-PRESIDENT. Let the Chair understand. What is the request of the Senator from Maine?

Mr. HALE. The Senator from Wisconsin objected to dispensing with the formal reading of the bill.

The VICE-PRESIDENT. That is correct.

Mr. HALE. That makes the only thing in order the formal reading of the bill, not for amendment.

The VICE-PRESIDENT. That is correct. The Secretary will proceed to read the bill.

Mr. LA FOLLETTE. I realize that the reading of the bill in the Senate is not very helpful toward a better understanding of its provisions; and if the further consideration of the bill for the day can be deferred, I will withdraw my request for the first reading, allowing the record to be made, so that the first reading of the bill can not be demanded on Monday.

Mr. HALE. If the Senator does not insist on the formal reading of the bill, I will ask that the Clerk read the first clause of the bill, and after that it will be too late for anybody on Monday to ask for the formal reading. I ask that the formal reading of the bill be dispensed with.

The VICE-PRESIDENT. The Senator from Maine asks that the first formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered. Is there objection?

Mr. LA FOLLETTE. With the understanding that we proceed no further to-night than the reading of the first clause of the bill, I do not interpose any objection.

Mr. HALE. The Senator does not need to insist on an agreement. I stated that if the Senator did not insist on the formal reading, I would ask to dispense with it, and would then ask that one clause of the bill be read, so that nobody can make the point afterwards.

Mr. LA FOLLETTE. I so understood the Senator, and I made the statement I did because it occurred to me that it might be within the power of some other Senator to move to proceed with the consideration of the bill this afternoon. I had not in mind that it would be assumed by one Senator here to dispose of the proceedings out of hand. I was mindful that there were other Senators present who might feel free to exercise their rights and proceed with the consideration and passage of the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. HALE. Now let the Clerk read one clause of the bill, and then I will withdraw it.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill, and continued to the end of line 8, on page 1.

Mr. HALE. I shall not under the circumstances ask any further procedure. The bill will come up, and I shall the first thing on Monday morning ask the Senate to proceed to its further consideration by amendments as they are reached.

The VICE-PRESIDENT. The bill will be laid aside.

ENLARGED HOMESTEADS.

Mr. SMOOT submitted the following report (S. Doc. No. 712):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to House amendments numbered 2, 3, 5, 6, 7, 8, and agree to the same.

That the Senate recede from its disagreement to House amendment numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"*Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply."

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may in his discretion designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

And that the House agree to the same.

REED SMOOT,
C. D. CLARK,
A. J. MCLAURIN,
Managers on the part of the Senate.
F. W. MONDELL,
A. J. VOLSTEAD,
JOSEPH T. ROBINSON,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. CARTER. I suggest that the report be printed and go over until Monday.

Mr. SMOOT. Of course, I have no objection whatever to that course, if the House is going to adjourn until Monday as well, but the chairman of the Committee on the Public Lands of the House would like very much to have the report go over there just as soon as possible.

Mr. CARTER. It seems to be an important matter, and I should like very much to have it printed, in order that I may look it over before it is passed upon.

The VICE-PRESIDENT. The report will be printed and lie on the table.

BLAINE AND SUMAS, WASH.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement, to report it favorably with an amendment, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Let it be read.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

Mr. PILES. If the Senator from Texas will permit me, I can explain it in a minute.

A bill for this purpose passed the Senate. A similar bill was introduced in the House, and the House struck out a portion of the bill as it passed the Senate. Now, the Committee on Commerce have favorably reported the House bill with the amendment that was stricken out in the House. It is a local measure relating solely to a customs district on Puget Sound, in the State of Washington.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to insert at the end of the bill, as a new section, the following:

SEC. 2. That the deputy collectors of customs at the subports of Seattle and Tacoma, in the State of Washington, shall receive such compensation as the Secretary of the Treasury shall determine, not exceeding, however, the compensation paid the deputy collector at the port of San Francisco, Cal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. PILES. I move that the House be requested to return to the Senate the bill (S. 7862) to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, and it was thereupon signed by the Vice-President.

SALARY OF SECRETARY OF STATE.

Mr. HALE. Mr. President, I ask the attention of the Senator from Georgia [Mr. BACON] to a request which I am about to make. It is a matter which has had partial consideration here. In order that the bill may be before the House on Monday, suspension day, I ask unanimous consent to take from the calendar for consideration the bill reported from the Senator's committee this morning by the chairman, the Senator from Wyoming [Mr. CLARK].

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent for the present consideration of the bill (S. 9295) in relation to the salary of the Secretary of State. The bill will be read by the Secretary for information.

The SECRETARY. The Committee on the Judiciary reported an amendment, to strike out all after the enacting clause and to insert:

That section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," approved February 26, 1907, fixing the annual compensation of heads of executive departments, be, and the same is hereby, repealed in so far as the same relates to the annual compensation of the Secretary of State; and the annual compensation of the Secretary of State shall be at the rate of $8,000.

SEC. 2. That on and after March 4, 1909, there shall be no emoluments attached to the office of Secretary of State other than those which by the law in force on the 1st day of May, 1904, belonged and were then attached to said office.

SEC. 3. That this act shall take effect and be in force from and after March 4, 1909.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until Monday, February 15, 1909, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1909.

PROMOTION IN THE NAVY.

Surg. John M. Edgar to be a medical inspector in the navy.

RECEIVERS OF PUBLIC MONEYS.

Hugh Taylor, of Colorado, to be receiver of public moneys at Denver, Colo.

John J. Guheen, of Pocatello, Idaho, to be receiver of public moneys at Blackfoot, Idaho.

POSTMASTERS.

ARIZONA.

Leonard D. Redfield, at Benson, Ariz.

CALIFORNIA.

Horace E. Allatt, at Imperial, Cal.

IDAHO.

Ralph S. Smith, at Potlatch, Idaho.

INDIANA.

Isaac F. Lawshe, at Swayzee, Ind.

KANSAS.

Charles E. Green, at Effingham, Kans.

MARYLAND.

Thomas O. Jefferson, at Federalsburg, Md.
William B. Massey, at Greensboro, Md.

MASSACHUSETTS.

Lawrence W. Dower, at Easthampton, Mass.

MINNESOTA.

Ellis J. Anderson, at Coleraine, Minn.
O. R. Hatton, at Booten, Minn.
J. T. Larson, at Evansville, Minn.
Mary Mogren, at Ortonville, Minn.

MISSISSIPPI.

David A. Adams, at Iuka, Miss.
Fannie Hillerman, at Kosciusko, Miss.

MISSOURI.

John A. Livingston, at Cassville, Mo.

NEW MEXICO.

Louis Garcia, at Springer, N. Mex.

OHIO.

Selah S. Connell, at West Carrollton, Ohio.
W. E. Halley, at Greenville, Ohio.
Guy M. Kingsbury, at Dunkirk, Ohio.
Philip D. Shera, at Oxford, Ohio.

OKLAHOMA.

Harry L. Crittenden, at Mangum, Okla.
Maud A. Falconer, at Cheyenne, Okla.
James Wilkin, at Tonkawa, Okla.

OREGON.

John F. Reisacher, at Condon, Oreg.

PENNSYLVANIA.

Samuel P. Arnold, at Curwensville, Pa.
Edward M. Frye, at Monessen, Pa.
David D. Park, at Lapark, Pa.
Walter L. Stevenson, at West Newton, Pa.

PORTO RICO.

Jose Carrera, at Humacao, P. R.
Ramon A. Rivera, at Arecibo, P. R.

SOUTH DAKOTA.

N. Howard Wendell, at Aberdeen, S. Dak.

TEXAS.

Louise A. Ackerman, at Mabank, Tex.
Joshua Cooke, jr., at Longview, Tex.
E. P. Flanagan, at Henderson, Tex.
John N. Johnson, at Rockwall, Tex.
Alva P. Langston, at Blooming Grove, Tex.
Andrew G. Mitchell, at Higgins, Tex.
William Reese, at Floresville, Tex.
William L. Rogers, at Conroe, Tex.
William S. Strain, at Lancaster, Tex.

UTAH.

Robert B. Quay, at Garfield, Utah.

WASHINGTON.

Angus D. Campell, at Tenino, Wash.
James R. O'Ferrell, at Orting, Wash.
P. R. Parks, at Colville, Wash.
Orin D. Post, at Sumas, Wash.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 11, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONSTITUTION ISLAND, HUDSON RIVER, NEW YORK.

Mr. CHANEY. Mr. Speaker, it seems that the papers relating to House joint resolution 219, in the course of transmission from the House to the Senate were lost, and it will be necessary for us to have a copy of the amendment to the resolution passed by the Senate, and I therefore offer the following order.

The Clerk read as follows:

Order 26.

Ordered, That the Clerk be directed to direct the Senate to furnish to the House a copy of Senate amendment to House joint resolution 219, accepting the gift of Constitution Island, in the Hudson River, New York, to replace the original copy of the amendment which has been lost.

The order was agreed to.

Mr. CHANEY. Mr. Speaker, it will also be necessary to have a reengrossment of the resolution, and I offer the following order.

The Clerk read as follows:

Order 27.

Ordered, That House joint resolution 219, to accept the gift of Constitution Island, in the Hudson River, New York, be reengrossed.

The order was agreed to.

LAKE ERIE AND OHIO RIVER SHIP CANAL COMPANY.

The SPEAKER. The Chair lays before the House the following Senate bill, a similar bill being upon the House Calendar.

The Clerk read as follows:

An act (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River in the State of Pennsylvania and Lake Erie in the State of Ohio, approved June 30, 1906.

Be it enacted, etc., That section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River in the State of Pennsylvania and Lake Erie in the State of Ohio, approved June 30, 1906, be, and it is hereby, amended as follows: In said section of said act strike out the words "three years" and insert the words "six years" in lieu thereof; also strike out the words "ten years" and insert the words "thirteen years" in lieu thereof.

Mr. CLARK of Missouri. I would like to ask the gentleman if this does anything more than to change the time?

Mr. DALZELL. It extends the time for beginning the canal and the time for completion.

Mr. CLARK of Missouri. It does not change it at all in any other way?

Mr. DALZELL. Not at all; it does not change it in any other way whatever.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 24853) to amend the charter of the Lake Erie and Ohio Ship Canal Company, approved June 30, 1906, was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7210. An act to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan;

S. 7652. An act to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge;

S. 6986. An act for the relief of registers and former registers of the United States land offices;

S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors; and

S. 9067. An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 7474 An act granting an increase of pension to Charles H. Balch;

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 21926. An act for the organization of the militia in the District of Columbia.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska;

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.;

H. R. 18726. An act for the relief of Wyatt O. Selkirk; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

IMMIGRATION.

Mr. BENNET of New York. Mr. Speaker, I call up conference report on the bill (H. R. 21052) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States." I ask unanimous consent that the statement be read instead of the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement, as follows:

STATEMENT.

The House conferees recede from their disagreement to the Senate amendment and the Senate consents that the time within which petitioners are to pay the present rates is extended a year.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.

Mr. SABATH. Mr. Speaker, a point of order. Rule XXIX provides that there shall be a detailed statement with every report. I do not think this is a detailed statement inasmuch as it does not show in any way, shape, or form what the conferees did really agree to.

Mr. BENNET of New York. Mr. Speaker, this is one of the most detailed statements ever attached to a conference report.

Mr. MANN. Pending the decision upon the point of order, may I ask the gentleman what the effect of the bill is to be? This is in reference to the amount that the petitioners for naturalization are to pay?

Mr. BENNET of New York. Yes; after the 1st of July, 1909.

Mr. MANN. This increases the fees?

Mr. BENNET of New York. It does.

Mr. MANN. In order to pay the clerks more compensation?

Mr. BENNET of New York. No; not entirely.

Mr. MANN. What other excuse is there?

Mr. BENNET of New York. I should be glad to make a statement to the gentleman and the House.

The SPEAKER. Touching the point of order made by the gentleman from Illinois, the Chair recollects the practice of the House, and has verified his recollection by an examination of the precedents, which are as follows:

It is for the House and not the Speaker to determine whether or not the detailed statement accompanying the conference report is sufficient to comply with the rules.

Again—

While the Chair may not pass upon the completeness of a written statement accompanying the conference report, he may require it to be in proper form.

It seems to the Chair that this is in proper form. Otherwise it is for the House, if it does not think it is complete enough and if the House desires, to have the conference report read in full. The Chair overrules the point of order.

Mr. SABATH. Then, let us have the conference report read.

The SPEAKER. Is there objection to the reading of the conference report?

There was no objection.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21052) entitled "An act to amend sections eleven and thirteen of an act entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,'" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered five, and agree to the same with amendments as follows:

Page 5, line 7, strike out the comma after "thereunder."

Page 5, line 9, strike out the word "eight" and insert in lieu thereof the word "nine."

Page 5, line 6, strike out the word "eight" and insert in lieu thereof the word "nine."

And the Senate agree to the same.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.

WILLIAM P. DILLINGHAM,
BOIES PENROSE,
A. J. MCLAURIN,
Managers on the part of the Senate.

Mr. MANN. Will the gentleman yield?

Mr. BENNET of New York. I yield for a question.

Mr. MANN. This is to increase the fees that are to be paid by those seeking naturalization.

Mr. BENNET of New York. Perhaps I had better make a short statement.

Mr. MANN. I think it would be wise. This bill passed the House last session of Congress.

Mr. BENNET of New York. Yes. Under the act of June 29, 1906, the expense of naturalization over the entire country to the individual applicant was decreased, although in the large cities it was, I should say, increased, but the fees were made uniform. There is a provision in the bill, section 13, which limits the amount of money that the clerk of any court can expend in a large office which takes in over $6,000 a year to $3,000 a year, and under the construction of the Comptroller of the Currency there was no way that additional clerical assistance could be obtained.

Mr. CAMPBELL. Right there, Mr. Speaker, if the gentleman will yield. Does that apply to clerks of the district courts in the States where naturalization laws are in force?

Mr. BENNET of New York. It applies to the clerk of any court exercising jurisdiction in naturalization, both federal and state.

Mr. CAMPBELL. Does the gentleman think that we have a right here to limit the fees that are paid to a clerk of the district court in the States.

Mr. BENNET of New York. Oh, yes. Congress having the power to pass a uniform naturalization law, there is no doubt about that. The Comptroller of the Currency so construed the law that there was no way of obtaining a larger clerical force in the large cities, those being the only places where the fees were taken in in excess of $6,000 a year, so we passed an amendment in the last session remedying that by permitting the Secretary of Commerce and Labor to base his estimate for clerical assistance upon the amount of work that was being done in a court.

That remedied the city situation. When we got to the Senate, the Senators representing States in which there was not only city territory, but rural territory as well, had this condition, that the clerks of the courts all through the country in the rural courts said their fees had been decreased and that they would not naturalize at all unless the fees were increased. There is no way, of course, that we can force any court in the country, except the federal courts, to naturalize. Therefore the Senate insisted both in and out of conference that the fees should be increased to what they practically had been prior to the passage of the law. It is not large—a total of $10, spread over three years, for American citizenship. It is a smaller price than the naturalization fee of any other country, so far as I am advised. That amendment was inserted in the Senate, and the House conferees were unable to obtain any concession except that the new rate should not go into effect until the 1st of July, 1909. The rate is not unfair. Particularly it is not unfair in country districts, where the clerk is compelled really to act as the attorney for the applicant. The Senate has agreed to the provision of the House remedying conditions in cities, and the House conferees have agreed to that portion of the bill adopted by the Senate which is asked for by the clerks of the courts and by applicants for naturalization in the country districts.

Mr. MANN. What are the present fees paid by petitioners for naturalization?

Mr. BENNET of New York. The present fees amount to $5; $1 on the declaration of intention, $2 on filing the petition, and $2 for the final order.

Mr. MANN. What will be the fees if this bill becomes a law?

Mr. BENNET of New York. Four dollars at the filing of the declaration of intention, $3 on filing the petition, and $3 upon the entry of the final order.

Mr. MANN. The gentleman proposes to increase the naturalization fees from $5 to $10.

Mr. BENNET of New York. Yes.

Mr. MANN. The increase to $5 was an increase all over the country, was it not?

Mr. BENNET of New York. It was not.

Mr. MANN. How much of an increase was it in the gentleman's city?

Mr. BENNET of New York. Practically no increase at all.

Mr. MANN. It was an increase of 500 per cent in my city, and I think quite generally.

Mr. BENNET of New York. If the gentleman will allow me to answer his question, in my city of New York it was no increase at all, because the clerks of the court had this perquisite. They used to give the applicant the kind of a certificate that he wanted and charge from $3 to as high as $15 for different kinds of certificates, so that there was practically no increase.

Mr. MANN. Does the gentleman state that in New York, before this bill passed providing for the increase, that it cost an applicant for naturalization $5, which he paid for clerk's fees?

Mr. BENNET of New York. It did not necessarily do so.

Mr. MANN. How much did it necessarily cost him then?

Mr. BENNET of New York. In the federal courts, where the bulk of the naturalization was done, if the applicant was content to take the kind of a certificate that was given to him, it cost him about $2.65, if I recollect.

Mr. MANN. What did it cost in the state courts, where the bulk of the naturalization has always been done?

Mr. BENNET of New York. I will disagree with the gentleman as to that. The bulk has always been done in the federal courts. It costs about $2 in the state courts.

Mr. MANN. That was an increase from $2 to $5. Now, the gentleman proposes to increase from $5 to $10. If the clerks could do it before for $2, why can not they do it now for $5?

Mr. BENNET of New York. I will say to the gentleman that so far as that particular portion of the bill is concerned, he and I, both coming from large cities, know that in the federal courts in our cities the clerks would have to do the work as fast as they could.

Mr. MANN. I may say to the gentleman that there is no naturalization in the federal courts of Chicago worth mentioning.

Mr. BENNET of New York. There has been in the federal courts of New York.

Mr. MANN. No wonder you want another judge over there. You will never get another judge for that purpose.

Mr. BENNET of New York. But I will say to the gentleman, not in a spirit of criticism, that the gentleman will doubtless recall that Congress had to pass a bill to legalize the kind of naturalization that they did in the city courts of Chicago, and that the gentleman from Illinois was the man who introduced the bill.

Mr. MANN. That was the kind of naturalization, not a specific court to naturalize; and we have plenty of courts to perform the work of naturalization in accordance with the law, and if there is any cry, either on the part of the clerks or those seeking naturalization, to double the cost of naturalization, I have not yet discovered it.

Mr. BENNET of New York. Yes; the gentleman and myself are both proud of the cities which we represent in part, but we must not arrogate to ourselves the idea that we represent the whole of the United States. The rural class of this country have as much right to ask it as the big cities.

Mr. MANN. I notice that the demand for this bill comes from New York City and New York City alone.

Mr. BENNET of New York. Not at all.

Mr. SABATH. No; there is one more district——

Mr. BENNET of New York. I will yield to my colleague from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, can the gentleman inform me whether, if this bill becomes a law, the clerks of courts in New York will still be able to charge perquisites in addition to these fees and thereby pro tanto increase the cost more than $10 to the alien desiring to become a citizen?

Mr. BENNET of New York. I am very glad to be able to inform my colleague that clerks in the courts in our cities have not been able to charge anything for perquisites of that character since the 29th of June, 1906, and I will say that if this bill goes into effect, Mr. Alexander, clerk of the district court; Mr. Kidds, clerk of the circuit court; and Mr. Dooling, clerk of the supreme court, can, under a part of the bill—it is a double-sided bill—be able to secure the clerical assistance they need, so that his prospective constituents and my prospective constituents will not have to go four, five, or six times in order to be naturalized.

Mr. HARRISON. I am simply interested to keep down the cost to the alien desiring to become a citizen of this country.

Mr. BENNET of New York. This really does do that because they can now only naturalize 40 or more a day because they have not the clerical force, and if we pass this bill, it does do it. I now yield to my colleague on the committee—I will first yield to the gentleman from North Dakota for a question.

Mr. GRONNA. Mr. Speaker, as one coming from an agricultural or rural district I want to say I have never heard of any complaint by the clerks on account of the amount that is now being charged. Now, I want to say further that the naturalization is being done in the district courts by the district judges and not by the federal judges.

Mr. BENNET of New York. I will answer the gentleman by saying that in various States—for instance, the whole State of Vermont—there is not an equivalent of your district court that naturalizes a single alien, because the clerks will not do the business; and that, so far as they can, the business is driven into the federal courts, where they have to do it to the great inconvenience and loss of time and money of the alien.

Mr. GRONNA. Yes; but the increase is an unreasonable one.

Mr. BENNET of New York. Five dollars, spread over three years.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. BENNET of New York. Certainly.

Mr. BARTHOLDT. I take it that the tendency of Congress should be to make naturalization easy and not more difficult, for this reason, that it is desirable from every standpoint to identify the newcomer as soon as possible with our political institutions. Therefore we should make it as easy as possible to enable him to so identify himself. This increases the fee by 100 per cent, and for that reason I should be opposed to this legislation. And allow me to say that $10 may not be a large amount for us; but for the immigrant who desires to become a citizen and is proud of the fact that he wants to become a citizen, it may be a very large amount of money.

Mr. BENNET of New York. I quite agree with the gentleman's views.

Mr. CAMPBELL. You say you have taken the country into consideration quite as much in the preparation of this bill as the cities?

Mr. BENNET of New York. Yes.

Mr. CAMPBELL. I will state for the gentleman's information that in my State federal courts took no action whatever on the admission of an alien until the passage of the bill here two years ago. Prior to that time it cost the alien anywhere from $2 to $3 to become a citizen of the United States. Under the provisions of this bill, as it appears here, it will cost him at least $10. Now, in what way are you providing for the country in this bill?

Mr. BENNET of New York. Because every clerk of a state court, realizing that he is not getting adequate pay for this work, drives the work into the federal court, as the gentleman from Kansas apparently says has resulted in his own State. Therefore you are discommoding the alien who goes out to work on a farm and who wants to be naturalized. It is a harder thing for him than it is for the man in my district who pays a nickel and goes on the elevated railroad. You send him to your federal court, when he ought to be naturalized in his county or district court, as the case may be.

Mr. CAMPBELL. I will say they do not go to the federal courts now in Kansas, unless they are taken there by a representative of the Bureau of Immigration from Washington.

Mr. MANN. The federal courts want the work now because it is profitable.

Mr. CAMPBELL. And they are taken there by these representatives of the Bureau of Immigration.

Mr. BENNET of New York. I will say that there is no representative of the Bureau of Immigration that has any authority whatever to take an alien anywhere to naturalize him.

Mr. CAMPBELL. The appropriation under which they were able to do that was not included in the last appropriation bill, and that is the reason they are not doing it to-day.

Mr. BENNET of New York. There never has been such an appropriation.

I yield to the gentleman from Illinois [Mr. SABATH] for five minutes.

Mr. SABATH. Mr. Speaker, this bill is one in the interest of a few court clerks, and not, as has been stated, in the interest of the honest alien who is trying to become a citizen. The last Congress passed a naturalization law which increased the naturalization fees up to $5. Formerly, in each and every state court that I knew of, the fees were from 50 cents to $1. But the act of 1906 increased it to $5. Now, it is intended by this bill to increase it 100 per cent, namely, from $5 to $10. The statement has been made that some of the clerks are refusing to issue the certificates. I have investigated this matter, and I have ascertained that there are only two clerks in the United States that have refused to issue these certificates.

The courts in the city of Chicago issue as many naturalization papers as any other courts in the United States, and the clerks of the federal and state courts even advertise the fact that applicants can obtain papers in their respective courts. This does not indicate that the fees are not large enough, does it?

The fees for this work, which comprises the recording of naturalizations, filling out two blanks like these [exhibiting], and the final certificate, besides the answering of a few questions in the usual gruff manner, are $5, of which sum the clerks receive one-half, and the other half of said sum goes to the naturalization fund.

The Chief of the Division of Naturalization, in his last annual report, for the fiscal year ending June 30, 1908, on page 22 thereof, says the following:

> It is for Congress to determine whether such costs should be borne, in whole or in part, by the persons seeking citizenship or by the Public Treasury, and in some cases by the States.

Turning to page 24, under the heading "Financial," the report shows that for the same period, the income which the Government received from naturalization fees, amounted to $166,635, and that the total expenditures of the Division of Naturalization for said period amounted to $39,728.05, enriching the Treasury of the United States by $126,906.95. These figures surely do not justify his statement, nor do they indicate that the increase

of fees is necessary, and therefore his statement as well as the proposition itself is all the more preposterous.

As it is now, these clerks are receiving enormous salaries and fees; and the mere fact that a few of these clerks, in districts where extreme bigotry is exemplified by intense prejudice toward foreigners, refuse to issue certificates of naturalization, in brazen defiance of the law and violating their oath of office, thereby trying to influence this increase of fees mainly for the purpose of enriching themselves, certainly does not warrant the increase which is provided in this bill. [Applause.]

The motive for the increase is selfish and is sought to be obtained at the expense of thousands of honest, law-abiding, and industrious people, who have come to this country believing that the principle of democracy—"Equal rights to all and special privileges to none"—is still alive, and that the natural right of freedom and liberty will not be denied to them. These thousands of sincere and liberty-loving people, who are the tillers of the soil, the workers in the factories, shops, and mines, who develop the vast natural resources of this country, productive of untold wealth, are a material factor in placing our country in a leading position over all other countries. It is these people who make it possible for us to produce and manufacture at prices which enable us to compete with the entire world and thus increase our commerce.

These people should not be told that their presence in this country is merely suffered for their labor, but we should give them every encouragement and inducement, so that they may avail themselves of the right of citizenship, which they are so desirous and anxious to obtain; for I am satisfied that they do appreciate this great privilege and honor, and prize it as it should be prized, above everything else; and I hope that you gentlemen here will not be in favor of the proposition that our Government should go as far as to make a profit out of issuing citizens' certificates. [Applause.]

Mr. Speaker, I have investigated this matter thoroughly, and I am satisfied that the increase that has been allowed the clerks in the first portion of this bill should satisfy anyone, for it increases the allowance to the clerks from $3,000 to $6,000. This is a joint bill, and the first part of the bill gives the Secretary of Commerce and Labor the right to allow the clerks one-half of $6,000, where formerly they were allowed only 50 per cent of $3,000; in this way their increase amounts to 100 per cent, and it gives them the right to secure additional help, so that they could and naturally would find a way to spend the 50 per cent which the Government is now receiving. I am positive that they will not let this fine opportunity go by to secure a few additional jobs for their "faithful."

There is no demand from any source, unless it be from these few clerks who are trying to enrich themselves at the expense of these poor unfortunate aliens who desire to become citizens of this country. [Applause.]

I regret that the conferees on the part of the House should have seen fit to yield to every point urged by the Senate conferees. To increase the naturalization fees places so sacred a matter as citizenship on the plane of a purchasable commodity, and it imposes additional hardship on deserving people who desire to become naturalized. I can not comprehend the motive of the committee, when the Fifty-ninth Congress, after a thorough investigation, extending over a period of several months, finally agreed that the naturalization fees should be $5. It was then the opinion of many that the fee was high; but now, without any good reason, efforts are being made to increase the fee 100 per cent.

I say, Mr. Speaker and gentlemen, it should be our aim to assist these men to become citizens, for the sooner they become citizens the better it is for the country and the better men they become. [Applause.] We should not put anything in their way to obstruct their honest efforts to become citizens. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. EDWARDS of Georgia. I ask unanimous consent that the gentleman may be allowed to proceed for five minutes more.

Mr. BENNET of New York. Does the gentleman desire more time? I will give the gentleman three minutes more.

Mr. SABATH. But what attitude are we taking? An attempt was made only a few days ago to pass a bill that would inflict cruel and inhuman punishment by deportation of all aliens guilty of an offense which, regardless of its gravity, is punishable by the codes of some of the States by one year's imprisonment, the deportation to be carried out after the sentence has been served out. And now, notwithstanding the fact that such bill is still pending, this bill proposing to increase the naturalization fees is sought to be forced through this House, thereby placing more and greater restrictions in the way of aliens. First, you try to pass a law making it almost impossible for an alien to become a citizen, and after you pass such a law then you say to him, because you are not a citizen you must pay double for any offense or any error or mistake you may be guilty of, for you are not a citizen, and though you have served your term and paid the legal penalty you must be deported to the country from whence you came. I was opposed to this legislation, and I am opposed to it now; and I hope, Mr. Speaker, that this bill will not pass. I hope that the report of the conference committee will not be approved, because, in my judgment, it is not such legislation as we should pass. We should be just; we should be fair; we should do by these people the same as we would ask should be done by us if we were placed in a like position. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. BOUTELL). Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET of New York. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, when we passed the naturalization act a few years ago it was urged that the fees ought to be increased—that they were not then sufficient. Prior to that time the fees generally in the country amounted from 50 cents to $2 for naturalization. By that law they were increased to $5; and the fees of the clerks are paid out of the fees paid by the applicants.

Now, Mr. Speaker, having increased the fees from one to two dollars for issuing naturalization papers up to $5 as now provided by law, this bill proposes to increase the fees for each person applying for naturalization from $5 to $10, an increase of 100 per cent. In whose interest, pray? In the interest of a few clerks. So far as I know the only ones who have asked it were the clerks in New York City. Prior to the passage of the last law which increased the fees, the work of naturalization was performed in the state courts almost invariably. Since the law passed increasing the fees for clerks up to $5 the federal court clerks have gone out and urged business to come into the federal courts. They wanted to get the fees. It was profitable work for them. It was that much more money in their pockets, and having tasted the meat they wanted more of it. [Laughter.]

Having obtained a part of this work, they now seek to double the fees upon the petitioners.

Mr. ROBERTS. The gentleman does not blame them for that, does he?

Mr. MANN. No; I do not blame the clerks, as suggested by the gentleman from Massachusetts, for making the request; but I should blame myself very much for granting the request. The fees are enough now. The work of the clerks in naturalization is all performed by filling in printed blanks. There is no work except to fill out a few blanks. There is not a clerk in the United States, notwithstanding the gentleman's claim, who is not anxious to obtain this work at the present fees.

Mr. BENNET of New York. Will the gentleman yield for a brief statement?

Mr. MANN. I always yield to the gentleman.

Mr. BENNET of New York. If this bill becomes a law, there is not a clerk in the city of New York who will get one additional penny, because he is limited by law to one-half of $6,000 now, and every one of them takes in more than $6,000. So it will not increase the fees of the clerks in New York City, or in Chicago either.

Mr. MANN. Mr. Speaker, it is very strange, then, that the gentleman himself has had two or three bills on the calendar, and still has two more bills on the calendar, to pay money to the clerks in New York, on the ground that under the existing law they have not been able to get fees enough.

Mr. BENNET of New York. The gentleman from Illinois is quite in error. The gentleman from New York has no bills at all on the calendar for that purpose.

Mr. MANN. I have not the time to pull them out now, or I would do it.

Mr. BENNET of New York. It would take the gentleman quite a while.

Mr. MANN. No; it would not. I have them right in my desk now.

Mr. BENNET of New York. Put them in the RECORD, then; any such bills introduced by me.

Mr. MANN. Introduced or reported by the gentleman?

Mr. BENNET of New York. Either one.

Mr. MANN. Very well; I will fight that out with the gentleman.

Mr. BENNET of New York. All right.

Mr. MANN. Now, there is no excuse for doubling these fees. It is enough for the applicant for naturalization to pay $5. And when you have required those already naturalized to pay $5 for the clerk's fees, how can we justify ourselves to those people who come next year to be naturalized and who ask, "Why is it that we have to pay $10 to be naturalized when our neighbor only had to pay $5 last year?" For whose benefit? For a few clerks.

Mr. BENNET of New York. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, in order to see whether this bill has merit, it is a very good idea to take a little notice of what the clerks have to do in the naturalization of aliens. Gentlemen say this bill is in the interest of a few clerks in the large cities. As has been stated, the clerks in the very large cities, under the limitation of law, will not get a cent out of the bill. They will get their maximum even if the increase is not made. Now, all over the country—I know in my own town the clerk has called my attention to it; he has said he is going to get out of the business of naturalizing aliens, because half of the fees go to the department, and what is left does not pay him for looking after it. Gentlemen forget that half of this $5 which the clerk gets in naturalization cases is returned in thirty days to the bureau, so that the clerk gets only $2.50 out of it. The result of it is, Mr. Speaker, if the clerks in the smaller cities of the country refuse to make out the papers, if the state courts refuse to take action, the alien desiring to be naturalized is forced to go 40, 60, or 100 miles to where there is a federal court whose duty it is to naturalize him. It is a mere matter of grace as to whether the state court will grant this naturalization or not. The Federal Government and Congress have no right to force a state court or a state clerk to grant naturalization or to fill out these papers. Hence, if they are not forced to do that—and we can not force them—the result is that when the clerks of the state court refuse to make out the papers the judges will refuse to grant the naturalizations.

The result will be increased expense and inconvenience to the alien in the rural districts, for he will be put to the trouble and expense of going to the larger cities, where federal courts are held. Gentlemen are mistaken when they say that the clerks in the country districts have not desired the passage of this bill. I have heard from Members of Congress on this floor, I have heard from many of the clerks of my state courts, where naturalization is being done, and they do not desire to continue this work unless the fees are increased.

In order, as I said, to see something about what the clerks have to do, let me read one or two sections of the act as it now stands.

Mr. SABATH. Is it not a fact that the courts can compel the clerks to issue the certificates?

Mr. BURNETT. State courts?

Mr. SABATH. Yes.

Mr. BURNETT. I should think not. If the clerk comes to the court and says that the compensation is incommensurate with the work he has to do, the judge would not compel him to do it. If the clerk should refuse to do it, there would have to be some process in the nature of a mandamus to compel him to do it, and I do not think that the court would have the authority to do any such thing. The state laws do not require him to do it, and certainly no state court would have the authority to force him to do it.

Mr. SABATH. Is it not a fact that with the exception of six clerks, all the others have issued these certificates or these naturalization papers?

Mr. BURNETT. Probably so.

Mr. SABATH. And there have only been objections from three of them?

Mr. BURNETT. I do not know how many have refused, but the clerk of the court in my town said that he intended to cut it out. Many clerks of state courts return the blanks and refuse to have anything to do with it. When the clerk of the city court of my town was talking to me about refusing to transact the business, I persuaded him to hold on and see if Congress would not give some relief, and if Congress refuses to grant the relief by increasing the fees, I would not blame any clerk for refusing to do it. Instead of being against the convenience of the aliens, it is really in favor of his convenience at places where they have no federal courts.

Now, let me read what the clerks have to do. Section 9 says, in referring to petitions for naturalization:

SEC. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

There is the order that the clerk has to enter. Then section 12 provides:

SEC. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate.

Now, you see, he has to make and file that duplicate; he has to send it to the Bureau of Immigration at Washington within thirty days. It further provides:

It shall also be the duty of the clerk of each of said courts to report to the said bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said bureau.

The SPEAKER pro tempore (Mr. BOUTELL). The time of the gentleman from Alabama has expired.

Mr. BENNET of New York. I yield to the gentleman five minutes more.

Mr. BURNETT. Now, these are only a part of the things that the clerks have to do.

This section further provides:

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said bureau, as herein provided, he shall be liable to the United States in the sum of $50, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. BURNETT. I will for a question.

Mr. HUGHES of New Jersey. The gentleman states that half of this fee of $5 goes back to the bureau. Is there any demand on the part of the bureau for this increase?

Mr. BURNETT. That is not before us now. If you want to repeal that part of it——

Mr. HUGHES of New Jersey. Will the gentleman yield further?

Mr. BURNETT. Yes.

Mr. HUGHES of New Jersey. Why should we, because the clerk only gets $2.50, inflict upon the applicant a payment of $5 additional?

Mr. BURNETT. It is not an infliction upon the applicant. It may be in great cities where they have the federal courts; but for the applicants in the remote districts, it is a convenience and a saving of expense, because, for instance, it would cost him more than that to go from my town 60 miles and pay his expenses in order to get to a federal court, where they could naturalize him. Even in the larger cities, for want of sufficient clerical force, the applicant has to return sometimes three or four times.

Now I will read a little further:

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

The Chief of the Bureau of Naturalization has stated to me time and again that he was receiving complaints from clerks of the smaller districts where they have no federal courts continuously, and unless some relief is granted, you people who shed so many tears for the alien, instead of benefiting him by keeping down the fees, are going to impose upon him additional hardships by forcing him to go to cities remote from where he

lives in order to become naturalized, and in the large cities force him often to lose much time and expense in accomplishing his desire.

Mr. SABATH. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SABATH. Is it not a fact that the Secretary has given out in his report only one clerk that has actually refused to do this work at this price?

Mr. BURNETT. I do not care whether he has or not.

Mr. SABATH. And now because this one man refuses, does the gentleman believe——

Mr. BURNETT. I hope the gentleman will ask his question and then stand on it, and not argue the matter in my time. As a matter of fact, the Chief of the Bureau of Naturalization, in his report, states that many of the state courts have not yet applied for the forms used for naturalization and some have returned those sent, sometimes derisively referring to the meagerness of the fees as the reason for this return.

Mr. SABATH. Well, that was my question.

Mr. BURNETT. It does not matter if there had been one clerk or more who had refused to do it. If it is an injustice to the clerks in the rural districts, it ought to be amended by Congress; and to say that an alien coming here and wanting to become an American citizen, a man over 21 years of age, will not or can not give $10 for the purpose of having that privilege, carrying with it all of the privileges of American citizenship——

Mr. SABATH. To enrich a few clerks.

Mr. BURNETT. Is to say that he is not the kind of a man who ought to be an American citizen. What does he gain? The very protection of the American flag ought to be worth more than that to any alien who is inspired by patriotic motives to become an American citizen.

A thousand privileges does he gain by having that little certificate of citizenship. On the high seas it protects him, and if he wanders in foreign lands, he may know that the whole American Army and Navy is behind him to protect him in the rights conferred upon him by that certificate. Thousands of aliens have become naturalized citizens here and then returned to their homes and to-day are enjoying the protection of the American flag while they are domiciled thousands of miles from our shores.

There is scarcely any country in the world where citizenship comes as cheaply as in America, and none where its privileges are so great. Your son and mine, born beneath the flag, must stay here twenty-one years before they can enjoy the full privileges of citizenship, and yet the people's Representatives in this House treat citizenship so lightly that they think it comes too high at the niggardly sum of $10 for those who come from other lands.

Mr. BENNET of New York. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. Nineteen minutes.

Mr. BENNET of New York. I yield a minute to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, a moment ago I stated that the gentleman from New York [Mr. BENNET] had two bills pending on the calendar. I desire to apologize to the Member from New York. He neither introduced the bills, nor did he report them. There are two bills pending on the calendar, one introduced by his colleague, the gentleman from New York, and another introduced by the gentleman from Alabama [Mr. BURNETT], both reported from the gentleman's committee. I was in error in supposing that the gentleman himself introduced a bill for the relief of the clerks in the cities.

Mr. BENNET of New York. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is usually so correct that this one mistake clearly accentuates his usual accuracy in other regards. I now yield two minutes to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, the home county of my district is made up quite largely of people of foreign birth. Perhaps two-fifths of the voters of the city of Galesburg, Ill., are men who have come from Norway or Sweden, more largely from Sweden. They are splendid people, and have made good naturalized citizens of this country. They have served this country in war and in peace, and I am loath to cast my vote in any way that will make it a hardship upon any of their relatives that come to this country in order to be citizens of the United States. In my home county, at the county seat, in our circuit court, is where these men come to be naturalized. I heard complaint when the fees were increased from about $2 to $5. I know that I would hear greater complaint if I voted to increase the fees to $10. Now, it is stated that the clerks should have $5 of the $10 and $5 of the $10 should go to the Bureau of Immigration.

I wish to say to the gentlemen of this House that there is not a clerk in my congressional district who would refuse to issue naturalization papers to a proposed applicant if he came there for the purpose of receiving his papers. The clerks are elected by the people outside of, perhaps, a few of the largest cities where they may or may not be appointed. Here are three hundred and ninety-odd congressional districts. Almost every clerk that is in these congressional districts is elected by the electors as we are elected to Congress.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BENNET of New York. I yield one more minute to the gentleman.

Mr. PRINCE. Now, to give these clerks additional pay at the expense of the voter or proposed voter is a hardship upon the proposed electors, and is a gift to the clerk, and when you resolve it down to its final analysis, this bill ought to be regarded as a bill to increase the clerk's fees for the benefit of the clerk and against the interest of the proposed voter who desires to become a citizen of the United States. [Applause.]

Mr. BENNET of New York. I yield five minutes to the gentleman from California [Mr. HAYES], a member of the committee.

Mr. HAYES. Mr. Speaker, I can not believe that gentlemen who oppose the amendment of the Senate understand the situation. This is not an amendment the sole purpose of which is to increase the salary of the clerks of the courts. It has two purposes—one to facilitate the administration of the naturalization laws and the other is in the interest of the applicant himself. The gentlemen who have discussed the matter do not understand the amount of work that must be done by the clerk in administering the present naturalization law. The fees now charged are not sufficient to induce the clerks to do the work, and as a result many state courts have refused to take jurisdiction in naturalization cases, and so the naturalization of aliens at this time is conducted largely by the United States courts. The result of this is to clog the calendars of the United States courts. The applicant must therefore come not once with two witnesses to be naturalized, oftentimes making a long trip to the United States court for that purpose, but he must come two, three, and sometimes four times to the court before his case can be heard. Instead of its costing him an additional $5, in many cases it costs him $10, $15, $20, or even more in loss of time and expenses. I know that this is the case in all of the large cities, and I have no doubt that it is general all over the country. The purpose of this amendment is to increase the pay of the clerks sufficient to make it an inducement to the clerks of the state courts to do the work, and thus make it easy for the applicant for naturalization to secure a certificate of naturalization, while now it is difficult.

Now, if we increase the cost of naturalization, as the Senate amendment proposes, we shall still have the cheapest naturalization in the world. There is no nation in the world which naturalizes a citizen for the cost of $10. In the cheapest country the cost is at least $30 or $40. Gentlemen should remember that only one half the fees collected are retained by the clerk; the other half goes to the Bureau of Naturalization to pay the expenses of administering the law. I understand that the bureau is now greatly hampered for funds.

Mr. SABATH. Will the gentleman yield for a question? Has the gentleman seen the report that the department has issued, in which they say they have made clear of expenses a profit for the last fiscal year of $126,907?

Mr. BENNET of New York. I would like to answer the gentleman by saying that that report does not include $150,000 that was paid under the sundry civil appropriation bill out of the immigration fund.

Mr. SABATH. For what?

Mr. BENNET of New York. For attorneys and things necessary to carry on the law. The gentleman should read the report.

Mr. SABATH. I did; and it shows the department received $166,635 and paid out only $39,729, leaving a net profit of $126,907.

Mr. BENNET of New York. That does not include——

Mr. HAYES. As my colleague suggested, the gentleman has not included the $150,000 appropriated by this House.

Mr. MANN. Neither did the department.

Mr. SABATH. For what?

Mr. HAYES. To administer the naturalization law.

Mr. BENNET of New York. And paid out of the Department of Justice——

Mr. SABATH. For what purpose?

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BENNET of New York. I yield one minute to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, it seems from the statement of the gentleman from New York that the clerks in the state courts of New York are not sufficiently patriotic to do the work of naturalization when people call upon them for that purpose. The state courts of Illinois are always ready to naturalize any citizen who applies and is entitled to naturalization. They are glad to do the work and they will keep the courts open all night for that purpose if it be necessary. The increase from $5 to $10 proposed to be made under this bill is unjust, unfair, and excessive, and the bill ought not under any circumstances to be enacted into law. [Applause.]

Mr. BENNET of New York. Mr. Speaker, I would like to have read at the desk in my time a quotation from the report of the division of naturalization which I send to the Clerk's desk.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. BENNET of New York. Not now.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The next most important recommendation is that the fees be increased so as at once to pay the clerks of courts adequate compensation for their labor and responsibility and to make the service rendered by the Government self-supporting as near as may be. It has already been pointed out that such a measure would distribute the work of naturalization more evenly among the courts and enable them to bestow more time on the hearings with justice to their other business than they are willing to give under existing conditions. The extra cost to the petitioners would be more than repaid by the results to them of speedy disposal of their petitions and relief from the expense in providing for themselves and their witnesses during the time their cases are delayed. To those residing in the large cities a still greater relief would be afforded, as they would not have to return again and again, as at present necessitated, and in some courts as often as five times, to get the opportunity to file their papers, because present fees are not sufficient to enable the clerks of the courts in such cities to employ deputies enough to dispatch their business promptly.

In few countries are the charges for naturalization even approximately so small as in the United States. The cost of the proceedings are of necessity considerable. It is for Congress to determine whether such costs should be borne, in whole or in part, by the persons seeking citizenship or by the Public Treasury and, in some cases, by the States.

On April 30 last the division received the following notice:

"The clerk at Montpelier will not take any naturalization business after Saturday next, because he says it costs the State about $100 a day to hold court, and that each case in his court is charged $14, and that unless he can collect $14 from the Government for every naturalization case the court will not do the business."

Many of the state courts have not yet applied for the forms, and some have returned those sent, sometimes derisively referring to the meagerness of the fees as the reason for this return.

Mr. BENNET of New York. Mr. Speaker, I desire to be notified when I have but one minute remaining.

Mr. HUGHES of New Jersey. Will the gentleman now yield?

Mr. BENNET of New York. Not at present. Mr. Speaker, this is a report of a conference committee, after full and free conference between the conferees appointed by the two Houses. The result of this report, if agreed to and if the bill becomes a law, will be to facilitate the naturalization of the alien who is entitled to naturalization. In every respect the law of June 29, 1906, enacted to wipe out naturalization frauds, has been a success, except that in the matter of fees, the fee being fixed at $5, it has worked badly against the qualified alien both in the city and in the country.

Mr. MARTIN. Will the gentleman yield for a question?

Mr. BENNET of New York. I have only two or three minutes, and I will probably explain what the gentleman desires. In a decision of the Comptroller of the Treasury it has been so construed that an office, no matter how large it is, can receive only $3,000 a year for clerical assistance, and the result is that in the large cities, not only in New York but Boston, San Francisco, and even Chicago, men have to come down four, five, and six times and not only lose their own day's time, but lose the time of their two witnesses——

Mr. SABATH. Will the gentleman yield?

Mr. BUTLER. Why are they required to go down so often?

Mr. BENNET of New York. I will tell the gentleman: Because it is a physical impossibility, under the present law, to fill out the petitions of more than 40 or 50 men a day; and sometimes as many as 200 apply.

Mr. MANN. That does not apply anywhere except in the big cities. The gentleman said this would not apply to the big cities.

Mr. BENNET of New York. The increase of fees, I said, would not, the fee being simply in the country districts or state courts, which are not required to naturalize and do not get the blanks in as many cases as they might.

Mr. MARTIN. I would like to know whether the statement of the gentleman applies generally to country courts? I have never known in the West any state courts to refuse to naturalize applicants, and they do it every day.

Mr. BENNET of New York. The report of the Division of Naturalization says that this condition is country wide, and if this law is passed many more courts have already signified their intention of not taking the blanks.

Mr. MARTIN. Evidently the investigations of the Division of Naturalization have not been country wide. Ever since the courts were established in my State the aliens have been freely naturalized by giving a common fee of a dollar or a dollar and a half, and never do the courts refuse to naturalize whoever applies, provided they are entitled to become citizens.

Mr. SABATH. Only one clerk has refused.

Mr. MARTIN. How many naturalizations can a clerk perform in a day?

Mr. ELLIS of Missouri. Is the machinery self-sustaining?

Mr. BENNET of New York. One clerk, with the assistance allowed him by the law, can not possibly naturalize more than fifty. In a country district a man gets no such amount, and it ought to be borne in mind by the House that the clerk does not get this entire increase. The clerk gets one-half; and to-day, with the fee as it is, the service is not self-sustaining. Now, I am as good a friend of the alien——

Mr. TAWNEY. Will the gentleman permit a question there?

Mr. BENNET of New York. Yes.

Mr. TAWNEY. The gentleman says the service is not self-sustaining?

Mr. BENNET of New York. I do.

Mr. TAWNEY. To what service does the gentleman now refer?

Mr. BENNET of New York. I refer to the administrative service.

Mr. TAWNEY. Of the naturalization law alone, or of the immigration service as well?

Mr. BENNET of New York. I refer to the naturalization law alone, in which there is a deficit of about $70,000 a year.

Mr. MANN. Although the gentleman was very strongly of the opinion when we passed the bill that there would be no deficit and that it would be self-supporting. I mean the men who were favoring the bill——

Mr. BENNET of New York. I favored the bill.

Mr. MANN (continuing). Expressly informed the House that it would be self-sustaining.

Mr. BENNET of New York. I said frankly to the House that we were not sure of that.

Mr. BONYNGE. Mr. Speaker, at the time the bill was reported to the House the committee reported in favor of an $11 naturalization fee. At the earnest solicitation of many Members of the House the amount was reduced to $5. The committee at that time stated that the purpose was simply to make the law self-sustaining. We doubted whether $5 would accomplish that purpose, but we submitted to the reduction to $5 rather under protest and to try it as an experiment. I state this, not intending to speak upon the bill, because in all particulars I am not in favor of it as the conference committee has reported it, but it is not correct to say that the committee in reporting the bill said that $5 would make the law self-supporting.

Mr. BENNET of New York. I started to say that the aliens had no better friend than I, as I think I have demonstrated in the past. I am in favor of a rather liberal immigration, and I have voted for such. But I do think that when a man has come to us from a foreign country and has been here five years——

The SPEAKER. The gentleman has sixty seconds remaining.

Mr. BENNET of New York. I will take twenty seconds to say this: That he ought to be willing to pay $10, spread over five years, for the benefits of American citizenship.

Now, I move the previous question upon the adoption of the conference report.

The question was taken, and the Chair annuounced that the ayes seemed to have it.

Mr. SABATH. Division, Mr. Speaker.

The House divided; and there were—ayes 67, noes 50.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were ayes 63, noes 84.

Mr. BENNET of New York. Mr. Speaker, I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Seventeen gentlemen have risen; not a sufficient number; the yeas and nays are refused; and the House disagrees to the conference report.

Mr. BENNET of New York. I move that the House further insist on its disagreement to——

Mr. FITZGERALD. Is not the gentleman from Illinois [Mr. SABATH] entitled to recognition?

The SPEAKER. It would seem to the Chair not. The matter is disposed of, as the bill now stands. If no further step is taken, the bill is gone, and the gentleman in charge of the bill, it seems to the Chair, if recognized, does not controvert it, because it is complete.

Mr. BENNET of New York. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment and ask a further conference.

Mr. FITZGERALD. I raise a point of order on that. The gentleman from Illinois [Mr. SABATH] desires to make that motion. The gentleman from New York had moved to agree to the conference report, and by not succeeding he lost the right to be recognized.

The SPEAKER. The gentleman from New York will understand that a motion that brings the two bodies together takes precedence of a motion to insist upon its disagreement.

Mr. FITZGERALD. But the gentleman had made that motion.

The SPEAKER. No; the gentleman had not made the motion, as far as the Chair is aware. The gentleman can make the motion now if he desires.

Mr. MANN. Mr. Speaker——

Mr. ROBERTS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. I rise to take the floor, if I can.

The SPEAKER. But the gentleman from New York has the floor on a motion that the House do further insist upon its disagreement.

Mr. MANN. But the gentleman had not moved the previous question.

Mr. BENNET of New York. I move the previous question.

The SPEAKER. The gentleman from New York had not yielded the floor, and moves the previous question.

The question was taken, and the previous question was not ordered.

Mr. MANN. Mr. Speaker, I move that the bill and conference report be laid on the table.

The SPEAKER. The gentleman moves that the conference report, which would carry the bill, lie on the table.

Mr. MANN. Mr. Speaker, if I may be permitted, the gentleman from New York states that there are other matters in the bill that are of importance, and that he will take the vote of the House as an instruction when the matter goes to conference, and therefore I ask leave to withdraw the motion to lie on the table.

The SPEAKER. Without objection, the motion is withdrawn.

Mr. LOUDENSLAGER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LOUDENSLAGER. When a gentleman in charge of a report of conferees comes before the House and the House refuses to sustain the report, does he not lose control of the bill?

The SPEAKER. In the judgment of the Chair, he does not. Ordinarily that is the case. The House has rejected the conference report; that disposes of it.

Mr. LOUDENSLAGER. Of that part.

The SPEAKER. It is rejected. It is now for the House to take such further action as it may desire, or no action, if no action is desired——

Mr. MANN. Mr. Speaker, I move that further consideration of this matter be postponed until to-morrow.

The SPEAKER. The gentleman from Illinois moves that further consideration of this matter be postponed until to-morrow.

Mr. BENNET of New York. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BENNET of New York. In what situation would that leave the matter?

The SPEAKER. It would dispose of the matter until to-morrow.

Mr. BENNET of New York. Would it come up immediately after reading the Journal, without a special time being set? I have no objection to its being set for immediately after the reading of the Journal.

Mr. MANN. I have no objection to that.

Mr. SABATH. Mr. Speaker, I move to lay the bill on the table.

The SPEAKER. Pending the motion, the gentleman from Illinois moves that the bill lie on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BENNET of New York. Division!

The House divided; and there were—ayes 107, noes 69.

Mr. BENNET of New York. Yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-six gentlemen have arisen; not a sufficient number; the yeas and nays are refused; and the motion to lay the bill on the table prevails.

COEUR D'ALENE INDIAN RESERVATION.

The SPEAKER laid before the House the bill (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho, with Senate amendments.

The Senate amendments were read.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to concur in the Senate amendments. Is there objection?

There was no objection.

ADMINISTRATION OF JUSTICE IN THE NAVY.

Mr. ROBERTS. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 6252) to promote the administration of justice in the navy; and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up a conference report on the bill H. R. 6252, and asks unanimous consent that the statement of the House conferees be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 6252 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The House recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment as follows:

In lieu of the proposed amendment insert the following:

"That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authority.

"SEC. 2. That such courts shall be known as 'deck courts,' and shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article thirty of the Articles for the Government of the Navy: *Provided*, That in no case shall such courts adjudge discharge from the service or adjudge confinement or forfeiture of pay for a longer period than twenty days.

"SEC. 3. That any person in the navy under command of the officer by whose order a deck court is convened may be detailed to act as recorder thereof.

"SEC. 4. That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated, and such officer shall have power to pardon any punishment such court may adjudge.

"SEC. 5. That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe.

"SEC. 6. That the records of the proceedings of the courts hereby authorized shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon, except that if the party accused demands it within thirty days after the decision of the deck court shall become known to him, the entire record, or so much as he desires, shall be sent to the reviewing authority. Such records, after action thereon by the convening authority, shall be forwarded directly

to, and shall be filed in, the office of the Judge-Advocate-General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action.

"SEC. 7. That no person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary or by general court-martial, as may be appropriate.

"SEC. 8. That the courts authorized to impose the punishments prescribed by article thirty of the Articles for the Government of the Navy may adjudge either a part or the whole, as may be appropriate, of any one of the punishments therein enumerated: *Provided*, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial.

"SEC. 9. That the Secretary of the Navy may set aside the proceedings or remit or mitigate, in whole or in part, the sentence imposed by any naval court-martial convened by his order or by that of any officer of the Navy or Marine Corps.

"SEC. 10. That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander in chief of a fleet or squadron, and by the commanding officer of any naval station beyond the continental limits of the United States.

"SEC. 11. That a naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State, Territory, or District where such naval court shall be ordered to sit may lawfully issue.

"SEC. 12. That any person duly subpœnaed to appear as a witness before a general court-martial or court of inquiry of the Navy, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by such naval court, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witness and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: *Provided further*, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

"SEC. 13. That persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed three dollars per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed twenty-five dollars: *Provided*, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy, and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate demands.

"SEC. 14. That section sixteen hundred and twenty-four, article thirty-four, Revised Statutes of the United States, is hereby amended as follows: 'The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President, and all such proecedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed, in the discretion of the Secretary of the Navy.'

"SEC. 15. That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the Navy or Marine Corps of the United States and deliver him into the custody of the naval authorities.

"SEC. 16. That the depositions of witnesses may be taken on reasonable notice to the opposite party, and when duly authenticated, may be put in evidence before naval courts, except in capital cases and cases where the punishment may be imprisonment or confinement for more than one year, as follows: First, depositions of civilian witnesses residing outside the State, Territory, or District in which a naval court is ordered to sit; second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District; third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance.

"SEC. 17. That all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office.

"SEC. 18. That all acts or parts of acts inconsistent herewith are hereby repealed."

ERNEST W. ROBERTS,
A. F. DAWSON,
L. P. PADGETT,
Managers on part of the House.
GEO. C. PERKINS,
J. H. GALLINGER,
B. R. TILLMAN,
Managers on part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 6252) to promote the administration of justice in the navy, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendment of the Senate, namely:

The House in receding from its disagreement to the Senate amendment to H. R. 6252 and agreeing to the same with an amendment has the effect of adopting the House bill with amendments and four additional sections, which were sections of the Senate amendment with amendments. Section 12 of H. R. 6252 is stricken out, and section 12 of the Senate amendment, with amendments, is inserted in lieu thereof. Section 2 of the House bill is amended so that the limit of confinement, or forfeiture of pay, is raised from fifteen to twenty days.

Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14 of the House bill remain the same.

The effect of striking out section 12 of the House bill and inserting section 12 of the Senate amendment with amendments is to provide a penalty of a fine not to exceed $500, or imprisonment not to exceed six months, or both, at the discretion of the court in cases where civilian witnesses are subpœnaed to appear and refuse to do so or refuse to qualify as witnesses. This section also provides for the payment of mileage and witness fees by the Bureau of Supplies and Accounts, and provides further that no witness shall be compelled to incriminate or degrade himself.

Section 15, which was section 10 of the Senate amendment, provides for the arrest of a deserter from the Navy or Marine Corps by any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders.

Section 16, which was section 13 of the Senate amendment, provides for the taking of depositions on reasonable notice to the opposite party, which may be put in evidence in cases not capital and in cases where the punishment may be a period of imprisonment or confinement for one year or less.

Section 17, which was section 7 of the Senate amendment, provides that all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office.

Section 18, which was section 14 of the Senate amendment, provides for the repeal of acts or parts of acts inconsistent herewith.

ERNEST W. ROBERTS,
A. F. DAWSON,
L. P. PADGETT,
Managers on the part of the House.

Mr. ROBERTS. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill (H. R. 27053).

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. FOSTER of Vermont in the chair.

The Clerk read as follows:

For investigations of insects affecting citrus fruits, including the white fly, orange thrips, and for carrying on investigations of the hydrocyanic-acid gas process, $16,500.

Mr. SPARKMAN. Mr. Chairman, I move to strike out the last word. I wish to inquire of the gentleman in charge of the bill whether, in his opinion, that language is broad enough to include what is known as "orange-tree blight?"

Mr. SCOTT. Mr. Chairman, orange-tree blight is a disease of the orange tree, and is not caused by any insect. My understanding is that it is a disease which they believe to be due to poor nutrition. Therefore any action that may be taken looking toward the eradication of it would properly come under the Bureau of Plant Industry and not under the Bureau of Entomology. And I may say for the information of the gentleman that the committee believe the amount of the appropriation carried in the bill to enable the Bureau of Plant Industry to carry on its studies along the line about which he inquires is ample for that purpose.

Mr. SPARKMAN. I am not able to say myself whether it is an insect that causes this disease known as "orange-tree blight" or not; but if the gentleman thinks there is provision in the bill which will cover the investigation into that pest, whatever it may be, I am perfectly satisfied.

Mr. SCOTT. I have no hesitation in giving the gentleman from Florida that assurance.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For the maintenance of the Montana National Bison Range and other reservations for mammals and birds, $7,000.

Mr. MONDELL. Mr. Chairman, I reserve a point of order to the provision in lines 21, 22, and 23, on page 32.

Mr. SCOTT. If the gentleman will make the point of order instead of reserving it, we will take the ruling of the Chair.

Mr. MONDELL. My thought was, Mr. Chairman, that if there is no objection to reserving a point of order, I would suggest an amendment. I have no objection to the provision with an amendment, but if the amendment is not accepted I shall feel it my duty to insist on the point of order.

Mr. SCOTT. I would be glad to hear the gentleman's amendment.

Mr. MONDELL. I do not desire to waive the point of order.

Mr. MANN. Let the amendment be read for information.

Mr. MACON. Did the gentleman from Wyoming reserve a point of order?

Mr. MONDELL. Yes.

Mr. MACON. I will reserve a point of order on the whole proposition.

Mr. MONDELL. I desire to have the amendment read for information.

The Clerk read as follows:

Insert, after the word "dollars," in line 23, the following:
"*Provided*, That no part of this appropriation shall be used for the maintenance of any bird or game preserve established by executive order since June 28, 1906."

Mr. MONDELL. Mr. Chairman, I desire to call the attention of the House to the fact that for a considerable number of years past what are called "bird preserves" have been created in considerable numbers by executive order. It is not claimed that there is any specific authorization for creating such bird preserves. In my opinion there is no warrant of law for it. It seems to me the House ought to understand what is being done in this way. Prior to June 28, 1906, certain public lands, consisting of small, outlying islands, had been reserved by executive order. The Committee on the Public Lands reported a bill authorizing the protection of birds on these islands. But in reporting the bill a provision which it originally contained and which authorized the creation of such preserves was stricken out. It was freely admitted that there was no law authorizing the creation of these preserves, and that it was extremely doubtful if there was any authority for their creation, but that having been designated, there ought to be some means for their protection. The plea which prevailed was that they were few in number, small, swampy, uninhabitable islands in remote sections, and that Congress having declined to sanction the creation of these preserves when the question was before it, no more would be established.

Since that time there have been some 26 of these bird preserves created in various portions of the country by executive order.

Now, if the Executive is to continue to create these bird preserves—and, in my opinion, the Executive is not so authorized, and Congress has no power to grant such authority—if this practice is to continue, there is no telling how many bird preserves we may have or how much of the territory of the Union these federal bird preserves may ultimately cover. If the Executive may create 26 preserves in various States, he can create 2,600. Evidently this bureau proposes to go abroad over the land and create bird preserves without authority of law on which and over which it is proposed to enforce federal statutes, and by so doing to set aside the laws of the States within which the preserves are located.

My attention was called last fall to the fact that one of these preserves had been established in the State I represent, and in a statement given to the chairman of the committee by the bureau official a short time ago it was stated that this particular preserve was only 50 feet wide and 9 miles in circumference. In other words, the bureau imagine that they have in the State of Wyoming a sort of doughnut preserve 50 feet in width and 9 miles in circumference, a federal atoll within whose lagoon are the calm waters of the "twilight zone" of jurisdiction, and outside of which roll the waves of state control and sovereignty. [Laughter.]

Now, Mr. Chairman, the fact is that these gentlemen who claim that there is executive authority to go within sovereign States to establish bird preserves do not even know the area of the preserves that have been established, and so they refer to this as being a reserve 50 feet wide, 3 miles from outside to outside, and 9 miles around.

Mr. HUMPHREYS of Mississippi. What is a bird preserve?

Mr. MONDELL. It is a certain unconstitutional thing attempted to be created by executive action where there is no executive authority. [Laughter.]

Mr. HUMPHREYS of Mississippi. According to that we have had innumerable bird preserves within the last seven years.

Mr. MONDELL. We have had a good many.

Mr. GRONNA. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GRONNA. One of the preserves is Loch Katrine, in the gentleman's own State?

Mr. MONDELL. Yes.

Mr. GRONNA. Is it not true that that was created by sentiment at the request of the people in your own State?

Mr. MONDELL. It is very true. If the gentleman will wait, I will come to that and show how it was done.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent that I may continue for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may continue for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I will answer the question of the gentleman from North Dakota. Simply because some gentleman desires to have a private duck pond, within which he can hunt by consent of the Secretary of the Interior and within which no one else can hunt without danger of being dragged to a federal court 500 miles away and fined $500 and imprisoned for six months for shooting a duck or taking or breaking some snipe eggs, it does not necessarily follow that it is right, that it is proper, or that it is constitutional or legal that it should be done, and the fact that the gentlemen who were favorable to it were near and dear friends of mine does not alter the situation at all, except to add to my regret that I feel it my duty to call attention to these matters. The fact is that this Loch Katrine preserve covers over 5,000 acres. It is not any such a doughnut reserve as they imagine down here in the department. They do not understand the language used by the Interior Department when it refers to all of the lands

within a meander survey and then in addition thereto 50 feet around the borders of the meander survey. Mr. Chairman, I think we ought to know how far the Executive is going in this exercise of executive power in excess of executive authority. The Supreme Court of the United States in a number of cases has very clearly stated the fact that the States are sovereign in the control of game within their borders. This was decided in the case of Greer versus Connecticut and in the case of Race Horse versus Ward and a number of other cases. Beyond that, if there was any authority for federal control of game or birds in a State, there is no law authorizing the reservation of land for such purposes, and in the absence of specific authorization to that effect the Executive has no such authority. That has been very clearly set out in many decisions of the Supreme Court, and I desire to print in the RECORD some correspondence which I had with Mr. Palmer, of this bureau, with regard to the establishment of this preserve and of like preserves.

Mr. Chairman, as indicating how recklessly and carelessly these executive orders are issued and promulgated, I desire to call attention to the fact that the so-called "Loch Katrine Reserve" is not even on public land. It is on private land. The land had been granted under the right-of-way act to a company constructing a great irrigation enterprise, and that right of way is permanent, a perpetual easement; it is their property; it is taxable; it belongs to them; and it is in no sense public lands. So that not only has the Executive exceeded his authority in all these cases by attempting to establish bird preserves and by prohibiting the taking of birds, even though they may be taken in accordance with the laws of the States, but in this particular instance there has been an attempt to make a bird preserve of private lands.

Mr. Chairman, the correspondence I have referred to and which I shall print in the RECORD is as follows:

LOCH-KATRINE BIRD RESERVATION.

[No. 961.]

EXECUTIVE ORDER.

It is hereby ordered that all of the lands embraced within the meander survey of a reservoir site located in what is commonly known as the "Oregon Basin," embracing 5,500 acres, more or less, in section 5, township 51 north, range 100 west, and sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, township 52 north, range 100 west of the sixth principal meridian, Wyoming, together with a strip of land 50 feet wide adjoining said meander survey on the outside and surrounding said reservoir site, as the said reservoir site appears upon the map of the Shoshone River Canal, on file in the General Land Office, approved March 13, 1903, and as the same is shown by the broken line upon the diagram hereto attached and made a part of this order, are hereby reserved, subject to valid existing rights, and set aside for the use of the Department of Agriculture as a preserve and breeding ground for native birds. The taking or destruction of birds' eggs and nests, and the taking or killing of any species of native birds for any purpose whatever, except under such rules and regulations as may be prescribed by the Department of Agriculture, is prohibited, and warning is expressly given to all persons not to commit any of the acts hereby enjoined. This reserve to be known as the "Loch-Katrine Reservation."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *October 26, 1908.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF BIOLOGICAL SURVEY,
Washington, D. C., January 5, 1909.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR SIR: In compliance with the request contained in your letter of January 2, I inclose herewith another copy of Executive Order No. 961, establishing the Loch-Katrine Reservation in Wyoming.

In reply to your inquiry concerning the authority for the establishment of the reservation, I beg to say that these bird refuges, like other federal reserves established by executive order, are simply reservations of public land for public use. They differ in purpose, though not in principle, from reservations established for military purposes, naval stations, light-house sites, sea-otter reserves, reindeer stations, and other public uses. So far as I am aware, no specific act exists providing for the establishment of such reservations. They have been created by authority of the President in accordance with a practice which dates back to the earliest history of the Government and which has been repeatedly approved by Congress and sustained by decisions of the Supreme Court. Among the decisions bearing on this point may be cited Wolcott *v.* Des Moines Co. (5 Wall., 688), Grisar *v.* McDowell (6 Wall., 363), and Wolsey *v.* Chapman (101 U. S., 755).

In Grisar *v.* McDowell, involving the reservation of a tract of land in the city of San Francisco for military purposes, the Supreme Court declared:

"From an early period in the history of the Government it has been the practice of the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses.

"The authority of the President in this respect is recognized in numerous acts of Congress. Thus in the preemption act of May 29, 1830, * * * in the preemption act of September 4, 1841, * * * the act of March 3, 1853, providing for the survey of the public lands in California. * * *

"The action of the President in making the reservations in question was indirectly approved by the legislation of Congress in appropriating moneys for the construction of fortifications and other public works upon them (p. 381)."

This question is fully discussed in an opinion of the Attorney-General submitted to the Secretary of the Interior regarding the Southern Pacific Railroad grant (16 Op. Atty. Gen., 87), and more recently in an opinion submitted by the Assistant Attorney-General to the Secretary of the Interior on June 17, 1890, regarding reservations in Alaska.

I may add that Congress has indirectly approved the establishment of these bird reservations in the act of June 28, 1906, "To protect birds and their eggs in game and bird preserves," by prohibiting the capture of birds or the taking of eggs "on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or executive order." (34 Stat., 536.)

Respectfully,

T. S. PALMER,
In Charge of Game Preservation.

JANUARY 26, 1909.

Mr. T. S. PALMER,
In Charge of Game Preservation,
Bureau of Biological Survey, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of January 5, in reply to a request contained in my letter of January 2, in which I made inquiry concerning the authority for the establishment of the Loch-Katrine Reservation, and I note that you say that "these bird refuges, like other federal reserves established by executive order, are simply reservations of public land for public use." You state further that "they differ in purpose, though not in principle, from reservations established for military purposes, naval stations, light-house sites, sea-otter reserves, reindeer stations, and other public uses." You also state that so far as you are aware "no specific act exists providing for the establishment of such reservations," but that "they have been created by authority of the President in accordance with a practice which dates back to the earliest history of the Government and which has been repeatedly approved by Congress and sustained by decisions of the Supreme Court."

I note that in the closing paragraph of your letter you say:

"I may add that Congress has indirectly approved the establishment of these bird reservations in the act of June 28, 1906, 'To protect birds and their eggs in game and bird preserves.'"

I have very carefully considered the statements contained in your letter, have read the decisions to which you refer, as well as the act of Congress, title of which you quote, and I must say that I am utterly unable to agree with your conclusions as to executive authority touching the matters referred to, nor do I find support for the views you express in any of the authorities to which you refer.

Before entering on a discussion of the question as to the limitations of executive authority so far as it pertains to public lands, I desire to call your attention to the fact that the lands described in Executive Order No. 961, known as the "Loch-Katrine Reservation," are not public lands, and therefore could not be lawfully reserved by the President for any purpose whatever, even though the President had authority to create such reservations on public lands.

The lands described in the above-mentioned order are, as stated in the order, a part of the right of way of the Shoshone River Canal, approved March 13, 1903. This right of way is a congressional grant, and the lands embraced within it have been definitely determined by the approval of a map of the same, and the title is vested in the owners of the Shoshone River Canal and subject to taxation and control, as any other land in private ownership in the State of Wyoming.

Assuming for the sake of argument that the Executive has authority to establish reservations of this kind on public lands, surely no one will contend that any authority is vested in the Executive to create a public reservation on private land. If such an act as this were valid, then all the rights of way of all of the railroads in all of the public-land States could be made bird refuges or game preserves, for those rights of way were granted under statutes similar in all essential particulars to that under which the right of way in question was granted.

I desire, however, to emphatically protest against the theory that the President, or anyone else, has authority to reserve public lands as bird or game refuges or as bird or game preserves, or for any such like purpose, and the decisions cited certainly do not warrant the view that the President has such authority.

The case of Wolcott *v.* Des Moines Co. (5 Wall., 688) relates to reservations made by executive authority in accordance with the provisions of an act of Congress. The Congress had, in 1846, granted to the Territory of Iowa, for the purpose of aid in the improvement of navigation on the Des Moines River, alternate sections of the public lands in a strip of 5 miles in width on each side of the Des Moines River. The only question at issue was whether a certain tract of land, designated by executive authority in pursuance of law, was a portion of the land granted by the act of Congress for the purpose of enabling the Territory to aid in the improvement of the Des Moines River.

To hold that this decision offers the slightest excuse for the executive act now under discussion is, it occurs to me, a most extraordinary torturing of the plain intent and effect of the decision.

The extract from the decision in Grisar *v.* McDowell (6 Wall., 363), quoted by you in your letter, has, I realize, been repeatedly used as an excuse for the claim of executive authority to withdraw lands, but will certainly bear no such construction as that now placed upon it, for unquestionably in using the term "for public uses" the court had in mind public uses of the character of that for which the tract in question in the case before the court was reserved, to wit, for military purposes.

No one has ever denied the right of the Executive to reserve land required for military purposes, for light-houses, or the like. In this case the question was, Did the Executive have the authority to set aside land for the military use of the Government?

The integrity of the Nation, the lives of its citizens, may depend upon the reservation of land for military and light-house purposes. They are clearly public purposes, such as the court had in mind when it passed upon this case involving the title to a military reservation, but it has been held by high authority that the authority of the Executive to withdraw land even for military purposes is a limited one, as was very clearly pointed out by Secretary Lamar in the case of the Fort Boise Reservation (6 L. D., 16), in which a reservation was made by the War Department of more than the 640 acres authorized by the act of Congress of February 14, 1853.

The case of Wolsey *v.* Chapman (101 U. S., 755), to which you refer, is another case relating to the Des Moines River grant, and the reservations made under that grant were clearly made by authority of Congress. The only question at issue was as to whether the lands in controversy were a part of the grant. The most strained and extravagant interpretation of this decision can not by any possibility torture it into a justification of executive withdrawals or reservations confessedly not based on any act of Congress.

I have examined with care the opinion of the Attorney-General submitted to the Secretary of the Interior regarding the Southern Pacific Railroad grant (16 Op. Atty. Gen., 87), to which you refer. I find that the opinion relates to a grant to the Southern Pacific Railroad made by Congress. The question in controversy was whether the Secretary of the Interior had erred in withdrawing certain lands as being part of the grant. There is nothing whatever in the case touching the right or authority of anyone to withdraw lands without definite and specific authority of law. The Attorney-General calls attention to the fact that the Secretary of the Interior may, in certain cases, be in doubt "whether a greater or less amount (of land) should be withdrawn in order to protect the grants or comply with other legislation of the United States." There is no claim that this reservation in question is made with a view of complying with legislation of the United States.

I can not refrain from expressing surprise at the rather extraordinary statement in the last paragraph of your letter to the effect "I may add that Congress has indirectly approved the establishment of these bird reservations in the act of June 28, 1906," by prohibiting the capture of birds or taking of eggs "on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or executive order."

I happen to be well acquainted with the history of the legislation in question, and instead of being held by the executive departments as approving directly or indirectly anything that may have been done prior to the passage of the act, it should have been accepted by the executive departments as clearly indicating the determination of Congress not to authorize the creation of any such reserves.

The first section of the bill as introduced by Mr. Lacy was as follows:

"*Be it enacted, etc.*, That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of such birds on any lands of the United States which have *already* been *or may hereafter be* set apart or reserved as *game preserves* or breeding grounds for birds by any law, proclamation, or executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture."

It will be noted that this bill, had it become a law as introduced, would have authorized the reservation of lands as bird and game preserves, but as the bill became a law, all of that portion which I have italicized and which would have authorized the reservation in question was stricken out.

As a member of the committee that reported the bill I recall very clearly the discussion in the committee on the subject, and how earnestly Mr. Lacy, chairman of the committee, plead for the passage of the bill, and how, after it was amended by striking out all that portion which would authorize the reservation of lands for the purpose contemplated, the bill was only reported on the earnest plea of Mr. Lacy that there were only six reservations, the names, location, and extent of which were given, which it would affect, all of which were small islands, the largest containing about 28 acres. As stated by Mr. Lacy in his report, "All these islands are small in size, low, swampy, or rocky, and of no value for agricultural purposes."

It was admitted that these refuges had been established without authority of law, and that therefore there was no way of protecting the birds upon them, but on the plea that they were small, rocky, and uninhabitable, and on the distant coasts of the United States, the bill was finally reported out of the committee in the belief that while it would make it possible to protect the birds on the small outlying islands referred to it would also serve as notice to the executive departments that Congress would not authorize the setting aside of further lands for these purposes, as is clearly indicated in the last paragraph of the report on the bill, in which Mr. Lacy stated that the matter of providing for other reservations was under consideration by Congress in several bills.

Had the members of the committee reporting the bill to Congress had any idea that the view expressed in your letter would be held by the executive departments, it is safe to say that the bill would never have been reported, much less passed. Clearly the act will not bear the strained construction you now place upon it, but that construction is certainly a splendid object lesson to legislators to be careful not to seem to condone executive action, in excess of authority, lest it be warped into an excuse for further unlawful acts.

There is one feature of this matter which your department seems to have entirely overlooked in the search of authorities in the hope of finding decisions which would warrant the action which has been taken, and that is, that the Supreme Court of the United States had decided that the Federal Government has no authority over or right to regulate the taking of game within a State. This doctrine does not rest on any strained or fantastic interpretation of decisions, but has been clearly laid down in two cases by the Supreme Court.

First. In the case of Greer *v.* Connecticut (161 U. S., 519), in which the question of the control of the State over the game within its borders was elaborately discussed, the court said, referring to the power of regulating the taking of game: "For the purpose of exercising this power, the State, as held by this court in Martin *v.* Waddell (16 Pet., 410), represents its people, and the ownership is that of the people in their united sovereignty." The court then goes on to quote with approval a decision of the supreme court of California to the effect that "the wild game within a State belongs to the people in their collective sovereign capacity," and also a decision by the supreme court of Minnesota to the effect that ownership of game is in the State in its sovereign capacity as the representative of its people in common.

In the case of Ward *v.* Race Horse (163 U. S., 505), a case in which the question at issue was as to whether the United States had authority by treaty to authorize the taking of game by Indians from a region which subsequent to the ratification of the treaty was included within the boundaries of a State, in violation of the state game laws, the court held emphatically that the Federal Government had no such authority; that the State was sovereign and absolute in its control over the game within its borders. Among other things the court said: "The power of a State to regulate and control the taking of game can not be questioned."

The court rejected the argument that the treaty conferred the right to hunt "when the United States had called into being a sovereign State, a necessary incident of whose authority was the complete power to regulate the killing of game within its borders." After citing the fact that the act which admitted Wyoming into the Union expressly declared that the State was admitted into the Union on an equal footing with the original States, the court referred to the claim that the Federal Government has the right to regulate the taking of game within the State as irreconcilably in conflict with the power of the State.

I most earnestly urge your careful consideration of these decisions, which are voluminous, exhaustive, definite, and controlling, and make it clear that the executive order in question is in direct conflict with the decisions of the Supreme Court above cited, and an attempted invasion of the rights of the State, inasmuch as it expressly enjoins, warns against, and attempts to prohibit acts which are entirely legal and lawful under the state law.

In conclusion, I desire to dissent most emphatically from the views expressed in your letter and to register my protest against the order in question, or any like orders, as being without authority of law, beyond and in excess of executive authority, in violation of the rights of the States and their citizens, and in direct conflict with the decisions of the Supreme Court of the United States.

Very respectfully, yours, F. W. MONDELL.

The CHAIRMAN. The time of the gentleman has expired. It is the understanding of the Chair that a point of order is pending.

Mr. MONDELL. Yes.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. MACON] make the point of order?

Mr. SCOTT. I desire to be heard on the point of order before that is passed upon, but I understand that the gentleman from North Dakota [Mr. GRONNA] would like to take the floor, and I will waive my right in his interest, because I prefer to close the debate.

The CHAIRMAN. The Chair desires to know whether the point of order has been made.

Mr. MONDELL. I reserved the point of order pending the submission of this amendment, if it is accepted.

The CHAIRMAN. Then, the gentleman from Arkansas also reserves the point of order.

Mr. MACON. I reserved a point of order on the whole proposition.

Mr. GRONNA. Mr. Chairman, I simply want to state that I have no interest in this matter other than this: There are those in this country who are interested in bird life. There are a number of these reserves, or "preserves," as my friend from Wyoming [Mr. MONDELL] calls them, and I can not see why we should have any objection to the Government protecting these birds. This is a provision allowing, I believe, some $7,000 for the maintenance not only of these bird preserves, but also for the maintenance of the Montana National Bison Range.

Mr. WILLIAMS. Will the gentleman yield for a question?

Mr. GRONNA. Yes.

Mr. WILLIAMS. There are a good many of us interested in this, interested in bird life, and we would like to see everything done to preserve and protect it, if the Federal Government can provide for it, if the Federal Government has the constitutional authority to do it. Can the gentleman point out to us whence that authority is derived, what part of the Constitution, or how?

Mr. GRONNA. Mr. Chairman, I shall not attempt to do that. It has been done in the past. I have only five minutes' time. Appropriation has been made for the maintenance of these bird preserves and these bison ranges heretofore, and I see no reason why we should at this particular time say that no further appropriations shall be made.

Mr. WILLIAMS. One other question. Have we ever heretofore made any provision for bird preserves, or for bison preserves, except upon the public domain? Have we ever undertaken to do anything of that sort on private property?

Mr. GRONNA. In reply to the gentleman from Mississippi I wish to ask him if he means if Congress has made any such provisions?

Mr. WILLIAMS. I mean any Congress.

Mr. GRONNA. Well, it has been done, I will say in reply to the gentleman, by executive order. In the year 1901 a personal investigation was made in my State, and there was one reserve established, which is known as the "Stump Lake bird reservation."

Mr. WILLIAMS. Is that upon the public domain or off of it?

Mr. GRONNA. There are no public lands there. It is in a lake; it is in a body of water. There are four little islands in that body of water, containing less than 30 acres; these islands are government lands, and the Government has ever since 1901 cared for as much as it possibly could with the limited appropriations that we have given them. They have tried to make it a haven of refuge for birds.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. GRONNA. I will be glad to do so.

Mr. MONDELL. Why did not the people of the locality, who are the people interested, or the people of the State, do their duty in that regard and take care of those birds instead of calling upon the Federal Government?

Mr. GRONNA. In reply to the gentleman I will say that the conditions are exactly the same in my State as they are in his; that is, it is being neglected by the people of the State.

Mr. MONDELL. Oh, that is not true in my State; I insist it is not, if the gentleman will allow me.

Mr. GRONNA. We have been a State for more than twenty years, and not until 1901 was there such a bird reservation preserved as the one to which I refer. I say to the gentlemen of this House that I shall not try to argue the point of order made against this paragraph, as the chairman of the committee, I understand, intends to do that; but I believe where we find small islands and they are not fit for anything else except for a haven of refuge for birds, we should allow the Government, or this particular bureau, to have an appropriation sufficient to enable them to look after those birds.

Mr. MACON. Mr. Chairman, will the gentleman yield for a question?

Mr. GRONNA. I will be very glad to do so.

Mr. MACON. What kind of birds is it proposed to preserve?

Mr. GRONNA. I will say to the gentleman that we have on these islands birds that are nesting there, waterfowl particularly.

Mr. MACON. What are they good for?

Mr. GRONNA. We have pintail, teal, shovelers, and mallard ducks, white-winged scoters, and white pelicans.

Mr. MACON. Does the gentleman want the Government to go into the business of raising ducks, geese, and things of that sort?

Mr. GRONNA. Not at all; we are simply asking for an appropriation for some one to guard these islands so that these birds shall not be disturbed.

Mr. MACON. Another question. I notice that it is proposed to preserve mammals. What kind of mammals are there up there?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. GRONNA. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MACON. Mr. Chairman, I would like to be recognized, as I desire to ask the gentleman a question.

Mr. GRONNA. I shall be very glad to answer a question.

Mr. MACON. I notice here some mammals that you want to preserve there. What are mammals, and of what use will they be to the Government?

Mr. GRONNA. So far as I know, there are no mammals on the islands. The species of birds we have I have mentioned. We have also the white pelican——

Mr. MACON. Are these mammals birds?

Mr. GRONNA. We have on those particular islands birds that are found nowhere else in the United States, I will say to the gentleman from Arkansas. We have the white-winged scoter that is not found anywhere else in the interior of this country.

Mr. MACON. But I want to know about the mammals.

Mr. GRONNA. I am not discussing or referring to mammals.

Mr. MACON. But I want to know about them.

Mr. GRONNA. I am talking about birds.

Mr. MACON. I have understood they are something like rats, gophers, or something of that kind.

Mr. HUMPHREYS of Mississippi. Or 'possum. [Laughter.]

Mr. MACON. Oh, no——

Mr. GRONNA. I will say in reply to the gentleman from Arkansas that if there are any mammals there of any value we will be very much pleased to preserve them.

Mr. MACON. But what are they good for?

Mr. GRONNA. I say we have none that I know of.

Mr. MACON. What are they good for, or what would they be good for if they were there. [Laughter.]

Mr. GRONNA. I will say to the gentleman from Arkansas that my reply to the gentleman was this, that if there are any mammals of any value we would desire to preserve them.

Mr. MACON. I am trying to get at what they are good for, but it seems that the gentleman can not inform me.

Mr. GRONNA. Mr. Chairman, in central and east central North Dakota during the spring and summer are found large numbers of nesting waterfowl—shore birds, gulls, terns, pelicans, and other birds. In 1901 a personal investigation of this region was made by several naturalists, who found birds and their young in numbers far beyond their expectation, and indicated by their reports the advantages that would accrue by preserving this region as a breeding ground. The desirability of some such action was emphasized by the fact that there was danger that market hunters if not checked would soon ravage the section, destroying the birds in large numbers and driving away the survivors to safer nesting grounds.

At the request of public-spirited citizens of the State, who desired to conserve this valuable bird life as far as possible, two of the lakes apparently furnishing the most attractive conditions for nesting were set aside as bird reservations by executive order. These reservations consist of several small islands entirely unfit for agriculture, but furnishing ideal conditions for the nesting of the birds, particularly waterfowl. These reservations are known as "Stump Lake Reservation," in Nelson County, and "Chase Lake Reservation," in Stutsman County.

Stump Lake Reservation, a few miles south of Lakota and east of Devils Lake, was established March 9, 1905. It consists of four small rocky and sandy islands, with a total area of less than 30 acres.

SPECIES PROTECTED.

These islands form the nesting ground of large numbers of waterfowl, particularly pintail, teal, shovelers, and mallard ducks. The region is notable as the only nesting ground of the white-winged scoter thus far discovered in the United States. Canada geese, lesser scaup ducks, and gadwall breed on the reservation. Beside these birds, gulls, terns, cormorants, spotted sandpipers, and several species of land birds nest on the islands. The reservation is much frequented by migrating birds that stop in their flight in spring and autumn on their way to and from their nesting grounds in the North. It thus forms a haven of refuge and a point of attraction for migratory birds in this part of the State. The first season after the reservation was established reports showed a large increase in certain species over the number produced in previous years. It was also reported that ducks had already found the reservation a refuge when hard pressed by hunters in the surrounding region.

Public sentiment seems to be entirely favorable to these reservations. Attention was first called to the desirability of creating them by public-spirited citizens in North Dakota, and since they have been established little or no objection has been made to them, but, on the contrary, residents in the neighborhood have evinced a deep interest in their welfare. Some idea of the interest in Stump Lake Reservation may be obtained from the fact that last summer when the warden had permitted a naturalist to go on the reservation to photograph the birds, he received almost immediately notices from three different sources that some one was trespassing on the reservation.

Chase Lake Reservation comprises a small island and a marshy peninsula in Chase Lake, Stutsman County, south central North Dakota. The area is not definitely known. This reservation, established on August 28, 1908, was first brought to the attention of the Department of Agriculture by residents of the county and was created at their urgent request. It is too soon as yet to report any definite results of the protection accorded the birds, but there is no doubt that it will have a most beneficial effect in preventing the destruction and increasing the abundance of certain species which frequent it.

Chase Lake is the breeding place of Canada geese, several species of ducks and shore birds, gulls, terns, and a colony of white pelicans. Like Stump Lake Reservation, it also serves as a resting place for many other kinds of birds during migration.

Mr. MACON. Mr. Chairman, I make a point of order.

Mr. SCOTT. Mr. Chairman——

Mr. BARTLETT of Georgia. Mr. Chairman——

Mr. MACON. Out of courtesy to the gentleman from Georgia [Mr. BARTLETT], I reserve the point of order.

Mr. BARTLETT of Georgia. Mr. Chairman, I do not know much about the reservation provided for in this bill, in Montana or elsewhere, nor am I particularly interested in the birds or mammals that exist there. But I am somewhat interested, Mr. Chairman, and I desire to call the attention of the chairman of the Agricultural Committee to an apparent omission in this bill for the preservation of certain mammals that have recently come to public notice, much more than heretofore. I allude, of course, Mr. Chairman, to the now distinguished Georgia opossum. It occurs to me that as that animal has now achieved rather a national reputation and is to take the place of the Teddy bear, and we know that its qualities, at least, are very different in many particulars from the Teddy bear; and while it may smile and show its teeth as often as the Teddy bear, it is much more cunning and much more of an animal for food purposes.

Mr. HUMPHREYS of Mississippi. How is the opossum related to the 'possum?

Mr. BARTLETT of Georgia. It is the same thing, I understand.

Mr. GAINES of Tennessee. Both from Ireland.

Mr. BARTLETT of Georgia. My attention was directed to it recently by what occurred in my own State between some of

the colored citizens there, for whom, years ago, Congress had a peculiar solicitude. I hold in my hand an account contained in the Macon Telegraph of a conversation between certain citizens in my city upon this subject; and as it has given them considerable anxiety and solicitude, I call attention to what was said on that occasion. It appears that during the dinner hour, some of the negro employees, having seen various accounts of the fact that the President-elect was to come to Macon to the state fair, became exercised about the opossum. I read the article referred to:

"Er seed in de paper whar de President gwineter kim ter Macon in de timer de fair, an' dey gwineter git 'possum supper so he kin eat 'possum; dat wot dey say," said Hog-Eye Joe.

"Ef dat so, den hit good-bye possum, kase dey say Mister Taf' bigg'n one er dese baler cottons. Ef dat mans gitter tas'er 'possum an' taters an' some gravy anner kagger dis ni-bear, hit sho good-bye Isum, an' we po' niggers woont gitter smeller any mo' 'possum; tell yer dat," observed Bill.

"Wot mek yer say he er big mans? Cose he big mans. He de President. Mos' any mans er big mans wot President. He kaint eat no mo'n me jiss kase he President. Wat de matter wid yer, mans?" said Sam.

"Mister Taf' he weigh mo'n dis baler cottons er tell yer! Dat wot dey tell me. W'en dey fix upper dish er 'possum for 'im hit gotter be er mouty big 'possum, letter lone de taters an' de gravy. Dey tells me dat mans eater whole chick'n fur he brekfus, sides er lotter sossidge an' ham an' aigs, an' battercakes anner potter coffee. Dat wot dey tells me; er dunno nuffin' 'bout hit merse'f." Bill was always careful of his statements.

"Who pay fur dat kiner brekfus? He mus' sho be er rich mans ter gitter brekfus lak dat. Wot he do fur er livin'? He mus' be one er dese money loaners," said Sam.

"Dat ainter bodrin me lak eatin' all de 'possums w'en he comes. Yer know he ainter comin' ber hese'f, an' he gwineter come widder gre't big crowder dem Noo Yawk w'ite mans, an' hit gwineter tek er sight er 'possums ter go roun'. Mer li'l' gal wot go ter school she read me in de paper whar Mister Taf' he come ter Atlanty an' dey sot out ter git all de 'possums fur he dinner, an' dey tell me, cose er dunno ef hit true, dat dey gits all de 'possums fum all roun' Alibenny an' Valdoster, an' dey lef none fur seed. Dat bein' de case, dar aint no mo' 'possums," said Bill.

"Dunno wot dey wants ter feed de mans on 'possums fur no how. W'ite mans got no business ter eat 'possum. De good Lawd med de 'possum fur de nigger. W'enner w'ite mans cotch er 'possum ber de tail de 'possum show he teefes; nigger cotch er 'possum ber de tail er 'possum lay he haid down on de groun lak he wanter say, hyeer er iz! Lettum gi' de mans er baiter sossidge an' chitlin's an' hog-haid souse an' cracklin' braid an' shorty cake. Dat wot de President oughter eat any how." This from Knocknee Jim.

"W'en yer say dat mans er comin'?" asks one.

"Timer de fair. Dey dun sont de invite. Gotter picshur uvver 'possum on de invite hangin' ber de tail fummer 'simmon tree, jiss ready ter drap in de bag," said Bill, whose daughter reads the papers to him.

"Er tells yer wot we do, niggers, fo dat time. Evvy one er us go 'possum huntin' an' cotch all de 'possums roun' Macon an' pen 'em up an' den we gitter haid uvvum. Dis yer bisness 'bout de President eatin' all de 'possums doan soot dis chile." This was merely a suggestion.

"Dat hit! Yer sho tol' de trufe dat time. Jiss you alls lay low an' say nuffin', an' wese kin sho 'em dat de nigger sho gwineter git he 'possum w'en de time comes. Who dis Mister Taf' any way? Dat li'l' gal er mines she read dat he doan lak de nigger no how. Dem Publikins dun say dey ti'ed er messin' wid de nigger. Dey say dey save money ber letnum go, kase dey used ter haveter buy 'em. Dey didn't buy dis chick'n! Nevvy did seed de color er dey money. Doan yer all go tell hit, an' w'en wese git thoo wid dem 'possums dar woont be er 'possum in de whole er Bibb County."

So, Mr. Chairman, I desire to suggest that we ought to do something for the purpose of preserving the 'possum.

Mr. SCOTT. Mr. Chairman, I desire to address myself to the point of order. I take it for granted that whether this section will be determined to be obnoxious to the rule or not depends on the view the Chair will take as to whether the bison reservation and the other reservations for mammals and birds have been created in accordance with the law. I think there will be no question as to the bison range, because the Chair will remember that in the appropriation bill for the Department of Agriculture last year a sum was carried for the purchase of this range and to provide for having it fenced. The matter must therefore rest upon the legality of the reservations for mammals and birds, and upon that question your Committee on Agriculture is not in doubt. We investigated the matter rather carefully, and I have placed before the committee the small map in front of the Clerk's desk, upon which the red disks indicate where the reserves exist. I have a list of these which I might give if any gentleman so desired, but it is perhaps enough to say that there are 25 of them, located in 7 States, as follows: Florida, 10; Louisiana, 4; North Dakota, 2; Michigan, 2; Wyoming, 1; Oregon, 3, and Washington, 3. Those reservations are unsurveyed for the most part, and their exact area is not known. Most of them are not more than 4 or 5 acres in extent, and are merely mud flats, sand bars, swamps, or islands.

Mr. GAINES of Tennessee. Will the gentleman please tell me how those reservations were created? Were they public lands or private lands?

Mr. SCOTT. I am coming to that, if the gentleman will allow me. With the exception of the reserves at Klamath Lake and Malheur Lake, these reservations are simply of swamp lands or barren islands and are of no agricultural value. The gentleman from Wyoming [Mr. MONDELL] has said that the Loch Katrine Reserve includes a large reservoir comprising something over 5,000 acres.

The information which I have from the Chief of the Bureau of Biology is that this reservation comprises only a strip 50 feet in width surrounding that reservoir, the intention being to reserve the reedy margin of the lake, I presume, to protect the eggs and young of nesting birds.

Mr. GAINES of Tennessee. Where does the public get the land?

Mr. SCOTT. It was a part of the public domain. In that connection I am reminded of what the gentleman from Wyoming [Mr. MONDELL] said. His statement was that Loch Katrine is private property. The information had heretofore is that the land intended to be included in the Loch Katrine Reservation is public property. If it is not public property, it seems to me that those who own it would have their remedy in the courts, if they desire to contest the occupation of the United States.

The CHAIRMAN. The point of order having been made, the Chair would like to have the gentleman from Kansas address himself to the question whether they are authorized by law.

Mr. SCOTT. Mr. Chairman, I was diverted by the questions of the gentleman from Tennessee, and shall direct myself now to the question of order. My recollection is that these bird reservations, against which the attack is made by the gentleman from Wyoming, were created by executive order under what has for a long time been considered to be ample authority. In the case of Grisar *v.* McDowell (6 Wall., 363), involving the reservation of a tract of land in the city of San Francisco for military purposes, the Supreme Court declared:

From an early period in the history of the Government it has been the practice of the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses.

The Chair will note the phrase "public uses"—a very broad term.

In the case of United States *v.* Payne (8 Fed., 883), the United States district court, western district of Arkansas, held:

The President of the United States can, by proclamation or executive order, reserve a part of the public domain for a specific lawful purpose.

There certainly can be no question that a reservation for the protection of birds and mammals is a lawful purpose.

Furthermore, in the same decision, the court says:

No set form of words or phrases need be used to set aside a reservation. It is enough if there are sufficient words to indicate the purpose of the power that acts to show that it intended to act in a given case.

As early as 1832 the Supreme Court of the United States, in United States *v.* McDowell (7 Peters), held:

A practical knowledge of any one of the great departments of the Government must convince every person that the head of a department, in the distribution of its duties and responsibilities, is often compelled to exercise his discretion; he is limited in the exercise of his powers by the law, but it does not follow that he must show a statutory provision for everything he does.

I claim, therefore, that founded upon these opinions there is sufficient ground to authorize the creation of these reservations. I might cite a good many other authorities, but I do not care to take up the time of the Chair and the House to do so. It seems clear to me, Mr. Chairman, that under the practice of the Government for many years the President has been fully warranted in setting aside these reservations, and I desire particularly to call the attention of the Chair to the act of Congress for the protection of birds upon reservations. It was clearly intended to give the assent of Congress to the President in such action as he might take in respect to the setting apart of any portion of the public domain for this purpose.

Section 7, to which I particularly direct the attention of the Chair, is as follows:

That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever or take the eggs of such birds on any land of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

Evidently Congress in passing that statute anticipated that such reservations might be set aside by executive order, and undoubtedly if such action upon the part of the Executive would be illegal, Congress would not by implication have authorized it, as it clearly did in that statute.

Mr. MONDELL. Whenever we assume from what——

The CHAIRMAN. The Chair desires to interrogate the gentleman from Kansas: Did the Chair understand the gentleman from Kansas not to claim that there was any statute authorizing this reservation?

Mr. SCOTT. I do not claim that there is any statute authorizing reservations for birds and mammals aside from the bison reservation in Montana. I think there is specific statutory authority for that.

Mr. MONDELL. Mr. Chairman, it is not claimed by the department that there is any specific authority for the creation of these reservations.

Mr. SCOTT. The gentleman means "statutory" authority. The department does claim that it has authority.

Mr. MONDELL. The department twists some decisions in a very extraordinary way in order to find authority for the creation of these reserves. Now, Mr. Chairman, first, I want to say a word in regard to the statute that has been referred to by the gentleman from Kansas. I feel somewhat guilty in regard to that statute, for I feel that if I and others who felt as I did had not given our assent it would never have been reported.

Bills proposing to grant authority for the creation of game and bird reserves were before our committee for I do not know how many Congresses. The committee was almost unanimously opposed to them; but finally, after a great deal of importuning on the part of certain gentlemen, some of those on the committee who were opposed to the entire legislation agreed that so far as those little outlying reservations, small in size and few in number, theretofore created without authority of law by executive proclamation or order were concerned, we would not oppose legislation making it possible to protect birds on them, believing that the language of the amended bill, amended so as to strike out all authority to create reservations, confined the legislation to the protection of the small reservations that had been created prior to that time.

I think the passage of that seemingly innocent little bill will be an exceedingly good lesson to certain Members of this House not to allow anything to pass, if it can be prevented, that by any possibility can be tortured by a department or bureau of the Government into a grant of authority not intended to be given.

Now, Mr. Chairman, on the question of decisions in regard to the setting aside of lands for these purposes, the gentleman has referred to the case of Grisar versus McDowell, a case in which the question was, Whether the pueblo of San Francisco had the right to hold lands under a Spanish statute, which had been reserved by the United States for military purposes. Nobody has ever denied the right of the Executive to reserve public lands for military purposes, for light-house purposes, for custom-houses. Those are public purposes. They are purposes which the Supreme Court had in view when it said "public purposes;" and there is not a decision that has been quoted or referred to that does not have reference to these acknowledged public purposes.

Mr. WILLIAMS. And not only public purposes, but federal purposes.

Mr. MONDELL. Federal purposes.

Mr. WILLIAMS. And the purposes for which the Federal Government can take them are always federal purposes.

Mr. MONDELL. Yes.

Mr. SCOTT. Will the gentleman allow me to give him the exact language of the opinion which I read:

> From an early period in the history of the Government it has been the practice of the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses.

Not for military purposes or light-houses, but in the broadest sense—for public uses.

Mr. MONDELL. I desire again to call the attention of the House to the fact that this was a case where land had been reserved for military purposes; and up to within a few years ago it was never claimed by anyone that the executive authority was wide enough to authorize the reservation of land for anything except public federal purposes, as the gentleman from Mississippi [Mr. WILLIAMS] has so well stated.

The Supreme Court in that case had before it the fact that for military purposes, for purposes necessary to the preservation of the life of the Nation possibly, some land had been set aside. There can not be any question of the authority of the Executive to set aside lands for that purpose. But the courts have held that even in exercising this authority with regard to land for military purposes, the Executive has not the authority to withdraw vast areas, but must only withdraw such areas as are reasonably necessary. And in a decision rendered by Mr. Lamar some years ago, when he was Secretary of the Interior, he very clearly called attention to the class of cases within which the authority of the Executive should be exercised, to wit, public purposes necessary for the maintenance of the Federal Government.

Now, I desire to call the attention of the Chair for a moment to the fact that this can not be a public purpose.

The CHAIRMAN. The Chair is ready to rule.

Mr. MONDELL. I desire just for a moment, if the Chair will permit me, to call attention to the fact that this can not by any stretch of the imagination be considered a public purpose; for the Supreme Court in a number of cases has held, particularly in the case of Greer against Connecticut, and Race Horse versus Ward, that the power of the State over game, and controlling the taking and disposition of game, is sovereign; that even the treaty-making power of the Government can not interfere with it.

Mr. COOPER of Wisconsin. I have not examined these authorities except as I have had an opportunity to read them in that brief, but the second case cited by the chairman of the Committee on Agriculture refers to the setting aside by executive order of lands for lawful purposes; not public purposes, but the word "lawful" is used. I do not know what the facts were, but the word "lawful" is distinct entirely from the word "public."

Mr. MONDELL. If the gentleman will permit me, I will say that some of the other cases that have been referred to are cases where there was a congressional grant of land for a certain purpose. Two of the cases that have been referred to are cases connected with the Des Moines River grant in Iowa, where Congress granted land for a certain purpose, and the question was as to whether the lands reserved were the lands granted. That was the only question raised, and the court very properly said that the Secretary, in exercising his authority, in doing his duty, in carrying out the law of Congress, and selecting such lands as he believed came within the grant was reserving land lawfully. No one will deny that. The fact would develop later as to whether or not all the lands reserved were within the limits of the grant, but so long as the Secretary acted in pursuance of law the decision was that his action was legal.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. MONDELL. I am glad to.

Mr. PERKINS. I should like to ask the gentleman whether he thinks the appropriation made by Congress for the extermination of the gypsy moth and other noxious insects is within the federal power?

Mr. MONDELL. Inasmuch as New England has suffered very much from the devastation of these moths, and as I feel kindly to New England, I am not disposed to raise that question.

Mr. PERKINS. If that is within the federal power, why is it not within the federal power to preserve the birds that are useful in killing the insects?

Mr. MONDELL. Because the gypsy moth is not a game bird, and the Supreme Court has held in a number of cases that state jurisdiction over game was absolute.

Mr. PERKINS. The gentleman is mistaken in the object of the law. It is not to preserve game birds, but birds useful in killing noxious insects.

Mr. MACON. There is nothing here in this bill to indicate that.

The CHAIRMAN (Mr. FOSTER of Vermont). The Chair thinks the point of order well taken as the gentleman from Kansas is unable to point out any statute authorizing the provision. The Chair will quote from the brief sent to the desk by the gentleman from Kansas:

> An excellent illustration of the exercise of Executive discretion in the execution of the public-land laws is found in the action of the President of the United States, who, by his proclamation of August 19, 1893, in providing for the opening of the land within the Cherokee outlet and Tonkawa and Pawnee reserves, reserved section 13 in each township for university, agricultural colleges, and normal schools, subject to the action of Congress.

The Chair does not suppose that the gentleman from Kansas would claim for a moment that that action by the Executive would be sufficient authorization, under the rules of this House, for an appropriation for a university, agricultural college, or normal school.

As has been indicated, the Executive may make a reservation for a court-house, but that would not be sufficient authorization, under the rule of the House, for an appropriation. So it seems to the Chair that, in the absence of any statute or any authorization within the meaning of the rule of the House, the point of order must be sustained; and the point of order being made to the whole paragraph, the whole paragraph must go out. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> After line 20, page 32, insert as a separate paragraph:
> "For the maintenance of the Montana national bison range, $3,000."

Mr. GAINES of Tennessee. The gentleman might add after that, so as to get at what he really wants, the words "and

other reserves in public lands only." That would cut off the reservations which have been made to private lands and get at what the gentleman wants.

Mr. SCOTT. I think, under the ruling of the Chair, the amendment stated by the gentleman from Tennessee would be subject to a point of order.

Mr. GAINES of Tennessee. I think the birds on other public reservations ought to be protected as well as on the bison range, and also the animals. If it is important to protect them in the bison range, it is important to protect them in other places.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I offer the following amendment: After the last word in the paragraph just adopted add the words "and other reservations in public lands only."

Mr. SMITH of Arizona. Against that I make a point of order.

Mr. GAINES of Tennessee. Mr. Chairman, it is just as much in the power of government to preserve the game and animals on the public lands of the Government as it is to order the marshal to go into the custom-houses around over the country and with guns kill these little English sparrows that have become a nuisance. Now, with the indulgence of the committee, I want to state that I remember the history of the Lacey bird law. Undoubtedly a number of Members of this House remember it. I was talking to Major Lacey a few days ago, and he tells me that he hears beneficial results from the law from all over the country, and particularly down on the Atlantic coast, where the little bird that formerly was a great scavenger in killing insects was once very numerous and got to be very scarce. Major Lacey had just come from there, it seems, and since the passage of that law the people inform him that those birds have come back by thousands.

Gentlemen will remember the great speech by the late lamented Amos Cummings, of New York, on the passage of that Lacey law. He said that when he first came here the forests were full of birds, and at that time—when he spoke—they were all gone. Why, no one can tell. I do not know why, but they have returned in a measure since that law was passed. Mr. Chairman, as stated by the gentleman from Montana a few minutes ago, the Supreme Court of the United States has repeatedly held—

that wild game within a State belongs to the people in their collective sovereign capacity. It is not the subject of private ownership, except in so far as the people may elect to make it so; and they may, if they see fit, absolutely prohibit the taking of it, or traffic or commerce in it, if it is deemed for the protection or preservation of the public good.

Mr. SMITH of Arizona. Will the gentleman permit an interruption?

Mr. GAINES of Tennessee. Yes.

Mr. SMITH of Arizona. Does the gentleman think that the Federal Government can invade a State where the Supreme Court has already decided that the State has absolute jurisdiction over the control of game within the State and establish laws in conflict with the State simply because the land happens to be public land?

Mr. GAINES of Tennessee. Of course I will have to answer that very pregnant question; no. But the Federal Government has the right absolutely to control its public lands, its public places, its court-houses and court-house yards, and the gentleman knows that is good law.

Mr. SMITH of Arizona. I am not speaking of that sort of thing.

Mr. GAINES of Tennessee. But I am. That is what I have in mind. I believe I used the language, "other reservations in public lands only." The gentleman knows as well as I that a Territory or a State has no control over federal lands, any more than it has control over the District of Columbia. These lands belong to the Federal Government, and it is the duty of the Government—in those places, those federal places—to protect the animals and the birds and the inhabitants thereof, if you please, as much so as it is the duty of the State to protect the birds and the animals and the people within the limits of the State.

Mr. SMITH of Arizona. Will my friend allow me to correct the statement he has made?

Mr. GAINES of Tennessee. All right.

Mr. SMITH of Arizona. The Territory, and I speak of my own, has very strict game laws, very strictly enforced. Does the gentleman mean to say that the local authorities of the Territories can not punish a man for killing an animal on a game preserve or a forest reservation?

Mr. GAINES of Tennessee. No, no; but the Territory is federal property, and if the Federal Government arms the local authorities with power to do this——

Mr. SMITH of Arizona. They have armed the local authorities with all power in the matter.

Mr. GAINES of Tennessee. Then, why do not they do so with the bison range?

Mr. SMITH of Arizona. The bison range is another one of these very executive orders that out of consideration has been left in this bill.

Mr. GAINES of Tennessee. If there is no law for the national bison range, then that ought not to be in this bill; but there is no point of order made against it.

Mr. WILLIAMS. There is no law for the bison range except previous appropriation bills. If the point of order had been made, it would have gone out.

Mr. SMITH of Arizona. I hope the gentleman will not insist on his amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I would like to explain myself a little further, and I move to strike out the last word. I simply want to take care of the game on the federal lands and the public domain. If the gentlemen who live out west, who have practically the public domain, and who have to look after its preservation, do not want it done, it is immaterial to me; and if they object to it, I will withdraw the amendment. Does the gentleman object to it?

Mr. SCOTT. I do not think the amendment ought to go on in that form.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry. Was the point of order made against this amendment?

The CHAIRMAN. It was reserved, as the Chair understood.

Mr. SCOTT. I hope the Chair will rule on the point of order.

Mr. SMITH of Arizona. I make the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order, and sustains the point of order. The Clerk will read.

The Clerk read as follows:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, $25,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on that.

Mr. MACON. I make the point of order against that provision, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas makes the point of order to the paragraph.

Mr. SCOTT. May I ask the gentleman to reserve his point of order for a few minutes?

Mr. MACON. Yes.

Mr. SCOTT. Mr. Chairman, I concede that there is no authority for this paragraph except preceding appropriation acts, but the same point of order could be made against a very large part of the paragraphs carried in this entire bill. Everything contained under the Bureau of Biological Survey could be stricken out under a strict construction of the rule, unless the Chair will take the view which the chairman of the committee expressed and urged last year, that the organic act creating the department expressly authorizing, as it does, the Secretary of Agriculture to acquire and diffuse among the people information relating to agriculture in the broadest sense of that term is sufficient to authorize this appropriation.

There can be no question, Mr. Chairman, of the great value to agriculture of the information acquired by the studies conducted through this Bureau of Biological Survey. The chief of the bureau appearing before the committee called our attention to case after case in which through the recommendations of his bureau large areas of country had been freed from noxious animals, and with very great resulting advantage to the people. Our attention was called to the fact that in 1907 there was a plague of gophers came upon the Truckee-Carson reclamation project in Nevada, the gophers attacking the irrigation ditches and other works of that project in such a way as to cause a break in those ditches almost every twenty-four hours.

The cost of repair, of course, varied from a few dollars to several dollars each. A couple of expert men were sent from this bureau to investigate the subject, and as a result of their investigation the gophers were exterminated, so that the head engineer of the project reports that, whereas in 1907 he had a break almost every day to repair, which cost very large sums of money, during the year 1908 there had not been a single material break from the gopher work in all the system of canals and ditches. So, if the Chair required it, or I thought it necessary to take his time, I could call his attention to numerous other cases in which information acquired by this bureau has been of great advantage to the agriculture interests of the

country. I can not believe, however, it is necessary to protract the argument, and therefore I ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule. The organic law establishing the Department of Agriculture provided, among other things, the following:

There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

Mr. MACON. Mr. Chairman, just there permit me to say that I did not remember the exact wording of that statute, and for that reason I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. ADAMSON. Mr. Chairman, I move to strike out the last word, not for the purpose of making a speech, but in order to ask unanimous consent to print in the RECORD some resolutions on the subject of immigration from the Third Annual Convention of the Farmers' Educational and Cooperative Union of America.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The resolutions referred to are as follows:

THIRD ANNUAL CONVENTION OF THE FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA, FORT WORTH, TEX., SEPTEMBER 3, 1908.

Whereas foreign immigration is being advocated for southern and western farming communities, a United States Immigration Commission is investigating the subject, and a federal bureau is being established for the purpose of distributing and diverting foreigners; and

Whereas the present flagrant lax enforcement of existing immigration laws and the urgent need of additional restrictive legislation will soon result in the agricultural sections in the South and West being made a dumping ground for undesirable southeast European and Asiatic populations: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of America, in its third annual convention at Fort Worth, Tex., this 3d day of September, 1909, and representing over 2,000,000 farmers, hereby adopts the immigration resolutions passed last January at the annual rally in Memphis calling for federal and state legislation abolishing immigration bureaus and substantially excluding the present alien influx of cheap labor from southeastern Europe and western Asia, and urge upon federal officials the vigorous enforcement of all immigration laws in order to properly protect the country's welfare and to preserve its institutions, safeguard its citizenship, and perserve its Angle-Saxon civilization for posterity; and be it further

Resolved, That a copy of these resolutions be sent to each Member of Congress by the chairman of the national legislative committee, with the request that they be printed in the CONGRESSIONAL RECORD, and to the Immigration Commission, with the request that they be incorporated in its report; and be it further

Resolved, That the state presidents and lecturers emphasize this one question, with a view to having members take it up in conference and by letter with their Congressmen and Senators.

IN THE NATIONAL CONVENTION, FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA, AT MEMPHIS, TENN., JANUARY 8, 1908.

Whereas it is proposed to distribute and divert foreign immigrants to the agricultural districts of the South and West; and

Whereas a federal bureau has been established and state immigration bureaus are proposed for that purpose; and

Whereas we are unalterably opposed to such and to the present enormous alien influx, as detrimental to the best interests of the farming communities and the welfare of our whole country: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of America, in national convention assembled, at Memphis, Tenn., this 8th day of January, 1908, and representing 2,000,000 farmers, urge upon Congress the immediate abolition of the federal bureau of distribution and the speedy enactment of laws substantially excluding the present enormous alien influx, by means of an increased head tax, a money requirement, the illiteracy test, and other measures; and that we call upon our public, and especially our city, officials to prevent the agricultural sections from becoming a dumping ground for foreign immigrants.

The Clerk read as follows:

For biological investigations, including the relations, habits, geographic distribution, and migrations of animals and plants, and the preparation of maps of the life and crop zones, $18,000.

Mr. GAINES of Tennessee. A few moments ago I alluded to the Lacey bird law, and some weeks ago I stated that the Supreme Court had upheld that law. I now want to cite the leading authority which did so; the case of the People ex rel. Hill *v.* Hesterberg, 184 New York Reports, which case was appealed to the Supreme Court of the United States and affirmed on November 2, 1908, upholding the game law of the State of New York. The Federal Supreme Court, however, did not pass on the Lacey law. The New York court did.

Now, gentlemen will remember, when we had up the Humphreys liquor amendment and the penal code some weeks ago, I alluded to the "Lacey law" as a precedent for the passage of that amendment, and in that debate I said the Congress had passed the "Lacey law" and the courts had upheld it. I did not have at that time the authorities at hand. It is pertinent to cite some of these authorities, so that at least my good faith as to my offhand statement, that the courts had upheld the law, will stand borne out.

In the New York case the question was fairly put as to what the Lacey law was, its validity, use, meaning, and so forth, and the court of appeals, in a very able opinion of Judge Cullen for the whole court, upheld the law, and, amongst other things, the court well said, and I call this specially to the attention of the committee:

By the Lacey Act Congress intended to aid the States in the enforcement of their game laws.

And the Attorney-General of the United States (22 Op.) also passed upon the law as it related to a certain question propounded by some department. There are several federal decisions where it was generally considered, but it was directly raised in the New York case. And, Mr. Chairman, inasmuch as this law will be very pertinent authority in the discussion of the liquor question which we will have here in a few days, I shall ask unanimous consent to print several extracts from this New York opinion in the RECORD.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The opinion of the court is as follows:

Cullen, Ch. J. The relators were arrested on warrants charging them with a violation of the game law. They sought discharge from their arrest by writs of habeas corpus. On the return of those writs they were remanded to custody. On appeal to the appellate division the orders of the special term were reversed and the relators discharged from custody. From those orders these appeals are taken. As the affidavits on which the warrants for the arrest of the relators were issued differ materially in their statements of facts, we will first consider the one made in the Hill case. The affidavit avers that on the 3d day of March said John Hill did have in his possession in the Clarendon Hotel, in the Borough of Brooklyn, one dead body of a bird known as a "golden plover," and one dead body of a fowl commonly called a "grouse;" that, as the affiant was informed and believed, the said plover and grouse were taken without the State of New York, to wit, from England and Russia, and thence brought into the Borough of Brooklyn.

The forest, fish, and game law (chap. 20, Laws, 1900; amended chaps. 194 and 317, Laws, 1902; chap. 588, Laws, 1904), by sections 106 and 108 enacts that grouse shall not be taken or possessed from January 1 to October 31, nor plover from January 1 to July 15. By section 140 of said act grouse is defined to include rough grouse, partridge, and every member of the grouse family. By section 141 the inhibition enacted by the other sections of the statute is made to apply to fish, game, or flesh coming from without the State, as well as to that taken within the State. By section 119 anyone violating the provisions of the statute hereinbefore recited is guilty of a misdemeanor and liable to a fine of $25 for each bird taken or possessed in violation thereof. The relator was in possession of the birds during the prohibited period, and hence was guilty of a misdemeanor unless he is relieved from the penalties prescribed by the statute by the fact that the birds were imported from foreign countries. We shall not discuss at any length the claim of the relator that the statute contravenes the constitution of this State as depriving the relator of his property without due process of law. That question has been settled adversely to that claim by the decisions of this court in Phelps *v.* Racey (60 N. Y., 10) and People *v.* Bootman (180 N. Y., 1), in which it was held within the power of the legislature, in order to effect the preservation of game within the State, to enact not only a close season, during which the possession of such game should be unlawful, but also to enact that the possession in the State during such season of game taken without the State should be equally unlawful.

The Phelps case is cited by the Supreme Court of the United States in Greer *v.* Connecticut (161 U. S., 519), in which the validity of a statute of that State was upheld, not only on the ground that the original ownership of wild game is in the State, but on the further ground that the preservation of such game is a valid exercise of the police powers of the State. To the argument that the exclusion of foreign game in no way tends to the preservation of domestic game, it is sufficient to say that substantially the uniform belief of legislatures and people is to the contrary, and that both in England and many of the States in this country legislation prohibiting the possession of foreign game during the close season has been upheld as being necessary to the protection of domestic game, on the ground that without such inhibition or restriction any law for the protection of domestic game could be successfully evaded. (Whitehead *v.* Smithers, L. R. (2 C. P. Div.), 553; ex parte Maier, 103 Cal., 476; Magner *v.* People, 97 Ill., 320; Missouri *v.* Randolph, 1 Mo. App., 151; Stevens *v.* State, 89 Md., 669; Roth *v.* State, 51 Ohio St., 209; Commonwealth *v.* Savage, 155 Mass., 278.) The case of Phelps *v.* Racey (supra), has never been overruled by this court. In the opinion delivered in People *v.* Buffalo Fish Company (164 N. Y., 93), Judge O'Brien took two positions: First, that the exclusion of fish taken without the State was invalid as interfering with he power of Congress to regulate foreign and interstate commerce. Second, that under a proper construction of the game law as it then stood, the statute was applicable only to fish taken within the State.

It was this second ground alone which received the assent of the majority of the judges and on which the decision in the case proceeded. This ground has been removed by the amendment of the statute already cited, which makes it applicable to game taken without the State. People *v.* Bootman (supra) reaffirms the doctrine of Phelps *v.* Racey and the validity of the legislation before us, at least so far as the constitution of the State is involved. In that case, while we affirmed the decision below because the offenses for which the defendant was prosecuted were committed before the amendment to the statute, we felt called upon to express our opinion on the whole subject, so that the citizen might not be misled by the opinion rendered in the court below and thus unwittingly subject himself to severe penalties. If, as is claimed, the views then expressed by the court on the subject before us were obiter and not necessary to the decision made, it is sufficient to say that we adhere to them, not on the ground of stare decisis, but because they command our approval.

LACEY BIRD LAW.

Therefore, if the act of Congress, passed May 25, 1900, commonly termed the "Lacey Act," empowered the States to enact the legislation

before us, it is unnecessary for us to enter into any examination of the question of interference with foreign and interstate commerce, discussed, but not decided, in People *v.* Buffalo Fish Company.

That Congress can authorize an exercise of the police power by a State which without such authority would be an unconstitutional interference with commerce, has been expressly decided by the Supreme Court of the United States in Matter of Rahrer. (140 U. S., 545).

THE QUESTION.

The question before us is merely the interpretation of the Lacey Act, which the learned counsel for the respondents contend applies solely to interstate shipments and not to importations from foreign countries. The act is entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes."

The first section relates to the Department of Agriculture.

The second section prohibits the importation of any foreign wild animal or bird except under special permit from that department, providing that it shall not restrict the importation of natural-history specimens nor caged birds, such as domesticated canaries, parrots, and the like. It then forbids absolutely the importation of the mongoose, flying foxes, the English sparrow, and such other birds as the Secretary of Agriculture may deem injurious to the interest of agriculture or horticulture.

The third section forbids the delivery to a common carrier for shipment from one State to another of any wild animals or birds killed in the State in violation of its laws.

The fifth section deals with the transportation into any State of animals killed without the State. It is as follows: "That all dead bodies or parts thereof of any foreign game animals or game or song birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild game animals or game or song birds transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl." It is contended that the title of the statute tends to show that the operation of section 5 is confined to shipment from other States and not to importation from foreign countries. If the title of the act could limit its effect, which it can not (Potter's Dwarris on Statutes, p. 102), still this claim is without foundation.

The first two sections of the act deal with the Department of Agriculture, and the reference thereto in the title is appropriate.

The third and fourth sections deal with interstate transportation of game killed in violation of local laws, and the reference in the title "prohibit the transportation by interstate commerce of game killed in violation of local laws" is equally appropriate.

The fifth section, which is the one before us, deals with an entirely different matter—transportation into a State, not out of a State—and is embraced in the title of the statute only under the designation "and for other purposes." As to this subject, therefore, the title in no respect tends to limit the effect of the act. It is difficult to see any reason why Congress should have sought to discriminate between the bodies of game, song birds, or wild animals brought into a State from other States and those brought from foreign countries.

OBJECT OF LACEY LAW.

The object of the legislation was to enable the States by their local law to exercise a power over the subject of the preservation of game and song birds, which without that legislation they could not exert. Every consideration that led Congress to think it wise to confer on the State of New York, as well as on other States, power (which is practically that of prohibition during the close season, at least for the purposes of sale) over the importation of partridges from New Jersey, Pennsylvania, or Connecticut, is equally applicable to the importation of such birds from Canada. The obstacle to the successful enforcement of the game laws of the State would be as great in one case as the other, and as Canada borders on the United States for a distance of 3,000 miles the practical danger would be as great in one case as in the other, whatever it might be in the case of an importation from Europe. But it is said Congress permits the importation of foreign game and collects the duty thereon, and it can not have intended to allow property thus imported to be confiscated. The proposition that Congress allows the importation of foreign game is true only in a restricted sense.

By the Lacey Act Congress determined to aid the States in the enforcement of their game laws, but did not deem it wise to enact a game law of its own, and this for the very obvious reason that the game laws of the different States vary greatly, a variation justified in no small degree by varying climatic conditions. It would be unwise to entirely prohibit the importation of game into the country during a part of the year during which in some of the States the taking and consumption of such game is lawful. So Congress practically said to the citizen: We do not prohibit the importation of foreign game, but subject it to the local laws, and you must see to it, at your own risk, that you do not violate those laws. The term "transported" is used in the Wilson Act of Congress relative to intoxicating liquors (enacted August 8, 1890) as in the present act. Yet it seems incredible that Congress intended to suffer the State of Maine to seize liquor in original packages when brought from Massachusetts, but not when brought from Canada or Europe. The words of the section before us are sufficiently comprehensive to include all game brought into the State from whatever place, and we do not think it profitable to enter into a verbal analysis save in one respect. It is urged that the concluding sentence of the section, "This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl," excludes all birds from its operation. We think not. The qualification "manufactured from the feathers of barnyard fowl" applies as well to birds as to bird plumage. Birds mentioned in this sentence are plainly artificial birds, and so the Treasury Department of the United States has ruled.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of work, including cooperation with other federal bureaus, departments, boards, and commissions on request from them, $15,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information as to whether or not this is not a new paragraph over the last year's appropriation bill.

Mr. SCOTT. No; it does not carry authority for any additional work. This is simply the paragraph in which the administrative expenses of the bureau are taken care of. It is worded a little differently from the language of last year's bill, merely to conform to the other parts of the bill.

Mr. COX of Indiana. Then, as I understand the gentleman, the agricultural appropriation bill passed at the last session of Congress carried an item for this same purpose?

Mr. SCOTT. Oh, undoubtedly; yes, sir.

Mr. COX of Indiana. I wish the gentleman would inform me, or the committee rather, what bureaus of the Government cooperate with the Agricultural Department in this kind of work.

Mr. SCOTT. The Bureau of Forestry carries on some cooperative work, and there is some cooperation in the matter of good roads with the Post-Office Department. Then, of course, the various bureaus of the department cooperate with and among one another.

Mr. COX of Indiana. I see that the paragraph under consideration also speaks of cooperation of commissions. What national commissions cooperate with the Agricultural Department in looking after such work as is referred to in this paragraph?

Mr. SCOTT. Since the gentleman from Indiana has called my attention to the wording, I should qualify what I said. I do not remember what the last act carried, but it did not carry that of commissioners. I can tell the gentleman, of course, the commissions with which this bureau has cooperated; but I do not know whether that is the information he desires or not.

Mr. COX of Indiana. Yes; I would like to know what commissions the department cooperated with that would bring this within the purview of the paragraph.

Mr. SCOTT. I think the commission for the conservation of natural resources had done part of this work, and my colleague on the committee, the gentleman from Vermont, has called my attention, in further answer to the gentleman's question, to the statement of the chief of the bureau before the committee, to the effect that in addition to the Forestry Service, to which I have already alluded, he has cooperated with the Reclamation Service and the Commission on Public Health and the Marine Service and the Geographic and a number of other boards and bureaus.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Salaries, Division of Publications: One editor, who shall be chief of division, $3,000; 1 editor, who shall be assistant chief of division, $2,250; 1 chief clerk, $2,000; 1 associate editor, $2,000; 4 assistant editors, at $1,600 each; 2 assistant editors, at $1,400 each; 1 assistant in charge of indexing, $1,800; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,000; 1 draftsman or photographer, $1,500; 2 draftsmen or photographers, at $1,400 each; 1 draftsman or photographer, $1,200; 5 photographers, at $1,200 each; 1 assistant photographer, $840; 1 assistant in charge of document section, $2,250; 1 assistant in document section, $1,600; 1 foreman, miscellaneous distribution, $1,500; 1 foreman, farmers' bulletin distribution, $1,200; 2 forewomen, at $1,200 each; 1 clerk, class 2; 5 clerks, class 1; 10 clerks, at $1,000 each; 10 clerks, at $900 each; 25 clerks, at $840 each; 32 clerks, at $720 each; 1 chief folder, $1,000; 1 folder, $900; 3 folders, at $840 each; 1 skilled laborer, $900; 15 skilled laborers, at $840 each; 15 skilled laborers, at $780 each; 20 skilled laborers, at $720 each; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers, at $600 each; 2 messengers, at $480 each; 2 messengers, at $420 each; 2 messengers, at $360 each; 1 fireman, $720; 2 laborers, at $660 each; 1 laborer, $600; 3 charwomen, at $480 each; 4 charwomen, at $240 each; in all, $173,320.

Mr. HUMPHREYS of Mississippi. I move to strike out the last word.

Mr. MACON. I desire to raise a point of order against the paragraph.

The CHAIRMAN. Does the gentleman reserve or make the point of order?

Mr. MACON. I make the point of order, on page 34, line 25, to the word "two," extending to page 35, line 1, "hundred and fifty dollars," that being an increase of salary to the amount of $250.

The CHAIRMAN. The Chair would inquire of the chairman of the committee as to whether this is an increase or not.

Mr. SCOTT. This is an increase, Mr. Chairman, and I do not care to resist the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MACON. Another point: On line 3, page 35, I make the point of order to the word "five," that being an increase of $100.

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SCOTT. The point of order having been sustained, I move to amend. I believe there is no amendment necessary to

leave in the words "one assistant in charge of document section, at $2,000." As I understand, the point of order only went to the words "two hundred and fifty dollars." But in the case of one foreman of miscellaneous distribution, I move to amend by inserting the word "four" for the word stricken out.

The Clerk read as follows:

Page 35, line 3, after the word "thousand," insert the word "four."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The committee will informally rise to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate House joint resolution 247, relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, making the 12th day of February, 1909, a legal holiday, and for other purposes, and the amendment thereto.

Also:

Resolved, That the Secretary be directed to furnish the House of Representatives, in compliance with its request, a duplicate engrossed copy of the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, the original having been lost.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 27970. An act to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. PAYNTER as the conferees on the part of the Senate.

HUNDREDTH ANNIVERSARY OF BIRTH OF ABRAHAM LINCOLN.

The SPEAKER laid before the House the following request of the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate House joint resolution 247, relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, making the 12th day of February, 1909, a legal holiday, and for other purposes, with the amendments thereto.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that the request of the Senate be acceded to.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the request of the Senate be acceded to. Is there objection? [After a pause.] The Chair hears none.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. I want to ask the chairman a question. Has this provision to do with the printing and distribution of Farmers' Bulletins?

Mr. SCOTT. It has to do with the distribution; not with the printing of them.

Mr. HUMPHREYS of Mississippi. Here is the purpose of my inquiry. Heretofore, until last year, all the bulletins that were not used by a given time, the 1st of April, reverted to the Secretary of Agriculture. That rule has been revoked. I do not know when. But the law now is that they do not revert, and the result is that quite a number of Farmers' Bulletins filed with the Secretary lie there to the credit of Members who do not want them and never use them. Other Members who are very anxious to secure these bulletins in order that they may distribute them among their constituents, who want them and who are anxious for them, can not get them. Now, I want to know if it would be in order by amendment to this paragraph to go back to the old rule, so that these bulletins may revert to the Secretary and then be available for those Members who really want them and need them, instead of lying there entirely idle and entirely useless, to the credit of Members who have no desire for them and no need of them. [Loud applause.]

Mr. SCOTT. Mr. Chairman, my recollection is that the provision for the printing of the Farmers' Bulletins is carried in the sundry civil bill, and no doubt the change in the law to which the gentleman has called attention was made upon that bill. Therefore, the place to correct it would be upon that bill. I do not think it would be in order upon the agricultural appropriation bill.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

Total for Division of Publications, $206,320.

Mr. STANLEY. Mr. Chairman, on page 34, lines 16 and 17, I offer an amendment to strike out "eighteen hundred" and insert in lieu thereof "two thousand."

The CHAIRMAN. Does the gentleman ask unanimous consent to recur to that paragraph?

Mr. STANLEY. It is in the same paragraph.

The CHAIRMAN. No; that paragraph has been passed.

Mr. STANLEY. Then I ask unanimous consent to recur.

Mr. SCOTT. Mr. Chairman, while I do not wish to deny to my colleague on the committee unanimous consent to recur to the paragraph, I shall be obliged to make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

BUREAU OF STATISTICS.

Salaries, Bureau of Statistics: One statistician, who shall be chief of bureau, $4,000; 1 assistant statistician, who shall be assistant chief of bureau, $2,500; 1 chief clerk, $1,800; 6 clerks, class 4; 9 clerks, class 3; 12 clerks, class 2; 2 clerks, at $1,300 each; 16 clerks, class 1; 10 clerks, at $1,000 each; 6 clerks, at $900 each; 5 clerks, at $840 each; 10 clerks, at $720 each; 2 messengers, at $840 each; 1 messenger, $660; 1 messenger, $480; 1 laborer, $720; 1 laborer, $660; 1 charwoman, $540; 2 charwomen, at $360 each; in all, $104,360.

Mr. MACON. Mr. Chairman, I make the point of order against the increase of salary in line 7, page 37. The existing salary is $3,500. The increase here seems to be $500, making the salary $4,000—one statistician who shall be chief of bureau, $4,000.

The CHAIRMAN. May the Chair inquire what the present salary is?

Mr. MACON. The present salary is $3,500.

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SCOTT. I offer an amendment restoring the present salary.

The Clerk read as follows:

Page 37, line 7, in lieu of $4,000, stricken out on the point of order, insert $3,500.

The amendment was agreed to.

The Clerk read as follows:

Salaries, library, Department of Agriculture: One librarian, $2,000; 1 assistant librarian, $1,400; 2 clerks, class 1, one of whom shall be a translator, 2 cataloguers, at $1,200 each; 3 cataloguers, at $1,000 each; 2 clerks, at $1,000 each; 4 clerks, at $900 each; 1 clerk, $840; 1 messenger, $720; 1 messenger or laborer, $480; 1 charwoman, $480; in all, $19,320.

Mr. SCOTT. Mr. Chairman, I offer an amendment to correct an error in punctuation.

The Clerk read as follows:

Line 12, page 39, after the word "translator," strike out the comma and insert a semicolon.

The amendment was agreed to.

The Clerk read as follows:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for rent in the District of Columbia; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $80,000.

Mr. COX of Indiana. I should like to ask the gentleman a question, and for that purpose I move to strike out the last word. On page 40, line 19, there is an item:

For the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only.

How much of the amount of money appropriated in this paragraph is used for the purchase of official horses only?

Mr. SCOTT. I am unable to answer that question.

Mr. COX of Indiana. Can the gentleman approximate the amount?

Mr. SCOTT. I do not think I can even approximate it. I do not remember that our attention was called to that amount. It is well understood that the Secretary needs horses, and that many horses are necessary to carry on the work of the department here in Washington.

Mr. COX of Indiana. Is all the money appropriated in this paragraph for the purchase of horses to be used here in the city of Washington or the District of Columbia?

Mr. SCOTT. In the District of Columbia.

Mr. COX of Indiana. How many horses has the Agricultural Department here under its charge in the District of Columbia?

Mr. HULL of Iowa. They have an experimental farm across the river in Virginia. Could none of those horses be bought out of this appropriation?

Mr. SCOTT. They could be bought out of this appropriation.

Mr. HULL of Iowa. But the gentleman said the District of Columbia.

Mr. SCOTT. Under the authority in this appropriation, I think they can purchase horses for the experimentation farm.

Mr. COX of Indiana. Can the gentleman tell us how many horses the Agricultural Department has in the city of Washington?

Mr. SCOTT. No; I confess that the committee did not inquire as to that matter.

Mr. COX of Indiana. The chairman can not give the committee the amount of money appropriated in the paragraph which will go for the purchase of horses to be used by the department?

Mr. SCOTT. I regret to say that I can not give the information. I may say to the gentleman that the committee makes a less careful inquiry into the contingent fund for the reason that it is under the personal direction of the Secretary, and we have learned that we can well trust his discretion and canny Scotch economy, and we feel at liberty to give him somewhat of a free hand.

Mr. COX of Indiana. Are the horses used by the Secretary of Agriculture and his assistants to ride back and forth with?

Mr. SCOTT. By the Secretary, not by his assistants. Most of the horses are used in doing the work of the department, apart from the use as carriage horses.

Mr. COX of Indiana. And only the Secretary of Agriculture himself has a carriage horse?

Mr. SCOTT. That is my understanding.

Mr. COX of Indiana. At the expense of the Government?

Mr. SCOTT. That is my understanding.

Mr. COX of Indiana. Does the gentleman think his understanding is correct?

Mr. SCOTT. I think there is no question about that. The matter was thrashed out on the floor some years ago, and legislation was enacted which limited the use of carriages and carriage horses to the heads of departments.

Mr. COX of Indiana. What called my attention to it was an item in the newspaper to the effect that the Government was furnishing horses for different purposes for persons to ride to and from their homes and to and from the departments.

Mr. SCOTT. I do not think that is done as a matter of common practice. Perhaps the Secretary may send a subordinate from the department on an errand. The Secretary has occasionally accommodated members of the committee who were at the department by ordering a carriage to send them to their office, but as a matter of common practice I am quite sure nobody illegally uses the government carriages or horses.

Mr. COX of Indiana. If only the Secretary has the use of carriage horses, I will not enter any protest.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

In all, for general expenses, $863,800.

Mr. ELLIS of Missouri. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill, referring to this provision for the maintenance of agricultural experiment stations in Alaska, Hawaiian Islands, Porto Rico, and so forth, was any consideration given by the committee for an experiment station, or the demand for one, on the Canal Zone?

Mr. SCOTT. No; that matter was not brought to the attention of the committee, and no suggestion was made that such an experiment station was needed.

Mr. ELLIS of Missouri. I would like to call the attention of the chairman of the committee to the fact that when the Committee on Interstate and Foreign Commerce was down there recently the importance of this matter was called to their attention many times by those there in charge of the work on the zone. Attention was called to the fact that after the submersion of lands by the artificial lake there will be 200 square miles of arable land still remaining. It is probably quite as important—much more important, in fact—that some experiments should be made there as upon the island of Guam. The committee has moved in the right direction, but they have not gone far enough.

Moreover, the other day, in the bill to provide for the government on the Canal Zone, provision was made for leasing the lands there, and attention was called to the importance of leasing the agricultural lands. Colonel Goethals called the attention of the committee to the importance of the leasing of these lands. I do not know that it will be practicable to undertake to amend this bill to that effect now, but I wanted to call the attention of the chairman of the committee to the matter.

Mr. MANN. The gentleman is speaking of lands on the Canal Zone?

Mr. ELLIS of Missouri. Yes.

Mr. MANN. The provision for the leasing of those lands was in the bill that we passed the other day.

Mr. ELLIS of Missouri. Yes, I understand that; but I am talking about an experiment station.

Mr. MANN. Colonel Goethals, in charge of the leasing of the lands, said he thought it was perfectly useless to put an experiment station there.

Mr. ELLIS of Missouri. On the other hand, I understand he said it was exceedingly desirable.

Mr. MANN. I do not doubt the gentleman's word at all, but in a recent hearing given before the Committee on Interstate and Foreign Commerce, taken during the holidays, Colonel Goethals said that he did not think such a station was needed there at all.

Mr. SCOTT. I think, Mr. Chairman, and will say to the gentleman from Missouri, it would hardly be advisable to offer an amendment to that effect at this time. It is a subject the committee would be glad to consider in a proper way at some future time.

The Clerk read as follows:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $81,160.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph for drainage investigation. May I ask the gentleman from Kansas what is the situation at present in regard to drainage investigation, and what is the purpose of this paragraph?

Mr. SCOTT. This paragraph, or language identical in effect, has been carried in the bill for a great many years, and under the authority granted thereby the department has carried on studies to develop the best methods of drainage of swamp lands, and the work has been done in connection with reclamation projects and irrigation work of various kinds, as well as in the humid parts of the country.

Mr. MANN. I realize the value of the work which the department has done in reference to the drainage investigation, but I do not quite realize yet the desirability of having the department undertake to drain the Everglades or the other large swamps of the country without the direct authorization of Congress.

Mr. SCOTT. There is no thought on the part of anybody connected with the department or on the part of any member of the committee that such work as the gentleman from Illinois suggests will be done by the department. We are watching that very carefully, and the utmost the department has ever done has been to suggest methods by which swamps could be drained most economically, and as a result of those suggestions a great deal of swamp land in various States has been drained; but I do not know of a single dollar that has been expended by the department in the actual work of drainage.

Mr. MANN. I know of more than one dollar that has been expended by the department with a view to presenting a plan to Congress for the drainage of the Everglades in Florida, and other large swamp areas in the same manner, and I do not think it is the business of the department to inaugurate schemes of that sort without the direct authorization of Congress.

Mr. SCOTT. I do not see how the department could carry out the instructions in this paragraph and obtain useful information without following it up to the extent of presenting a plan by which the drainage could be made.

Mr. MANN. The point I am trying to make now is to ascertain whether it is the purpose under this appropriation to employ experts to go and discuss and consider the question of draining the Everglades of Florida, as an instance. I have no animosity toward the Everglades over some other place, although that is probably the most conspicuous instance where

theories might be worked out in reference to drainage. If this is really for farm drainage, or for the drainage of the ordinary lowlands in farming countries, there can be no objection to it.

Mr. LAMB. That is what it is for.

Mr. MANN. That is what the gentleman from Virginia says, but I happen to know the money has been diverted to other purposes.

Mr. SCOTT. The gentleman from Illinois is right in his intimation that the bureau does work further than the mere drainage of farm areas. Under the language in this paragraph authorizing the Secretary to report upon the drainage of swamp and other wet lands, and to prepare plans for the removal of surplus water by drainage, undoubtedly this bureau has presented plans for draining large areas of swamp lands, some of them belonging to States and some to private individuals and corporations, the idea being that when these lands have been drained, they become valuable for agricultural purposes.

Mr. MANN. Oh, that is true, and the idea being further openly advocated that the department shall go ahead and study out a scheme in order to obtain the authority from Congress to give part of the reclamation fund to use for the drainage of these swamp areas.

Mr. SCOTT. Does not the gentleman think we can take care of that proposition when it comes before us?

Mr. MANN. I have always been inclined to think that the best way to take care of a proposition is when it commences to poke its head into the door.

Mr. SCOTT. I am quite sure that the gentleman from Illinois would not attempt to interfere with the prosecution of very valuable and necessary work, merely through his anxiety that something might be done hereafter which he would not approve.

Mr. MANN. I do not approve of the efforts toward expending large sums of money studying how to drain the Everglades at present, unless Congress specifically authorizes it. I do not think it was ever contemplated by these appropriations in this manner to authorize anything of the sort, although undoubtedly it does authorize it.

Mr. SCOTT. This appropriation would not permit the expenditure of any very large sum of money, because the total amount carried is only $81,160.

Mr. MANN. Well, that would be a very large sum, as far as I am concerned.

Mr. SCOTT. But it must be used to carry forward a great deal of other work.

Mr. DOUGLAS. Mr. Chairman, I would like, if I may be permitted a moment——

Mr. SCOTT. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. I will yield to the gentleman.

Mr. DOUGLAS. To state one instance of the use of this fund where I know its use has been exceedingly valuable, and that is in the Moyock swamp region of eastern North Carolina, where some excellent men of my own district are engaged in farming on a large scale. There is a splendid body of land there, but they did not feel that they could go to the expenditure of a very large sum for the benefit of the whole neighborhood, and so they applied to the Government under this appropriation. That survey has been made, and drainage is going on, not at all at the expense of the Government, but upon the plan suggested by the Government and plans given them by the Government, and there will be in the neighborhood of 15,000 or 16,000 acres of splendid land which will be drained at private expense simply in pursuance of the advice given them under this appropriation.

Mr. MANN. And not one acre of which is government land.

Mr. DOUGLAS. Not an acre.

Mr. MANN. If the State of North Carolina wants to drain their land, she ought to employ experts. There are just as good drainage experts outside of the Department of Agriculture as there are in. There are vast drainage schemes all over the country being carried into execution all the time. I know of no reason why the Government should walk into North Carolina and tell the people how to drain their lands any more than tell the people about anything else. The State is amply able to employ the proper assistants and experts.

Mr. DOUGLAS. The same argument would apply to a great deal that is in this agriculture bill, would it not?

A MEMBER. All that is in it.

Mr. DOUGLAS. Perhaps; but at the same time I do not think anyone will deny the interference of the Government, if it can be so called, has been of the greatest benefit to the country.

Mr. MANN. I beg the gentleman's pardon, the same argument would not apply to everything in the agriculture bill. Here is a specific proposition to be applied to a particular locality. If you could only raise one thing in one locality, and then you provide the Agriculture Department should investigate it, that would be on similar lines. To study the subject of agriculture throughout the United States where the information is generally available and where it is useful all over the country is one thing, and to study a particular thing, a particular piece of property of particular importance to a certain farmer, for his particular benefit, that is entirely different from the rest of the agriculture bill, and in my opinion obnoxious to good government.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed it session.

The Clerk read as follows:

Salaries, Office of Public Roads: One director, who shall be a scientist and have charge of all scientific and technical work, $3,000; 1 chief clerk, $1,600; 4 clerks, class 1; 4 clerks, at $1,000 each; 1 clerk, $900; 2 laborers, at $600 each; 1 messenger, $600; 1 messenger boy, $360; in all, $16,460.

Mr. MACON. Mr. Chairman, I make the point of order against the words "three thousand dollars," on page 45, line 10.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "three thousand dollars," page 45, line 10.

Mr. LEVER. I hope the gentleman will reserve the point of order for a moment.

Mr. MACON. Oh, yes; I will reserve it.

Mr. LEVER. Mr. Chairman, usually I sympathize with the gentleman from Arkansas in his spirit of economy, and I think we all agree that he is doing a good work, but I want to call his attention to the fact that the Chief of the Bureau of Public Roads is receiving the smallest salary of any chief in the Department of Agriculture, and to the further fact that the work of the Office of Public Roads is perhaps second in importance to the work of no single bureau in the Department of Agriculture. This is a new bureau. It is doing a great work, the work of educating the people of this country to the great value of good roads and how to make them.

I want to call the gentleman's attention to this fact, that there is a constant drift of population from the country to towns and cities. That drift is due largely to the fact that there is so little means of communication between the people. There is nothing that will turn back that tide from the city to the country so rapidly and certainly as will the building of good roads over which the people must travel. Now, then, let me call the attention of the gentleman to another thing. Until the present chief of the bureau took this position the salary of the chief was $3,000. When this gentleman took charge this salary was reduced to $2,750. This man has never come to members of the Agriculture Committee begging that his salary be increased. I understand that he is a man of wealth, that the salary cuts no figure so far as he is personally concerned; but his salary ought to be commensurate with the great work of the bureau over which he is chief. This is a bureau in which the farmers of this country are especially interested. It reaches the agricultural classes as closely as any bureau of this whole Government, and is calculated to bring as much benefit. It was established for their real interests; and it is doing real, substantial, genuine good throughout the country; and it does seem to me that a salary of $3,000 for the chief of this great bureau is not more than Congress ought to give. I sincerely trust that the gentleman from Arkansas, sympathizing with him as I do in most of his points of order, in the interest of the farmer, in the interest of public road building throughout the country, in the interest of the general good throughout the country, will withdraw his point of order.

Mr. THOMAS of North Carolina. Mr. Chairman, I wish to supplement what the gentleman from South Carolina has so well and eloquently said. I wish to appeal to my friend from Arkansas to withdraw the point of order as to the increase of salary of this extremely meritorious public servant. While

the gentleman who is Director of the Office of Public Roads may not be dependent upon the salary of the office, he is justly entitled to an increase of salary because of the excellent public service he has rendered. He is a man of character and ability. I would say to my friend from Arkansas that Mr. Page has his heart in this good-roads work, and he is doing a great work for the farmers of this country. The Office of Public Roads, Mr. Chairman, is doing a good work, and there is an increasing demand for the work of this office. As to the value of the work, I remember an interesting debate I had with the gentleman from Illinois [Mr. MANN] some years ago.

Mr. MANN. Will the gentleman allow me?

Mr. THOMAS of North Carolina. Not at present. It has been suggested that the Office of Public Roads, Mr. Chairman, has for its purpose entering upon a general system of national aid to good roads throughout the country. The present work of the office is more limited. Among other things, it gives advice as to the best methods of constructing roads, the best materials to be used in the construction of roads, and the office is meeting a demand coming up from all over the country for better public roads. It is a work in cooperation with the States and of great value to the whole country.

Mr. SCOTT. I do not wish to interfere with my friend, but I am anxious to get through with this bill to-night.

Mr. THOMAS of North Carolina. Only one word more and I will close. Considering the important work of this office, the man who is at the head of it ought to be paid a salary somewhat adequate to the merit of the bureau and of the work that it is doing. Mr. Page is not a man to be insistent upon an increase of salary, but the committee thought the increase just; and in view of the public service Mr. Page is rendering, and his meritorious work, I hope the gentleman from Arkansas [Mr. MACON] will withdraw his point of order and let the salary be increased this slight amount.

Mr. MACON. Mr. Chairman, I desire to be heard for a moment. Other gentlemen have spoken for the proposition. Mr. Chairman, at the time, according to the argument of the gentleman from South Carolina, this gentleman's salary was fixed at $2,750 the revenues of the country were exceeding the expenditures; and yet Congress, when that happy condition existed, saw fit to fix his salary at $2,750. Now, when the Government is so conditioned that it is expending something like $150,000,000 a year in excess of its revenues, I do not think it is wise, I do not think it is patriotic, I do not think it is for the best interests of the country to increase it while present conditions exist.

Mr. Chairman, this is a small matter in itself; it is only $250; but when added to the many other proposed increases it would help to make a very large sum. The gentleman being rich, as stated by my friend from South Carolina, will not miss it much himself.

Therefore I can not see the wisdom of insisting that his salary ought to be increased at this particular time. But if this salary alone could be increased and the matter stop at that, I would say let it be increased. But we all know, Mr. Chairman, that by the increase of one salary we set a precedent for the increase of the salaries of all of the other officers and employees of the Government, many of them equally as meritorious as this, and hence there would be no end to the matter. It would soon develop into an endless-chain affair.

Now, a word as to what the gentleman said about good roads: We all know that to fail to increase the salary of this gentleman will not interfere with public-road construction anywhere or with any aid that this bureau is giving to road work.

If so, then this gentleman would be unworthy of the position he holds, and ought not to receive any salary at all. So I know it will cut no figure in the case whatever. I am for the farmers first, last, and all the time. I stand for good roads for the farmers at all times, and I do not like for gentlemen to attempt to put matter in the RECORD that in anywise indicates that I am against the farmer, simply because I oppose the increase of the salaries of the officers and employees of the Agricultural Department.

Mr. POLLARD. I make the point of order that there is nothing before the committee.

The CHAIRMAN. The common practice has been to reserve points of order. A point of order is reserved. If anybody calls for a ruling from the Chair on the point of order, the Chair will promptly rule.

Mr. POLLARD. I should like to have a ruling, then.

Mr. SCOTT. I call for a ruling on the point of order. I think the gentleman from Arkansas has said all he desires.

The CHAIRMAN. Does the Chair understand that it is conceded that this is an increase of salary?

Mr. LAMB. Before the Chair rules, I should like to make one statement.

The CHAIRMAN. The Chair desires an answer to the question.

Mr. MANN. It is an increase. There is no doubt about that.

Mr. SCOTT. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CARLIN. I did not understand that the point of order was made.

The CHAIRMAN. The point of order was made. The Chair will rule when anyone calls for a ruling on the point of order.

Mr. LAMB. I ask permission to make a statement.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, Mr. Page is a Virginian. I know him well. I know his family. He is not a millionaire. I doubt whether he is worth anything financially or not. Of course, that has nothing to do with the point of order, but he has been confounded with another Mr. Page. He is a poor man, I understand.

Mr. LEVER. He is rich in good character and works.

Mr. LAMB. Yes; he is.

Mr. SCOTT. I offer an amendment to restore the present salary.

The Clerk read as follows:

In line 10, page 45, in lieu of the words stricken out, insert "$2,750."

The amendment was agreed to.

Mr. MACON. I move to strike out the paragraph, and I ask to be heard on my amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas.

Mr. MACON. Mr. Chairman, I am in favor of this bill. I am in favor of anything that is in the interest of agriculture. I recognize that upon the agriculturists of this country depends the success and happiness of all human beings who reside within the confines of this Union. I recognize that too much can not be done or said in behalf of that class of people who support the world. I insist, however, that gentlemen have from time to time injected matter into the CONGRESSIONAL RECORD which, if unexplained, would seem to reflect upon my representation of friendship for and appreciation of the farmers, when I am sure they do not intend it that way. The language of the gentleman from South Carolina [Mr. LEVER] a few moments ago would indicate that by objecting to the increase of this salary I was standing in the way of the progress of the construction of public roads, and that, therefore, I stood in the way of the progress of the agricultural interests of this country, when nothing was further from my mind. I insist that I am helping the farmer when I attend each and every session of the House, from the time the gavel falls convening it in the morning until it falls to adjourn it in the evening, and do my very best to strike down every appropriation that I think will eventually bring upon the farmer an extra burden of taxation. If that is working against the farmer, then gentlemen are welcome to make the most of it.

The CHAIRMAN. The motion is to strike out the paragraph.

Mr. LEVER. Mr. Chairman, I would like to be heard on that motion.

Mr. MACON. I will withdraw the motion, Mr. Chairman.

The CHAIRMAN. The motion is withdrawn.

Mr. ELLIS of Missouri. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ELLIS of Missouri. I want to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. ELLIS of Missouri. Mr. Chairman, I ask the indulgence of the House to vindicate the correctness of a statement I made a few minutes ago, which was challenged by the gentleman from Illinois [Mr. MANN]. It has no bearing except in the interest of accuracy. In suggesting the propriety of consideration by the Committee on Agriculture of an experiment station in the Canal Zone, I stated that Colonel Goethals had stated to me and in my presence that he believed such a station was important down there. The gentleman from Illinois, as politely as he could and in a parliamentary way, contradicted the statement and said, on the other hand, Colonel Goethals said before the committee recently, in the hearings on the zone, that such an experiment station would be utterly useless and that he was opposed to it.

Now, this is what Colonel Goethals said. He was asked by Mr. HUBBARD, a member of the gentleman's committee:

Have you considered the desirability of the Department of Agriculture establishing an experiment station here?

Colonel GOETHALS. I have always believed it should be done, and the question was taken up about a year and a half ago, and it was learned that such station could not be established without a specific appropriation by Congress.

Mr. Chairman, I withdraw the pro forma amendment.

Mr. LEVER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last two words.

Mr. LEVER. Mr. Chairman, I regret very much that the gentleman from Arkansas [Mr. MACON] should feel that my remarks were intended to put him in a wrong light before the great agricultural interests of this country. The entire purpose and motive of that most eloquent appeal was to have the gentleman withdraw his point of order, and I thought that I had seen the tears melting in the gentleman's eyes and that I had succeeded.

I would not do the gentleman an injustice for anything in the world. I know him too well and I love him too well. I know that he is one of the hardest-worked Members in Congress. I know that he represents his great district as faithfully, and conscientiously, and as earnestly, and as ably as any man on the floor of this House, and I am confident that his heart beats in sympathy with the great agricultural interests of his State, and I am sure that nothing I could have said could have been construed in the light in which the gentleman from Arkansas construes it.

I was trying to get the salary of this Chief of the Bureau of Public Roads raised. I was very anxious that the gentleman from Arkansas should withdraw his point of order. I was very earnest. I was a little doubtful whether the gentleman quite caught the force of the fact that this Bureau of Public Roads was a bureau which touched his people most directly, and I was just calling it to the attention of the gentleman, pressing upon his mind the fact that this was a proposition which involved the great agricultural interests not only of South Carolina, but of Arkansas. Those two States are twin sisters almost, and my friend from Arkansas and I are almost twin brothers in looks and size and in the interest that we take in the great agricultural classes of this country. [Laughter and applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LAWRENCE having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 9, 1909:

H. R. 26390. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909;

H. R. 11460. An act to remove the charge of desertion from the military record of William H. Houck;

H. R. 16015. An act for the relief of Lafayette L. McKnight;

H. R. 15448. An act to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901; and

H. R. 20171. An act to correct the military record of George H. Tracy.

On February 11, 1909:

H. R. 3388. An act for the relief of L. B. Wyatt; and

H. R. 27051. An act authorizing the Secretary of War to furnish one condemned brass or bronze Napoleon gun, carriage, and cannon balls to the State of Iowa.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For inquiries in regard to systems of road management throughout the United States and for giving expert advice on this subject, $18,000.

Mr. SCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 26, page 45, after the word "dollars," the period and insert a semicolon.

The amendment was agreed to.

The Clerk read as follows:

For investigations of the best methods of road making and the best kinds of road-making materials throughout the United States and for furnishing expert advice on road building and maintenance, $34,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on this paragraph.

Mr. DOUGLAS. Mr. Chairman, I move to strike out, in line 4, the word "thirty-four" and insert in lieu thereof the word "seventy-five."

The CHAIRMAN. Until the point of order reserved by the gentleman from Illinois is disposed of an amendment is not in order.

Mr. MANN. Mr. Chairman, if the proposition is to double the amount of this expenditure, then I shall have to insist upon the point of order. There is no authority in law for this bureau at all, so far as that is concerned. I believe the whole bureau is subject to a point of order. There is nothing in the organic act that authorizes it, nothing in the law that authorizes it except the appropriation; and while I dislike very much to make a point of order upon the item, if the intention is to have even long debate on the proposition, to increase the item, and then double the amount, I feel that I ought to insist on the point of order and let the item go out.

Mr. DOUGLAS. Mr. Chairman, in view of the threat of the gentleman from Illinois I will withdraw the amendment. I would rather have $34,000 than nothing.

Mr. MANN. Then I withdraw the point of order.

Mr. SHEPPARD. Mr. Chairman, I wish to offer an amendment.

Mr. MANN. Mr. Chairman, then I shall reserve the point of order until I know what the amendment is.

The CHAIRMAN. No amendment can be read except for the information of the House while a point of order is pending.

Mr. SHEPPARD. I ask unanimous consent to have the amendment read for the information of the House.

The CHAIRMAN. Without objection, the clerk will read the amendment.

There was no objection, and the Clerk read as follows:

Amend by inserting after the word "States," line 3, page 46, the following: "for cooperating with the Post-Office Department in suggesting methods for maintenance and improvement of rural-road routes."

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment offered by the gentleman from Texas.

Mr. SHEPPARD. Mr. Chairman, this is not an enlargement——

Mr. SCOTT. Mr. Chairman, I reserve the point of order on that.

Mr. SHEPPARD. Mr. Chairman, the point of order comes too late. I had begun the discussion of the amendment.

Mr. SCOTT. I was asking for recognition.

The CHAIRMAN. The Chair will recognize any gentleman to make a point of order when he was on his feet seeking recognition before the debate began. The gentleman from Kansas reserves the point of order against the amendment.

Mr. SHEPPARD. I would like to say a few words in explanation of the amendment, in the hope that the gentleman will withdraw his point of order. This amendment of mine is not an enlargement of the powers of the Office of Public Roads, but simply makes its operation more specific and of more practical benefit to the country. There is no way in which this office can be made of more real benefit to the country than to have it cooperate with the Post-Office Department in suggesting methods for the preservation of the rural-route roads. Frequently rural routes are discontinued on account of bad roads——

Mr. SCOTT. Will the gentleman allow me to interrupt him in order to make a statement?

Mr. SHEPPARD. Yes.

Mr. SCOTT. When Mr. Page, the Director of the Office of Public Roads, was before the committee, he was asked and testified as follows:

The CHAIRMAN. Mr. Page, have you ever had any requests from the Post-Office Department for suggestions in the line of improving rural roads?

Mr. PAGE. Yes, sir; we have a regular arrangement with them.

The CHAIRMAN. You have such cooperation in effect now, have you?

Mr. PAGE. Yes, sir.

The CHAIRMAN. What do you do in that line?

Mr. PAGE. When rural delivery routes are found in such a poor condition that it is impossible at certain seasons of the year to make the deliveries over them, or they are generally bad at all seasons to the extent that makes it very expensive to operate the routes, those facts are reported to the Fourth Assistant Postmaster-General and he notifies the Office of Public Roads, stating the number of the route, the location, and so forth, and then we send out the blank form to the local authorities having jurisdiction over the particular roads, simply saying that if we can be of any assistance to them to the extent of giving them expert advice, we will be glad to send an expert out to advise with them as to the best method of putting the road in proper condition. It has done a great deal of good in a way; it has spurred up a number of communities to improve their roads.

So the gentlemen will see, therefore, that under the general authority of the provision, as carried in the existing law, such cooperation as he seeks to obtain is already being carried for-

ward. Therefore it seems to me unwise to set out the matter specifically in the appropriation bill.

Mr. SHEPPARD. Why should the gentleman object to making the authority specific? I feel sure that better and more practical results would obtain if the department and the Office of Good Roads understood that it was expected of them that they should continue this work.

Mr. SCOTT. Evidently the Office of Good Roads understands that now, and I do not want to load up the bill with a lot of unnecessary language.

Mr. SHEPPARD. It is a very short amendment, and simply makes the authority clearer. I ask the gentleman to accept it.

Mr. SCOTT. I prefer not. It seems to me so unnecessary, and I do not see why the gentleman should insist on it when he has been shown that it is already being done.

Mr. SHEPPARD. It is bad policy to have the department pursuing a course of action which is without authority of law or of doubtful authority, and I think the House has already seen the value of this work and will agree to insert the language in the bill.

Mr. SCOTT. I certainly hope the House will not insert the language in the bill. I therefore insist on the point of order.

The CHAIRMAN. Does the gentleman from Kansas insist upon his point of order?

Mr. SHEPPARD. Does the gentleman from Kansas make a point of order against the paragraph——

Mr. SCOTT. I make the point against the amendment offered by the gentleman from Texas.

The CHAIRMAN. The Chair is ready to rule.

Mr. SHEPPARD. Will the Chair let me call his attention to one fact? This identical point of order was raised at the last session and was overruled by the Chair.

The CHAIRMAN. The Chair is ready to rule.

Mr. SHEPPARD. Certainly.

The CHAIRMAN. This amendment seems to the Chair to be a germane amendment which perfects a provision which would be subject to the point of order, and the Chair therefore overrules the point of order; and the question is on agreeing to the amendment.

Mr. SCOTT. Mr. Chairman, I would like to be heard just for a moment on the amendment. The House has heard the extract from the hearings which I have just read. This extract makes it entirely clear that the cooperation sought to be obtained through this amendment is now being carried on between the Office of Public Roads and the Post-Office Department. I can not see any possible good it accomplishes by inserting this language and no possible reason why it should be incorporated in the bill. If you are going to insert language requiring the Office of Public Roads to cooperate with the Post-Office Department, some other Member might just as well insist on specifically requiring the Office of Public Roads to cooperate with the Department of the Interior or the Department of the Treasury or any other department of the Government. I see no possible advantage in it.

Mr. SHEPPARD. Would there be equal authority under the general language now in the bill for cooperation by the Public Roads Office with the Interior Department, as well as the Post-Office Department?

Mr. SCOTT. I think so. I think the general authority would be sufficient to enable the Office of Public Roads to cooperate with any department of the Government.

Mr. SHEPPARD. But the gentleman suggests that fact as an argument against my amendment—the fact that specific authority might be asked for cooperation with other departments. I think it especially imperative that specific authority be given for cooperation with the Post-Office Department.

Mr. SCOTT. It seems to me the reasons are so obvious why the amendment should not be adopted that I do not care to take up any longer time in discussing them.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. SHEPPARD) there were—ayes 42, noes 72.

So the amendment was rejected.

The Clerk read as follows:

For collating, reporting, and illustrating the results of such investigations and experiments and preparing, publishing, and distributing bulletins and reports, $23,000.

Mr. STURGISS. Mr. Chairman, I move to amend the last section by striking out the last three words. I refer to the paragraph last read.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 6, page 46, strike out "$5,000."

Mr. STURGISS. No; the section just passed.

The Clerk read as follows:

Line 4, page 46, strike out "$34,000."

The CHAIRMAN. Was the gentleman on his feet seeking recognition before the beginning of the reading of the next paragraph?

Mr. STURGISS. Yes; I was up before the next paragraph was read.

Mr. SCOTT. Mr. Chairman, I do not know what the gentleman's amendment is. Can we have it again reported?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. STURGISS. Mr. Chairman, I shall be very brief in what I have to say on this subject. I know there is a difference of opinion between Members of the House on the subject.

I believe the investigations and studies of the subjects embraced in the section proposed to be amended will, if properly conducted, prove of great value in inducing the assumption by the United States, in conjunction with the States, of the work of systematically constructing and maintaining public highways of the highest character in the interest of interstate commerce, of military and post roads, and of the general welfare.

A rapidly growing public sentiment will not much longer tolerate inaction upon this highly important subject by Congress. It is no longer a question of the right and power of Congress to act affirmatively, but solely a question of expediency and wise statesmanship.

On the constitutional right, I desire to incorporate as a part of my remarks the following extracts from a pamphlet printed recently by the National Grange, an organization of farmers in 27 States, with an aggregate membership of nearly 1,000,000 members:

The power vested in Congress to enact such legislation has been clearly established by repeated decisions of the Supreme Court of the United States in defining the scope of that paragraph in the Constitution reading as follows:

"SEC. 8, par. 3. The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with Indian tribes."

The right of Congress to improve our harbors and waterways, to construct canals, and to regulate the height of bridges spanning rivers, channels, and other waterways lying wholly within the boundaries of a State is based entirely on this paragraph.

The fact that up to the present time Congress has not exercised the right to promote commerce between the States by constructing and improving public highways in the various States, can not be construed as evidence that the power to do so has been abrogated. In the case of County of Mobile *v.* Kimball (162 U. S., 695), the question was raised as to the right of the State of Alabama to enact a law for certain improvements in the port and river of Mobile, it being contended that such a law was in conflict with the constitutional right of Congress to regulate commerce between the several States. Mr. Justice Field, who delivered the opinion of the court, said:

"Inaction of Congress upon these subjects, unlike inaction upon matters affecting all the States and requiring uniformity of regulation, is not taken as a declaration that nothing shall be done with respect to them, but is rather to be deemed a declaration that for the time being, and until it seems fit to act, they may be regulated by state authority."

In the case of Miller *v.* The Mayor of New York (109 U. S., 385) it was held that the act of Congress authorizing the building of the Brooklyn Bridge, a structure wholly within the State of New York, was constitutional. The court said:

"Such uniformity has been the construction given to that clause of the Constitution which confers upon Congress the power to regulate commerce,"

citing Pennsylvania *v.* Wheeling and Belmont Bridge Company. (59 U. S., 421.)

In the case of Clinton Bridge (10 Wall., 454) Mr. Justice Nelson, on the authority of the Wheeling and Belmont Bridge Company case, held that the act of Congress declaring the Clinton Bridge across the Mississippi River at Clinton, Iowa, a lawful structure and a post route, and prescribing certain regulations for its maintenance, was constitutional. He said:

"The question whether or not it was competent for Congress to interfere and legalize the bridge, under the power to regulate commerce, and whether or not the act put an end to the pending suit, were questions examined and settled in the affirmative in the case already referred to. (Wheeling Bridge case.) The reasons for the conclusions arrived at will be found there and need not be repeated here."

"Several cases have been before this court relating to bridges over navigable waters of the United States in which questions were raised as to the authority by which the bridges could be constructed, the extent to which they would obstruct the free navigation of water, and the right of private party to interfere with their construction and continuance. * * * The power vested in Congress to regulate commerce with foreign nations, and among the several States, includes the control of the navigable waters of the United States so far as may be necessary to insure their free navigation; and by navigable waters of the United States *are meant such as are navigable in fact*, and which by themselves, *or their connection with other waters* form a contiguous channel for commerce with foreign countries or among the States." (The Daniel Ball, 10 Wall., 557.)

"East River is such a navigable water. It enters the harbor of New York and connects it with Long Island Sound. Whatever, therefore, may be necessary to preserve or improve its navigation, the General Government may direct; and to that end it can determine what shall and what shall not be deemed an interference with or an obstruction to such navigation."

Under this case of Miller *v.* The Mayor of New York it would seem that Congress has the power under the commerce clause not only to construct, improve, and maintain or authorize interstate highways, either by water or by land, but it has power to construct, improve, and maintain *any and all public highways by water or by land, which connect with or intersect or lead into such interstate highways.*

The case where the matter was fully considered, and the authority of Congress clearly defined, is the case of Luxton *v.* The North River Bridge Company. (153 U. S., 525.)

In this case, by act of July 11, Congress authorized the incorporation of the North River Bridge Company, and authorized the construction of a bridge across the Hudson River between the States of New York and New Jersey. The third section of this act is as follows:

"That the bridge with its approaches and railroads thereon, constructed under the provisions of this act, shall be a lawful structure and a *military and post road*, but no toll charge shall be made for the transmission over the same of the mails of the United States, or for the right of way of the United States, postal and telegraph purposes."

The fourth section of the act incorporated the company and gave it the right and power of eminent domain.

The question in the case arose over the right of the corporation to condemn a certain parcel of land in Hoboken for the purposes of the bridge and for a roadway thereto, through commissioners appointed by the circuit court for the purpose. It was claimed that the act was unconstitutional. Mr. Justice Gray, writing the opinion for the court, said:

"The validity of the act of Congress incorporating the North River Bridge Company rests upon principles of constitutional law now established beyond dispute. The Congress of the United States being empowered by the Constitution to regulate commerce among the several States and to pass all laws necessary or proper for the purpose for carrying into execution any of the powers specifically conferred, may make use of any appropriate use to that end.

"Congress, therefore, may create corporations as appropriate means of executing the powers of government—as, for instance, a bank for the purpose of carrying on fiscal operations in the United States or a railroad corporation for the purpose of promoting commerce among the States." (McCullough *v.* Maryland ,4 Wheat., 316; Osborne *v.* The Bank of U. S., 9 Wheat., 738; Pacific Railroad Removal cases, 115 U. S., 1–18; California *v.* Pacific Railroad, 127 U. S., 1–39.)

"Congress has likewise the power, exercised early in this century by successive acts in the case of the Cumberland or National road from the Pacific across the Alleghenies to Ohio, to authorize the construction of a republic highway connecting several States." (See Indiana *v.* U. S., 148 U. S., 148.)

"And whenever it becomes necessary for the accomplishment of any object within the authority of Congress to exercise the right of eminent domain and take private lands, making just compensation to the owner, Congress may do this with or without a concurrent act of the State in which the land lies." (Van Blocklin *v.* Tennessee, 117 U. S., 151–154; Cherokee Nation *v.* Kansas Railroad, 135 U. S., 614–656.)

"From these premises the conclusion seems to be inevitable that although Congress may, if it see fit, and as it has often done, recognize and approve bridges erected by the authority of two States across navigable waters between them, it may, at its discretion, use its sovereign powers, directly or through a corporation created for that purpose, to construct bridges, for the accommodation of interstate commerce by land, as it undoubtedly may to improve the navigation of rivers for the convenience of interstate commerce by water."

Mr. Justice Gray held that the judicial opinions cited in support of the opposite view were not, having regard to the facts of the cases in which they were uttered, of controlling weight. He cites the case of United States *v.* The Railroad Bridge Company in the circuit court of appeals (6 MacLean, 517), and says that Justice MacLean's dissenting opinion in the Wheeling Bridge Company case is absolutely unsound, and concurs with Mr. Justice Nelson's majority opinion, citing the Clinton Bridge case, Miller *v.* New York; also Stockton *v.* Ball, and the N. Y. Railroad Co. (32 Fed., 9); Wm. Ette Bridge *v.* Hatch (125 U. S., 1), in which case it was decided that Congress might allow the States to construct bridges between States; or, exercising its sovereignty, might construct them itself. Mr. Justice Gray then said:

"In California v. *The Pacific Railroad (127 U. S., 1) it was directly adjudged that Congress has authority* in the exercise of its power to regulate commerce among the several States, to authorize corporations to construct railroads across the States as well as Territories of the United States, and Mr. Justice Bradley, speaking for the court and referring to the acts of Congress to build railroads across the continent, said:

"'It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws. *The power to construct or to authorize individuals or corporations to construct national highways and bridges from State to State, is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce.* This power in former times was exerted to a very limited extent, the Cumberland or National road being the notable example. Its exertion was but little called for as commerce was then mostly conducted by water and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land. But since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and led to the conclusion that Congress has plenary power over the whole subject.'"

After quoting the above, Mr. Justice Gray said:

"The act of Congress now in question declares the construction of the North River bridge, between the States of New York and New Jersey, to be 'in order to facilitate interstate commerce,' and it makes due provision for the condemnation of land for the construction and maintenance of the bridge and its approaches and for just compensation to the owners, which has been accordingly awarded to the plaintiff in error.

"In the light of the foregoing principles and authorities, the objection made to the constitutionality of this act can not be sustained."

From the above cases and authorities it is clear that under the commerce clause of the Constitution Congress has the power to construct, maintain, improve, and regulate any of the public highways of the United States between the several States, and any public highways leading into or connecting therewith. There is, therefore, no question but that the Currier bill is a constitutional measure.

I have introduced a bill (H. R. 27825) creating a national highways commission, with appropriations that must be supplemented by state, county, and municipal appropriations bearing a fixed ratio to the national grant before the latter can become available, thus stimulating local effort and taxation to the certain betterment of the public highways of the whole country.

Of the wisdom and policy of the preliminary study and investigation of the subjects contemplated in the paragraph proposed to be amended, there can be no doubt. The more extensive and thorough this work is now done the more economical and intelligent will the practical work of constructing and maintaining public highways be done when that work is undertaken, as it will be sooner or later.

In support of the wisdom of undertaking this great work jointly with the several States I desire to incorporate as a part of my remarks an article printed in the National Grange by Edward W. Perry, full of sound common sense, fortified by a convincing array of facts and figures:

American country ways can scarcely be called ways of pleasantness. On the contrary, they are usually crude and dirty, rough and noisy. They waste time, patience and energy, and they spoil the comfort of all who must endure these defects. In dry seasons they are dusty, in wet weather they are little better than canals of mud; and at all times they are needlessly steep and costly.

This is true largely because American highways, like Topsy, "jest growed." Practically all our roads began as mere trails through wilds, were widened a little by the pioneer who lopped off a branch here, a root there and cut down a tree yonder, that his pack animal might squeeze past. Later comers dug up a stump or a stone, now and then, and trimmed down the sharp banks of the stream, because they were using cart or wagon to carry wife and babe and household belongings to their new home in the wilderness.

All these early travelers followed the line of least resistance, so far as they found it without too much searching. Believing that they would not soon go that way again, and used to making light of such difficulties, our sturdy fathers did little more than was necessary to the moment. So many followed that in a few years they found it good to come together, now and then, to make roads, as neighbors in those friendly days used to have logging bees, house raisings, appleparing parties, and quilting bees, and such other meetings for mutual help as might fairly be made an excuse for dance and frolic. To this hour, in many a corner of the land, road making is regarded as a yearly "bee" at which neighbor and friend should swap tobacco and yarns and jests between short spells of work.

But millions who dwell in country places now see that their wagon roads should be made far better than they have ever been, even when at their best. It has at last been seen that the condition of these roads affects the pocketbook of every human being in all the land more directly and materially than it is affected by any other one cause. This will be so while every human being in the land must use products of the American farm, because all these products must be hauled over these thoroughfares from farm to market. The cost of such moving is increased by everything that hinders the easy moving of the wheels by which the products are carried.

More than half of the scores of millions of tons of things taken each year from American farms; practically all of the tens of millions of tons of food required by 70,000,000 people of this country; all the millions of tons of cotton and of wool they eat, and many another thousand tons of other things they want for their health, their comfort or their luxury, must be hauled by animals through dust or sand or mud, up steep grades or over pebbles that make up the first stage or their journey from field to consumer. From this wastefulness no preseat relief is offered, because almost 93 of every 100 miles of American wagon roads are rough and steep, badly drained, and costly.

These truths about our highways were scarcely known to the people as a whole before the Office of Public Roads, a bureau of the Agricultural Department at Washington, gave us, last year, the nearest approach ever made to the precise truth about the condition and the cost of our public highways. This is the more notable because at the end of each of many decades our National Government has given us tomes of copious and most minute information about the number, birth, and color, the work, wages, and wealth of our people; about the size, products, and value of our farms; but never before last year had any administration even an approach to fair support for its efforts to give to the Nation accurate data covering the miles and the character, the annual cost and the existing condition of its country roads, which are as the arteries and the veins through which must flow that commerce which is as the very lifeblood of our prosperity.

Perhaps no more complete nor accurate information about our roads as a whole will be given before the national census shall have covered this field as fully and as accurately as it has covered other great interests of the Nation. That census can not give information that would interest and benefit a larger number of our people, nor serve them more directly and clearly than would such full and exact information as the next national census may properly give about their highways.

From the best data we have it seems that all of the United States, except Alaska and our island possessions, had 2,151,570 miles of wagon roads in the year 1904. Of these only a minute fraction more than 7 per cent were called improved. This betterment was by means of realigning and grading, by draining and bridging, and by surfacing with material intended to make the roads dry and hard at all seasons, therefore easier and more durable than ordinary earthen roads can well be.

Thus it appears that we had, that year, about three-quarters of a mile of wagon road for each square mile of land in the territory mentioned, or about 6 feet of road for every acre of land. For each mile of such road there were 35 people in this country. That is, for each of us there were 151 feet of wagon road of all characters, but less than 10.7 linear feet of improved road per capita. In fact, for each mile of improved roads in the country we had 494.9 people.

In the year 1904 the work done on all these roads was valued at $79,771,418. This equaled $37.07 per mile, or $1.05 per capita of population—2 cents a week for each of us. Many a frugal shopgirl spends as much daily for gum.

Lack of such improvement as our roads need compelled us to pay, in the year 1907, much more than we should have been made to pay for about 196,153,000 tons of farm products, not including any of the

many thousands of tons of fruit; of vegetables other than potatoes; none of the millions upon millions of gallons of milk; none of the myriad millions tons of wood, nor any of the other products hauled from field or forest to market. Nor does it include any of the hundreds of thousands of tons of fertilizers and of feed, or lumber, coal and wire, of machinery and other things taken from town to the farm.

We have been told by authorities that the American farmer loads an average of a little more than 2,000 pounds on his wagon and draws it 12 miles, at a cost of $3. This equals 25 cents a ton mile. If we assume that the wagonload is an even 2,000 pounds, and that the cost of hauling will be $2 instead of $3; and if we assume that the 9,404,430 persons in agriculture in this country use half of the products of our farms, and that the other 66,568,350 persons use only the other half of these products, the cost of taking these to market would be $196,153,000.

Many tests have shown that loads may be drawn in wagons over macadam in average condition at a cost only a little more than one-third that of moving like loads over earth roads in ordinary condition. If this is correct, a saving of $130,768,680 might be made in the cost of marketing half our crops of a year if they could be hauled over macadam rather than over common earth roads. That saving would equal $1.72 apiece for us, or much more than all our road work for the year costs.

But macadam roads cost much money. Still it may be that the first cost will concern the American people less than will the question, What will the investment in good roads actually pay us? Of course everybody knows that this Nation can get, at moderate rates of interest, all the money it will spend on improvements which will pay interest and sinking fund if the financing were done honestly.

A saving of $130,768,680 per annum would be enough to pay 4 per cent interest and 2 per cent sinking fund on $2,179,478,000. That would be enough to build 243,000 miles of good macadam, and in nine years such amount could macadamize every mile of road in the land.

In the ten years which ended with 1906 the exports from the United States were, in the main, as shown below:

Industry.	Valuation.	Per cent.
Agricultural	$8,070,764,278	59.13
Forestry	497,823,882	33.65
Manufacturing	3,788,121,805	27.75
Mining	340,945,341	2.50
Fisheries	70,062,102	.51
Miscellaneous	882,219,915	6.46
Total	13,649,937,318	100.00

In view of the fact that more than half of all we exchange for the gold and the manufactures of other nations comes from products of the toil of our farmers, who are only a little more than one for each eight others of our population; in light of the fact that every other industry in this country depends largely, if not wholly, upon our agriculture for its well being, if not for its very existence, it is interesting and instructive to study the figures that tell us what use has been made of the money of the Nation which owes so much to its farmers; what part of the money they have brought into our National Treasury has been spent to benefit the farmer, and what share of those funds have gone mainly to profit those who exploit the farmer.

During the ten years mentioned Congress apportioned the money of the Nation as follows:

Department.	Amount.	Per cent.
Agriculture	$47,000,817	0.74
Commerce and Labor	33,266,760	.53
Executive	76,043,944	1.21
Interior	1,659,350,002	26.30
Judicial	68,804,419	1.08
Justice	5,031,456	.08
Legislative	109,939,057	1.74
Navy	760,287,740	12.05
Post-Office	1,302,926,200	20.65
State	50,603,791	.80
Treasury	935,884,880	14.83
War	1,261,102,566	19.99
Total	6,309,742,632	100.00

Agriculture would have had $3,725,900,000 of national moneys to spend for its further improvement and development in these ten years, or almost 80 times as much as it did have, if Congress had devoted to building up the most productive and valuable of our industries money in proportion to the revenue that industry brought to us from foreign sources. In these ten years Congress put $180,537,000 into improvement of rivers and harbors; that is, for each dollar our Congress allowed us out of our own money to help gather information and in other ways aid the work of making good the roads we must use, it gave $6,943.60 to deepen and to light channels and otherwise improve waterways, some of which were known to be of little possible use, and others that have been improved almost wholly for the benefit of certain foreign interests—for transportation combinations that have been publicly charged with using these advantages to depress still further and in time to destroy the shipping business of the very people who paid for such improvements.

This is a peaceful Nation, but in the decade mentioned it spent for war purposes $2,021,390,306, or 43 times as much as was allotted to agriculture. Yet our farms have for generations been our most effective defense against aggressions by other nations. No power dare so war on us as to check the flow of the mighty river of life that flows from America to feed the Old World. Europe could not permit such stoppage and live. A mere threat to do so would insure peace.

Does not justice to the farmer, consideration for the welfare of all consumers, and plain common sense demand that this Nation shall spend to make its wagon roads good at least as much money each year as it shall spend on its waterways? The wagon roads may be kept always open for free use by all the people; the waterways may be monopolized easily for the great transportation interests.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to print in the RECORD certain papers which the gentleman indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

Paper tests: To enable the Secretary of Agriculture to test such plants as may require tests to ascertain if they be suitable for making paper, $10,000, or so much thereof as may be necessary, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the punctuation be changed as follows:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 4, page 46, after the word "dollars," the period and insert a semicolon; in line 6, same page, after the word "dollars," strike out the period and insert a semicolon; in line 10, same page, after the word "dollars," strike out the period and insert a semicolon.

The CHAIRMAN. Without objection, the amendment will be agreed to. [After a pause.] The Chair hears none.

The Clerk read as follows:

Paper tests: To enable the Secretary of Agriculture to test such plants as may require tests to ascertain if they be suitable for making paper, $10,000, or so much thereof as may be necessary, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. STANLEY. Mr. Chairman, I hope the gentleman from Illinois will reserve his point of order upon this paragraph. I know, and the House knows, that there is no man in this body who is better advised or who has made a more capable and comprehensive study of the question of paper making than the gentleman from Illinois, and it is upon his profound knowledge of the situation, as well as upon his splendid capacity for research, that I rely in the earnest hope that he will not insist upon his point of order.

Mr. Chairman, the provision in this bill, in my humble opinion, as small as the appropriation is, is the most important item in the whole bill. In the last ten years, notwithstanding the momentous problems that have been presented for solution to the Agriculture Committee, they have had no question more far-reaching in its effect upon the people or more drastic in its ultimate drain upon the Treasury of the United States than the question of the conservation of the forests.

I voted with much pleasure for a bill this time that will carry several millions of dollars, for the purpose of purchasing forest reservations. If the hopes of those who would preserve the Appalachian forests are realized we will sooner or later, in my humble opinion, spend a hundred millions of dollars. The denudation of our forests has become an almost tragic question in its effect upon the industries of this country; we are face to face with the exhaustion of our entire available resources of timber in the next forty years. And this condition of affairs is directly attributable to the devastation of the paper mill.

It has been demonstrated beyond any doubt that the flow of the rivers is not affected and even the supply of available timber is not endangered at all by anything like a scientific and careful cutting of timber. The mountains will reforest themselves. It is the paper mill, that cuts everything from a saw log to a pole, that sweeps everything clean before it, that is absolutely destroying our forests and leaving our mountains barren rocks.

It is then absolutely imperatively necessary, Mr. Chairman, that something must be done and done quickly either by the Federal Government or by the ingenuity of science that will supply us with some substitute for wood as a paper pulp. With the invention of your linotype machine, with increase in the size of your papers, in the multiplicity of your books, and with the multiplying of the various industrial uses to which paper is put, the paper mill will, inside of the next thirty years, literally devour the forests. For that reason this appropriation is placed in this bill. The investigations of the department have already furnished hope to every man who is deeply interested in this question. I can say without the fear of successful contradiction that this question has been already solved, not finally, not in all its details, but the alert scientists in the Department of Agriculture have made a discovery second in beneficence to none other made in the last decade. They have found a substitute for wood that is better than wood in the making of the finest papers, and they have found that substitute after searching up and down the shores of oceans for swamp and sea-island grasses, in forests, and in tropical regions for everything that contains a fiber. At last they found it at the farmer's door, in the shape of a cornstalk.

Mr. SHEPPARD. And the cotton stalk also, I will say to the gentleman.

Mr. STANLEY. With characteristic alertness the gentleman presents the claims of the South.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman may proceed for five minutes. Is there objection?

There was no objection.

Mr. STANLEY. Mr. Chairman, there are few Members of this House who do not appreciate the conservatism, the ability, and the diligence of Doctor Galloway. Notwithstanding the criticisms that we have heard of various officers connected with the Agricultural Department, I have yet to hear the first word in disparagement, the first expression that does not accord with the opinion I have expressed of this able and efficient scientist. [Applause.]

I want to call the attention of this House to this strong statement of Doctor Galloway with respect to the character of paper which can be manufactured from corn stalks:

HEARINGS AGRICULTURAL COMMITTEE, PAGES 81 AND 82.

Mr. GALLOWAY. Ton for ton the amount of pulp from the cornstalks is just about the same as from wood, but the pulp from the cornstalks is of a finer grade and better quality than that of the ordinary wood pulp. In fact, it is so fine that it could be used to a considerable extent for additions to very cheap woods which are not now available for wood pulp. That is the idea that is being developed by the forest service; that is, in addition to using the cornstalk material directly for paper, it could be utilized for supporting or building up the cells of wood fiber of very cheap woods which are not now used for pulp.

Mr. POLLARD. Then the paper made from cornstalks is of better quality than that made from wood?

Mr. GALLOWAY. Our samples show that you can make all grades of paper, from fine vellum paper down to thin tissue paper suitable for wrapping butter and things of that kind.

Mr. HAWLEY. Does it make good writing paper?

Mr. GALLOWAY. Yes.

* * * * * * *

Mr. COOK. I wanted to ask the doctor this: Do I understand that the same quality of paper as that known as print paper or white paper can be made from cornstalks just as it is made from white spruce?

Mr. GALLOWAY. Yes, sir.

The CHAIRMAN. Not only that, but very much finer paper can be made from the cornstalks than is possible to be made from the wood pulp?

Mr. GALLOWAY. Yes, sir.

Now, your cornstalk will make as much pulp as your wood. It will make a finer paper than your wood, and in making your paper from your cornstalks by an improved process it has been demonstrated by a perfect chemical analysis that you do not lose any of the food value of the cornstalk.

By the manner in which it is treated, the glucose and the proteid matter that furnish the food and bone to the animal from the fodder are all preserved. It is estimated by the department that if a mill were erected for this purpose they could to-day pay $5 a ton for the cornstalks and, estimating the fiber at $45 to the ton, they could manufacture paper now at a profit.

In addition to its value as a paper-making material, this by-product will sell for an equal amount—i. e., $5 to the ton. You have passed from the devastation of the paper mills to the culture of the corn fields, and wherever you can get corn and coal in propinquity, you are saving your forests, you are saving the Treasury, and you are helping the one man who maintains no lobby, who has no organization, seldom reaches the seats of the mighty; the man literally behind the plow, because he is the man who raises the corn. [Loud applause.] If I had time I could show you where Doctor Cobb, Mr. Sutermeister, where every single solitary expert called upon to testify before the committee employed by this Government agrees with this gentleman whom I have quoted here, not in a theory, but in the success of a practical demonstration. It may be asked: "Why then do not the paper mills take this matter up?" Doctor Cobb, who is now in the employ of the Department of Agriculture, who is a man of capacity, has ably and fully answered that question in a reply to the gentleman from Illinois [Mr. MANN].

Mr. CHAIRMAN. If you can send samples of different plants to paper mills which have laboratories for them to experiment with and report to you, why is not that the most satisfactory way of doing it?

Mr. COBB. It is, provided they have the proper facilities; but I find that, while they have the very best facilities for ascertaining the cost commercially of the different articles which they habitually use, outside of that range their fund of information is very small.

The CHAIRMAN. There are only a few that would have them, probably.

Mr. COBB. Very few indeed, I assure you. Experimental work is a very expensive thing. No matter how you try to save, if you get at results you have to spend money, and these people are simply making money, and they do not divert very much of it to experiment work. You can not blame them. (Bulletin No. 35, Hearings, pages 2728 and 2829.)

And this is the statement not only of an able and learned scientist but a practical paper maker. He has had experience in Australia and in America, and he says it is because the paper mills are looking at it from the view point of the manufacturer, indifferent to the producer, and as long as they can manufacture paper at a profit at all out of wood they will continue without chemists, without laboratories, without improvements, seeking no new substitute until the forests are destroyed and necessity spurs on invention.

The CHAIRMAN. Does the gentleman from Illinois insist upon the point of order?

Mr. MANN. Mr. Chairman, I insist upon the point of order. Does the Chair desire that I shall address myself to the point of order?

The CHAIRMAN. The Chair will hear the gentleman if he desires to be heard on the point of order.

Mr. MANN. Mr. Chairman, the organic act creating the Department of Agriculture authorizes the Secretary of Agriculture to test "by cultivation the value of such plants as may require tests." Last year, when the item that was in the bill on this subject went out on a point of order, I offered an amendment, which was subsequently agreed to, and which passed the scrutiny of the point of order, into the language of the act. Now, the item in the bill authorizes the Secretary of Agriculture "to test such plants as may require tests to ascertain if they be suitable for paper making." The authority of the Secretary of Agriculture in the organic act is to "test by cultivation" such plants. The item in the bill authorizes the Secretary of Agriculture to operate a paper mill. In fact, that is what has been done. It is not authorized by law at all, and it seems to be not in accordance with the organic act. I would be perfectly willing if I could give to the Secretary of Agriculture authority through the Forestry Service to test different woods separately for the purpose of ascertaining whether they could be made into ground wood and either sulphide or soda fiber. Still, that is not the amendment; and that amendment would be subject to the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I remember that on February 4 the gentleman offered his amendment, which is in the exact language of the bill, I think—

For tests of such plants as may require tests to ascertain if they be suitable for paper making, $10,000.

Now the bill reads:

To enable the Secretary of Agriculture to test such plants as may require tests so as to ascertain if they be suitable for making paper, $10,000.

Mr. MANN. And I would further say to the gentleman that when I offered that amendment I stated I thought it was not subject to the point of order, because it was based on tests, supposing at the time that the provision of the bill was a copy of the amendment which I offered last year. But upon examination I found that the amendment was changed, I suppose in the Senate or in conference, broadening it very materially, and that the amendment that I offered the other day in the form that it was offered was not then subject to the point of order, although it was not in the form of the amendment that was agreed to before.

The CHAIRMAN. The Chair is ready to rule.

Mr. GAINES of Tennessee. I want to discuss this matter. I think we ought to get this cleared a little.

The CHAIRMAN. The Chair will hear the gentleman briefly on the point of order.

Mr. GAINES of Tennessee. I want, first, to get some information of the gentleman from Illinois. Now, the amendment that a few days ago was adopted reads this way:

Paper tests: To enable the Secretary of Agriculture to test such plants as may require tests to ascertain if they be desirable for paper making.

That was adopted by 41 ayes, 23 noes. That took the place of the amendment offered by the gentleman from Illinois [Mr. MANN].

Now, I got the impression from what was said, when that was adopted, that it was not the same thing as the provision that is now before the committee. I further labored under the impression that there would be no point of order raised to this. I wanted then to offer an amendment, and did so, but withdrew it to offer it now as being a better place for it to come in. Now, when the time comes to consider this pending paragraph a point of order is made, and it is about to go out. I must shift my sails. I ask the gentleman from Illinois whether or not he thinks the amendment that I have just read covers the same subject and is as elastic as the provision that is now in this bill?

Mr. MANN. Oh, the amendment that was adopted the other day, so far as that matter was concerned, was clearly subject to a point of order, but it was finally adopted. This is a different amendment. It provides for running a paper mill.

Mr. STANLEY. With the indulgence of the gentleman from Illinois, I think he has confounded the provisions of a bill that has been favorably reported from the committee, appropriating $30,000 for the purpose of erecting a paper mill, with the pro-

visions of this act; and it is not characteristic of the gentleman to confound anything.

Mr. MANN. If the gentleman will permit me, I was not referring to his amendment. I was just going to ask him to what item in the bill it is offered.

Mr. STANLEY. I offered no amendment, and I hope the gentleman will withdraw his point of order.

Mr. MANN. The gentleman gave notice of offering an amendment.

Mr. STANLEY. I will not offer any amendment, if the gentleman will not insist on his point of order.

Mr. MANN. If the gentleman does not propose to offer an amendment, I would like to withdraw the point of order and offer an amendment myself.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. MANN. If the gentleman from Kentucky does not offer an amendment.

Mr. STANLEY. I will not offer any amendment.

Mr. MANN. I will withdraw the point of order and offer an amendment to insert, after the word "plants," in line 17, the words "and woods."

The Clerk read as follows:

Insert in line 17, after the word "plants," the words "and woods."

Mr. SCOTT. I have no objection to that amendment, and hope it will prevail.

The amendment was agreed to.

The Clerk began the reading of the next paragraph of the bill,

Mr. GAINES of Tennessee. Mr. Chairman, one moment.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. The paragraph has not been finished.

Mr. GAINES of Tennessee. Before we leave that paper paragraph I want to offer an amendment.

The CHAIRMAN. Was the gentleman on his feet attempting to get recognition before the Clerk began the reading of the next paragraph?

Mr. GAINES of Tennessee. I was trying to get on my feet. I was not exactly "on my feet," Mr. Chairman. I was about halfway up.

The CHAIRMAN. The Chair does not think the gentleman brings himself within the rule. The Clerk will read.

The Clerk read as follows:

And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department.

Mr. MANN. I make the point of order against the last paragraph, which is clearly legislation.

The CHAIRMAN. The Chair is ready to rule.

Mr. SCOTT. I concede that the point of order is well taken.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I ask unanimous consent that my colleague [Mr. BOUTELL] may have fifteen minutes time in which to address the House on Abraham Lincoln.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BOUTELL. Mr. Chairman, for this courtesy in permitting me to address the committee at this time, I thank the Chairman, the gentleman from Illinois, and the committee.

When the roll of this House was called at the opening of the Thirtieth Congress, on December 6, 1847, among the new Members who answered to their names was Abraham Lincoln, of Illinois. In this Congress John Quincy Adams, Robert C. Winthrop, Andrew Johnson, and Hannibal Hamlin were among his colleagues, while Stephen A. Douglas and Jefferson Davis were serving in the Senate. Here in this House, attending to its routine duties and responding to numerous roll calls, Lincoln spent his fortieth birthday. When his service as a Representative ended three weeks later, no one of his associates had marked the obscure Member from the West for higher honors. A little more than sixteen years later, when the roll of the immortals was called in the Congress of those whose kingdom is an everlasting kingdom, whose dominion endureth throughout all generations, Abraham Lincoln answered "Present." [Applause.]

To-morrow the one hundredth anniversary of Lincoln's birth will be generally observed, and tributes in many tongues will be paid to his character and works. It is altogether fitting that at this time we should place upon our records some memorial of the greatest Member of this National Assembly of the people's representatives. Others will tell the story of his life, the marvel of his deeds, and the miracle of his eloquence. Let us, in this presence where he once moved, recall the shining example of charity and magnanimity that Lincoln set for all those who are called to discharge the grave responsibilities of exalted office. No ruler ever faced so hard a task or one beset with so many pitfalls as that which confronted Lincoln when he entered upon the Presidency. During all his term of service he had to deal not only with open enemies, but with secret foes, faithless friends, and unscrupulous rivals. Each day brought its consuming labors, its message of disaster in the field, or report of treachery at home, the abuse of hostile critics, or the censure of misguided adherents. But through all those dark years, though often the iron entered deep into his soul, no word of bitterness or reproach ever fell from Lincoln's lips.

Through the long leaden days he endured the whips and scorns of time with unfailing patience and serenity, sometimes diverting the force of the heaviest blows with the shield of humor; and day after day he bore without a murmur a load of care that would have crushed a spirit that had not been nobly consecrated. But, in the night watches, when deep sleep falleth upon men, he trod alone the loftiest heights of human thought, communed in solitude with God, drank deep from the cool cisterns of Christian charity, and came back to the burdens and the heat of another day with his soul purged of all envy, hatred and malice, and all uncharitableness, and with the light of inspiration in his deep-set eyes. We shall search in vain the messages, speeches, and letters of Lincoln, for one impatient, harsh, or contemptuous word directed against those who differed with him, or sought to thwart his designs.

The war powers vested in Lincoln gave him the influence of a dictator, and yet he never used this authority to destroy or humiliate a personal enemy, or a political rival. By the weak and the thoughtless, in all ages, the jarring din of rough words of censure, and even the strident clamor of vituperation and abuse, when emanating from those intrusted with transitory power, are often accounted signs of energy, strength, and courage; but the wise and observing know that it is the shallow streams which are boisterous and which roar loudly.

Lincoln was as far above resenting an opinion that differed from his own as he was above boasting of his feats of strength. His was that rarest magnanimity akin to the charity which "vaunteth not itself, is not puffed up." Lincoln possessed a certain largeness of nature, that developed during his later years into a nobility of spirit of heroic type, which enabled him to regard those who sneered and scoffed at his political leadership with the same naïve good nature with which, in his youth, he was wont to look down from his rugged tower of strength upon his physical antagonists. Political history records no act of magnanimity equal to that of Lincoln's in elevating to the highest appointive office in the land one whose preeminent fitness for the Chief Justiceship he could still recognize, although Chase had deserted his Cabinet and had sought by undermining his influence to succeed him as President.

And when the great conflict was ended Lincoln had only words of kindness and welcome for those who had taken arms against the Government; and for the stricken South he cherished naught but feelings of tender compassion and brotherly affection. [Applause.] With a charity that was all embracing he absolved his bitterest enemies from all malice and his unstable friends from all baseness.

If, as has been said, a foreign nation is a kind of contemporaneous posterity, England's contemporary opinion of Lincoln may be taken as part of posterity's tribute. For four years London Punch had tried, through the pencil of Teniel and the pen of Taylor, to belittle and ridicule Lincoln and the cause for which he stood. But when the end came this journal made honorable amends in the noble engraving of Teniel representing Britannia joining with Columbia in mourning for the dead President, while Tom Taylor gave expression to the grief of the English people in these lines:

You lay a wreath on murdered Lincoln's bier;
You, who with mocking pencil wont to trace,
Broad for the self-complacent British sneer,
His length of shambling limb, his furrowed face,

His gaunt, gnarled hands, his unkempt, bristling hair,
His garb uncouth, his bearing ill at ease,
His lack of all we prize as debonair—
Of power or will to shine, of art to please.

You whose smart pen backed up the pencil's laugh,
Judging each step, as though the way were plain;
Reckless, so it could point its paragraph
Of chief's perplexity or people's pain.

Beside this corpse, that bears for winding sheet
The Stars and Stripes, he lived to rear anew.
Between the mourners at his head and feet,
Say, scurril-jester, is there room for you?

Yes, he had lived to shame me from my sneer,
To lame my pencil, and confute my pen—
To make me own this hind of princes peer,
This rail splitter a true-born king of men.

My shallow judgment I had learnt to rue,
Noting how to occasion's height he rose,
How his quaint wit made home truth seem more true;
How, iron like, his temper grew by blows;

How humble yet how hopeful he could be;
How in good fortune and in ill the same;
Nor bitter in success, nor boastful he,
Thirsty for gold, nor feverish for fame.

He went about his work—such work as few
Ever had laid on head and heart and hand—
As one who knows, where there's a task to do,
Man's honest will must Heaven's good grace command;

Who trusts the strength will with the burden grow;
That God makes instruments to work his will
If but that will we can arrive to know,
Nor tamper with the weights of good and ill.

So he went forth to battle, on the side
That he felt clear was Liberty's and Right's,
As in his peasant boyhood he had plied
His warfare with rude Nature's thwarting mights—

The uncleared forest, the unbroken soil,
The iron-bark that turns the lumberer's ax,
The rapid that o'erbears the boatman's toil,
The prairie, hiding the mazed wanderer's tracks;

The ambushed Indian, and the prowling bear—
Such were the needs that helped his youth to train.
Rough culture—but such trees large fruit may bear,
If but their stocks be of right girth and grain.

So he grew up, a destined work to do,
And lived to do it four long-suffering years!
Ill-fate, ill-feeling, ill-report lived through,
And then he heard the hisses change to cheers,

The taunts to tribute, the abuse to praise,
And took both with the same unwavering mood;
Till, as he came on light, from darkling days,
And seemed to touch the goal from where he stood,

A felon hand, between the goal and him,
Reached from behind his back, a trigger prest—
And those perplexed and patient eyes were dim,
Those gaunt, long-laboring limbs were laid to rest!

The words of mercy were upon his lips,
Forgiveness in his heart and on his pen,
When this vile murderer brought swift eclipse
To thoughts of peace on earth, good will to men.

The Old World and the New, from sea to sea,
Utter one voice of sympathy and shame!
Sore heart, so stopped when it at last beat high;
Sad life, cut short just as its triumph came.

A deed accurst! Strokes have been struck before
By the assassin's hand, whereof men doubt
If more of horror or disgrace they bore;
But thy foul crime, like Cain's, stands darkly out.

Vile hand, that brandest murder on a strife,
Whate'er its grounds, stoutly and nobly striven;
And with the martyr's crown crownest a life
With much to praise, little to be forgiven!

I believe that the time has now come when we can view Lincoln and his works in their true perspective, and that the universal verdict will be that among the world's greatest men, for moral elevation and pure nobility of spirit, Abraham Lincoln had no peer. There is no one living to-day who has in his heart any thought of Lincoln but that of tender reverence. And the influence of that strong, pure spirit will be eternal, for he is one of those of whom the Hebrew prophet spake:

And they that be wise shall shine as the brightness of the firmament and they that turn many to righteousness as the stars for ever and ever.

[Loud applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer an amendment.

Mr. WILSON of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Pennsylvania. Did not the last paragraph go out on a point of order?

The CHAIRMAN. It has gone out.

Mr. GAINES of Tennessee. I desire to offer an amendment as an additional paragraph.

The Clerk read as follows:

Insert as a new paragraph the following:
"And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid to any person to discover or devise any patentable process for making paper for his exclusive use, benefit, or ownership, or otherwise than for the United States and the people thereof."

Mr. MANN. I reserve a point of order. I may say to the gentleman that I understand that in the Agricultural Department every one engaged in this or other scientific work is required in advance to agree to turn over any patent if obtained to the Government for public use.

Mr. SCOTT. I make the point of order and insist upon a ruling now.

Mr. GAINES of Tennessee. Well, I do not think it is subject to a point of order and I will discuss that.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee on the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, on February 24, 1896, the Committee of the Whole House on the state of the Union was considering a paragraph in the Indian appropriation bill when Mr. Linton offered this amendment, which is in the exact words I have sent up to the desk:

It is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for the education in sectarian schools—

And so forth.

That was held in order by the Chairman, Mr. PAYNE. It is clearly a limitation, Mr. Chairman. Now, while the Chair is looking that up I will discuss the merits of this matter. I am quite familiar with the regulation.

Mr. SCOTT. I am very sorry, but I must object to a discussion of the merits of the proposition.

The CHAIRMAN. Does the gentleman from Tennessee desire to say anything more on the point of order?

Mr. GAINES of Tennessee. No.

The CHAIRMAN. The Chair will hear the gentleman from Kansas.

Mr. SCOTT. It seems to me clear that the amendment proposed is legislation, because, as I understood it, it applies not only to this appropriation bill, but any future act of appropriation.

Mr. GAINES of Tennessee. On the contrary, it is just the other way.

Mr. SCOTT. Then I misunderstood it; but it is a matter of legislation not within the province of the committee at this time.

The CHAIRMAN. The Chair is of the opinion that it is simply a limitation on the appropriation in the bill, and overrules the point of order.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I contend that there is no law on this subject. I defy any Member of the House to cite any law on the statute book that compels an employee, except in the Patent Office, to surrender himself, to turn over any discovery that he may make anywhere, to the United States. The department made a rule by which the employees of the Agricultural Department are coerced into going to the department's legal official and taking out a patent in his name, agreeing in that patent that the people of the United States and the Government may use it; but he can not be compelled to do so, and he can sell it in foreign lands under this rule.

Mr. SCOTT. Will the gentleman yield?

Mr. GAINES of Tennessee. Well, the gentleman would not allow me to discuss the merits, but I will yield; I can not be ungracious.

Mr. SCOTT. I think the gentleman will not reproach me for ungraciousness in objecting to his discussing the matter on its merits. I simply want to say to the gentleman that I have no objection to the amendment.

Mr. MANN. Mr. Chairman, I have some objection to the amendment. I would have no objection to this amendment if it accomplished the purpose which the gentleman from Tennessee seeks to accomplish, but as I heard the amendment read, and as I look at it, it does not accomplish the purpose at all.

We all know that if a discovery is made with reference to paper making somebody will apply for a patent, and probably somebody will obtain a patent for it. Under existing regulations in the Department of Agriculture, if an official of that department makes investigation and discovery and applies for a patent, the patent is turned over to the public without any benefit to the person who obtained it. Application is made to the Patent Office, the patent is obtained, and everybody has a right to use the patent. But this amendment forbids a man who makes a discovery from applying for a patent, and what will be the result? Somebody else will claim that he made the discovery. There will be another application by some one else at the Patent Office and there will be a question as to who made the discovery.

There will be an application before the Patent Office by some private person, a patent will be granted to the private person, and then, of course, the question can be raised in court as to whether the person who owns the patent is entitled to the patent as the original discoverer, but that becomes a matter

of evidence, a matter of litigation for years, and the gentleman from Tennessee will note this in his proposed amendment:

Paid to any person to discover or revise any patentable process for making paper for his exclusive use, benefit, or ownership, otherwise—

Mr. GAINES of Tennessee. Otherwise than for the benefit of the people of the United States.

Mr. MANN. I understand. Then there is no authority in the Patent Office to grant a patent for the benefit of the people of the United States. The patent under the law is granted for the benefit of the man who receives the patent, and under this amendment the man who makes the discovery can not make an application for a patent, can not receive a patent, and some one outside will come along and do it. There is always a dispute as to who makes a discovery. If we make a discovery in the little testing machine they have down here, that is a matter of public information. If no patent is granted there, some one comes in and claims that he has made that discovery, whereas if we make a discovery and apply for a patent the prior rights of the United States and the people thereof are absolutely secure, but if the gentleman's amendment prevails, instead of preserving the people from the monopoly of this patent it will turn the discoveries of paper making over to some paper-manufacturing concern.

Mr. GAINES of Tennessee. Mr. Chairman, I am satisfied if the distinguished gentleman from Illinois will read the report of the Secretary of Commerce and Labor——

Mr. MANN. Which the gentleman has already done.

Mr. GAINES of Tennessee (continuing). He will find that there is no law, except in the Patent Office, that prevents an employee of the Department of Agriculture or any other department from making a discovery and patenting it, and although we may have rules and rules as we please, yet that employee can walk out to the Patent Office the next morning and patent it, or go to London or to Canada and do so.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. Does the gentleman understand that these men in the Agricultural Department are required to enter into a contract——

Mr. GAINES of Tennessee. Mr. Chairman, I have been trying to discuss that, but have been interrupted. That is a rule. It is not a law. If I am an employee of the Agricultural Department to-morrow, and I discover a patent, I can walk out of the Patent Office and patent it, Secretary Wilson's good rule to the contrary notwithstanding, because it is but a rule.

Mr. MANN. It is a contract that they enter into.

Mr. GAINES of Tennessee. It is a rule; it is not a law.

Mr. MANN. I understand they are required to enter into a contract.

Mr. GAINES of Tennessee. They have no right to do that, and the employee can go out and patent his discovery because there is no law to prohibit his getting a patent for paper making and selling it to whom he pleases—the paper trust, perhaps. That is exactly the slip-gap that I am trying to close up. If the gentleman can amend my amendment, I will be perfectly satisfied. It is a limitation. If I could legislate in this bill, I would cover the whole trouble.

Mr. MANN. I have not anything in my head now that will cover the case.

Mr. GAINES of Tennessee. Well, I have, and I offered it a few days ago, and it was to the effect "that all discoveries for the making of paper in the Department of Agriculture shall be patented in the name of the Secretary of Agriculture for the use and benefit of the people of the United States." If the gentleman will agree to that I will be perfectly willing to substitute it for the amendment that I have offered.

Mr. MANN. I will have no objection to that.

Mr. SCOTT. I will accept that amendment.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I offer as a substitute for the amendment that I offered the following, which I send to the desk and ask to have read.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. du PONT, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6252) to promote the administration of justice in the navy.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. Without objection, the pending amendment will be withdrawn; and the gentleman from Tennessee now offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add after line 8, page 47:

"That all discoveries in making paper by the Department of Agriculture shall be patented in the name of the Secretary of Agriculture for the use and benefit of the United States and the people thereof."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment with a favorable recommendation to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27053), the agricultural appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL of Iowa, from the Committee on Military Affairs, reported the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, which was read the first and second times and referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (H. Rept. No. 2131), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

LINCOLN'S GETTYSBURG ADDRESS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, it shall be in order for the gentleman from Illinois, my colleague [Mr. BOUTELL], to read President Lincoln's Gettysburg Address.

The SPEAKER. The gentleman from Illinois asks unanimous consent that to-morrow, immediately after the reading of the Journal, it shall be in order for the gentleman from Illinois [Mr. BOUTELL] to read President Lincoln's Gettysburg Address. Is there objection? [After a pause.] The Chair hears none.

AMENDING LAWS OF UNITED STATES RELATING TO THE REGISTRATION OF TRADE-MARKS.

Mr. LAW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3969.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3969) to amend the laws of the United States relating to the registration of trade-marks.

Be it enacted, etc., That section 2 of the act of February 20, 1905, and section 1 of the act of May 4, 1906, be, and the same are hereby, amended so that the sections shall, respectively, read as follows:

"SEC. 2. That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to use such trade-mark in the United States, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such

cases it shall not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States."

"SEC. 1. That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used; a description of the trade-mark itself shall be included, if desired by the applicant or required by the commissioner, provided such description is of a character to meet the approval of the commissioner. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of $10, and otherwise complying with the requirements of this act and such regulations as may be prescribed by the Commissioner of Patents."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, what does this bill do?

Mr. LAW. Mr. Speaker, it is proposed to amend section 2 of the trade-mark act of February 20, 1905, by omitting the word "such," line 7, page 2, of the bill, before the word "use," and by inserting after the word "use" the words "such trade-mark in the United States." Now, the effect of this amendment will simply be that the declaration—which by this act must accompany the application for trade-mark registration—must state that—

No other person, firm, corporation, or association, to the best of the applicant's knowledge and belief has the right to use such trade-mark in the United States.

Mr. CLARK of Missouri. Is this a unanimous report of the Committee on Patents?

Mr. LAW. It is a unanimous report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 9295. An act in relation to the salary of the Secretary of State.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7862) to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma.

CHANGE OF REFERENCE.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that the message of the President of January 4, relative to the International Sportsman Exhibition at Vienna, be taken from the Committee on Military Affairs and referred to the Committee on Industrial Arts and Expositions.

Mr. PERKINS. Does the gentleman ask unanimous consent?

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the matter referred to shall be changed from the Committee on Military Affairs to the Committee on Industrial Arts and Expositions. Is there objection?

Mr. PERKINS. Then, Mr. Speaker, I must object. The reference was wrong, but the wrong will not be corrected by committing another wrong. All bills with reference to these international expositions are sent, and should be sent, to the Committee on Foreign Affairs. This reference to the Vienna Exposition, I think I do not go too far in saying, was, I think, made inadvertently, and as the motion now made is to send it to another committee which has no jurisdiction, I feel bound to object.

Mr. GARDNER of Massachusetts. I hope the gentleman will reserve the right to object. I think the gentleman thinks this is on all fours with another question with which it is not on all fours.

Mr. PERKINS. I will reserve the right to object if the gentleman desires to make a statement.

Mr. GARDNER of Massachusetts. Mr. Speaker, this was a message of the President recommending an appropriation. Under the rules no bill *carrying* an appropriation can be referred to the Committee on Industrial Arts and Expositions. It is clearly the intent of the rule that all propositions, except such as actually contain appropriation clauses dealing with industrial arts and expositions, shall be referred to our committee. In fact, that has been almost the universal practice in the past. It was so in the case of the Tokyo Exposition bill last year, the Milan Exposition bill, and, I think, in the case of the Liege Exposition bill a few years ago.

The SPEAKER. Is there objection?

Mr. PERKINS. Mr. Speaker, I object. If the Chair will allow me a moment, I will say that the gentleman is wrong in reference to the procedure of the House. In this very session the Speaker sent to the Committee on Foreign Affairs, and that committee has reported it, and it is now before the House for action, a bill directing the representation of the Government at the exposition to be held in Brussels.

There could be no possible distinction between this and the other. Indeed, I should be entirely willing to submit this question of jurisdiction to the judgment of those by whom it was recently passed, because the jurisdiction of an exposition, at which this Government is represented, held by any foreign power, necessarily is the result of negotiations between this Government and the foreign power and the result of consent on the part of the foreign power, and that the jurisdiction of that belongs to the Committee on Foreign Affairs is, Mr. Speaker, entirely clear; and for that reason I must object to the change now asked.

Mr. GARDNER of Massachusetts. Would the gentleman withhold his objection for one minute?

Mr. PERKINS. Surely.

Mr. GARDNER of Massachusetts. Mr. Speaker, it is perfectly proper that the Senate bill amending the act for the Tokyo Exposition, and carrying an appropriation, should be referred to the Committee on Foreign Affairs under the rules.

I have in my hand the report of the gentleman's committee on the Brussels Exposition, and I had intended to ask unanimous consent to recommit that as well. Those two questions of the Brussels Exposition and the Vienna Exposition must go on all fours. They do not go on all fours with the Senate bill amending the Tokyo Exposition act, because that is an act carrying an appropriation, and the reference made by the Chair was perfectly correct so far as that measure is concerned. I think the reference made by the Chair was an oversight in the case of these two particular bills in view of the fact that the rule says that matters relating to industrial arts and expositions, except as relating to appropriations, shall go to the Committee on Industrial Arts and Expositions. In other words, when the bill——

Mr. HULL of Iowa. Does the gentleman understand that this exposition at Vienna is either industrial arts or expositions? Is it not more for hunting and the training of hounds?

Mr. GARDNER of Massachusetts. The word "industrial" qualifies "arts," but not "expositions." The meaning of the rule obviously gives us jurisdiction in matters "relating to industrial arts and *to* expositions." If the gentleman insists on his objection——

Mr. HULL of Iowa. I do not object. I am perfectiy willing for any committee to have it.

The SPEAKER. Is there objection?

Mr. PERKINS. Mr. Speaker, I object.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill (H. R. 26916) making appropriations for the support of the Indian Department for the coming fiscal year. And pending that motion, Mr. Speaker, I ask unanimous consent that all of to-morrow may be devoted to general debate, and I want to state in that connection that I have already received applications for time amounting to more than six hours. My colleague on the committee, the gentleman from Texas [Mr. STEPHENS], the ranking Democratic Member, tells me that he has received applications for several hours of time.

Mr. STEPHENS of Texas. About six hours.

Mr. SHERMAN. Six hours of time; and so, without wishing to limit the time for debate definitely, I would like that all of to-morrow, at least, be given to general debate, and that the time be equally divided between the two sides and be in control of the gentleman from Texas [Mr. STEPHENS] and the chairman of the Committee on Indian Affairs or the ranking Republican Member present.

Mr. SULLOWAY. I did not understand whether that was the motion or not. I did not quite catch it.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that all of to-morrow be given to general debate on the Indian appropriation bill.

Mr. SULLOWAY. I will have to object.

Mr. SHERMAN. I did not mean to try to displace the Pension Committee, but I meant so much of the time as we have to-morrow, so the gentleman will understand that we do not intend to take the bill up for reading under the five-minute rule to-morrow. That is all.

Mr. MANN. Subject to the consideration of the pension bill.

Mr. SHERMAN. I mean subject to consideration of the regular order to-morrow.

LAKE ERIE AND OHIO RIVER CANAL.

Mr. HARDY. Mr. Speaker, I wish the privilege of making a statement. I do not want to object. But there is a statement in the nature of a personal-privilege proposition that I would like to make, and I would like to have unanimous consent to make that statement with reference to the passage of the bill that passed this morning.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks unanimous consent, pending the motion of the gentleman from New York [Mr. SHERMAN], to address the House.

Mr. HARDY. Mr. Speaker, I desire to ask unanimous consent just to make a statement in reference to a bill that will involve the reading of two pages.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Speaker, I would say to the House that, being a member of the Committee on Railways and Canals, there was referred to that committee the bill H. R. 24853. A brief hearing was heard on that bill and it was voted to report the bill by the majority of the committee, there being only one vote, that of myself, against it. My ignorance, perhaps, of parliamentary procedure had led me to expect something further; at least that I would be notified when the bill would be called up. This morning I was required to make a call on a government department and did not reach the House till about fifteen minutes after Congress convened. Before I reached the House that bill was called up and the committee in charge of it discharged, and a Senate bill of exactly the same purport was taken up and passed by unanimous consent. The Senate bill also had been referred to the same committee, but, I think, had never been presented to the committee. To the House bill I had prepared a minority report, which I desire to place in the RECORD. I intended to have opposed the bill unless it had been amended in the particulars specified in my minority report, which I read, together with the proposed amendments, as follows:

VIEWS OF THE MINORITY.

The undersigned members of the Committee on Railways and Canals, to which was referred the bill H. R. 24853, dissent from the favorable report directed by the majority of the committee and beg leave to submit the following:

As in part embodying our views, we incorporate the minority report filed by Hon. JOHN L. BURNETT and Hon. T. B. DAVIS, with the report of the majority upon H. R. 14396, made to the Fifty-ninth Congress, which is as follows:

We, the undersigned members of the Committee on Railways and Canals, to which was referred the bill H. R. 5759, dissent from the favorable report directed by a majority of the committee, and beg leave to submit the following as our views thereon:

We believe that the policy of going to Congerss for a charter and for the large rights and powers granted by this bill is vicious in the extreme. All the rights and powers which ought to be conferred on this proposed corporation can be obtained under the laws of Pennsylvania and Ohio. It is claimed by the advocates of the bill that the fact that this is a federal charter will the better enable its promoters to float the bonds in the markets of the world. This we can not believe is the real purpose of the bill, but rather that it is to enable this corporation to escape, as far as possible, state control and regulation, privilege or franchise tax, and to obtain larger powers than can or ought to be conferred upon it by the laws of these States.

Congress has in several instances granted charters to railroad, bridge, and national park companies, and has conferred upon them the right of eminent domain, and these have been upheld by the Supreme Court of the United States. But such charters have been supported on the ground of some governmental need. We respectfully submit that there is no governmental necessity for permitting this corporation to confiscate the property of another, or the highway of a State, county, or municipality, merely to provide for the construction of another highway of no higher or greater importance than the one destroyed.

For instance, under this charter all the water of a stream, lake, or other body of water which may be running an electrical or gas plant to furnish lights for a city may be consumed by this canal company and the city left in darkness because that plant is run by a private corporation. Now, what federal governmental necessity is there for giving this canal company such power?

Again, if necessary, a stream may be entirely absorbed under this charter, and mills and other plants below entirely destroyed to suit the purposes and meet the necessities of this corporation. True, it must be done under the powers of eminent domain, but how can adequate damages be reached when the property may be many miles below, the plant entirely subverted, and whole communities be incommoded and injured? The power of Congress to regulate interstate commerce certainly does not go to the extent of granting a charter to a canal company to enable it to enjoy advantages over other corporations or over individuals or municipalities that it can not obtain under the laws of the State, and even if it did, Congress certainly will not grant it in the absence of evidence of governmental necessity. In the cases of the charters to the Pacific railroads the proposed roads were to run through several Territories, which Congress alone could control, as well as over many States and across many navigable streams. In the bridge cases the streams over which the bridges were to be built were navigable streams. In the park cases there was the Government's duty of caring for and marking the graves of its dead soldiers, and hence the governmental necessity of taking such property as might be required for that purpose. (See California *v.* Pacif. R. R. Co., 127 U. S., 1; Luxton *v.* Bridge Co., 153 U. S., 525; United States *v.* Gettysburg R. R. Co., 160 U. S., 668; Kohl *v.* U. S., 91 U. S., 367.)

The taking of lands already appropriated for one public use will not be authorized even by state legislatures, unless it is convinced of the urgent necessity of the second use and that the advantage accruing to the public will be greater than those arising from the first. Anything else would make the strong hand of the Government the mere instrument by which the last favorite could overthrow the first. Again, the present bill, if passed into law, will be another long stride in the direction of the subversion of the rights of the States to control their own internal affairs, and a further step toward the centralization of power in the Federal Government.

This kind of legislation, Mr. Cooley in his work on Constitutional Limitations, page 755, declares, belongs to the state governments, and on these governments devolves the duty of making provision for the exercise of the extraordinary right of eminent domain and the protection of private rights against the improper exercise of the same. Of course, where the governmental necessity supervenes we concede the right, but no such necessity exists here, and if this bill is passed we believe it is the mere beginning of much trouble for Congress in the future. If this is declared by the enactment of this legislation to be a governmental necessity, then with equal force every railway, or tramway, or electric-car line, or private hack line that crosses a State line may come to Congress for like favors.

Let us call a halt right here on this character of legislation, which we believe has already been carried too far.

JOHN L. BURNETT.
T. B. DAVIS.

In addition to the views therein expressed, we make the following observations:

H. R. 24853 is intended simply to extend the operation of the act sought to be amended for "three years" by striking out of said act the words "three years" and inserting the words "six years" in one clause thereof, and by striking out the words "ten years" and inserting the words "thirteen years" in another clause.

We do not believe said act ought to be extended, but if the same is extended, it ought to be amended in several particulars.

First. It should be provided that said canal shall never be directly or indirectly leased or sold to any railway transportation company or be permitted directly or indirectly to form any pooling agreement or combination with any railway transportation company.

Second. There ought to be a proviso authorizing the United States to acquire said canal and works after thirty years, upon terms to be fixed by arbitrators, allowing no value to be considered for the franchise conferred by the act or for the earning or the good will. A similar provision was incorporated in the bill as it originally passed the House, but was eliminated in the later stages of its enacting.

Third. It should be provided in specific terms that said canal, as to tolls, fares, and rates to be charged, shall be subject to the right of the several States through which it passes to regulate the same as to all intrastate shipments.

Fourth. Section 20 of said bill should be amended by adding thereto the following: "And such action shall not be removed therefrom to any federal court on the ground that the same involves any federal question or any right accruing under a federal law." We believe that the original act having been passed with a provision therein authorizing Congress to amend, modify, or repeal the same; and the beneficiaries under said act having expended whatever sums they may have expended heretofore under its terms, but not having complied with the terms of section 19 thereof, the Congress now has the legal, equitable, and moral right, before granting the extension desired, to make such alterations in the terms of the grant as may be deemed just and proper, and as would or should have been included in an original grant. We believe that the principle underlying the bill is radically wrong in that it grants in its present terms a monopoly without modification, and without the right to demand therefrom for the State rents, revenues, or license fees, devoting, as it does, great natural resources practically to the exclusive use of the holders of the franchise without requiring or stipulating any return whatever to the State. We believe that the principle of said bill is further wrong in that the Federal Government therein attempts to bestow the right of eminent domain as against the States of Pennsylvania and Ohio to a corporate body of federal creation. We would offer to said bill the amendments attached hereto.

RUFUS HARDY.

Amend by adding:

"And that section 13 of said act be amended by adding thereto as follows:

"'*Provided*, That said canal shall never be directly or indirectly leased or sold to any railway transportation company or be permitted directly or indirectly to form any pooling agreement or combination with any railway company.'

"And that section 24 of said act be amended as follows:

"'And that the United States shall have the right to acquire said canal and works after thirty years upon terms to be fixed by arbitrators, allowing no value to be considered for the franchise conferred by this act or for earnings or good will.'

"And that section 9 of this act be amended by adding thereto the following:

"'And as to all intrastate tolls, fares, and rates, the said canal shall be subject to regulation and control by the States of Ohio and Pennsylvania, respectively, just as in the case of railways and railway ship-

ments within said States, and that said States shall have all such other powers of regulation and control as they would have over corporations chartered by and under their own State laws.'

"And that section 20 of said act be amended by adding thereto as follows:

"'And such action shall not be removed therefrom to any federal court on the ground that the same involves any federal question or any right accruing under a federal law.'"

I recognize that the bill having passed and a motion to reconsider having been made, and that motion having been laid on the table, there is no possible way of demanding that this House pass again upon it. It is beyond my power of recall. I desire in justice to myself to make and read the statement which I have just made, and read simply so that the RECORD will show that the grant contained in the bill passed this morning did not meet the approval of at least one member of the committee to which it was referred.

ORDER OF BUSINESS.

Mr. SHERMAN. Now, Mr. Speaker, so that there may be no misunderstanding about the request, let me restate it. That all of to-morrow, except the time consumed by the Committee on Pensions and Invalid Pensions, be devoted to general debate on the Indian appropriation bill, the time to be under the control of the chairman or ranking member of the committee on the Republican side and the ranking member on the Democratic side, and the time to be equally divided.

Mr. STEENERSON. Mr. Speaker, will this disturb the order of business under Rule XXIV?

The SPEAKER. It disturbs all order of business, except where an exception is made.

Mr. STEENERSON. I do not want to discommode——

Mr. SHERMAN. I suppose there may be some morning business; then the Pension Committee will come in with its business.

Mr. STEENERSON. That is the order of business I wish kept, to get opportunity to take a bill from the Speaker's table. I have no desire to discommode gentlemen if business on the Speaker's table is to be reached.

Mr. MANN. We probably will not have a quorum to-morrow, and Members, if they go away, ought to have the assurance that important business will not be disposed of.

Mr. STEENERSON. Well, I will have to object, unless I can get unanimous consent to pass the bill now.

Mr. MANN. You can not get it to-day.

NATURALIZATION.

Mr. BENNET of New York. Mr. Speaker, I enter a motion to reconsider the vote by which the conference report on the bill H. R. 21052 was laid on the table.

Mr. FITZGERALD. I make the point of order that the gentleman can not reconsider that vote.

The SPEAKER. In the opinion of the Chair the motion is in order, but it can not be considered now.

Mr. FITZGERALD. I move to lay that motion on the table.

The SPEAKER. There is a matter of privilege pending, namely, to go into Committee of the Whole.

Mr. FITZGERALD. My motion is in order if the gentleman's is.

The SPEAKER. No. Entering a motion to reconsider is one thing, and its consideration is another thing.

Mr. MADDEN. I make the point of order that the gentleman from New York has not the right to enter his motion, because he has not stated that he voted in favor of the motion to lay the bill on the table.

The SPEAKER. The Chair understands there was no record vote.

Mr. MADDEN. He can not reconsider a motion to lay on the table.

The SPEAKER. There was no record vote. Any Member can enter a motion to reconsider.

Mr. MANN. I reserve the point of order on the motion.

Mr. MADDEN. I have already made it.

Mr. SHERMAN. Mr. Speaker, I thought there was pending a motion to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. A motion to reconsider, under the rule, can be entered at any time; for obvious reasons, of course, it can not take a gentleman off the floor.

Mr. WILLIAMS. The point of order was reserved.

Mr. MANN. No; it was made.

The SPEAKER. A motion to lay on the table may be reconsidered. Under the rules and practice a motion to reconsider may be entered at any time; but consideration of the motion goes over, subject to be called up at another time.

Mr. FITZGERALD. Mr. Speaker, it is a privileged motion. It is privileged to call it up at any time, and I enter a motion to lay it on the table.

Mr. SHERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. If the Chair may be indulged for a moment, the entry of a motion to reconsider, under the rules or under the practice, is in order at any time; but the consideration of that motion is not in order until business is in order to which the motion referred. Now, the gentleman from New York [Mr. SHERMAN] has the floor on a motion that the House resolve itself into the Committee of the Whole on an appropriation bill, which is a motion of higher precedence, and he asks consideration of that.

Mr. SHERMAN. Pending which I made a request for unanimous consent.

The SPEAKER. Precisely.

Mr. MADDEN. If the motion to reconsider the vote to which the gentleman from New York [Mr. BENNET] refers is entered, then it makes that a privileged question, to be taken up at any time, whether to-day or a month from to-day, if the House should be in session, does it not?

The SPEAKER. Under the rules of the House a motion to reconsider must be entered within two days, that is, to-day or to-morrow. Now, the entry of the motion is one thing. The consideration of the motion is another thing. If it were not in order to enter the motion at any time, privileged business might be pending both to-day and to-morrow, and the Member would be cut off from the exercise of his right, or the House might prevent him from entering a reconsideration of the motion if it desired to do so. So that, the motion being entered, it can be called up to-day, a week from now, or any other time that it is the pleasure of the House to call it up.

Mr. FITZGERALD. I have been endeavoring to call it up and move to lay it on the table.

The SPEAKER. But the gentleman can not call it up while the motion of the gentleman from New York [Mr. SHERMAN] is pending.

Mr. FITZGERALD. But I call the attention of the Speaker to the fact that it takes precedence of all motions except conference reports and motions to adjourn.

The SPEAKER. That is, the entry of the motion. Consideration of the motion is only in order when the class of business to which it refers is in order. Now, that class of business is not in order, because there is a motion pending that the House resolve itself into the Committee of the Whole to consider a privileged bill, namely, a general appropriation bill.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Is it in order for a gentleman voting in the minority upon a motion to lay upon the table to enter a motion to reconsider?

The SPEAKER. There was no record vote; and where there is no record vote any Member, however he may have voted in point of fact, may enter that motion, because there is no evidence as to how he did vote.

Mr. SHERMAN. Now, Mr. Speaker, I submit my request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. STEENERSON. I object, unless it will not disturb the order of business under Rule XXIV.

Mr. SHERMAN. Then, Mr. Speaker, I ask that my motion be put.

Mr. PAYNE. I rise to make a privileged motion. I move that when the House adjourns to-day it adjourn to meet on Saturday.

Mr. FITZGERALD. I make the point of order that that motion is not in order.

The SPEAKER. The Chair sustains the point of order.

Mr. STEENERSON. I withdraw my objection.

The SPEAKER. The gentleman withdraws his objection, and the Chair hears no objection to the request of the gentleman from New York [Mr. SHERMAN].

The motion of Mr. SHERMAN was agreed to.

INDIAN APPROPRIATION BILL.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 26916, the Indian appropriation bill, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Chairman, I do not intend to detain the committee to-night to explain any of the provisions of the bill. On to-morrow we will enter into the subject of general debate, and the little I have to say in reference to the bill I will say toward the close of general debate when the members of the committee are prepared to give thought for a moment or two to the real questions covered by this bill. I now move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26916, the Indian appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6986. An act for the relief of registers and former registers of the United States land offices—to the Committee on the Public Lands.

S. 7652. An act to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge—to the Committee on Naval Affairs.

S. 9067. An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers—to the Committee on Invalid Pensions.

S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 7210. An act to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 18417. An act for the relief of Clark County, Ky.;

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho; and

H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4024. An act for the relief of Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased; and

S. 8154. An act to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bill:

H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes; and

H. R. 18417. An act for the relief of Clark County, Ky.

EARTHQUAKE IN CALABRIA AND SICILY.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1446), which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the House of Representatives:

I transmit a report from the Secretary of State in which he incloses a copy of a dispatch from the American ambassador at Rome, transmitting a copy of a note from the Italian minister of foreign affairs, expressing the gratitude of His Majesty's Government for the resolutions of sympathy passed by the House of Representatives in view of the disasters in Calabria and Sicily.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, February 11, 1909.

DOCUMENTARY HISTORICAL PUBLICATIONS OF THE UNITED STATES.

The SPEAKER also laid before the House the following message from the President of the United States (S. Doc. No. 714), which, with the accompanying document, was ordered printed and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, a report by the committee on department methods on the documentary historical publications of the United States Government, together with draft of a proposed bill providing for the creation of a permanent commission on national historical publications.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 11, 1909.*

OMAHA INDIANS.

The SPEAKER laid before the House the following resolution by the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

The SPEAKER. Without objection, the Committee on Indian Affairs is discharged from the further consideration of the bill, and the bill will be returned to the Senate according to the request.

There was no objection.

WINNEBAGO INDIANS.

The SPEAKER also laid before the House the following request from the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

The SPEAKER. Without objection, the Committee on Indian Affairs will be discharged from the further consideration, and the bill will be returned to the Senate. [After a pause.] The Chair hears no objection.

ADJOURNMENT.

Mr. SHERMAN. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant secretary of the Chesapeake and Potomac Telephone Company, transmitting the report for the year 1908 (H. Doc. No. 1442)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for taking testimony in disbarment proceedings before the Interior Department (H. Doc. No. 1443)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting copies of franchise granted by the executive council of Porto Rico to Miguel Arsnaga y Soravilla (H. Doc. No. 1444)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, in response to the inquiry of the House as to the use of fire escapes and other safety appliances in buildings in the District (H. Doc. No. 1445)—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RODENBERG, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 25550) for the purchase of the Oldroyd collection of Lincoln relics, and for other purposes, reported the same with amendment, accompanied by a report (No. 2113), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 27864), granting a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes, reported the same with amend-

ments, accompanied by a report (No. 2122), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8510) to extend the time of payments on certain homestead entries in Oklahoma, reported the same with amendments, accompanied by a report (No. 2130), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 28046) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2109), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 28047) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars others than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2110), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 8629) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2111), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 2112), which said bill and report were referred to the Private Calendar.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the Senate (S. 3810) for the relief of Howard B. Carpenter, reported the same without amendment, accompanied by a report (No. 2115), which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the Senate (S. 5510) for the relief of the owners of the tug *Juno*, reported the same without amendment, accompanied by a report (No. 2116), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 6373) waiving the statute of limitations as to the claim of the Nestler Brewing Company and authorizing the Commissioner of Internal Revenue to adjudicate the same, reported the same without amendment, accompanied by a report (No. 2117), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, reported the same without amendment, accompanied by a report (No. 2118), which said bill and report were referred to the Private Calendar.

Mr. WOOD, from the Committee on Claims, to which was referred the bill of the Senate (S. 7782) for the relief of James H. Owen, reported the same without amendment, accompanied by a report (No. 2119), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 7861) for the relief of B. D. Crocker, reported the same without amendment, accompanied by a report (No. 2120), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12518) for the relief of the estate of J. Calvin Kinney, deceased, reported the same without amendment, accompanied by a report (No. 2121), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4806) to amend the military record of Aaron Cornish, reported the same without amendment, accompanied by a report (No. 2123), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8588) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, reported the same without amendment, accompanied by a report (No. 2124), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 27419) to repeal the act of June 29, 1906, granting a pension to Jackson Adkins, reported the same without amendment, accompanied by a report (No. 2125), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 2489) for the relief of Harry G. Rupp, reported the same without amendment, accompanied by a report (No. 2126), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 4426) for the relief of Thomas C. Clark, reported the same without amendment, accompanied by a report (No. 2127), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8379) for the relief of the owners of the British steamship *Maroa*, reported the same without amendment, accompanied by a report (No. 2128), which said bill and report were referred to the Private Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8839) for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes, reported the same without amendment, accompanied by a report (No. 2129), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1177) for the relief of S. W. Langhorne and H. S. Howell, reported the same with amendments, accompanied by a report (No. 2132), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 21701) to reimburse Dr. M. K. Knauff, reported the same with amendments, accompanied by a report (No. 2133), which said bill and report were referred to the Private Calendar.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 24349) for the relief of R. Q. Merrick, reported the same without amendment, accompanied by a report (No. 2134), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 1702) to reimburse H. R. King, reported the same adversely, accompanied by a report (No. 2114), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 28048) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay surviving officers of the United States Volunteer Army, Navy, and Marine Corps of the civil war, and for other purposes—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 28049) for the purpose of improving the navigation of the Tennessee River over the Elk River Shoals and the Big and Little Muscle Shoals and of developing a water power in connection therewith—to the Committee on Rivers and Harbors.

By Mr. FOWLER: A bill (H. R. 28050) to provide for maximum and minimum tariff schedules and to establish a commission which shall investigate all duties on imports and fix the rates within said maximum and minimum tariff schedules, negotiate reciprocal trade treaties and recommend the adoption of the same, and collect such information with regard to products, manufactures, and commerce as will aid it in the performance

of its duties and promote and provide for the general welfare—to the Committee on Ways and Means.

By Mr. CARTER: A bill (H. R. 28051) to enable the Secretary of the Interior to dispose of the affairs of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 28052) providing compensation for public roads in the State of Oklahoma—to the Committee on Indian Affairs.

Also, a bill (H. R. 28053) authorizing the Secretary of the Interior to sell to the State of Oklahoma a tract of land on the segregated mineral area for the location and use of the state penitentiary—to the Committee on Indian Affairs.

Also, a bill (H. R. 28054) to complete the allotments of Chickasaw freedmen, and for other purposes—to the Committee on Indian Affairs.

By Mr. NICHOLLS: A bill (H. R. 28055) to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.—to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 28056) to amend section 2337 of the Revised Statutes—to the Committee on Mines and Mining.

By Mr. THOMAS of North Carolina: A bill (H. R. 28057) granting two condemned cannon to the Moores Creek Monumental Association for the Moores Creek battle ground, North Carolina—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 28058) in relation to the salary of the Secretary of State—to the Committee on Election of President, Vice-President, etc.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 556) requesting certain information from the Secretary of Commerce and Labor concerning aliens in the United States—to the Committee on Immigration and Naturalization.

By Mr. LAW: Joint resolution (H. J. Res. 255) to authorize the purchase of the painting by Victor Nehlig, representing Pocahontas saving the life of Capt. John Smith—to the Committee on the Library.

By Mr. BURTON of Delaware: Concurrent resolution (H. C. Res. 64) authorizing a survey of the Leipsic River, in the State of Delaware—to the Committee on Rivers and Harbors.

By Mr. WEISSE: Memorial of the legislature of Wisconsin, asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies—to the Committee on Appropriations.

By Mr. JENKINS: Memorial of the legislature of Wisconsin, asking the Congress of the United States to refuse to enact a measure now pending relating to United States pension agencies—to the Committee on Appropriations.

By Mr. LEVER: Memorial of the legislature of South Carolina, in behalf of the preservation of the forests—to the Committee on Agriculture.

By Mr. PATTERSON: Memorial of the legislature of South Carolina, looking to the preservation of our natural forests and the protection of our watersheds and navigable streams—to the Committee on Agriculture.

By Mr. DAVENPORT: Memorial of the legislature of Oklahoma, asking Congress to add certain lands to Platt National Park, at Sulphur, Okla.—to the Committee on the Public Lands.

Also, memorial of the legislature of Oklahoma, petitioning Congress to pass a law for the protection of the game of the United States—to the Committee on the Public Lands.

Also, memorial of the legislature of Oklahoma, asking Congress to extend the Reclamation Service, to include drainage and irrigation, to Oklahoma—to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 28060) granting an increase of pension to William Breckbill—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 28061) granting an increase of pension to Stephen H. Davis— to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 28062) granting an increase of pension to James W. Pringle—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 28063) to remove the charge of desertion standing against the military record of Carl Hartman—to the Committee on Military Affairs.

By Mr. GREGG: A bill (H. R. 28064) for the relief of W. S. Randolph—to the Committee on War Claims.

By Mr. HAMMOND: A bill (H. R. 28065) granting an increase of pension to Henry H. Herring—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 28066) for the relief of Madison County, Ky.—to the Committee on Claims.

By Mr. LAW: A bill (H. R. 28067) granting an honorable discharge to James Ovens—to the Committee on Military Affairs.

Also, a bill (H. R. 28068) granting an honorable discharge to Theodore G. Albers—to the Committee on Military Affairs.

Also, a bill (H. R. 28069) granting an honorable discharge to William Kelly—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 28070) for the relief of the heirs of Fenner M. Walker—to the Committee on War Claims.

By Mr. BELL of Georgia: Resolution (H. Res. 555) to pay to Albert Scott additional compensation—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of Benevolent and Protective Order of Elks, for an appropriation of $30,000 to create a reservation for the American elk—to the Committee on Appropriations.

By Mr. ALEXANDER of New York: Petition of Amherst Grange, No. 1131, of Williamsville, N. Y., praying for the establishment of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Central Labor Union of Lancaster and Depew, N. Y., favoring abolition of piecework in Mare Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. ANSBERRY: Petition of Highland Grange, No. 879, of Defiance County, Ohio, for a national highways commission and for federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Farmer, Defiance County, Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Furgeson Furniture Company, of Marengo, Iowa, favoring reduction of duty on oilcloth and linoleum—to the Committee on Ways and Means.

Also, petition of N. C. Bisdorf and others, of Bellevue, Iowa, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of C. E. Armstrong and other citizens of New York, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. DUREY: Petition of the Socialist party of Johnstown, N. Y., favoring the termination of an extradition treaty with Russia—to the Committee on Foreign Affairs.

By Mr. ELLIS of Oregon: Petitions of C. L. Phillips and 43 others, of Wasco County; J. W. Ellis and 45 others, of Pilot Rock; Kenneth McRae and 75 others, of Pendleton; I. M. Cook and 36 others, of Helix; and J. A. Waters and 46 others, of Ione, all in the State of Oregon, asking removal of duty on jute grain bags and burlap cloth—to the Committee on Ways and Means.

By Mr. FORNES: Petition of the Illinois Manufacturers' Association, for the ocean mail bill for a line of fast ships to South America, Australia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOULKROD: Petition of W. H. Smith, for legislation pensioning United States military telegraphers who served in the civil war—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petitions of citizens of St. Anthony, Payette, Nampa, Ashton, and Rexburg, all in the State of Idaho, favoring the establishment of the parcels-post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of the Civil Service Reform Association of Chicago, against the Crumpacker census bill—to the Committee on the Census.

Also, petition of the National Rivers and Harbors Congress, favoring bond issue to improve deep waterways—to the Committee on Rivers and Harbors.

Also, petition of H. A. Bent, of Oglesby, Ill., favoring the Parsons bill (H. R. 24148), establishing a children's bureau in the Department of the Interior—to the Committee on Expenditures in the Interior Department.

Also, petition of Winnebago National Bank, of Rockford, Ill., for an increase in the salaries of the circuit and district court judges of the United States—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Petition of Newbury Grange, No. 234, Patrons of Husbandry, favoring establishment of a national highways commission—to the Committee on Agriculture.

By Mr. GRANGER: Petition of the Pawtucket (R. I.) Merchants' Association, for a canal from waters of Narragansett Bay through ponds and lagoons along the southern coast of Rhode Island, thence to Watch Hill and Fishers Island, thus avoiding passage of Point Judith; also for appropriation to survey and estimate cost of proposed route—to the Committee on Railways and Canals.

Also, petition of Charles Perry, of Westerly, R. I., favoring H. R. 26923, to enable cooperation of States with United States for protection of the watersheds of navigable rivers and to appoint a commission to acquire lands for the purpose of conserving the navigability of rivers—to the Committee on Rivers and Harbors.

By Mr. HALE: Paper to accompany bill for relief of James Sheehy—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petition of citizens of Allegan County, Mich., for legislation creating a national highways commission—to the Committee on Agriculture.

By Mr. HAYES: Petition of the Alaska Fisherman's Union and the Marine Cooks and Stewards' Association of the Pacific against removal of the marine hospital from its present location to Angel Island—to the Committee on Naval Affairs.

Also, petition of the Shasta County Board of Trade, against passage of the Englebright bill, relating to the Reclamation Service—to the Committee on the Public Lands.

By Mr. HILL of Connecticut: Petition of Kent Grange, of Kent, Conn., praying for the creation of a national highways commission—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of the Presbyterian Church of Oceanic, N. J., favoring the Burkett-Foelker bill, against telegraphing gambling bets—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: Petition of meeting of the Society of Friends held at Ackworth February 3, 1909, and citizens of Warren County, Iowa, against increase of navy by building more battle ships—to the Committee on Naval Affairs.

By Mr. JONES of Washington: Petition of grain producers of the Pacific coast, for removal of duty on jute grain bags and on burlap cloth—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Dexter (N. Y.) Grange, No. 724, favoring a national highways commission and federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of Millers' Club of Minnesota, for legislation to overcome prohibitive duties levied by European countries against American flour—to the Committee on Ways and Means.

Also, petition of citizens of Pillager, Minn., favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. MANN: Petition of Kansas State Retail Merchants' Association, favoring S. 28, relative to our ocean mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. W. Votaw and other citizens of Chicago, Ill., favoring H. R. 24148, to establish in the Department of the Interior a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Illinois Chapter of American Institute of Architects, favoring erection of Lincoln monument on the banks of the Potomac—to the Committee on the Library.

Also, petition of the Manufacturers and Shippers' Association of Rockford, Ill., favoring H. R. 22901, relative to interstate rate requirements—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Presbyterian Church of Crandon, Wis., favoring the Littlefield interstate shipment bill—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of the Alaska Fisherman's Union and the Marine Cooks and Stewards' Association, opposing removal of marine hospital from its present location—to the Committee on Interstate and Foreign Commerce.

By Mr. NYE: Petition of the Minnesota Live Stock Breeders' Association, favoring the Davis bill (H. R. 26737)—to the Committee on Agriculture.

By Mr. PERKINS: Petition of Edgar F. Koehler Garrison, No. 19, of Rochester, N. Y., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. PORTER: Petition of Hermitage Grange, of Wyoming County, N. Y., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Linwood (N. Y.) Grange, No. 1084, favoring a national highways commission—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Petition of citizens of Bartlett, Tex., and citizens of Hamilton, Tex., favoring passage of H. R. 18204—to the Committee on Agriculture.

By Mr. STERLING: Paper to accompany bill for relief of Frank S. Wood (H. R. 26971)—to the Committee on Claims.

By Mr. STURGISS: Petition of Benevolent and Protective Order of Elks, Lodge No. 308, of Grafton, W. Va., for legislation to create preserve in State of Wyoming for care and maintenance of American elk—to the Committee on the Public Lands.

By Mr. SULZER: Petition of Columbia Typographical Union, No. 101, favoring the printing of matter pertaining to the census in the Government Printing Office (H. R. 16954)—to the Committee on the Census.

Also, petition of the C. C. Barrett & Bros. Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Civil Service Reform Association, urging support of the President's veto of the Crumpacker census bill (H. R. 16954)—to the Committee on the Census.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of heirs of Thomas M. Walker—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of business men of Burton, Ohio, against legislation to establish parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. TOU VELLE: Petition of Paul Monroe, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WASHBURN: Petition of W. G. Wales and others, of Massachusetts, favoring a national highways commission—to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 12, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

God of the ages, our fathers' God and our God, whose providence has shaped and guided the destiny of men and of nations from time immemorial, we, the people of these United States, recognize our debt of gratitude, and our hearts go out to Thee in thanksgiving and praise for our Nation, "conceived in liberty and dedicated to the proposition that all men are created equal." We bless Thee for the pure, the true, the noble, the brave whom Thou hast from time to time raised up and who have woven their characters into its fibers and made it strong and great; for this anniversary, which chronicles the birth of one of its greatest benefactors, one of nature's noblemen, a statesman, a patriot, a seer, a prophet, a philanthropist, a knight clad in the armor of righteousness, whose heart went out in love and sympathy to all men—our beloved Abraham Lincoln—who under Thee in the hour of the Nation's greatest trial came forth as its savior; "a man of sorrows and acquainted with grief," yet who was ever buoyant with faith and hope in the eternal verities, who in the hour of triumph laid down his life for the cause he loved, and though dead, yet lives in the hearts of all lovers of liberty. Help us, we beseech Thee, to emulate his virtues and follow his illustrious example; and Thine be the praise forever, in Christ Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

ABRAHAM LINCOLN.

The SPEAKER. Yesterday, by unanimous consent, the gentleman from Illinois [Mr. BOUTELL] was designated to read the Lincoln Gettysburg address. In pursuance of that order, the gentleman from Illinois will be kind enough to read from the Clerk's desk, and I am sure the House will be much gratified.

Mr. BOUTELL read as follows:

"Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to

dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth."

Mr. DOUGLAS. Mr. Speaker, as a further and fitting tribute to the memory of Abraham Lincoln, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. DOUGLAS) there were—ayes 58, noes 65.

So the motion was rejected.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that my colleague [Mr. NYE] may address the House for thirty minutes on the subject of Abraham Lincoln.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Minnesota is recognized for thirty minutes. [Applause.]

Mr. NYE. Mr. Speaker, I did not anticipate this high honor. Through the kindness of the chairman of the Committee on Indian Affairs [Mr. SHERMAN of New York], I had expected to address the committee briefly on this fitting subject, on this one hundredth anniversary of the birth of Abraham Lincoln.

How far the character and public service of Abraham Lincoln have become a part of our national life no one will undertake to say. We know but little of the source of real power. We associate it with external pomp and parade. We think of gathering armies, of magnificent navies, of gleaming swords and clashing steel, of roaring artillery, of waving banners and beating drums; but these are not the sources of real power. Human judgment is often swept from its throne by the spectacular and by transitory appeals to the mere passions of men. But these are but bubbles and foam on the ever-flowing sea of time in which great actions and great events follow in succession. We are prone to look out upon the world and to think that the outer phenomenon of things is the real. We confuse substance with show. Not long ago I read an admirable lecture on the subject of substance and show. We think all substance is bulk, is that which is subject to measurement; but after all, as the great teacher Paul says:

> The things which are seen are temporal; the things which are not seen are eternal.

And this man whose lecture I read spoke of the outer phenomenon of things, the scholastic as distinguished from that reverence of thought which leads men intuitively to that which inspires, rather than mere scholasticism.

The tree, the oak that has stood for a hundred years and dared the tempest and the storm, we think of as it appears outwardly, mere bulk or form, but substance really is that which creates and produces and classifies. The real substance of the tree is unseen. It is that which winds its rings about it year by year, glues the bark to the stem, sends its living leaves to the heavens and its roots far into the earth. It is unseen. The scholars tell us that in the whole vegetable world there are but three or four elements or gases—I think the oxygen, nitrogen, hydrogen, and carbon. The catalogue is not so important; but there is a reverence of thought which might lead us to wonder and adore the infinite intelligence and love which takes this common stuff and works it up into all the manifold manifestations of beauty and life, which makes it an orange here, an olive there, a pine here and an oak there, a dahlia here and a violet there. This is the real substance, the intelligence and power that is, after all, the real. This is the substance; all else is but a part of the show of things, only the outer phenomenon. In human society the same great law is true, whether it be the church, the fraternal organization, or whatever it be; it is not its number, not its form or ceremony or ritual, but its spirit and its life, expressing itself in the daily lives of men. This is substance. And what is a nation? Not the outer phenomenon, not wealth or commerce or mines or fields. There is back of it all a spirit which is the real nation and which constitutes the enduring republic. "Things that are seen are temporal; the things which are not seen are eternal." I present to you to-day what I believe to be a type of that better, interior, and unseen life and spirit of this Republic, and I find it personified in the life and character of that great man whose love for his fellow-men made him the wonder of his day and the wonder of all coming centuries. [Applause.] A celebrated divine in America some time ago, in a discourse upon the subject of truth, maintained that truth was so vital, so immortal in its characteristics, that it expressed itself in man physically in good health, morally in honesty, and intellectually in sagacity. I have thought of this idea much in connection with the life and character of Abraham Lincoln. Sound to the core, honest by birth and principle, realizing that a dishonest dollar would curse the man who got it, knowing that the great law of compensation would assert itself throughout all the ages, and that sooner or later we must pay the penalty for the transgression of it, this man was before all men, in my judgment, in America devoted to the cause of truth, and he would sacrifice all, even life itself, that he might be faithful to it. Truth expressed itself even in this man physically. The great men of the ages have been outdoor men, men who loved the winds that blow over the prairies and make music in the forests; the streams, the valleys, and the hills, furrows and fields, woods, mountains, and plains.

This man, somehow, was the companion of all that a great and infinite God has created. He felt a brotherhood for all things, and even the blood that flows in the violet was kindred to him. He loved the truth, and it found expression in the man physically. As to its expressing itself morally in honesty, I need not comment upon this great character, for he was preeminently and soundly honest, scrupulously exact in all business matters, leaving the country store at night to correct a little matter of change with a customer; in all things obedient to that great command of rendering an equivalent for that which we receive.

Soundly honest, this man is an illustration of the principle of which I speak—in intellect sagacious, clear, his vision almost unerring and prophetic, profound in his thought, clear and chaste in language and expression, his words as direct as the rays of light and, as some one has said, candid as mirrors reflecting the perfect image of his thought. His letter to the Widow Bixby, who had lost five sons on the field of battle, is one of the dearest things in all literature. No scholar can parallel it, no student can eclipse it. Clear in thought, clear in his ideals of government, this man is an illustration of the fact that devotion to truth in life leads to intellectual sagacity. The cardinal principle of his political faith was expressed by the statement that "right makes might."

But the virtues are correlated. One follows another. They never appear singly. We are deceived when we think we see a single virtue and that men excel in one and have no others. Following this love of truth and honesty was courage, noble and sublime. Against the counsel of his party in a time when the Republic was torn by a great moral question, he had clearly seen that this Nation could not endure half slave and half free; and almost taking his life in his hand, he dared to assert it and to maintain it. His dearest friends counseled against it and said it would be ruinous to him and to his party. He said:

> As to me, it makes little difference. This is as I see it. It is a voice within me which I must utter, let the consequences to me be what they may.

But there is a greater quality back of all these. The gifted and eloquent Colonel Watterson said, in his most admirable lecture on Lincoln, "Lincoln was the only man in public life who could have come to leadership in 1861 unembittered by the great slavery controversy." Neither North nor South was there among the ranks of men one who was not more or less inflamed by the spirit of his day. This leads me to speak of the finer and infinite quality which he reflected in his sublime life and toilsome career—love. This man was large enough to love all the universe, the men of all races and all countries. Born in the South, his heart was with his people; his conscience with the cause of human freedom and progress. He might, figuratively and almost literally, be said to have held for four perilous and painful years in one hand the North and in the other the South, thereby to bind and cement these angered sections of our land into a brotherhood as eternal as the word of God Himself. [Applause.] In this quality we have touched the heart of the Infinite.

Coming up from the wilderness of obscurity and poverty and pain, feeling the agonies of struggle, acquainted with labor and toil and hardship, he felt for and loved all men.

Love as the basis of a state has never yet been tried. Statesmen have not advocated it; no one has dared to trust it; but the time will come when we will see, or our children or chil-

dren's children will see, that this is the one potent and omnipotent force of all the universe, and that a nation or a state founded upon that which Lincoln lived must forever endure. This and this alone will enable men to solve the problems, to rise above the fever and contention of life, as the eagle rises above the breaking storm and soars in an atmosphere untouched by tempest. This is the wonderful quality of Abraham Lincoln. With little opportunities of school or education, self-taught, self-disciplined, this man intuitively loved all men. And when we had emerged from the thick darkness of our national distresses, as we had hoped, into the light of a national—not sectional—victory, this man, repeating what he had often said, "Malice toward none and charity for all," flung over his wounded country the mantle of love and mercy. [Applause.]

It is a sublime lesson. It has written itself in the interior life and soul of this Republic, and it will live when quarrels over tariff and navies are dead. It will live to assert the eternal truth of the principles which he lived and which he taught.

Mr. Speaker, other luminous and living stars shine in our national firmament; but high in the dome, clear and ever clearer to the patriot's vision, is this refulgent and transcendent orb, lighting the pathway of advancing civilization, growing brighter and brighter, unto that perfect day when universal peace shall reign, "When nation shall not rise up against nation, and men shall learn war no more." [Loud and long-continued applause.]

Mr. BURLESON. Mr. Speaker, one year ago to-day my colleague [Mr. SHEPPARD] delivered before the New York Republican Club an address upon Abraham Lincoln. It was the first speech on Lincoln by a Southerner and a Democrat before that distinguished organization. I ask unanimous consent that this speech may be printed in the RECORD as an estimate of the life and character of Mr. Lincoln from the view point of a southern man. [Loud applause.]

The speech is as follows:

ABRAHAM LINCOLN.

SPEECH OF CONGRESSMAN MORRIS SHEPPARD, REPUBLICAN CLUB BANQUET, NEW YORK CITY, FEBRUARY 12, 1908.

In introducing Congressman SHEPPARD, President Young said the committee in charge of the dinner, although representing a Republican organization, took the position that the fame of Lincoln had passed beyond sectional lines. Therefore it had invited from that section of the country where Lincoln's acts were first the cause of violent controversy a representative differing in political faith, but not in loyalty to the Government. At these words, as the Congressman arose to speak, there was a hearty demonstration from the diners, who joined with a will in the singing of the old rallying song of "Dixie." (New York Tribune, February 13, 1908.)

On the wall of a southern home there is to-day a letter in a frame, a letter which reads:

EXECUTIVE MANSION,
Washington, February 10, 1865.

Hon. A. H. STEPHENS:

According to our agreement, your nephew, Lieutenant Stephens, goes to you bearing this note. Please in return to select and send me that officer of the same rank, imprisoned at Richmond, whose physical condition most urgently requires his release.

Respectfully, A. LINCOLN.

In a corner of the frame is a photograph of Lincoln on which appears his signature in his own handwriting. At the close of the Hampton Roads conference early in 1865 Lincoln had asked Alexander Stephens, vice-president of the confederacy and one of the southern commissioners, if he could do anything for him personally. "Nothing," said Stephens, "unless you can send me my nephew, who has been a prisoner on Johnsons Island for twenty months." "I shall be glad to do it; let me have his name," was the prompt reply. A few days later Lieutenant Stephens left for Richmond, where the exchange was effected, carrying the letter and the picture before described, both the gifts of Lincoln, and for more than forty years they have remained the chief treasures of a Dixie fireside. This incident was but one of a host of others showing in Lincoln a spirit that poised on wings of light above the wrath and gloom of war.

But for other and wider reasons it is proper that the portrait of Lincoln should adorn this southern home. He was born of southern parentage on Kentucky soil. His father was a Virginian; his grandfather was a Virginian; his mother was a Virginian. His mother! The very word hallows the lips that utter it. The world has not yet grasped its debt to the mothers of mankind. The mother is the luster and the hope of history. From her bosom flow the impulses that fashion governments and alter civilizations. With whisper and caress she organizes parliaments, revolutions, epochs. She is the central figure of all human sacrifice. Life is the flower of her agony, the fruitage of her pain. Humanity is cradled in her tears. That men may be she fronts the grave, yea, at each birth endures a living crucifixion. Lincoln's mother possessed in marvelous measure the qualities that make maternity sacred. He never forgot her prayers, prayers that made the cabin in the wilderness a temple grander than St. Peters or Cologne. The privations of the frontier soon crushed her tender life, and a few days before she died, her lovely face already radiant with the ecstacy of heaven, she obtained from him a promise that he would never touch inebriating drink, a promise that remained as sacred as her memory. His father, always in deepest poverty, had removed from Kentucky largely because the spread of slavery and the aristocracy surrounding it tended to degrade the status of the whites who were compelled to labor with their hands. Thus, in his earliest years were permanently impressed on Lincoln's soul the ideas of liberty, equality, and personal rectitude that led him later to acclaim that day the happiest of history when there should be neither slave nor drunkard in the world. Such was his mother's influence that he afterwards ascribed to her all that he was or hoped to be. The clumsy, hand-hewn coffin in which she was interred, the lack of ceremony, due to the fact that few ministers visited that remote vicinity, the lonely grave in the clearing, deepened the sadness that solitude and hardship had implanted in his nature. He did not rest until several months later he knelt in the snow while a wandering preacher, summoned at his earnest instance, delivered a funeral sermon over her grave. It should be said here that the devoted woman, a native of Kentucky, who succeeded Lincoln's mother in the Lincoln home, recognized at once his unusual capacities, and employed every means to encourage and develop them. To her he gave a love and reverence that were reflected in his spotless conduct. The teachings of these two women gave gentleness and grace to all his acts and must have prompted deed after deed of mercy in the memorable conflict with which his name is forever associated.

When Lincoln, in 1832, announced his candidacy for the Illinois legislature, he stated that the supreme purpose of his life was to win the esteem of his fellowmen by being worthy of it. Thus, at the age of 23, he proclaimed the basic impulse of his career—the ambition to be useful to mankind. This impulse was but prophetic of the principle of brotherhood that was to mark the consummation of his efforts and to signalize his relation to history. Perhaps no other man of commanding fame ever struggled so effectively against so unpromising an environment. The family had removed from Kentucky to Indiana, from Indiana to Illinois, following the frontier's westward sweep, locating in secluded forests, felling trees with which to construct the crudest shelter, and clearing land for cultivation. In the labors of the farm and woods young Lincoln shared to the fullest degree. The ordinary facilities of the most rudimentary education were beyond his reach. His entire schooling did not comprise twelve months. Yet he managed to obtain and study with absorbing eagerness Bunyan, Æsop, Weems's Washington, and the Bible. Perhaps Æsop inspired his celebrated habit of reinforcing argument with parable and anecdote. With what prophetic interest must he have followed the trials of Washington and the patriot armies in founding the Nation he was to be summoned to preserve! He seems to have been especially impressed with Washington's unvarying trust in God, a sentiment he approved and emulated. To show his estimate of Washington, let me cite an excerpt from his address on Washington's Birthday at Springfield in 1842: "Washington is the mightiest name on earth—long since mightiest in moral reformation. On that name a eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on." In the Bible, of which he was a constant student, he found the doctrine that supplied the definition of his existence, the doctrine embodied in Christ's reply to the lawyer in the temple, the doctrine of the fatherhood of God and the brotherhood of man, the doctrine that Lincoln considered of itself sufficient to form the basis of a church, the doctrine his life proclaimed and his death ennobled, the doctrine of which the American Declaration of Independence is but another form, the doctrine on which rests all liberty and progress. Such were the materials with which this youthful Vulcan hammered his being into heroic mold and purpose. In that stern pioneer age labor of severest form was honor's essence, equality was the natural state, and men were loved for what they could contribute to the general good. In such a school Lincoln learned to revere humanity, truth, and God. In such a school he developed a gentle soul, a giant stature, and an iron will. His was a universal sympathy with all human aspiration. Hate found no lodgment in his heart; there kindness and mercy, like twin Portias, pleaded always against the pound of flesh.

These elements were slowly fusing in the fires of experience and ambition, of conflicts, defeats, successes, for almost thirty years from the date of his first announcement for office. His initial race resulted in disaster, and without means, without profession, he wavered between the careers of lawyer and of blacksmith. In 1834 he was elected to the legislature and began preparation for the law, borrowing the necessary books and studying alone. Reelected to the legislature in 1836, in 1838, and 1840, he took an important part in framing the legislation of that formative period, obtained a splendid training in practical statesmanship and parliamentary law, and gave such evidence of leadership that he was twice his party nominee for speaker. He continued the practice of law with signal industry for more than two decades, maintaining the highest standards and applying the doctrine of brotherhood to his profession. He believed that the lawyer should discourage litigation, that the lawyer's true mission was the mission of peacemaker. During the early years at the bar persistent poverty and the death of the woman of his first love subjected him to severest melancholy. Chosen an elector on the Harrison ticket in 1840, on the Clay ticket in 1844, and canvassing his own and adjoining States in both campaigns, happily married in 1842, and elected to Congress in 1846, he rapidly became a factor of more than State importance. His single term in Congress was marked by faithful service and several comprehensive speeches. He helped to make Taylor the Whig candidate for President in 1848, thereby contributing to that shrewdest of movements by which his party secured the political fruitage of the war it had so bitterly opposed. Another significant act was his bill to prohibit slavery in the District of Columbia, providing cash payments to owners voluntarily manumitting their slaves. Already he was considering the idea of compensated emancipation which during the war he urged on Congress and the border States, and which he never entirely surrendered. It was during this term in Congress that he wrote a letter to his young law partner containing certain rules of conduct which every young man ought to engrave upon his heart, a statement comprising a sounder and more helpful philosophy than any similar number of words in all literature, a statement breathing brotherhood in every line: "The way for a young man to rise is to improve himself every way he can, never suspecting that anybody wishes to hinder him. Allow me to assure you that suspicion and jealousy never did help any man in any situation. There may sometimes be ungenerous attempts to keep a young man down; and they will succeed, too, if he allows his mind to be diverted from its true channel to brood over the attempted injury." In a speech a few years before he had expressed another phase of his love of humanity in this sentence: "If you would win a man to your cause first convince him that you are his sincere friend." There is a verse from Aleyn which elaborates this beautiful idea, an idea so illuminative of Lincoln's soul:

"The fine and noble way to kill a foe
Is not to kill him; you with kindness may
So change him that he shall cease to be so;
And then he's slain. Sigismund used to say
His pardons put his foes to death; for when
He mortify'd their hate, he killed them then."

Retiring from Congress, Lincoln devoted himself to the law until the repeal of the Missouri Compromise in 1854 stirred the land almost to frenzy. Douglas, the brilliant Democrat from Illinois, had been chiefly instrumental in the repeal of the compromise, which had been acclaimed as the solution of the slavery question. Lincoln and Douglas became the champions of conflicting theories, and in a series of remarkable debates employed every weapon of logic and exhausted every field of illustration. In his speech before the convention which nominated him for the United States Senate in opposition to Douglas, in the debates with that master of the forum, in inaugural addresses and presidential messages, on the field of Gettysburg and elsewhere, Lincoln gave deliverances that in chaste and lofty eloquence, in simplicity and power, stand unsurpassed. He was an emphatic advocate of prohibition, canvassing the State of Illinois in its behalf and declaring that the liquor traffic was the tragedy of civilization. On the morning of his assassination he said to Major Merwin, with whom he had stumped Illinois for prohibition, that after reconstruction the next great question would be the overthrow of the liquor traffic. The rapid march of prohibitory sentiment throughout the United States to-day shows with what prescience he spoke. The ideal of human brotherhood was with him ever uppermost. Toward the South he exhibited the most tolerant and affectionate spirit. In his famous speech at Peoria in 1854 he said: "Before proceeding, let me say I think I have no prejudice against the southern people. They are just what we would be in their situation. If slavery did not now exist among them, they would not introduce it. If it did now exist among us, we should not instantly give it up. * * * When southern people tell us they are no more responsible for the origin of slavery than we, I acknowledge the fact." The keynote of his position was resistance to the extension of slavery. In his speech at Cooper Institute, in New York, in February, 1860, he said: "Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the Nation; but can we while our votes will prevent it allow it to spread into the national territory and to overrun us here in the free States?" He considered the Emancipation Proclamation necessary to the preservation of the Republic. The maintenance of the Union as the chief hope of brotherhood and freedom was his predominating purpose. He cherished to the last the idea of compensated emancipation. As late as February, 1865, when the South was prostrate, he presented to his Cabinet a plan of payment for manumitted slaves. His secretary, Nicolay, who probably understood him better than any other biographer, said that he never relinquished the idea, and intimated a renewal of his efforts in this direction in his last public address.

His election to the Presidency and the opening of the American civil war made him the chief civic figure of the most colossal crisis in his country's life. Every element of his character was brought into instant and effective play. It is difficult to appreciate the magnitude of the task he met and mastered. His was the responsible supervision of all civil and military administration. The young party he had led to victory was naturally filled with numerous and discordant groups all clamorous for recognition. Every phase of feeling as to the policies of the Government in its most trying emergency poured a stream of argument and protest across his audience chamber. To harmonize the conflicting sentiments and interests required superbest skill. Relations with other nations demanded the coolest and most thorough judgment. He rewrote Seward's dispatch on the subject of England's recognition of southern belligerency, converting that violent document, which most probably would have incited foreign war, into a model of diplomatic propriety. The selection of commanders for the untried millions who assembled at his call involved the rarest penetration. Forbearance, sympathy, and keenest insight marked his treatment of the generals in the field. He studied the art of war and demonstrated a military talent of the highest type. His orders and inquiries showed a technical familiarity with all the problems of the contest. He grasped the essential features of the proper handling of the Union arms and resource. From the beginning he foreshadowed the course of the strife with such accuracy that competent authorities have pronounced him one of the ablest strategists of that world-astounding war. Throughout the changing fortunes of the conflict he was the same serene, unyielding, all-compelling force that welded every controversy and every defeat into final triumph. Modest almost to self-effacement, he held himself the humblest of all the Presidents. Of his second election to the Presidency he said there was in his gratitude to the people no taint of personal triumph and that he felt no pleasure in succeeding over others. He exercised the prerogative of pardon with tenderness and enthusiasm. Mighty as was his brain, still mightier was his heart. He had begun a humane and peaceful reconstruction of several States and had he lived the Nation's wounds, which he felt were also his, would have far more quickly healed. The knowledge that despite his love for all mankind his efforts for human elevation would be distorted and assailed, that however glorious the ultimate victory thousands of American homes were being desolated, that brother was emptying the blood of brother, and the premonition that he would not outlive the struggle wrapped him in isolation and sorrow and gave his features an infinite sadness in repose.

His death was one of the profoundest calamities that ever shocked the earth. To his noble wife he remarked as the clandestine assassin was about to fire, "There is no city I desire so much to see as Jerusalem." He was not permitted to see the old Jerusalem, but in a few hours he was to stand among the glories of the new. Now what is the relation of his life to the Republic he aided so materially to preserve? It is the development of the idea of brotherhood on which the continued preservation of this Union depends. What lesson emanates from his spectral figure as it rises from that April night in 1865? It is the love of Abraham Lincoln for every man, woman, and child beneath the American flag. Invoking his memory, I, a Southerner and a Democrat, true to every principle that animates my patriotic, valorous, and incorruptible people, come among you, Northerners and Republicans, equally loyal to your convictions, as fellow-countryman, friend, and brother. New York is my country as well as Texas. Massachusetts, California, Illinois are as dear to me as Louisiana, Georgia, or Tennessee. The memory of Lincoln is one of the fundamental buttresses of the reunited America of the twentieth century. In fulfillment of his desires and dreams the American people are to-day a mighty and a deathless brotherhood. Forgotten are the discords of the past; departed are the specters of civil strife. Near Columbus, Ohio, was situated Camp Chase, one of the military prisons of the North during the civil war. There thousands of southern soldiers died, far from the land of their birth and love. But their graves have received the tenderest care from northern hearts and hands and an arch has been erected on that solemn spot bearing the word "Americans." This word expresses the spirit of patriotism that to-day uplifts and thrills the Nation, the spirit in which Lincoln moved and spoke and prayed. It hallows the past, it inspires the present, and oh, may it animate the endless reaches of the future. It arouses love for every part of our common country, for every city and every State, every mountain and every shore, every forest and every plain—love for our traditions and our history—love for the home of freedom, the hope of liberty, the light of time, the radiance of the ages—our own United States.

"The poet sings of sunny France,
Fair olive-laden Spain,
The Grecian Isles, Italia's smiles,
And India's torrid plain;
Of Egypt, countless ages old,
Dark Afric's palms and dates;
Let me acclaim the land I name—
My own United States.

The poet sings of Switzerland,
Braw Scotland's heathered moor,
The shimm'ring sheen of Ireland's green,
Old England's rock-bound shore,
Quaint Holland and the Fatherland
Their charms in verse relates;
Let me acclaim the land I name—
My own United States.

I love every inch of her prairie land,
Each stone on her mountains' side,
I love every drop of the water clear
That flows in her rivers wide;
I love every tree, every blade of grass,
Within Columbia's gates,
The Queen of the earth is the land of my birth—
My own United States."

Mr. COUSINS. I ask unanimous consent, Mr. Speaker, that there may be read at the Clerk's desk a communication from the honorable Secretary of State, transmitting an expression which has been received from the British Government expressing sympathy in the celebration of the centenary of Abraham Lincoln.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a communication transmitted by the Secretary of State may be read from the desk.

There was no objection.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, February 11, 1909.

Hon. ROBERT G. COUSINS,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: I have the honor to inclose for the information of your committee copy of a note from the British ambassador, inclosing copy of a dispatch from his Government, instructing him to convey to the Government of the United States their sympathy in the celebration of the centenary of President Lincoln.

I have the honor to be, sir,
Your obedient servant,

ROBERT BACON.

BRITISH EMBASSY,
Washington, February 9, 1909.

DEAR MR. SECRETARY OF STATE: I have the honor to inform you that I have received from His Majesty's Government a dispatch desiring me to convey to you their sympathy with the celebration of the centenary of President Lincoln, and I inclose herewith a copy of it.

Will you permit me, as one who can remember the election of Mr. Lincoln and the profound impression which his career made upon his contemporaries, and as one whose admiration for his splendid gifts and noble character has grown with all that has been made known to the world respecting him, to say to you how glad I am to be privileged to convey to you the official expression by His Majesty's Government of the feeling entertained by the whole British people, which joins with the people of the United States in revering the memory of the great and good President?

Believe me to be, Dear Mr. Secretary of State,
Very faithfully, yours,

JAMES BRYCE.

Hon. ROBERT BACON,
Secretary of State.

[Loud applause.]

FOREIGN OFFICE, *January 28, 1909.*

SIR: His Majesty's Government have learned with interest the preparations which are being made by the President and people of the United States to commemorate on the 12th of February next the anniversary of the birth of Abraham Lincoln, whose name is honored in this country for his noble work in the cause of emancipation.

I have to request your excellency to take an opportunity of conveying to the Secretary of State the cordial sympathy of His Majesty's Government with the spirit which inspires the United States in this celebration and their desire to share in paying a tribute of honor and appreciation to the strength and simplicity of President Lincoln's character, which not only conferred such inestimable benefits on the people of the United States, but tended to promote the freedom and progress of the human race.

I am, with great truth and respect, sir,
Your excellency's most obedient, humble servant,

LOUIS MALLET
(For the Secretary of State).

His Excellency the Right Hon. JAMES BRYCE, O. M.

[Loud applause.]

LEAVE TO EXTEND REMARKS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for five days longer in which to extend the remarks which I delivered in the House on the 6th instant.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FORT M'PHERSON MILITARY RESERVATION.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 27864.

The bill was read, as follows:

A bill (H. R. 27864) granting a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue a deed of conveyance to the commissioners of Fulton County, Ga., of the title to and ownership of a strip of land 20 feet in width along the eastern boundary of the Fort McPherson Military Reservation, the said land to be used in widening the road between College Park, East Point, Fort McPherson, and Atlanta, Ga.: *Provided*, That the cost of removal and reconstruction of any post buildings which it may be found necessary to move in connection with the construction of said roadway shall be borne by the authorities of Fulton County, Ga.

The amendments recommended by the committee were read, as follows:

Strike out the words "of the title to the ownership of," in lines 5 and 6, and insert in lieu thereof the words "a right of way over."

Strike out the words "the said land to be used in widening the," in lines 7 and 8, and insert in lieu thereof the words "for so long as the same shall be used for a public."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LIVINGSTON. In line 4 there is a mistake in the language of the bill that I want to correct. Instead of "conveyance" the word should be "conveying," so as to read, "to issue a deed conveying," and so forth, and also an amendment of the title.

The Clerk read as follows:

Page 1, line 4, strike out "conveyance" and insert "conveying."

The amendments recommended by the committee were agreed to.

The amendment of Mr. LIVINGSTON was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: A bill granting a right of way over a strip of land along the eastern boundary of Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes.

FORT KEOGH MILITARY RESERVATION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 24149, and that it be considered now.

The Clerk read as follows:

A bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.

Be it enacted, etc., That the Montana, Wyoming and Southern Railway Company, a corporation duly organized and existing under the laws of the State of Wyoming, and empowered and authorized by the laws of the State of Montana to construct, operate, and maintain a railroad and engage in business therein, be, and is hereby, granted a right of way across the Fort Keogh Military Reservation, upon such line, in the vicinity of the valley of the Tongue River, as may be approved by the Secretary of War: *Provided*, That the right of way hereby granted shall not exceed 100 feet in width, except where side tracks, spurs, turn-outs, turntables, and a station are located or are to be located, and at such point or points the right of way shall not exceed 200 feet on each side of the main track and not exceed 2,000 feet in length.

The amendment recommended by the committee was read, as follows:

Add as a new section:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9160. An act authorizing the Secretary of War to furnish four condemned brass or bronze field guns, carriages, and cannon balls to the State of South Carolina;

S. 8822. An act providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho; and

S. 6392. An act authorizing the Secretary of War to donate two condemned cannon to the county court of Mercer County, W. Va.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9160. An act authorizing the Secretary of War to furnish four condemned brass or bronze field guns, carriages, and cannon balls to the State of South Carolina—to the Committee on Military Affairs.

S. 8822. An act providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho—to the Committee on the Public Lands.

S. 6392. An act authorizing the Secretary of War to donate two condemned cannon to the county court of Mercer County, W. Va.—to the Committee on Military Affairs.

ORGANIZATION OF MILITIA IN THE DISTRICT OF COLUMBIA.

Mr. STEENERSON. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 21926, an act for the organization of the militia in the District of Columbia, with Senate amendments.

The Clerk read the Senate amendments.

Mr. MANN. Mr. Speaker, I would like to ask whether there are any amendments that require consideration in Committee of the Whole?

Mr. STEENERSON. No; there are not.

Mr. MANN. Are there any new items in the proposition?

Mr. STEENERSON. No. There is a provision in regard to the band, and the department suggested that we change the title. There were to be two regimental bands instead of a brigade band. It appears on the face of it as if it incurred expense, but there is no more expense than there would be under the existing law.

Mr. MANN. Is it a new item?

Mr. STEENERSON. No; we simply change the designation of the band.

Mr. MANN. That would not require consideration in Committee of the Whole.

Mr. STEENERSON. No. I would like to say that most of these amendments were made necessary by the action of the House in striking out of the original bill as reported, the eight sections relative to organization. That left it so that there was only one section providing that the organization should be prescribed by the President. We left in the original act of 1889 the eight sections which ought to be stricken out. That is the reason why all of the amendments in regard to renumbering the sections were made necessary.

Mr. MANN. The gentleman from Iowa [Mr. HULL] made objection to certain provisions in the bill when it was before the House, and amendments were made in accordance with his recommendation. Are those amendments retained in the bill?

Mr. STEENERSON. They are retained in the bill, and because they are retained the other changes were made necessary. The Committee on Military Affairs of the Senate gave very careful consideration to it, and these amendments were suggested by the Secretary of War, and I have his letter here in the report.

Mr. MANN. Mr. Speaker, I am informed by the gentleman from Minnesota that there are no new items in the bill that require consideration in Committee of the Whole, and that is satisfactory, as far as I am concerned.

Mr. STEENERSON. I move that the House concur in the Senate amendments.

The SPEAKER. The Clerk calls the attention of the Chair to the fact that on page 9 of the bill, Senate amendment 79 says to "insert an amendment at page 8, line 2," and that it should be page 18 instead of page 8. The Chair will suggest to the gentleman from Minnesota, if he so desires, that his motion should cover all his amendments except 79, and move to concur in that amendment with an amendment.

Mr. STEENERSON. Then, Mr. Speaker, I move to concur in all the Senate amendments except amendment 79, and to concur in amendment 79 with an amendment striking out the word "eight" in amendment 79 and inserting the word "eighteen," so that it will read "18."

The motion of Mr. STEENERSON was agreed to.

PENSIONS.

The SPEAKER laid before the House from the Speaker's table the bill (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and cer-

tain widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House from the Speaker's table the bill (H. R. 26461) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House from the Speaker's table the bill (H. R. 24831) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. DRAPER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House from the Speaker's table the bill (H. R. 26746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. DRAPER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 25806) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 7474) granting a pension to Charles H. Balch, with Senate amendments.

The Senate amendments were read.

Mr. DRAPER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

SUBPORTS BLAINE AND SUMAS, WASH.

The SPEAKER laid before the House the following request from the Senate, which was read.

IN THE SENATE OF THE UNITED STATES,
February 11, 1909.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7862) "to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma."

Attest:

CHARLES G. BENNETT, *Secretary.*

The SPEAKER. Without objection, the Committee on Ways and Means will be discharged from the further consideration of the bill and the request granted.

There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 6986) for the relief of registers and former registers of the United States land offices was changed from the Committee on the Public Lands to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ALLEN for three days on account of important business.

PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that pension bills on the Private Calendar, in order to-day, may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that pension bills on the Private Calendar, in order to-day, may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The first business on the Private Calendar was the bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Fenton Webb, late of Captain Willard's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Harry M. Haughawout, late apprentice seaman, U. S. S. Pensacola, United States Navy.

The name of Jacob H. Mose, late of Company A, Fourth Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Paul S. Hawks, late of Captain De Long's company, Iowa Militia, Black Hawk Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Gertrude S. Walker, widow of Col. Leverett H. Walker, late of the Artillery Corps, U. S. Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Florence A. Scott, widow of Douglas M. Scott, late captain and commissary of subsistence, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Annie Willcocks, widow of Washington J. Willcocks, late major, Ninth Regiment New York Volunteer Infantry, war with Spain, and pay her a pension at the rate of $25 per month.

The name of Sciota Jasper, widow of Obed D. Jasper, late unassigned recruit, Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Charles Bishop, late first lieutenant Company C (Capt. B. L. Henness), Second Regiment Washington Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Manuel P. Grundisch, late of United States Marine Corps.

The name of Doctor W. Garmon, late of Captain Barker's company, Georgia Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William C. Chumney, late of Capt. William Tom's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Isaac Tanner, late of Capt. J. H. Callahan's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Lewis A. Mulkey, late of Capt. William Tom's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Robert D. Glass, late of Capt. J. S. Ford's second company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Francis W. Borden, widow of Thomas S. Borden, late second lieutenant, United States Marine Corps, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Thomas S. Borden until he reaches the age of 16 years.

The name of Beatrice Paul Marmion, widow of Robert A. Marmion, late medical director with rank of captain (retired rank rear-admiral), United States Navy, and pay her a pension at the rate of $40 per month, and $2 per month additional on account of the minor child of said Robert A. Marmion until he reaches the age of 16 years, such pension being in lieu of that granted by private act approved May 27, 1908.

The name of Lafayette North, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and late lieutenant-colonel, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that granted by private act approved June 6, 1906.

This bill is a substitute for the following House bills:
H. R. 19067. Fenton Webb;
H. R. 21474. Harry M. Haughawout;
H. R. 23400. Jacob H. Mose;
H. R. 23693. Paul S. Hawks;
H. R. 23870. Gertrude S. Walker;
H. R. 23871. Florence A. Scott;
H. R. 24769. Annie Willcocks;
H. R. 25321. Sciota Jasper;
H. R. 25470. Charles Bishop;
H. R. 25949. Manuel P. Grundisch;
H. R. 26086. Doctor W. Garmon;
H. R. 26091. William C. Chumney;
H. R. 26095. Isaac Tanner;
H. R. 26097. Lewis A. Mulkey;
H. R. 26106. Robert D. Glass;
H. R. 26628. Francis W. Borden;
H. R. 26875. Beatrice Paul Marmion; and
H. R. 26993. Lafayette North.

The SPEAKER pro tempore (Mr. DOUGLAS). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Bailey P. Smith, late of Companies I and B, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah E. Keyes, late first lieutenant Company E, Fifty-fifth Regiment Illinois Volunteer Infantry, and late of Company G, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Ross, late of Company C, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Betsey E. Higgins, dependent foster mother of Charles A. Higgins, late of Company F, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Hann, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel H. Mastin, late first lieutenant Company I, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert H. Gilmore, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Arnold, late of Company C, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julian F. Shafner, late of Company B, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ancil Thayer, late of Company D, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Johnson, late of Company I, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles C. Short, late of Companies C and B, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George T. Musgrove, late of Company D, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Larkin, late of Company F, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary D. McChesney, widow of Thomas M. McChesney, late of Company M, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William R. Hill, late of Company F, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Mynatt, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah E. Meek, widow of John B. Meek, late hospital chaplain, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John F. Rose, late acting medical cadet, United States Army, and pay him a pension at the rate of $12 per month.

The name of Horace O. Balch, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Fisher, late of Company C, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Garrett Wall, late first lieutenant Company K, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Damon, helpless and dependent child of George H. Damon, late of Company K, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John W. Graves, late of Company A, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob W. Truxel, late of Company G, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Philip H. Haupt, late of U. S. S. Princeton, Powhatan, and Ohio, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James T. Bell, late of Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmund D. Spooner, late second lieutenant Company L, Fifth Regiment U. S. Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Atwell W. Pomeroy, late of Company M, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William D. Kelly, late of Company C, Fifty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Sydnam, late of Company C, Ninth Regiment, and Company I, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Davis, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilman L. Pike, late of Company D, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper L. Dodge, alias John L. Hatch, late of detachment of Signal Corps, U. S. Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Job S. Driggs, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Bennett, late of Company K, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Boots, widow of John W. Boots, late of Company A, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lydia Ann Gregory, former widow of Isaac W. Mott, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jennie Wortham, widow of Simeon A. Wortham, late commissary-sergeant, Eleventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Elijah T. Sexton, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Kaeserman, late of Company H, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Swartzlander, late captain Company D, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward Merills, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Jones, late second lieutenant Company C, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Byrd, late of Company E, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Shearer, helpless and dependent child of William Shearer, late of Companies B and A, Eighth Regiment, and Company E, Fourth Regiment, Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles J. Stevens, late of Company H, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert J. Dake, late of Company F, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Gray, late of Company B, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Gongwer, late of Company D, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Thomas, late of Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adrian Reynolds, late of Company C, Tenth Regiment Kansas Volunteer Infantry, and Company C, Eighteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James L. Arnold, late captain Company L, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter D. Brock, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel Seaton, late of Fifth Independent Company, Ohio Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Henry, late of Company I, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Granville W. Moulton, late of Company A, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James O'Sullivan, late of Company H, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos Chipman, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and Seventy-sixth Company, Second Battalion, and Company E, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Weckerly, late of Company K, One hundred and forty-eighth Regiment, and Company K, Fifty-third Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Metzger, late of Company C, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orlando H. Ramsdell, late of Company B, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Forbes, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enos H. Harris, late of Company C, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Northrop, late of Company H, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. York, late of Company K, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Hunt, alias Hiram Mace, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. Clutter, late of Company A, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Addie Martha Beard, helpless and dependent child of John S. Beard, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Don F. Willis, late of Company E, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Bierwirth, late of Company F, and first lieutenant Company H, Twenty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson C. Thomas, late captain Company B, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pizarro S. Pullon, late of Company B, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James McMahan, late of Companies G and E, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William V. Malenburg, late of Company A, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and pay

him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel S. Roe, late of Company B, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Johanna Hancock, widow of Joseph Hancock, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary A. Enright, widow of Patrick J. Enright, late of Companies B and G, Second Regiment U. S. Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel W. O'Neill, late of Company D, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Milnes, late of U. S. S. Pensacola, Sachem, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Hamlet, late of U. S. S. Agawan, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Lillis, late of Company B, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Miller, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah M. Byron, widow of Joseph Byron, alias Joseph Hall, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas M. Smith, late of Company D, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rollin B. Shower, late of Company E, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Hanna, former widow of John Bissell, late of Company B, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Breezely, late of Company H, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William M. McCrary, late of Company E, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Hanna, late of Company A, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Aaron H. Moore, late of Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Callaghan, late of Company G, Sixty-ninth Regiment New York Volunteer Infantry, and Company B, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas Biever, late of Company H, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Biggs, late of Company A, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hester Young, widow of Robert Young, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hezekiah Scott, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Robeson, late of Company D, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eveline E. Hedges, widow of John Hedges, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Morris, late of Company I, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Wiedenmann, late of Company M, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha J. Drake, widow of James Drake, late of Company H, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month: *Provided, however,* That such pension shall cease upon proof that the soldier is living.

The name of Abraham Cobourn, late of Company C, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hartzel Legg, late of Company B, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel A. Roberts, late of Company H, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alpheus Bixby, late of Company F, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Demick, late of Company E, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Campbell, late of Company F, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Patch, late of Company D, Sixth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of John P. Wilhelm, late of Company L, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Pfeil, late of Company A, First Battalion, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Addison G. Henry, late first lieutenant Company A, Third Regiment New York Volunteer Cavalry, and Company F, Fourth Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Davis, late of Company F, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Davis Morton, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Minnie Quadt, widow of Franz J. Quadt, alias Franz J. Qualtz, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Colboth, late of Company C, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman A. Tussing, late of Companies I and D, Thirty-fourth Regiment, and Company I, Thirty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick W. Bliss, late of Company H, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Ward, late of Company F, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Ramsdill, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Denton P. Sheeks, late of Company F, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Zachary Fletcher, late of Company B, Eighth Regiment U. S. Colored Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Almon B. Cooper, late of Company K, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Pool, widow of Daniel Pool, late of Company F, One hundred and fortieth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Frank Pool, helpless and dependent son of said Daniel Pool, the additional pension herein granted shall cease and determine.

The name of John F. Lakins, late of Company B, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Sowers, late of Company L, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Vanlandingham, late of Company F, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah A. Tasker, former widow of John Greig, late of U. S. S. Ohio and Genessee, United States Navy, and pay her a pension at the rate of $12 per month.

The name of William Harper Newsom, alias William Harper, late of Company I, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Hallenbeck, late of Company D, One hundred and thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathaniel C. Adams, late of Company I, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank L. Bennett, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Sarver, late of Company A, Second Regiment U. S. Volunteer Sharpshooters, and Company C, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Cooledge, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David A. Sturtevant, late of Company H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Adams, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma C. Homer, widow of Horace Homer, late of Company E, Thirty-third Regiment Pennsylvania Volunteer Infantry, and acting medical cadet, United States Army, and pay her a pension at the rate of $12 per month.

The name of Marcellous Goddard, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Mosser, late of Company I, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Johnson, late of Company F, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Malone, late of Company D, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Martha J. Gordon, former widow of Pecallis M. Clark, late of U. S. S. Lancaster and Cyane, United States Navy, and Company A, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Newton Hodge, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month, said pension to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Thomas T. Miller, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard B. Campbell, late of Company I, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John I. Cockram, alias William H. Cromley, late of Company L, Third Regiment Tennessee Volunteer Cavalry, and pay

him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Volkert V. Van Patten, late captain Company C, Forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. Clark, late of Company B, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sophia Irvin, widow of Elijah Irvin, late of Company F, One hundred and fourteenth Regiment U. S. Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David L. Pitcher, late second lieutenant Company B, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Agnes J. Marshall, widow of John W. Marshall, late lieutenant-colonel Tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John N. Woodward, late of Company D, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Bloxham, late of Company F, Eighth Regiment Minnesota Volunteer Infantry, and Third Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Dunham, late of Company D, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Duff, late of Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucy A. Branham, widow of David D. Branham, late of Company K, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Burton McGoines, late of Company A, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Barber, late of Company G, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Miner, late of Company H, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann E. Davis Smith, former widow of Edmund J. Davis, late colonel First Regiment Texas Volunteer Cavalry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The name of Elijah J. Hodges, late captain Company B, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Lanham, late of Company A, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter V. Rundle, late of Twentieth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carrie L. Poole, widow of Theodore L. Poole, late first lieutenant Company H, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of a minor child of said officer until said child shall arrive at the age of 16 years, in lieu of that she is now receiving, such pension to begin May 25, 1908.

The name of Gordon Shankling, late of Company A, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Karschner, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Cole, late of Company K, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry P. Niebuhr, late of Company D, Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James P. Burt, late of Company D, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Campbell, late of Company B, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Irvin, late of Company G, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Robison, late of Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Worley, late of Company E, Firty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Russell B. Gregg, late of Company I, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James J. Chew, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph E. Hutton, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Gardner, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert J. Strong, late hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel P. Schultz, late of Company M, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Widaman, late of Company B, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bennett, late of Company C, One hundred and seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Merrill, late second lieutenant Company H, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas Hunley, late of Company C, Second Regiment West Virginia Veteran Volunteer Infantry, and Company K, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Thomas, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan F. Wilcox, late of Company H, Fourth Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. Kerr, late second lieutenant Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Sheridan, widow of Patrick S. Sheridan, late of Company K, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Tisdial, late of Company E, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles P. Egbert, late of Company B, Mason's battalion, Pennsylvania Emergency Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna M. Landon, widow of Levi D. Landon, late second lieutenant Company C, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Fann, late of Company H, Fourth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jesse H. Patterson, late of Company D, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William O. Daniel, late of Company B, Fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Urban, late of U. S. S. Princeton, New Hampshire, and Constellation, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Walter S. Parsons, late of Company E, Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephus Thomas, late of Company C, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pleasant A. Cashon, late assistant surgeon, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills:

H. R. 1298. Bailey P. Smith;
H. R. 2714. Josiah E. Keyes;
H. R. 2768. James Ross;
H. R. 3103. Betsey E. Higgins;
H. R. 3187. John Hann;
H. R. 3196. Joel H. Mastin;
H. R. 3619. Robert H. Gilmore;
H. R. 3785. John W. Arnold;
H. R. 4373. Julian F. Shafner;
H. R. 5465. Ancil Thayer;
H. R. 5990. James E. Johnson;
H. R. 6395. Charles C. Short;
H. R. 6396. George T. Musgrove;
H. R. 6519. Patrick Larkin;
H. R. 7050. Mary D. McChesney;
H. R. 8093. William R. Hill;
H. R. 9387. William H. Mynatt;
H. R. 9532. Sarah E. Meek;
H. R. 10694. John F. Rose;
H. R. 10727. Horace O. Balch;
H. R. 11014. James Fisher;
H. R. 11417. Garrett Wall;
H. R. 12035. William W. Damon;
H. R. 12232. John W. Graves;
H. R. 12528. Jacob W. Truxel;
H. R. 12916. Philip H. Haupt;
H. R. 13163. James T. Bell;
H. R. 13197. Edmund D. Spooner;
H. R. 13221. Atwell W. Pomeroy;
H. R. 13614. William D. Kelly;
H. R. 13725. John W. Sydnam;
H. R. 14486. William J. Davis;
H. R. 14738. Gilman L. Pike;
H. R. 14813. Jasper L. Dodge;
H. R. 15196. Job S. Driggs;
H. R. 15595. Albert Bennett;
H. R. 15963. Sarah J. Boots;
H. R. 16267. Lydia Ann Gregory;
H. R. 16681. Jennie Wortham;
H. R. 18171. Elijah T. Sexton;
H. R. 18194. John Kaeserman;
H. R. 18403. Jacob Swartzlander;
H. R. 18845. Edward Merills;
H. R. 18916. William T. Jones;
H. R. 19622. Robert Byrd;
H. R. 19698. Mary Shearer;
H. R. 19940. Charles J. Stevens;
H. R. 20166. Albert J. Dake;
H. R. 20718. Benjamin F. Gray;
H. R. 20815. Andrew Gongwer;
H. R. 20838. John A. Thomas;
H. R. 21076. Adrian Reynolds;
H. R. 21240. James L. Arnold;
H. R. 21441. Walter D. Brock;
H. R. 21516. Joel Seaton;
H. R. 21606. Charles Henry;
H. R. 21625. Granville W. Moulton;
H. R. 21941. James O'Sullivan;

H. R. 22356. Amos Chipman;
H. R. 22365. William E. Weckerly;
H. R. 22462. John E. Metzger;
H. R. 22507. Orlando H. Ramsdell;
H. R. 22620. George L. Forbes;
H. R. 22627. Enos H. Harris;
H. R. 22628. Nelson Northrop;
H. R. 22801. Charles W. York;
H. R. 22934. Hiram Hunt;
H. R. 22952. William N. Clutter;
H. R. 22982. Addie Martha Beard;
H. R. 23138. Don F. Willis;
H. R. 23149. August Bierwirth;
H. R. 23161. Nelson C. Thomas;
H. R. 23176. Pizarro S. Pullon;
H. R. 23224. James McMahan;
H. R. 23324. William V. Malenburg;
H. R. 23327. Daniel S. Roe;
H. R. 23370. Johanna Hancock;
H. R. 23381. Mary A. Enright;
H. R. 23482. Daniel W. O'Neill;
H. R. 23668. Thomas Milnes;
H. R. 23671. George Hamlet;
H. R. 23680. George F. Lillis;
H. R. 23681. John Miller;
H. R. 23683. Sarah M. Byron;
H. R. 23983. Thomas M. Smith;
H. R. 23990. Rollin B. Shower;
H. R. 24109. Mary Hanna;
H. R. 24174. John W. Breezely;
H. R. 24216. William M. McCrary;
H. R. 24224. Andrew J. Hanna;
H. R. 24239. Aaron H. Moore;
H. R. 24304. Thomas Callaghan;
H. R. 24394. Nicholas Biever;
H. R. 24405. William M. Biggs;
H. R. 24411. Hester Young;
H. R. 24417. Hezekiah Scott;
H. R. 24434. John E. Robeson;
H. R. 24442. Eveline E. Hedges;
H. R. 24520. Henry Morris;
H. R. 24521. William Wiedenmann;
H. R. 24596. Martha J. Drake;
H. R. 24653. Abraham Cobourn;
H. R. 24664. Hartzel Legg;
H. R. 24670. Daniel A. Roberts;
H. R. 24680. Alpheus Bixby;
H. R. 24689. James Demick;
H. R. 24700. Charles F. Campbell;
H. R. 24870. William T. Patch;
H. R. 24873. John P. Wilhelm;
H. R. 24874. Martin Pfeil;
H. R. 24891. Addison G. Henry;
H. R. 24956. John Davis;
H. R. 24959. Isaac Davis Morton;
H. R. 24968. Minnie Quadt;
H. R. 25059. George W. Colboth;
H. R. 25061. Herman A. Tussing;
H. R. 25071. Frederick W. Bliss;
H. R. 25204. George W. Ward;
H. R. 25296. Charles A. Ramsdill;
H. R. 25317. Denton P. Sheeks;
H. R. 25353. Zachary Fletcher;
H. R. 25389. Almon B. Cooper;
H. R. 25416. Jane Pool;
H. R. 25454. John F. Lakins;
H. R. 25584. Michael Sowers;
H. R. 25587. John T. Vanlandingham;
H. R. 25634. Sarah A. Tasker;
H. R. 25658. William Harper Newsom;
H. R. 25659. George Hallenbeck;
H. R. 25758. Nathaniel C. Adams;
H. R. 25761. Frank L. Bennett;
H. R. 25763. William F. Sarver;
H. R. 25764. Henry Cooledge;
H. R. 25771. David A. Sturtevant;
H. R. 25775. James M. Adams;
H. R. 25780. Emma C. Homer;
H. R. 25797. Marcellous Goddard;
H. R. 25804. William D. Mosser;
H. R. 25824. Edward Johnson;
H. R. 25874. Henry Malone;
H. R. 25880. Martha J. Gordon;
H. R. 25898. Newton Hodge;
H. R. 25947. Thomas T. Miller;
H. R. 26020. Richard B. Campbell;
H. R. 26047. John I. Cockran;
H. R. 26088. Volkert V. Van Patten;
H. R. 26119. William J. Clark;
H. R. 26149. Sophia Irvin;
H. R. 26180. David L. Pitcher;
H. R. 26201. Agnes J. Marshall;
H. R. 26221. John N. Woodward;
H. R. 26222. Daniel Bloxham;
H. R. 26232. William H. Dunham;
H. R. 26242. Daniel Duff;
H. R. 26259. Lucy A. Branham;
H. R. 26270. Burton McGoines;
H. R. 26307. John C. Barber;
H. R. 26335. Daniel Miner;
H. R. 26360. Ann E. Davis Smith;
H. R. 26363. Elijah J. Hodges;
H. R. 26366. William L. Lanham;
H. R. 26406. Peter V. Rundle;
H. R. 26426. Carrie L. Poole;
H. R. 26456. Gordon Shankling;
H. R. 26490. William H. Karschner;
H. R. 26502. William H. Cole;
H. R. 26523. Henry P. Niebuhr;
H. R. 26528. James P. Burt;
H. R. 26530. John Campbell;
H. R. 26543. George W. Irvin;
H. R. 26551. James W. Robison;
H. R. 26558. John D. Worley;
H. R. 26573. Russell B. Gregg;
H. R. 26587. James J. Chew;
H. R. 26677. Joseph E. Hutton;
H. R. 26680. George H. Gardner;
H. R. 26708. Robert J. Strong;
H. R. 26711. Daniel P. Schultz;
H. R. 26758. William H. Widaman;
H. R. 26768. John Bennett;
H. R. 26778. George H. Merrill;
H. R. 26780. Silas Hunley;
H. R. 26789. James Thomas;
H. R. 26792. Jonathan F. Wilcox;
H. R. 26799. David A. Kerr;
H. R. 26804. Mary Sheridan;
H. R. 26806. John Tisdial;
H. R. 26815. Charles P. Egbert;
H. R. 26849. Anna M. Landon;
H. R. 26852. John W. Fann;
H. R. 26900. Jesse H. Patterson;
H. R. 26956. William O. Daniel;
H. R. 26957. George Urban;
H. R. 26979. Walter S. Parsons;
H. R. 27198. Josephus Thomas; and
H. R. 27394. Pleasant A. Cashon.

Mr. SULLOWAY. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read. The beneficiary in that case has been taken care of in the Senate.

The Clerk read as follows:

Page 2, strike out lines 3, 4, 5, and 6.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business was the bill (S. 8628) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Joshua Long, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph A. Espy, late of Company K, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Welker, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham A. Croy, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Walter Kelley, late of Company B, First Regiment, Company A, Twenty-first Regiment, and Company A, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Lynch, late of Company M, Sixteenth Regiment New York Volunteer Cavalry, and Company G, Third Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick J. Morgan, late of Company K, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Barnes, late of the Thirty-Fourth Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Carter, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, and Company D, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warner P. Price, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey B. Ames, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher C. Shockley, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Day, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy Donovan, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and Fifty-seventh Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry G. Chritzman, late surgeon Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Johnson, late of Company G, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Pride, late sergeant-major First Battalion, Minnesota Volunteer Infantry, and second lieutenant Company A, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clinton D. Patterson, late of Company H, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Shappee, late of Company A, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel S. Wilkins, late captain Company B, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John King, late of Company E, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Travilla A. Russell, late of Company B, First Regiment West Virginia Volunteer Infantry, and Company D, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mila P. Deisz, widow of Frank I. Deisz, late of Company K, Fortieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rebecca L. Price, late nurse, Medical Department United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Henry A. Chadbourne, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Fitzpatrick, late of Company E, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. D. Stevens, late of Company M, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank M. Montague, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry H. Klock, late first lieutenant and adjutant Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Buckner, late of Company K, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert W. Jones, late of Company C, Eighth Regiment West Virginia Volunteer Infantry, and Company C, Seventh Regiment West Virginia Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anthony Coleman, late of Company B, Fifty-first Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Brundage, late of Company F, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frances A. Holt, widow of Charles F. Holt, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jacob M. Revis, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac H. Long, late of Company C, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Bowden, late of Company C, Tenth Regiment Rhode Island Volunteer Infantry, and Company K, Eleventh Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Webber, late of Company B, Second Battalion, Sixteenth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Ross, late of Company C, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben H. Boyce, late of the Seventeenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John House, late of Company E, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa G. Reyburn, late of Company E, Eighth Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lawrence F. Larkin, late first lieutenant Company K, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Arnold, late of U. S. S. Ohio, Young Rover, and Minnesota, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George T. Smith, late of Company G, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Dowell, late of Company E, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cary P. Taplin, late of Company G, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Sacks, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Bales, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. L. Potter, late of Company D, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Coble, late of Company A, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seraiah M. Pratt, late of Company C, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy J. Ayres, widow of Andrew J. Ayres, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ralph S. Jordan, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid him without deduction or rebate on account of former alleged overpayment or erroneous payment of pension.

The name of William McCarren, late of U. S. S. Springfield and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Ipock, late of Company G, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Judson A. Potter, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Thomas, late of Company F, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Iphigenia E. Crane, widow of Gilbert R. Crane, late of Company D, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William A. Petty, late of Battery B, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Giles, late of Company A, First Battalion Fourteenth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederic S. Hill, late acting volunteer lieutenant United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy McKusick, widow of Marshall N. McKusick, late second lieutenant Sixth Battery, First Battalion Maine Volunteer Light Artillery, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of Henry L. Harris, late commissary-sergeant Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Peck, late of Company H, Third Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Thome, late of Company I, Thirty-fifth Regiment, and Company I, Twenty-ninth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Loftis, late of Company K, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas D. Stevenson, late of Company C, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret L. Harden, widow of Henman Harden, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Henrietta Harden, helpless and dependent child of said Henman Harden, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret L. Harden, the name of the said Henrietta Harden shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margaret L. Harden.

The name of George A. Kogle, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick M. Hart, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dana Fish, late of Company K, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Slocum, late captain Company G, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Bettinger, late of Company C, Fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Collins, late of Company H, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilbert L. Holmes, late of Company E, First Regiment West Virginia Volunteer Infantry, and first lieutenant Company I, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Herbert, late of Company A, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Swinehart, late of Company F, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elbridge F. Green, late of Company L, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rily J. Philbrook, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton H. McLain, late of Company E, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bradford H. Tripp, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Hartshorn, late of Company D, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Taubert, late of Company K, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George E. Currier, late of Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William McClarey, late of Company F, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Boren, late of Company H, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Smith, late of Company C, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas C. Shankland, late of Company F, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Earl M. Rogers, late first lieutenant Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Blade, late of Troop H, Second Regiment U. S. Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Judd, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louise M. Bishop, former widow of Norman F. Lund, late of Company D, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Emeretta A. Catlin, widow of Byron S. Catlin, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Jessie Stagg, widow of Peter Stagg, late colonel First Regiment Michigan Volunteer Cavalry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The name of Augusta Burchard, widow of William Burchard, late lieutenant Battery A, First Virginia U. S. Volunteers, and pay her a pension at the rate of $17 per month.

The name of John E. Phelps, late first lieutenant, Third Regiment U. S. Cavalry, and colonel Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rachel J. Windsor, widow of William A. Windsor, late commander United States Navy, and rear-admiral, United States Navy, retired, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Milo S. Goldthwait, late of Company I, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Miles, late of Company E, Twenty-eighth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles G. Fink, late of Company C, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Boyd Cannady, late of Company H, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Kimball, late of Company F, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Worthing, late of Company G, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Bruner, late captain Company D, Forty-seventh Regiment Indiana Volunteer Infantry, and lieutenant-colonel One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Oscar C. Stevens, late of Company I, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin H. Nash, late of Company H, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Tirrell, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Catharine H. Baker, widow of William A. Baker, late of Company G, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George G. Adams, alias Godfrey Adams, late of Company B, Sixty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Richards, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Blackburn B. Dovener, late captain Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Lucius Fuller, late of Company I, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to Committee on Invalid Pensions:

S. 694. Joshua Long;
S. 701. Joseph A. Espy;
S. 923. Andrew J. Welker;
S. 1086. Abraham A. Croy;
S. 1285. Walter Kelley;
S. 1289. John Lynch;
S. 1294. Patrick J. Morgan;
S. 1331. Wiliam H. Barnes;
S. 1531. Charles W. Carter;
S. 1728. Warner P. Price;
S. 1950. Harvey B. Ames;
S. 1953. Christopher C. Shockley;
S. 2233. John H. Day;
S. 2294. Timothy Donovan;
S. 2452. Henry G. Chritzman;
S. 2461. John J. Johnson;
S. 2497. John W. Pride;
S. 2881. Clinton D. Patterson;
S. 2921. William A. Shappee;
S. 3031. Daniel S. Wilkins;
S. 3477. John King;
S. 3544. Travilla A. Russell;
S. 3591. Mila P. Deisz;
S. 3917. Rebecca L. Price;
S. 3942. Henry A. Chadbourne;
S. 4100. Michael Fitzpatrick;
S. 4213. John P. D. Stevens;
S. 4214. Frank M. Montague;
S. 4339. Henry H. Klock;
S. 4512. Joseph W. Buckner;
S. 4552. Robert W. Jones;
S. 4679. Anthony Coleman;
S. 4888. Samuel Brundage;
S. 5125. Frances A. Holt;
S. 5271. Jacob M. Revis;
S. 5305. Isaac H. Long;
S. 5347. James A. Bowden.
S. 5392. William C. Webber.
S. 5484. James Ross;
S. 5499. Reuben H. Boyce;
S. 5681. John House;
S. 5799. Asa G. Reyburn;
S. 5873. Lawrence F. Larkin;
S. 5960. Charles S. Arnold;
S. 5974. George T. Smith;
S. 6129. William J. Dowell;
S. 6211. Cary P. Taplin;
S. 6212. John F. Sacks;
S. 6284. William L. Bales;
S. 6301. James H. L. Potter;
S. 6428. David Coble;
S. 6488. Seraiah M. Pratt;
S. 6716. Nancy J. Ayres;
S. 6738. Ralph S. Jordan;
S. 6978. William McCarren;
S. 7031. Henry Ipock;
S. 7038. Judson A. Potter;
S. 7055. James M. Thomas;
S. 7078. Iphigenia E. Crane;
S. 7086. William A. Petty;
S. 7160. John Giles;
S. 7173. Frederic S. Hill;
S. 7292. Lucy McKusick;
S. 7302. Henry L. Harris;
S. 7320. George W. Peck;
S. 7321. William Thome;
S. 7387. Daniel Loftis;
S. 7388. Thomas D. Stevenson;
S. 7404. Margaret L. Harden;
S. 7412. George A. Kogle;
S. 7414. Frederick M. Hart;
S. 7441. Dana Fish;
S. 7454. Charles A. Slocum;
S. 7490. William H. Bettinger;
S. 7495. William T. Collins;
S. 7499. Gilbert L. Holmes;
S. 7503. James E. Herbert;
S. 7510. James S. Swinehart;
S. 7511. Elbridge F. Green;
S. 7527. Rily J. Philbrook;
S. 7532. Hamilton H. McLain;
S. 7535. Bradford H. Tripp;
S. 7561. Joseph W. Hartshorn;
S. 7643. Edward Taubert;
S. 7653. George E. Currier;
S. 7702. William McClarey;
S. 7714. John C. Boren;
S. 7737. Charles F. Smith;
S. 7741. Thomas C. Shankland;
S. 7746. Earl M. Rogers;
S. 7747. John Blade;
S. 7750. Levi Judd;
S. 7788. Louise M. Bishop;
S. 7789. Emeretta A. Catlin;
S. 7790. Jessie Stagg;
S. 7857. Augusta Burchard;
S. 7860. John E. Phelps;
S. 7869. Rachel J. Windsor;
S. 7907. Milo S. Goldthwait;
S. 7911. William Miles;
S. 7935. Charles G. Fink;
S. 7936. Boyd Cannady;
S. 7947. Charles W. Kimball;
S. 7949. William P. Worthing;
S. 7964. James R. Bruner;
S. 7977. Oscar C. Stevens;
S. 8003. Edwin H. Nash;
S. 8026. Thomas Tirrell;
S. 8076. Catharine H. Baker;
S. 8078. George C. Adams, alias Godfrey Adams;
S. 8079. Charles F. Richards;
S. 8126. Blackburn B. Dovener; and
S. 8432. Lucius Fuller.

The bill was ordered to be read a third time, was read the third time, and passed.

The next business was the bill (S. 8254), granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Josiah Fishback, late of Company B, One hundred and twenty-second Regiment, and Company H, Thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Arney, late of Company C, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar H. Carus, late of Company H, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abdial McKonly, late of Company G, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bariah B. Champlin, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas M. Meritt, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Bobbins, former widow of Frederick W. Kunst, alias William Kunst, late of Companies L and E, First Regiment U. S. Reserve Corps, Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John N. Chase, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The name of Frisby D. Hutchinson, late of Company C, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephus Gorby, late of Company C, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Hull, late principal musician Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Gangwer, late of Company D, First Regiment Pennsylvania Volunteer Infantry, and Battery C, Fifth Regiment U. S. Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Pennington, late of Company D, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Carbino, late of Company G, Sixtieth Regiment New York Volunteer Infantry, and Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Lewis, late of Company H, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Harris, late of Company C, One hundred and twenty-third Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rezin Warfield Hall, late quartermaster-sergeant Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace S. Lowry, late of Company E, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert A. Mears, late of Company C, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Adams, late of Company D, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jasper N. Milliken, late of Company B, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Paul, late of Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Paul, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allyne C. Litchfield, late colonel Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Norris, late of Company D, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles P. Betts, late of Company I, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eldridge S. Lyons, late of Company B, Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel J. Kent, late captain Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Thayer, late of Company K, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rebecca E. Collins, widow of Silas T. Collins, late of Company G, Eighty-sixth Regiment Indiana Volunteer Infantry, and Sixty-seventh Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of John L. Nason, late of Company L, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Stephen H. French, late of Company K, Seventh Regiment Maine Volunteer Infantry, and Company H, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Allbee, late of Company K, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Washington M. Shields, late second lieutenant Company H, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Yates, late of Company G, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson Ramsey, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel D. Knight, late first lieutenant Company D, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lehaven Long, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. McCammon, late of Company H, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Van Tress, late of Company D, Seventy-ninth Regiment Ohio Volunteer Infantry, and Company B, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chester H. Felton, late of Company D, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Eger, late of Company K, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. McCurdy, late of Company E, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. King, late commissary-sergeant Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Wiseman, late of Company D, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Gardner, late of Company H, Ninety-fifth Regiment New York Volunteer Infantry, and Company C, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Gaby, late of Company K, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Robbins, late of Company K, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Robinson, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Austin Gill, late of Company E, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Roberts, late of Company K, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Dengler, late of Company I, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Con Hadley, alias Cornelius Sessions, late of Company C, Eleventh Regiment Kansas Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank E. Howard, late of Companies H and I, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Ash, late of Company D, Second Battalion, Eleventh Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Penn, late of Company C, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley C. Wells, late of Company C, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elmer K. Coppock, helpless and dependent son of Calvin Coppock, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Elisha Sackett, late of Company L, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Barton, late of Company F, Seventy-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse H. Hockett, late of Company K, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Flahart, late of Company I, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clifford A. Lake, late second-class fireman, U. S. S. Iroquois, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Washington Deem, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Richards, late of Company C, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Brown, late of Company C, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Zeek, alias Robert Sick, late of Company I, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Corwin, late of Company K, Sixteenth Regiment Indiana Volunteer Infantry, and Company K, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willard Morris, late of Company E, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Goodwin Y. Atlee, late of Company A, Third Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of Nathan F. Barrett, late sergeant-major, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben C. Philbrick, late of Company K, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza Custis, dependent mother of John W. Custis, late of Company E, Ninth Regiment U. S. Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Baker, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Ray, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Etta Wittich, widow of James F. Wittich, late first lieutenant Company K, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nannie M. Lowe, widow of William Lowe, late of Company G, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Sedley A. Lowd, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and Companies L and A, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Pettengill, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rufus E. Rounds, late of Company D, Maine Volunteer Coast Guards, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John French, late of Company K, Fifth Regiment Maine Volunteer Infantry, and Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma T. Nash, widow of James S. Nash, late captain Company I, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anson Buxton, late of Company E, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rhoda J. Chase, widow of Ira J. Chase, late of Company C, Nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Robert R. Bratton, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Sisson, late of Company F, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Presson, late first lieutenant Company F, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Valentine, late of Company F, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Miers B. Betts, late of Company C, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clark S. Devoe, late of Company H, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Hawkins, late of U. S. S. North Carolina, Racer, and William Bacon, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lyman H. Leach, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Soder, late captain Company F, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Cook, widow of Samuel Cook, late of Company F, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Peter D. Melville, late of Company A, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin Martien, late of Company H, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Tobin, late of Company I, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel McMurry, late of Company C, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. Fitzgerald, late of Company K, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Walker, late of Company K, Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James N. Titus, late first lieutenant Company D, One hundred and fortieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julius J. Kean, late of Company G, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Thornton, late of Battery A, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Evin K. Hegland, alias Evin Knudson, late of Company E, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tollef Olsan Strand, alias Tollef Olsan, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marcellus B. Kent, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Shipley, late of Company C, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rowland Fisher, alias Thomas Smith, late of Troop C, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adelbert Gardner, late of Company H, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Masters, late of Company K, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Solomon S. Kirkpatrick, late of Company A, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McEnany, late of Company G, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nora Davis, former widow of Patrick Forn, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and widow of Charles E. Davis, late of Company D, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John Harper, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann Bacheller, widow of Benjamin P. Bacheller, late of unassigned company, Seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jesse Lee Bacheller the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ann Bacheller the name of the said Jesse Lee Bacheller shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Ann Bacheller.

The name of Charles W. Dinsmore, late of Company D, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marquis D. Lillie, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis Gilstrap, late of Company B, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet A. Kelliher, widow of John Kelliher, late major Twentieth Regiment Massachusetts Volunteer Infantry, and major, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Benjamin F. Simpson, late major Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Ferrel, late of Company D, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eugene S. Austin, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ensign L. Calkins, late of Company G, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Fertig, late second lieutenant Company B, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley Trafford, late of Company H, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Dotter, late of Company K, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The name of Harlon S. Willis, late of Company E, First Regiment U. S. Volunteer Sharpshooters, and pay him a pension at the rate of $12 per month.

The name of Elisha B. Wood, late of Company D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 76. Josiah Fishback;
S. 408. James Arney;
S. 582. Oscar H. Carus;
S. 692. Abdial McKonly;
S. 827. Bariah B. Champlin;
S. 896. Thomas M. Meritt;
S. 1032. Mary Robbins;
S. 1246. John N. Chase;
S. 1281. Frisby D. Hutchinson;
S. 1310. Josephus Gorby;
S. 1350. Samuel E. Hull;
S. 1488. John J. Gangwer;
S. 1623. Henry H. Pennington;
S. 2043. Lewis Carbino;
S. 2091. Daniel Lewis;
S. 2504. Albert Harris;
S. 2609. Rezin Warfield Hall;
S. 2637. Horace S. Lowry;
S. 2701. Robert A. Mears;
S. 2703. Charles Adams;
S. 3594. Jasper N. Milliken;
S. 3603. George Paul;
S. 3652. Charles Paul;
S. 3818. Allyne C. Litchfield;
S. 3913. Joseph Norris;
S. 3949. Charles P. Betts;
S. 4106. Eldridge S. Lyons;
S. 4163. Samuel J. Kent;
S. 4258. George F. Thayer;
S. 4285. Rebecca E. Collins;
S. 4586. John L. Nason;
S. 4875. Stephen H. French;
S. 4929. John H. Allbee;
S. 4998. Washington M. Shields;
S. 5231. James S. Yates;
S. 5270. Jackson Ramsey;
S. 5314. Samuel D. Knight;
S. 5319. Lehaven Long;
S. 5423. John S. McCammon;
S. 5738. Francis M. Van Tress;
S. 5797. Chester H. Felton;
S. 5798. John Eger;
S. 5874. Samuel H. McCurdy;

S. 5881. William J. King;
S. 5923. William H. Wiseman;
S. 5929. Alexander Gardner;
S. 5964. William D. Gaby;
S. 6164. Jeremiah Robbins;
S. 6204. George Robinson;
S. 6317. Austin Gill;
S. 6362. William F. Roberts;
S. 6385. George Dengler;
S. 6401. Con Hadley, alias Cornelius Sessions;
S. 6402. Frank E. Howard;
S. 6483. Edward Ash;
S. 6485. William R. Penn;
S. 6499. Wesley C. Wells;
S. 6514. Elmer K. Coppock;
S. 6517. Elisha Sackett;
S. 6633. William W. Barton;
S. 6671. Jesse H. Hockett;
S. 6678. Benjamin Flahart;
S. 6734. Clifford A. Lake;
S. 6736. Washington Deem;
S. 6745. John W. Richards;
S. 6759. James W. Brown;
S. 6789. Robert Zeek, alias Robert Sick;
S. 6811. Stephen Corwin;
S. 6829. Willard Morris;
S. 6858. Goodwin Y. AtLee;
S. 6965. Nathan F. Barrett;
S. 6977. Reuben C. Philbrick;
S. 6979. Eliza Custis;
S. 7016. George W. Baker;
S. 7024. Reuben Ray;
S. 7026. Mary Etta Wittich;
S. 7149. Nannie M. Lowe;
S. 7161. Sedley A. Lowd;
S. 7163. Benjamin F. Pettengill;
S. 7286. Rufus E. Rounds;
S. 7290. John French;
S. 7291. Emma T. Nash;
S. 7301. Anson Buxton;
S. 7328. Rhoda J. Chase;
S. 7335. Robert R. Bratton;
S. 7352. George W. Sisson;
S. 7355. Harrison Presson;
S. 7367. James H. Valentine;
S. 7392. Miers B. Betts;
S. 7410. Clark S. Devoe;
S. 7413. George W. Hawkins;
S. 7415. Lyman H. Leach;
S. 7416. George Soder;
S. 7418. Elizabeth Cook;
S. 7425. Peter D. Melville;
S. 7433. Edwin Martien;
S. 7457. Henry Tobin;
S. 7458. Samuel McMurry;
S. 7460. James L. Fitzgerald;
S. 7491. Henry C. Walker;
S. 7492. James N. Titus;
S. 7504. Julius J. Kean;
S. 7505. Daniel Thornton;
S. 7508. Evin K. Hegland, alias Evin Knudson;
S. 7530. Tollef Olsan Strand, alias Tollef Olsan;
S. 7536. Marcellus B. Kent;
S. 7537. Andrew J. Shipley;
S. 7542. Rowland Fisher, alias Thomas Smith;
S. 7563. Adelbert Gardner;
S. 7565. George L. Masters;
S. 7582. Solomon S. Kirkpatrick;
S. 7611. James McEnany;
S. 7617. Nora Davis;
S. 7622. John Harper;
S. 7623. Ann Bacheller;
S. 7625. Charles W. Dinsmore;
S. 7646. Marquis D. Lillie;
S. 7649. Louis Gilstrap;
S. 7723. Harriet A. Kelliher;
S. 7728. Benjamin F. Simpson;
S. 7805. William A. Ferrel;
S. 7811. Eugene S. Austin;
S. 7838. Ensign L. Calkins;
S. 7881. George W. Fertig;
S. 7905. Wesley Trafford;
S. 7923. Jeremiah Dotter;
S. 7948. Harlon S. Willis; and
S. 7970. Elisha B. Wood.

The committee amendments were read, as follows:

On page 1 strike out all of lines 11 and 12, and on page 2 all of lines 1 and 2, the beneficiary, James Arney, being dead; also on page 11 strike out all of lines 17, 18, 19, and 20.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The next business was the bill (S. 8422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William T. Johnson, late of Company G, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry T. Powell, late of Company G, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. McKee, late of Company K, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dexter E. Boyden, late of Company G, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Peck, late of Company M, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Blake, late of Company F, First Regiment Vermont Volunteer Cavalry, and Company E, Third Regiment Veteran Reserve Corps, and pay him a pension at the date of $24 per month in lieu of that he is now receiving.

The name of Fannie E. Holden, widow of Giles H. Holden, late captain Company H, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Scott, late of Company D, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Williams, late of Company I, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sarah Martin, former widow of Samuel Harrison, late of Company I, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas Greenley, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Ervin, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Dodd, late of Company H, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Cobb, late of Company H, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Bodkin, late first lieutenant Company I, Forty-sixth Regiment U. S. Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Turner Lacey, late of Company B, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson W. Armstrong, late of Company H, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Conrad, late of Company H, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas S. Wineteer, late of Company C, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip H. Showers, late of Company D, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Elliott, late of Company A, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wyman F. Patten, late of Company F, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James D. Davis, late of Company F, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary M. Ball, widow of John W. Ball, late of Company G, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jacob Mays, late of Company D, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles C. Jones, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caroline Coburn, widow of John Coburn, late colonel Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Robert E. Banks, late first lieutenant Company G, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac H. Isaacs, late of Company B, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Brians, late of Company G, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram B. Lord, late of Company I, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Nowland, late of Company M, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benoni Lewis, late of Company I, Fourth Regiment Rhode Island Volunteer Infantry, and Company I, Seventh Regiment U. S. Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Horr, former widow of Henry K. Geer, late of Company H, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert W. McCullough, jr., late of Company A, First Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles J. Hinds, late of Company D, Second Regiment, and Company G, Tenth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Barber, late of Company F, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. McAllister, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard D. Coonen, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. Wright, late of Company A, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isabella R. Vosburgh, widow of Hiram D. Vosburgh, late assistant surgeon Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of George S. Warren, late of Company H, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eben T. C. Lord, late of Company L, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Weaver, late of Company H, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Pattee, late of Company K, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Washington F. Landers, late of Seventeenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Phelan, late first lieutenant Company B, Seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Calvin Boyer, late of Company B, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Grant, late of Company D, Seventh Regiment Michigan Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank M. Swann, late of Company L, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of 12 per month.

The name of Christian Paul, late of Company G, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Knapp, late of Company A, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur R. Curtis, late lieutenant-colonel Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry D. Parsons, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel D. Hurd, late of Company H, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rodney N. Hall, late first-class musician, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hobert B. Doolittle, late of Company I, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Fox, late of Company A, One hundred and seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melzar E. Beard, late of Company I, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barnum Slocum, late of Company G, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Josiah N. Eastman, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, and Company D, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Freeland O. Andrews, late of Company B, Thirty-second Regiment, and Company B, Thirty-first Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George P. Tucker, late of Company K, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Washburn, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Flanders, late of Company E, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Warren Abbott, late of Company B, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira S. Allen, late of Independent Battalion, Second Regiment Wisconsin Volunteer Infantry, and Company G, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Kirby, late of Company L, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin R. St. John, late first lieutenant Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Son, late of Company I, Ninth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis N. Brokaw, late of Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David C. Crawford, late second lieutenant Company I, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert L. Wilson, late of Company F, and sergeant-major, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin B. Paddock, late of Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melvin P. Miller, late of Company D, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Wingenfield, late of Company I, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Becker, late of Company K, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Berdette M. Sperry, late of Company A, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Baker, late of Troop F, Fourth Regiment U. S. Cavalry, and chief bugler Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Berge Johnson, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Egan, late of Company H, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Richardson, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucius Bigelow, late of Company I, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin M. Haynes, late chaplain Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza Palmer, widow of James J. Palmer, late captain Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Francis I. Gardiner, late of U. S. S. Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha Bridges, late of Company E, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David F. Painter, late of Company F, Fifty-fourth Regiment Indiana Volunteer Infantry, and Fifteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Rankin, late of Company C, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira A. Silvernail, late of Company G, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen T. Landress, late of Company H, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ebenezer Winslow, now known as Eben C. Thomas, late of Company B, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Palmer, late of Company F, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eli W. Wilhite, late of Company F, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel T. Cromwell, late of Company A, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Hazen, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas K. Hastings, late first lieutenant Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Knight, late captain Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Leander Stillwell, late first lieutenant Company D, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen M. Gilley, late of Company G, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emily C. Twitchell, widow of Thomas E. Twitchell, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Almeran A. Stillman, late of Company H, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia F. Darling, widow of George A. Darling, late of Company C, Purnell Legion, Maryland Volunteer Cavalry, and captain Company G, Fifth Regiment U. S. Colored Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Edward E. Houstain, late first lieutenant Company B, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Curl, late of Company I, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann M. Mason, widow of Granville P. Mason, late captain Company B, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Painter, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver S. Adams, late of Companies B and C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra P. Byram, late second lieutenant Company E, Fourteenth Regiment Illinois Volunteer Infantry, and pay him

a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin Potter, late of Company A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Sherman, late of Company G, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander G. Smith, late unassigned, Second Regiment Massachusetts Volunteer Heavy Artillery, and Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 86. William T. Johnson;
S. 710. Henry T. Powell;
S. 1062. John L. McKee;
S. 1169. Dexter E. Boyden;
S. 1607. William W. Peck;
S. 1715. George Blake;
S. 1914. Fannie E. Holden;
S. 2060. William W. Scott;
S. 2477. John N. Williams;
S. 2605. Sarah Martin;
S. 3064. Thomas Greenley;
S. 3191. John W. Ervin;
S. 3195. William H. Dodd;
S. 3221. James W. Cobb;
S. 3306. Henry C. Bodkin;
S. 3334. Turner Lacey;
S. 3520. Nelson W. Armstrong;
S. 3598. William J. Conrad;
S. 3788. Thomas S. Wineteer;
S. 4178. Philip H. Showers;
S. 4198. Henry C. Elliott;
S. 4225. Wyman F. Patten;
S. 4253. James D. Davis;
S. 4523. Mary M. Ball;
S. 4597. Jacob Mays;
S. 4621. Charles C. Jones;
S. 5119. Caroline Coburn.
S. 5244. Robert E. Banks;
S. 5494. Isaac H. Isaacs;
S. 5504. James A. Brians;
S. 5561. Hiram B. Lord;
S. 5567. James P. Nowland;
S. 5803. Benoni Lewis;
S. 6034. Sarah A. Horr;
S. 6170. Robert W. McCullough;
S. 6203. Charles J. Hinds;
S. 6243. James H. McAllister;
S. 6282. Richard D. Coonen;
S. 6395. Joseph L. Wright;
S. 6501. Isabella R. Vosburgh;
S. 6519. George S. Warren;
S. 6570. Eben T. C. Lord;
S. 6651. Francis Weaver;
S. 6680. John A. Pattee;
S. 6735. Washington F. Landers;
S. 6763. Thomas Phelan;
S. 6779. Calvin Boyer;
S. 6785. James A. Grant;
S. 6814. Frank M. Swan;
S. 6827. Christian Paul;
S. 6842. John W. Knapp;
S. 6860. Arthur R. Curtis;
S. 6983. Samuel D. Hurd;
S. 7025. Rodney N. Hall;
S. 7036. Hobert B. Doolittle;
S. 7040. Thomas Fox;
S. 7158. Melzar E. Beard;
S. 7229. Barnum Slocum;
S. 7280. Josiah N. Eastman;
S. 7285. Freeland Q. Andrews;
S. 7295. George P. Tucker;
S. 7300. Henry M. Washburn;
S. 7303. John A. Flanders;
S. 7304. Warren Abbott;
S. 7322. Ira S. Allen;
S. 7323. James Kirby;
S. 7332. Franklin R. St. John;
S. 7333. John W. Son;
S. 7354. Francis N. Brokaw;
S. 7356. David C. Crawford;
S. 7382. Robert L. Wilson;
S. 7383. Edwin B. Paddock;
S. 7385. Melvin P. Miller;
S. 7386. Adam Wingenfield;
S. 7389. George W. Becker;
S. 7397. Berdette M. Sperry;
S. 7409. Charles S. Baker;
S. 7411. Berge Johnson;
S. 7417. John Egan;
S. 7426. William A. Richardson;
S. 7438. Lucius Bigelow;
S. 7440. Edwin M. Haynes;
S. 7453. Eliza Palmer;
S. 7459. Francis I. Gardiner;
S. 7471. Elisha Bridges;
S. 7493. David F. Painter;
S. 7494. Charles H. Rankin;
S. 7512. Ira A. Silvernail;
S. 7517. Allen T. Landress;
S. 7540. Ebenezer Winslow, known as Eben C. Thomas;
S. 7556. George W. Palmer;
S. 7581. Eli W. Wilhite;
S. 7597. Samuel T. Cromwell;
S. 7621. John B. Hazen;
S. 7658. Thomas K. Hastings;
S. 7671. William H. Knight;
S. 7725. Leander Stillwell;
S. 7736. Stephen M. Gilley;
S. 7798 Emily C. Twitchell;
S. 7807. Almeran A. Stillman;
S. 7820. Julia F. Darling;
S. 7837. Edward E. Houstain;
S. 7933. George W. Curl;
S. 7950. Ann M. Mason;
S. 7985. Thomas Painter;
S. 8027. Oliver S. Adams;
S. 8061. Ezra P. Byram;
S. 8077. Edwin Potter;
S. 8081. Charles E. Sherman; and
S. 8082. Alexander G. Smith.

The committee amendments were read, as follows:

On page 7 strike out lines 21, 22, 23, and 24, the beneficiary, Henry M. Barber, having died; also on page 10 strike out lines 16, 17, 18, and 19, the beneficiary, Henry D. Parsons, having died.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

RELATIVE TO THE PRINTING OF THE CENSUS.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to place in the RECORD a letter which I have received from the Public Printer touching upon the ability of the Government Printing Office to print at reasonable prices the census. I think the Members of the House should read this letter, and hence I make this request. I voted against having this printing done at the Government Printing Office, but I think I made a mistake; and thinking so, I requested that information from the Public Printer on the subject, and he sent me this letter. After I had voted I saw something in an article in one of the papers from the Public Printer, or some one, claiming that the information which we had before the House was not as reliable as it should have been, and I telephoned the Public Printer and requested all the information he had, and this is his reply, which I think should be printed in the RECORD for the benefit of Congress.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent for the printing of a letter from the Public Printer relating to the printing of the census. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, February 8, 1909.

SIR: In reply to your inquiry, I have the honor to transmit herewith the following statement:

It is safe to assume that the report that the census printing would cost 55 per cent more if executed in the Government Printing Office than if awarded to private contractors, was based on a statement contained in a letter signed by W. S. Rossiter, chief clerk of the Census Bureau, and addressed to the Hon. CHESTER I. LONG, on January 21, 1909, printed on page 1586, CONGRESSIONAL RECORD, No. 36, of January 28, 1909, alleging that if the Cuban Census Report was printed in the Government Printing Office the cost would be $17,750.52, and that the actual cost for the work now being performed by private contractors was $11,752.57.

The estimated cost of producing the Cuban Census Report at the Government Printing Office is a computation made by Mr. W. S. Rossiter and not by the Government Printing Office or any official connected therewith. On May 26, 1908, an employee in the office of the chief clerk of the Census Bureau inquired of the Government Printing Office by phone as to the probable cost of producing the Cuban census on the basis of 25,000 copies, 620 pages each, including 32 half-tone cuts; and in reply to this inquiry an informal estimate was given by phone of $15,905.60, including everything for the finished product.

The Government Printing Office was never asked for a formal estimate of the cost of producing the Cuban census. On December 14, 1908, Mr. Rossiter asked for an estimate of the cost of producing the Cuban census, on the basis of 20,000 copies, 708 pages each, size trimmed 6 inches by 9 inches, stock for books and illustrations to be supplied by his office, including 26 full page half-tones, of which 12 were printed on both sides, making a total of 14 inserts; books to be bound in full Holliston buckram. In response to this inquiry, Mr. Rossiter was furnished with an estimate of $12,957.20; to this estimate he added $4,117.48 for the actual cost of paper, $276.04 for the cost of illustrations, $400 for alterations actually required in completing book, five hundred hours at 80 cents, making a total of $17,750.52, which he quotes in his letter to Senator LONG, above referred to, as the estimated cost of producing the Cuban census at the Government Printing Office.

The basis on which this estimate was obtained is erroneous, and the resultant estimate unfair and misleading. A desire to procure an estimate fair to the Government Printing Office on the cost of producing a book already in print, as was the Cuban Census Report on December 14, 1908, would have prompted an inquirer actuated by a desire to be fair to have submitted a copy of the book itself.

Mr. Rossiter has done the Government Printing Office further injustice in his invidious comparison, in which he states that the actual cost of producing the Cuban Census Report by private contractors was $11,752.57 and the estimated cost of producing the same work at the Government Printing Office was $17,750.52. In making this comparison Mr. Rossiter knew that the $11,752.57 did not include the cost of paper. He also knew that it did not include the cost of $500 for traveling expenses, nor did it include the item of $100 for freight; and he must have known that the figures quoted as the estimate for the Government Printing Office, viz, $17,750.52, did include the cost of paper, estimated by him as $4,117.48; and cost of illustrations, $276.04 (overestimate); and the item of $400 "for alterations actually required in completing the book;" from which total estimate Mr. Rossiter has since been magnanimous enough to deduct $126 overestimate by him on the cost of illustrations.

After drawing his tabular comparison, Mr. Rossiter states, "from this you will perceive that a total expenditure of $14,540.14 to private contractors has produced work of an entirely satisfactory and, indeed,

excellent character, which would have cost $22,654.79 if produced in the Government Printing Office, an excess of 55 per cent." Mr. Rossiter has quoted $4,117.48 as the cost of paper, which, added to $11,752.57, and $600 for traveling expenses and freight, shows a total cost of the production of the Cuban Census as $16,470.05. A copy of the Cuban Census Report has been procured by this office, and the Government Printing Office estimate for producing this work, based on the present scale of prices, including the cost of the same paper as used in the work is $16,367.06, $102.99 less than the total cost of producing the work by private contractors, and this includes 32 inserts as compared with 14 inserts, as the Government Printing Office does not print two plates on one sheet, according to Mr. Rossiter's figures.

I desire to say further, that based on the present scale of charges used by the Government Printing Office, had the Cuban Census Report been produced in the Government Printing Office and printed on the same quality of paper as is used on all census bulletins and publications, it would have cost $13,949.02, representing a saving of $2,501.03 to the Census Bureau over the cost of having the work produced by private contractors; and in this connection attention should be given to the fact that the scale of prices as charged by the Government Printing Office includes the element of wages 50 per cent higher than that paid by the private contractors, and it is not a fair assumption that because the private contractors in this instance were able to produce this comparatively small job at such low figures as is claimed for them, that the entire work of reports of the Thirteenth Census, consisting of 8 volumes of 1,200 pages each could be produced as cheaply. It is unthinkable that this great work can be farmed out and peddled around to country shops or low-wage binderies and results obtained which would be satisfactory to the Government.

I consider it my duty, however, to call your attention to the following statement from the Director of the Census which, appears on the same page of the CONGRESSIONAL RECORD:

"In addition to the question of cost there is also the very important question of expedition. The pending bill requires that the Thirteenth Census shall be compiled and published within two years from the date of the enumeration. Here again the matter is entirely beyond the control of the Director, unless some latitude is given. The copy for the current census report upon the annual mortality statistics, almost entirely tabular matter, consisting of over 500 pages, was sent to the Public Printer more than one month ago, and the office is still awaiting the proofs for some of this report. It has been explained, in response to frequent inquiry, that the Printing Office is much crowded with tabular matter, and that the Census Office must take its turn with the rest, and that delays, especially when Congress is in session, are inevitable. If delays are to occur in handling the Thirteenth Census, similar to those now encountered in the mortality report, and in other reports, it will be impossible to comply with the provisions above quoted, requiring publication within two years. Necessarily, the printing of the final volumes must be largely crowded into the last months of the last year of the census period, when Congress will be in session."

In reply to this unwarranted reflection upon the ability of the Government Printing Office to perform the census work, I submit the following statement:

The first installment of copy of 160 folios was received in the Government Printing Office on November 17, 1908. The tracing folios had to be placed on this copy by the copy editors. Composition was started on November 28, 1908 (a Sunday and a holiday intervened). Additional copy was received on December 2, 3, and 5, but the last installment of copy was not delivered to the Government Printing Office until December 18, 1908.

The first proofs were sent to the Census Office on December 9, 1908, and these proofs were not returned to the Government Printing Office until January 22, 1909. Proofs were sent to the Census Bureau by the Government Printing Office on December 15, 22, 23, 28, and 29, and January 8 and 9; and on January 11 composition was completed and the last proofs delivered to the Census Bureau. In thirty-two working days 314 long galleys were put in type and sent to the Census Bureau.

The Census Bureau returned some proofs to the Government Printing Office on January 15, 1909, or one week after the Director of the Census wrote his complaint to Senator LONG. The proofs of the first galleys were not returned to this office until January 22, 1909.

On January 22 the last galleys, 210 in number, were received. Page proofs were sent to the Census Bureau as follows:

	Pages.
January 28	1 to 80
February 1	81 to 149
February 2	150 to 215
February 3	216 to 251
February 4	252 to 342
February 5	343 to 381
February 6	382 to 476
February 8	477 to 526

which includes the last page. None of the said page proofs have been returned up to the present, except 1–80, just received.

The Public Printer has never been requested to submit an estimate of the cost of printing the Thirteenth Census.

In conclusion, I respectfully call your attention to my letter, dated January 25, 1909, addressed to the Hon. E. D. CRUMPACKER, which is found on page 1586, CONGRESSIONAL RECORD, No. 36, of January 28, 1909, reading as follows:

"I have the honor to transmit for your consideration the following statement relative to the printing of the Thirteenth Census:

"The plant of the Government Printing Office includes 79 linotype (type-setting) machines, 162 monotype keyboards, and 124 monotype casting machines. The monotype machines are especially adapted to the work of setting tabular matter. The major portion of the composition for the census reports consists of tabular matter. With this large plant of monotype machines, I have no hesitancy in saying that the census work can be handled promptly, satisfactorily, and economically from the standpoint of the Census Bureau as well as of the Government Printing Office.

"The regular work of the Government is not of sufficient volume to require the use of the entire plant of monotype machines, and the Public Printer who purchased the equipment must necessarily have had in mind its utilization in producing the reports of the United States Census Bureau. A proper return to the Government from this investment in machines can not be had unless the volume of tabular matter supplied to this office is greatly increased.

"The equipment of the binding and press-room divisions is adequate to perform expeditiously, satisfactorily, and economically the reports of the Census Bureau in addition to the regular run of Government work.

"A census report page contains 10,000 ems of tabular matter. The output of a monotype caster is about 4,800 ems per hour. We have equipment sufficient to turn out 128 pages per day in addition to the current work of the office. I confidently make the statement that the Government Printing Office can perform the printing of the census reports more expeditiously than any other office, or combination of offices, in the United States.

"If the Census Office will furnish its copy as regularly and edited in the same manner that it will be compelled to edit if sent to contracting printers, the cost of the census work can be materially reduced below the standard price of 80 cents per thousand ems (single price). By proper editing of the copy proof changes can be avoided, the cost of proof reading minimized, and the quantity of killed matter greatly reduced. The cost of producing the census work in this office depends upon the extent to which the Government Printing Office and the Census Bureau cooperate and work in harmony. I assure you that I will, with my assistants, exert every possible effort to bring about the much-desired cooperative relation, and, when this is accomplished, I am positive that the cost of composition will not exceed $12 per page of six-point tabular matter, and may possibly be brought below that amount.

"The Government Printing Office is now experiencing difficulty in securing the services of competent machine operators to perform the extra work of Congress. We can only retain the services of highly skilled mechanics by providing them with continuous employment. Men of this class will not leave permanent positions to accept temporary employment in the Government Printing Office during the sessions of Congress, and unless the maximum volume of work possible be held by the Government to be performed in its own thoroughly equipped plant it will be impossible for the Public Printer to keep intact a working force of skilled mechanics sufficient to properly handle the work of the so-called 'rush season.'

"In view of the ample equipment of the Government Printing Office, I certainly consider the establishment of any additional branch offices to be noneconomical.

"All of which is respectfully submitted."

Respectfully,
SAM'L B. DONNELLY,
Public Printer.

Hon. JOHN WESLEY GAINES, M. C.,
House of Representatives, Washington, D. C.

PENSIONS TO SOLDIERS AND SAILORS OF CIVIL WAR.

The next business was the bill (H. R. 27974) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James Watson, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Black, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Jones, late of U. S. S. Princeton, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel W. Dissinger, late of Company A, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas O'Reilly, late of Company C, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James Pyke, late of Company E, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Youngs, late of Company K, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Bird, late of Company F, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James O. Neal, late of Company C, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matilda B. M. Higgins, widow of Robert H. Higgins, late captain Company D, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Heman N. Payne, late of Company A, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Galbraith, late captain Company I, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob P. Lichty, late of Company H, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. James, late of Company D, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Potter, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emanuel T. Leib, late of Company E, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Rollins, widow of Edward P. Rollins, late of Company A, Fifth Battalion District of Columbia Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry M. Hutchinson, late of Company C, Fortieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rebecca J. Bridge, widow of James N. Bridge, late of Batteries B and E, West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Henry Kennedy, late of Company K, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marshall Dick, late of Company D, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel J. Miller, late of Company C, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marsh Smith, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James Cheffer, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Louis G. Forbes, late of Company L, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Z. Younger, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Walter, late of Company A, Second Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon Deardeuff, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Locke, late of Company B, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Metz, late of Company D, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen B. Bartow, late of Company E, Fourteenth Regiment New York State Militia Infantry, and Company H, Fifth Regiment New York Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael W. Cahill, late of Fourteenth Battery Massachusetts Volunteer Light Artillery, and Ordnance Detachment, U. S. Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leander Buttermore, late of Company A, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret E. Cole, widow of Charles G. Cole, late of Company C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month, the same to be paid under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Kinchen L. Terry, late of Company K, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas F. Alexander, late captain Company F, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon Stroud, late of Company A, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Heisley, late hospital chaplain, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Payne, late of Company F, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily C. Bigham, widow of Joseph Bigham, late of Company E, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of James M. Craig, late of Company H, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Kearney, former widow of Isaac N. Buxton, late of Company B, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Levi Mitchell, late of Company A, Fifty-eighth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Thorp, late of Company M, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Gray, helpless and dependent child of William H. Gray, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Alexander Monroe, late of Company F, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Bascue, late of Company I, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Jackley, late of Companies K and A, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Jones, late of Company B, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Rumsey, late of Company E, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frank Ringler, late of Company A, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George M. Smith, late of Company A, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cephas Applebee, late of Company M, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John D. Lloyd, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Lukecart, late of Company A, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Fields, late of Company B, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lyman Beers, late of Company D, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Taylor, late of Company F, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry F. Potter, late captain Company B, Twelfth Regiment U. S. Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Snow, late of Company C, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Houtz, late of Company D, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Minsel, late of Company D, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin H. Sullinger, late of Company E, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron B. Myers, late of Company F, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David C. Coleman, late of Company F, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jabez J. Randall, alias George J. Palmer, late of Company H, Twenty-fourth Regiment New York Volunteer Cavalry, and Company L, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Jay, late of Company F, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of May A. Price, widow of Daniel K. Price, late captain Company G, Fifty-eighth Regiment New York National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of Alvy A. Courtright, late of Company E, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James A. Jones, late of Company L, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Scott, late of Company E, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Barker, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel A. Geiger, late of Company L, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. McElravy, late of Company B, and captain Company F, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James C. Dill, late of Company B, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James F. Watson, late of Company K, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace W. Brown, late of Companies M and H, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah B. Kennamer, widow of John B. Kennamer, late captain John B. Kennamer's company, Alabama Scouts and Guides, and pay her a pension at the rate of $12 per month.

The name of Levi Getz, late of Company F, One hundred and seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter McHugh, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, and Company F, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Elvin, widow of John Elvin, late of Company K, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hiram Cornish, late of Company I, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Linnett, late of Captain Burdsal's independent company, Ohio Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Andreas Hirlinger, late of Company E, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harold I. Wood, late of Company K, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Jesse, late of Company G, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Brunker, late second lieutenant Company K, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Light, late of Company A, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Hazle, late of Company E, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward O. Hammond, late of Company B, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Casterline Williams, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Russell, late of Company G, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Randolph James, late of Company A, Twelfth Regiment Missouri State Militia Cavalry, and Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward B. Varney, late of Company D, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elsie Kimberly, widow of Curtis P. Kimberly, late of Company C, Fourth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Philip A. Dexter, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Hendley, late of Company A, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sherman G. Johnson, helpless and dependent child of Simon P. Johnson, late of Company I, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Emma Moffett, widow of John A. Moffett, late of Companies K and D, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Andrew H. Allard, late of Company C, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert A. Secord, late of Company I, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almon Sparling, late of Company B, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ernest Buse, late of Company F, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin Shelmadine, late of Company B, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry B. Thomas, helpless and dependent child of Jones B. Thomas, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ransom Quimby, late of Company F, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Vincent, late of Company A, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles O'Donnell, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Ackerly, late of Company A, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Billow, late of Company C, Fourth Regiment, and Company H, Fifth Regiment, U. S. Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas B. Card, late of Company C, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Herriman, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha J. Newton, widow of Talton Newton, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alice V. Barber, widow of Robert Barber, late first lieutenant and adjutant, Second Regiment New York Veteran Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Zansy Ann McAuliffe, widow of Robert P. McAuliffe, late of Company C, First Regiment Nevada Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harriett Paden, former widow of Thomas N. Lowry, late of Company B, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Reigle, late of Company D, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Le Duc, late lieutenant-colonel and quartermaster, United States Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Seth Barrows, late of Company F, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert H. Jenkins, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Utter, widow of Thomas D. Utter, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David Holt, late of Company K, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Nutting, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram H. Hettler, late of Company E, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Dodge, late of Company B, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah A. Foley, widow of Michael Foley, alias Thomas McGuire, late of U. S. S. Fear Not, Nyanza, and Aroostook, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Peter Connor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gardner L. Chace, late of Company B, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milo Porter, late of Companies F and E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Wesley Wilson, late of Company C, Forty-eighth Battalion Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Dempsey, late of Company G, Eighteenth Regiment New York Volunteer Infantry, and Company H, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bedheimer, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Brown, late of Company K, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry G. Seaman, late acting ensign, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Emberton, late of Compay B, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy Sullivan, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George W. Nash, late of Company H, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles K. Weedon, late of Company E, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Shaffer, late of Company F, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert A. Hamilton, late of Company A, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Frank, late of Company C, Thirtieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Truman H. Bucklin, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Blaisdell, late of Company C, Battalion Engineers, U. S. Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore F. Looker, alias William Johnson, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian H. Mann, late of Company I, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses Baldwin, late of Company A, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry L. Smith, late of Company L, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Smith, late of Company L, Fourth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Adolph Bayler, late of Company A, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Sexton, late of Stokes's independent battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Bolan, late of Company H, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Kenney, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius Hare, late of Company A, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Hatcher, late of Company L, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra W. Myers, late of Company E, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jefferson Worster, late of Company C, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Minnich, late of Company E, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Weingartner, late of Company C, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma J. Winward, widow of Edwin Winward, late of Company B, Fifth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andrew P. Webber, late of Company G, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anthony Ciesielskie, late of Company L, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion S. Day, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Spice, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Fuller, late of Company C, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company B, First Regiment

Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Everett, late of Company E, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of John D. Oakley, late of Company G, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Torbenson, late of Company C, Hatch's independent battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucinda A. Hughes, widow of Joseph W. Hughes, late of Company D, Eighth Regiment U. S. Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Edwin B. Foy, late of Company K, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Jacobs, late of Company K, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George McMillin, late of Company K, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Chamberlain, late of Company I, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank A. Hoyt, late of Company A, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Highbarger, late of Company A, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arthur Wilson, late of Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver Raplee, late of Company I, Thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. F. Lovell, late of Company D, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Keating, late of Company M, Ninth Regiment, and Company M, Second Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Miller, late of Company C, One hundred and first Regiment, and Company G, Eighteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael G. Kauffmann, late of Company A, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Moore, late of Companies D and E, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Kelly, late of United States Marine Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Nutt, late captain Company D, and lieutenant-colonel Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James D. Place, late of Company F, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Wade, late of Company A, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willis B. Blackwell, late of Company H, One hundred and thirty-eighth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Coleman D. Benton, late captain Company B, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Cullin, late second lieutenant Company G, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Hardy, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira A. Wood, late of Company D, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Garrett, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Schlorff, late of Company B, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Graham, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Hamlin F. Eaton, late first lieutenant, Fourth Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Hornbeck, late of Company B, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Sylvanus L. Hanscom, late of Company F, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ansil B. Chapin, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The name of William H. Sumption, late first lieutenant Company E, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Nelson, late of Company D, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Amanda Ferrero, widow of Edward Ferrero, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Henry E. Buckingham, late of Company K, Twenty-third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel F. Johnson, late of Company A, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1044. James Watson;
H. R. 1164. Samuel Black;
H. R. 1246. John Jones;
H. R. 1714. Samuel W. Dissinger;
H. R. 2229. Thomas O'Reilly;
H. R. 2782. James Pyke;
H. R. 2926. William M. Youngs;
H. R. 4296. James B. Bird;
H. R. 4698. James O. Neal;
H. R. 6691. Matilda B. M. Higgins;
H. R. 6775. Heman N. Payne;
H. R. 6912. James H. Galbraith;
H. R. 7023. Jacob P. Lichty;
H. R. 7942. George A. James;
H. R. 8438. James W. Potter;
H. R. 9058. Emanuel T. Leib;
H. R. 9531. Elizabeth Rollins;
H. R. 9992. Henry M. Hutchinson;
H. R. 10600. Rebecca J. Bridge;
H. R. 10672. Henry Kennedy;
H. R. 11989. Marshall Dick;
H. R. 12730. Daniel J. Miller;
H. R. 12958. Marsh Smith;
H. R. 13497. James Cheffer;
H. R. 13626. Louis G. Forbes;
H. R. 13891. David Z. Younger;
H. R. 13929. James A. Walter;
H. R. 13993. Simon Deardeuff;
H. R. 14304. William C. Locke;
H. R. 15271. George Metz;
H. R. 16892. Stephen B. Bartow;
H. R. 17061. Michael W. Cahill;
H. R. 17065. Leander Buttermore;
H. R. 17341. Margaret E. Cole;
H. R. 17782. Kinchen L. Terry;
H. R. 18281. Thomas F. Alexander;
H. R. 18549. Simon Stroud;
H. R. 18908. Charles W. Heisley;
H. R. 19290. George W. Payne;
H. R. 19511. Emily C. Bigham;
H. R. 20227. James M. Craig;
H. R. 20398. Elizabeth Kearney;
H. R. 20484. Levi Mitchell;
H. R. 20532. Charles Thorp;
H. R. 20551. William H. Gray;
H. R. 21063. Alexander Monroe;
H. R. 21416. William H. Bascue;
H. R. 21542. Jacob Jackley;
H. R. 21576. Richard Jones;
H. R. 21703. James B. Rumsey;
H. R. 21940. Frank Ringler;
H. R. 21977. George M. Smith;
H. R. 22044. Cephas Applebee;
H. R. 22120. John D. Lloyd;
H. R. 22364. John Lukecart;
H. R. 22520. Eli Fields;
H. R. 22623. Lyman Beers;
H. R. 22691. James B. Taylor;
H. R. 22829. Henry F. Potter;
H. R. 22919. James Snow;
H. R. 22921. John B. Houtz;
H. R. 22922. Adam Minsel;
H. R. 22953. Franklin H. Sullinger;
H. R. 22967. Aaron B. Myers;
H. R. 23104. David C. Coleman;
H. R. 23141. Jabez J. Randall;
H. R. 23207. William H. Jay;
H. R. 23219. May A. Price;
H. R. 23273. Alvy A. Courtright;
H. R. 23314. James A. Jones;
H. R. 23330. John W. Scott;
H. R. 23406. Levi Barker;
H. R. 23413. Daniel A. Geiger;
H. R. 23446. James W. McElravy;
H. R. 23488. James C. Dill;
H. R. 23515. James F. Watson;
H. R. 23694. Horace W. Brown;
H. R. 23698. Sarah B. Kennamer;
H. R. 23931. Levi Getz;
H. R. 23957. Peter McHugh;
H. R. 23998. Jane Elvin;
H. R. 24026. Hiram Cornish;
H. R. 24078. James Linnett;
H. R. 24081. Andreas Hirlinger;
H. R. 24376. Harold I. Wood;
H. R. 24422. James W. Jesse;
H. R. 24445. Thomas Brunker;
H. R. 24533. George W. Light;
H. R. 24662. Samuel Hazle;
H. R. 24683. Edward O. Hammond;
H. R. 24697. Casterline Williams;
H. R. 24740. George W. Russell;
H. R. 24744. Randolph James;
H. R. 24867. Edward B. Varney;
H. R. 24924. Elsie Kimberly;
H. R. 25068. Philip A. Dexter;
H. R. 25085. John H. Hendley;
H. R. 25185. Sherman G. Johnson;
H. R. 25198. Emma Moffett;
H. R. 25216. Andrew H. Allard;
H. R. 25309. Albert A. Secord;
H. R. 25346. Almon Sparling;
H. R. 25362. Ernest Buse;

H. R. 25419. Edwin Shelmadine;
H. R. 25443. Henry B. Thomas;
H. R. 25511. Ransom Quimby;
H. R. 25524. William Vincent;
H. R. 25525. Charles O'Donnell;
H. R. 25580. George W. Ackerly;
H. R. 25625. Henry A. Billow;
H. R. 25673. Silas B. Card;
H. R. 25700. John S. Herriman;
H. R. 25704. Martha J. Newton;
H. R. 25720. Alice V. Barber;
H. R. 25746. Zaney Ann McAuliffe;
H. R. 25765. Harriett Paden;
H. R. 25788. William Reigle;
H. R. 25858. William G. Le Duc;
H. R. 25869. Seth Barrows;
H. R. 25900. Albert H. Jenkins;
H. R. 25921. Mary J. Utter;
H. R. 25985. David Holt;
H. R. 26004. Daniel W. Nutting;
H. R. 26030. Hiram H. Hettler;
H. R. 26046. Alfred Dodge;
H. R. 26117. Sarah A. Foley;
H. R. 26162. Peter Connor;
H. R. 26164. Gardner L. Chace;
H. R. 26165. Milo Porter;
H. R. 26174. John Wesley Wilson;
H. R. 26178. John Dempsey;
H. R. 26179. John Bedheimer;
H. R. 26182. James B. Brown;
H. R. 26192. Henry G. Seaman;
H. R. 26235. John T. Emberton;
H. R. 26249. Timothy Sullivan;
H. R. 26250. George W. Nash;
H. R. 26263. Charles K. Weedon;
H. R. 26264. John Shaffer;
H. R. 26358. Robert A. Hamilton;
H. R. 26367. George H. Frank;
H. R. 26368. Truman H. Bucklin;
H. R. 26407. John W. Blaisdell;
H. R. 26423. Theodore F. Looker;
H. R. 26517. Christian H. Mann;
H. R. 26518. Moses Baldwin;
H. R. 26552. Henry L. Smith;
H. R. 26586. William Smith;
H. R. 26592. Adolph Bayler;
H. R. 26637. Joseph M. Sexton;
H. R. 26638. Thomas Bolan;
H. R. 26639. Michael Kenney;
H. R. 26656. Cornelius Hare;
H. R. 26699. David Hatcher;
H. R. 26757. Ezra W. Myers;
H. R. 26867. Jefferson Worster;
H. R. 26868. Samuel Minnich;
H. R. 26874. Jacob Weingartner;
H. R. 26876. Emma J. Winward;
H. R. 26904. Andrew P. Webber;
H. R. 26939. Anthony Ciesielskie;
H. R. 26946. Marion S. Day;
H. R. 26960. Francis Fuller;
H. R. 26996. Charles M. Everett;
H. R. 26997. John D. Oakley;
H. R. 27099. John Torbenson;
H. R. 27105. Lucinda A. Hughes;
H. R. 27116. Edwin B. Foy;
H. R. 27122. Henry Jacobs;
H. R. 27165. George McMillin;
H. R. 27213. John N. Chamberlin;
H. R. 27215. Frank A. Hoyt;
H. R. 27217. Alfred Highbarger;
H. R. 27222. Arthur Wilson;
H. R. 27237. Oliver Raplee;
H. R. 27254. James E. F. Lovell;
H. R. 27292. Patrick Keating;
H. R. 27333. John R. Miller;
H. R. 27352. Michael G. Kauffmann;
H. R. 27354. John C. Moore;
H. R. 27356. Thomas Kelly;
H. R. 27358. William Nutt;
H. R. 27375. James D. Place;
H. R. 27379. George W. Wade;
H. R. 27407. Willis B. Blackwell;
H. R. 27411. Coleman D. Benton;
H. R. 27415. Thomas Cullin;
H. R. 27445. William Hardy;
H. R. 27446. Ira A. Wood;
H. R. 27455. William Garrett;
H. R. 27456. Charles F. Schlorff;
H. R. 27461. James Graham;
H. R. 27468. Hamlin F. Eaton;
H. R. 27485. Benjamin Hornbeck;
H. R. 27486. Sylvanus L. Hanscom;
H. R. 27509. Ansil B. Chapin;
H. R. 27521. William H. Sumption;
H. R. 27571. Robert Nelson;
H. R. 27573. Amanda Ferrero;
H. R. 27590. Henry E. Buckingham; and
H. R. 27817. Samuel F. Johnson.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 8898) granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Isaac F. Jewett, late of Company D, Sixteenth Regiment Maine Volunteer Infantry, and Company C, Tenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Finsley, late of Company C, Fifth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rodolph Crandall, late of Company A, First Battalion Nebraska Volunteer Cavalry, and captain Company L, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Bush, late of Company C, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Lohr, late of Company K, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Langley, late major Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Burst, late first lieutenant Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Crawford, late of Company I, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James T. Kent, late of U. S. S. Huntress, Mississippi River Squadron, U. S. Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Haines, late of Company K, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac A. Arnold, late second lieutenant and first lieutenant Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Windle, late of Company C, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel West, late first lieutenant and adjutant Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lauren Mullin, late of Company K, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. McKain, late of Company I, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert A. McNutt, late of Company K, One hundred and seventy-seventh Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Manson, late of Company B, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Womersley, late of Sixteenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas D. Osborne, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George D. Smith, late of Company K, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lois M. Price, widow of Albert C. Price, late of Company G, Thirty-seventh Regiment New York State Militia Infantry, and pay her a pension at the rate of $12 per month.

The name of William C. George, late of Company D, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac N. Van Pelt, late of Company I, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred A. Gambill, late of Company A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert W. Brewster, late first lieutenant and adjutant, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Pascoe, late of U. S. S. Constitution, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arthur Ruble, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Swarthout, late of Company K, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Passler, alias John Kropston, late of Company A, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. McAllister, late first lieutenant Company B, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham W. Howard, late of Company G, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac H. Sprague, late of Company C, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Hanson, late of Company A, Second Regiment, and Company G, Sixth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Cook, late of Company I, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Tilton, late of Company H, Ninety-second Regiment, and Company G, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison J. Case, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert B. Longstaff, late of Company A, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Rundlett, late of Company D, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Bernard, late of Company B, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick E. Sebastian, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alvin W. Bunnell, late of Company B, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Perkins, late of Company H, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Schang, late of Company C, Tenth Regiment New York Volunteer Cavalry, and Company C, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Condo, late of Company I, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Florence Haggerty, late of Company E, Ninety-ninth Regiment New York National Guard Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles N. Baker, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Ackley, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Luman M. Grout, late of Company D, Ninth Regiment U. S. Infantry, war with Mexico, and major, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis L. Knapp, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry K. Haskell, late of Company F, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard R. Davies, late of Company H, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcus Daniels, late of Company D, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Menor, late of Company I, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Washburn, late of Company G, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph D. Holt, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis Sims, late captain Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert E. Huff, late of Company G, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert B. Mills, late of Company H, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley Hoover, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Irena Brown, widow of James W. Brown, late of Companies F and D, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John P. Bastian, late of Company K, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin B. Brewster, late of Company D, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin E. Chase, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joel E. Cox, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Bassett, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Long, late of Company I, Fourth Regiment Illinois Volunteer Cavalry, and U. S. S. Cairo, New Era, and Clara Dolsen, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel L. Shannon, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susannah M. Magee, widow of Dennis Magee, late of Company C, Second Battalion, District of Columbia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Theophilus K. Harman, late of Company H, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Boon, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Renard, alias Charles A. Douglas, late of Troop D, Fifth Regiment U. S. Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Robinson, late of Company G, Fifth Regiment, and Company F, Thirtieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Shrewsbury, widow of Joel L. Shrewsbury, late of Company E, Enterprise Home Guards, Fourth Regiment, Second Brigade, Indiana Legion, and pay her a pension at the rate of $12 per month.

The name of James S. Davis, late of Company L, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Bernhard, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Stoddard, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Stewart, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Martin, late of Company B, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Taylor, late of Company I, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Napoleon B. Bowker, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The name of Virginia L. Caldwell, widow of Charles T. Caldwell, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William M. Clapp, late of Company G, Fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Darius S. Sanborn, late of Company D, Maine Volunteer Coast Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Deneen, late of Company G, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward J. Golden, late of Company L, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Safford, late of Battery B, Fifth Regiment U. S. Artillery, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

The name of Erwin C. Watkins, late captain and assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Buswell, late of Company B, Seventh Regiment Minnesota Volunteer Infantry, and first lieutenant and adjutant Sixty-eighth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Gardner, late of Company B, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Adams, late captain Company F, Thirty-fourth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Hayward, widow of William H. Hayward, late of Company H, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Entwistle, late of Company D, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen R. B. Morrill, widow of Ezekiel Morrill, late assistant surgeon, Thirteenth Regiment New Hampshire Volunteer Infantry, and surgeon First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Daniel M. White, late of Company E, First Regiment New Hampshire Volunteer Cavalry, and major and assistant inspector-general second division, Fourth Army Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rebecca W. Carroll, former widow of Enoch Lurvey, jr., late of Company H, Fourth Regiment Maine Volunteer Infantry, and United States Navy, and pay her a pension at the rate of $12 per month

Also the following committee amendments:

On page 2, in line 22, strike out the word "fifty," and insert in lieu thereof the word "sixty." This rate of $60, which is an increase of the pension of John W. Burst (S. 1588) from $40 per month now granted to him by the Pension Bureau, is deemed justified by reason of the officer's condition, it being shown that he is a complete mental and physical wreck.

Also, on page 5, in line 17, after the word "thirty," insert the word "six." This is the case of Alfred A. Gambill (S. 4894), whose physical condition, as described in the report accompanying the bill, leads your committee to the conclusion that a rating of $36 instead of $30 per month should obtain.

Also, on page 16, in line 11, strike out the word "twenty-four," and insert in lieu thereof the word "thirty." This is the case of George W. Buswell (S. 8589). The long and honorable services of the officer, together with his present deplorable condition, lead the committee to recommend a rating of $30 per month.

This bill is a substitute for the following Senate bills referred to said committee:

S. 10. Isaac F. Jewett;
S. 203. William Finsley;
S. 957. Rodolph Crandall;
S. 1271. James S. Bush;
S. 1380. Henry Lohr;
S. 1536. John F. Langley;
S. 1588. John W. Burst;
S. 1591. John C. Crawford;
S. 1600. James T. Kent;
S. 1718. William Haines;
S. 2702. Isaac A. Arnold;
S. 3015. William F. Windle;
S. 3327. Samuel West;
S. 3330. Lauren Mullin;
S. 3608. James M. McKain;

S. 3614. Robert A. McNutt;
S. 3739. William H. Manson;
S. 3820. John Womersley;
S. 4031. Thomas D. Osborne;
S. 7324. George D. Smith;
S. 4119. Lois M. Price;
S. 4416. William C. George;
S. 4652. Isaac N. Van Pelt;
S. 4894. Alfred A. Gambill;
S. 5235. Albert W. Brewster;
S. 5574. Richard Pascoe;
S. 5580. Arthur Ruble;
S. 5884. Joseph Swarthout;
S. 6194. William Passier, alias John Kropston;
S. 6283. George W. McAllister;
S. 6379. Abraham W. Howard;
S. 6419. Isaac H. Sprague;
S. 6481. Charles Hanson;
S. 6518. George F. Cook;
S. 6712. George W. Tilton;
S. 6834. Harrison J. Case;
S. 6945. Robert B. Longstaff;
S. 6992. James R. Rundlett;
S. 7063. William Bernard;
S. 7124. Frederick E. Sebastian;
S. 7190. Alvin W. Bunnell;
S. 7198. James M. Perkins;
S. 7222. Peter Schang;
S. 7227. William Condo;
S. 7317. Florence Haggerty;
S. 7419. Charles N. Baker;
S. 7432. John Ackley;
S. 7439. Luman M. Grout;
S. 7442. Francis L. Knapp;
S. 7455. Henry K. Haskell;
S. 7507. Richard R. Davis;
S. 7525. Marcus Daniels;
S. 7526. William A. Menor;
S. 7533. Henry C. Washburn;
S. 7539. Joseph D. Holt;
S. 7566. Lewis Sims;
S. 7603. Robert E. Huff;
S. 7642. Robert B. Mills;
S. 7662. Wesley Hoover;
S. 7703. Irena Brown;
S. 7704. John P. Bastian;
S. 7715. Edwin B. Brewster;
S. 7722. Edwin E. Chase;
S. 7735. Joel E. Cox;
S. 7749. Charles H. Bassett;
S. 7831. Martin Long;
S. 7931. Samuel L. Shannon;
S. 8010. Susannah M. Magee;
S. 8019. Theophilus K. Harman;
S. 8193. Albert Boon;
S. 8198. William J. Rénard, alias Charles A. Douglas;
S. 8283. Stephen Robinson;
S. 8287. Mary E. Shrewsbury;
S. 8290. James S. Davis;
S. 8291. William Bernhard;
S. 8292. George W. Stoddard;
S. 8330. Thomas B. Stewart;
S. 8390. John Martin;
S. 8393. Samuel J. Taylor;
S. 8402. Napoleon B. Bowker;
S. 8426. Virginia L. Caldwell;
S. 8452. William M. Clapp;
S. 8455. Darius S. Sanborn;
S. 8472. John Deneen;
S. 8501. Edward J. Golden;
S. 8536. William S. Safford;
S. 8584. Erwin C. Watkins;
S. 8589. George W. Buswell;
S. 8630. William J. Gardner;
S. 8631. Mary A. Hayward;
S. 8632. John M. Adams;
S. 8663. Thomas Entwistle;
S. 8664. Ellen R. B. Morrill;
S. 8665. Daniel M. White; and
S. 8714. Rebecca W. Carroll.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 28046) granting pensions and increase of pensions to soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Turner Bartley, late second lieutenant Company H, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William F. Russell, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Sisson, late of Company M, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emulus M. Dearborn, late of Fourth Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Davidson, late of Company C, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac D. Hamilton, late of Company A, Sixth Regiment, and Company F, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John Davis, late of First Battery, Kansas Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miles B. Baswell, late of Twenty-fifth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Durham, late of Company K, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George B. Hall, late of Company F, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Lee, late of Company C, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Williamson, late of Company K, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew T. Brewer, late of Company K, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Squire Smith, late of Company E, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan Foreman, late of Company B, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachary T. Lyons, late of Company A, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George A. Currier, late of Company G, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Zimmerman, alias Charles Seeman, late of Company A, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Madison B. Butler, late of Company L, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Suver, late of Company A, Fortieth Regiment, and Company K, Fifty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David C. Damron, late of Company E, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas W. Traber, late of Company G, First Regiment, Company E, Twenty-first Regiment, and Company F, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Carroll, late of Company A, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac P. Force, late of Company K, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Huff, late of Company K, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Keller, late of Company A, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Macbeth, late of Company A, Sixth Regiment, and Company F, Seventh Regiment, New York State Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of John Smith, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Loucks, jr., late of Company G, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Anderson, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram M. Stacey, late first lieutenant Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Curtis W. Brown, late of Company C, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Schortz, late of Company B, First Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Margaret Ann Fay, widow of John Fay, late of Company F, Fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Franklin Granger, late of Company E, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace A. Vail, late of Company C, First Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. McRaven, late of Company E, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Sanders, late of Company K, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Wood, late of Company I, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Lamb, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Knauss, late first lieutenant Company B, One hundred and seventy-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Skillen, late of Company G, One hundred and forty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lyman Blowers, late of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Ewert, former widow of Louis Droege, late of Company A, One hundred and sixty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Christian Wendling, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orlando Van Buren, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Letteer, late of Company H, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Neugebauer, late of Company E, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Chartier, late of Company D, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maggie Crane, helpless and dependent child of Isaac D. Crane, late of Company A, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James A. Sutton, late of Company H, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Prosser, late of Company E, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas S. Lovett, late of Company H, One hundred and thirty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ida M. Holmes, widow of Philip W. Holmes, late of Company G, Thirteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Michael Doran, late of Company D, Second Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Frost, late of Companies L and C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Potter, late of Company C, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick J. Conkey, helpless and dependent child of William J. Conkey, late of Company E, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of George M. Austin, late of Company E, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Shoffner, late of Company A, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob J. Bohner, late of Company C, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James McClellan, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Kiger, jr., late of Company A, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Wolfe, late unassigned, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of John T. Darr, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George M. Patterson, late of Company F, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Harvey Hilton, late of Company A, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin R. Hunt, late of Company H, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel C. Boswell, late of Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herbert A. Ballou, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles H. Stinchfield, late captain Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Roger A. Sprague, late of Company B, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James N. Iliff, late of Company F, Third Regiment, and Company F, Second Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Q. Barnum, late of Company C, Fifteenth Regiment New York Volunteer Cavalry, and Company C, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Smith, late of Company C, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles M. Bailey, late of Company E, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Z. Malcolm, alias James F. Malone, late of Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas L. Waldeck, late of Company D, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philander R. Baldwin, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Mills, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Fraser, late of Company B, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James N. Kirk, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry E. Smith, late of Company F, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Black, late of Company D, Twelfth Regiment Pennsylvania Volunteer Infantry, and Company H, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Martin, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Cox, jr., late of Company A, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Viers, former widow of John Reich, late of Company F, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alfred Rumsey, late of Troop K, Sixth Regiment U. S. Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet E. Rice, widow of James Q. Rice, late major, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lewis Fish, late of Company C, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $15 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Thomas Hutchison, late of Company B, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Jane Smith, widow of Girdin Smith, late of Company H, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of either Frank W. Smith or Earle S. Smith, helpless and dependent sons of said Girdin Smith, this pension shall be reduced to $20 per month from and after the date of death of either of said children, and in the event of the death of both of said children this pension shall be reduced to $12 per month from and after the date of death of the last surviving child: *And provided further*, That in the event of the death of Mary Jane Smith, the names of said Frank W. Smith and Earle S. Smith shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month each, from and after the date of death of said Mary Jane Smith.

The name of Nicholas O. Bower, late of Company G, Fifth Regiment Michigan Volunteer Infantry, and Company F, Eighteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George E. Hall, late first lieutenant Company D, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martin J. Cole, late of Company H, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin R. Walston, helpless and dependent child of Amos Walston, late of Companies F and B, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Francis M. Vedder, late of Company C, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Elder, late of Companies H and K, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary Kelaher, dependent mother of James J. Kelaher, late of Military Academy Detachment of Cavalry, U. S. Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Langley, late of Company I, Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James T. Scott, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caleb S. Hicks, late of Company G, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph D. Brown, late of Company B, One hundred and sixtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo Parmalee, late of Company C, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Lashure, late of Company K, Twenty-ninth Regiment, and Company K, Fourteenth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo M. Varney, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Trumble, late of Company F, Sixteenth Regiment, and Company K, Sixth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen Martin, late of Capt. S. C. Smith's independent company, Acting Engineers, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. G. Meadows, late of U. S. S. North Carolina and Commodore Hull, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia McPhail, widow of Perry McPhail, late of Company G, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Luella McPhail, helpless and dependent daughter of said Perry McPhail, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia McPhail, the name of said Luella McPhail shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Julia McPhail.

The name of Charles W. Charter, late of Company E, One hundred and forty-second Regiment Illinois Volunteer Infantry, and Company M, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Norben Arterburn, late of Company H, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Rowe, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Lichty, late of Companies L and F, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah R. Jones, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Blake, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1149. Turner Bartley;
H. R. 2161. William F. Russell;
H. R. 2172. Charles F. Sisson;
H. R. 2638. Emulus M. Dearborn;
H. R. 3181. James H. Davidson;
H. R. 5358. Isaac D. Hamilton;
H. R. 7199. John Davis;
H. R. 7929. Miles B. Baswell;
H. R. 8006. John M. Durham;
H. R. 8087. George B. Hall;
H. R. 8096. Benjamin F. Lee;
H. R. 10799. Thomas W. Williamson;
H. R. 11411. Andrew T. Brewer;
H. R. 11616. Squire Smith;
H. R. 12235. Nathan Foreman;
H. R. 13252. Zachary T. Lyons;
H. R. 13306. George A. Currier;
H. R. 14256. Charles Zimmerman;
H. R. 15182. Madison B. Butler;
H. R. 18218. Jeremiah Suver;
H. R. 18407. David C. Damron;
H. R. 18964. Silas W. Traber;
H. R. 20096. George W. Carroll;
H. R. 20359. Isaac P. Force;
H. R. 20607. John P. Huff;
H. R. 20660. Charles A. Keller;
H. R. 20673. William Macbeth;
H. R. 21277. John Smith;
H. R. 21325. Henry Loucks, jr.;
H. R. 21523. William Anderson;
H. R. 21862. Hiram M. Stacey;
H. R. 21974. Curtis W. Brown;
H. R. 22388. Charles Schortz;
H. R. 22417. Margaret Ann Fay;
H. R. 22625. Franklin Granger;
H. R. 22630. Horace A. Vail;
H. R. 22747. Benjamin F. McRaven;
H. R. 22791. Thomas J. Sanders;
H. R. 23030. Charles Wood;
H. R. 23092. John W. Lamb;
H. R. 23415. Daniel Knauss;
H. R. 23502. William Skillen;
H. R. 23572. Lyman Blowers;
H. R. 23795. Elizabeth Ewert;
H. R. 24071. Christian Wendling;
H. R. 24079. Orlando Van Buren;
H. R. 24085. Samuel Letteer;
H. R. 24120. John Neugebauer;
H. R. 24173. Joseph Chartier;
H. R. 24176. Maggie Crane;
H. R. 24245. James A. Sutton;
H. R. 24317. Josiah Prosser;
H. R. 24625. Nicholas S. Lovett;
H. R. 24750. Ida M. Holmes;
H. R. 24805. Michael Doran;
H. R. 24934. John Frost;
H. R. 24958. Amos Potter;
H. R. 25098. Frederick J. Conkey;
H. R. 25218. George M. Austin;
H. R. 25458. Michael Shoffner;
H. R. 25583. Jacob J. Bohner;
H. R. 25600. James McClellan;
H. R. 25672. John Kiger, jr.;
H. R. 25708. Charles T. Wolfe;
H. R. 25777. John T. Darr;
H. R. 25904. George M. Patterson;
H. R. 25959. Harvey Hilton;
H. R. 25960. Edwin R. Hunt;
H. R. 26003. Daniel C. Boswell;
H. R. 26009. Herbert A. Ballou;
H. R. 26036. Charles H. Stinchfield;
H. R. 26134. Roger A. Sprague;
H. R. 26357. James N. Iliff;
H. R. 26378. John Q. Barnum;
H. R. 26522. Joseph Smith;
H. R. 26582. Charles M. Bailey;
H. R. 26678. John E. Z. Malcolm;
H. R. 26679. Thomas L. Waldeck;
H. R. 26700. Philander R. Baldwin;
H. R. 26756. John M. Mills;
H. R. 26801. James P. Fraser;
H. R. 26942. James N. Kirk;
H. R. 26947. Henry E. Smith;
H. R. 27006. George F. Black;
H. R. 27012. John M. Martin;
H. R. 27024. John Cox, jr.;
H. R. 27085. Mary A. Viers;
H. R. 27095. Alfred Rumsey;
H. R. 27101. Harriet E. Rice;
H. R. 27257. Lewis Fish;
H. R. 27260. Thomas Hutchison;
H. R. 27263. Mary Jane Smith;
H. R. 27270. Nicholas O. Bower;
H. R. 27301. George E. Hall;
H. R. 27302. Martin J. Cole;
H. R. 27374. Edwin R. Walston;
H. R. 27396. Francis M. Vedder;
H. R. 27408. William M. Elder;
H. R. 27436. Mary Kelaher;
H. R. 27453. John H. Langley;
H. R. 27458. James T. Scott;
H. R. 27502. Caleb S. Hicks;
H. R. 27560. Joseph D. Brown;
H. R. 27565. Alonzo Parmalee;
H. R. 27592. George Lashure;
H. R. 27593. Alonzo M. Varney;
H. R. 27654. Edward Trumble;
H. R. 27663. Allen Martin;
H. R. 27675. John H. G. Meadows;
H. R. 27797. Julia McPhail;
H. R. 27812. Charles W. Charter;
H. R. 27835. Norben Arterburn;
H. R. 27875. George W. Rowe;
H. R. 27877. William W. Lichty;
H. R. 27946. Jeremiah R. Jones; and
H. R. 27964. George W. Blake.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The next business on the Private Calendar was the bill H. R. 28047, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Richard H. Atkinson, late captain Company F, Third Regiment Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter De Moss, late of Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Edward Johnson, dependent father of Stirl Johnson, late of Company F, Eighteenth Regiment U. S. Infantry, and pay him a pension at the rate of $12 per month.

The name of George W. Newman, late of Twenty-eighth Battery Indiana Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $10 per month.

The name of William E. Anderson, late of Company A, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

The name of Lemuel G. Meade, late of Company I, Second Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Jason L. Alford, of Captain Wright's mounted company, No. 1 special battalion Smith's Florida Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Richard Smith, late of Capt. Abel George's Company B, Second Regiment Oregon Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Allen Demarer, late of Company I, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Andrew J. Sturgill, late of U. S. S. Prairie, United States Navy.

The name of John P. Bloodworth, late of Company D, Third Regiment U. S. Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Francis M. Townsend, late of Capt. William H. Kendrick's independent company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The names of Mabel E. Hasty and Edwin E. Hasty, minor children of Elmer H. Hasty, late of Company K, Twenty-first Regiment U. S. Infantry.

The name of Howard Boling, late of Company E, Thirty-sixth Regiment U. S. Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Swain, late of Company E, First Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of John S. LaFleur, late of Company F, Eighth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Minnie Landers, widow of Alexander H. Landers, late of Company M, Third Regiment Illinois Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the two minor children of said Alexander H. Landers until they reach the age of 16 years.

The name of Jackson T. Mygatt, late of Company K, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward Kerns, late of Company M, Second Regiment Ohio Volunteer Infantry, war with Spain.

The name of John H. Gray, late of Company A, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Martha Rebecca Young, helpless child of Benjamin H. Young, late of Captain Broadnax's company, Alabama Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month.

The name of Annie T. McLaughlin, widow of James F. McLaughlin, late of Company D, Ninth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said James F. McLaughlin until he reaches the age of 16 years.

The name of Frank A. Meier, late of Company M, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of August J. Sunden, late of Company A, Fifth Regiment U. S. Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Andrew S. Hicks, late of Companies B and C, Battalion United States Engineers, war with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Christopher Williams, late of Hospital Corps, U. S. Army, and pay him a pension at the rate of $12 per month.

The name of Helen D. Rogers, widow of William W. Rogers, late captain, Ninth Regiment U. S. Infantry, and pay her a pension at the rate $30 per month in lieu of that she is now receiving.

The name of Howard Farrell, late of Troop B, Eighth Regiment U. S. Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frederick C. Thruelsen, late of U. S. S. Texas and Prairie, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marten J. Boatwright, who served as Martin Boatright, late of Captain Quattlebaum's company, South Carolina Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George T. Keith, late of Company C, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Bayard Fern, late of Company E, Eighteenth Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Hans Hansen, late of Capt. Lyman L. Stevens's company, Col. George A. Smith's Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $8 per month.

The name of Annie L. Benton, widow of John L. Benton, late of Captain Reedy's company, South Carolina Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William A. Knipshield, late of Company A, First Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles Brock, late of Company I, Fifth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of William H. Regan, late of Company I, Second Regiment Mississippi Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Patrick Collins, late of Company D, Second Regiment U. S. Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Elise Boettcher, widow of Edward Boettcher, late of U. S. S. Cushing and Vermont, United States Navy, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Edward Boettcher until he reaches the age of 16 years.

The name of Wilbur Van Houten, late of Company B, Second Regiment New Jersey Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of William Walker Scott, late of Troop A, Ninth Regiment U. S. Cavalry, and pay him a pension at the rate of $46 per month.

The name of Bedy Wheeler, widow of James F. Wheeler, late of Company K, First Regiment Texas Volunteer Rifles, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Charles Wilson, late of Troop G, Tenth Regiment U. S. Cavalry, and pay him a pension at the rate of $20 per month.

The name of George A. Ritchey, late of Company C, Third Regiment Missouri Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry E. Wood, late of Company K, Third Regiment U. S. Infantry, and pay him a pension at the rate of $16 per month.

The name of Thomas S. Barnett, late of Captain Bourland's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Oliver C. Searcy, late of Capt. J. S. Ford's first and second companies, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Philip H. Yelton, late of Capt. James Bourland's second company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Thomas S. Butler, late of Capt. William Tom's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Leroy F. Roberts, late of William Tom's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George B. Ely, late of Capt. J. H. Brown's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Samuel J. P. McDowell, late of Capt. Nat Benton's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Griffin Tinney, late of Capt. W. R. Henry's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Thomas J. Eanes, late of Capt. John S. Ford's second company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William McComb, late of Capt. P. H. Rogers's company, Mounted Battalion, Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Merrywether W. Blackburn, late of Capt. John S. Ford's second company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Thaddeus P. Sparks, late of Capt. J. H. Brown's first detachment, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James F. Bandy, late of Capt. William G. Preston's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William A. Pitts, late of Capt. McCulloch's company of Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William C. Shaw, late of Capt. J. H. Conner's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of David C. Burleson, late of Capt. James H. Callahan's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Frederick Willie, late of Capt. John S. Ford's second company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Wilson W. Bebout, late of Capt. John S. Ford's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James L. Pogue, late of Capt. James H. Callahan's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Frederic A. Kirk, late of Capt. J. S. Ford's first and second companies, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Joseph D. Parish, late of Capt. J. S. Ford's first company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Algon E. Cole, late of Company B, First Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of William Banks, late of Capt. William M. Allred's company, Nauvoo Legion, Utah Volunteer Infantry, Utah Indian war, and pay him a pension at the rate of $8 per month.

The name of Horace B. Case, late of Company A, Nineteenth Regiment U. S. Infantry, and pay him a pension at the rate of $12 per month.

The name of Enoch B. Phelps, late of Capt. William H. Kendrick's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Joseph E. Walter, late of Troop G, Second Regiment U. S. Dragoons, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James Hutchens, late of Companies E and F, Second Regiment U. S. Dragoons, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William J. McGreevy, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, war with Spain.

The name of Lydia H. Morris, widow of Louis M. Morris, late first lieutenant Company E, Twentieth Regiment U. S. Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Martha A. Turner, widow of Asa L. Turner, late unassigned recruit, Second Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Sanford Brown, late of Capt. William R. Henry's Company C, Mounted Battalion, Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Lucinda M. McDonald, widow of Andrew J. McDonald, late of Capt. T. Bradley's company, Tennessee Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Kate G. Bengless, widow of John D. Bengless, late chaplain, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she in now receiving.

Mr. DRAPER submitted the following amendment:

Page 2, line 20, strike out "numbered" and insert "number."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

This bill is a substitute for the following House bills referred to said committee:

H. R. 6476. Richard H. Atkin;
H. R. 8104. Peter De Moss;
H. R. 10656. Edward Johnson;
H. R. 12633. George W. Newman;
H. R. 13751. William E. Anderson;
H. R. 13979. Lemuel G. Meade;
H. R. 15802. Jason L. Alford;
H. R. 16029. Richard Smith;
H. R. 19987. Allen Demarer;
H. R. 20271. Andrew J. Sturgill;
H. R. 21329. John P. Bloodworth;
H. R. 21340. Francis M. Townsend;
H. R. 22341. Mabel E. and Edwin E. Hasty;
H. R. 22497. Howard Boling;
H. R. 22500. Charles S. Swain;
H. R. 22533. John S. LaFleur;
H. R. 22580. Minnie Landers;
H. R. 22832. Jackson T. Mygatt;
H. R. 22954. Edward Kerns;
H. R. 23052. John H. Gray;
H. R. 23229. Martha Rebecca Young;
H. R. 23359. Annie T. McLaughlin;
H. R. 23774. Frank A. Meier;
H. R. 23819. August J. Sunden;
H. R. 23834. Andrew S. Hicks;
H. R. 23837. Christopher Williams;

H. R. 23881. Helen D. Rogers;
H. R. 24063. Howard Farrell;
H. R. 24220. Frederick C. Thruelsen
H. R. 24291. Marten J. Boatwright;
H. R. 24357. George T. Keith;
H. R. 24407. Bayard Fern;
H. R. 24409. Hans Hansen;
H. R. 24467. Annie L. Benton;
H. R. 24608. William A. Knipshield;
H. R. 24610. Charles Brock;
H. R. 24869. William H. Regan;
H. R. 25018. Patrick Collins;
H. R. 25086. Elise Boettcher;
H. R. 25278. Wilbur Van Houten;
H. R. 25373. William Walker Scott;
H. R. 25465. Bedy Wheeler;
H. R. 25536. Charles Wilson;
H. R. 25611. George A. Ritchey;
H. R. 25718. Harry E. Wood;
H. R. 26090. Thomas S. Barnett;
H. R. 26092. Oliver C. Searcy;
H. R. 26093. Philip H. Yelton;
H. R. 26094. Thomas S. Butler;
H. R. 26096. Leroy F. Roberts;
H. R. 26098. George B. Ely;
H. R. 26100. Samuel J. P. McDowell;
H. R. 26102. Griffin Tinney;
H. R. 26103. Thomas J. Eanes;
H. R. 26104. William McComb;
H. R. 26105. Merrywether W. Blackburn;
H. R. 26107. Thaddeus P. Sparks;
H. R. 26108. James F. Bandy;
H. R. 26110. William A. Pitts;
H. R. 26111. William C. Shaw;
H. R. 26113. David C. Burleson;
H. R. 26114. Frederick Willie;
H. R. 26115. Wilson W. Bebout;
H. R. 26408. James L. Pogue;
H. R. 26409. Frederic A. Kirk;
H. R. 26410. Joseph D. Parish;
H. R. 26635. Algon E. Cole;
H. R. 26795. William Banks;
H. R. 26982. Horace B. Case;
H. R. 27043. Enoch B. Phelps;
H. R. 27075. Joseph E. Walter;
H. R. 27083. James Hutchens;
H. R. 27138. William J. McGreevy;
H. R. 27267. Lydia H. Morris;
H. R. 27269. Martha A. Turner;
H. R. 27444. Sanford Brown;
H. R. 27500. Lucinda M. McDonald; and
H. R. 27630. Kate G. Bengless.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 8629) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Betsy Anderson, widow of Peter Anderson, late of Company H, Fifteenth Regiment U. S. Infantry, and pay her a pension at the rate of $12 per month.

The name of Morton R. Perry, late of Company L, Sixteenth Regiment U. S. Infantry, and pay him a pension at the rate of $12 per month.

The name of James G. Hannard, late of Company E, Seventeenth Regiment U. S. Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John L. Johnson, late of Company A, Second Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry W. Bershon, late of Company G, Twelfth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Franklin Presley, late of Company A, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George A. Sorrels, late of Company C, Second Regiment U. S. Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Helen L. Seymour, widow of Isaac Knight Seymour, late lieutenant-commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jesse Tyre, late of Capt. Joseph J. Knight's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Harry H. Short, late of Company B, Two hundred and second Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Brown, late of Capt. W. S. Buckley's Company K, Ninth Regiment Oregon Militia, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James Dixon, late of Captain Willard's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Joseph Andrew, late of Capt. Robert Mickler's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Eugene Wessinger, late of Company B, Eleventh Regiment U. S. Infantry, and pay him a pension at the rate of $12 per month.

The name of Barnard Klein, late of Company I, First Regiment North Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emilie Le Barbier Crofton, widow of William M. Crofton, late first lieutenant and captain First Regiment U. S. Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said William M. Crofton until he reaches the age of 16 years.

The name of Henry B. Wallis, late of Capt. M. H. Glasscock's company, Alabama Volunteers, Cherokee Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to said committee:

S. 412. Betsy Anderson;
S. 2867. Morton R. Perry;
S. 3061. James G. Hannard;
S. 5992. John L. Johnson;
S. 6310. Harry W. Bershon;
S. 6298. Franklin Presley;
S. 6730. George A. Sorrels;
S. 7017. Helen L. Seymour;
S. 7275. Jesse Tyre;
S. 7318. Harry H. Short;
S. 7578. James Brown;
S. 7761. James Dixon;
S. 7762. Joseph Andrew;
S. 7768. Eugene Wessinger;
S. 8013. Barnard Klein;
S. 8049. Emilie Le Barbier Crofton; and
S. 8431. Henry B. Wallis.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was read the third time and passed.

The next business on the Private Calendar was the bill S. 8899, granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Clara J. Sitton, widow of Felix G. Sitton, late of Company H, First Regiment Doniphan's Missouri Mounted Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Caloway G. Tucker, late of Company C, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Stewart, late of Company I, Eighth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Alanza A. Bailey, late of Battery A, Wyoming Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Caroline Oliver, widow of Edward Oliver, late of Captain Parker's Company A, Iowa Dragoon Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Prudencio Ortagus, late of Captain Mickler's independent company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Benjamin B. Turner, late of Capt. Thomas Ledwith's company, Florida Militia, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

Also the following committee amendment:

On page 1 strike out all of lines 10, 11, 12, and 13, the case of Caloway G. Tucker (S. 4844).

This bill is a substitute for the following Senate bills referred to said committee:

S. 4477. Clara J. Sitton;
S. 4844. Caloway G. Tucker;
S. 5257. Thomas B. Stewart;
S. 7803. Alanza A. Bailey;
S. 8281. Caroline Oliver;
S. 8633. Prudencio Ortagus; and
S. 8634. Benjamin B. Turner.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

JACKSON ADKINS.

The next business on the Private Calendar was the bill H. R. 27419, to repeal the act of June 29, 1906, granting a pension to Jackson Adkins.

The Clerk read as follows:

Be it enacted, etc., That the act approved June 29, 1906, entitled "An act granting a pension to Jackson Adkins," be, and the same is hereby, repealed.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the several bills were passed was laid upon the table.

INDIAN APPROPRIATION BILL.

Mr. MARSHALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 26916)

making appropriation for the maintenance of the Indian Department.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26916, a bill making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, with Mr. LAWRENCE in the chair.

Mr. MARSHALL. Mr. Chairman, I yield thirty minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, early in this session the gentleman from Illinois [Mr. RAINEY] introduced a resolution of inquiry to investigate the transfer of the Panama Canal to the United States Government, and the method of payment therefor. Again, on the 26th and 29th of January, he made two speeches in support of his position, and made charges against certain gentlemen.

At that time I charged him with getting much of his material from a well-known source, the New York World, to which he made the following answer:

> I desire to say, in the most emphatic manner, I never have received from the New York World, or from any other newspaper in all the world, the slightest assistance in the investigations I have made, and they have furnished me with none of these documents I put in the RECORD; nor have they furnished me with the slightest information that enabled me to obtain any of them.

I again assert that the gentleman got much of his material from the New York World, and I propose to show this by the gentleman's own admission, made in the New York World October 23, 1908, wherein Mr. RAINEY, the New York World, and certain leaders of the Democratic party entered into an agreement to carry the matter to Congress.

Either the gentleman has forgotten this agreement, and the statement he made in the World of October 23, or he was very careless of speech.

Let me read a clipping from the New York World of October 23, 1908:

> PANAMA AFFAIRS TO GO BEFORE CONGRESS—DEMOCRATS REACH AGREEMENT TO ASK FOR PROBE OF DEAL UNCOVERED BY THE WORLD.
>
> (Special to the World.)
>
> CHICAGO, *October 22.*
>
> An investigation of the sale of the Panama Canal will be demanded by the Democrats when Congress convenes in December. Under an agreement reached by Democratic leaders to-day, Representative HENRY T. RAINEY, of Illinois, will, on the first day of the session, introduce a resolution calling for the appointment of a special committee to investigate the matter.

Mind you, entered into an agreement with leaders of the Democratic party.

> Mr. RAINEY said that a resolution of this character would be privileged. This, he thinks, will bring the matter before the House in such a way that it can not be pigeonholed, even if the Republicans should make the attempt.
>
> "I expect to make it my principal business next session," said Mr. RAINEY. "I have no doubt the investigation will go through, even if it hits men in the highest official positions.
>
> "The New York World has done the public a great service, and now the public should be taken into the confidence of the administration and made fully acquainted with all details of the transaction by which $40,000,000 was paid out of the United States Treasury. This is no private affair——

Mr. DOUGLAS. Are you still quoting from Mr. RAINEY's statement?

Mr. LOVERING. I am still quoting from Mr. RAINEY's statement:

> "And the people of the country have a right to demand the facts.
>
> "I am sorry the President's letter to Senator KNOX did not clear up the mystery surrounding the Panama Canal deal. He ought to be able to tell whether or not his brother-in-law, Douglas Robinson, and the brother of the Republican candidate were interested in the American syndicate which succeeded in getting control of the securities of the Panama Canal Company just before the Nicaragua route was mysteriously abandoned."

This is from the New York World of that date, which thus quotes Mr. RAINEY as a part of the same report and, it seems to me, connects Mr. RAINEY absolutely and directly with the New York World; and certainly when he commends the New York World for letting light in upon the situation he admits that his information comes from that source.

Now, Mr. Chairman, what are the facts? It may be that the New York World did not originate all of the scandalous stories that are published in its columns, but its columns were open to them, and this much we do know—that the World did give circulation to them. The perpetrators of these false statements are known, and the story of their doings reveals a chapter in the history of blackmailing that is rare in the annals of crime. Yes, these gentlemen are known, their names are known, their aliases are known, their haunts are known, and their plans are known.

Mr. BURLESON. Will the gentleman object to stating who they are?

Mr. LOVERING. At the proper time. I am laboring under some embarrassment because my friend from Illinois is not present.

Mr. BURLESON. Did you notify him that you were going to make your address?

Mr. LOVERING. Personally, no.

I want to say that these men have been run down and brought to book; and it turns out that some of them have been convicted of criminal offenses and stand a good chance of going to the penitentiary. Whether the gentleman from Illinois——

Mr. SHACKLEFORD. The gentleman will not object, if it is a matter of record, to state who these ex-convicts are whom he alleges are doing this?

Mr. LOVERING. I will say to the gentleman that before long they may be produced in court, and for that reason I will not state their names here. Their names have been brought before the grand jury of New York and the grand jury in Washington.

Mr. SHACKLEFORD. Will the gentleman state how he got his information as to the names?

Mr. LOVERING. At the proper time I will.

Mr. SHACKLEFORD. Will the gentleman state to the House how he is in possession of the facts that were brought out before the grand jury, and how does he know who will be indicted and will be brought for trial?

Mr. LOVERING. I did not say that. Certain gentlemen who have been named in the House have made statements before the grand juries, as has been stated in the public press.

Mr. SHACKLEFORD. About these gentlemen whom you say will soon be languishing in dungeons or returned to the penitentiary, how does the gentleman from Massachusetts say he got possession of the secrets of the grand-jury room?

Mr. LOVERING. I am not in possession of the secrets of the grand jury.

Mr. SHACKLEFORD. How does the gentleman know that these gentlemen are to be indicted and tried?

Mr. LOVERING. Will the gentleman wait a few moments?

Mr. GAINES of Tennessee. I will ask the gentleman if he is not a warm personal friend of Mr. Cromwell?

Mr. LOVERING. Yes.

Mr. GAINES of Tennessee. I just wanted to know.

Mr. SHACKLEFORD. Does the gentleman from Massachusetts happen to be a client of Mr. Cromwell?

Mr. LOVERING. Personally, no.

Mr. SHACKLEFORD. Have you been?

Mr. LOVERING. No.

Mr. SHACKLEFORD. Never?

Mr. LOVERING. No.

Mr. SHACKLEFORD. Are you a member of any corporation who has hired him as its counsel?

Mr. LOVERING. Yes.

Mr. SHACKLEFORD. How many times?

Mr. LOVERING. Once.

Mr. SHACKLEFORD. How long has he been counsel of that corporation?

Mr. LOVERING. I am not here to answer categorical questions as before a court——

Mr. SHACKLEFORD. I recognize this is not a grand jury.

Mr. LOVERING (continuing). And I decline to answer.

Mr. SHACKLEFORD. If it is any embarrassment to the gentleman, I will not ask him any further questions.

Mr. LOVERING. It is not embarrassing, but I do not think it necessary to answer these personal questions at this time.

Now, either the gentleman from Illinois has been made a victim or he is too willing to asperse the fair names of such honorable gentlemen as Mr. C. P. Taft, Mr. Douglas Robinson, Mr. William Nelson Cromwell, Mr. Roger L. Farnham, Mr. William S. Harvey, and several others.

I have mentioned no names except the name of Mr. RAINEY in the House. These other names have been mentioned in the House and in the papers.

Mr. GAINES of Tennessee. May I not ask my friend if he will not defer the conclusion of his speech until we can get Mr. RAINEY? We have sent for him. We want to get him here, and it is to get him here that I make this request.

Mr. LOVERING. Will the gentleman be here within a short time?

Mr. WILLETT. He was here on the floor not long ago.

Mr. BURLESON. As soon as the gentleman started we sent for Mr. RAINEY. Some one else will take the floor.

Mr. LOVERING. I will yield back my time, understanding that I may go on later.

Mr. STEPHENS of Texas. Mr. Chairman, I will yield to the gentleman from Missouri [Mr. RUSSELL] thirty minutes.

Mr. RUSSELL of Missouri. Mr. Chairman, if it is permissible to do so, I would like to ask in the outset permission to extend my remarks so as to incorporate such authorities as I may refer to and not read.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. Mr. Chairman, the James River Dam bill, of which I was the author and which was recently vetoed by the President, is now pending before the Committee on Interstate and Foreign Commerce, and I am informed that it will probably not be reported back to the House for its action at this session. That being true, I feel that it is only just to myself and to my constituents, at whose instance and request I introduced the bill, that I should be heard briefly upon its merits and upon the questions involved in that character of legislation. I introduced it after first satisfying myself that all of my constituents living along and near the James River desired me to do so and after the Missouri state legislature had by a unanimous vote passed a joint and concurrent resolution, a copy of which I now hold in my hand, requesting Congress to enact such legislation.

I desire to read and include with my remarks an editorial upon this bill and the veto message from the Taney County Republican, which clearly expresses the opinion and feelings of the citizens of that section who are most interested in the proposed legislation, as follows:

The presidential veto of the bill permitting the utilization of the waters of James River is meeting much hostile criticism in this section, as it indicates the attitude of the administration on all similar bills, and so points to what would be done to the White River proposition. The Republican has nothing to criticise, so far as the principle upon which the President bases his action is concerned. It does criticise basing such action upon the assumption that the upper reaches of White River and James River are navigable streams. Not only are they are not navigable streams, but they will never be made such. In the interest of the southwest section of the State in particular, with rich resources of mineral and timber and wonderful adaptability to fruit raising, all lying dormant for lack of power and the transportation which the utilization of the river to generate power would soon bring to her doors, the Republican would like to see Congress pass the James River bill over the presidential veto. This section, in spite of its great resources and possibilities, is poor and the burden of taxation for local purposes heavy. Such conditions will remain until development of our dormant possibilities produces property values to help bear the burden. It does not seem to us to be just to this section to take action, the necessary result of which will be to retard its material progress and keep it tagging in the rear, while other sections in the East and South have become wealthy and prosperous by the unhampered use of their water powers to create energy. We have resources which will make of Taney and adjacent counties a region of great industrial activity and wealth, and the one thing needed and essential to bring about this consummation is cheap power and transportation. Without it we remain much in our present status for many years to come.

The bill as introduced by me was amended by the Committee on Interstate and Foreign Commerce to conform to its views, after which it was favorably reported to the House by the unanimous vote of that committee, and after full explanation of its provisions and its purposes, it was passed by this House at the last session of Congress by a unanimous vote. Soon afterwards the President made known his objections to that character of legislation, and indicated that he would not sign any more bills of that kind. This bill was then pending in the Senate, and the emphatic protest of the President not only delayed action upon it at that session of Congress, but led to a careful investigation of the legal questions involved by the Senate Committee on Commerce, which is composed of some of the ablest statesmen and lawyers in that body, among them Senators FRYE, NELSON, STONE, MCLAURIN, and CLARKE of Arkansas.

Mr. FLOYD. Will the gentleman yield?

Mr. RUSSELL of Missouri. I will yield to the gentleman from Arkansas.

Mr. FLOYD. I will ask the gentleman if the amendment made by the committee was not in effect to make the gentleman's bill conform in all respects to the general law passed in 1906, regulating dams across navigable streams?

Mr. RUSSELL of Missouri. It was; and I will include with my remarks a copy of my bill showing that it was to be subject to the general law, which provided that the proposed dam should be constructed under the direction of the engineers of the War Department, and gives the Government the right to discontinue the dam at any time it may be necessary to use the water for the purposes of navigation.

Mr. FLOYD. Is it not provided in the general law that the Government may require the corporation or person obtaining the franchise to put in a lock or dam, or allow them to put in a lock or a dam whenever they deem it necessary for the purposes of navigation on the stream?

Mr. RUSSELL of Missouri. Absolutely so. The Government, under this bill, would have perfect and full control of the water for the purposes of navigation, and that, I contend, is the only interest the Government has in any navigable stream.

After the President's objections were perfectly understood, the entire committee recommended its passage, and it was at this session of Congress passed by a unanimous vote of the Senate, but has since failed to meet with the approval of the Chief Executive.

Mr. Chairman, it is not my purpose to criticise the President of the United States. It would be unbecoming in me as an humble Member of this House, even if I had the disposition to do so, but I have no such disposition. The President in his consideration of the bill treated me with kindness and courtesy. He invited me to see him before he finally determined what action he would take, and after hearing my statement of the facts in relation to James River, he said, in substance, that probably this bill, if it stood alone, might be meritorious and deserve his approval, but that such legislation was against his policy, and to sign it would be a bad precedent. I desire to say most respectfully that in my opinion the President is wrong in his judgment of the law and wrong in his judgment upon the facts; and that his so-called "policy," if carried out, will delay the utilization of water power along this and other rivers, that should be encouraged as one of the important agencies in the development and progress of the country and in the conservation of its resources.

He is wrong in his judgment of the law in his contention that the Federal Government has a right to impose a tax for the use of water power, even if we admit that James River is a navigable stream.

Mr. BARTLETT of Georgia. Mr. Chairman, will the gentleman yield right there?

Mr. RUSSELL of Missouri. I will yield to the gentleman from Georgia.

Mr. BARTLETT of Georgia. There is a proposition which has occasioned some of us some little degree of thought, and I would like to ask the gentleman's views as to it. If the Government of the United States proposes to levy a tax upon the use of water power, it would necessarily be a direct tax; and under what provision of the Constitution could the United States Government levy a direct tax except the one which is provided for in the Constitution, that it shall be proportioned among the States according to population?

Mr. RUSSELL of Missouri. I think that is true. The gentleman from Georgia, as usual, is correct. The Senate committee in its report upon this bill holds, and the United States Supreme Court in Pollock *v.* Farmers' Loan and Trust Company (158 U. S., p. 601), decides, that such a tax would be a direct tax and one that the Federal Government has no right to impose. I admit that the Government has the right to grant a license and may couple with the grant a charge for the use of any water power developed by the expenditure of public money, but that would be a charge based upon such expenditure and not a tax.

Mr. BARTLETT of Georgia. If that proposition is true, what authority is there in Congress to impose a tax on the use of water power in the way of a direct tax? I do not grant that Congress has the right to tax at all when it does not appropriate money toward creating the dam that makes the water power.

Mr. RUSSELL of Missouri. The Government of the United States has no such power at all. The Government has no interest in the water of a navigable stream except to use it for the purposes of navigation. It has no right to tax it, and as my authority for that assertion, I will cite in my remarks a long list of unbroken decisions rendered by the Supreme Court of the United States.

Mr. BARTLETT of Georgia. That is true with this distinction, which I think it is necessary to make: Where the Government appropriates public money to build a dam in aid of navigation or for any other purpose, builds locks and dams to create the water power, and that water power is thereby created, the Government might charge, not a tax, but charge the people for use of that power, just as it might in the District of Columbia where it built a gas plant.

Mr. RUSSELL of Missouri. There might be some justice in that case where the Government has expended money, but the James River has never even been surveyed by the Government. It is not, in fact, a navigable stream and never can be. The Government has never expended a dollar on the stream, and never will.

Mr. RICHARDSON. Will the gentleman yield?

Mr. RUSSELL of Missouri. I will yield to the gentleman from Alabama.

Mr. RICHARDSON. In reference to the matter of taxation which the gentleman from Georgia inquired about, it is, as you know, a constitutional provision that all taxes shall be "uniform;" and is it not true that a grant made by the Government, or a license, can properly have a condition accompanying the grant, such as a money rental? If the Government should construct a dam across a river and incidentally develop water power, would not the Government have the right to lease the water power for a prescribed limit and charge for the lease? That would not be a tax, but it would be a condition that accompanied the license or grant.

Mr. RUSSELL of Missouri. That would be demanded and might justly be paid because of the Government having expended money to create the water power, but no such condition exists in this case.

Mr. RICHARDSON. That would relieve the situation of the constitutional provision that requires taxation to be uniform. I do not hesitate to say to the gentleman from Missouri [Mr. RUSSELL] that I have uniformly supported the principle I understand his bill stands for.

Mr. RUSSELL of Missouri. The Supreme Court of the United States, the highest judicial authority in the land, in a long unbroken line of unreversed decisions, has held that the only interest that the Government has in a navigable stream or in its water is to use it for the purposes of navigation, and that the title to the water, even of a navigable stream within the borders of a State, is not in the Federal Government, but in the State; and that the title to the banks and the bed of a stream after the Federal Government has parted with its riparian lands is either in the State or the riparian owner, or both, according to the laws of the respective States—and such is the settled law of the land.

This has been decided by the Supreme Court of the United States in the following cases:

Martin *v.* Waddell (16 Pet., 367); Pollard *v.* Hagan (3 How., 212); Goodtitle *v.* Kibbe (9 How., 471); Barney *v.* Keokuk (94 U. S., 324); St. Louis *v.* Myers (113 U. S., 566); Packer *v.* Bird (137 U. S., 661); Hadrin *v.* Jordan (140 U. S., 371); Kaukauna Water Power Company *v.* Green Bay and Mississippi Canal Company (142 U. S., 254); Shively *v.* Bowlby (152 U. S., 1); Water Power Company *v.* Water Commissioners (168 U. S., 349); Kean *v.* Calumet Canal Company (190 U. S., 452); United States *v.* the Chandler-Dunbar Water Power Company (U. S. Supreme Court, Apr. 20, 1908).

I desire to read some extracts from the report of the Senate Committee on Commerce in its report upon this bill, as follows:

The interest of the United States is derived from and rests upon that paragraph of the Constitution which gives Congress the power to regulate interstate commerce, and this power only extends to the extent of conserving the navigability of the stream. Beyond that the Federal Government has no interest or property in the stream.

The interest of the State in the stream is derived from its sovereignty, and it holds its property in the stream in trust for all public uses, but in subrogation to the rights of the Federal Government as to navigation and of the riparian owner. The right to the use of the waters of a stream for any lawful purpose, outside of the right of navigation, belongs wholly to the State and the riparian owner. (Martin et al *v.* Waddell, 16 Peters, 367.)

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From the foregoing statement and citation of authorities it is evident that the only use of the waters of a stream in which the United States has any property is its use for purposes of navigation. In the use of the stream for any other purpose the Federal Government has no property and hence has nothing to sell or to exact compensation for.

The plan proposed by the President would deprive the States and the riparian owners of their rights in the use of the water of a navigable stream now vested in them by law, and would concentrate the entire disposal and control in the Federal Government, a power which neither the States nor the riparian owners can, with justice or safety, for a moment concede.

* * * * * * *

An act authorizing the construction of a dam is, so far as the United States is concerned, a mere revocable license or privilege, and if a tax can be imposed on such a privilege it must be general and uniform throughout the United States. It must apply to all dams and water powers on navigable streams throughout the entire country.

Nearly all navigable streams in their upper and more remote courses are not, as a matter of fact, navigable, and in such reaches of the river dams can be erected and water powers created under State authority and State license, and so long as such dams and water powers do not materially injure or diminish the navigability of the stream in its navigable portions the Federal Government has no ground for interference. It has been customary, however, in many of such cases to apply to Congress for a federal license and the granting of it, while not necessary, serves a twofold purpose—first, that it authorizes the Federal Government, through the War Department, to control and direct the construction of the dam, and, second, that it recognizes the fact, which might otherwise require proof, that the dam will not affect the navigability of the stream in its navigable portions. (Kansas *v.* Colorado, 206 U. S., 46; United States *v.* Rio Grande Company, 174 U. S., 690.)

And in such cases it is of as much advantage to the United States as to the grantee of the license to have congressional action and recognition, but in such cases the Federal Government has nothing to sell and, therefore, has no moral or legal ground to demand compensation in any form.

For reasons above given the committee report the bill without the amendment recommended by the War Department.

General Mackenzie while Chief Engineer of the War Department, on April 4, 1905, in speaking of this character of legislation, said:

In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce, Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the lands comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

And again, General Mackenzie says:

Regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States, it should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by state laws on the subject of private property. As above set forth, the Federal Government can regulate and control it only to such extent as may be necessary in the interest of navigation. (CONGRESSIONAL RECORD, first session, Fifty-ninth, pp. 2891–2892.)

President-elect William H. Taft, while Secretary of War, gave his indorsement to and approval of many bills of this character, and in a letter by him to President Roosevelt, giving his opinion upon a similar bill pending in the last Congress, viz, House bill 297, entitled "An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama," in part, said:

It is, of course, in the interest of the public that improvements of this kind should be encouraged, and in streams in which there has been no expenditure of money to create water power it does not seem to me necessary to extend the policy of demanding compensation for such slight use of government lands as this privilege involves. (CONGRESSIONAL RECORD, first session, Fifty-ninth, p. 2892.)

The able and venerable senior Senator from Colorado [Mr. TELLER], while discussing a similar bill in the Senate at the first session of this Congress, said:

Mr. President, it will be some time before a bill allowing the United States Government to take compensation for the use of water in the States will pass this body. I am prepared to show, whenever some proper bill comes before the Senate, that the Supreme Court at least thirty times in fifty years has declared that the water of rivers, navigable and nonnavigable, belong to the States and not to the General Government. (CONGRESSIONAL RECORD, first session, Sixtieth, p. 4062.)

The President is also wrong in his judgment upon the facts in assuming that James River is in fact navigable. I grant you that it may be a navigable stream in law under the authorities which hold that floating timber or rafts downstream is navigation, but the ordinary acceptation of the word "navigable" implies the possibility of running boats both up and down the river, which in this case I am reliably informed can never be done because of insufficient water and because of the rapidity of the current.

But, if we admit that James River is in fact a navigable stream, the provisions of this bill afford every necessary safeguard against any interference with its navigation. The provisions of the bill are as follows:

Be it enacted, etc., That the consent of Congress is hereby given to William H. Standish, of Reeds Springs, Stone County, Mo., his heirs and assigns, to construct, maintain, and operate a dam in the big bend of the James River in T. 23 N., R. 24 W., in the county of Stone and State of Missouri, across the said James River at said point and to impound at the narrows in said bend and by canal and tunnel to divert and conduct across said narrows such portion of the water in said river, through said tunnel, into said river again as may be necessary for electric power purposes, all subject to and in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906: *Provided*, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations taking advantage of the privileges granted herein to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels, or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The question has been suggested, "Why should the Government be asked permission to construct this dam?" It is because this stream is probably in law a navigable stream, and the possibility of federal interference hereafter might deter the owners in expending the large amount of capital necessary to construct the proposed improvements.

The President is also wrong in his so-called "policy" which has caused him to veto this bill. I am glad to say that the present and future generations are, and will ever be, indebted to the President for the advanced step that he has taken to conserve the resources of our country; but his veto of bills like this, that would lessen the consumption of fuel, is an obstruction to one of the most important means of conserving our timber, oil, and coal supplies. This great and valuable water power now sought to be utilized is to-day, as it has been for ages past, going to waste, but which by proper development would furnish power for all the mills, factories, lighting plants, and electric railways now in existence for miles around, and would greatly promote the development of the country by encouraging new industries, and would thereby add to our convenience, progress, and wealth.

The President, in his veto message, expressed the apprehension that this valuable privilege might ultimately fall into the hands of some great monopoly. In answer to this objection, I desire to say that my bill was introduced for and in the name of William H. Standish, an individual citizen of my district, and one who owns all of the lands that would be directly affected by the proposed improvement. I believed then, and believe now, that he, as the owner of the soil, had the right to use the water of James River while passing through his lands, subject only to the control of the sovereign State, except that the Federal Government has the right to the use of the water for the purposes of navigation and the power to prevent any obstruction or interference with its use for that purpose.

I am, of course, not prepared to say that this right or privilege if granted may not in time be transferred and fall into the hands of some great and powerful monopoly, nor do I know of any way that such a result can be made impossible. If a heavy burden in the form of an annual tax payable to the Government were possible as a condition precedent to the granting of this privilege, it would in no way render it immune from the greedy grasp of the monopolist, but, in my opinion, adding to its cost and maintenance would rather tend to place it out of the reach of individual ownership and invite the attention and investment of great capitalists and monopolists. But, as this river and the proposed improvement would be wholly within the State of Missouri, the State would have, under the law and the decisions of the Supreme Court of the United States, the right to regulate the charges of the beneficiaries of this privilege and to protect the public from extortion. In any event, the tax paid for the privilege would become a part of the investment, upon which reasonable dividends would be expected, and would therefore fall at last as a burden upon the people.

I do not wish to be understood as favoring the giving away of any valuable right that belongs to the Federal Government or to any one of the sovereign States, but do take the position that James River is not, in fact, a navigable stream and never will be. It is wholly within the State of Missouri, and the State can and should regulate the use of its waters. The Government never did expend a dollar for the improvement of this river, and it is safe to say that it never will. I deny that it is in fact a navigable stream; but, even if it were, under the decisions of the Supreme Court of the United States, the Government has no right to tax the use of its water, but only to use it for the purposes of navigation.

It is for the best interests of the country that this great dormant power now going to waste should be developed and utilized, and no tax should be imposed by any authority that will prevent or obstruct its early development and use, and if any such burdens are ever imposed, it should be done in future years, after its value as an investment to the owner has been established.

Mr. Chairman, believing as I do that the Federal Government has no right to tax the use of the waters of James River, and believing that the proposed improvement would be of very great benefit to the people of my district, and knowing that my constituents living in the immediate locality of the proposed improvement were very anxious to have this bill enacted into a law, I can, in conclusion, but express the regret that the President has not been disposed to give it his approval. [Applause.]

Mr. STEPHENS of Texas. I now yield to the gentleman from Georgia [Mr. ADAMSON] such time as he may desire.

Mr. ADAMSON. Mr. Chairman, from my earliest recollection mingled tradition and reading inspired me with a great admiration for the noble red man. I often reflect that—

> Lo, the poor Indian! whose untutor'd mind
> Sees God in clouds, or hears Him in the wind—

in auricular and ocular perfection, enjoys great advantage over some of his pale-faced brethren, who are unable to see God at all, or believe anything about Him, even if they hear it. I have never failed, since my membership in this House, on any proper occasion to manifest my interest in his welfare. The first time I participated in a debate on an appropriation bill for his benefit, I demonstrated his right to the enjoyment of a sound and ample currency. At a later date I took advantage of the liberty of general debate afforded by the consideration of the Indian appropriation bill to speak of the effect of ardent liquors upon his constitution, and the possibility of finding means in the provisions of our Constitution to prevent the disastrous inroads of ardent spirits upon his constitution, as well as upon the constitutions of some other people.

At this time I wish to bring to the attention of the House the question of cotton as related to "Poor Lo," and all other people in this country and in the world, and more especially the people who raise cotton. Since the noble red man has begun to wear clothes in common with the rest of us who at different periods, more or less previous, had acquired the habit, it is entirely pertinent to the subject in hand, even without resort to the license of general debate, to suggest that cotton is the best material to supply clothing, regardless of style, fashion, quantity, or cost. Skill in manufacture is able to convert it into rivalry with all the costly fabrics known to taste and fashion, yet it is so cheap and substantial as to be adapted to use by the plainest, the poorest, and the humblest, not only for dress, but for all other of the ten thousand conceivable purposes for which fiber and textiles are used—twines, bags, bagging, awning, sails, curtains, bedding, tents, et cetera, without number. In fact, it is estimated that it has no competitor for general use that can be bought from the producer at less than 14 cents per pound, and none of them are capable of furnishing more good to the pound than cotton. It may be remarked that to say 14 cents a pound means nothing. I admit that the abstract proposition is utterly meaningless. Unless the stated price is considered in relationship to the stated prices of other commodities, it carries no significance.

The truth is that during the last season cotton was about as cheap, measured by the price of other commodities, as it was in the deplorable days twelve or fifteen years ago, harped upon so much by the Republican enemies of cotton, when the price was below 5 cents, the only thing nearly as cheap as cotton being money. The truth is the Republican party is about the greatest enemy that cotton has or ever had, and, judged by the operation of its disastrous policies, it could not have been more successful in its war upon cotton and cotton producers and those who live by cotton if the sole purpose of its organization had been expressly to put down and keep down the price of cotton. Every doctrine of the party, every step in its history, has had that tendency, though I do not believe that it was by design of all its members nor concurred in by all those who vote that ticket. My experience here has convinced me that some Republicans are good and honest men, in spite of their politics. I wish further to add, in compliment to those signal examples of greatness and excellence, despite their environment, that their goodness and greatness are in no sense attributable to any doctrine or practice of the Republican party, but that they are good and great men despite their party heresies and political environments.

I do not wish, however, at this time to enter into extended discussion of that restrictive policy which closed the markets of the world to our cotton, the product of all others which maintains for the United States the balance of trade with the world, the consequent control of both our products and our purchases by a limited number of political favorites, who by political contributions pay for the power given to rob millions of their fellowmen producing the great staple crop of the world and the great producer of wealth of the United States. I will do that at a later day. My present object is to call attention to another phase of the war on cotton. There are domestic gamblers, who for their own gain take the liberty to trifle with the interests of our people by fictitious dealings, pretendedly based on actual cotton, whereby they sell and buy hundreds of millions of fictitious bales of cotton, when not more than twelve or fourteen million bales can possibly be produced under existing conditions.

Rascality is supposed to be utterly impartial. No consideration of kinship, neighborly relations, obligations of friendship, nor any other motive can always override that of gain. I suppose that bulls and bears are equally regardless of every consideration but the hope of piling up profits. There is a peculiarity about the game that is exceedingly offensive and monotonous to the cotton producer. If the bulls would always lead the dance and keep quotations for the price of futures always on the increase, so as to induce spots to a constant upward tendency, it might be that less complaint would be heard, although in the abstract their conduct might be equally repre-

hensible; but to the cotton producer it looks like the bears always have the advantage in the game, and constantly keep the prices of futures quoted below the daily prices of spots, so as to produce when unaffected by other causes a constant downward tendency. That may appear all right to a man who sits in the shade and gambles on cotton like he would on the moon, regardless of which side he affects. The trouble is that such operations can not affect the moon, but they can affect the price of cotton, because manufacturers who use cotton use those quotations also.

Of course Congress can not correct human nature, though it has been appealed to for every purpose under the sun, and in some instances has done a great deal to accelerate poor human nature in its predisposition to become corrupt, and more so. We certainly could find some way to prevent the ravages of irresponsible people, who, having nothing at stake, do not hesitate to imperil the prosperity of their honest, industrious, and meritorious fellow-citizens, in taking the hazard for their own uncertain, often small, and always iniquitous gain. Right here I shall submit, as a part of my remarks, a letter from one of my constituents, one of the best men in the world, who has devoted a noble life of industry and rectitude to uplifting the agricultural interests of his section, the upbuilding of his country, the improvement, the enlightenment, and the prosperity of his race. He clearly states the case as applicable to the New York Cotton Exchange, and his appeal is a meritorious one. It is the duty of this Congress to relieve the production and commerce in cotton from the inroads and injury menaced and inflicted daily by the continued existence of the New York Cotton Exchange.

LETTERS FROM THE PEOPLE.

DUTY OF CONGRESS TO PRODUCERS.

EDITOR CONSTITUTION: In the Constitution of December 15, under the head, "Future deals may be barred," Representative POLLARD, of Nebraska, says the Agricultural Committee will hold hearings on Representative HENRY'S [of Texas] bill soon.

The New York Cotton Exchange was organized in 1870 under charter of the State of New York.

The seats were originally the property of the exchange, but later were sold outright to members and the receipts therefrom employed in the maintenance of the exchange. Since then the membership has become personal and when a member sells his seat on the exchange the proceeds belong to him individually. The prices of seats for the last few years range from $6,000 to $20,000. The membership is limited to 450. At $12,000 each, 450 seats make $5,400,000 invested in seats on the floor of the New York exchange by its members.

It is not necessary for any of its members to make or buy a bale of cotton. If the members desire to sell, the only real cotton used is what is in the paper on which the number of bales sold is written. Offers of future cotton, if not accepted at the price fixed, may be withdrawn. The members may act as bulls or bears, or may play the part of both at the same time if they desire.

In October of 1907 spot cotton was selling at 14 cents per pound. The New York Cotton Exchange got busy and sold 600,000 bales in one day, and by flooding the market with future offers reduced the price of futures and accordingly the price of spot cotton. Through the manipulations of the future market the spot market is controlled. The supply and demand for real cotton will never control the price as long as future cotton is allowed to be sold on margins. There may be a million bales of futures sold in a very short time for every bale of cotton that is produced in twelve months. The producers of cotton stand no chance with the future men.

It takes a producer twelve months to make a bale of cotton. The future men can make a million bales a minute. These million-a-minute men are making slaves of the cotton producers by compelling them to take less than cost for their cotton.

With wages high, land high, corn $1.25 per bushel, meat 13 cents per pound, and mules $200 per head, 8 or 9 cents does not pay the cost of production.

This gambling on agricultural products should be stopped. Governor Hughes, of New York, deserves praise for stopping gambling on horse racing. It was an uplift to civilization and morality, but this is only one drop in the ocean as compared with the gambling done in New York on agricultural products. This is truly straining at a gnat and swallowing a camel.

Let Congress forbid the use of the mails, telegraph, telephone, and all other public utilities in the sale of future products by margin and stop it like it stopped the Louisiana lottery a few years ago. Force all men by suitable penalties to deliver the spot products when the time comes, instead of margins. This simple act of justice to the agriculturists of the Nation should no longer be delayed by Congress. Congress should no longer let a few men, who have never produced an article of agriculture, fix their prices.

All honor to President Roosevelt for conceiving and establishing the commission on "country life." It is the part of the good Samaritan, because it is helping the needy and a great deal can be done to uplift country life. The thing that will do more than any other one thing to help the country people morally, socially, intellectually, and pecuniarily is to stop gamblers from pricing their products and let the supply and demand of real products and not of fictitious or make-believe products fix the price. Some of the States have driven out the "bucket-shop gamblers," who sold imaginary cotton by the hundred bales, but none have dared to attack the cotton-exchange gambler, who sells cotton by the million bales, but never produces or buys a bale of real cotton.

Let Congress look at the facts and apply the remedy right speedily.

A. J. SNELSON.

BULLOCHVILLE, GA., *December 16.*

I desire further to incorporate in my remarks a resolution adopted by the Farmers' Union of my county. That is a county distinguished for good farmers. While producing their home supplies, something unfortunately not usual, they produce an average of about three-fourths of a bale of cotton to every acre planted. Producing their own supplies and then raising all the cotton they can, as a surplus crop for profit, they, unlike most of their fellow-citizens in the South, are independent of creditors, and while not entirely independent of the baleful effects of cotton exchanges and protective tariff, they are in position to keep the wolf from the door so as to hold their cotton until they see proper to sell it. If all the cotton-growing counties would observe the first law of nature by looking to self-preservation as Carroll County, Ga., does, we would suffer less from the cotton exchanges and from the protective tariff of the Republican party. In fact, we could stand them at bay and bid them defiance. In that county I have seen thrifty farmers go upon the streets when cotton was selling too low, in their judgment, buy all that was offered, and hold it for better prices.

If the same practice of raising supplies, making cotton the surplus crop, forcing emancipation from debt, and therefore freedom from all control, could be rapidly adopted by the large majority of the cotton-producing counties, we could snap our fingers at all oppression and injustice and render cotton exchanges helpless and restrictive laws against cotton entirely nugatory. It is hardly fair, however, to expect all counties to do as well as Carroll. She has a solid white population, as pure as the purest American to be found anywhere in the United States, unmixed by objectionable immigration, untainted by heretical notions of politics or economy, and unmixed with whims and freaks. The 6,000 white landowners, producing 40,000 bales of cotton per annum, occupying fertile lands, breathing pure ozone wafted by health-giving breezes, drinking pure, sparkling water rippling from a thousand springs distilled beneath the eternal hills, gathering light from the sunshine and reflecting back from Saxon eyes the azure blue of skies more beautiful than Italy ever boasted, contribute an intelligent, virtuous, and industrious Anglo-Saxon population as pure as can be shown by any county in Old England, almost as populous, and much more prosperous.

These good people, to the number of 30,000 in that county, maintain good schools and churches, good roads and comfortable homes, so that you are never off a good road anywhere in the county nor out of sight of a comfortable farmhouse. They are willing to discharge all their duties as upright and patriotic citizens and, in addition to their local responsibilities, are perfectly willing to submit to a just and fair system of taxation at the ports for the support of the Federal Government, honestly and economically administered, but knowing that what the Federal Government pays to one set of men or permits that set of men to exact, must unrighteously be extorted from the rest of the people. They ask for no special favors themselves and object to those iniquitously accorded to others. Doing their duty themselves, they come with clean hands and clear consciences, and rightfully demand of the Federal Government that the hands of robbers be kept out of their pockets. Robbery is not rendered more moral by being legalized through the procurement of the robbers and their contributions to campaign funds. The two evils from which they suffer are prohibitory tariff, which robs both the Federal Treasury and the mass of the people, for the profit of a few beneficiaries, and speculation on the cotton exchange which, while it sometimes produces general demoralization, injuring legitimate traders and manufacturers, often engulfing in well-merited ruin the speculators themselves, always injures the producers.

Those good people, while supporting ten or twelve good towns in the county and several thousand men engaged in trade, yet boast of their devotion to agriculture, agreeing with the ancient Romans that it is the most honorable of all callings, and so believing, believe also that they are entitled to the respect and protection of that Government which they are taxed to sustain.

Though the people of that county are devoted to agriculture, there are located in the county, as is the case in a number of other southern counties, several thrifty cotton mills, almost enough to manufacture the product. They are owned and conducted largely, if not entirely, by domestic capital. At least, by capitalists who are in sympathy with the cotton producers, which build up intelligent, moral communities of operatives around the mills, make markets for local producers, and cooperate with the cotton growers in the general prosperity of the entire people.

The only protection those farmers ask is to prevent unrighteous men at home and abroad from pillaging their fields and wasting their substance. These good people, in convention assembled, passed a resolution invoking the aid of Congress to protect them against the machinations and ravages of the New York speculators. They did me the honor to personate me in the resolution which they adopted, and request that I introduce a bill to give effect to their wishes, and do what I can to pass

that bill or some other having the same purpose in view, and the convention appointed a committee to deliver that resolution to me. The committee has performed its duty, and the resolution is hereby incorporated as a part of my remarks, and reads as follows:

Whereas in several States of the United States of America there are yet in full operation institutions used for the purpose of speculating in cotton and the cotton product of the South, and more especially in the State of New York are there such institutions known as "cotton exchanges" by which gambling is carried on in reference to the cotton produced in the Southern States, which, we believe and know, is detrimental to the cotton interest of the State of Georgia as well as the cotton industry of the South and of the United States.

Resolved, That we ask our Congressman, the Hon. CHARLES ADAMSON, of Carroll County and of the Fourth Congressional District of Georgia, to introduce a bill and labor with an unceasing devotion to have it passed by our National Legislature, to the effect that the cotton exchanges in all States of whatever character or anything that partakes of their nature be abolished. Further we ask that the said CHARLES ADAMSON lend every effort of his official character and his reputation to aid all similar bills by whomsoever introduced.

The above and foregoing motion carried at a meeting of the Farmers Union of Carroll County, Ga., in session at Carrollton on this the 4th day of February, 1909.

T. S. MCLENDON,
Secretary-Treasurer.

Moved and carried that C. R. Martin, president, be appointed as a committee to copy and send this resolution to the Hon. W. C. ADAMSON, Washington, D. C.

I would have introduced such a bill long ago, but many other bills had already been introduced to the same effect by other patriotic Members equally diligent, and I would be glad indeed to cooperate with my fellow-statesmen and patriots in this House to perfect and enact some legislation which would prevent the disastrous effects of speculation upon the price of raw cotton. In fact, in a previous Congress, when the gentleman from Georgia [Mr. LIVINGSTON] and the gentleman from Texas [Mr. BURLESON] offered a joint resolution to investigate the operations of the New York Cotton Exchange, which was referred to the Committee on Interstate and Foreign Commerce, on which I have the honor to enjoy membership, I immediately called it up, caused it to be referred to a subcommittee of which I was a member, the Hon. WILLIAM C. LOVERING, of Massachusetts, being chairman, and reported the resolution favorably to this House.

The House ordered the investigation, which resulted in an exhaustive report by the Bureau of Corporations, in the Department of Commerce and Labor, which, it seems to me, furnishes abundant information on which to base beneficial and remedial legislation. In my judgment there would be no trouble about securing action, and proper action, if we all wanted it. I fear the trouble is that we are not all unanimous in desiring a fair price for our cotton. There are too many other people who wish to participate in the profits of the cotton business after it leaves the producer, and in their scramble for undue profits would deprive producing labor of its honest reward. There is too great a discrepancy between the price of cotton and cotton goods of every character. The difference between what the manufacturer pays the grower and what he charges the wearer of the goods is out of all proportion to what the producer receives for the raw cotton. It has long been hoped that moving the cotton mills to the cotton fields would solve the problem, but it has not yet done so. We have many cotton factories in the South, enough, I believe, to use more cotton than is used by the northern mills, but all of them are not controlled by local capital. Wherever New England mill owners control factories in the South, of course they will practically be New England mills, and operate really to protect the New England industries and prevent rather than promote southern competition.

The truth is, Republican protection as to cotton and cotton goods would come to naught if a sufficient number of cotton mills should arise in the South uncontrolled by New England interests. As long as they are so controlled they will amount to very little to help the farmer raise the price of cotton and, in fact, be distinguished mainly by the corruption of politics rather than the promotion of the cotton industry.

Sometimes error degenerates into meanness, and its manifestations grow so peculiar as to look foolish and suicidal. Last year, following a Republican panic, produced by nothing on earth but mad speculation and Republican robber protection, there were some cotton mills even in the South which had their warehouses full of manufactured goods, and cooperating with eastern spinners, had shut down their mills to wait for lower prices of cotton and higher prices of manufactured goods, saying that they had borrowed all the money from the banks that the banks could afford to loan, and if the banks should move to collect, it might break the mills and banks, although as represented by their assets, all of them were really rich. Some of those foolish men said they would have to vote the Republican ticket in order to bring better times.

The very thing that had produced their stagnation, congested their business, shut the markets of the world to their goods, prevented their cooperation by fair bargain and exchange with their fellow-citizens—the restrictive policy of the Republican party—they proposed to indorse and perpetuate, in order to secure relief, by aggravating and extending the malady. If they had been permitted to bring home some of the products of other lands they could have sold every yard of their cloth at remunerative prices, and exchanged some of the proceeds and some of their own products with their fellow-citizens for the products of the soil and the labor of hands, thereby stimulating trade at home by making it mutual, at once putting up the price of raw cotton and facilitating the sale of manufactured cotton to the general prosperity of all concerned. If any of them believed that the Republican party intended to reform after the election by relaxing any of the prohibitive duties which are still profitable to the beneficiaries, the poor, gullible creatures are doomed to a sad awakening. Their credulous faith will be rudely shattered. Intelligent people do not expect the Republican party, after having been indorsed by the people to change its policy. It can point to its recent victory as full sanction by the people of its past record and free and full license to permit similar outrages by the classes upon the masses in the future.

I invite all skeptics on this subject to await the termination of the terrific battle represented by the newspapers to be now raging in the Committee of Ways and Means between those two great tariff reformers, the distinguished gentleman from New York [Mr. PAYNE] and the no less distinguished gentleman from Pennsylvania [Mr. DALZELL]. If the balance of the people could be made to believe that there was a genuine fight between them, and everybody else would keep hands off while they hammered and pummeled each other to a finish over the tremendous difference between tweedledum and tweedledee, tariff reform would certainly be accomplished in the regulation fashion undoubtedly intended by Republican statesmen in the last campaign. But there was another way in which some of those mills could have rendered themselves useful last year while enriching themselves and the cotton growers in common. If, instead of cooperating with eastern mills to keep down the price of cotton and put up the price of manufactured goods, they had lined up with their own people, as the New England mills always do—or rather the people line up with them—they could have made themselves felt for good. For instance, they could have made an experiment in the nature of cooperation by announcing that they would sell to their own people goods by the bolt or bale at wholesale prices, and would buy cotton until they filled all their own warehouses at the highest price ruling in any market.

They would have rapidly diminished their stocks of manufactured goods and would have gotten the benefit of filling their warehouses with cotton at a moderate price just about the time the price began to rise high enough to admonish the factories in the balance of the world to replenish their supplies before the price soared out of reach. They might put this suggestion away and use it profitably on similar occasions in the future. The time will come when the cotton will be manufactured in the South by capital friendly to the men who produce the cotton, when, by cooperation, both the mills and the farmers will realize profit on their transactions, and the balance of the world will be willing to pay a reasonable price for what raw cotton they can get, and the speculators on the cotton exchange will be suppressed either by law or improved conditions, which will eliminate them, because, having nobody to gull and no material to work upon, they will find their nefarious occupation gone.

I have long wondered that English manufacturers have not moved their plants to the South. Independent of New England cabals and political interests, which have never meant anything but commercial interests, English capitalists could find a field to manufacture and operate in nowise affected by the selfish and dishonest machination of protectionists, and could profitably take advantage of the opportunity to restore some degree of justice and equilibrium to the relations between production and consumption, which can not be hoped for under present conditions. There is not enough free capital South to launch, develop, and sustain the benevolent project to occupy the field, raise the price of the staple by manufacturing it where it is produced, and ship it for trade and consumption throughout the world. New England capital will not operate there except upon conditions, political and commercial, which render the producer very little advantage, but immense detriment in a great many ways.

English spinners have long sought to secure cheap cotton and have ransacked the entire Temperate Zone girdling the world searching for soil, labor conditions, and methods that would give them cheap raw cotton. Of course, if they secure raw cot-

ton as low as possible, then manufacture it as cheaply as possible, and sell the manufactured goods at the highest possible prices, they realize the highest possible profit. I beg to assure them that cotton in the South is cheap enough; that they will never be able to discover any of the conditions anywhere else that will produce the cotton in sufficient quantities at a lower price than it can be secured in the South. The southern farmers know how to raise cotton. They have the soil and the climate and the seasons to raise cotton, but spinners ought not to require them to raise it at a loss. A fair operating, living profit is all the cotton raisers in the South desire. If English spinners will only put their new cotton mills which they build in the future in the South, they need not trouble about bringing the labor with them. There are plenty of model factory communities, such as already referred to, to show them how to solve the labor problem.

Our native population multiplies rapidly enough to possess that goodly land now and in the future. Large families are invited to leave the farm and go to a factory, where comfortable homes are provided, adapted in size to the number in the family which occupies it, with garden for vegetables and a meadow for the cow, and a cow for milk and butter, and a yard for the pig and poultry, and a yard for flowers, and a good school and a church, and everything provided for comfort and economy, and every discouragement and prohibition provided to exclude vice and immorality. When such conditions invite, there is no difficulty about securing factory population from the country. Their intelligence rapidly enables them, with a little attention, to become satisfactory operatives. While it is impossible to beat it into the head of an obtuse Republican, and while the interested and smart Republicans already see it and try to conceal it from everybody else, it is unnecessary to tell an Englishman the great difficulty about protection, which the cotton growers have all the time realized to their sorrow.

If duties are so high that we can not bring in goods, of course we can not buy goods from other people; and if we can not buy the things that the other people produce we can not always sell them anything; and if we can not sell them anything we have no market; and if we have no market our products are worthless. English capitalists operating as I have suggested, and as I have for forty years expected them to do, would find such a course very much to their advantage.

None of the suggestions herein made would, if acted upon, operate to the prejudice of honest middlemen exchanging commodities at home or engaged in importing and exporting, but in common with all other lines of production and business those men would find activity greatly and rightfully stimulated to their own profit as well as the general good. I thank the committee for its attention.

Mr. BRODHEAD. Mr. Chairman, for over one hundred years the history of our Marine Corps has been a great part of the glorious history of our country, yet now by a stroke of the presidential pen this important arm of our national defense is in danger of being wiped out. I mean that if the order the President made on November 12, 1908, is effectively maintained it will eventually result in eliminating the Marine Corps. That fact appears from the reported hearings had on January 7 last before the subcommittee of the Committee on Naval Affairs. That order and the testimony of Secretary Newberry and of Rear-Admiral Pillsbury on this point are as follows. I quote from the report of the hearing:

The ACTING CHAIRMAN. Mr. Secretary, the purpose of this examination by the subcommittee is to elicit information as to the present and prospective status of the Marine Corps, and so that we may have the information that the committee desires we have asked some gentlemen to come before us; and we will examine you first, with your permission. Now, an executive order has been issued, I understand, the result of which has been the detachment of the marines on board war ships. Is that a fact?

Secretary NEWBERRY. It is; from part of the war ships at present, and prospectively from all the ships.

The ACTING CHAIRMAN. Have you a copy of that order?

Secretary NEWBERRY. I have not here. I will insert it in the hearing, though. It is as follows:

EXECUTIVE ORDER DEFINING THE DUTIES OF THE UNITED STATES MARINE CORPS.

In accordance with the power vested in me by section 1619, Revised Statutes of the United States, the following duties are assigned to the United States Marine Corps:

(1) To garrison the different navy-yards and naval stations, both within and beyond the continental limits of the United States.

(2) To furnish the first line of the mobile defense of naval bases and naval stations beyond the continental limits of the United States.

(3) To man such naval defenses, and to aid in manning, if necessary, such other defenses, as may be erected for the defense of naval bases and naval stations beyond the continental limits of the United States.

(4) To garrison the Isthmian Canal Zone, Panama.

(5) To furnish such garrisons and expeditionary forces for duties beyond the seas as may be necessary in time of peace.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *November 12, 1908.*
(No. 969.)

The ACTING CHAIRMAN. Does the order specifically detach the marines from the ships?

Secretary NEWBERRY. I will have to read it. I could not tell you from memory.

The ACTING CHAIRMAN. In pursuance of that order, as Secretary of the Navy, you issued a general order, did you not, on the subject of the detachment of marines from the ships?

Secretary NEWBERRY. I do not remember. It all came before I was Secretary of the Navy. I can not tell you.

Rear-Admiral PILLSBURY. Yes, sir; it was issued by your predecessor, to gradually remove them, in obedience to the President's order.

The ACTING CHAIRMAN. You will put into the record of the hearing, as a part of your evidence, a copy of the executive order, please?

Secretary NEWBERRY. I will; and a copy of the other order, too.

The ACTING CHAIRMAN. Let me hand you this copy. What is the number of that, please, Mr. Secretary?

Secretary NEWBERRY. It is a letter. The number of the letter is 942–134, dated November 18, 1908.

The ACTING CHAIRMAN. And it is an order detaching marines from certain ships?

Secretary NEWBERRY. Yes, sir.

The ACTING CHAIRMAN. May I make that part of your evidence, sir?

Secretary NEWBERRY. Yes. It detaches them and supplies their places.

The ACTING CHAIRMAN. It is No. 942–134, signed November 18, 1908.

(The above-mentioned letter is as follows:)

NOVEMBER 18, 1908.

SIR: The department transmits herewith a copy of an identical letter sent to the commandants of navy-yards, New York, Philadelphia, Norfolk; and the commanding officers of each of the ships affected by the changes therein made.

The marine detachment of the *Maine* will be withdrawn at a later date, probably next spring.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Rear-Admiral C. H. ARNOLD, U. S. Navy,
Commander Third Squadron,
U. S. Atlantic Fleet, U. S. S. Dolphin.

942–134.

NOVEMBER 18, 1908.

SIR: In accordance with the provisions of Executive Order No. 969, the marine detachments will be withdrawn from the following vessels on the dates named:

Vessel.	Navy-yard.	Date.
New Hampshire	New York	Nov. 30
Montana	Norfolk	Do.
North Carolina	do	Do.
Idaho	Philadelphia	Dec. 5
Mississippi	do	Do.

The complements of the above-named vessels have been decreased by the number of marines thus withdrawn and have been increased in the seaman branch as follows: 3 masters at arms, first class; 3 masters at arms, second class; 22 seamen; 30 ordinary seamen; 2 buglers.

When the marine detachments are withdrawn from the ships, the stores, etc., will be transferred.

The ordnance allowance of the above-named vessels will be increased by the number of rifles and accouterments corresponding to the changes made by the withdrawal of the arms of the marine detachments.

The storerooms thus vacated will be at the disposal of the commanding officer for such use as he may assign.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

COMMANDANT, *Navy-Yard, Norfolk.*
COMMANDANT, *Navy-Yard, Philadelphia.*
COMMANDANT, *Navy-Yard, New York.*
COMMANDING OFFICERS *New Hampshire, Montana, North Carolina, Idaho,* AND *Mississippi.*

The ACTING CHAIRMAN. In that order the marines are detached from the *New Hampshire*, the *Montana*, the *North Carolina*, the *Idaho*, and the *Mississippi*. Is that the first order that was issued subsequent to the executive order touching the detachment of marines, Mr. Secretary?

Secretary NEWBERRY. I should say it is, but I do not know. I sign a good many orders every day.

Rear-Admiral PILLSBURY. They were all issued about the same time, for the first relief.

The ACTING CHAIRMAN. Then there have been a number of orders issued detaching marines?

Secretary NEWBERRY. In compliance with executive directions.

The ACTING CHAIRMAN. Will you be kind enough to have those orders included in your statement?

Secretary NEWBERRY. Yes, sir. The orders issued were:

[Translation.]

WASHINGTON, *November 17, 1908.*

SPERRY, *Connecticut, Manila:*

Complements of battle ships are reduced by marine detachments and increased 3 masters-at-arms, first class; 3 masters-at-arms, second class; 20 seamen, and 34 ordinary seamen. Order from two ships marines, including officers, to join brigade at Olongapo if more than one year to serve; if not more transfer to other ships and fill places by long-time men. *Charleston* due November 28 with 120 men in excess to replace marines. Changes in other ships will take place when practicable after return home.

NEWBERRY.

[Translation.]

NOVEMBER 17, 1908.

POINT LOMA, WIRELESS STATION, *Cal.* For Swinburne:

Send marine detachments with officers from one division Pacific Fleet to San Francisco by *Buffalo*. One hundred and twenty men via *Buffalo* will replace marines, two ships. *Prairie* due Colon December 19; will bring 120 men to fill vacancies in other two ships and 540 others to fill other vacancies in fleet to April 1. Send short-time men enlisted Pacific coast north via *Buffalo;* those enlisted Atlantic coast

via *Prairie*. Authorized retain petty officers necessary for whom reliefs not provided and men signing form 59. Complement of all ships reduced by marine detachment and increased 3 masters at arms, first class; 3 masters at arms, second class; 20 seamen, 34 ordinary seamen; changes in complement other ships will take place when practicable later. Report names ships from which marines withdrawn.

NEWBERRY.

1501–73 NOVEMBER 17, 1908.

SIR: The chief of bureau directs me to state that the complement of each ship of the Atlantic Fleet is hereby increased by 60 men when the marine detachment is removed, as follows: Three masters at arms, first class; 3 masters at arms, second class; 22 seamen, 30 ordinary seamen, 2 buglers, and for each 6 additional marines allowed for flagship, 3 seamen and 3 ordinary seamen.

* * * * * * *

It is requested that the commanding officers of the vessels under your command be so informed.

Very respectfully,

W. R. SHOEMAKER,
Commander, U. S. Navy.

The COMMANDER IN CHIEF, *U. S. Atlantic Fleet.*
The COMMANDER IN CHIEF, *U. S. Pacific Fleet.*
The COMMANDER, *Third Squadron, Atlantic Fleet.*

The ACTING CHAIRMAN. The marines, then, were not all detached by one order, but by different orders that were issued?

Secretary NEWBERRY. I understand they were detached after a conference with the major-general, commandant of marines.

The ACTING CHAIRMAN. But they are being detached by different orders?

Secretary NEWBERRY. In accordance with the exigencies of the service.

The ACTING CHAIRMAN. Owing to the exigencies of the service?

Secretary NEWBERRY. Yes, sir.

The ACTING CHAIRMAN. Is it the purpose of the department to take all of the marines off the ships?

Secretary NEWBERRY. As soon as practicable.

So, there you are, Mr. Chairman; we are confronted with the declared purpose of the Navy Department to take all the marines off the battle ships as soon as practicable, and that is to be done in pursuance of that executive order, and that means the eventual elimination of the corps. This work of the presidential pen recalls to my mind Cardinal Richelieu's exclamation in Bulwer's drama, "In the hands of men truly great, the pen is mightier than the sword," for in this instance the pen may do that which no sword could ever do.

I am not unmindful, Mr. Chairman, that the Constitution makes the President the Commander in Chief of the Army and Navy of the United States, but I also know that by virtue of that same Constitution the Congress "shall have power * * * to make rules for the government and regulation of the land and naval forces." Being given the power, the duty to use it is implied. Mr. Chairman, if the provision in the naval appropriation bill as introduced in the House, that "hereafter officers and enlisted men in the Marine Corps shall serve as heretofore on board all battle ships" had remained, the sting of the executive order would have been avoided and the Marine Corps saved, but it was stricken out on a point of order. Yesterday the Senate Committee on Naval Affairs reported the naval appropriation bill, with an amendment, the effect of which will be to restore the Marine Corps to service as heretofore on board of battle ships and armored cruisers. The Senate amendment will come back to this House for action. The question of the restoration of the Marine Corps to the kind of service which that corps has for so long a time so honorably performed will, therefore, again come before this House for consideration. It is not the first time the proposition to abolish the corps or transfer it to the army has come before the Congress of the United States; but every time it has come before Congress it has been turned down by a decisive vote of the representatives of the people. Congress has on 19 different times by joint resolution tendered its thanks to the Marine Corps or expressed its high sense of their valor and good conduct, and the greatest generals have added their tribute to those of the great naval commanders. I find the CONGRESSIONAL RECORD is full of the recorded views of the most distinguished admirals in favor of retaining the Marine Corps on the battle ships. Of course we all take off our hats to Admiral Dewey, who, I understand, holds a contrary opinion, but the weight of the evidence is the other way.

Such old heroes as Hull, Decatur, Bainbridge, Biddle, Parker, Perry, Morris, Stockton, and in later days Farragut, Porter, Dupont, Sands, Rogers, Dahlgren, and the list could be extended, are all recorded in favor of retaining the Marine Corps on the ships. In the short time in which I am permitted to have the attention of the House it will be impossible for me to relate the services and the achievements of the Marine Corps, but as this is a question upon which we will again be called to act, I shall ask permission to have read and printed in the RECORD the report of the Committee on Naval Affairs made to the Twenty-seventh Congress, when practically this same question was before the House. The question came up again in the Thirty-ninth Congress, when it was again carefully considered by the Naval Committee, and a very valuable report was made after hearing the testimony of almost all the distinguished admirals of that time, and the necessity of having the marines on the ships was again affirmed. That report, also, I ask to have read and printed as part of my remarks, for it contains quotations from the testimony of the admirals of that day. Congress has always heretofore defended the Marine Corps. Let us do it again!

I ask leave to print the reports which I now send to the Clerk's desk.

The CHAIRMAN. Is there objection?

There was no objection.

The reports are as follows:

[House of Representatives. Report No. 243. Twenty-seventh Congress, second session.]

AUGMENT THE MARINE CORPS, ETC.

(To accompany bill H. R. 204.)

February 16, 1842. Mr. Fessenden, from the Committee on Naval Affairs, submitted the following report.

The Committee on Naval Affairs have had under consideration those parts of the report of the Secretary of the Navy, with the accompanying documents, which relate to the Marine Corps, and ask leave to report:

That in the opinion of said committee the number of officers and privates now allowed by law for the Marine Corps is entirely inadequate to the present demands of naval service; and they beg leave to assign, in brief, their reasons for such conclusion.

So far as the committee have been able to gather the opinions of naval men, and others most competent to form a correct judgment upon such matters, the absolute necessity of an adequate Marine Corps to the effectiveness and energetic operation of a naval force is now almost universally admitted. In addition to the acknowledged fact that every considerable naval power in the civilized world has afforded the argument of its example to this portion of its naval system, there exists at present, it is believed, but one opinion upon this subject among our own naval officers, many of whom have had ample opportunities to test the importance of marines in actual warfare. A brief consideration of the principal duties usually performed by marines, both aboard ship and on shore service, will demonstrate the correctness of these opinions.

In time of peace the marine's first and principal duty, whether at sea or otherwise, is that of a police officer. In our navy-yards he is the sentinel and guardian of the public property. Regulated as these establishments are, or should be, containing a large amount of valuable public property, the careful preservation of which for use in unexpected emergencies may be of vast importance, its guardians should be men under the efficient control of those to whom its supervision is intrusted, and subject to military accountability and rule. A different state of things has heretofore produced, and must necessarily produce, great confusion and subject those responsible for the safe-keeping of such property to great inconvenience, besides endangering the interests committed to their charge. The absence of such guardianship involves, also, the necessity of employing another description of individuals for the same purpose—irresponsible in a pecuniary point of view, free from military restraint, acting under no fear of serious consequences for neglect of duty, and at an expense often exceeding that which would be incurred by an adequate military force—while the frequent change of men employed for very limited periods increases the risk of loss, from the obvious difficulty of securing the services of those upon whose integrity and watchfulness the preservation of public property can be made safely to depend. Every consideration of prudence and economy, therefore, as well as of proper subordination and control in our naval establishments, seems to demand that in these particulars we should not vary from the universal practice elsewhere. Of what benefit, it may be asked, are our extensive navy-yards and the valuable materials collected in them if they are to be left open to the incursions of thieves and exposed to all who may be disposed to depredate upon the public property?

But if the services of a marine force are necessary at our navy-yards, on board ship they are absolutely indispensable. It is understood that a force of this description was first introduced into England with a view to the protection afforded by a trained band of soldiery against mutiny among the seamen, liable, as such bodies are, to sudden outbreaks, arising from their heterogeneous composition. It has been said, too, that the compulsory character of the service on board English vessels of war was among the principal motives for the enlistment of marines, and that as our service is voluntary we are, in consequence, relieved from any and all such necessity. In reply it may be noticed that the practice of impressment has been for many years abolished in England, but the employment of marines has not been abolished with it. In whatever motives this corps might have originated, it is evedent that the presence of a disciplined force, composed entirely of citizens accustomed to military rule, must afford great protection and tend to the preservation of order and security. All experience has confirmed the truth of this idea. And, apart from the utility of marines in such cases, their services have ever been found essential in discharging the functions of ordinary police on board ships of war, in guarding property, preserving order, and in exercising that general watchfulness and vigilance for which a mere sailor is, in some degree, unfit, except, perhaps, on extraordinary occasions. It may be remarked that, in addition, marines are relied on for the services usually performed by that portion of the complement of a man-of-war called "landsman," which is large or small, according to the number of marines, and which services include most of those discharged by ordinary seamen. From this consideration it will be obvious that as the number of the one class is increased that of the other may be diminished in proportion, and thus the naval arm may be strengthened by an efficient soldiery with little, if any, additional expense to the Nation. There is no essential difference, it is understood, between the pay of a landsman and a marine.

The preceding remarks have reference to the ordinary duties of a marine corps in time of peace. In naval warfare the importance of such a corps becomes still more apparent. It would be easy to cite

numerous instances in which the meritorious and gallant efforts of this class have been warmly acknowledged and the high degree in which they have contributed to naval victories admitted. It will be sufficient, however, in this connection to enumerate some of their duties. Stationed, in time of action, in the ship's waist, commonly designated from its great exposure the "slaughterhouse," the marine is compelled to share all the danger while unable, for the most part, to participate actively in the fight. Here he is enabled by his coolness and discipline to afford encouragement to the crew on the one hand, or, on the other, should it be necessary, to enforce obedience to orders. Within musket range, his duties become of a more active nature, and there have been many instances where his accurate aim has been thought to have decided the result of a battle. He covers and repels boarders; and it may be added that not infrequently he takes his turn at the gun and supplies the loss of, or acts as relief to, those to whom that duty is appropriate in the ordinary distribution of service. The bill submitted herewith provides, it will be observed, for the instruction and improvement of the corps as marine and field artillerists.

But the labors of a marine do not end with the battle itself. In case of victory, he guards the prisoners, who are often quite as numerous as their victors. If a prize crew is put on board the taken ship, a detachment of marines must constitute a large part of it, thus showing the wisdom of providing a number adequate to emergencies of this description without impairing too much the force retained. And whenever, as often happens, it becomes necessary to land a storming party for the purpose of destroying a battery, the steadiness and discipline of trained soldiers have often been found, as must readily be perceived, of the first necessity and consequence.

Having thus briefly remarked upon the advantages to be derived from an adequate marine corps, your committee beg leave to notice the number of marines authorized by law at different periods in the history of this Government. An act passed July 11, 1798, fixed the whole number, including officers, at 877. By an act of March 2, 1799, this force was increased to 1,081. This number was further augmented in 1809 by the addition of 784 officers and privates. The act of April 18, 1814, authorized a further increase of 846. After the cessation of hostilities with Great Britain, the peace establishment of the Marine Corps was fixed by the act of March 3, 1817, at 919, including all; and such remained the whole marine force authorized by law until the act of June 30, 1834, by which the corps was authorized to consist of 1,288, officers and men.

By this review it will be noticed that since the year 1798 a marine corps has formed by legal enactment a part of the naval force of this country; and by reference to the first law passed upon the subject it will be perceived to have existed, in fact, before that time. At no time has it fallen very far short of that now established, while at some periods it has greatly exceeded the number fixed by the act of 1834. Contrasting the amount of force existing and considered necessary at these several periods, and taking into consideration the vast, though gradual, increase of our navy, the much larger extent of public property to be protected at the present day, and the growing conviction that this important arm of national defense must be rendered more efficient, together with the increasing power and wealth of this great Nation, it is obvious that the Marine Corps now authorized must fall far short of what public exigencies imperatively demand.

A little detail will render the correctness of this statement still more apparent. Naval men unite in the opinion that one marine to each gun is the smallest number required for efficiency on board a man-of-war. Great Britain allows a much larger force, and her example in such matters is surely not without its weight. The number, including officers, required on this ratio for the home squadron and vessels now actually in commission is larger than the whole authorized marine force of the country, as will be seen by the documents accompanying the report of the Secretary. Your committee are informed that it has been found actually necessary to exceed the number thus allowed in order to furnish vessels afloat with a complement of marines on the lowest scale; and in order to do this the department has been compelled to withdraw all protection of this kind from the several naval stations, leaving barely a sentinel in each, and thus exposing to depredation a vast amount of public property.

Believing, therefore, that if the navy is to be sustained it should be made efficient in all its parts, and holding it to be the extreme of prodigality not to afford ample protection to the national property accumulated at the public depots, your committee have decided to recommend an increase of the Marine Corps. They have not, however, thought it expedient to authorize so large an increase as that recommended by the department, looking, as they must, in a time of peace to the actual state of the Treasury and being desirous to go no further than the necessities of the case seem imperatively to require. Should our relations with foreign powers remain undisturbed, it is not probable that the naval force afloat will demand any immediate augmentation. Predicating their conclusions upon the data furnished by the department, but differing somewhat from the results there arrived at, it has appeared to your committee that the marine force should be increased to a larger number than that actually required for vessels in commission on the principles before stated, allowing, also, a small addition for recruits and those unable to do duty. Should our naval armament in steamships be considerably enlarged, or other circumstances require an augmentation of the force in commission, it may be necessary hereafter to come fully up to the number recommended in the documents annexed to the report of the Secretary. Should the increase provided for in the bill be authorized, your committee do not believe that the actual expense of the corps would far exceed the amount saved by the substitution of marines for other classes of men now employed by the Government; and they think it would be more than compensated by the greater security of public property now accumulated at the several naval stations, which, it is believed, can not be less in value than $20,000,000.

The bill herewith submitted provides, also, for the purchase of sites for, and the commencement of, marine barracks at Charlestown, Brooklyn, and Gosport, and for the commencement of barracks at Pensacola, where a site has been already purchased for that purpose. Barracks for the accommodation of this corps are required at all these places, none having been erected at either, and a resort being necessarily had to mere temporary arrangements of an inferior and inconvenient character, the effect of which has been to diminish the comfort and to injure the health and discipline of the corps. Should the contemplated increase be made, better provision in this respect will be indispensable; and whether increased or not, your committee are of opinion that if the Marine Corps is to exist at all some permanent arrangement should be made for its accommodation at all our naval depots where its services are required.

[House of Representatives. Report No. 22. Thirty-ninth Congress, second session.]

MARINE CORPS.

(February 21, 1867.—Laid on the table and ordered to be printed.)

Mr. Darling, from the Committee on Naval Affairs, made the following report.

The Committee on Naval Affairs, to whom was referred the following resolution passed by the House of Representatives June 18, 1866, to wit, "*Resolved*, That the Committee on Naval Affairs be directed to consider the expediency of abolishing the Marine Corps and transferring it to the army, and of making a provision for supplying such military force as may at any time be needed in the navy by detail from the army," beg leave to report:

The Marine Corps had its origin in the act of Congress, November 10, 1775, which authorized two battalions of marines to be raised, styled the First and Second Battalions of American Marines, with the requisite number of officers, and was the first step taken toward the creation of the naval establishment of our country. The Marine Corps, as a separate organization, is coeval with the establishment of the Navy Department by act of Congress, April 30, 1798. By act of July 11, same year, the Marine Corps was established and organized, and power given to the President of the United States to assign them to any duty on shore as, in his discretion, he might direct; and Congress, assured of the necessity for the continuance of the corps, has by subsequent acts from time to time increased its numbers and promoted its efficiency, until it has now obtained a condition of strength and usefulness which has tended greatly to the present proud position of our navy.

From the establishment of the Marine Corps to the present time it has constituted an integral part of the navy, and has been identified with it in all its achievements, ashore and afloat, and has continued to receive from its most distinguished commanders the expression of their appreciation of its effectiveness as a part of the navy.

The marines are strictly infantry soldiers trained for service afloat. Their discipline, equipment, character, and esprit de corps being that of the soldier, they necessarily give to a ship of war its military character. As sentinels, they watch over the magazines, storerooms, gangways, galleys, and all lights and fires required for the use of the ship; they guard all the public property and all prisoners of war, which at times may outnumber the crew; and at all times sustain and protect discipline of a man-of-war by their organization, distinctive character, and peculiar training. In the ordinary duties of a ship at sea they pull and haul in common with the rest of the crew; and although not required to go aloft, they keep regular watch, and are most to be relied upon to man the ropes in sudden squalls, a duty the prompt discharge of which is as necessary to the safety of a ship as reefing or furling. Marines are also trained at the great gun exercise, so that in time of action they are ready to assist in manning guns or to act as a reserve force to meet the casualties of battles. These duties being natural to, and part and parcel of, the service to which they belong, their absence from the deck would have to be supplied by an equal amount of physical force; and as some part of the crew must be kept on deck to perform these important duties, it will be readily seen why a body of well-trained men, familiar with sea life and its duties, should be preferred to soldiers drawn from the army unaccustomed to these duties. As soldiers, they guard the ship from troubles within and from surprise without; and as part of the ship's complement, take part in most of the duties necessary to her efficiency as a man-of-war.

While ashore undergoing training as soldiers they are not otherwise idle, but guard and protect the navy-yards, with the immense amount of public property within them, and are always ready for emergencies in adjacent cities. At different times this proposition to dispense with the Marine Corps has been made, and in each instance such men as Hull, Decatur, Stewart, Rodgers, Bainbridge, Biddle, Patterson, Stockton, the two Joneses, Parker, Gregory, Downes, and a host of others, ending with the heroes of the late struggle between the North and the South, Farragut, Dupont, Stringham, Dahlgren, Porter, and others, all of whom have given either written or verbal commendation, strongly expressed, of the absolute necessity of the corps, both at sea and on shore. Of their efficiency in times of mutiny or insubordination, and on land expeditions when it has been found a necessity to land on shore a military force, they have been depended upon for a rallying point for the seamen and others who may have become disorganized by the action of the enemy to rally on; and in no instance have the marines failed to do their duty, so as to draw from their naval commanders earnest approbation.

Admiral Farragut says: "I have always deemed the marine guard one of the great essentials of a man-of-war for the preservation of order and maintenance of discipline." "They work and fight their guns well." "It is next to impossible to maintain the efficiency of the ship and proper discipline without the restraints of the soldier over the sailors; and, in my opinion, to blend their duties would be to destroy the efficiency of both, and its necessity not only for the sustaining discipline on board ship, but for its manifest usefulness in shore operations."

Admiral Wilkes says: "Since the introduction of steam into our navy the necessity of a marine guard on board such vessels is greatly increased. They are the most efficient part of the crew of a steamer, and are regularly called upon to perform duties appertaining to the great guns, at which they are as proficient as sailors and landsmen, besides their ordinary duties, and are essential at all times in guarding the public property. To substitute details from the army for guards would seriously endanger the discipline and good order of all vessels, unused, as they would be, to the duties required of them, and their want of efficiency would be most seriously felt when their services would be urgently required."

Rear-Admiral Lardner says: "I do not understand why it is contemplated to transfer this valuable branch of our service to the army, but I am very sure that such measure would be a great loss and injury to the navy."

Rear-Admiral Pearson says: "By always having a sufficient number of marines at every navy-yard for the ample protection of the public property the Government would have at command a body of faithful and well-trained soldiers to assist in quelling riots in the cities near

them; and the marines on such occasions have proved themselves invaluable."

Commodore Turner says: "If you please, disband or transfer it, and but a short time will elapse before there will be a clamor from every quarter for its restoration to service. In the meantime, the discipline of the naval service will suffer and ships of war cease to be what they are now—the pride of the country and the protection of its interests in every sea."

Admiral Stribling says: "The effect of abolishing the Marine Corps would, in my opinion, be very bad. So far from having a permanent body of officers and men acquainted with the naval service, will be substituted soldiers, who are entirely ignorant of the sea service."

Vice-Admiral Porter says: "If the marines are abolished half the efficiency of the navy will be destroyed. They are as necessary to the well-being of a ship as the officers. I hope for the good of the service that no attempt will be made to interfere with the corps in any way, unless to increase it. The navy would truly feel the blow. I am sure you will not find any advocate for touching the Marine Corps amongst any officers of experience in the navy."

The late Admiral Dupont says: "It should be remembered also that when undergoing such training on shore the marines are not otherwise idle, but guard and protect the navy-yards, with the immense amount of property within them, and are ready for emergencies."

Rear-Admiral Stewart says: "If we refer to the past services of the Marine Corps, they will be found to be among the most distinguished. I am decidedly of opinion that the marines can not be beneficially dispensed with in our national ships of war."

Rear-Admiral Paulding says: "I am decidedly of opinion that a well-disciplined marine guard is a very important and efficient part of the crew of a man-of-war. For the police and good order of a ship of war I consider a marine guard indispensable. Their presence at our navy-yards for the protection of the public property is deemed of great importance, and in my belief we can not get along well without them."

Rear-Admiral Shubrick says: "It is difficult to believe that anyone who can look back on our naval history for any number of years can doubt as to the necessity for and the efficiency of marines, ashore and afloat, in connection with the navy. In my opinion a good marine guard is a necessary part of a crew of a vessel of war."

Rear-Admiral Brewer says: "That my own experience in the service warrants me in the expression of my belief that it is true policy to retain the Marine Corps as an integral part of the navy, in view of its conceded efficiency, and who after one tour of service will never again, in all probability, be employed in any service connected with the navy; consequently there never can be any stable or consistent discipline observed, necesarily producing constant confusion and disorder."

Commodore Rodgers says: "I do not think that soldiers temporarly detailed from the army to serve in the navy could do the work of marines themselves, since the latter have chosen their service and are accustomed to its confinement, as well as habituated to the sea."

Commander Roe says: "It is impossible to substitute soldiers of the army for marines. The marines are sea soldiers; they are half sailors, and have a special training which the land soldiers can not have."

During the war of 1812 the Marine Corps was only composed of about 600 or 700 men, with about 40 officers, and yet in four of the most important naval battles of that war not a marine officer was killed. Probably no victory either on sea or on shore created greater rejoicing or was considered more important than the victory of the *Constitution* over the *Guerriere;* and the first officer who gave his life to his country was Lieutenant Bush, of the marines, commanding the marine guard of the *Constitution*. The most critical moment of that engagement was when the enemy attempted to board the *Constitution*, but were gallantly met by the seamen, led by First Lieutenant Morris (since well known as Commodore Morris) and Sailing Master Alwyn, backed by the marines; and here it was that Bush was killed and Morris and Alwyn severely wounded. In the ever-memorable battle of Lake Erie, Lieutenant Brooks, son of the late Governor Brooks, of Massachusetts, commanding the marine guard on board the *Niagara*, the flagship of Commodore Perry, was among the killed in the great slaughter on board of that vessel. And in the fight on Lake Ponchartrain (near New Orleans), under Commodore Ap Catesby Jones, the senior marine officer was also killed, thus making four-elevenths of all the officers who yielded up their lives for their country's good.

In the ever-memorable battle of Bladensburg, when nearly our whole army, mostly composed of militia, ingloriously fled, but a few marines, headed by Captain (since Colonel) Miller and Commodore Barney's force of the flotilla, kept the whole British army at bay, till there was scarcely an officer or man of our force who was not killed or wounded, and Captain Miller severely wounded and taken prisoner.

In 1825, on the occasion of insurrection at the state prison in Charlestown, Mass., where there were over 200 prisoners arrayed against the authorities of the prison, a guard of marines, under the immediate command of Lieutenant-Colonel Marston, but under the supervision of Colonel Wainwright, commanding the marines at the navy-yard, almost instantly dispersed and quelled the rioters, who, but for the timely appearance of the marines, would have probably obtained the mastery of the prison; and for many years after this occasion was often spoken of by the citizens of Boston and Charlestown to the praise of the efficiency of the marines. In numerous instances at New York, Philadelphia, and other places mobs have been quelled by the timely appearance of the marines stationed at the navy-yards of those places.

In 1836, on board of the U. S. S. *Potomac*, at Port Mahon, a serious outbreak of the crew occurred, which, but for the promptness of the marines in quelling it, might have resulted in very serious mutiny, and the action of the marines was a subject of commendation by the officers of the ship.

Similar testimony to the fidelity and efficiency of the marines abounds in the records of the Mexican war, at Veracruz, the City of Mexico, and elsewhere, and during the recent great rebellion, at Fort Pickens, New Orleans, Mobile, Vicksburg, Port Hudson, and in many other scenes of active conflict, the value of which may be attested by the following extract from the report of Capt. John L. Broome to the commandant of the Marine Corps at headquarters:

[Copy.]

U. S. FLAGSHIP HARTFORD,
Off New Orleans, November 17, 1862.

SIR: Under the impression that a report has been made of the part taken by the United States Marines of the fleet under the command of Admiral Farragut in the military operations on shore in the approaches to and at New Orleans in April last, I made no report to the Colonel Commandant of the Marine Corps at that time. I take occasion to correct the omission, and report the following:

On the morning of the 24th April last, and immediately after the action with Forts Jackson and St. Philip, and the destruction of the rebel fleet, the marines under my command, by order of Admiral Farragut, landed and took possession of the quarantine, at the same time taking prisoners the rebel troops, with their officers, quartered in the quarantine buildings, and hoisting the flag of the United States on the same. Admiral Farragut having determined to take military possession of the city of New Orleans until the arrival of the troops of the United States Army under General Butler's command, a battalion of United States Marines under my command, about 250 strong, were disembarked from the fleet on the 29th of April last, and marched to the custom-house, where I detailed Capt. Adam Ramsay with a detachment of marines to occupy the custom-house and guard the United States flag, then about to be hoisted on the building. At this juncture the marines were joined by two howitzers, manned by seamen, in charge of Midshipmen J. H. Read and E. C. Hazeltine, from the flagship *Hartford*. After occupying the custom-house, I received orders from Commodore H. H. Bell, senior officer present, to march the marines to the city hall, a distance of about half a mile from the vessels of our fleet, and near the center of the city. On arriving at the city hall I directed Lieut. John C. Harris with a guard of marines to occupy the building and enforce order there while the rebel flag was being hauled down from the flagstaff on the city hall. After performing this duty, the marines were marched to the place of embarkation, and returned to the fleet, except the marines quartered in the custom-house, who were retained there for the purpose of guarding the United States flag. When the troops of General Butler's command landed at New Orleans on the 1st of May last, the force of marines on duty in the city returned to the fleet.

Respectfully, your obedient servant,

JOHN L. BROOME,
Captain, Commanding Marines, Gulf Squadron.

Col. JOHN HARRIS,
Commandant, United States Marine Corps,
Headquarters, Washington, D. C.

England and France, but especially the former, have not only marines as infantry, but a distinct corps of marine artillery, and each of their line-of-battle ships has four fieldpieces and their frigates two, so that in case of their landing a military force they are never without that arm for the field to which the first Napoleon owed so many of his victories. France has also an efficient body of marines, and so have other nations.

The committee are of opinion that the employment of marines produces a far greater degree of efficiency in the military force of the country, and that they are far better adapted to the peculiar duty which they are called upon to perform than could be obtained by soldiers, who are liable to frequent changes and entirely unpracticed in sea service, while as a matter of economy little, if anything, could be saved in expense by dispensing with the Marine Corps.

An equal and probably a greater number of soldiers would be required to perform the service now done by marines, with corresponding pay and rations. From the beginning, this corps seems to have fully and satisfactorily fulfilled the purpose of its organization, and no good reason appears either for abolishing it or transferring it to the army; but, on the contrary, the committee recommend that its organization as a separate corps should be preserved and strengthened. The Marine Corps now numbers upward of 90 officers, and about 3,600 rank and file, making a command more than three times in number that of a colonel in the army, who is still subject to several officers of superior grade, yet the highest officer in the Marine Corps ranks only as a colonel. Nearly every corps and department of the army, if not every one, including the staff, some of which have comparatively few men, has a brigadier-general or higher officer at its head. Such is the case with the Engineer Corps, Chief of Ordnance, the Quartermaster's, Paymaster's, and Medical departments, while the head of this important corps of nearly 4,000 men ranks only with a colonel in the army and captain in the navy.

The committee are of opinion that justice to this officer, the proper assimilation of the corps to the military and naval branches of the service, and the encouragement which this recognition of the importance of the corps would give to both officers and men require that its commanding officer shall hold the rank of a brigadier-general.

Mr. STEPHENS of Texas. Mr. Chairman, I now yield twenty minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, on this the one hundredth anniversary of the birth of Abraham Lincoln I do not think that anything could be discussed that is more appropriate than that which is of benefit to the general public, and especially the poorer members of the general public. If Abraham Lincoln was here to-day a Member of this House, charged, as he would be, with legislating for the District of Columbia, I believe that he would be interested in what I expect to discuss, as he was a man of such broad sympathy, a man of the people, a man who sympathized with those who had to labor. He was in sympathy with those who earned their bread by the sweat of their faces. He was in favor of anything that would make the burdens of life lighter and smooth the pathway of those who have to earn their living by daily toil. In this capital of the Nation it seems to me, as we have the exclusive right to legislate for it, that in all legislation we should look to the interest of the great majority of the people who live here and must ever live here, and in the very nature of things the population of this city will always consist largely of government employees. There will be more of these people in the future than there are now. It is also true that gentlemen of large wealth and fortune come here to live because of the advantages it gives as a capital, but to them economic considerations will not appeal, because they are able to live without them.

A few days ago I discussed before the Committee of the Whole the question now agitating this Congress pertaining to

proposed gas legislation. There is to-day almost a pall settled over the people of this District because of the charge that they are using a very dangerous and poisonous gas. That has been caused, in part, by the testimony of a learned gentleman in the employ of the United States Government, one holding high official position, Doctor Wiley. I wish to read what he said about water gas or carbureted water gas. Answering a question from Mr. TAYLOR, at the hearings before the District Committee, Doctor Wiley said:

It will take six times as much of it—

Referring to coal gas—

at 5 per cent to kill a man as it would 30 per cent, and the effect would be so great—

Referring to coal gas—

that the odor of gas would probably wake up and inform them of their danger while they were still alive. They would live overnight with the coal gas, whereas they would be dead in the morning with the other gas, which is of higher percentage in carbon monoxide.

His testimony was given in a hearing on a bill which was pending before the District Committee limiting the carbon-monoxide gas to not over 10 per cent, and he states on the average that coal gas has only 5 per cent of this carbon monoxide. Therefore a gas with 30 per cent of carbon monoxide is six times more dangerous than coal gas.

I said the other day that if we pass any of these bills—and I see one was introduced in the Senate—to limit carbon-monoxide gas in gas used in Washington, not to exceed 10 per cent, it absolutely excludes water gas altogether, and that there were only two other sources of supply. One to manufacture coal gas exclusively—which runs, on the average, 5 or 6 per cent of carbon monoxide—and the other is to use natural gas. The other day my mind was diverted from the consideration of natural gas, which I intended then to discuss, and that is what I expect to discuss to-day. Man has no material that is commercially available to him with which to make gas that will contain less than 5 or 6 or 7 per cent of carbon monoxide. In the eternal hills of West Virginia, of Pennsylvania, of Ohio, of Kansas, and other States, in the laboratory of nature, a gas is made which is shown by expert testimony before our committee, on an average of 16 analyses, to contain only six-tenths of 1 per cent of carbon monoxide, or, speaking in round numbers, only one-half of 1 per cent. Ever since I have been serving on the District Committee, it has appeared strange to me that a large city like this, so near the natural-gas fields as we are, is limited to the consumption for fuel purposes of gas 22 candlepower, at $1 per thousand cubic feet. Here we must pay $7.25 a ton for anthracite coal with which to operate cooking ranges.

Now, is it or is it not possible, is it or is it not practicable to pipe natural gas to Washington City from West Virginia, or Pennsylvania, or Ohio, or Oklahoma, or Kansas, or wherever it is found in sufficient quantity? I have no expert knowledge on that subject, but I will read first what Dr. John K. Haywood, an expert from the Bureau of Chemistry in the Department of Agriculture, says in reference to carbon monoxide in natural gas. On his first appearance before the committee that question was asked him and he said he was not at that time ready to answer it. He answered it the next day and here is what he said:

I was not able to give that information at the time, but I believe Mr. Goldsboro volunteered the information that natural gas contained a large amount of carbon monoxide.

Mr. GOLDSBORO. No; just the contrary.

Doctor HAYWOOD. I was going to say that if he did say that, he was wrong, because natural gas contains only on an average of 16 analyses, taken from all parts of the United States, six-tenths of 1 per cent of carbon monoxide.

Now, with so low a percentage of carbon monoxide, practically one-half of 1 per cent, I do not see how it would be possible to have an accident in the use of natural gas that will result in death. It is true it is not an illuminating gas per se. If it is used for illuminating purposes the mantle would have to be used, though I do not know as to that. It could not be used for illuminating purposes, I understand, as well as coal or water gas.

Mr. KEIFER. Oh, yes. It has been used for twenty years.

Mr. SIMS. My friend the gentleman from Ohio, General KEIFER, says it has been used for twenty years, and therefore I have the information that it can be used for all purposes for which any other gas may be used. Now, why not take this God-made gas that has, as all the things the Creator makes, less of evil in it, less of danger, than anything that man can make, and bring it to the city of Washington? That was one of the reasons why the last paragraph appears in the bill I introduced, which was to provide that just such a thing might be done—that gas companies here might acquire supplies of coal or other material used in making gas.

Now, while this matter is before Congress and being considered, why not give this company, if it so desires, or any other company, the privilege of bringing natural gas to Washington City? If it can be used at the price it is furnished other cities, it will supplant all other kinds of fuel. I do not hesitate much to say that it can be brought and served in this city at not exceeding 30, 35, or 40 cents per thousand cubic feet. Why should other cities, looking to their own interests, have this natural gas, freer from poison than any other gas, at one-third of the price that people here have to pay? Why not have it in Washington?

Mr. GAINES of Tennessee. Mr. Chairman, will my colleague tell the committee why it is that we are unable to get a bill such as he suggests? Why does not his committee bring in a bill such as he suggests, at least partly relieving the manufacture from this deadly gas?

Mr. SIMS. I will answer my colleague by saying this, that the people here, like Members of Congress, had but little knowledge upon the subject and did not really know, I am confident, anything about gas—whether made of water or coal, or what percentage of carbon monoxide it contained—until an investigation was brought about by the Department of Agriculture through Doctor Wiley, Doctor Haywood, and Doctor Skinner.

Mr. GAINES of Tennessee. When did we make that discovery?

Mr. SIMS. It was in this way: The papers have been full of it, and a discussion was engaged in the other day, and no doubt my colleague was not present. There were three persons died here from gas poisoning named Bremmerman. The coroner's jury referred the matter of the quality of Washington gas to the Department of Agriculture for analysis, and the analysis was made. In all the samples analyzed none ran below 22 per cent and some of them as high as 29 per cent carbon monoxide. Now, the evidence before our committee has been absolutely conclusive that this company nor any other company can manufacture carbureted water gas and mix it with coal gas so as to contain less than 10 per cent of carbon monoxide. The commissioners prepared and sent up a bill requiring that gas used in the District of Columbia furnished by any company should not contain exceeding 10 per cent of carbon monoxide.

Mr. GAINES of Tennessee. How many days or weeks has it been since these chemists made this investigation?

Mr. SIMS. It was along in December or January; I do not remember; but a bill reducing the carbon monoxide to 10 per cent was introduced a very short time after the report was made public. The gentleman will remember there was a special message of the President——

Mr. GAINES of Tennessee. It has been that length of time since the head of our pure-food bureau, and these other chemists made that report, and the committee has been unable to get a bill reported.

Mr. SIMS. We have been having hearings.

Mr. GAINES of Tennessee. Why not stop the hearings and report a bill?

Mr. SIMS. I will inform the gentleman why the hearings have not been completed. In the first place, we had hearings of Doctors Wiley, Skinner, and Haywood. They gave statements and facts. In all justice to the gas companies, they were entitled to be heard. Three witnesses were furnished by them—the gas commissioner of Massachusetts, the chief gas inspector of New York, and another expert, Mr. Forestall—I do not know whether he holds an official position or not. They admitted the difference in the poison of the two gases, but contended that in actual use an exposure of either gas, if long enough, would produce death; that the exposure resulting in death usually came at night when people were asleep, and usually long enough to cause death with either coal or water gas.

While they admitted the poisonous contents they contended that practically but few more fatalities resulted from the use of one than the other. It was also shown that the water gas of Washington is as harmless as water gas can be made, and that it is distributed in as safe a manner as it can be done. It was shown that New York uses water gas, that Philadelphia, Baltimore, Chicago, Boston—that, in fact, all the large cities, or nearly all of them—use water gas to-day. Naturally the gas companies of those cities are interested in opposing any legislation which will discriminate against water gas for fear it will react upon them in their own cities.

Mr. GAINES of Tennessee. Does the gentleman mean to say the other cities are opposing the attempt to get rid——

Mr. SIMS. I do not know. I say they are naturally interested in protecting the use of water gas. These witnesses so admitted, as a man engaged in manufacturing an article would be interested; necessarily they are interested.

Mr. GAINES of Tennessee. Now then, has not the city got enough evidence, those who favor——

Mr. SIMS. Let me get through. The Commissioners of the District of Columbia stated that they had no money with which to subpœna witnesses to sustain the Department of Agriculture in rebuttal of the testimony of these experts.

Mr. GAINES of Tennessee. What do we want with that?

Mr. SIMS. Let me get through, and then perhaps the gentleman can decide better. A resolution was introduced by the chairman of the District Committee asking to have the expenses of witnesses summoned for the purpose of investigation of the poisonous nature of water gas to be paid out of the contingent fund of the House. The House passed the resolution. This additional evidence was asked for by the commissioners in support of Doctor Wiley's testimony, upon the theory that these experts had to some extent overbalanced as a practical question the advice given by the government expert.

Let me go back to natural gas. I want to refer you to the Natural Gas Company, of Kansas, which has capital stock, $12,000,000; bonds, $6,928,000. It draws from 300 wells. Miles of pipe line, 1,250. Amount of gas furnished, $3,000,000 in 1907. Price, gross, domestic, per 1,000 feet, 25 cents. Now, look at the cities furnished by this one company. See how scattered they are and what a vast territory there is lying between them. This company supplies Kansas City, Topeka, Lawrence, Leavenworth, Atchison, Ottawa, and about thirty-two smaller towns in Kansas, and St. Joseph, Carthage, Joplin, Webb City, Galena, and other towns in Missouri. I do not know absolutely the distance that any of these towns are from the source of supply, but I have been informed by one of the Members from Missouri that some of the gas comes at least 300 miles.

Here is the Manufacturers' Light and Heating Company, of Pittsburg; capital authorized, $25,000,000; issued, $21,500,000; bonded indebtedness, $7,000,000; pays 6 per cent interest. Wells drawn from, 1,208; miles of pipe lines, 2,982; number of meters supplied directly, 66,183; price of gas, net, per 1,000 cubic feet, domestic, 25 to 30 cents; industrial, 8 to 22 cents.

There are others along this line. I find hardly any natural gas supplied to domestic consumers that exceeds 25 or 30 cents per 1,000 feet. Here are nearly 3,000 miles of pipe line in the case of the last company I have named.

Now, with great supplies in West Virginia, why can not the present gas companies, if they are permitted and so desire, bring natural gas to the city of Washington, with a limitation upon the price not exceeding 30 or 40 cents, whatever may be shown to be reasonably profitable, and let the people be rid of smoke and cinders and ashes and the high price of coal in this city for all cooking purposes and heating purposes?

What looks better than a natural-gas log burning in an open fireplace? What is better, and what gives more cheer and comfort and pleasure? The bringing of natural gas to the city would absolutely eliminate the possibility of gas poisoning in the District of Columbia. These experts have shown, at least that was their testimony, that in cases they had examined the length of exposure had been sufficient to have resulted in death even from coal gas.

Now, some may contend that the companies will have to use different sets of pipes. Perhaps so; but the natural gas of these neighboring States—Maryland, West Virginia, Pennsylvania, and Ohio—may not be exhausted in a thousand years. We do not know how long, and why not, while we have got this subject up, place amendments on these bills that will allow the Washington Gaslight Company or any other company to give this service which is so much needed? [Applause.]

Mr. MARSHALL. Mr. Chairman, I again yield twenty minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. RAINEY. Will the gentleman yield to me thirty seconds?

Mr. MARSHALL. I have yielded to the gentleman from Massachusetts [Mr. LOVERING].

Mr. RAINEY. I only want thirty seconds.

Mr. MARSHALL. With Mr. LOVERING's consent; yes.

Mr. RAINEY. I have returned to the House, Mr. Chairman, because I have been advised over the telephone that a personal attack has been made on me. I regret it will be impossible for me to remain until the close of the remarks of the gentleman from Massachusetts [Mr. LOVERING]. I have accepted an invitation to make a speech this evening in another city, and the committee is now awaiting to escort me there. It will only be possible for me to remain a few minutes; but I will answer the gentleman at the first opportunity, if it appears, on reading the RECORD, that he requires an answer.

The CHAIRMAN. The gentleman from Massachusetts is recognized for twenty minutes.

Mr. LOVERING. Mr. Chairman, proceeding from where I left off, is it fair for Members of this House, who under the Constitution enjoy the privilege of free speech, to repeat on the floor of this House vague rumors against gentlemen where they can neither reply to nor call Members to account for their words? There is evidence sufficient and incontestable to convict the blackmailers, who have tried to work their sand-bagging game not only on the gentlemen I have named, but on both the political parties.

Last fall when the election was absorbing the public attention, and party feeling was running high, they tried to sell their dirty stories to the Democratic campaign committee and to certain leaders of the Democratic party; and it is a fact that the national Democratic committee had them under consideration for a long time, but being unable to substantiate them with any reliable proofs, they were not used as campaign material, much to the credit of that party.

For nearly two years these same villains had been pursuing Mr. William Nelson Cromwell, with the expectation that he would pay them a large sum of money—$5,000 to $25,000—to have them suppressed.

They were always met by him with an indignant refusal and the reply that they might do what they pleased with their stories, for they were nothing but lies.

Finding that they could do nothing with him on his own account, and knowing that he was deeply interested in Mr. Taft's campaign, they thought he would submit to paying something rather than to have any publicity at that time, as they said to him, "Even though there is no truth in the story, buy it and bury it." So sure was Mr. Cromwell of his own position and so conscious of his own integrity in all these matters that he did not believe that anything they could do or say would in any way injure Mr. Taft.

It was at that time, when they had failed in all their demands upon Mr. Cromwell, that they took their nefarious wares to Mr. Mack, chairman of the Democratic national committee, and offered them for sale for campaign purposes. Yet, while they were not accepted for the reason I have stated, that they were lacking in the means of proving them, we see by the clipping from the World, which I have just read, that members of the Democratic party did enter into an agreement with Mr. RAINEY to exploit the subject on the floor of this House.

This he has attempted to do by introducing his resolution of inquiry, but, singularly enough, for some reason or other he has not seen fit to push the resolution nor, so far as we know, has he taken any steps to bring about any investigation. Has he fallen down?

Has he failed to secure his proofs? Have his informants forsaken him?

After these professional blackmailers (for it is known that many of them were professional) had failed to extort money from any of these sources, they did in sheer desperation cause them to be published, and they appeared in the New York World. Whether that journal paid anything for them or not I can not say.

Whether Mr. RAINEY got his information from the New York World or directly from these blackmailers, that is a matter——

Mr. RAINEY. I want to say to the gentleman I received no information from either source.

Mr. LOVERING. What does the gentleman know about either source I refer to?

Mr. RAINEY. I have not had the pleasure of hearing your remarks until this moment.

Mr. LOVERING. The gentleman will see them in the RECORD to-morrow morning.

Mr. RAINEY. I know nothing about any blackmailers, nor have I received any information from the New York World.

Mr. LOVERING. The gentleman will have an opportunity to make a reply when he sees what I have already said. The gentleman at least will have an opportunity to state to the House where he did get his information.

Mr. RAINEY. Did the gentleman prepare the manuscript he is reading, or did Mr. Nelson Cromwell?

Mr. LOVERING. Every word I prepared myself; nor has Mr. Cromwell seen it.

Mr. RAINEY. Did he put the gentleman in possession of the facts?

The CHAIRMAN. Does the gentleman yield?

Mr. LOVERING. I much prefer to proceed; and the gentleman will have full opportunity to make a full reply.

Mr. Chairman, I have been familiar with the Isthmian Canal question ever since I entered Congress twelve years ago.

When the canal commission which was appointed to examine all of the proposed routes returned from its visit to the Isthmus

in 1901 and made its report, it was easy to see that if the Panama Canal and the concessions to the French company could be purchased for $40,000,000 it would be the best proposition for the United States Government. At that time I had several conferences with the late George S. Morrison, who, to my mind, was one of the ablest engineers who has ever had anything to do with the interoceanic canal question.

I also found that Mr. William Nelson Cromwell understood the subject thoroughly in all its details.

At that time I made almost the first speech in Congress in favor of the Panama Canal.

At this point I desire to say a word about Mr. William Nelson Cromwell, who has been the subject of much unwarranted criticism, misunderstanding, and misrepresentation. Mr. Cromwell was at that time the counsel for the French company. And he used his best efforts and all proper means to serve his clients, as, indeed, he was bound to do. He was also counsel for the Panama Railroad, and was active (as he always is in everything he undertakes) in the transactions between the United States Government and the French company.

All this is well known.

There have been no secrets, notwithstanding suspicious minds have been disposed to imagine there were.

I have this to say, that I have been in pretty close touch with Panama Canal matters for many years, and also with Mr. Cromwell, and I have never known of his doing a single improper act in connection with this or any other transaction whatever, either in this country or France or on the Isthmus.

In this matter I believe that everything he did was honorable, straightforward, and absolutely without any self-seeking interest beyond what should properly come to him as a legitimate fee for his services.

Mr. HITCHCOCK. Will the gentleman yield?

Mr. LOVERING. I will yield to the gentleman.

Mr. HITCHCOCK. Does the gentleman from Massachusetts, who says that there were no secrets in the Panama Canal transaction, justify the refusal of William Nelson Cromwell to answer questions put to him by one of the great committees of Congress concerning these transactions?

Mr. LOVERING. Oh, Mr. Chairman, the gentleman refers to an investigation before a Senate committee, I understand, two years ago. Mr. Cromwell answered every single question he was at liberty to answer in faith to his own client. Since that time conditions have so changed in regard to suits then pending that nothing has been kept back since, and the whole state of the case is well known to everybody.

Mr. HITCHCOCK. I do not like to interrupt the gentleman too much, but is it not a fact that at that time Mr. Cromwell attempted to and claimed the right to decide for himself whether the questions were proper, and the committee considered all the facts and overruled him, and that an order was about to be issued to require him to answer the questions as propounded, when the great Senator who was prosecuting the inquiries died and put a stop to the matter?

Mr. LOVERING. No; Senator Morgan did not die until a long time after Congress had adjourned. I do not propose, Mr. Chairman, to go back of the facts. What happened at that time happened; they did not hale Mr. Cromwell to the bar of the Senate; they did not compel him to state what he had no right to state, or tell the secrets that had nothing to do with the United States and had nothing to do with the probity of his own position.

Mr. HITCHCOCK. Will the gentleman deny that the committee voted to require him to answer the question?

Mr. LOVERING. Why did not they force him to?

Mr. HITCHCOCK. They were taking steps to do so. I do not see how the gentleman can maintain that there were no secrets——

Mr. LOVERING. I must decline, Mr. Chairman, to pursue this discussion any further, because it is a side matter.

The CHAIRMAN. The gentleman from Massachusetts declines to yield further.

Mr. LOVERING. Mr. Cromwell did not profit directly or indirectly, in any form or manner, from any part he took in these matters, beyond receiving a very moderate compensation for his services to the French company.

I believe that while he served his clients faithfully on the one hand, on the other he was absolutely patriotic and never for a moment forgot that he was first of all an American citizen.

Any statements to the contrary, I believe, are utterly unfounded and unwarranted, both as relate to Mr. Cromwell or these other gentlemen who have been attacked.

I call upon the gentleman from Illinois to produce here and now the proofs he claims to have to support his charges against these gentlemen, the President-elect, and against President Obaldia and the Panama Legislature.

If he declines to do this, then let him push his resolution of inquiry for adoption, and let us have a full and complete investigation of all matters concerning the Panama Canal.

If there is any crookedness, let us have it unearthed, and if there is to be any censure let it fall where it belongs.

Mr. RAINEY. Will the gentleman yield?

Mr. LOVERING. For a question.

Mr. RAINEY. I understood the gentleman to call upon me a while ago to produce certain proofs now and here. I stated on the floor a moment ago that it was impossible for me to remain until the speech of the gentleman is over, but I desire to assure the gentleman, as I did a moment ago, that at the earliest opportunity, after reading the gentleman's speech in the RECORD, I will proceed to answer it to the best of my ability and to produce what proofs I am able.

Mr. LOVERING. Mr. Chairman, if the gentleman from Illinois does not wish to pursue either of these courses, then it remains for him to do the fair and manly act of withdrawing his charges and admit that he has been misled, and, above all, let him make a proper apology to President Obaldia and the Panama Government. [Applause.]

Mr. MARSHALL. Mr. Chairman, I will yield to the gentleman from New York [Mr. OLCOTT] forty minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask the gentleman to allow me to yield to a gentleman on this side.

Mr. MARSHALL. I desire to say, Mr. Chairman, that we have been very courteous on this side, and they have broken up our programme to some extent, and I would like to go on.

Mr. HUGHES of New Jersey. Mr. Chairman, if I may, I would like to ask unanimous consent to extend my remarks in the RECORD on the subject of Abraham Lincoln.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUGHES of New Jersey. Mr. Chairman, at a time like this, when every head is bowed in reverential awe in memory of Abraham Lincoln, that great sympathizer with the plain people, it is perhaps not inappropriate to submit to the House and the country certain quotations from his writings not often quoted. From these it will plainly be seen on which side his sympathy and influence would be bestowed were he called upon to pass upon the burning question of to-day.

LINCOLN—LABOR AND CAPITAL.

It is not needed nor fitting here that a general argument should be made in favor of popular institutions; but there is one point, with its connections not so hackneyed as most others, to which I ask brief attention. It is the effort to place capital on an equal footing with, if not above, labor in the structure of government. * * * Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration. * * * No men living are more worthy to be trusted than those who toil up from poverty; none less inclined to take or touch aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which, if surrendered, will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them till all of liberty shall be lost. (From Annual Message, December 3, 1861.)

It may seem strange that any men should dare to ask a just God's assistance in wringing bread from the sweat of other men's faces. (Inaugural address, March 4, 1865.)

And inasmuch as most good things are produced by labor, it follows that all such things of right belong to those whose labor has produced them. But it has so happened in all ages of the world that some have labored, and others have, without labor, enjoyed a large proportion of the fruits. This is wrong and should not continue. To secure to each laborer the whole product of his labor, or as nearly as possible, is a worthy object of any good government. (Complete Works, vol. 1, p. 92.)

I am glad to see that a system of labor prevails in New England under which laborers can strike when they want to, where they are not obliged to work under all circumstances. (Speech at New Haven, Conn., March 6, 1860.)

The strongest bond of human sympathy outside the family relation should be one uniting all working people of all nations, tongues, and kindreds. (Reply to committee of Workingmen's Association of New York, March 21, 1864.)

Allow all the governed an equal voice in the government; that, and that only, is self-government. * * * Finally, I insist that if there is anything that it is the duty of the whole people to never intrust to hands other than their own that thing is the preservation and perpetuity of their own liberties and institutions. (Speech at Peoria, Ill., October 16, 1854.)

THE RIGHT OF SUFFRAGE.

I am opposed to the limitation or lessening of the right of suffrage. If anything, I am in favor of its extension or enlargement. I want to lift men up—to broaden rather than contract their privileges. (Interview, Springfield, Ill.; Herndon, p. 625.)

LINCOLN'S IDEA OF FREE GOVERNMENT.

You can better succeed with the ballot. * * * Let there be peace. Revolutionize through the ballot box and restore the Government once more to the affections and hearts of men by making it ex-

press, as it was intended to do, the highest spirit of justice and liberty. (1855, Advice to Free Soilers who talked of using force; Herndon, p. 380.)

THE MAN BEFORE THE DOLLAR.

* * * The Democracy of to-day hold the liberty of one man to be absolutely nothing when in conflict with another man's right of property. Republicans, on the contrary, are for both the man and the dollar, but in case of conflict the man before the dollar. * * *

But soberly, it is now no child's play to save the principles of Jefferson from total overthrow in this Nation. * * * This is a world of compensation, and he who would be no slave must consent to have no slave. Those who deny freedom to others deserve it not for themselves, and, under a just God, can not long retain it. All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so to embalm it there that to-day, and in all coming days, it shall be a rebuke and a stumbling block to the very harbingers of reappearing tyranny and oppression. (Letter to Republicans of Boston, April 6, 1859, in reply to an invitation to attend a celebration in honor of Jefferson's birthday.)

I have often inquired of myself what great principle or idea it was that kept this confederacy so long together. It was not the mere matter of the separation of the colonies from the mother land, but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world for all future time. It was that which gave promise that in due time the weight would be lifted from the shoulders of all men. (Speech at Independence Hall, Philadelphia, February 22, 1861.)

Think nothing of me; take no thought for the political fate of any man whomsoever, but come back to the truths that are in the Declaration of Independence. While pretending no indifference to earthly honors, I do claim to be actuated in this contest by something higher than an anxiety for office. I charge you to drop every paltry and insignificant thought for any man's success. It is nothing; I am nothing; Judge Douglas is nothing. But do not destroy that immortal emblem of humanity—the Declaration of Independence. (Speech at Bardstown, Ill., August 12, 1858.)

DECLARATION OF INDEPENDENCE.

The assertion "that all men are created equal" was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration, not for that, but for future use. Its authors meant it to be—as, thank God, it is now proving itself—a stumbling block to all those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant, when such should reappear in this fair land and commence their vocation, they should find left for them at least one hard nut to crack. (Speech at Springfield, Ill., June 26, 1857.)

LIBERTY.

The fight must go on. The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats. (Letter to H. Asbury, November 19, 1858.)

The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal. (Inaugural address, March 4, 1861.)

THE COURTS AND THE PEOPLE.

The people of these United States are the masters of both Congresses and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution. (Speech at Cincinnati, Ohio, September 17, 1859.)

All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth (our own excepted) in their military chest, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

At what point, then, is the approach of danger to be expected? I answer, if it ever reach us, it must spring up among us; it can not come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen we must live through all time or die by suicide! (Speech at Springfield, Ill., January 27, 1837.)

We will hereafter speak for freedom and against slavery as long as the Constitution guarantees free speech; until everywhere on this wide land the sun shall shine, and the rain shall fall, and the wind shall blow upon no man who goes forth to unrequited toil. (1856, History of Abraham Lincoln; Arnold, p. 97.)

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, I apologize to you and to the Members of this House for violating the spirit of the code of ethics in this great body by asking that you hear me, when there are so many others who, by priority of service and superiority of statemanship, are entitled to the time allotted to me; and yet I would be false to the interests of the quarter of a million of people whom I represent if I did not raise my voice and cast my vote against the reign of extravagance and the growth of greed that is blighting the possibilities of all but those "on the inside, looking out," and getting much of its inspiration from official tendencies to make office seeking and office holding a commercial enterprise, rather than a call to public duty and a badge of honor.

Every conspiracy against good government and every license for imposition on a defenseless public bases its rights to do its worst upon some statutory or executive precedent in government and, when we, here, the greatest lawmaking body for the greatest cosmopolitan populace of enterprise and freedom on earth, sanction the suggestion that public officials should be paid exorbitant salaries we simply invite the vampires of our commercial life to prey more ravenously upon the fruits of honest toil and encourage avarice to renewed citations of the pernicious doctrine, that it is the fixed policy of our country and its people to "get dollars; get them honestly if you can, but get them."

We, all of us, fully understand that there is a rapidly growing spirit of protest among our constituents against the increase in extravagance in the public service. And this is not inspired by the so-called "chronic knocker." It comes from intelligent men of the shop, farm, and business house everywhere, and it comes regardless of party affiliations or personal vocation.

Why this growing protest from the masses of our country? Why should we, sirs, we who are chosen representatives of the best interests of the people of the United States, give cause for this widespread and almost universal appeal to stop the colossal increase of public extravagance as a safeguard to public and private welfare in all the diversified branches of industrial and financial endeavor?

Let us look at some of the figures Congress is authorizing as legitimate and necessary expenses in conducting this Government. For instance, it is given out as statistical fact that the President's salary is $50,000 per year; his clerk hire, $69,200 per year; his contingent fund, $25,000 per year; his traveling expenses, $25,000 per year; his maintenance for the White House, horses, vehicles, stables, and so forth, $35,000 per year; White House grounds, $9,000 per year; fuel, $6,000 per year; care of greenhouses, $9,000 per year; repair of greenhouses, $3,000 per year; printing, $2,000 per year; lighting the White House residence and grounds, $510 per year—a grand total of $234,430 per year, with 40 paid police guards besides. And now we have a bill pending and favorably considered which provides that the President's salary of $50,000 shall be increased to $100,000, although the argument is ridiculously made that this will be an increase for the President and a saving for the Public Treasury. In the name of reason, is not $50,000 per year, with $184,430 incidental official and living expenses, a fair compensation for our Presidents? The advocates of salary increase say the President, Members of Congress, and federal judges can not live in keeping with the dignity of their positions and save any money at the salaries they have been receiving heretofore. If this be true, the philosophy of Abe Martin, Indiana's quaint and popular myth, must be right when he says:

A President who can't save any money on a net salary of $50,000 per year, hasn't as much sense as an ordinary city councilman.

In this connection, Mr. Chairman, I ask to have incorporated here a statistical report, obtained at the cost of considerable research—a statement of salaries paid to various government officials and of startling increases, in recent years, of certain appropriations. I do this because, at this time when there is a great deal of comment throughout the country on the increase of government expenses, it is of importance that approximately correct facts be given out for public consideration. Therefore I submit the following schedule of expenditures, data as obtained from official sources:

STATEMENT OF GOVERNMENT EXPENDITURES, COMPILED FEBRUARY 10, 1909.

Salary and allowances of the President, as compiled from different appropriation bills:

Salary	$50,000
Clerks	69,920
Contingent fund	25,000
Traveling expenses	25,000
Maintenance White House horses, vehicles, and stables	35,000
White House grounds	9,000
Fuel	6,000
Care of greenhouses	9,000
Repair of greenhouses	3,000
Printing	2,000
Lighting White House grounds	510
Total	234,430

Proposed that President's salary be increased to $100,000, no travel allowances. Net increase, $25,000.

Senators' annual salary	each	$7,500
Senators' average mileage	do	510
Representatives' annual salary	do	7,500
Representatives' average mileage	do	388

In addition to salary and mileage there is an allowance to each Senator and Representative of $120 per session for stationery and office supplies, one mileage allowance each way each session.

It is also proposed to raise the salary of the Speaker of the House to $15,000 and that of the Vice-President to $20,000 per year.

SALARIES OF FEDERAL JUDGES.

Chief Justice United States Supreme Court	$13,000
Eight associate justices, each	12,500
Twenty-nine circuit judges, each	7,000
Eighty-five district judges, each	6,000

IN THE DISTRICT OF COLUMBIA.

Chief justice court of appeals	$7,500
Two associate justices, each	7,000
Chief justice supreme court and five associate judges, each	6,000

COURT OF CLAIMS.

Chief justice	6,500
Four associate judges, each	6,000

Increases of salary have been asked as follows:

For Chief Justice United States Supreme Court, to $18,000; for associate justices, to $17,500; for circuit judges, to $10,000; for district judges, to $9,000.

In the District of Columbia:

For chief justice court of appeals, to $10,000; for chief justice supreme court, to $9,000.

There are no extra allowances to district judges except $10 a day for expenses when holding courts outside of their respective districts, and to circuit judges, when traveling, their actual traveling expenses.

NUMBER OF GOVERNMENT EMPLOYEES AND AVERAGE SALARIES.

The last Official Register gives the total number of employees in the federal service in the District of Columbia, including the President, but not including Members of Congress or employees of Congress, as 28,947, and the aggregate compensation as $31,541,225, giving an average of $1,089.60.

Census Bulletin No. 94 gives the number of employees in the federal service in the District of Columbia in 1907 as 25,531 and their compensation in detail, as follows:

Less than $720	6,501
$720, but less than $840	2,236
$840, but less than $900	602
$900, but less than $1,000	1,516
$1,000, but less than $1,200	2,453
$1,200, but less than $1,400	4,537
$1,400, but less than $1,600	2,469
$1,600, but less than $1,800	1,361
$1,800, but less than $2,000	1,153
$2,000, but less than $2,500	841
$2,500 and over	617
By piecework	1,046

There is no appreciable increase in these salaries for the last ten years, or, in fact, for many years prior to that period, because the salaries of the clerks in the classified service have not been increased since they were first established by law many years ago. The only increases have been in the salaries of heads of departments, assistant secretaries, and some bureau officers, the aggregate of which will not materially increase the total and but very slightly the average.

Appropriations for the army, 1908–9	$95,382,247.61
Appropriations for the army, 1898–99	23,193,392.00
Increase	72,188,855.61

Authorized strength of the army October 15, 1908, as shown by the annual report of the Secretary of War.

	Officers.	Enlisted men.
Regular Army	4,307	77,743
Philippine Scouts	166	5,508
Total	4,473	83,251

The Hospital Corps, about 3,500 strong, is not counted as part of the enlisted strength of the army.

Actual strength of the army October 16, 1908.

	Officers.	Enlisted men.
Regular Army	4,116	68,512
Philippine Scouts	114	5,424
Total	4,230	73,936

Appropriations for the navy, 1908–9	$122,662,485.47
Appropriations for the navy, 1898–99	56,098,783.00
Increase	66,563,702.47

The personnel of the navy, as shown by the report of the Secretary of the Navy, is as follows:

Officers	2,133
Enlisted men	42,400
Marine officers	268
Enlisted men (marines)	9,293

Look at the increase in the army appropriations in the ten years since the close of the Spanish-American war. Look at the increase of the navy appropriations since we have been at peace with all the world.

And, more than this, let us look at other growths of expense during the past few years. First, I refer to public statements of the able and distinguished head of the Appropriations Committee [Mr. TAWNEY] in a recent speech on the floor of this House. In his very able address in defense of his committee's action in recommending a reduction of the expense of the government detective bureau he said the appropriations act passed by the last Congress provides $1,105,000 to pay post-office detectives; $125,000 to pay internal-revenue detectives; $200,000 to pay customs-frauds detectives; $115,000 to pay counterfeiter detectives; $175,000 to pay bureau of corporations detectives; $450,000 to pay interstate-commerce detectives; $500,000 to pay public-lands detectives; $250,000 to pay antitrust-law detectives; $380,00 to pay pension-bureau detectives; $3,000,000 for meat-inspection detectives; and $826,000 for pure-food detectives. Of course he frankly urged that much of this is for necessary safeguard of public welfare, but the growth of this service has been out of all proportion to benefits to the public and to the ability of the people to pay. According to Mr. TAWNEY, the number of inspectors and detectives on the government pay roll just prior to the Spanish war was less than 200. To-day it exceeds 3,000, and the appropriations for their pay have jumped from a little over a million dollars to seven or eight times that amount.

But this is only one citation by the frank and courageous stalwart on the Republican side. He goes further, and announces the appalling condition in national finance to be that while we had a deficit in the National Treasury of $58,000,000 last year, we are to have a deficit of $117,000,000 this year, and will have $143,000,000 deficit next year.

Mr. Chairman, is it within the rules of propriety and established precedents to inquire why it is that when an effort is made to curtail some of these expenses, as was done by the Committee on Appropriations, the Members should be stigmatized by the highest acting authority in this country as designers against integrity in the public service?

Here is another instance: When the Committee on Military Affairs made its report an effort followed to add a half million dollars to the quarter of a million already provided for signal-service and air-ship experiments; and but for the tactful work of a few Members on each side of this House it would have passed, as was indicated by all proceedings up to the time of the roll call.

No patriotic man would question any reasonable "preparation for war in time of peace," but any and every fair-minded man will protest that large appropriations by the Government for experiments at air-ship inventing will discourage the genius of every man who does not happen to have a position on the government pay roll and who is ambitious to give the world an air ship on his own merits so he may reap the rewards of his own genius and his own financial risk as all other great inventors have had incentive to do.

We spend millions in a battle-ship cruise around the world to show other nations how awful we are, and in the name of economy frown upon requests for inland waterway improvements. We raise salaries and increase military appropriations with lavish hand, but we have no means to help the rural millions who need better highways and better transportation facilities, and who would be greatly benefited thereby. Ah, we do vastly more than this. By the Government's precepts of living beyond legitimate income we school thousands and thousands to lives of ruinous extravagance, and to other thousands, who feel justified in trying to ape government officials in high finance (with other people's money), we open the doors to prison doom.

I do not speak in scorn nor carping fanaticism. I do not speak in censure of all men of any party. Rather do I confess despair as I see members of both the great parties occasionally cast votes here that would embarrass them at home if their constituents but knew. Far be it from my purpose to attempt to point out to you, my colleagues of long experience and accomplishment in statecraft, what we shall do to relieve the millions of the increasing burden of expenses that are already weighing them down; but I do know what they expect of us, and that is to vote "no," and vote it so earnestly and emphatically that it shall redound to the glory and the consistency of an ideal republic and to the financial emancipation of mankind throughout all domain divinely blessed with the Stars and Stripes.

Will our constituents longer approve our votes because we affiliate with this political party or that? Will they excuse our carelessness of their well-being when we vote imposition upon them at the behest of some special interests or party leaders or party caucus? If they will not, and the signs of the times point unmistakably to such a new era in politics, then how will we of experience, of full responsibility, and of sovereign power—how will we justify ourselves on next election day? And how will our legislative delinquency affect the generations to come? These are questions that are up to us individually, for henceforth the people are going to elect their representatives on their individual merits as such, and may unselfish patriotism speed the day for such a wholesome triumph in American politics.

Mr. MARSHALL. I now yield forty minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Chairman, I suppose I voice the sentiments of most of the citizens of the United States who are interested in the welfare of this country in a feeling of deep regret at reading the recent addresses of the gentleman from Illinois [Mr. RAINEY] on the subject of the Panama Canal.

As I read the remarks of the gentleman from Illinois, it seemed to me he attacked the personal credit and honor and faith of the President of the United States, of the President-elect of the United States, and of President Obaldia of the Republic of Panama.

I know he did attack the faith and honor and credit of a distinguished citizen of my own home, Mr. William Nelson Cromwell, as he did the reputation of Mr. Charles P. Taft, of Mr. Harvey, and of Mr. Farnham; and it seemed to me that if there were facts that could justify such an attack all of us must take serious cognizance, not because we believe that they could be true, but because what had been published in the newspapers during the heat of a political campaign were given the faith, force, and credit of a statement from a Member of the great House of Representatives, who was protected from answering for his words, if they were false, by reason of his privilege on the floor of the House.

I therefore had many consultations with Mr. William Nelson Cromwell, because I knew that he probably knew more about the facts in the Panama Canal matter than any other one individual, and because I had faith in him, in his honor, and in his integrity.

I knew he was a man of high standing and reputation in his community; who had dealt in great matters and been connected with great affairs; and had, in so far as I had ever known—and I knew much about many of them—conducted them with a scrupulous integrity and honesty and a careful attention to details that justified people in giving him his great reputation. At my request Mr. Cromwell wrote me a letter, and at first I had expected to read it without comment; but the more I examined the papers that he suggested to me as proving the statements of his letter the more I felt that I myself wished to take the responsibility of making these statements and asserting to the House that it is an accurate and true statement of matters connected with Panama Canal affairs.

As I said a moment ago, during the troublous times before the national election, statements were rife that the Republican administration and all the people connected with it had been guilty of outrageous conduct in connection with the Panama Canal, and stories were offered to the press of New York in regard to this matter and were finally accepted by one of the newspapers in New York, which printed them broadcast, some of them possibly libelous. At that particular time and under the circumstances of the stress of excitement at the time of the national election it was impossible that legal steps could then be taken. From time to time statements were printed as to what would be done, and finally a specific statement was made in the New York World that immediately upon the opening of Congress a resolution would be offered by the Representative from Illinois [Mr. RAINEY] for investigation of the matter. That resolution was introduced.

We have heard, as I say, two speeches following along that line. Those speeches contained a great number of inaccuracies and I shall try to show them here. I make that statement because I think everyone will be convinced then that the gentleman from Illinois [Mr. RAINEY] must be in great part mistaken.

Mr. Cromwell, in an extended answer before Congress and in other statements made publicly, refuted these stories, and these statements should make everyone who is unprejudiced know that not a dollar of the $40,000,000 paid to the French companies or the $10,000,000 paid to the Panama Republic was ever received directly or indirectly by him, save a most moderate professional compensation, officially audited and approved and a matter of official record.

Mr. Cromwell never had a penny's interest in any business affair in the Republic of Panama, with the single exception of a comparatively small amount in the local light company, for which he paid cash at par at the earnest and particular solicitation of the people there.

One of the most serious things that was contained, it seems to me, in the address of the gentleman from Illinois [Mr. RAINEY] was the personal attack upon the character of the President of the Panama Republic. Let me tell you the real facts in regard to the matter. Let me say that since these remarks were prepared, and since I have looked them over, I have to-day seen a gentleman of great importance in Panama, who made a statement that many Americans might think exaggerated, and that is that Mr. Obaldia to-day was entitled to be called the Washington of Panama. This gentleman followed that statement by saying that he was easily the most important and distinguished citizen in the Republic of Panama.

He is 64 years of age, and during that time he has constantly, except during his childhood, been in the public eye of his country and of Colombia. He is a gentleman of the highest accomplishments and refinement. He comes of a family which for generations have sat in the councils of their nation, and is universally recognized by his countrymen as a man of the highest type of personal honor and of political purity and patriotism. He is a rare type of gentleman and would be an honor to any country in the world, and is universally beloved and respected by his people. He is a sincere admirer of this Nation and its institutions.

It was his independence and patriotism which made him stand out alone as the only senator in the Colombian Congress who had the courage to vote in favor of the Hay-Herran treaty, as an open and courageous advocate of the interests of the Isthmus. It was he who thrice in public speeches in the Senate at Bogota, in the course of that debate, warned his fellow-countrymen that if the treaty was rejected the Department of Panama would revolt.

It was doubtless in recognition of his devotion to the Isthmus and his lofty character that he was selected as first Vice-President of the new Republic, and that justified the general expectation that he would be the natural successor to President Amador, whose advanced age precluded the possibility of his reelection. It was this gentleman who was made minister at Washington a few months after the independence of the Republic and whom all official life in Washington will remember for his charms of person and character. He was called home in May, 1907, to become Acting President during the six months' vacation of President Amador, but in general expectation of his succeeding to the presidency. In this expectation there was at that period no public difference, and President Amador himself openly stated it at that time as his individual preference for his friend of forty years' intimacy.

However, not long before the date fixed for the national election another distinguished citizen, holding the office of secretary of state, Mr. Arias, became a candidate, and questions arose as to the validity of the proceedings upon the approaching election. Sworn representations were made to Secretary Taft by various committees of both political parties indicating that if the validity of the election should be brought in question public disorder would follow, endangering the property of the canal and the interests of the United States, as well as the peace of the Republic. This was the reason for the necessary consideration of the subject by Secretary Taft.

As a result of friendly conferences between the highest officials of both governments, a happy solution was found in the proposal by the Panama Government to itself establish a commission of electoral inquiry and to invite the United States to have representatives, without any judicial functions, accompany that commission in its investigations. By this means the crisis was averted and the national election proceeded in an orderly manner. Mr. Arias, for reasons of his own, withdrew his candidacy on the eve of the election, and Mr. Obaldia was elected.

Protocols for treaties between the United States, Panama, and Colombia had been signed at Washington in August, 1907, but in preparing the treaties certain questions arose requiring examination on the Isthmus relating to boundary, and so forth. In May, 1908, Secretary Taft was going to the Isthmus upon canal matters and his visit was availed of to arrange for conference upon certain treaty subjects. Accordingly, Minister Arango, then at Washington, and Mr. Cromwell, as counsel for Panama, proceeded to the Isthmus in advance of Secretary Taft, and when he arrived conferences were held between him and the American minister on the one part and the officials of the Republic of Panama and Mr. Cromwell on the other concerning certain treaty subjects. It was while there on this treaty mission, and without any anticipation in advance, that the question of the national election arose and was happily solved, as I have stated.

It is apparent, therefore, that President Obaldia was not forced upon the people of Panama by this Government or by any other agency, and that he was the free choice of his countrymen; that the action of Secretary Taft was statesmanlike, prudent, friendly, and greatly beneficial to both countries, and any statement to the contrary, by whomsoever made, on or off the floor of the House, is entirely unwarranted.

The gentleman from Illinois stated that President Obaldia and Mr. Cromwell have been closely identified with each other for ten years past.

Mr. Chairman, this is another mistake. Mr. Cromwell informs me that he never had met or had communication with Mr. Obaldia until the latter came here as minister to Washington in June, 1904.

The gentleman from Illinois made statements relative to propositions being entertained by the Republic of Panama for the construction of a railroad within that territory and the sale of timber from public lands. In this connection I should say that I now assert that this same William Nelson Cromwell has no interest in them whatever. I want further to state that these subjects, as all of us know, are exclusive within the jurisdiction of the Republic of Panama, and I do not imagine that any action of this Congress would be pertinent. I do think that it would be decidedly out of place. The consideration by our Congress of any such questions local to Panama is not justified by any principle of international law or any rule of international courtesy or ethics.

I now want to read a cablegram that was sent by Mr. Cromwell to Mr. Obaldia:

NEW YORK, *January 29, 1909.*

President OBALDIA, *Presidencia, Panama:*

In view of statements made in Congress by Representative RAINEY, of Illinois, respecting railroad and timber propositions recently under consideration by the Panama Government and legislature, I beg leave to state that I am not and never have been, in any manner, directly or indirectly, presently or prospectively, interested in either of the proposed affairs, or any other railroad or timber proposition whatsoever, in the Republic of Panama.

Please do me the favor to give this statement the fullest publicity.

WM. NELSON CROMWELL.

It was published in Panama.

In a speech on the 26th day of January the gentleman from Illinois made this statement:

On Sunday night, the 27th day of December, Obaldia called to his palace certain members of the general assembly, and they then and at that time demanded of him to know who the men were back of John Ehrman, representing that John Ehrman had no particular financial standing; and at that time they were told that the men who were back of this infamous, outrageous scheme were William Nelson Cromwell, Roger L. Farnham, his confidential clerk, W. S. Harvey, and Charles P. Taft.

The gentleman from Illinois laid especial and particular point in regard to that statement as showing the conspiracy that had been entered into by these gentlemen in both public and private life. This conference was participated in (the conference to which the gentleman from Illinois referred in his speech) by the President, his cabinet, and 17 members of the Assembly. Mr. Cromwell has handed to me original cablegrams from every one of the members of the council, and also one from Mr. Ehrman, which shows that Mr. Ehrman was not present at all at that conference—and I have the originals in my pocket—that no American or other outsider was present at said conference, and no mention was ever made by the President or any other person of the names of Mr. Cromwell and the other gentlemen mentioned.

Mr. Ehrman himself specifically declares that not only did he not make that statement quoted by the gentleman from Illinois, but, in fact, that Mr. Cromwell and the others named were not connected with the parties interested with him in the affairs, and the cables are as follows:

PANAMA, *January 31, 1909.*

MANUEL OBALDIA,
Hotel Latham, New York:

I was not present at conference at presidencia December 27. Therefore have never made statement to Diputados relating to parties interested in timber proposition, who have no connection with Charles Taft, Cromwell, or Farnham, so I have never mentioned them to anybody.

(JOHN) JUAN EHRMAN.

I will say in this connection that Manuel Obaldia is the son of the President of Panama, and he was in New York at the time and is consul-general of Panama at New York.

JANUARY 31, 1909.

MANUEL OBALDIA,
Hotel Latham, New York.

My attitude while in Colombian Congress in 1903 and my entire public life are far beyond the reach of slanderers.

Amador Arias's government was not overthrown; but, after expiration of constitutional term, was defeated in free elections, which freedom of suffrage was due to the presence of the Americans at polls specially invited to do so by Amador Arias's government, as it is shown by official communication published, and in accordance with article 136 of Panamanian constitution.

At conference at presidencia December 27 were present the members of the cabinet and 17 Diputados. Neither Ehrman or any other outsider was present, and no mention was ever made by me or by any other person of Charles Taft, Cromwell, or Farnham in regard to timber proposition which was brought before them for consideration. Railway proposition presented by Ward to Assembly was considered and rejected. Assembly passed a law authorizing to construct railroads with public funds, said roads to be national property.

Timber contract with Ehrman was rejected by Assembly, and there is a bill under consideration regulating forest exploitation on the Atlantic coast between Rive Concepcion and Costa Rica, including the entire Chagres Valley.

(President) OBALDIA.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. OLCOTT. Certainly.

Mr. GAINES of Tennessee. Does not the writer of that telegram use the word "slanderers" there?

Mr. OLCOTT. No; I think he does not.

Mr. GAINES of Tennessee. I thought I caught that in the reading.

Mr. OLCOTT. Yes; he does. He says that his public life is far beyond the reach of slanderers.

Mr. GAINES of Tennessee. To whom does he allude there?

Mr. OLCOTT. I have not the slightest idea. I think that is a general statement, Mr. Chairman.

Mr. GAINES of Tennessee. I think I have an idea to whom he alludes. Does not the gentleman think the best way out of this controversy is to have a full hearing; have Mr. Cromwell and Obaldia and the whole crowd——

Mr. OLCOTT. I would like, Mr. Chairman, to go on with my remarks.

Mr. GAINES of Tennessee. And pass a resolution——

Mr. OLCOTT. I do not yield for a speech.

Mr. GAINES of Tennessee. Well, that is no speech; I was just asking for the fair thing.

Mr. OLCOTT. I have another cable here which I would like to read.

PANAMA, *February 1, 1909.*

MANUEL OBALDIA,
Hotel Latham.

We, the undersigned, Diputados to the National Assembly of Panama, declare that we were present at the conference that took place at the Presidencia on the 27th of December last, and affirm that in said conference neither President Obaldia nor anybody else stated that Messrs. Taft, Cromwell, or Farnham had any interest or participation in the timber affair proposed to the Government of the Republic.

PABLO AROSEMENA.	ISAAC DELGADO.
JULIO J. FABREGA.	JOSE D. GUARDIA.
HECTOR CONTE B.	JOSE E. LEFEVRE.
CORLIANO GUARDIA	E. A. MORALES.
ANTONIO BURGES,	DEMETRIO DUTARY.
President of Assembly.	JERONIMO GARCIA.
R. AIZPURU.	SIMON ESQUIVEL.
S. SUCRE.	JOSE M. SOTOMAYER.
GONZALO SANTOS K.	IGNACIO QUINZADA.

I want to call particular attention to the fact that the President's dispatch not only disposes of the gentlemen in regard to the railway and timber propositions, but shows that the proposition made by Mr. Ward, which was referred to in the speech of the gentleman from Illinois, had been rejected by Congress, and that Congress itself passed a law for the construction of the railroad, which would be national property, and the same is true in regard to Mr. Ehrman's timber matter.

Now, great stress was laid in regard to the financial integrity of the Panama Government, and in that connection attention must be called to the one hundred and thirty-eighth article of the constitution of Panama, which is as follows:

In order to guarantee to posterity a part of the pecuniary benefits derived from the negotiation for the opening of the interoceanic canal, the sum of $6,000,000 is to be reserved, which will be inverted into securities producing a fixed annual revenue. The law will regulate this inversion.

Mr. Cromwell presented to the Senate committee in February, 1906, a detailed memorandum showing the investment and disposition of the entire $10,000,000 paid by the United States to the Republic of Panama. The investment of $6,000,000 in first mortgages upon high-class improved property in the city of New York remains intact.

I will say in this connection that once in a matter entirely apart from any relation I had with Mr. Cromwell I had occasion to look over this list of securities, because they were deposited in a trust company, and I also want to say I have had some experience in connection with real estate in New York, and I have never seen a finer line of securities than constitutes that particular $6,000,000 fund.

All these funds are cared for and safeguarded in the most scrupulous manner, and there is now thus invested and on deposit in the trust companies in New York City, at interest, the aggregate sum of $7,249,014.23, in addition to its cash in Panama. Every dollar of this stands in the name of the Republic of Panama. No disbursements are made from these funds without the direct order of the Government of Panama. The accounting between New York and the Republic of Panama is systematic and perfect, and the disbursement of every dollar of these funds is published at regular and frequent intervals by

the minister of finance of the Government of Panama in the Official Gazette, and is thus made known to all the citizens of that country.

The management of the Panama Government is prudent and the national funds are zealously guarded. It is proud of the position which it occupies, it being, perhaps, the only civilized country which has not a dollar of debt and which has a substantial cash reserve. It has also placed itself upon a gold basis by voluntarily creating a cash fund now on deposit with the trust companies of the city of New York, in the name of the Republic, representing the difference in value between the silver currency and the gold coin. No people could manifest more clearly their high standard of financial honor and their worthy ambition to be ranked among the best of the world. The young Republic is worthy the respect, confidence, and praise of their American brethren, and improper insinuations against its conduct on the floor of the House are not only improper as a matter of international courtesy, but grossly false in fact.

The pending treaties between Panama, Colombia, and the United States have been referred to as furthering in some mysterious way an improper purpose. Permit me to say that after the independence four fundamental questions remained for adjustment between Panama and Colombia, as is usual in cases of separation of territory, as was the case between United States and Great Britain, between Colombia and other South American republics separated from Spain, and many other well-known instances.

These involved the establishment of the precise boundary between Panama and Colombia; the ascertainment of the proportion of the foreign debt of Colombia which should be borne by the separating republic, and the adjustment of other pecuniary relations; commercial, extradition, postal arbitration, and other relations, as well as the formal recognition by Colombia itself of the independence of Panama, as had been done by all other civilized nations. The United States was, of course, deeply concerned in promoting these ends, and by request of Colombia and Panama loaned its good offices as mediator. These negotiations were, with much vicissitude, pursued for over two years, when, on August 17, 1907, protocols for treaties were formally signed at Washington; but fresh differences arose in the preparation of the treaties themselves, and it was only on the 9th day of January, 1909, complete accord was reached and the treaties were signed.

This happy result is one of portentous significance in United States and South American affairs. It reestablishes cordial diplomatic and commercial relations; it determines vexatious questions of boundary lines and pecuniary obligations; and furnishes to all South America a practical illustration of the fraternal attitude and friendly disposition of the United States.

When the Hay-Herran treaty was pending before the Colombian Congress in 1903, and when that Government demanded of Mr. Cromwell's French clients the equivalent of $20,000,000 in cash as the price of its consent to the sale of the company's property to the United States, it was his duty to oppose that demand, and he did so; but since the independence there can be no doubt that he has been earnestly devoted to the establishment between Panama and Colombia of the relations embodied in these treaties.

It is this beneficent result which constitutes to the mind of the Member from Illinois an inscrutible and unfathomable depth of mystery and mischief.

Although the purchase of the Panama Canal properties was fully and satisfactorily concluded in May, 1904, and although every step has been reported to Congress, the heat of party conflict in the recent national campaign induced the publication of the stories to which reference has already been made concerning the purchase of the canal. Mr. Cromwell made this the subject of an explicit public statement on December 11, 1908, which was transmitted by the President to Congress in connection with his message on December 15, 1908, and I will ask that a copy of such statement be printed at the end of my remarks.

There is no obscurity or uncertainty about any aspect of the canal purchase.

The indubitable records exist and are open to all who are entitled to see them.

Prior to 1899 the people of the United States had not given the Panama Canal serious consideration, although work upon it was steadily progressing by the French company, with several thousand laborers. But in March of that year Congress created a new commission (the Walker Commission), and then, for the first time, an examination was made of the Panama route and the concessions, work, plant, and other affairs of the Panama Canal and Railroad.

This examination was made during six weeks' daily sessions in Paris by the commission as a body, and subsequently by many months' examination on the Isthmus with a corps of engineers.

I can state, without fear of contradiction, that the members of the commission were greatly surprised and most favorably impressed with the result of their investigations and the superiority of the Panama route over that of Nicaragua, which had theretofore been popularly considered the preferable one. No unprejudiced person can read the commission's reports and the subsequent testimony of its members before the committees of the Senate and House without being satisfied that the commission were of this opinion. But the law under which they acted required them to recommend the route "most practicable and feasible," and which could be "under the control, management, and ownership of the United States."

This included, therefore, not only technical superiority and feasibility, but also the practicability of the United States controlling, managing, and owning the same. In other words, that while the Panama route might be the superior and feasible route from a technical standpoint, it would not be a practicable one for the purposes of the United States, if it could not be acquired upon satisfactory terms and placed under the "control, management, and ownership of the United States;" and that, therefore, the two elements, feasibility and practicability, must coexist.

For this reason, as their reports state, the commission requested the Panama Canal Company, in September, 1899, to state the price and terms upon which it would sell the canal properties in case the United States should adopt the Panama route.

The French company, while furnishing every facility in France and upon the Isthmus for the most minute inspection of its plans and work, was reluctant to sell upon any terms or to abandon the completion of the canal as a French enterprise. The correspondence reported to Congress by the commission shows a series of letters upon the part of the commission addressed to the Panama Canal Company, urging a reply to the request that the company declare whether it was willing at all to sell, and if so, the price at which it would sell. For more than a year and a half the company steadily refrained from making any definite reply to this request.

The company sent to this country its president, who thereafter personally conducted the conferences with the commission and furnished appraisements and valuations of $109,000,000 as a basis for discussion. Finally, in November, 1901, the commission announcing that it was unable to procure a definite offer from the French company, closed the debate by remaking a report (November 16, 1901) in favor of the Nicaragua route, upon the ground that it was not "practicable" to acquire from the French company the Panama Canal and bring it under the "control, management, and ownership of the United States," and they set forth the voluminous correspondence with the president of the company describing their efforts in that regard.

Upon page 103 of their report the commission fixed the sum of $40,000,000 as to the value to the United States of the Panama company's properties (including about 98 per cent of the railroad shares) as it then stood, giving the items thereof in detail, but taking no account of the valuable concessions owned by the company and which cost the company altogether over $3,000,000, nor the vast amount of locomotives, cars, tools, machinery, supplies, dredges, and other plant, which cost many millions of dollars, and considerable of which has since been utilized by the United States.

The gentleman from Illinois says that when the Colombia Congress was demanding from the canal company some portion of the $40,000,000 the franchise granted to the canal company expired in less than a year, and at that time the entire French holdings on the Isthmus would be forfeited to Colombia. The facts are that the canal franchises had at that time (October, 1903) still seven years to run (October 31, 1910) and the railroad concessions had sixty-six years to run (1969).

In view of the commission's report recommending the Nicaragua route and the state of the legislation in Congress, the Panama company cabled to the commission on January 4, 1902 (confirmed January 9, 1902), as follows:

* * * The company declares itself ready to transfer to the Government of the United States on payment of $40,000,000 its properties and concessions estimated at that amount by the Isthmian Canal Commission in its last report, page 103, in conformity with the terms and conditions of said report.

The reference to page 103 of the commission's report was the valuation of $40,000,000 made by the commission. Upon demand of the United States, the company, by cable of January 11,

1902, also included in the sale "all maps and archives in Paris." It is manifest, therefore, first, that the French company was reluctant to surrender the completion by itself of the canal enterprise and had resisted for over a year and a half the efforts of the commission to procure an offer of sale; second, that it finally made the sale under pressure of the circumstances referred to; third, that the price was fixed not by the French company, but by the Government of the United States in the commission's report referred to.

The price was fixed by the United States itself, and the property delivered to the United States included millions of dollars of property in addition to that valued in the appraisal made by the United States. As, at last, an offer had been procured by them from the French company, the commission promptly reconvened and by their further report of January 19, 1902, recommended the acceptance of the offer, and subsequently Congress, after exhaustive debate, adopted the so-called "Spooner bill" on June 28, 1902, authorizing the consummation of the purchase under conditions of an approved title and a satisfactory treaty with the sovereign of the territory.

Mr. MADDEN. Will the gentleman yield?

Mr. OLCOTT. Certainly.

Mr. MADDEN. As a matter of fact, the Government of the United States received as part value for the $40,000,000 paid 36,000,000 cubic yards of excavation made by the French; which, at what it cost us, $1.10 per cubic yard, would amount to $39,600,000, and if we received nothing but that we received full value for the amount we paid.

Mr. OLCOTT. I agree with the gentleman from Illinois perfectly, although I can not calculate figures as quickly as he can. The point I tried to make at that particular moment was that really the United States Government fixed the price we paid for this canal.

Mr. MADDEN. And we got value for the price.

Mr. OLCOTT. Yes; and I know from my own visual observation of it when I was on the Panama Zone myself that the amount of material and engines and a vast amount of things that went to make up the purchases by the French Government, very much of that material, was in actual use when I was on the Isthmus two years ago.

Mr. KENNEDY of Ohio. And good buildings.

Mr. OLCOTT. And a good many good buildings.

The transaction was concluded and the sale consummated May 10, 1904, and payment made to the liquidators of the two French companies directly from the Treasury of the United States into the Bank of France, through Messrs. J. P. Morgan & Co., as fiscal agents of the United States. The expense of the transmission of the fund from the United States to France was borne by the French company. Messrs. Morgan & Co. received compensation, measured by the difference in exchange, of about $35,000 only, in respect of the $40,000,000 gold transmitted. No part of this expense was borne by the United States.

The receipts of the liquidators of the old company and of the Panama Canal Company for the entire sum of $40,000,000 are on file in the Treasury of the United States, and show, as any citizen can see, that the $40,000,000 was paid directly into the Bank of France to the credit of the liquidators of the old and the new French companies, in the proportions approved by the French tribunal.

In Mr. Cromwell's public statement of December 11, 1908, he explained how this sum of $40,000,000 was distributed by the liquidators to the beneficiaries of each company; that there was no American syndicate which had previously acquired the canal and then sold it to the United States; and that the whole story to that effect was a falsehood and concoction.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRODHEAD. Mr. Chairman, I would like to ask the gentleman one question, but I do not want to interrupt the gentleman making his speech.

Mr. OLCOTT. I will either ask leave to continue my remarks in the RECORD, or I can finish in about fifteen minutes, if I can have that time.

Mr. MARSHALL. Mr. Chairman, I yield the gentleman fifteen minutes.

The CHAIRMAN. The gentleman is recognized for fifteen minutes.

Mr. BRODHEAD. May I ask the question now, or shall I wait.

Mr. OLCOTT. Just as the gentleman prefers.

Mr. BRODHEAD. I understood the gentleman to say that this $6,000,000 paid the Republic of Panama was invested by that Republic in real estate in the city of New York.

Mr. OLCOTT. I said in mortgages on real estate.

Mr. BRODHEAD. Are the mortgages made directly to the Republic of Panama? What is in my mind is, how can a foreign government hold real estate, directly or indirectly, in this country, and when mortgages are made directly to the Republic of Panama, in the event of a foreclosure it is possible it might——

Mr. OLCOTT. I would like to say in regard to the question the gentleman from Pennsylvania asked me, that there is no law in the State of New York that prohibits foreign corporations from investing money in mortgages on real estate. There is a law in the State of New York providing that if they have to foreclose any mortgage, they must dispose of them within a fixed time.

Mr. BRODHEAD. These mortgages to which the gentleman refers are made directly to the Republic of Panama without the intervention of a trustee——

Mr. OLCOTT. I see the gentleman's point perfectly. I think the fact is they are directly and absolutely under the order and direction of the Republic of Panama. Just at this moment I can not remember exactly what the title of the mortgagee is, but I shall be very glad to get the information. During this period and before closing the purchase the company communicated to the United States its expectation that reimbursement for such additional actual cash outlay would be made as part of the purchase and as a part of the concluding details of the transfer. The subject of this additional construction work was accordingly—and as a part of the closing of title by written agreement—referred to President Roosevelt, as sole arbitrator, with the understanding that his decision should be conclusive.

Through the Attorney-General the duty of examining into and reporting upon the facts was delegated to the commission, reserving to the Attorney-General the questions of law. The commission performed its duty and reported that the amount had, in fact, been actually so expended. Subsequently, as sole arbitrator, the President rendered a decision to the effect that he considered that the purchase price of $40,000,000 should embrace the additional expenditures; so that between the time they started to negotiate and four years afterwards, when the negotiations had been consummated, there were over two million and a quarter of dollars expended.

There was at no time any question as to the fact of the expenditures and as to the amount thereof, nor as to the fact that the United States received the benefit of it. It is manifest, therefore, that the presentation of this claim by the French company was warranted by the conditions and was a part of the transaction, while conclusively adversely disposed of by the decision of the agreed abitrator.

Thus the United States received this additional work, costing the French company $2,251,808.47, as a part of the $40,000,000 purchase. To characterize this account for further construction work as fraudulent is, therefore, a manifest wrong to the French company and only aggravates their sense of loss.

During the pendency of the offer, also, the Panama Railroad Company continued in operation under control of the French company, and under the circumstances of the case it was legally entitled to the net earnings of operation. This right was unquestioned. The management of the railroad company was officially passed upon in behalf of the Government by a subcommittee of the Interstate and Foreign Commerce Committee of the House, appointed under resolution approved by the House January 12, 1905, and which, after investigation at New York and in Washington of the affairs, earnings, and condition of the Panama Railroad Company, rendered its unanimous report to the House, which, among other things, stated:

> The testimony shows that the management by the officers and directors of the Panama Railroad has been conspicuously able, progressive, and businesslike.

Further, an exhaustive report by the Secretary of War to the Committee on Interoceanic Canals of the Senate on the 28th of June, 1906, especially dealt with and disposed of the subject of dividends. In that report, presenting exhaustive analyses of accounts, he stated:

> The figures show, therefore, that instead of the Panama Canal Company, as a stockholder in the railroad company, depriving the United States, as its transferee of stock, of the benefit to it of assets of the company by the declaration and payment of dividends in excess of net earnings, there was left in the treasury of the company $109,344.56 of undivided profits.

Not only were the French companies entitled to the net earnings for the reasons stated, but by other considerations as well. In the first place, no interest was allowed to them upon the purchase price of $40,000,000 between the date of offer (January, 1902) and the transfer to the United States (May, 1904), which, at the rate of 4 per cent, would have amounted to over $3,200,000, as against dividends of less than $1,000,000; and

second, they expended (as it turned out) $2,251,808.47, several hundred thousand dollars of which were actually expended between January, 1902, and May, 1904, and for which, through the decision of the President, it received no additional allowance.

Every account and transaction of the railroad company was audited and approved by the government officials after full examination.

This brings me to state a consideration of great moment to this country, and that is that both the Panama Canal and the Panama Railroad were turned over to the United States well equipped, well managed, in active operation, and with a sympathetic and energetic force that enabled the great work to go on through both branches of that service without interruption from the moment of the transfer. This fact in the construction of the canal will be appreciated as an element of tremendous advantage in the prosecution of the undertaking, and has been an important factor in enabling the United States to reach the advanced stage of construction which its energetic officials have attained.

Permit me now to make allusion to the brief continuance of Mr. Cromwell and some of his associates in the board of the Panama Railroad Company after the consummation of the purchase. Pursuant to the authority of Congress, the responsibility of this great affair was placed in the hands of the Secretary of War, acting more directly through the Isthmian Canal Commission. The affair was so vast and the experience which had been acquired by the officials and counsel through their many years' previous association with it was deemed so valuable that they were asked to continue for a while in their respective relations and give the Government the benefit thereof. Pursuant to this expressed wish, Mr. Cromwell, with others of the old board, continued as director and his firm as counsel of the railroad company until April 1, 1907, when Mr. Cromwell terminated every relation with the company.

Naturally, with these negotiations, the consummation of which meant so much to their different companies, it was imperative that for the time being the United States Government should have representatives with each particular company, and therefore for a considerable length of time Mr. Willam Nelson Cromwell was a director of the Panama Railway Company, as was Mr. Farnham. At the moment it was feasible for them to do so they resigned as directors, and Mr. Cromwell's connection there as director or counsel of the Panama Railroad Company actually and absolutely ceased on the 1st of April, 1907.

The Panama Government had invested $1,000,000 in the first mortgage bonds of the Panama Railroad Company, and in recognition of the fact that it was the largest single owner of its bonds, and in token of friendliness to that nation, Mr. Obaldia, then minister at Washington, was invited by this Government to a seat in the board. Nevertheless, he, with Mr. Farnham, retired from the board when Mr. Cromwell did, on April 1, 1907.

Therefore the statement by the gentleman from Illinois that Mr. Cromwell, Mr. Obaldia, and Mr. Farnham are members of the Panama Railroad Company, or that either of them has since April 1, 1907, had any official or professional relations to the company, is a mistake, as the records of the company and of the Government will instantly reveal.

The speech referred to is so full of erroneous statements that it is difficult to follow them all, but among them will be noted the statement that while Mr. Cromwell was counsel for the Panama Railroad Company he acted as counsel for the Transcontinental Railroad, under Mr. Harriman's control. This also is erroneous.

I have thus disposed of every material criticism or statement made on the floor of the House concerning the acquisition by the Government of the United States of the canal and railroad properties.

I would not have felt justified in dealing with these matters at such length and with so much particularity were it not for the fact that a Member of the House of Representatives has chosen to avail of his privilege as a Member of that distinguished body to make the unwarrantable and false statements to which I have referred. By reason of his position the statements thus made by him have received a currency and a publicity which otherwise would have been impossible. They have appeared in the records of Congress, have been circulated through the press throughout the country, and although in many material respects categorically denied and disproved, have, in effect, been reiterated by him on the floor of the House. Protected as he is by his constitutional privilege, there is no means within the power of Mr. Cromwell legally to call him to an account for the wrong which he has perpetrated. Had the statements been made in good faith or been founded upon facts he might plead this in extenuation of the wrong committed by him. But it appears from what I have said, from the records of Congress, from the history of the case, and from the indisputable facts, that not a single statement of fact made by him was either in spirit or letter justified or in any respect consistent with truth.

No course is left Mr. Cromwell, as a self-respecting citizen, but to brand such statements as entirely erroneous, unwarranted, and unfounded, and this I accede to as a matter of justice to the President of Panama and to those who have so ably and conscientiously cooperated in bringing about and consummating this affair, and as a matter of justice to Mr. Cromwell in the great undertaking in which he has performed so important a part.

Having devoted many years of his life to the achieving of this the greatest work of mankind, and having done so without a penny of gain or profit of any kind from any source beyond strictly professional compensation, and having since the acquisition by the United States served his country upon many occasions at the request of the Executives, without the thought of reward, prizing more than all else their official thanks in behalf of the Government, he feels that he is entitled to the protection of the House of Representatives against misrepresentation.

Mr. Chairman, in closing I would like to say that during the considerable investigation that I have made of the facts concerning Mr. Cromwell's connection while with this company since the first speech of the gentleman from Illinois [Mr. RAINEY] was made, I have felt confident that every one, if they would go to the documents and look at the data, as I have, will believe that this negotiation whereby our Government purchased the canal, took over the stock of the Panama Railroad Company, and acquired all the working plant that the French Canal Company had, has not only been carried on with honesty, and not only has everything been open and above board, but that there has been a careful attention to detail that is scarcely ever found in a work of such magnificence and magnitude.

I believe further, Mr. Chairman, that among the great glories of the administration soon to be closed will be the inception of the Panama Canal for this Government, and I believe that one of the greatest stories that will be told of the President-elect will be of his connection with it when he was Secretary of War, and what I believe will be his connection with it when that great Panama Canal is opened. [Applause.]

I would like permission to extend my remarks in the RECORD.

I yield back the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. OLCOTT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

[Statement of William Nelson Cromwell, published December 11, 1909, and communicated to Congress with the President's message December 15, 1909.]

MR. CROMWELL'S STATEMENT.

My attention has been called to a statement issued by the editor of the Indianapolis News in which he attempts to reply to the charge made by President Roosevelt that certain statements made in the Indianapolis News, both before and since the recent election, and relating to the purchase of the Panama Canal by the United States were false and untrue.

The President said:

"The News gives currency to the charge that 'the United States bought from American citizens for $40,000,000 property that cost these citizens only $12,000,000.' The statement is false. The United States did not pay a cent of the $40,000,000 to any American citizen, etc."

From the statement issued in reply by the editor of the News I quote the following:

"The only man who paid any attention to them—that is, the criticisms referred to, etc.—was Mr. Charles P. Taft, who did deny that he was in any way related to the affair. We had no word from the President or Mr. Taft. The other men, such as Cromwell and Morgan, who were believed to have full information in regard to the business, said nothing."

And he attempts to justify the publication of the false statements appearing in his paper by saying that they "were based largely on statements of the New York World, criticisms which were made over and over again during the campaign, and were utterly ignored until to-day."

MR. CROMWELL'S DENIAL.

The reply to the editor of the News furnishes another proof of the justice of the President's characterizations, for in the very journal under whose sheets it now takes refuge, namely, in the New York World of October 3, 1908, appears an explicit and unqualified denial by me of the story referred to, and in which I used the following language:

"We may expect during a heated political contest all kinds of stories, which are not worthy of notice; but this one I wish to denounce in the strongest terms as a lying fabrication, without a shadow of truth in it. Neither I nor anyone allied with me, either directly or indirectly, at any time or in any place, in America or abroad, every bought, sold, dealt in, or ever made a penny of profit out of any stocks, bonds, or other securities of either the old Panama Canal Company or the New Panama Canal Company, or ever received for the same a single dollar

of the forty millions paid by the United States. I make this the most sweeping statement that language can convey.

"As everybody connected with the affair knows, I abstained from receiving the forty millions in my own hands at Washington or New York as the general counsel of the company, and myself arranged for the payment of the entire forty millions direct from the Treasury of the United States, through the bankers of the Government, into the Bank of France at Paris to the credit of the liquidators of the two companies. There it remained, subject to the order of the liquidators, until distributed by them to the hundreds of thousands of beneficiaries, and not one dollar of it ever came to me or to anyone in any wise connected with me. Of course, I do not refer to our regular compensation as counsel."

I wish to call attention to the fact that upon the first day of the hearings before the Committee on Interoceanic Canals of the Senate of the United States, in February, 1906, I voluntarily made an explicit and detailed statement showing how the $40,000,000 was paid by the United States, through Messrs. J. P. Morgan & Co., as their agents, to the Bank of France, at Paris, for account of the New Panama Canal Company, and also explaining the subsequent payment of the full amount to the liquidators of the New Panama Canal Company and to the liquidator of the old Panama Canal Company, who in turn distributed the same to their respective stock and bond holders, numbering hundreds of thousands of persons.

I further submitted to the Senate committee, with the permission of the Panama Government, a detailed statement of the disposition by the Republic of Panama of the $10,000,000 paid by the United States to Panama in 1904, accounting for the payment of the whole amount, and showing the investments and disposition by the Panama Government of every dollar.

Upon the same public inquiry I further stated with reference to the proposed Americanization of the Panama Canal Company in the year 1899 and the proposed formation of a syndicate for that purpose in that year, that the proposed plan never matured into anything. It was never consummated either by subscription or by assent, and it is obsolete and an impracticable thing—proved so to be. It has no life or force of being, did not exist, and never has existed, and is as dead as a door nail.

That was a fruitless suggestion of the company, which came to naught, and under which I acted as their counsel solely.

TESTIMONY A PUBLIC RECORD.

The testimony taken by the Senate committee is a public record and was available to the editors of the News and the World, and had either of them been as interested in publishing the truth as they were to create a political sensation, they doubtless would have taken the pains to have published the above facts, which I quote.

I again denounce the statement wherever published or by whomsoever made that there was a syndicate formed by American citizens to purchase the Panama Canal and to sell it to the United States as absolutely and unqualifiedly false and untrue. The Americanization plan was an entirely different matter. It was a project proposed by the company to the Rivers and Harbors Committee of the House and to President McKinley on February 27, 1899, and was formally authorized by the board of directors October 10, 1899, subject to the necessary approval of stockholders.

The initial steps were taken by me in October, November, and December, 1899, and a company formed for the purpose under the laws of New Jersey for carrying out the instructions of my client. While the certificate of incorporation of the Panama Canal Company of America was filed in New Jersey, no capital stock, except the nominal capital of $5,000 set forth in the certificate of incorporation was ever issued, and nothing further was ever done by that company, as the records in the office of the secretary of state of New Jersey will show.

The project adopted by the board of directors failed of approval by the stockholders in December, 1899; the board of directors in consequence resigned in a body, and the plan then and there forever ended. The period covered by this project was less than three months; not a dollar was paid in under it nor a transaction conducted by the New Jersey company for the reason stated. The plan was dead and abandoned over two years before the company finally yielded to the pressure of the American Government to sell at $40,000,000.

DISPOSITION OF THE $40,000,000.

Now, with regard to the distribution of the $40,000,000, it has been made to appear in newspaper comments that there was some mystery connected with the disposition of this money. There is no mystery and never has been. The fund in question paid into the Bank of France by the United States produced the net sum of 206,000,000 francs, the sum of 128,000,000 francs being placed to the credit of the liquidator of the old Panama Canal Company and 77,400,000 francs being placed to the credit of the New Panama Canal Company in liquidation, and by said bank paid over to said liquidators, respectively, pursuant to a decision of arbitration at Paris February 11, 1902, confirmed by the civil tribunal of the Seine.

To the Senate committee I stated that I did not know what distribution of the fund had been made, and that I was in no way concerned or interested therein. That statement by me was true. I had no pecuniary interest in the canal, and it was none of my business, personally or professionally, who were the stockholders or bondholders of the company.

Since the recent publications I have made inquiries in Paris and am informed that the distribution of these moneys is a matter of public records; that the amount received by the liquidator of the old Panama Canal Company has been distributed by him as an officer of the court to the holders of the obligations of the old company; that these persons appeared in person at the office of the liquidator to receipt for the moneys paid to them; that they numbered 226,296, the largest number of individuals probably ever appearing in person upon a single business affair, and that the average amount paid was $156.

The complete and detailed record of these payments, together with the name and receipt of every person to whom payment was made and the amount of such payment, is in the hands of the liquidator at his offices, at 50 Rue Etienne Marcel, Paris, which is in a prominent and frequented part of the city, near the Bourse, easily found by any one desirous of doing so.

As to the fund paid to the New Panama Canal Company, that company, at the time of the sale of its property to the United States, went into liquidation, and I am likewise recently informed that the distribution of its assets among its shareholders was made through four leading banks of Paris—the Crédit Lyonnais Société Générale, Comptoir National d'Escompte de Paris, and Crédit Industriel et Commerciel—in three separate payments—July 15, 1904; February 8, 1908; and June 15, 1908—covering a period of four years, and was completed in June, 1908. This liquidation took place at the regular offices of the company, 19 Rue Louis le Grand, Paris, readily found by anybody who honestly sought to find them.

The facts concerning the liquidation are a matter of public report to the shareholders of the company (this company had no bond issues) and were the subject of official publications from time to time covering a period of four years in the official papers under direction of the courts. The amount so paid to the shareholders of the New Panama Canal Company, as I am informed by the liquidators, is approximately 129.78 francs on each share of the par value of 100 francs; that is, they merely received back only the capital originally invested, with interest less than 3 per cent per annum. I am informed by the liquidators that the shareholders to whom distribution was made numbered 6,796.

NEVER OWNED A SHARE OF STOCK.

Neither I nor my law firm nor anyone connected with me ever owned, directly or indirectly, any share of stock in the New Panama Canal Company nor any of the obligations or securities of the old Panama Canal Company, nor ever bought or sold any of the shares or securities of either one of said companies, nor were directly or indirectly interested in them.

I am also positive that not a man in public life in America, in or out of Congress, ever had the least pecuniary interest in the Panama Canal.

I do not know and never have known of any American citizen who has ever dealt in any of the shares of the New Panama Canal Company or the shares or bonds of the old company.

A further instance of the unwarranted attitude of the Indianapolis News and of other journals repeating the statements is furnished with respect to Mr. C. P. Taft and Mr. Douglas Robinson. In the same issue of the World, October 3, 1908, I said:

"The mention of the names of Mr. Taft and Mr. Douglas Robinson is another evidence that this is a fake story. No member of the Taft family or Mr. Douglas Robinson ever had the remotest connection with Panama Canal matters, directly or indirectly, and I never saw one of them on this subject before the United States acquired the canal. I never saw Mr. Douglas Robinson in my life. The names of Cæsar and Napoleon might as well have been used, for it could not be more impossible. All this, except the dragging in of new names, was thrashed out before the United States Senate committee by the late Senator Morgan.

"Out of respect for the dead, I refrain from comment upon that proceeding, but I feel warranted in saying that it was pursued with unparalleled energy and skill. It was, however, completely exploded and refuted by the facts in the case, and ended in complete discomfiture. There is not a word of truth in it, and I would not notice it at this time if it did not concern others."

LIKE CHARACTERS IN FICTION.

The introduction of these gentlemen in the Panama affairs is like the creation of a character in a work of fiction. They did not exist in the sense of having any relation to the canal matter. Neither of them ever had the least pecuniary interest in the business. It is a matter of public history that the President-elect never had any official connection with the canal until months after it had been acquired by this Government. He was in the Philippines as governor during all the years in question.

Equally perverted is the fact concerning the records and accounts of the two companies. They were not delivered to the United States, because they were records of the companies' transactions with which the United States had no concern. But, as a matter of fact, the records and files of the liquidation of the old company are in the hands of the liquidator at 50 Rue Etienne Marcel, Paris, and those of the new company were, on the final payment in June, 1908, deposited with the Credit Lyonnais, Boulevard des Italiens, to be preserved, in accordance with French custom, for a period of twenty years. That corporation has the custody of the records, as is well known to all parties in interest.

The whole story of Americans or some American syndicate buying up the Panama Canal securities at a low price, or at any price, and then turning them in upon liquidation at a profit, is a fiction and a concoction. The money of the United States went to France, and was distributed to the hundreds of thousands of foreign owners, none of whom, so far as I know, were Americans.

Mr. STEPHENS of Texas. Mr. Chairman, I yield twenty minutes to the gentleman from New York [Mr. WILLETT].

Mr. WILLETT. Mr. Chairman, because of the great demand for time and the desire on my part to be expeditious, I desire to ask unanimous consent to extend my remarks in the RECORD as to certain references I desire to make by way of illustration.

The CHAIRMAN. The gentleman from New York [Mr. WILLETT] asks unanimous consent to extend the remarks he is about to make in the RECORD. Is there objection?

Mr. POLLARD. Mr. Chairman, I think I shall have to object.

Mr. BARTLETT of Georgia. That will be a very dangerous rule, I can say to the gentleman from Nebraska [Mr. POLLARD]. I apprehend that it can not be said in advance that the gentleman from New York is going to violate any rule of the House, and it will be a very dangerous thing for objection to be made in advance.

Mr. POLLARD. Mr. Chairman, reserving the right to object——

The CHAIRMAN. Debate is not in order on this question.

Mr. MACON. Mr. Chairman, I make the point of order that there is nothing before the House.

The CHAIRMAN. The matter before the House is the request for unanimous consent.

Mr. MACON. That has been objected to. I ask for a ruling from the Chair upon the gentleman's objection. I do not care

to hear it talked about. I want a ruling from the Chair as to whether the objection is sustained or not.

The CHAIRMAN. Why, the gentleman has a right to object. The request is for unanimous consent. The gentleman reserves the right while——

Mr. WILLETT. Of course this does not come out of my time?

The CHAIRMAN. Not at all. Does the gentleman from New York yield to the gentleman while he reserves the right to object?

Mr. WILLETT. Not in my time; no, sir. If he objects, let him object.

Mr. POLLARD. Mr. Chairman, if the gentleman will permit me, I do not desire——

Mr. MACON. I demand the regular order.

The CHAIRMAN. Objection is heard.

Mr. WILLETT. Mr. Chairman, we have of late been witnesses of the most extraordinary proceeding on the part of the Federal Government which has shocked the country since the days of the old Federalist party. I mean the prosecution of persons on the charge of libel against the Government of the United States. This proceeding has for weeks been going on right here in the District of Columbia, under the very shadow of this Capitol, and seems to have been instigated, if not directly ordered, by the President.

We have heard much, Mr. Chairman, from the pushers of this prosecution on the subject of justice and liberty, but it is clear enough that to them justice is the mere harrying of those who criticise them, and liberty an abstraction either of ancient history or far removed from the longitude of Washington and the latitude of New York. To paint their feeling, one would have to paraphrase Hosea Biglow:

I du believe in Freedom's cause,
Ez fur away ez Paris is;
I love to see her stick her claws
In them infarnal Pharisees.
It's well enough agin' a king
To say what strong and frank is;
But liberty like that's a thing
That don't agree with Yankees.

THE FACTS.

The facts are these: Since and during the last presidential campaign the New York World and the Indianapolis News printed certain articles reflecting upon the Government of this country in connection with the purchase of the property and franchises of the French Panama Canal Company. On the 1st day of last December the President wrote and published a letter to his friend, William Dudley Foulke, in which he displayed great anger because of the stories in the newspapers in question; and in a special message sent by him to both Houses of Congress on December 15, regarding the charges of corruption by or on behalf of the Government in the matter of the canal purchase, the President announced that the Attorney-General then had under consideration the form in which proceedings for libel against Mr. Pulitzer, the editor of the New York World, should be brought.

Nobody will accuse the prosecutors of cowardice in selecting a victim. They have taken a great newspaper in the World and a great editor in Mr. Pulitzer. Let them win here, and every smaller editor and smaller newspaper will be cowed forever. I do not believe they will win. I do not believe that Mr. Pulitzer will be doomed to—

Sit in solemn silence in a dull, dark dock,
In a pestilential prison with a lifelong lock,
Awaiting the sensation of a short, sharp shock
From a cheap and chippy chopper on a big black block.

His present attitude is like that of Henry W. Grady on a memorable occasion. You know he was sitting in the office of the Atlanta Constitution one afternoon, when a tall, lank Georgian stepped in, drew a bowie knife, and stood over his desk. He said angrily:

Mr. Grady, the Constitution said this morning that I was dead. You see I am not dead. I am very, very much alive. You must print a retraction immediately, and print it conspicuously.

Grady was as calm as a churchyard on a summer afternoon. He said firmly:

Mr. Blank, if the Constitution said this morning that you were dead, you were dead this morning. The Constitution never makes a mistake. But I'll tell you what I will do as a compromise. I'll print your name to-morrow morning in the birth column, of course at regular advertising rates.

The man was so astounded that he dropped his knife. Grady picked it up—by the handle—and called an office boy to show the visitor the door. Mr. Pulitzer is evidently in precisely the same frame of mind.

It is well known that the old English doctrines relating to scandalum magnatum, or the libeling of the Government or of great public officers, has been rejected in all the States of the Union since the Revolution of 1776; and that it had before that time been rejected in England by the act abolishing the Court of Star Chamber in the reign of Charles I, about 1640, and had ever since been regarded as an unsafe, unreasonable, unjustifiable, and unconstitutional fiction; that the views of John Milton, expressed in his great speech on the freedom of the press, while he was a member of Parliament, and the views of Lord Erskine in his defense of Thomas Paine, when that philosopher had been indicted in London for a libel upon the British Government, have been regarded as fixing the law on this subject in opposition to the old despotic theory of paternalism, on which the present prosecution is founded; but the Government's attorneys are said to maintain that, though the principle that the government of a country, with a constitution like ours, can not be libeled, applies everywhere else in the United States; yet that the 64 square miles embraced in the District of Columbia are excepted from its application in consequence of the act of 1902. In the District of Columbia the United States is, according to those attorneys, to be treated as a person, and can be libeled as such. This singular contention, flying in the face of our Constitution and our traditions, is founded on a combination of certain provisions in the act by which the State of Maryland ceded to the United States the territory now embraced in the District of Columbia, in 1801, and section 1 of the Code of the District of Columbia, embraced in an act of Congress which became effective on January 1, 1902. That section provides that—

The common law—all British statutes in force in Maryland on the 27th day of February, 1801, etc., shall remain in force, except in so far as the same are inconsistent with, or replaced by, some provision of this code.

Perhaps it might have been better if the provision had been that those old British laws should be in force here, unless "inconsistent" with some provision of the Federal Constitution, instead of some provision of the Code of the District of Columbia. I can never be brought to understand how this newfangled code enacted by Congress in its capacity as the local legislature, or county court of this District, could by any possibility be construed as a federal statute, or confer any jurisdiction upon either a circuit or a district court of the United States. I think I can show that it can have no such effect.

But there is also another peculiar statute, first passed in 1825, and now known as section 5391 of the Revised Statutes of the United States, on which the prosecution in the present case ostensibly places much reliance. This section of the law is as follows:

If any offense be committed in any place which has been, or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for by any law of the United States, such offense shall be liable to and receive the same punishment as the law of the State in which such place is situated, now in force, provides for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of such state law shall affect any prosecution for such offense in any court of the United States.

Now, upon this state of facts, on the 17th of January subpœnas were issued by the United States attorney for the District of Columbia for several newspaper men in Washington and other cities to testify before the grand jury in this city in the case of The Government *v.* The Press Publishing Company. The nature of the case was not disclosed by the subpœnas, but it is understood to be a case of criminal libel against the editors and proprietors of the New York World and Indianapolis News, involving charges of corruption made by those journals in connection with the acquisition of the property and franchises of the French Panama Canal Company.

Many witnesses have already been examined by the grand jury, including Elihu Root, former Secretary of State; PHILANDER C. KNOX, the future Secretary of State; William Nelson Cromwell, the lawyer who managed the transaction in which the fraud is charged to have been committed; Charles P. Taft and Douglas Robinson, whose names were mentioned in the newspaper articles as parties to the fraud; and many other persons. The managers of the telegraph companies and the reporters of newspapers are among the number.

Was such a thing ever heard of in this country before? Only once, Mr. Chairman, and that time it was condemned by the Supreme Court of the United States.

Now, unlike Mr. Gompers, and Mr. Debs, and the man higher up, I have a great respect for the Supreme Court, without assuming its infallibility. It was a very pompous judge, you know, who had before him a man convicted of murder in the

first degree, and began the remarks preliminary to imposing the death penalty, thus:

John Smith, you are soon to appear before another, and *perhaps* a wiser Judge.

Our Supreme Court is not made up of judges like that. Its members recognize their own fallibility, but they are men of integrity, men of consistency, and they are likely to decide the present case exactly as they decided the former one—no dull, dark dock for Mr. Pulitzer.

THE LAW OF THE CASE.

Mr. Chairman, the courts of the United States have no jurisdiction in cases of libel against the Government of the United States. It has not been conferred upon them by any legislative act, and *they possess no criminal jurisdiction derived from the common law.*

The power which Congress possesses to create courts of inferior jurisdiction necessarily implies the power to limit the jurisdiction of those courts to particular objects; and when a court is created and its operations defined, *it can with no propriety assume to itself a more extended jurisdiction*, in its nature indefinite and applicable to a great variety of objects, varying in every State in the Union, and with regard to which there exists *no definite criterion of distribution between the district and circuit courts of the same district.*

The courts of the United States possess powers not immediately and expressly derived from statutes, only so far as to enable them to fine for contempt, to imprison for contumacy, and to enforce the observance of order—powers which can not be dispensed with in a court, because they are absolutely necessary to the exercise of any and all other judicial powers.

These propositions are based upon the decision of the Supreme Court of the United States in the celebrated case of The United States *v.* Hudson and Goodwin (7 Cranch, 32).

In the case of *ex parte* Bollman, reported in 4 Cranch, at page 75, the same court said that courts established by *written* law, and whose jurisdiction is defined by *written* law, can not lawfully transcend that jurisdiction.

Let me read to you the opinion of the Supreme Court in the case of Hudson and Goodwin, just referred to. It was delivered by Judge Johnson in 1812, and was concurred in by a majority of the great lawyers then on that bench, including John Marshall, Joseph Story, Brockholst Livingston, Thomas Todd, and Gabriel Duvall. It may therefore be regarded as the very best contemporaneous construction of the Constitution relating to the criminal jurisdiction of our federal courts, and has been cited with approval in many subsequent cases, references to which may be found on page 260 of United States Supreme Court Reports, 3 Law edition. It is a short case, and I will read the whole report, beginning on page 32 of the seventh volume of Cranch's Reports.

The United States *v.* Hudson and Goodwin (3 U. S., L. ed., 259, 260):

The courts of the United States have no common-law jurisdiction in cases of libel against the Government of the United States. But they have the power to fine for contempts, to imprison for contumacy, and to enforce the observance of their orders, etc.

This was a case certified from the circuit court for the district of Connecticut, in which, upon argument of a general demurrer to an indictment for a libel on the President and Congress of the United States, contained in the Connecticut Courant of the 7th of May, 1806, charging them with having in secret voted $2,000,000 as a present to Bonaparte for leave to make a treaty with Spain, the judges of that court were divided in opinion upon the question whether the circuit court of the United States had a common-law jurisdiction in cases of libel.

Pinkney, Attorney-General, in behalf of the United States, and Dana, for the defendants, declined arguing the case.

The court having taken time to consider, the following opinion was delivered on the last day of the term, all the judges being present, by Johnson, J.:

The only question which this case presents is whether the circuit courts of the United States can exercise a common-law jurisdiction in criminal cases. We state it thus broadly because a decision on a case of libel will apply to every case in which jurisdiction is not vested in those courts by statute.

Although this question is brought up now for the first time to be decided by this court, we consider it as having been long since settled in public opinion. In no other case for many years has this jurisdiction been asserted; and the general acquiescence of legal men shows the prevalence of opinion in favor of the negative of the proposition.

The course of reasoning which leads to this conclusion is simple, obvious, and admits of but little illustration. The powers of the General Government are made up of concessions from the several States; whatever is not expressly given to the former, the latter expressly reserve. The judicial power of the United States is a constituent part of those concessions; that power is to be exercised by courts organized for the purpose, and brought into existence by an effort of the legislative power of the Union. Of all the courts which the United States may, under their general powers, constitute, one only—the Supreme Court—possesses jurisdiction derived immediately from the Constitution, and of which the legislative power can not deprive it. All other courts created by the General Government possess no jurisdiction but what is given them by the power that creates them, and can be vested with none but what the power ceded to the General Government will authorize them to confer.

It is not necessary to inquire whether the General Government, in any and what extent, possesses the power of conferring on its courts a jurisdiction in cases similar to the present; it is enough that such jurisdiction has not been conferred by any legislative act, if it does not result to those courts as a consequence of their creation.

And such is the opinion of a majority of this court. For the power which Congress possesses to create courts of inferior jurisdiction necessarily implies the power to limit the jurisdiction of those courts to particular objects; and when a court is created and its operations confined to certain specific objects, with what propriety can it assume to itself a jurisdiction, much more extended, in its nature very indefinite, applicable to a great variety of subjects, varying in every State in the Union, and with regard to which there exists no definite criterion of distribution between the district and circuit courts of the same district?

The only ground on which it has ever been contended that this jurisdiction could be maintained is that, upon the formation of any political body, an implied power to preserve its own existence and promote the end and object of its creation necessarily results to it. But without examining how far this consideration is applicable to the peculiar character of our Constitution, it may be remarked that it is a principle by no means peculiar to the common law. It is coeval, probably, with the first formation of a limited government; belongs to a system of universal law, and may as well support the assumption of many other powers as those more peculiarly acknowledged by the common law of England.

But if admitted as applicable to the state of things in this country, the consequence would not result from it which is here contended for. If it may communicate certain implied powers to the General Government, it would not follow that the courts of that Government are vested with jurisdiction over any particular act done by an individual in supposed violation of the peace and dignity of the sovereign power. The legislative authority of the Union must first make an act a crime, affix a punishment to it, and declare the court that shall have jurisdiction of the offense.

Certain implied powers must necessarily result to our courts of justice from the nature of their institution. But jurisdiction of crimes against the State is not among those powers. To fine for contempt, imprison for contumacy, enforce the observance of order, etc., are powers which can not be dispensed with in a court, because they are necessary to the exercise of all others; and so far our courts, no doubt, possess powers not immediately derived from statute; but all exercise of criminal jurisdiction in common-law cases, we are of opinion, is not within their implied powers.

Libel, then, was not a crime against the United States in 1812. Has any federal law, as distinguished from a local law, been passed since that time making it such? None whatever. Libel may be a crime against the District of Columbia, as it is against the State of New York, but it is no crime against the Federal Government as such, nor has it ever been, nor will it ever be so long as Congress adheres to those principles on which the Revolution and the Constitution depended. Congress has not defined it in any federal statute, nor has Congress given any district or circuit court of the United States jurisdiction of the offense, for the reason, as stated by Judge Johnson in the Goodwin case, that Congress must first make an act a crime and affix a punishment thereto before it can give to any court jurisdiction of the offense. And certainly no reputable lawyer will contend that a statute passed by Congress, acting as a local legislature of the District of Columbia, can create a crime against the United States. This point was clearly settled in the case of Cohens *v.* Virginia, reported in Fourth Wheaton at page 268. The point in that case which bears upon the present question is stated in the syllabus as follows:

The act of Congress of the 4th of May, 1812, entitled, "An act further to amend the charter of the city of Washington," which provides (sec. 6) that the corporation of the city shall be empowered, for certain purposes and under certain restrictions, to authorize the drawing of lotteries, does not extend to authorize the corporation to force the sale of the tickets in such lottery in States where such sale may be prohibited by the state laws.

In this case a distinction was clearly established between laws of the District of Columbia and laws of the United States, the argument, in its last analysis, being this:

Every law of the United States is binding in the States;

No law of the District of Columbia is binding in the States: Therefore,

No law of the District of Columbia is a law of the United States.

It is evident that neither the Constitution nor any statute of the United States has been violated by the parties who are being prosecuted in this case. For, if the section of the District Code which affixes a punishment for libel were construed to mean that libel against the Government of the United States is punishable by an act of Congress, it would be repugnant to the provision of the first amendment of the Constitution, which declares that Congress *shall make no law whatever abridging the free-*

dom of the press. And this is true whether that section be derived from a law of Maryland in force at the date of the act of cession or not, for certainly the act of cession would not abrogate the first amendment; but the latter, being a negative and self-executing provision, abrogates every act of Congress passed in violation of it, including even so much of the act accepting the cession of the territory now embracing the District of Columbia, as well as so much of the act of 1902 establishing the Code of the District as conflict with it. Where the Constitution limits the power of any department of the Government, or where it prohibits the performance of an act by any person or officer, it is absurd to contend that the power might be exercised or the act performed until prohibited by Congress.

If, therefore, the District Code or section 5391 of the Revised Statutes or any other act of Congress abridges "the freedom of the press" in the sense in which that term is used in the Constitution, such act is void to that extent ab initio. It would be needless to repeal such an act, since it was repealed by a higher law at the very instant of its enactment. In fact, it was prohibited in advance, and was prohibited in order to prevent such abuses as that of which I am here complaining. The men who framed the Constitution were apprehensive of the recurrence of such prosecutions for libel in political matters as those which had disgraced the jurisprudence of England and resulted in the Revolution of 1687. Their views were well expressed by James Madison, the author of the first amendment:

Prudent jealousy—

Said Madison—

is the first duty of the citizen. The patriots of America did not wait until usurped power had strengthened itself by exercise and entangled itself in precedents. They saw the consequences in the principle, and they avoided the consequences by denying the principle.

John F. Dillon, Storrs professor of law at Yale University, in his work entitled "The Laws and Jurisprudence of England and America," published in 1894, quotes with approbation the language of Professor, afterwards Mr. Justice, Baldwin, in his address before the Ohio Bar Association in 1892 on the subject of criminal libel. He said:

The law of libel in any government is one of the surest tests by which to estimate its hold upon the people. The United States was the first to renounce for its rulers the protection of this law. When the decemvirs were framing the Twelve Tables of Rome, few as were the subjects they thought it important to cover in their code, they were careful to make libel against the State a capital offense, for they were the State, and *they were turning a republic into a despotism.* When the people of England were beginning to demand a greater share in her government, it was the law of libel to which the Crown resorted for its surest weapon of defense, and it was the pride of the English bar that, in criminal cases, they nullified it by the aid of the jury. With us in the United States the law of libel is unknown, because the Federal Government has no common law, and because the only statute ever passed by Congress to replace it on this subject was swept away in the first change of administration, and, indeed, in no small part was the cause of that change of administration; while in our state governments we have almost everywhere come to the position that, both in civil and criminal cases, truth is a justification, unless actual malice is proved.

Now, Mr. Chairman, I repeat this admonition here to-day in the presence of the representatives of the American people. And in connection with it I point to the most flagrant and the most dangerous exercise of usurped power ever witnessed in this country—a usurpation which seems to be intended to forestall this House, the grand inquest of the Nation, in the exercise of its right to investigate charges of corruption brought by responsible citizens against the administration now in power. And I warn you that no such usurpation should be allowed to entangle itself in precedents, lest by repetition the abuse become inveterate and despotism firmly established on the ruins of our Republic.

Mr. Chairman, I yield back the balance of my time.

Mr. MARSHALL. Mr. Chairman, I would like to inquire whether the gentleman from Texas desires to go on?

Mr. STEPHENS of Texas. I yield three minutes to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, I did not have the pleasure, being very busy with work outside of the Chamber of the House, to hear all the speech of the gentleman from Illinois [Mr. RAINEY], nor have I had time to read it. I have heard the debate here to-day, and I have been very much surprised that language should have been used in the debate to-day referring to the gentleman from Illinois [Mr. RAINEY] as a "slanderer," read from a telegram or letter of a foreigner living in Panama; and yet the general morale and purpose of the speech and perhaps of the speech of the gentleman from Massachusetts——

Mr. LOVERING. I would like to ask the gentleman if he refers to any remarks I made?

Mr. GAINES of Tennessee. I am referring to the speech made by the gentleman from New York [Mr. OLCOTT], and I say perhaps it was the purpose of the gentleman from Massachusetts to show that the statements made by the gentleman from Illinois were not true, and parties outside of this House should not be criticised, though connected one way or another with the Panama enterprise.

Now, gentlemen, I want to say this: That if you want to get at the bottom of this thing, why do you not pass the resolution of the gentleman from Illinois, or some similar resolution, and get Mr. Cromwell to come before the committee and show clean hands, if not clean, and let anyone else who wants to appear before the committee do so, and call Mr. RAINEY or any other man in this House who wishes to discuss the question at issue, and have them face to face, instead of standing on the floor of this House and reading telegrams from a man from Panama, a country that the Republican party says is not capable of self-government?

Mr. MANN. Oh, no.

Mr. GAINES of Tennessee. Oh, yes.

Mr. HEPBURN. It has just started.

Mr. GAINES of Tennessee. You have got to go down there and granny them every year or two, and the midwife is just coming away from there now. [Laughter.] Some of their people are coming here criticising the gentleman from Illinois [Mr. RAINEY] for his efforts to dig out the facts as he sees them, and in which he is asking the aid of the Republican and Democratic parties. You come here and criticise the gentleman from Illinois by calling him, at least indirectly, a "slanderer," reading a telegram from a foreigner from Panama. I say the manly thing, the square thing, the thing we owe this Government, the thing we owe Mr. RAINEY, and Mr. Cromwell at least, is to have this House pass this resolution which I have not read. [Laughter.] O, gentlemen, it is not necessary; because I know it seeks to get at the rottenness of the thing, if it is so, and the contrary if true—and if the Panama matter is rotten we ought to know it, and if it is clean we ought to know it and stop this abuse in Congress and out of Congress. Now I say this in all candor: The resolution ought to pass, or some similar measure, and the facts had, so that everybody can know what there is in this matter.

Mr. WILLETT. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MARSHALL. Does the gentleman from Texas desire to yield to another?

Mr. STEPHENS of Texas. Not at present.

Mr. MARSHALL. I yield fifteen minutes to the gentleman from Ohio [Mr. BANNON].

Mr. BANNON. Mr. Chairman, on January 29 the gentleman from Illinois [Mr. RAINEY] caused to be read in this House the prompt, explicit, and satisfactory denial of Charles P. Taft that he now has, or ever had, any interest of any kind on the Isthmus of Panama or in the affairs of the Panama Canal. This denial is in reality sufficient to dispose of the question in so far as he is concerned, and inasmuch as he has entered his own defense it may be wise not to add anything more; but for the reasons which I shall set forth I will, on my own motion, briefly discuss the remarks of the gentleman from Illinois in so far as they apply to this citizen from my own State. After the reading of the denial the gentleman from Illinois stated that he did not have the slightest desire of controverting the statement of Charles P. Taft, thereby absolving that gentleman from any improper connection with any of the affairs of Panama or the Isthmian Canal. For the purpose of explaining the matter to the House the gentleman from Illinois then said:

In order that what I said about Mr. Charles P. Taft may appear here in the CONGRESSIONAL RECORD, in connection with his telegram, I desire now to read from my speech of January 26, and I read now, from the first column on page 1470 of the CONGRESSIONAL RECORD for this session, the following:

"On Sunday night, the 27th day of December, Obaldia called to his palace certain members of the General Assembly, and they then and at that time demanded of him to know who the men were back of John Ehrman, representing that John Ehrman had no particular financial standing; and at that time they were told that the men who were back of this infamous, outrageous scheme were William Nelson Cromwell, Roger L. Farnham, his confidential clerk, W. S. Harvey, and Charles P. Taft."

The country will be glad to know that Mr. Taft's name is being used there without his consent.

You will observe that the gentleman from Illinois does not say that this extract contains all that he said about Mr. Charles P. Taft, but the fair inference is that it does contain all he did say about him, because his language is "*In order that what I said about Mr. Charles P. Taft may appear*——." But this extract was neither the only time that Mr. Charles P. Taft was

mentioned by name by the gentleman from Illinois nor the only time he was referred to in his speech. The statement quoted contains no direct charge by the gentleman from Illinois. It is hearsay merely. The statement is that somebody told somebody that Mr. Taft was associated with Mr. Ehrman for the purpose of securing a timber concession. But that is not all. The gentleman from Illinois in his first speech went further. Based upon this mere hearsay the gentleman from Illinois made an unwarranted attack upon Mr. Charles P. Taft. I find that he said:

In addition to all this, a group of American financiers is seeking to obtain possession of all the timbered lands in the Republic of Panama on the Atlantic slope. This project for the spoliation of the country is not having such clear sailing as the other. Some opposition to it has been occasioned by the fact that the people of Panama have learned of efforts to bribe the officials of the former administration by the gentlemen interested in this project, and on account of that fact they are suspicious.

* * * * * * *

It will be interesting to know who the gentlemen are who are attempting in this way to impoverish the Republic of Panama.

* * * * * * *

Since the election of last November bread lines have commenced to form in the streets of our principal cities, and to-day in the Capital City, on Pennsylvania avenue, under the shadow of the Dome of the Capitol, a bread line appears daily, constantly increasing in length. If we permit the scheme of William Nelson Cromwell, Roger L. Farnham, Charles P. Taft, and the others to go through on the Isthmus of Panama, this Government will have there a bread line containing 400,000 people.

The men who are attempting to steal and to appropriate to their own use the revenues of this Republic are in reality about to impose enormous additional burdens upon the Treasury of the United States. To-day the deficit in the Treasury is over $74,000,000. If we permit these men to rob the Republic of Panama, we will place upon the United States the oppressive burden of providing a government for 400,000 people there.

Over three hundred years ago Morgan, the buccaneer, the original buccaneer on this continent, advanced across the Isthmus of Panama with fire and with sword, murdering men, torturing women and children, leaving in his wake the smoking ruins of destroyed cities. But he did not work half as much destruction on the Isthmus of Panama as these modern buccaneers of finance are trying to work.

Now, our duty ought to be plain. We guaranteed their independence on the Isthmus of Panama against all nations of the world. We ought to guarantee their independence against the outrageous demands of these modern buccaneers of finance. [Applause on the Democratic side.]

* * * * * * *

These patriotic gentlemen, therefore, are being permitted not only to rob the Republic of Panama, but indirectly to rob the Treasury of the United States, and in their efforts in this direction they have had so far the complete cooperation and the active assistance of the present administration and of the next President of the United States. [Long-continued applause.]

Here we have serious charges presented by the gentleman from Illinois against Charles P. Taft. He is charged with seeking to obtain timber concessions in Panama—a charge which is the more serious on account of the high position of his illustrious brother. He is charged with attempting to impoverish the Republic of Panama. He is charged with furthering a scheme which will form a bread line of 400,000 people in Panama. He is charged with attempting to steal and appropriate the revenues of Panama and impose enormous burdens upon the United States Treasury. He is characterized as a "modern buccaneer of finance." No wonder this speech brought forth a prompt and effective denial from Charles P. Taft. No wonder that Mr. Taft felt that he had been grievously wronged by it. And what was the basis for casting such an imputation upon an American citizen? Simply the flimsiest hearsay susceptible of being produced. There is no direct evidence. There is not even indirect evidence. There is not one scintilla of proof whatsoever; but, on the contrary, the hearsay even has been unequivocally denied by all the parties stated to have been present.

Mr. Chairman, the good names and the fair reputations of American citizens should not be impugned without clear and convincing proof, and there is no justification whatsoever to be found either in the remarks of the gentleman from Illinois or in the proof contained in the appendix to his remarks to sustain the aspersions cast upon Charles P. Taft and William H. Taft. These men are citizens of my own State and of that portion of the State where I reside. For honesty and integrity in public and private life no men in this Nation stand higher than William H. Taft and Charles P. Taft. [Applause.]

Under the Constitution no Member of this House can be questioned outside this House for what he may here say, and for that reason Members should be exceedingly cautious that their statements are borne out by the proof. Many people who read sensational charges do not read the denial. A sensational charge makes a certain class of news which some delight to read. But the denial of the person wronged is not so interesting. Mr. Chairman, the people of Ohio know Charles P. Taft, and they know that he is jealous of his own honor and too high-minded to do anything which would cast discredit upon himself or an administration in which his brother was a prominent figure or an administration in which his brother is to be the Chief Executive. The provision in the Constitution to which I referred a few moments ago was placed there to insure freedom of speech in the House.

It was placed there for the purpose of enabling the representatives of the American people to feel free to criticise any measure or any administrative or executive act. But it was not designed to furnish a medium of criticism and attack based upon proof wholly insufficient to sustain it. These characterizations of Mr. Taft, so unfair and unjust to him, were based upon hearsay, and the parties present at the conference at which it was alleged his name was mentioned now come forward and deny that any statement was ever made in their presence connecting Mr. Taft with timber concessions in Panama. So we not only have his denial, but the denial of all witnesses as well. But before the denial of these witnesses was published Mr. Taft sent a cablegram to the gentleman from Illinois denying flatly the charges made. Upon the receipt of that cablegram the charges were promptly withdrawn by the gentleman from Illinois. I submit that it would have been better and fairer to have addressed an inquiry to Mr. Taft, asking him if the charges were true before publicly making them. In other words, if a denial is sufficient to justify the withdrawal of the charges made, it is sufficient to prevent the making of charges. Mr. Charles P. Taft was recently in Washington.

He is a gentleman who is easily accessible to any person desiring to see him. Information that the charges in contemplation were not true could easily have been obtained before making them. This, it seems to me, should have been done.

It is gratifying to have these charges so promptly withdrawn, but the injury has been done. It is a good deal like plunging a knife into a man and then withdrawing the blade because you have wounded him. Those who know Mr. Taft of course gave no credence to the charges. Notwithstanding the fact that these charges are withdrawn, they still stand as part of American history in the records of the debates of this Congress. They are not only denied by Mr. Taft, but disproved by the witnesses and withdrawn by their author. I do not believe any of the language respecting Mr. Taft, uttered by the gentleman from Illinois, should remain as a part of the permanent CONGRESSIONAL RECORD, and if the gentleman from Illinois will not himself expunge such remarks from the permanent RECORD, as he ought to do, the House should expunge from the permanent RECORD all that portion of the speech of the gentleman from Illinois making reference, directly or indirectly, to Mr. Charles P. Taft.

As to the American citizen who will be the next President of this great Nation, it is not necessary for me to say anything. He needs no defender. The American people have confidence in him because they know him, and that is sufficient. [Loud applause.]

Mr. MARSHALL. Mr. Chairman, I now yield twenty minutes to the gentleman from Pennsylvania [Mr. MCCREARY].

Mr. MCCREARY. Mr. Chairman, I desire to have read by the Clerk, in my time, the following letter received from William S. Harvey, who was attacked in a speech made by the gentleman from Illinois [Mr. RAINEY] on the 26th of January last.

The Clerk read as follows:

NEW YORK, *February 3, 1909.*

GEORGE D. MCCREARY.

DEAR SIR: On the 26th of January, in a speech in the House on the Panama Canal, Mr. RAINEY of Illinois referred at length to a proposal for the construction of a railroad and a proposal for the purchase of timber, which were under consideration by the Government of the Republic of Panama, and in that speech he referred to me by name as being one of those who are interested in what he calls "an infamous, outrageous scheme to despoil that country," and calls me and others "financial buccaneers."

At the time this speech was made I was out of the country on business and beyond reach of the telegraph. I have just returned and read the speech of Mr. RAINEY, made on the 26th of January, as well as his speech made on the 29th day of January, as printed in the CONGRESSIONAL RECORD.

Mr. RAINEY said what he did, in respect to myself and other gentlemen, under the protection of his official position as a Member of Congress. As I am not able to refute his false statements in the public manner in which he has made them——

Mr. BOOHER. Mr. Chairman, I object to the further reading of the letter; it accuses a Member of this House of falsehood, which is out of order.

The CHAIRMAN. The language to which the gentleman objected, as the Chair understands, is this sentence:

As I am not able to refute these false statements in the public manner in which he has made them.

The Chair understands that it is not unparliamentary to refer to a Member's statements as false, if that does not mean to charge that the Member knew them to be false, that they were intentionally false.

Mr. BOOHER. The letter says it is a false statement, and that carries with it the presumption that the man knew that it was false.

The CHAIRMAN. The Chair was at first inclined to think that it referred simply to the statement as a matter of fact, and not to the knowledge that the Member had.

Mr. HUGHES of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUGHES of New Jersey. Would the gentleman from Pennsylvania, who sent up the letter to be read, be within his parliamentary rights if he was referring to the statement of the gentleman from Illinois [Mr. RAINEY] as making a false statement?

The CHAIRMAN. It would not be parliamentary to state that a Member of the House knowingly made a false statement. The Chair thinks it is within the bounds to say that a statement itself is false, if it does carry with it the suggestion that the Member knew it to be false. The Chair will refer to a former ruling on this subject. I read from Hinds's Precedents:

While in debate, the assertion of one Member may be declared untrue by another; in so doing the accusation of intentional misrepresentation must not be implied.

Mr. SABATH. Is this a statement of a Member?

Mr. BOOHER. It is not the statement from a Member; it is a letter from a man who has no standing in the House; and when he makes the charge that the statement is false, he makes it in such a way that it carries the presumption that the man who made it knew it was false. It is unparliamentary, and it ought not to be permitted.

The CHAIRMAN. The Chair will call the gentleman's attention to another ruling that has been made:

A declaration by a Member in debate that another Member has knowingly stated that which is false is unparliamentary.

Mr. BOOHER. But, Mr. Chairman, the distinction is that this is not a Member making a statement; it is a stranger, a man that has no standing in the House, and he charges that a statement made by a Member of the House is false.

Mr. HUGHES of New Jersey. It is impossible for the Member of the House who is criticised to rise and challenge the statement when it appears in the form of a letter, and for that reason it seems to me that the rule applying to a Member should be narrowed.

Mr. FITZGERALD. Mr. Chairman, I suggest that the point of order made by the gentleman is effective, regardless of the language used, because the gentleman has no right to have any paper read in his own time if objection be made.

Mr. CHANEY. I understand it is a part of the speech of the gentleman from Pennsylvania; it is being read as a part of his speech.

Mr. FITZGERALD. But the gentleman can not have anything read as a part of his speech.

Mr. PAYNE. Of course he can; he can read it himself.

Mr. FITZGERALD. He can not read it himself.

Mr. PAYNE. He can read it if it is parliamentary language.

Mr. FITZGERALD. He can not read it himself if objection be made.

The CHAIRMAN. The Chair is inclined to think, on further consideration and examination of all the precedents, the point is such a close one, that if he errs at all he will err on the side of upholding the dignity of the House, and will rule in this case that the words "false statements" are unparliamentary under the circumstances, and will direct that they be omitted. The further fact that this language is in a letter written by a person outside the House, calling in question the words of a Member spoken in debate inclines the Chair to the full measure of strictness in dealing with the language.

Mr. FITZGERALD. I object to the reading of the paper.

The CHAIRMAN. The gentleman from New York objects to the reading of the letter.

Mr. McCREARY. Then I will read it myself.

Mr. FITZGERALD. I object for this reason: Here is a letter from a gentleman, stating his position. It is obvious that it will be of little use to have it read if some portions of it are to be stricken from the RECORD.

The CHAIRMAN. The Chair will put the question to the committee, Shall the letter offered by the gentleman from Pennsylvania be read?

Mr. BOOHER. Does it not require unanimous consent to have the letter read?

The CHAIRMAN. The Chair will state that that is a matter to be determined by the House by a vote.

The question being taken; on a division (demanded by Mr. FITZGERALD) there were—ayes 16, noes 20.

The CHAIRMAN. The noes have it, and the committee refuses to permit the letter to be read.

Mr. McCREARY. I yield back my time to the gentleman from North Dakota.

Mr. MARSHALL. Mr. Chairman, I call the attention of the Chair to the fact that the gentleman from Pennsylvania has yielded back his time to me, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26916, the Indian appropriation bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for enforcement of the antitrust law (H. Doc. No. 1447)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of land adjoining the military reservation at Fort D. A. Russell, Wyo. (H. Doc. No. 1448)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SCOTT, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 27367) to provide for the inspection of nursery stocks at ports of entry of the United States, to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect, reported the same with amendment, accompanied by a report (No. 2138), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 16004) for the relief of Lucy L. Bane, reported the same without amendment, accompanied by a report (No. 2136), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 20407) for the relief of J. A. Denny, reported the same without amendment, accompanied by a report (No. 2137), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 28042) granting a pension to John Aldrich, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOU VELLE: A bill (H. R. 28071) prohibiting the printing of certain matter on stamped envelopes and the sale thereof—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: A bill (H. R. 28072) to enlarge the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Resolution (H. Res. 557) to pay to William A. Forbis additional compensation—to the Committee on Accounts.

Also, resolution (H. Res. 558) to pay to the janitor of the Committee on the Census additional compensation—to the Committee on Accounts.

Also, resolution (H. Res. 559) to pay to clerk of the Committee on the Census additional compensation—to the Committee on Accounts.

By Mr. AIKEN: Memorial of the legislature of South Carolina, in the behalf of the passage of the forest-reserve bill—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 28073) granting a pension to Eliza T. Henderson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 28074) granting a pension to Anna Elizabeth King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28075) granting an increase of pension to Ebenezer Mather—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 28076) granting a pension to Hiram Hogge—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 28077) granting relief to Thomas D. Harris, paymaster, U. S. Navy—to the Committee on Naval Affairs.

By Mr. GRIGGS: A bill (H. R. 28078) for the relief of the estate of Henry M. Mitchell, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28079) granting an increase of pension to James A. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28080) granting an increase of pension to William Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28081) granting a pension to Palo Alto Westerfield—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 28082) granting a pension to Annie Richards—to the Committee on Invalid Pensions.

By Mr. SLAYDEN (by request): A bill (H. R. 28083) granting an increase of pension to Fred W. Jenny—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 28084) granting an increase of pension to John A. Lovin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28085) granting an increase of pension to Henry Widener—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 28086) granting a pension to Susan A. Johnson—to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 28087) granting an increase of pension to William W. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28088) granting an increase of pension to Ashbell C. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28089) granting an increase of pension to Isaac S. Duck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28090) granting an increase of pension to George W. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28091) granting an increase of pension to George Marker—to the Committee on Pensions.

Also, a bill (H. R. 28092) granting an increase of pension to John Sweeds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28093) granting an increase of pension to James H. Lockey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28094) granting an increase of pension to Percoy H. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28095) granting an increase of pension to Charles A. Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28096) granting an increase of pension to Ebenezer Mott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28097) granting an increase of pension to Jacob S. Kimball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28098) granting an increase of pension to Robert Karstetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28099) to correct the military record of Dennis Haneen—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Springville (N. Y.) Grange, No. 1136, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BONYNGE: Petition of citizens of Larimer County, State of Colorado, against the passage of the bill (S. 3940) for the proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRADLEY: Petition of Port Jervis Lodge, No. 645, and Haverstraw (N. Y.) Lodge, No. 877, Benevolent and Protective Order of Elks, for creation of a national preserve for the care and maintenance of the American elk—to the Committee on the Public Lands.

By Mr. CAPRON: Paper to accompany bill for relief of John J. Coughlin (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. COX of Indiana: Petition of the Benna Company, merchants of Salem, Ind., against legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of B. Millerbund and others, of Winsted, Minn., protesting against imposition of duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Merchants' Association of New York, favoring appropriation of $300,000 for taking part in the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. ELLIS of Oregon: Petition of A. B. Findley and 34 others, of Portland, Oreg., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. F. Wilson and 64 others, of Athena, Oreg., favoring removal of duty on jute bags, grain bags, and on burlap cloth—to the Committee on Ways and Means.

By Mr. FORNES: Petition of Herbert Myrick, favoring the White Mountains and Appalachian Mountains Forest Reserve bill—to the Committee on Agriculture.

Also, petition of the Merchants' Association of New York, favoring appropriation of $300,000 to enable the United States to fittingly participate in the Brussels Exposition—to the Committee on International Arts and Expositions.

By Mr. FRENCH: Petition of citizens of Weiser, Caldwell, and Shoshone, all in the State of Idaho, favoring establishment of parcels post and postal savings banks (S. 5122 and S. 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of the Manufacturers and Shippers' Association of Rockford, Ill., favoring H. R. 22901, to amend section 6 of the act entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Kansas State Retail Merchants' Association, favoring Senate bill 28, relating to ocean mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Orange Jud Company, of New York, favoring the White Mountains and Appalachian Mountains Reserve bill—to the Committee on Agriculture.

Also, petition of International Shingle Weavers' Union, for retention of duty on shingles—to the Committee on Ways and Means.

Also, petition of Omaha workingmen, against proposed law providing for the total exclusion of Asiatics—to the Committee on Foreign Affairs.

Also, petition of the New York Board of Trade and Transportation, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of Francis M. Johnston, of New York City, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the Standard Varnish Works, of New York City, favoring the Taliaferro bill (S. 7867), preventing manu-

facture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Petiton of Woonsocket (R. I.) Typographical Union, No. 245, urging that the printing of the census be done at the Government Printing Office—to the Committee on the Census.

By Mr. GRONNA: Petition of citizens of Nekoma, N. Dak., against duty on tea and coffee—to the Committee on Ways and Means.

Also, petiton of Rogue River Fruit Growers' Union, of Medford, Oreg., against passage of H. R. 21400, to regulate standard of packages—to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petitions of T. G. Stalnaker and 47 others, of Parkersburg, W. Va.; H. S. McKinney and 48 others, of Elizabethton, Tenn.; Robert Kiser and 23 others, of Newton, Ohio; F. M. Reynolds and 47 others, of Washburn, Tenn.; Rudolph Wibais and 120 others, of San Francisco, Cal.; and Sydney Rodda and 19 others, of Glenlyon, Pa., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of Dragon Grange, Patrons of Husbandry, of Matawan, N. J., for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. JONES of Washington: Petition of the United Mine Workers of America, of Black Diamond, Wash., against removal of duty on coal—to the Committee on Ways and Means.

By Mr. KAHN: Petition of R. H. Williams and 95 other residents of Seattle, Wash., favoring the enactment of an effective Asiatic law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Alaska Fisherman's Union, against removal of the United States marine hospital at San Francisco to Angel Island—to the Committee on Naval Affairs.

By Mr. LOWDEN: Petition of First Lieutenant Edgar F. Kochler Garrison, No. 19, of Rochester, N. Y., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of J. H. Johnson, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. McMORRAN: Petition of citizens of Michigan, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. MALBY: Petition of residents of the Twenty-sixth Congressional District of New York, favoring a national highways commission and federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of the Antikamnia Company, against H. R. 21982, relative to proprietary medicines—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of E. H. Lentell and others, favoring the passage of H. R. 23244, to create in the War and Navy departments a roll to be known as the "civil-war officers' annuity honor roll"—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of T. W. Grant and others, favoring enactment of legislation to create a national highways commission—to the Committee on Agriculture.

By Mr. ROBERTS: Petition of Woolsorters' Union, Local No. 349, against a lower tariff on textile goods—to the Committee on Ways and Means.

By Mr. SLEMP: Papers to accompany bills for relief of John A. Loverin and Henry Widener—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of the Trades Council of New Haven, Conn., protesting against Asiatic immigration—to the Committee on Foreign Affairs.

Also, resolutions of Cheshire Grange, of Cheshire, Conn., favoring the bill to create a national highways commission—to the Committee on Agriculture.

By Mr. STERLING: Paper to accompany bill for relief of Charles A. Wilson (H. R. 26971)—to the Committee on Claims.

By Mr. WILSON of Pennsylvania: Petition of members of the Socialist party of Williamsport, Pa., against extradition of Rudovik and Pouren—to the Committee on Foreign Affairs.

Also, petition of Crowe & Stermer and 30 other residents of Jersey Shore, Pa., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. E. Kelley, J. P. Miller, and Frank C. Lee, representing the Trades Union Assembly, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tioga Valley Grange, No. 918, Mansfield, Pa., and R. Bruce Petrikin and 7 others, of Loyalsock Grange, No. 1323, of Farragut, Pa., favoring a national highways commission—to the Committee on Agriculture.

Also, petition of George W. Bubb & Son, wholesale grocers, of Williamsport, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of J. D. Moore and 19 other members of Sylvester Grange, No. 1078, of Sylvester, Tioga County, Pa., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 13, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

SALARY OF THE SECRETARY OF STATE.

Mr. HENRY of Texas. Mr. Speaker, I rise to a point of order. I desire to ask if the bill (S. 9295) in relation to the salary of the Secretary of State has been referred to any committee?

The SPEAKER. It is on the table.

Mr. HENRY of Texas. In accordance with Rule XXIV, section 2, I desire to know, then, if it will be in order to move that it be referred? If the Chair should be in doubt, I have a precedent which I think covers the case, holding that it would be in order to move to refer it.

The SPEAKER. The Chair finds the bill is on the Speaker's table, and the Chair is just having the calendar examined to see whether a similar House bill is on the calendar. This is called to the attention of the Chair for the first time.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair finds no such bill on the calendar, and on the point being made the bill will be referred.

Mr. HENRY of Texas. Where will it be referred?

The SPEAKER. This is by unanimous consent. The attention of the Chair is called to it for the first time——

Mr. HENRY of Texas. To what committee will the bill be referred?

The SPEAKER. It is not necessary for a motion, if indeed a motion would be in order. It will be referred under the rule.

Mr. HENRY of Texas. I desire to ask, then, that the bill be referred to the Committee on the Judiciary.

The SPEAKER. The Chair refers the bill to the Committee on Election of President and Vice-President.

Mr. HENRY of Texas. Mr. Speaker, I desire to move that the bill be referred to the Committee on the Judiciary.

Mr. PAYNE. Mr. Speaker, I desire to know if the gentleman is authorized by the committee to make that motion?

Mr. HENRY of Texas. I do not think it is necessary in a case like this. The bill has not yet been referred, and I am not asking for a change of reference.

Mr. MANN. The bill has just now been referred.

Mr. HENRY of Texas. No; it has not.

Mr. FITZGERALD. The Speaker just announces that it will be referred.

Mr. MANN. He announces that it is referred.

Mr. PAYNE. And also the further point that such a motion is only in order immediately after the reading of the Journal.

The SPEAKER. I suppose a reference may be corrected if a bill is improperly referred.

Mr. HENRY of Texas. I understood the Chair to say that the bill would be referred, upon answering the inquiry propounded by myself; and before it was referred, I moved that it be referred to the Committee on the Judiciary.

The SPEAKER. The Chair is of opinion that that motion is not in order.

Mr. UNDERWOOD. Mr. Speaker, may I have the Chair's attention on that for a moment? If I recollect right, in the Fifty-sixth Congress this same question came up once before, before the present occupant of the Chair, when it was a question of referring a bill or resolution by the gentleman from Illinois [Mr. Hitt]. The Chair had started to refer, just as in this case, the bill to the Committee on Appropriations, and the gentleman from Illinois [Mr. Hitt] desired to have it referred to the Committee on Foreign Affairs. He called the attention of the Chair to the fact that he thought the bill ought to be referred to the Committee on Foreign Affairs. The Chair stated that he did

not agree with him in that matter, but that it was the privilege of the gentleman from Illinois to move to refer it to the Committee on Foreign Affairs, and the gentleman made the motion and the bill was referred to the Committee on Foreign Affairs.

The SPEAKER. Was not that a President's message?

Mr. FITZGERALD. Yes; that was a President's message.

Mr. HENRY of Texas. That is not the precedent to which I referred and which I desired to read to the Chair.

The SPEAKER. The gentleman says that it was a President's message?

Mr. UNDERWOOD. Yes.

The SPEAKER. The Chair does not understand that the same rule would apply to a message as to a bill. The Chair will read from Rule XXIV:

Messages from the President shall be referred to the appropriate committees without debate.

That implies that the House does it or may do it. The Chair reads further:

Reports and communications from the heads of departments, and other communications addressed to the House, and bills, and resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members.

That is, by the Speaker.

Mr. UNDERWOOD. Mr. Speaker, if I recollect right, this reference of the President's message as made by Mr. Hitt is not the only precedent. There are recent precedents, if my recollection is correct—and I have not had a chance to look it up—that it is in order when the Speaker refers a bill, if no intervening business has taken place, for a Member to move a different reference, and it does not come under the rule of requiring the committee to move a change of reference in a case where it has already been referred, but at the time of the reference it is in order, if I remember correctly, for a Member to move the reference to a different committee, and I think I have a precedent here, if the Chair will indulge me a moment.

Mr. HENRY of Texas. I made that motion that it be referred to a committee.

The SPEAKER. The matter may go over temporarily. The Chair doubts if there is such a precedent. The Chair has no recollection of it.

Mr. UNDERWOOD. I call the attention of the Chair to this on page 667 of the Rules and Practices of the House:

It is in order for the House to refer a bill to any committee, though such committee, under Rule XI, may not have original jurisdiction of such bill.

Reference is then made to the first session of the Forty-eighth Congress, Journal, page 703.

The SPEAKER. But that is where the House has possession of the bill. The House has not possession of this bill. It is on the Speaker's table and, under the rules, is to be referred by the Speaker; and then, under another rule, if the majority of the House believes that it is improperly referred, upon a motion of a committee on any day, after reading the Journal, the House may refer it by a majority vote to some other committee. That has been done frequently.

Mr. UNDERWOOD. As I understand the precedents, however, Mr. Speaker, the bill this morning was on the Speaker's table when the gentleman from Texas called attention to it.

The SPEAKER. Yes.

Mr. UNDERWOOD. The Speaker stated that he intended to refer the bill to the Committee on the Election of President and Vice-President.

The SPEAKER. That might be. As far as that is concerned, the Speaker wanted to be frank with the gentleman as to what the intention of the Speaker might be.

Mr. UNDERWOOD. At the time the gentleman called it to the attention of the Chair the bill was in the House.

The SPEAKER. Not in the House. It was on the Speaker's table, under the rule, and subject to reference by the Speaker, and by the Speaker only.

Mr. UNDERWOOD. But I take it, Mr. Speaker, that under the precedents of this House to which I have just referred, the Speaker, under Rule XI, has the right to refer these bills, and yet it is a higher privilege for the House to refer them, and if any Member of the House desires a reference of a bill of this kind that is on the Speaker's table, he has a right to ask the House to make that reference.

The SPEAKER. The Chair calls the attention of the gentleman to the precedent that the House has no possession of a bill unless it be delivered to the Clerk to read, or the Speaker reads the title. That means possession of the House for action. The House can not act upon a bill until it is in the possession of the House. In fact, this bill is on the table under the rule, subject to the rules under the rule. The Speaker makes the reference and the rules point out the method of procedure to correct the reference if, in the opinion of the House, there has been an improper reference made, or whether it be proper it might always be subject to the rules for the action of a majority of the House as the rules provide.

Mr. UNDERWOOD. Mr. Speaker, I do not understand the ruling of the Chair differentiates in this case between the present case and the case to which I referred a while ago in which the gentleman from Illinois [Mr. Hitt] moved to refer a message from the President——

The SPEAKER. The rule differentiates; it is not the Chair.

Mr. UNDERWOOD. The message was on the Speaker's table.

The SPEAKER. Precisely, but the Chair again reads Rule XXIV:

Messages from the President shall be referred to the proper committees without debate.

That implies that the messages of the President come before the House for reference. Senate bills, by the terms of the rule, do not come before the House for reference. It is perfectly easy of solution. It is in the power of the House under the rules to correct an improper reference, or even if a majority desired to make an improper reference, where, as in the opinion of the Chair the House has sometimes done——

Mr. HENRY of Texas. Let me understand the ruling of the Chair. The Chair rules my motion to refer this bill to the Committee on the Judiciary is not in order.

The SPEAKER. Yes.

Mr. HENRY of Texas. And that the bill will be referred to the Committee on Election of President and Vice-President.

The SPEAKER. The Chair will make the reference from the Speaker's table. It can be corrected if it be erroneous.

Mr. HENRY of Texas. Well, I desire the Chair to make the reference of the bill.

The SPEAKER. And it might be corrected if, in the opinion of the House, the reference is erroneous. There is a House bill upon the subject which has been referred to a committee——

Mr. HENRY of Texas. I understand.

The SPEAKER. And that is subject to correction.

Mr. HENRY of Texas. I understand it; but I am not trying to correct it, I am asking that this bill be referred now—the Senate bill.

The SPEAKER. It will be referred and has been referred.

AMENDING HOMESTEAD LAWS.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 24837) and ask for the present consideration of the same.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of the following bill and that the same be considered in the House at this time. The Clerk will report, without objection, the substitute for the bill.

The Clerk read as follows:

A bill (H. R. 24837) to amend section 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska."

Be it enacted, etc., That section 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," be, and the same hereby is, amended to read as follows:

"SEC. 3. That the fees and commissions on all entries under this act shall be uniformly the same as those charged under the present law for a maximum entry at the minimum price. That the commutation provisions of the homestead law shall not apply to entries under this act, and at the time of making final proof the entryman must prove affirmatively that he has placed upon the lands entered permanent improvements of the value of not less than 40 cents per acre for each acre included in his entry: *Provided*, That a former homestead entry shall not be a bar to the entry under the provisions of this act of a tract which, together with the former entry, shall not exceed 600 acres."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. To whom does the gentleman from Nebraska yield?

Mr. KINKAID. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I understand the bill, and I hope the gentleman will correct me if I am in error. This bill is to permit a man to take 640 acres of homestead land and make improvements only to the value of 40 cents an acre in five years instead of the value of $1.25 per acre as now required of him.

Mr. KINKAID. The bill is rather to permit those who have already taken such homesteads, because nearly all of the lands subject to the act have been entered, to permit those who have been unable to make the necessary improvements—that is, to the extent of $1.25 an acre—to make final proof if they have lived upon the homestead in good faith for five years and complied in all respects with the old homestead law which governs

still in this case, notwithstanding this exceptional requirement of specific improvements which the old homestead law does not require, to the extent of $1.25 an acre.

The Secretary of the Interior, through his field agents, has officially ascertained that very many of the entrymen will be unable to comply with this specific requirement clause, and he further finds through his duly authorized agents, that through the observations made of the operation of the act it is not only an undue hardship to exact the specific requirement, but besides it deprives poor men, which the homesteaders usually are, from investing the small means which they have in two or three cows and a span of horses or a span of mules, whereby they can make a living upon this homestead. Therefore it would be better to modify that specific requirement provision and get halfway back to the old homestead law as it has existed from its enactment in the first instance and as it yet exists. So the Public Lands Committee have reported this bill after having carefully examined all the evidence, including the strong appeals made by numerous entrymen, by letters depicting the adverse conditions with which they have to contend. Now, many of them live 30, 40, and, some of them, 50 miles from railways, in a timberless country, and fuel is very expensive there. It takes a great portion of their means with which to buy fuel, and lumber is high, as you all know. It costs a great deal to build a small shanty, and the fact is that many of their shanties have to be built partly of dirt, partly of sand, and they only have sufficient planks or common lumber to cover the top. Some of them build sod houses, and use only enough lumber to make the doors and window frames.

Mr. MANN. Now, will the gentleman yield? Under the existing law, the so-called "Kinkaid Act," a man may take up 640 acres for a homestead in this Territory, and is required to make during the time, before he takes out his patent, $800 worth of improvements.

Mr. KINKAID. That is the present law.

Mr. MANN. That $800 covers the cost of breaking the ground, as well as the cost of any buildings, barns, or anything else he puts upon his property, as I understand it.

Mr. KINKAID. Bear in mind that he does not dare break most of the ground. It will blow away and in extreme cases may cover up his house in a sand dune.

Mr. MANN. Now, under the gentleman's proposition, the land being chiefly valuable for grazing purposes, the gentleman proposes to do away with the necessity of any improvements upon the land, as an incentive for the man to remain there, and at the end of five years' time he takes out his patent and sells the land. The gentleman's land will soon be owned by a company that will own counties under this bill.

Mr. KINKAID. I will answer the gentleman that the express purpose of this amendment is to prevent that territory from falling into the hands of large landowners. Now, if these settlers are not to be permitted to prove up—that is to say, 50 per cent of them—as I am well advised, with less improvements than $1.25 an acre, or $800 upon the full homestead, many of them will have to abandon their claims and go homeless again. My judgment is that it is a proper policy that the law be so amended that when a good-faith entryman lives with his wife and children upon one of these claims for five years, as the law requires and as will be exacted of him, he shall not forfeit his birthright, as it were, or right to a homestead. He should not forfeit his right by reason purely of the fact that he could not make better improvements. Any home that will shelter him and his family for five years ought to be deemed in law a sufficient home for him in his humble condition.

Mr. STEPHENS of Texas. I will say that the last provision of the bill reads this way:

Provided, That a former homestead entry shall not be a bar to the entry under the provisions of this act of a tract which, together with the former entry, shall not exceed 600 acres.

Mr. KINKAID. That is the old law. That is not changed.

Mr. STEPHENS of Texas. As I understand this, it would permit a man who hereafter had a homestead, and could not obtain another one, to go in and take 480 acres of land under this provision?

Mr. KINKAID. That is right.

Mr. STEPHENS of Texas. Would not that be a double homestead?

Mr. KINKAID. No; because in this locality it is supposed that the three-quarters more are necessary to compensate in quantity or area for what the quarter-section homestead in that region lacks in quality and lacks in being equal to a quarter section in eastern Nebraska or in the humid region, certainly.

Mr. STEPHENS of Texas. Supposing a man should have had a homestead of 160 acres elsewhere in the United States, and should move to your State, he could, under this law, take 480 acres more in that country?

Mr. KINKAID. That was the law in the first instance, and it was restricted to this particular region because it was supposed to be equitable for those who had made a homestead in that region and took a quarter section; that they should be entitled to the same privileges as those who come later on and are entitled to take a section. The bill provided that those who are already there might take three-fourths more. The Committee on Public Lands and the Congress so amended my bill, however, as to let in former entrymen from other States.

Mr. STEPHENS of Texas. Do you think it is right to allow a man to have two homesteads?

Mr. KINKAID. Congress passed on that, and that is the law. We can not now go behind the returns.

Mr. NORRIS. I want to call my colleague's attention to what is probably a misprint in the bill:

Which, together with the former entry, shall not exceed 600 acres.

It ought to be 640.

Mr. KINKAID. We will correct that; thanks.

Mr. MONDELL. Will the gentleman yield to me?

Mr. KINKAID. I promised to yield to the gentleman from North Dakota [Mr. GRONNA], but I will yield to the chairman of the committee first.

Mr. MONDELL. Mr. Speaker, the bill before the House changes the so-called "Kinkaid homestead law" in only one particular. The original bill provided that the entryman should, in addition to the other proofs required under the homestead laws and five years' residence, prove that he had expended for improvements an amount equal to $1.25 for each acre of his entry. This requirement is in addition to the requirements of the homestead law, generally.

Mr. MANN. That was a concession, was it not, in order to get the act allowing them the right to take 640 acres?

Mr. MONDELL. I will say to the gentleman I think I was largely responsible for it. I rather insisted upon it as a member of the committee, and at the time believed it was right. Now, Mr. Chairman, one reason for it was this: This homestead law applies largely to a sand-hill country. In passing upon the bona fides of an entryman in that country the department must necessarily take into consideration the fact that in many cases he can not cultivate the soil, and therefore one of the evidences of good faith, to wit, cultivation, could not be proved in many instances; and in order, therefore, that there might be a specific requirement that would be considered in connection with other matters relating to the bona fides of the entryman, we laid upon him the obligation to spend $1.25 an acre in improvements. Now, the committee is of the opinion that the requirement is too onerous; and recently an inspector of the department, who went over the region and very carefully examined the conditions, reported to the Secretary of the Interior that in his opinion it would be in the interest of settlement and development if the requirement was reduced and the entrymen were not required to show improvements in excess of 40 cents an acre; and it was largely due to the fact that the agent of the department, whom we believed to be well qualified to judge—and his views are in line with my knowledge of the situation—that the committee adopted this amendment.

Mr. MANN. Is this land subject to cultivation?

Mr. MONDELL. There is a great deal of this sand-hill land that can not be cultivated. Cultivation in many instances would result in the land blowing badly.

Mr. MANN. Is it now being cultivated?

Mr. MONDELL. There is much of it that can not be cultivated. They utilize it in this way: The hills are used for pasture and the valleys grow native grasses, which make good hay. Some of the land is susceptible of cultivation.

Mr. MANN. The gentleman says they have not even one cow.

Mr. MONDELL. I am informed that the inspector of the department recommended legislation reducing the amount of improvement required on the ground that the settler be allowed to spend his money to buy cows rather than be compelled to put improvements on the land that he could not afford, and which were not necessary to his residence upon the land.

Mr. MANN. How many cows does the gentleman think can be kept on a farm without $800 worth of improvements altogether?

Mr. MONDELL. I think all the cows that the land would afford pasturage for could be maintained by an expenditure of $100 in improvements on the land.

Mr. MANN. I am opposed to cruelty to animals.

Mr. MONDELL. One hundred dollars would build a shed.

Mr. MANN. That would be a shed for the animals—the man and his wife. I am opposed to cruelty to wives, especially in view of the recent report of the homes commission.

Mr. MONDELL. But I call the gentleman's attention to the fact that this reduction still compels the entrymen to put $284 worth of improvements on his claim, if it be a 640-acre claim.

Mr. HITCHCOCK. Two hundred and fifty-six dollars.

Mr. MANN. Including any work which he does himself. Now, does the gentleman believe that in that kind of a country, not subject to cultivation, used practically only for grazing purposes, it is as likely to be retained by the homesteader, after he gets his patent, if he has $200 worth of improvements as it is if he has $700 or $800 worth of improvements?

Mr. MONDELL. I think, with the requirement of five years' residence, that the homesteader is just as likely to remain, and perhaps more likely to remain, if he is not compelled to put more than $256 worth of improvements on his claim.

Mr. MANN. If the gentleman himself were one of these entrymen and lived on a grant five years, according to the description which is given of it, with no improvements on the ground, and at the end of that time was offered a dollar and a quarter an acre for the ground by some grazing company, does the gentleman think the five years' residence would lead him to stay on the ground, or to sell and get out?

Mr. MONDELL. Well, Mr. Speaker, there is no law, there can be no law that will compel men to live in a country where they can not make a living.

Mr. MANN. True.

Mr. MONDELL. Now, if after these men make proof, there be in a certain locality conditions which make it impossible for a man to make a living on 640 acres, he may not remain. You can not prevent that, and I think the gentleman does not want to prevent it; but I reiterate that in my opinion, with some careful consideration of the matter and knowledge of the country, I believe it is a hardship on the settler to compel him to put a dollar and a quarter's worth of improvements on the land, and I admit that I was somewhat responsible for the amount being placed at a dollar and a quarter originally.

Mr. MANN. I will say to the gentleman that if there had not been some such amount in the bill originally, it would not have passed by unanimous consent, as it did in the House. Now the gentleman proposes to remove the very incentive for passing this bill in the first place, and make it so there is no reason why a man should remain on a homestead. You might just as well in the first place advertise this property to be sold in large tracts, because if there are no improvements on 640 acres, it seems that the man who has it will sell it. If he has improvements upon it, there is some reason for his remaining there, and it can not be sold so cheaply.

Mr. MONDELL. Many an honest man has made homestead proof with improvements much less than $280 in value, in my opinion, and I am of the opinion that this legislation is in the interest of settlement and development.

Mr. KINKAID. I yield to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, as a member of the subcommittee, I will say to the gentleman from Illinois [Mr. MANN] that we went into this particular bill carefully and referred the matter to the Secretary of the Interior. The committee was satisfied that commutation should not be extended to settlers, but that they should be required to live five years on the land before they can perfect proof; but if the gentleman will read the report——

Mr. MANN. Oh, I beg the gentleman's pardon. I have read every line of the report more than once.

Mr. GRONNA. The agent appointed by the Department of the Interior to investigate and report on these claims recommends that the amounts of improvements to be made be reduced; that is, the amount per acre should be reduced to 40 cents. He believes it to be in the interest of the honest settler. The settlers must show their honest intention and good faith when they make their proof under this law, the same as they do under the general law. The agent finds that many of these homesteaders are unable to comply with the present law, and that it is a hardship upon them to compel them to have improvements to the amount of $800.

Mr. MANN. They do not have to make the improvements right away, not within five years.

Mr. GRONNA. They have to make the improvements before they can prove up.

Mr. MANN. That is right, but they do not have to prove up within the five years.

Mr. GRONNA. It is in the interest of the community that they should prove up as soon as they can, because the lands becomes taxable as soon as proved up.

Mr. MANN. After it is proved up it will be sold to some company for stock raising, and if this bill passes there will be no homesteaders left there.

Mr. GRONNA. If the committee thought that that was the intention the committee would not have favorably reported the bill.

Mr. MANN. That will be the effect. Wherever you propose to give a man 640 acres and require him to make no improvements and the land is not subject to cultivation with profit he will sell the land out to the first one that comes along and pays a fair price for it. It is worth more in the hands of large grazing companies than it is in the hands of the homesteaders so far as the use of the land is concerned, but so far as the country is concerned it is worth infinitely more in the hands of homesteaders than in the hands of these large corporations.

Mr. STEPHENS of Texas. I desire to have one of the gentlemen yield to me. I would like to ask if it would not be better to have 160 acres for a homestead and permit the homesteader to lease the surrounding public land for grazing purposes, and to hold the lands in that way instead of enlarging the homestead? Being a western man, I agree with the gentleman from Dakota, for I know the situation. I know that 160 acres of that kind of land is not sufficient for a settler if he is a stock raiser, and that they ought to have the right to lease four or five sections of public domain adjoining his homestead where it is only grazing land, but no one but an actual homestead settler should have a right to lease the public land adjoining him. Our State, Texas, had that problem before it twenty years ago and solved it by the leasing proposition, and this leasing system is the correct one; and until Congress sees fit to enact laws along that line nothing should be done toward enlarging homesteads on the public domain, as is done in this bill.

Mr. GRONNA. This bill does not change the present law in that respect.

Mr. STEPHENS of Texas. Well, then, I will answer that the present law is wrong in making 640 acres a homestead instead of 160 acres.

Mr. GRONNA. This bill only reduces the amount of improvements from $1.25 an acre to 40 cents an acre. That is the only change made in the bill. I believe that it is right and that the bill ought to pass. It is said that the present requirement is a hardship to the honest settler. The money does not go to the Government. It is an improvement made on the farm. If a poor farmer comes there and settles and has but little money, if he is permitted to invest his few dollars in live stock, it is infinitely better for him than to be required to pay what money he may have in buildings or improvements. It is not necessary, I want to say to the gentleman——

Mr. MANN. There is nothing in the law that requires that he shall invest money in live stock.

Mr. GRONNA. I want to say that the man who has but $200 worth of improvements on his farm thinks just as much of that home as the millionaire does of his who has a home that cost $2,000,000. The settler should be permitted to invest what he can afford; what little he has above necessary improvements he can then invest in stock. You can build a sod house and keep it and make it comfortable for $75. I have seen such homes on the frontier, and instead of being required to fence all of this land, he can invest his money in stock. Many of them have children, and they can herd the stock. The grass only grows in little pockets between the sand dunes. In western Nebraska conditions are entirely different from what they are in our country. If this bill was to apply to our country, I should object to the bill. I opposed the bill last winter enlarging the homestead to 320 acres in my State, because I believed 160 acres was enough. I sincerely hope that this bill will pass.

Mr. MANN. Mr. Speaker, I object.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 18726. An act for the relief of Wyatt O. Selkirk;

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska;

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.;

H. R. 27970. An act to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes;"

H. R. 6252. An act to promote the administration of justice in the navy;

H. R. 7474. An act granting a pension to Charles H. Balch and others;

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 9295. An act in relation to the salary of the Secretary of State—to the Committee on Election of President, Vice-President, and Representatives in Congress.

EXTENDING PAYMENTS ON HOMESTEAD ENTRIES IN OKLAHOMA.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 8510) to extend the time of payments on certain homestead entries in Oklahoma, and that the same be considered in the House.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from consideration of the bill which the Clerk will read, and that the same be considered in the House.

The Clerk read as follows:

An act (S. 8510) to extend the time of payments on certain homestead entries in Oklahoma.

Be it enacted, etc., That the time within which all unpaid payments which have heretofore, or may hereafter, become due and payable under the act entitled "An act to open to settlement 505,000 acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June 5, 1906, and the act entitled "An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906, and the act entitled "An act to extend the time of payments on certain homestead entries in Oklahoma," approved March 11, 1908, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made: *Provided*, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indians entitled thereto, 4 per cent on the amount of such deferred payments where the settler had no preference right, and 5 per cent on the amount of the deferred payment where such settler was given a preference right, but the payment of said 5 per cent shall be made in lieu of the interest payment required by said act of June 28, 1906: *Provided, however*, That no further extension of time than is granted by this act will be granted.

That the Secretary of the Interior is hereby authorized, in his discretion, to extend the time of payments to the purchasers and their assigns applying therefor upon the lots sold, or to be sold, in pursuance of an act entitled "An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes," approved March 27, 1908, and the Secretary of the Interior is authorized to permit the unpaid purchase money for such lots to be paid in such installments and at such times as he may deem proper: *Provided, however*, That said purchasers or their assigns shall be required to pay interest on all such deferred payments sufficient to pay the Kiowa, Comanche, and Apache Indians 4 per cent interest on the payments so deferred, and to pay the local authorities entitled to receive the same the equivalent of the state, county, city, and school tax at the legal rate, upon such valuation as the Secretary of the Interior may determine, and to which the lots would be liable if patented, such extension of time not to exceed four years from the date of the approval of this act: *Provided, further*, That not exceeding one-half of the amount which may be set aside by the Secretary of the Interior, under the act above referred to, for the construction of two school buildings may be applied by the Secretary of the Interior to such other improvements as he may deem for the public welfare.

SEC. 2. That the extension provided for in section 1 of this act shall not apply to the following numbered lots in the official plat: Lots 4 to 14, inclusive, in block 5; lot 7 in block 9, lot 12 in block 10, lot 4 in block 12, lot 12 in block 13, lot 9 in block 14, lot 9 in block 19; lots 1, 10, and 11 in block 20; lot 5 in block 21, lot 11 in block 24, lots 8 and 16 in block 27, lot 10 in block 29, lots 9 and 10 in block 30; lots 8, 9, and 10 in block 32; lot 5 in block 33, lots 5 and 8 in block 34, lots 3 and 12 in block 35; lots 2, 3, and 4 in block 36; lots 6 and 7 in block 37, lot 6 in block 38, lot 13 in block 39, lot 9 in block 40; lots 2, 3, and 11 in block 42; lots 1 and 2 in block 44, lot 12 in block 44; lots 4, 11, 12, 15, and 16 in block 45; lot 8 in block 46; lots 4, 5, 7, and 13 in block 47; lots 9, 10, and 11, in block 50; lot 9 in block 51; lots 3 to 7, inclusive, in block 53; lot 9 in block 54; lots 9, 10, and 12 in block 57; lots 1, 2, 3, 9, and 16 in block 58; lots 2 and 3 in block 59, lot 9 in block 60; lots 1, 4, 5, 6, and 7 in block 61; lot 15 in block 66, lot 4 in block 2; lot 15 block 38; lot 2 in block 61.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman a question. Last year we passed a law extending the time of payment on certain lands taken in the old Indian Territory, and this bill proposes to give a further extension of time to the same parties, and then extend the time as to other parties who purchased under the act we passed only last year. Does the gentleman expect that these people will ever pay for any of the land down there?

Mr. FERRIS. Replying to the gentleman from Illinois, I desire to make this statement: In 1906 an act was passed providing for the sale of 505,000 acres of land to the highest bidder, and at the same time provided that one-fifth should be paid each year. The land sold for $10.56 an acre, under competitive bids, and along with that provisions of the homestead law were imposed on the settler, which is quite an unusual provision—to sell to the highest bidder and at the same time cause them to exhaust their homestead rights. The land was purchased on these terms, paying something more than $2.50 down at the first payment. Now, the improvements necessary to make when the bona fide settler complies with the provisions of the homestead law, and $2.50 per acre, exhausted, in most cases, what means they had. The land was not sold until the following year after the act of 1906, and the sod land when first turned over and broken out does not yield anything the first year.

The settlers are poor; they need this extension, and need it badly. Under the provisions of the bill the settler pays interest on the deferred payments, the Government withholds title till all payments are ultimately made, so there can be no chance for loss in any way.

Another and one of the most forcible reasons for extension is the fact that under the original act opening this tract to settlement the money is not available for the Indian if paid in, and the further fact that in this case the settler pays the interest in lieu of the Government; thereby it is a matter of economy to the Government and no detriment to the Government or the Indian ward.

I think both the Members from the East as well as from the West will bear me out in these statements. I hope there may be no objection to this very meritorious measure. It means much to my people. It costs no one a cent.

Mr. MANN. Does the gentleman remember the excuse which the gentleman gave last year for extending the time?

Mr. FERRIS. I do.

Mr. MANN. The excuse then was that owing to the financial conditions no one could get possession of cash, and it was upon that excuse that last year we extended the time.

Mr. FERRIS. Mr. Speaker, that was only one excuse.

Mr. MANN. That was the excuse stated on the floor of the House.

Mr. FERRIS. That was one excuse stated by some one, not by myself.

Mr. MANN. I think that was the only excuse stated on the floor.

Mr. McGUIRE. Will the gentleman from Oklahoma yield?

Mr. FERRIS. Yes.

Mr. McGUIRE. I will say to the gentleman from Illinois [Mr. MANN] that it was the excuse assigned at that time that——

Mr. MANN. Does that excuse still prevail under the patented process in Oklahoma of guaranteeing bank deposits?

Mr. McGUIRE. I will say to the gentleman from Illinois, to some extent that condition still prevails. It was not so much an excuse as a condition. I want to make this further statement——

Mr. MANN. Is it not a fact that since they guaranteed bank deposits in Oklahoma every bank has its vaults overflowing with currency and there is no possible danger of failure?

Mr. McGUIRE. I do not quite agree with the statement of the gentleman, provided he makes that statement as a condition existing in Oklahoma. I want to make this statement, in all candor, to the gentleman, that those people went out there and many of them paid more for their land than the land was really worth, and they paid more than they were able to pay for the land. They were frontiersmen——

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not desire to take the time of the House, but I will say to the gentleman that so far as the excuses go for extension of time, there is absolutely nothing to it. There is no valid excuse offered; but it is claimed, and I wish to ask the gentleman in reference to that, that if this money should be paid in by these people and then paid into the Treasury of the United States, not subject to be paid to the Indians, that the Government would be required to pay interest on the fund remaining in the Treasury; whereas if this bill passes, the interest, instead of being paid by the Government, will be paid by the purchasers of the land.

Mr. McGUIRE. That is one reason why the bill should pass.

Mr. MANN. I want to know about the facts in regard to that.

Mr. McGUIRE. That is a fact. The party asking the extension of time pays this interest under this bill, and pays it when it goes into the Treasury, and it is a saving to that extent.

Mr. MANN. Why did not they think of that when they sold these lands, instead of putting the burden of paying the interest on the Government, and give everybody a fair chance to buy the land on even terms? What object was there when this original bill passed in having it any other way? Last year we passed a bill requiring the money to be paid into the Treasury of the United States so that we might have the exquisite pleasure of paying interest on it to the Indians. What is the purpose of that kind of legislation?

Mr. McGUIRE. As I remember the bill which passed a year ago, it provided that the settler pay the interest, and the Indian and the Government were relieved of all obligations.

Mr. MANN. But the gentleman's bill provides for an extension of time to the people who purchased under the act of last March.

Mr. SHERMAN. Mr. Speaker, if I can be permitted, I think I can answer the gentleman's question. Will the gentleman from Oklahoma yield?

Mr. FERRIS. I yield.

Mr. SHERMAN. I suggest that the reason for requiring the Government to pay interest is the general proposition that we are to care for the interests of the Indians. This was not a new suggestion last year. Congress for decades has been providing that money that goes into the Treasury for the benefit of the Indians shall be held there by the Government, and the Government shall pay interest thereon to the Indians and continue to hold the fund until such time as the Government, the natural guardian of the Indians, theoretically if not in fact, should deem the particular tribe of Indians or the individual Indian sufficiently competent to care for himself, and then give him the money to expend for his own benefit. This was not a new proposition last year. We have been doing that for decades.

Mr. MANN. I appreciate that; but this is a new proposition now. Is this very much as though we had loaned this money to these purchasers instead of paying interest ourselves?

Mr. SHERMAN. That is very largely it, that we are loaning the money to the purchasers and they are paying the interest rather than to have the Government do it. In the meantime no title passes to these individuals until the full amount of money is paid in.

Mr. MANN. Does the gentleman consider that our security is fairly good?

Mr. SHERMAN. There is only one thing that can impair our security in the least degree, and that is Congress. If Congress in its supreme wisdom, as it did a few years ago, should pass something like the free-homestead bill, it might put the United States in a hole.

Mr. McGUIRE. The land is good.

Mr. SHERMAN. The land is good.

Mr. MANN. But gentlemen from the West a few moments ago said it was not any good.

Mr. SHERMAN. It is good as far as we are concerned. We are assuming no liability.

Mr. STEPHENS of Texas. This is the only tract of land in the United States where the public sale was made to the highest bidder.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALASKA SHORT LINE RAILROAD.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska.

Whereas the Alaska Short Line Railway and Navigation Company has made a preliminary survey for a railway line from Iliamna Bay to the Yukon River in Alaska; and

Whereas it has spent in surveys, explorations, reconnoissances, and preliminary work $150,000, as appears from its report to the Commissioner of the General Land Office, under date of August 25, 1908; and

Whereas it has filed a preliminary survey of its entire route and a definite survey of the first 20 miles thereof; and

Whereas owing to the unsettled financial condition of the world during the two years last past, it has been impossible for such railway and navigation company to raise the necessary funds to prosecute the work on said railway: Therefore

Be it enacted, etc., That in consideration of the construction of said railroad being actually commenced prior to June 1, 1910, the time for the completion of the survey and construction of said railroad be, and the same is hereby, extended to a period of five years from said 1st day of June, A. D. 1910.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Of course the gentleman would not expect Congress to pass the preamble.

Mr. HUMPHREY of Washington. No; I was going to move to strike that out.

Mr. MANN. As the bill is drawn I call the attention of the gentleman to the fact that without the preamble it would amount to nothing unless the gentleman amends by inserting the name of the road.

Mr. HUMPHREY of Washington. Well, I will ask unanimous consent to insert the name of the railroad.

Mr. MANN. And to strike out the preamble.

Mr. HUMPHREY of Washington. I was going to do that.

The SPEAKER. Is there objection? Does the gentleman from Washington move to strike out the preamble?

Mr. HUMPHREY of Washington. Yes; and amend by inserting the name of the road.

The SPEAKER. What is the gentleman's amendment?

Mr. MANN. To strike out the words "said railroad" and insert——

Mr. HUMPHREY of Washington. "Alaska Short Line Railroad, in Alaska."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, in line 3, strike out the words "said railroad" and insert "the Alaska Short Line Railroad and Navigation Company."

Mr. MANN. That is not the name of the road.

Mr. HUMPHREY of Washington. Yes——

Mr. MANN. This reads: "Alaska Short Line Railway, in Alaska."

The SPEAKER. Is there any other amendment the gentleman desires to offer?

Mr. HUMPHREY of Washington. No; that is all. I ask that the bill be passed as amended.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CALAVERAS BIGTREE NATIONAL FOREST.

Mr. SMITH of California. Mr. Speaker, I desire to call up again Senate bill 1574, the Calaveras Bigtree bill, and ask for its further consideration, with certain amendments which the Secretary of the Interior has suggested since the bill was here before; and if I may be permitted, I will explain the nature of those amendments, and then they will be understood before they are read.

The SPEAKER. One moment. The gentleman from California asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the Senate bill mentioned, with sundry amendments. The bill and several amendments were read on a former day. The Clerk will report the additional amendments.

The Clerk read as follows:

On page 2, line 9, insert after the word "acquired," the words "shall be permanently held by the United States and."

On page 2, line 11, after the word "agriculture," insert the words "from the funds appropriated for the administration of national forests land."

On page 2, line 24, strike out the word "shall" and insert after the word "selection" the words "and of a value substantially equal to that of the land conveyed may."

On page 3, line 4, strike out the word "reserve."

On page 3, line 4, after the word "would," insert the word "substantially."

And after the amendment, on page 3, insert *"Provided,* That nothing contained in this act shall warrant an appropriation from the Treasury to carry out the terms of this act."

Mr. SMITH of California. Now, the purpose of the amendments offered——

Mr. SHERLEY. Mr. Speaker, I just want to reserve the right to object, for the privilege of making a statement in regard to the matter.

Mr. SMITH of California. This bill as originally drawn was prepared by the senior Senator from California four or five years ago, when the fund received from national forests was a continuous appropriation. The Secretary of the Interior later found that certain verbal changes should be made in order to conform to the present law. Then he adds a provision that in the exchange of land for the land on which the big trees stand it shall be only of the same value and not necessarily of the same acreage, thereby confining the exchange to land of equal value

and not of equal acreage, which would thereby permit them, possibly, to get land of much greater value.

Mr. REEDER. Does it avoid the idea of issuing land script?

Mr. SMITH of California. I think there would be that element up to the point of the value of the land exchanged, but not to an equal acreage. We offered an amendment when the bill was here before limiting the amount of stumpage to that of the same value. Now, the Secretary has suggested that in the exchange of land it shall also be limited to land of equal value and not necessarily to land of the same acreage.

Mr. SHERLEY. Mr. Speaker, when this bill was up some days ago I objected to its consideration because I did not believe that the House had sufficient information as to its terms. Since then I have taken the trouble to submit it to the Secretary of the Interior, and I have from him two letters, which, with the permission of the House, I shall insert in my remarks, one relating to the proposed amendments which have been offered by the gentleman in charge of the bill, and the other in reply to an inquiry of mine as to the right of the United States to acquire land situate in a State for purposes such as these.

In regard to the latter inquiry, the Secretary does not undertake to answer the question, but does cite quite a number of cases where land has been purchased or acquired by the Federal Government. Many of those relate to cases where the land was taken under the war power of the Constitution. None of them, to my mind, are parallel to the present case, the nearest one being the case where land was acquired for the establishment of the Gettysburg Park, and which the Supreme Court held to be a valid exercise of power in the decision rendered in the One hundred and sixtieth United States. I am in grave doubt as to whether such right exists in this case. This question involved is similar to one relating to the Appalachian survey proposition, though without as strong grounds as those upon which that matter is predicated, and while I doubt the right of the Government to acquire this land, I am so desirous of having these big trees preserved that I shall not object to the unanimous consent requested, but shall leave it to the House to take what action it sees fit in the premises.

The following are the letters referred to:

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1909.

Hon. SWAGAR SHERLEY,
House of Representatives.

DEAR SIR: Pursuant to a request for a report on S. 1574, a bill to create the Calaveras Big Tree National Forest, and for other purposes, the area described in the bill contains a large number of the *Sequoia washingtoniana*, as is clearly shown by House Report No. 1426. The land is now in private holding and the big trees are at the mercy of the owner of the land, who can sell them at any time for lumbering purposes.

This grove of big trees is one of the wonders of the world, and it would be practically a national calamity to allow their destruction. I am informed that if S. 1574 should become a law it will be possible to save these trees for the Nation. This can be done under the terms of the bill without any money cost to the Government.

The reason for providing three methods of making the exchange is because the owner of the land would be willing to exchange part of it for an equal area of other land upon the unappropriated public domain, for the reason that part of the land covered by the grove which it is necessary to protect is not so valuable but that other land of approximately equal value can be found.

The second method, namely, a "stumpage" exchange, will be necessary in order to furnish, without the appropriation of money from the Treasury, that which has an equal value for the exchange, namely, a quantity of timber in a compact body, the stumpage value of which is approximately equal to the value of the big trees, viewed as a possible supply of lumber.

The third method is the result of a partial promise made by the Outdoor Art League California Club, that will raise, if at all practicable, one-half of the money necessary to purchase this grove. By the use of the three methods it is practically certain that the grove can be acquired. I suggest, however, that before the passage of the bill the following changes be made:

1. On page 2, line 9, insert, after the word "acquired," the words "shall be permanently held by the United States and."

2. On page 2, line 11, after the word "Agriculture," insert the words "from the funds appropriated for the administration of national-forest land."

3. On page 2, line 24, strike out the word "shall" and insert, after the word "selection," the words "and of a value substantially equal to that of the amounts conveyed, may."

4. On page 3, line 4, strike out the word "reserve," for the reason that it was inserted when this bill was originally introduced by Senator PERKINS prior to the date that the name of "forest reserves" was changed to "national forests."

5. On page 3, line 5, after the words "which is," insert the word "substantially."

For your convenience, I inclose a copy of S. 1574, as reported from the House Committee on the Public Lands, with the above-suggested changes written into the face of the bill.

Very respectfully,
JAMES R. GARFIELD,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1909.

Hon. SWAGAR SHERLEY,
House of Representatives.

DEAR SIR: In reference to your verbal inquiry concerning the constitutionality of the bill (S. 1574) to create the Calaveras Bigtree National Forest and for other purposes, I suggest that a question of constitutionality is one the discussion of which must be more or less futile. The courts alone have the conclusive power to determine such questions. I will therefore devote myself to a discussion of precedents in federal legislation.

Thomas Jefferson, at the time of the Louisiana Purchase, felt obliged to excuse the action of Congress in providing by the appropriation of money for the acquisition of foreign territory. In doing this he expressed a doubt of the constitutionality of such action, but excused the Executive and Congress for what they had done in the following words:

"The Executive, in seizing the fugitive occurrence *which so much advances the good of their country*, has done an act beyond the Constitution. The legislature, in casting behind them metaphysical subtleties and risking themselves *like faithful servants* must ratify and pay for it, and throw themselves on their country *for doing for them unauthorized* what we know *they would have done for themselves had they been in a situation to do it.*"

The purchase of Florida, the Gadsden Purchase, the Mexican Cession, the purchase of Alaska, the acquisition of Porto Rico, and the Philippines are all notable examples where Congress authorized the expenditure of money for the acquisition of land for the United States. These cases, however, are the acquisition of foreign territory, which would seem to me less constitutional than to acquire territory within the United States for public purposes.

Some examples of acquiring private holdings within the United States are as follows:

Battlefield of Antietam, Maryland, condemnation of land for, act August 5, 1892 (27 Stat., 377).

Chickamauga and Chattanooga National Military Park, located in Georgia and Tennessee, act August 19, 1890 (26 Stat., 336), condemnation and purchase of land for.

Vicksburg (Miss.) National Military Park, condemnation of land for, act February 21, 1899 (30 Stat., 841).

Shiloh National Military Park, act December 27, 1894 (28 Stat., 597), condemnation and purchase of lands.

Gettysburg (Pa.) National Military Park, act February 11, 1895 (28 Stat., 651), condemnation and purchase of lands for.

It is worthy of note that in all these instances the United States has appropriated and paid money for private land in order to devote it to the public use. In the case of the Gettysburg Park the constitutionality of the purchase has been decided affirmatively by the Supreme Court. (U. S. *v.* Gettysburg Electric Railway Company, 160 U. S., 668.) In all the above cases money obtained by taxation from the people of the United States was directly appropriated by Congress to acquire the land.

We now come to the action by Congress very much more analogous to the action proposed in the Calaveras bill. June 27, 1902, an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" was approved whereby practically 225,000 acres of land in the Chippewa Indian Reservation were reserved for the United States to become a national forest; and an act passed last session, on May 23, 1908, entitled "An act amending the act of January 14, 1889, and acts amendatory thereof and for other purposes," contained specific provision at the end of section 2 for the payment to the Chippewa Indians for the land taken for that national forest at $1.25 per acre and for the lumber in the seed trees left standing.

The forest lieu selection act, which was repealed March 3, 1905, after being in force from 1897, was an act the constitutionality of which nobody has doubted. It provided that the Secretary of the Interior might acquire private holdings within national forests by patenting in lieu thereof an equal area of surveyed, unappropriated, nonmineral land on the public domain. Under this act millions of acres were exchanged. The analogy of this act to the Calaveras proposition is very apparent.

Very respectfully,
JAMES R. GARFIELD, *Secretary.*

Mr. MANN. Mr. Speaker, reserving the right to object, as to the amendments which the gentleman offers I got them from the Clerk's desk. I went over the original bill quite carefully, and I would not be able to recognize this bill from it. May I ask the gentleman where it endeavors to provide that people now owning land there may get the timber elsewhere upon a fair basis? Does that contemplate the amount of timber in forests which we acquire, or a fancy value on the big trees which we acquire?

Mr. SMITH of California. It says, "substantially equal to the amount of timber and wood on the land acquired." Foot for foot is what it practically provides for. He may exchange an equal amount of board measure for these trees.

Mr. MANN. That is estimated? That is the estimated——

Mr. SMITH of California. Estimated amount of wood or timber or lumber in these trees.

Mr. MANN. Without regard to valuation?

Mr. SMITH of California. It does not permit of any fancy valuation of the trees. When it comes to the trade it is on the basis of lumber for lumber, and not lumber for beauty.

Mr. MANN. Well, there might be a difference in the value of the lumber. That is what I want to get at. White pine lumber is worth one price and red fir is worth another. Is this to be an equal amount of timber based upon the estimated board measure, or is it an equal amount in valuation?

Mr. SHERLEY. Substantially similar value.

Mr. MANN. The bill says an amount of timber and wood substantially equal to the amount of timber and wood on the land acquired. It could be construed either way.

Mr. SHERLEY. The amendment is, if the gentleman from Illinois will permit, and it was for the purpose of having just such an amendment that I held up the bill—the amendment now offered by the gentleman from California [Mr. SMITH] looks to an exchange of timber of substantially equal value.

Mr. MANN. Not equal value?

Mr. SHERLEY. Equal value of timber.

Mr. MANN. The present amendment?

Mr. SHERLEY. Yes.

Mr. MANN. An equal value of timber and an equal amount of timber are two different things. The value of one of these trees may be $50 a thousand feet, board measure, as it stands, according to somebody's opinion. I want to know whether the construction of the department is that they give foot for foot board measure on the estimates, or whether the value of the amount now in the trees, estimated, outside in other forests?

Mr. SMITH of California. I think it is the understanding of the department that they shall trade on the basis of the lumber value of the trees and not on their extraordinary value by reason of their age, and so forth.

Mr. MANN. A tree has no lumber value until it is cut.

Mr. SMITH of California. It is estimated what amount of lumber is in it.

Mr. MANN. It seems to me very important to know whether we are paying a hundred dollars a thousand for these trees.

Mr. SMITH of California. We are to pay for the amount of lumber in them.

Mr. SHERLEY. I can state, I think, the department's understanding, having referred the matter to them, and it is that there shall be an exchange of lumber that will represent, substantially, the value of the lumber in these trees.

Mr. SMITH of California. Yes.

Mr. MANN. For lumber purposes?

Mr. SHERLEY. For lumber purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee and the amendments offered by Mr. SMITH of California were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. SMITH of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. HOWELL of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 227) authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic.

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of Cola D. R. Stowits, quartermaster-general of the Grand Army of the Republic, one dismounted condemned bronze cannon, used in the late civil war, to be used by the Grand Army of the Republic for the purpose of furnishing official badges of the order: *Provided*, That no expense shall be caused the United States of America through the delivery of said condemned cannon.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I desire to inquire whether it has been the custom in the past to furnish these condemned cannon to the Grand Army?

Mr. HOWELL of New Jersey. It has been.

Mr. MANN. Does the gentleman know how many cannon have been furnished to the commander in chief of the Grand Army?

Mr. HOWELL of New Jersey. I have had a letter from the commander in chief of the Grand Army stating that they were about out of badges, and it has been the custom in the past to get these guns, out of which they are made, from the department.

The SPEAKER. The Chair hears no objection.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

REPRINT OF BILL.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 27884) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof.

There was no objection, and it was so ordered.

UNITED STATES COURT OF PATENT APPEALS.

Mr. TIRRELL. Mr. Speaker, I have been instructed by the Committee on the Judiciary to report the bill (H. R. 21455) to establish a United States Court of Patent Appeals, and for other purposes. I ask unanimous consent that the minority of the committee have seven days in which to file their views.

The SPEAKER. The gentleman from Massachusetts, from the Committee on the Judiciary, reports the bill and asks unanimous consent that the minority have seven days in which to file their views. Is there objection. [After a pause.] The Chair hears none.

ADDITIONAL JUDGE, SOUTHERN DISTRICT, NEW YORK.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill which I send to the Clerk's desk, and ask that it be considered at this time.

The Clerk read as follows:

A bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes.

The SPEAKER. This bill was read on a former day.

Mr. MACON. I object, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas objects.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26916; and pending that, Mr. Speaker, I ask unanimous consent that general debate upon the Indian appropriation bill close at 2 o'clock on Tuesday, and that the time meantime be equally divided between the two sides, and be under the control of the gentleman from Texas, or the ranking Democratic Member present, and the chairman or the ranking Republican Member present.

Mr. MANN. That would be subject to suspension day on Monday and other privileged matters.

Mr. SHERMAN. Oh, yes.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill; and pending the motion, the gentleman asks unanimous consent that all general debate be closed on Tuesday next at 2 o'clock, not to interfere with privileged matters, one-half of the time to be under the control of the chairman of the committee and one-half under the control of the gentleman from Texas. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26916.

Mr. SHERMAN. Mr. Chairman, I understand a little more time on yesterday was consumed on this side than on the other side. I am informed at the desk that the Republican side used one hour and forty-three minutes, and the Democratic side one hour and eleven minutes. Under those circumstances, perhaps it would be wise if my friend from Texas would consume time enough to equalize.

Mr. STEPHENS. I yield thirty minutes to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR of Florida. Mr. Chairman, two years ago and more, and before the passage of the so-called "Hepburn railroad rate bill," I termed that piece of legislation a "delusion and a snare." I meant then that it would not give the producers, the consumers, and the shippers in the United States relief from unjust and unreasonable rates of charges by the railroads of the country.

In that sense, that the bill was a delusion.

I meant then, and foresaw that the existence of that piece of legislation, incomplete as it was, would be used as a basis for delay in enacting full and remedial legislation.

My prediction has been fulfilled.

Within the past few days, and in answer to a resolution of this House, the Interstate Commerce Commission reports that within two years last past, and since the passage of the Hepburn railroad rate bill, the interstate railroads of the country have largely increased their then existing freight rates, and that this increase has been done both by direct raise of rates and by the devious and insidious form of rate raising known as "change of classification."

The Congress has not shown any desire since the passage of the Hepburn bill to justify and fully protect the public from unjust railway rates.

And another branch of the Congress has just sounded the death knell of remedial railroad-rate legislation for a long time, unless the American people compel a reversal of their position. And I believe the attitude of that part voices the controlling sentiment of this House upon the subject of railroad-rate legislation. Mr. Chairman, that attitude of the Congress will operate to the interest of the railroads and not of the public. The effect of this position by the Congress will be to leave the larger public, their constituents, who produce, consume, and ship the products of the country, to the tender mercies of the railroads.

Turn over the lamb to the lion. Confide the sheep to the wolf. Drive the geese into the den of the fox. Then stand by and see what will happen.

In like manner will vanish the profits of those who produce, and get their products to market upon railway lines, if this needed legislation is never made into law.

Mr. Chairman, the producers, the consumers, and the shippers generally should at once and with vigor join issue with the attitude of the Congress upon this great federal question. Further amendments are vital to the efficiency of national railroad-rate legislation.

First. The Interstate Commerce Commission must have the power to prevent an interstate railroad from increasing an existing rate until the justness and reasonableness of the proposed increase has been first determined by said commission.

Second. The Interstate Commerce Commission should be invested with the power to prescribe a uniform classification of rates for interstate railroads, and that no such railroad shall change any such classification so prescribed without the consent of said commission.

Third. That the Interstate Commerce Commission shall have the power to make a physical valuation of the property of the interstate railroads.

Until these amendments, and others even, are adopted by the Congress, the Hepburn bill is mere "sounding brass and tinkling cymbal."

It is neither "fish, fowl, nor good red herring."

Despite its good features, without these amendments the Hepburn bill approaches the proportions of a legislative fake.

Without these amendments the Hepburn bill leaves in the hands of the railroads of the country the uncontrolled power of taxation, practically, upon the transportation of interstate shipments. This power of railroad taxation is a governmental function; it is a privilege of the sovereign. There are but two sovereigns in the United States. One is the Nation, the United States, the higher sovereign. The other sovereign or sovereigns is and are the State and the States of the American Union. These sovereigns will be false to the people who constituted them if they permit longer the creatures of the sovereigns to despoil the people.

And what are the railroads of the country, Mr. Chairman?

The railroads are but the chartered servants of the people.

Mr. Chairman, there should be war between the people and their agents, the Federal Congress, until the people get their rights. The first line of battle should be drawn in array against the Senate of the United States and the House of Representatives. And before this great legislative reform can come it is necessary, in my opinion, that there should be reform in the Congress of the United States. Let me sketch the bare outlines of this vital legislative reform.

First. No man should hold the office of United States Senator or Member of the House of Representatives who holds and owns stock and bonds in the railroads in the United States or is a director or other officer in such railroads.

Second. No person should be a Member of the United States Senate or the House of Representatives who is the retained counsel and attorney of such a railroad or railroads.

Third. No person should be a Member of the United States Senate or of the National House of Representatives who practices as attorney at law in the courts of the country, either state or federal, in behalf of railroads, even though they are not the general retained attorneys of such railroads.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. LAMAR of Florida. I will yield to the gentleman from Georgia.

Mr. BARTLETT of Georgia. How could you disqualify him except by an amendment to the Constitution of the United States?

Mr. LAMAR of Florida. I will answer the gentleman in this way.

Mr. BARTLETT of Georgia. Not expressing a different opinion, I should like to know what the gentleman's opinion is as to the power of Congress to regulate this?

Mr. LAMAR of Florida. I hold that in some way action should be taken by the Congress, and by the American people, to enact into law, and if not possible, then to write into the moral laws by legislative expression, the principle that a man shall not be a public servant of the people and an attorney for a great corporation at the same time. [Applause.] I contend further that he should not be allowed to practice in the courts of the land, state or federal, in behalf of railroads, or accept gifts from large public-service corporations in the shape of fees. The principle goes to the very foundation of the Government.

Fourth. That no Member of the United States Senate or of the House of Representatives shall be an attorney, either general or special, of an industrial, or manufacturing, or commercial trust of the United States.

Mr. Chairman, let the Congress of the United States enact the above prohibitions and inhibitions into law, and the country will at once have taken a long step to settle problems that now vex and harass the industrial and commercial, and I might say, in the highest sense, the moral life of the people of the United States.

Three short years ago it was considered neither indecent nor disreputable for a United States Senator or a Member of the House of Representatives to ride on a free railroad pass, or use a free telegraph, free Pullman, and free express frank.

Now, Mr. Chairman, it is a criminal offense if they do these things. The country and the Congress have moved a step forward.

And by what reason, tell me, can a man sit in the United States Senate or House of Representatives, barred by law from accepting one of these minor gifts from public-service corporations, and yet get the more substantial reward that flows from remunerative attorneyships of such corporations? And the vice, essentially, of this relation of Senators and Representatives as attorneys to the public-service corporations lies in the fact that these same Senators and Representatives, as American legislators, must pass upon the moneyed interests of their corporation clients, when, in many cases, the moneyed interests of their corporation clients are directly and wrongly opposed to the proper interests of their public constituents and clients, the people.

Mr. Chairman, the whole thing is wrong in political morals, and if possible, like the free railroad pass, should be made a crime and a disqualification to hold a great federal legislative office. A United States Senator or a Member of the House of Representatives who at the same time draws a salary from the people and a salary from or makes money by attorneyship to the railroads or trusts constitutes himself both the public servant of the people and the private servant of the corporations. Mr. Chairman, not my language, but his own position, voluntarily assumed, fixes such Senator or Representative in this double and, in my opinion, improper legislative relation to the people and the corporations.

Now, permit me to discuss the propriety of the amendments that I have herein named.

First. That the Interstate Commerce Commission shall have the power to pass upon and suspend a proposed increase of a railroad rate until a hearing is had and a determination made by the commission upon the justness and reasonableness of such proposed increase of rate. Upon this proposed amendment a branch of the Congress has lately adversely reported, and I have every reason to believe that this proposed amendment will be voted down by this House. While the Hepburn railroad rate bill was being considered more than two years ago in the Committee of the Whole House, I offered the following amendment, and it was voted down—voted down by Democrats and Republicans alike. Here is the amendment:

On page 6, line 6, after the word "force," insert the following:

"That when any notice of advance in rates, fares, or charges shall be filed with the commission, the said commission shall have authority to inquire into the lawfulness of such advance and make orders in respect thereof to the same effect as if such advanced rate, fare, or charge were actually in force. The provisions of this section shall also apply to notice of any change in classification of freight or other regulations affecting rates."

Now, Mr. Chairman, against the action and sentiment of the Congress I place both reason and authority. Is it not but just that a railroad rate that has been operated under, probably for years, be not suddenly increased? And if such an increase be proposed and intended by a railroad company, is it not proper and but just that its justness and reasonableness be inquired into and established by the Interstate Commerce Commission before it goes into effect as against the shipper?

"But," say the railroads, "the increase may be just and may be necessary to the proper conduct of our business."

"But," say the people, the shippers, "your increase may be very unjust, and may be but a mere grab of so much unjust tribute out of our products."

Mr. Chairman, which should prevail—the view of the railroads or the view of the people? I say the latter. They are the weaker of the two. The railroad is more powerful than the shipper. The railroad is richer than the shipper.

If the railroad may be kept out of a just increase of a rate under this amendment, then I say that without this amendment the shipper has been already, and will again a thousand times be mulcted in unjust, improper, and unreasonable increases of rates.

Besides, Mr. Chairman, the authority of opinion is against the Congress in their action upon this proposed amendment. Many years ago President McKinley appointed what was known as the "Industrial Commission." That commission was composed of 4 United States Senators, 4 Members of the House of Representatives, and 10 prominent business men from different sections of the country engaged in different lines of business. This commission was authorized to and did take testimony for two or more years in every part of the United States upon the great and leading lines of business. Their elaborate report was embodied in many volumes. One of these volumes treated of the great transportation problem, treated of the railroad problem, and its relation to the people of the United States.

Among the findings of that commission and among its recommendations to be made into the law of the land was this very proposed amendment that I first herein named. Their recommendation was that the Interstate Commerce Commission have the power to prohibit an increase in an existing railroad rate until an adjudication could be had by the commission of the justness and reasonableness of the proposed increase. Their recommendation grew out of a consideration of circumstances that happened in my State, the State of Florida. I quote their recommendation:

The entire inadequacy of making rate regulation dependent upon the mere determination of rates as applied in the past, without reference to the rates which shall prevail in the future, is apparent on all sides. More than this, all remedy for the parties who have borne the burden of an unreasonable rate would seem to have been removed. This has been clearly described in the report of the commission for 1897. It may be illustrated by the example of rates upon oranges. In 1890 there was a sudden advance on rates from Florida to New York from 30 to 40 cents. The commission after an investigation ordered that the rate be reduced to 35 cents. As a matter of fact, how could this action redress grievances of those who had already paid 40 cents per box?

It was difficult, in the first place, to discover who bore the burden of the unreasonable charge; and, in the second place, it was certain that some of those who suffered could not legally sue in court. The actual shipper, who alone could sue for repayment of unreasonable charges, was a middleman, who recouped himself in any event, either from the grower, the consumer, or both. He lost nothing by reason of the unreasonable rate. As a matter of fact, not any single individual, but the locality, had been mulcted by 5 cents per 100 pounds, supposing that a rate of 40 cents was unreasonable. Experience shows that almost no shippers, or other parties injured, actually attempt to secure the restitution of moneys already paid for unreasonable charges. In only 5 out of 225 cases down to 1897 was a rebate actually sought, and in those cases $100 was the maximum sought to be recovered. As a matter of fact, the damage inflicted by the existence of such an unreasonable rate could not be measured by hundreds or perhaps by hundreds of thousands of dollars. The bearing of this citation is to show that any effectual protection to the shipper must proceed from adjudication of the reasonableness of rates *before*, and not *after*, they have been paid—that is to say, *in advance of their exaction by the carrier. Power to pass upon the reasonableness of such rates prior to their enforcement, as a consequence, constitutes practically the only safeguard which the shipping public may enjoy.*

So it seems, Mr. Chairman, that a body of Senators and Representatives and prominent business men, conservative in their nature and character, after full investigation for years upon the great problem of the relation of the railroads to the people and the transportation of their products, recommended, many years ago, that the Congress enact into law the identical amendment that I am now advocating. Thus I place the opinions of the Industrial Commission, appointed by William McKinley, against the opinions and votes of the Congress.

Again, Mr. Chairman, against such opinions and votes I place also the recommendation of the Interstate Commerce Commission as made in its last two annual reports to the Congress of the United States. And who are the Interstate Commerce Commissioners? Men of the highest character, taken from the different walks of professional and business life in the United States, men who have lived their lives in the eyes of the public, and who, in character and ability and in public reputation, will compare favorably with Members of the United States Senate or of the House of Representatives. And in addition to their high character and intelligence, they add the very vital fact that they are disqualified by law from any participation in law practice for corporations, or in holding or owning any of the bonds and stocks of the railroads of the country. They are made by law arbitrators between the railroads and the people. Without having the functions of judges and of courts, they are compelled by law to have the qualifications of judges, in that they must not have a money interest in the matters they decide upon. They must be disinterested men, absolutely so, so far as their removal from any alliance with corporations can constitute them such. Can as much be said for the Congress?

And what does the Interstate Commerce Commission recommend? I quote from their 1907 report.

And bear in mind that these annual reports are addressed "to the Senate and House of Representatives."

These are the lawmakers of the people of the United States.

I quote what is germane to the amendment that I advocate, viz:

RESTRAINT OF ADVANCES IN RATES PENDING PROCEEDINGS BEFORE THE COMMISSION.

Under the operation of the interstate-commerce act the right to initiate interstate rates rests entirely with the railway, which may, by giving thirty days' notice, put into effect any rate or any regulation or practice affecting a rate which it sees fit. The commission is not required to approve these rates and has no authority whatever to condemn them. It can only act upon a rate so established by the railway in case a formal complaint is filed attacking that rate and after a full hearing. This is the express provision of the statute.

* * * * * * *

When, however, the carrier advances a rate or so changes a regulation or practice as to impose upon the shipping public a higher charge or some more onerous condition, an entirely different question is presented. Railway rates enter to a greater extent than might at first thought be supposed into the business operations of this country. The contracts of the coal operator, for example, run for a year, frequently for two years, and the margin of profit is such that an advance in the transportation charge of no more than 5 or 10 cents per ton may convert a profitable contract into a losing one. Engagements for the sale of grain are made upon the basis of the present rate, and an advance of 1 cent per 100 pounds may entail a loss in the transaction. The lumber manufacturer may arrange for his season's cut upon the basis of the existing tariff, and a change may mean disaster to his business.

The above examples are not fancied cases. They have all been brought to the attention of the commission within the past year in such a form as to present strong grounds for relief.

* * * * * * *

We therefore recommend that when an advance in rates or a change in any regulation or practice is attacked by complaint to this commission, the commission shall have the power, in its discretion, after notice to and hearing of the parties, to prohibit the taking effect of the advance or change until the matter has been fully heard and determined.

I now quote the 1908 report of the Interstate Commerce Commission upon the necessity of conferring upon it the power that I have been advocating:

RESTRAINT OF RATE ADVANCES PENDING PROCEEDINGS BEFORE THE COMMISSION.

In our last annual report attention was called to the fact that this commission had no authority to restrain an advance in rates or a change in rule or regulation which imposes an additional burden. Railways may establish whatever interstate rates they choose.

* * * * * * *

It would be easy to multiply instances and illustrations showing the confusion and discrimination which now exist. We renew our recommendation of one year ago, that this commission be given authority to restrain the advance of a rate or the change of a rule, regulation, or practice pending proceedings before it to determine the reasonableness of the advance or the change, and we earnestly call attention to the necessity for immediate action.

So a report is made by a board of honest and intelligent experts upon legislation vital to the business interests of the country in 1907 and emphatically repeated in 1908, and Congress indefinitely defers passing such legislation.

And the Members of Congress, the agents of the people. Truly, Mr. Chairman, it is a remarkable spectacle.

So it appears that seven Interstate Commerce Commissioners, men of the highest character and intelligence, separated by law from every motive of self-interest, with reference to corporation holdings or money making, and some of these commissioners having been such for ten or twelve years and of the highest experience in the business committed to their care, recommend to the Congress of the United States that this identical amendment that I advocate be enacted into law.

Mr. Chairman, do I exceed the bounds of reason or of propriety when I say that the opinions of the Industrial Commission and the opinions of the Interstate Commerce Commissioners should be accepted by the country at large as of more value and carrying more authority than the opinions of any members of any committee in the Senate of the United States or in the House of Representatives? I think I state the truth literally when I say that the country at large will be more disposed to accept as authoritative upon this amendment the opinions of the Industrial Commission and the opinions of the Interstate Commerce Commissioners rather than the opinions of the United States Senate and of this House of Representatives. And if the public at large believes that the Industrial Commission is correct in its recommendations, and that the Interstate Commerce Commission is correct, and that Senators and Representatives are all wrong in this matter, then I inquire, What is the public going to do about it? Will the producers and consumers and shippers of the United States sit down tamely and let the American Congress defer indefinitely favorable action upon this proposed amendment of relief to the American shippers? Mr. Chairman, I think not. I think a clash will come between the electors of the country and their Senators and Representatives. In that clash one or the other must prevail. I find no difficulty in predicting which one will prevail. The people will prevail.

The second amendment I refer to for the relief of the shippers is that the Interstate Commerce Commission shall have

the power to prescribe for the interstate railroads of the country a uniform classification of railroad rates, and that the said commission shall have further power to prohibit any railroad from changing any classification of rates without the consent of said commission.

Mr. Chairman, if there is a devious, crooked, disreputable method known to railroad traffic men of increasing railroad rates unseen by the country, it is this shifting and fraudulent device of change in classification of railroad rates. The Industrial Commission that I have heretofore alluded to reported upon this very subject of classification. It set out the method by which railroads increased their rates of charges without doing it directly, but by the subtle method of merely changing the classification of rates. The mere removal of a rate from one classification bearing one rate of charge, and a low one, to another classification bearing another rate of charge, and a higher one, and the increase of rate is thus effected.

As practiced by the railroads of the country upon the shippers of the country, these changes in classification are, in part, unadulterated rascality. In answer to the resolution of this House, the Interstate Commerce Commission has reported, in writing, to this House within the past few days that the interstate railroads of the country have in the past two years, and since the passage of the Hepburn railroad bill, increased their rates of charges over former rates, and have done it, in part, by this practice of change of classification. And their report shows that the South gets hit the hardest by these increased rates.

I do not know how all the members of the Committee on Interstate and Foreign Commerce in this House stand upon the single proposition of classification of freight rates; but one member of the committee, and an able member, too—the distinguished gentleman from Alabama [Mr. RICHARDSON]—in the discussion of the Hepburn bill in this House two years ago, declared that his committee—meaning the Interstate and Foreign Commerce Committee—had heard very little complaint about classification. Mr. Chairman, I have pointed out in speeches that I have made on the floor of this House for several years the fraud and wrong and injury done to the shippers of the country by the changes in classification of railroad rates. In some of those speeches that I have made I have embodied the findings of the Industrial Commission upon this question and the findings of the Interstate Commerce Commission upon this question. The Industrial Commission condemned it, and the Interstate Commerce Commission, for ten or fifteen years past, have condemned the practice of railroads in their wrongful raise of freight rates by the arbitrary change of their classification of rates.

Mr. Chairman, if the entire committee in this House on Interstate and Foreign Commerce have failed to hear, as the gentleman from Alabama failed to hear, the great volume of denunciation against this wrongful practice by the railroads, then I am inclined to believe that if the Dome of the Capitol were to crash down upon the floor of the Rotunda that not a member of that committee would hear the noise. I think some of that committee differ with the Member from Alabama.

Mr. BARTLETT of Georgia. The gentleman recalls that in the last Congress, when the Hepburn bill was passed, the gentleman from Louisiana [Mr. Davey], the ranking Member on the minority of that committee, by authority of the minority members of the Interstate and Foreign Commerce Committee, introduced a bill which did contain the provision giving the Interstate Commerce Commission power to change and fix classification, so that the gentleman from Florida has forgotten or is mistaken in his idea that some members of the Interstate and Foreign Commerce Committee have not endeavored to reach that evil.

Mr. LAMAR of Florida. I just made the statement I knew some of them favored it, but what does the minority of a committee amount to if the views of that minority, even though correct, can not be crystallized into a bill on the floor of the House by the majority? That is the point.

As far back as 1897 the Interstate Commerce Commission reported upon this gross abuse to the Congress. I quote from their report in 1897:

> These considerations of the necessity for reform in this regard, the universal demand for a uniform classification, the ten years of appeal to the carriers by the commission and by Congress to adopt a consolidated and single system for the whole country, the "representations" by the carriers themselves, their former efforts to that end, the energy at one time displayed by them, and the apparent apathy that marks their attitude toward the subject to-day, all lead the commission to the renewed recommendation that Congress provide for such uniformity by prompt and appropriate legislation. Carriers subject to the act should be required within a specified time, not longer than one year, to prepare, publish, and file with the commission a uniform classification of freight as the basis of rates for the transportation of property in the United States, and the commission should be authorized and directed upon investigation from time to time to make such amendments as may appear to be reasonable and necessary. In case the railroads refuse or neglect within the time specified to comply with this direction, the commission should be authorized and required to prepare such classification, the adoption of which by all carriers, subject to regulation, shall be made compulsory by suitable penalty. In view of the continued nonaction of the carriers, and the action already had in Congress, it might be the wiser to pass the bill now pending in the Senate.

So it seems that these commissioners, of high character and understanding and skilled by long practice in the business of their office, have, in the interest of decency and of honorable dealing on the part of the railroads, recommended time and again that the Congress of the United States empower them to compel the railroad companies to make a uniform or proper classification of their rates, and on failure on their part to do so, that the commission itself be empowered to make such uniform classification of rates for the railroads.

And, Mr. Chairman, at the very time of the passage of the Hepburn railroad rate bill by this House, or very near that time, a convention of state railway commissioners was held in this city. Members of each state railway commission in the United States, or a great number of them, met in this city to confer upon the question of needed national legislation upon the railroad problem. And here is the resolution that that convention of state railway commissioners agreed upon and passed and directed their secretary to send a copy of to the Senate and the House of Representatives:

> *Resolved*, That it is the sense of this convention that Congress enact a law requiring the railroads engaged in interstate commerce throughout the United States to within two years after the passage of such act prepare and adopt a uniform classification of freight articles; and in case they fail to do so within the time required, that the Interstate Commerce Commission at once proceed to make such classification, and when so made by such commission the same shall be the legal classification for interstate shipments.
>
> That the secretary forward a copy of this report to the Senate and House of Representatives, and call their attention to the former reports of this association on this subject.

And, Mr. Chairman, mark the language embraced in this resolution. They not only instructed their secretary to forward their report to the Senate and House of Representatives, but they further instructed him to call the attention of the Senate and of the House of Representatives to "former reports of this association on this subject."

In the State of Florida, and at the head of its state railroad commission, is the Hon. R. Hudson Burr, an ex-member of the Florida legislature, who for years has been one of the state railroad commissioners. I believe he has attended, since his election to that office, for years, every annual convention of state railway commissioners. His opinion is valuable upon this subject, and I quote it here for the benefit of those who may read these remarks. It was in a letter addressed to me about the time that the Hepburn bill was pending in this House. The letter is as follows, and he writes about the Hepburn rate bill:

> I see that it gives no supervision whatever over the classification. While this bill may prevent the railroads from raising or lowering a rate or freight tariff, it will amount to very little if the railroads are to be the sole judges of classification, for that has always been the favorite instrument in their hands for tampering with rates. It is possible to change whole tariffs almost by use of the classification, and it is done.
>
> For instance, the Florida railroad commission, when it first organized, adopted what was known as "Southern classification No. 25" as the Florida classification. In about two years' time the southern classification had been changed until something like 500 articles in classification No. 25 had been raised, and at that time the railroad commission revised the Florida classification, placing back the articles thus raised by the railroads, and adopted what was known as the "Florida classification No. 1," and now we find that again each year, when the traffic managers have met for the purpose of going over these matters, they have raised items in the southern classification until it differs materially from our classification. If they used the Florida classification on interstate shipments into Florida, it would not affect us so badly; but where the southern classification is higher they use it, and if in a remote case an item should be higher in the Florida classification they would use that. In other words, they use that which results in the highest rate.
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> It seems to me that it would be a farce to pass a bill enlarging the powers of the Interstate Commerce Commission in which they were given the right, where complaint is made of the unreasonableness of a rate, and after hearing, etc., to substitute in lieu thereof a just and reasonable rate, to leave the classification entirely in the hands of the railroad people. The commission should have supervision of the classification to the same extent that they are given supervision over the rate; that is, where an article is classed in a manner to make it unreasonable and unjust, that upon complaint, investigation, and hearing the commission should have the right, if found to be as complained of, to substitute in lieu thereof a reasonable and just classification of the article or articles complained of.

I offered an amendment to the Hepburn railroad-rate bill when it was pending in this body, and before its passage, two years ago, and while it was still in the Committee of the Whole House, to cure this evil, the amendment being as follows:

> On page 10, section 4, line 15, after the word "regulations," insert the words "or classifications;" and after the word "regulation," in line 23, insert the words "or classification;" and on page 11, line 5, after the word "regulation," insert the words "or classification."

It was voted down by Democrats and Republicans alike.

This amendment would have invested the Interstate Commerce Commission with the power over this very subject of classification, and would have been a limit and a check upon the railroad companies of the country in their rate-raising proclivities by the devious method of change of classification.

And now, Mr. Chairman, in regard to the latter of the amendments that I advocate, namely, that the Interstate Commerce Commission shall have the power to make a physical valuation of the railroads of the country.

Without this amendment being enacted into law the Interstate Commerce Commission is powerless, almost, in legal conflicts with the railroads of the country to sustain themselves when the justness and reasonableness of their rates are called into question in the courts.

Mr. Chairman, I had the honor to hold the office of attorney-general in my State for fourteen years. In that long time I had many conflicts in the courts as attorney-general with the railroads in the State of Florida. These legal contentions grew out of resistance on the part of the railroads in the State of Florida to the rates prescribed by its state railroad commission. Wherever the railroads challenged the justness and reasonableness of the state commission's prescribed rate, or rates, their one plea that they relied upon was that the particular rate so prescribed by the state railroad commission, or that the whole series of rates prescribed by the state railroad commission, in effect, were confiscatory, and so diminished the profits of the company in operating its railroad as not to permit the company to make a reasonable profit upon its investment. Some of this litigation, or at least litigation of a similar character, is pending to-day in the courts in the State of Florida. One suit is between the Pensacola and Atlantic division of the Louisville and Nashville Railroad and the State of Florida, through its state railroad commission. To support the contention of the railroad company, and to support its plea, my information is that the company has placed in evidence in the litigation the entire physical cost and value of its railway lines within the State of Florida. That is my information.

In other words, the railroad has physically valued, by its own selected engineers and officers, its railroad depots, terminals, section houses, its roadbed, rails, rights of way, and every appurtenance to the railroad, and placed this value in evidence in the pending lawsuit to show what its investment is, and in this way raises the issue that the state commission's rate or rates is or are confiscatory and will not permit a reasonable earning upon its investment. And under the laws of Florida the railroad commission have employed an engineer and will make, in their own behalf, their valuation of the physical property of this contending and litigating railroad.

So, Mr. Chairman, if a conflict should come, as it will come, in the courts of the United States on the part of the Attorney-General of the United States and his assistants, or of special counsel employed by the Federal Government, to enforce any rate or series of rates prescribed by the Interstate Commerce Commission for any railroad, their first plea in such courts would be that their investment was so large and their physical property so great in value that such rate or rates, in their operation, would not permit the railroad company to earn a reasonable compensation upon its investment. This kind of physical valuation is an essential part of the Interstate Commerce Commission's power to sustain in court the justness and reasonableness of the rates they prescribe for the railroads. Unless they have this physical valuation of the properties of the railroad companies, then when they are met by the pleas in the Federal courts of the railroad attorneys and of the railroads, that their rates are unjust and unreasonable and are confiscatory in their nature and in their effect, the commission and its attorneys and the Federal Government will be powerless to sustain their contentions that their rates are just and reasonable.

Mr. Chairman, it has been said by high authority that all men are liars. Certainly if there is an inclination in the human heart to falsify, unfortunately there is no temptation so great to perjury as the love of money.

In the great contentions that will come between the Federal Government and the railroads over the enforcement of the rates prescribed by the Interstate Commerce Commission there will be some mighty swearing on the part of some railway officials. The temptation to sustain their unjust and unreasonable rates and to sustain and hold the millions of dollars that they get by operating unjust and unreasonable rates must necessarily lead to some false swearing in the courts upon the question of the valuation of railway properties and kindred questions.

A remarkable case of contradictory oaths as to railway value has occurred in the State of Florida. I give the facts which were furnished and read in the United States Senate a few years ago and were embodied in the speech of one of its very able Senators. These facts were given to the Senator by a lawyer in Florida, who I know is familiar with the railway litigation in that State, as against the state railroad commission, and who I believe has stated the facts with literal exactness. I quote the letter of the Florida lawyer to the United States Senator, which was read, in part, on the floor of the Senate at that time, to wit:

> The Florida railroad commission enforces its orders by mandamus instituted originally in the supreme court of the State, and yet Judge Pardee has enjoined the Florida railroad commission and all of the state officials from instituting suit in the supreme court of the State by mandamus to compel the Louisville and Nashville Railroad Company to reduce its passenger fare from 4 cents to 3 cents per mile in Florida, and this injunction was granted upon the affidavit of the vice-president of the Louisville and Nashville Railroad to the effect that the Louisville and Nashville property in Florida is worth at least $5,200,000—this high valuation being essential to their case—and the State produced an affidavit made by the same man one month and twenty-eight days prior to his swearing to the bill, in which affidavit he had sworn that the identical property was not worth exceeding $1,700,000; and yet in this man's affidavit the State was temporarily restrained from instituting mandamus proceedings in the supreme court of Florida to enforce compliance with the rate.

Mr. Chairman, here was a case where a vice-president of the Louisville and Nashville Railroad swore that for the purposes of taxation the property of that railroad in Florida was worth $300,000 less than $2,000,000. In a short time afterwards this same vice-president swore that this same identical property was worth $5,200,000, and this latter high valuation was essential to sustain the contention of the railroad in the courts. Upon this latter affidavit a facile federal judge restrained the state officials from instituting mandamus proceedings in its supreme court to enforce compliance with the prescribed rates of the state railroad commission. And this scandalous case will be repeated a thousand times in the federal courts of this country when the Attorney-General of the United States and his assistants and special federal counsel come in conflict with the interstate railroads to enforce the rates prescribed for them by the Interstate Commerce Commission.

For the Congress not to pass such an amendment as I here advocate is to leave their constituents—the shippers, the producers, and the consumers—bound hand and foot to the onerous executions of excessive railroad transportation charges.

Suits are pending now in the federal courts contesting the rates prescribed by the Interstate Commerce Commission and challenging the constitutionality of the legislation under which these rates are fixed, and the pleas will be heard in every United States court where this litigation is pending by the railroad lawyers for their railroad clients that the rates prescribed by the Interstate Commerce Commission are confiscatory in effect and deprive the railroad company of a fair remuneration upon their investment.

And, Mr. Chairman, the question will occur to the Government's counsel, "What is the real, bona fide value of the railroad investment?" And unless they are possessed of the means of fixing before the courts of the land with exactness the real value of the physical property of the railroads, they will be overwhelmed by the railroads, with their bloated, ballooned, fraudulent valuations of their property. The Attorney-General of the United States, able though he is, and his assistants and special counsel, however ingenious and learned they may be, will be embarrassed and nonplussed and humiliated and defeated in the courts of the country unless they can go into those courts armed with the evidence of value of the railroads that should be placed in their hands by the Congress of the United States.

The vast majority of 80,000,000 people will hold the Congress of the United States to a vigorous accounting. At least, it should be done unless the Congress of the United States will pass such legislation as will put the shippers of the country, the producers, and the consumers on a level in the courts with the railroads of the country.

Mr. Chairman, when the people of the United States fully understand this question and thoroughly understand how defenseless they are at present in their conflicts with the railroads, through their own legal agents, in their own courts, there will be an aroused, a wrathful public sentiment, the shock of which the Congress must meet.

Mr. Chairman, the railroads of the United States, with their fourteen billions of apparent property, with their multiplied resources in capable lawyers, with their purchased newspaper press, and with their attorneys and agents holding high governmental positions, are a great and a powerful force to contend against. But there is a greater force than the railroad corporations and all their allied and sympathetic corporate interests. The people of the United States intelligently aroused upon

this great question are more powerful than the railroads and their allies. In such a contest, when it is fully on, there can be but one end. This legislation will finally be passed by the American Congress. When the people of the United States cease to look upon railroads as the private property of their owners, when they learn and fully and completely understand the fact that the people of the United States and of the States can own every line of railroad by condemnation and purchase, and take over from the railroads their property and make it the property of the people, then this matter will be nearer settlement than it is now.

I am opposed, Mr. Chairman, to government ownership. But I wonder sometimes whether this great railroad problem will ever be settled otherwise than by full government ownership, or at least by the purchase in the leading lines of the country of a controlling interest by the state and national governments. It is at least instructive upon this phase of the question to recall that most of the European nations own their railroads; that Japan in recent years, by enormous national bond issues, has taken over to itself nearly all of its lines of railroad. That Mexico, wise in its generation, anticipating some rheumatic visit of Mr. E. H. Harriman, has already purchased, to forestall his hospitality, a controlling government interest in its main lines of railway.

William J. Bryan has already publicly declared his opinion, that this great problem will never be settled except by government ownership, and thousands of intelligent men besides Mr. Bryan, looking with apprehension upon the great power of the railroads of the country, and seeing how impossible, almost, it is for government attorneys and government boards to fully control and regulate them, share the same opinion with Mr. Bryan.

Mr. Chairman, let me point out the vast power of the railroads of the country in their wealth, and the vast power of a few men controlling this wealth. In a speech I delivered on the floor of this House on February 8, 1907, I used this language and made the following quotations:

The railway capitalization in the United States is something over $13,000,000,000, and the railway mileage in the United States is about 220,000 miles. Six groups of men own 164,000 miles out of this total mileage of 220,000 miles. Let me read the groups. There is the Vanderbilt group, the Pennsylvania group, the Morgan-Hill group, the Gould-Rockefeller group, the Harriman group, the Moore group, and the Santa Fe. Out of this total mileage of 220,000 miles, I repeat, they own 164,000 miles, and out of the total capitalization of over thirteen billions they own nine billions and more. In 1898 Mr. Hobson, one of the greatest of English economists, wrote in his "Evolution of Modern Capitalism:"

"The rapidity with which the whole railway system is passing into the hands of great monopolist syndicates, with the necessary result of stifling competition, is in some respects the most momentous economic movement in the United States at the present time."

Moody on Trusts, an authoritative work upon that subject, on page 491, declares as follows:

The Standard influence is felt—

Meaning thereby the Standard Oil Company—

quite forcefully in all the railroad groups, and this influence is showing a steady growth throughout the entire steam railroad field. It is now freely predicted in Wall street that the next decade will see the Rockefeller interests the single dominating force in the world of railway finance and control.

In a book I have in my hand designated "Railways, Trusts, and the People," by Prof. Frank Parsons, an authority upon these matters, he states as follows, on page 13:

Whatever may be the true number of our railroad kings, it is beyond question that a very few men have power to control our railway rates, and that still fewer will control them if the present processes of consolidation and combination continue. The managers of six big systems control three-fourths of the country and five-sixths of the traffic and indirectly dominate almost all the rest. The six big groups are growing into one. The railway empire looms huge and powerful out of the mists that shroud the future.

In the conclusion of the chapter devoted to the subject of the "railway empire" he uses this language:

The motives that impel men to build these giant combines by consolidation or coordination relate partly to the economies and transportation benefits of union, and partly to the personal profit and power of those who control the combines. The first motive and its consequences are in line with the public good. In so far as combination eliminates the wastes of conflict and secures the benefits of harmonious cooperation in the railway service, it is a gain to the community. But in so far as it conduces to the financial ascendency of Wall street and intensifies the commercial supremacy and industrial dominion of a few great capitalists, it is a political, industrial, and social danger. The railways united form a much more extensive interest than the Government from an economic point of view. Already they outrank our state governments and dominate the political affairs of sovereign commonwealths, and as a unit in the hands of a gigantic trust, they might even overshadow and control the National Government itself.

And, Mr. Chairman, out of this vast capitalization of over $13,000,000,000 and, at present, 227,000 miles of railroad there are high authorities in this country who hold that 50 per cent at least of this vast capitalization is an unparalleled fraud.

I quote the opinion of Professor Parsons, a competent authority on this matter, who testified before the Industrial Commission many years ago as follows:

The prevalence of water in the railroad system is so well known that it is not necessary to do more than touch upon the matter. Vanderbilt set the pace in consolidating the 11 roads between Albany and Buffalo, and increased the capitalization by nearly $9,000,000 in doing it; then added 50 per cent to the stock capitalization of the Hudson road, of which he was president; then extending his control over the Central and adopting the same tactics there, he added 80 per cent to the New York Central; then he consolidated the two roads, and in doing it inflated the Central 27 per cent more and the Hudson 85 per cent; so that in the four years from 1866 to 1870 he brought the capitalization up from $54,000,000, which was a little more than the total cost on the books of the company—about $4,000,000 more—to $103,000,000. The total cost on the books in 1870 was under $70,000 per mile, while under his capitalization it was $122,000 per mile.

That example has been followed to a great extent all over the country, so that our railroad capitalization is now about half water or water and wind. The figures of construction and equipment cost given in Poor's Manual from time to time indicate that the railroads of the United States are capitalized at about double what they could be built and equipped for at the present time.

Mr. Chairman, the practices prevalent at the time that Professor Parsons speaks of, years ago, have been practiced in more recent times. Not in one instance, but in hundreds, and in every case this fraudulent overcapitalization is charged up against the American producers, consumers, and shippers as a perpetual indebtedness.

Hon. Joseph L. Bristow, lately elected to be a United States Senator from Kansas, addressed its legislature in a prepared speech. In his speech he made the following statements:

E. H. Harriman, Mortimer L. Schiff, George J. Gould, and James Stillman acquired control of the Alton Railroad, paying in round numbers, it has been alleged, $39,000,000 for 98 per cent of its stock. It had an outstanding indebtedness of bonds and stocks amounting, I am informed, to $33,000,000. These men retained control of the property for about seven years, during which this indebtedness was advanced by them from $33,000,000 to $114,000,000, making a net increase of about $81,000,000. Of this gigantic sum there was expended in improvements and additions about $18,000,000, leaving an increase in the indebtedness of the railroad of more than $62,000,000, or more than $66,000 per mile, for which the company received nothing whatever. The proceeds from the sale of this $62,000,000 of increased indebtedness was appropriated to the personal use of the syndicate, and the methods by which the property was loaded with this debt, and its revenues looted, is very interesting.

The laws of our country should regard the financial methods employed in the Alton case as criminal, and the men guilty of such high-handed operations should face imprisonment. Yet to-day these captains of high finance are making a determined effort to prevent the enactment of legislation that will take from them their opportunities for plunder, and to do this they buy or subsidize newspapers, employ able attorneys to look after their political interests, and by false representation try to organize their employees into political associations that will be obedient to their demands.

They seek to destroy every man in public life who is not subservient to their wishes. They are especially interested in the control of the United States Senate and the federal judiciary; probably more interested in the Senate, because through it they have frequently been able to control the selection of federal judges.

It is my purpose to use what talents I may have to bring about legislation that will establish the same rules of justice for these financial banditti that applies to the conduct of men in ordinary walks of life. It should be just as easy to send a man to prison who loots a railroad of $10,000,000 or $50,000,000 as it is the man who burglarizes a bank or robs a post-office.

It can not be doubted, Mr. Chairman, that as soon as the American people intelligently comprehend this railroad problem in relation to them and their rights they will instruct, in language not to be doubted, their agents in the American Congress to carry out their wishes.

I will introduce a bill embracing the three amendments that I have advocated, and also the power to permit, or prohibit, future bond and stock issues of interstate railroads.

If the railroads are permitted to increase fraudulently, at will, their indebtedness, then they can raise rates at will to pay interest on this indebtedness.

And that is exactly what the railroads are doing and have done. Mr. Chairman, this state of affairs makes the American people look stupid, in that they daily permit it.

What has been the history, briefly, of railroad rate legislation on the part of the National Government? In 1886 the first legislation was had upon this subject in the Congress of the United States. The Interstate Commerce Commission was created. It was thought by the public, and the commission themselves held, that they possessed the rate-making power. In 1897, ten years afterwards, the Supreme Court of the United States held that the Interstate Commerce Commission did not have the rate-making power. This made the Interstate Commerce Commission a mere shadow of what it thought it had been. They became a board of highly respectable and highly respected public citizens, with a title and without power. Were it not for their high character, their high integrity, and the respect in which they were held by good men, they would have been the contempt and laughingstock of the country. The railroads did laugh at them, and held them in legal contempt, be-

cause they were powerless to enforce a just and reasonable rate upon the railroads. The Interstate Commerce Commission were then the laughingstock and the butt of jokes by the railroad-owned press in the United States. The Congress of the United States, if it did not treat them with contempt, treated them with absolute and perfect indifference. Their annual reports were laid upon the desks of Members of the Congress. They might have been opened, they might possibly have been read, but they were never heeded. And in these reports from 1897 until 1905 they urged upon the Congress of the United States the importance of giving to them the power to prescribe a just and reasonable rate on the complaint of the shipper. This was the one and substantial power that they asked for, but in addition to this, in their annual reports for years, they plead and almost begged of Congress that they confer upon them other and subsidiary powers, important in themselves, that they might restrain the railroad companies and the private car lines from their vicious and unjust practices.

Mr. Chairman, these reports might as well have been addressed to and laid at the feet of the Egyptian sphinx. Congress was blind, dumb, and deaf.

I declared on the floor of this House three or four years ago, in discussing the bills then pending before the House and discussing the President's message, that I did not believe that the House of Representatives, as then constituted, would for many years to come have considered and passed any railroad rate legislation unless Theodore Roosevelt had thrown his message to the Fifty-eighth Congress, recommending certain powers to be given to the Interstate Commerce Commission, upon the floor of the House of Representatives like a bomb and compelled their attention to it. That language was correct then, I believe, and I have never thought yet that I made any mistake in making it. The President in his message to the Fifty-eighth Congress recommended four substantial powers to be given to the Interstate Commerce Commission:

First. That they should have the rate-making power upon complaint of the shipper.

Second. That the terminal lines of the country should be put under the authority of law that their iniquitous impositions upon the traffic of the country might be corrected.

Third. Recommendation was made that the private car lines owned by the packers' trust in Chicago, the beef trust, as it is popularly called, be placed under the authority of law, that their excessive icing charges might be remedied.

He further, and fourthly, recommended that railroads and steamships with connecting freight rates and not operated in common should be placed under the authority of law.

Mr. Chairman, how did both political parties in this body meet that message? The Democratic caucus met shortly afterwards, and its sole provision, embodied in its caucus bill, was the first recommendation of the President to the Congress. The Republican caucus met shortly after that, and its bill embodied the Democratic recommendation, plus some regulation of joint rates of railroads, and further provided for a special court of the expediting of litigation growing out of this national legislation.

But neither political party in this body in the Fifty-eighth Congress and following the President's message put nearly so much of relief for the shippers of the country into their respective caucus bills as was embodied in his message by the President of the United States. And the astounding spectacle was presented to the country that, after the adjournment of the Democratic caucus, Theodore Roosevelt, a Republican President, could go into every State represented by a Democratic Senator and into every district represented by a Democratic Member of this House and show to the producers and the consumers and shippers in those districts and in those States that he had recommended more to their benefit in his annual message than their Democratic Representatives had incorporated in their caucus bill.

Mr. Chairman, I have heard it said by men in this country, not a thousand miles removed from this Capitol, that Roosevelt had bewitched the people of this country. I am a Democrat, and that constitutes quite a number of differences with the President at once. But, Mr. Chairman, undoubtedly his great reputation among his countrymen is grounded not in the bewitchment of the people, but in their knowledge of the great services that he rendered to his countrymen in initiating his great contest for reform legislation with reference to the public-service corporations; and the fact that his recommendations at that time were far and beyond the acts of the two political parties in this body in railroad rate legislation accounts for his strength with those producers, and with those consumers, and with those shippers.

Mr. Chairman, when will this further remedial legislation come, on the part of Congress, against the interstate railroads of this country? How long will it be? There is one way in which it can come, Mr. Chairman, more quickly than in any other way. The Democratic minority in the Senate of the United States and in this House of Representatives can compel the enactment of this remedial legislation. Were they to meet in caucus to-night and adopt a full and complete remedial railroad rate bill, it would be impossible for the Republicans in the Senate and in this House of Representatives to long delay passing it. It is the function of the minority to compel the majority to legislate beneficially when that majority is recusant and refuses to do so. But what can be said of a minority that does not act? What hope, Mr. Chairman—and I address my remarks particularly to my Democratic colleagues—what hope is there for Democracy in this great country unless they can show to the people of the country that they are more entitled to come here to the Senate and the House as a majority than are the Republicans? There is no reason or right in converting a minority into a majority unless the minority deserves such promotion.

It is undoubtedly true, and I prophesy, that the Republicans in the Congress, unless stirred to action by the President-elect, William H. Taft, will not enact further and real remedial railroad rate legislation in ten or, perhaps, twenty years. What then, Mr. Chairman, will be the attitude of my party in Congress upon this great question?

The last Democratic national convention declared as follows upon this question:

RAILROAD REGULATION.

We assert the right of Congress to exercise complete control over interstate commerce and the right of each State to exercise like control over commerce within its borders.

We demand such enlargement of the powers of the Interstate Commerce Commission as may be necessary to compel railroads to perform their duties as common carriers and prevent discrimination and extortion.

We favor the efficient supervision and rate regulation of railroads engaged in interstate commerce; to this end we recommend the valuation of railroads by the Interstate Commerce Commission, such valuation to take into consideration the physical value of the property, the original cost and cost of reproduction, and all elements of value that will render the valuation made fair and just.

We favor such legislation as will prohibit the railroads from engaging in business which brings them into competition with their shippers; also legislation which will assure such reducton in transportation rates as conditions will permit, care being taken to avoid reductions that would compel a reduction of wages, prevent adequate service, or do injustice to legitimate investments. We heartily approve the laws prohibiting the pass and the rebate, and we favor any further necessary legislation to restrain, control, and prevent such abuses.

We favor such legislation as will increase the power of the Interstate Commerce Commission, giving to it the initiative wth reference to rates and transportation charges put into effect by the railroad companies, and permitting the Interstate Commerce Commission, on its own initiative, to declare a rate illegal and as being more than should be charged for such service. The present law relating thereto is inadequate by reason of the fact that the Interstate Commerce Commission is without power to fix or investigate a rate until complaint has been made to it by the shipper.

We further declare that all agreements of traffic or other associations of railway agents affecting interstate rates, service, or classification shall be unlawful unless filed with and approved by the Interstate Commerce Commission.

We favor the enactment of a law giving to the Interstate Commerce Commission the power to inspect proposed railroad tariff rates or schedules before they shall take effect, and, if they be found to be unreasonable, to initiate an adjustment thereof.

Will the Democrats, unitedly and collectively, and by caucus and by their authoritative means of convincing the country, compel the Republican majority in Congress to action upon this question? If the Democrats are so conservative in Congress and so little radical that they can not or will not act upon this question, and will not follow out legislatively and in party caucus the declarations of the national convention, then they can look for the same result at the polls four years from now that they have gotten for the past twelve, and almost fifty, years.

At the coming special session of Congress the tariff question will be disposed of. Let no Democrat rest securely in the hope that the Republican party will go to pieces in making a substitute bill for the Dingley bill. Let not the Democrats of the House and Senate and of the country put their confidence in defeating the Republican party by waiting until the country is tired of Republicanism. Such a negative position will not win. The people of this country will tolerate some extravagance in a political party. They will stand for some high-handed measures at times, but there is one thing that they will not endure. That political party that shows that it is without initiative, without courage, and without competency has lost its battle before it gets even to the firing line. For the Democrats to be Bryanites at national conventions and Parkerites in con-

gressional committees, unless all signs fail, four years from now will make another case of "beaten to a frazzle."

Mr. Chairman, I come from a county that bears the name of Jefferson, and believes in his ideas of democracy. First and foremost above all is the doctrine of "Equal rights to all and special privileges to none." Undoubtedly this last part of the phrase, "special privileges to none," is the foundation of the corporation question in the United States.

Confining my remarks to the railroad companies, under the power of rate making and rate changing and overcapitalization, I assert that they possess the taxing power over the transportation of products in the United States to the very point of confiscation. They can tax the shipment of the products of the land so high that every particle of profit in the shipment is lost to the shipper. If they can consume and devour the profits of the land, then the people are the mere tenants of the railroad companies, and the people might as well give the railroads the lands along with the profits.

The State I come from, Mr. Chairman, is Democratic, and will remain so. They want to see this great railway rate reform worked out by the national Democratic party. They would like to see a Democratic President in the White House recommending the very things upon this question that were contained in the last national Democratic platform. They would like to see Democratic Representatives in this House and the Democratic Senators lead in the discussion of this question and force the contest upon the Republicans and compel them to legislate upon this question remedially or be defeated at the polls in their respective States.

But the shippers and the producers and the consumers in Florida would like to see the Republicans carry out this great reform if the Democrats of the country find themselves unable or unwilling to do so.

In a speech lately made by President-elect Taft, he used this language:

> The legislation affecting the great railway and industrial corporations needs amendment, not so much to change its principles or objects as to facilitate its enforcement and make its violation less easy and advisable.

When the tariff question is settled at the coming session of the Sixty-first Congress, if President Taft then addresses himself to the full and complete settlement of this great railway and industrial question of full and complete regulation by the National Government, and he is permitted by the Democrats in Congress to receive the larger share of praise and commendation for his labors, then no fault need be found by them if, four years from now, the American electorate should say to the present President-elect, "Good and faithful servant, come up to the Presidency once more."

In the Fifty-eighth Congress I voted in caucus for the Democratic caucus bill to regulate railway rates, joined with the Democrats on the Interstate and Foreign Commerce Committee in reporting said bill with amendments to this House, and in the House voted for the bill, so amended, as a substitute for the Republican Esch-Townsend bill.

But I also joined with Hon. DORSEY W. SHACKLEFORD, from Missouri, a member of that committee, in formally reporting from said committee a more remedial railroad rate bill, as indicating the extent that we would go if we could have done so. Its provisions are briefly set out in that report, as follows:

VIEWS OF MESSRS. SHACKLEFORD AND LAMAR.

It is with great reluctance that we dissent from the expressed views of other members of the committee. The overshadowing importance of the subject, however, demands that we shall put forth every possible effort to secure for the people the full measure of relief which they demand and to which they are entitled. It has been urged that it were better to accept at this time partial remedies for the evils complained of and trust to the future legislation for complete relief. We think this would be a most grievous error. This suggestion might have force if we, as representatives of the people, could at any time bring up for consideration proposed legislation. We all know this can not be done under the rules of the House as at present administered. Now, after decades of waiting, under the stress of an intense public sentiment and the pressure of a strenuous Executive, we are permitted to legislate upon this great question. What shall we do with our opportunity? Should we not go boldly into a full consideration of the whole subject? If we do less, will the people excuse us?

Any legislation at this time will fall far short of the work unless it shall provide:

1. Power to find a given rate unreasonable or unjust and to prescribe a reasonable or just rate to be substituted.
2. Power to prescribe a joint rate.
3. Power to eliminate unjust discrimination.
4. Power to stop rebates and secret cut rates.
5. Power to regulate private cars and private car lines.
6. Power to regulate terminals and terminal facilities.
7. Power to regulate freight classifications.
8. Power to compel the furnishing of equal facilities to all.
9. The preservation of competition between carriers and markets and a limitation upon the power of the commission to raise rates or prescribe minimum rates.
10. For facilitating a speedy conclusion of proceedings in courts and limiting litigation as far as the same may be done.

With a view to securing these remedies we herewith submit a substitute bill which we think amply meets the demands. The basis of the substitute we offer is the Hearst bill. It contains all of the provisions of the Davey bill, but it also goes much further in what we regard as required remedial legislation.

All of which is respectfully submitted.

D. W. SHACKLEFORD.
W. B. LAMAR.

In February, 1904, a Member of this House from New York [Mr. Hearst] introduced a bill to enlarge the powers of the Interstate Commerce Commission. This was six or seven months prior to the remarkable message of President Roosevelt to the Fifty-eighth Congress upon the same subject. But Mr. Hearst's bill was far more remedial than the President's message.

The Hearst bill prohibited the infamous "midnight rate." It put the private refrigerator car lines of the beef packers, "the beef trust," under the control of law, to prevent their excessive icing charges.

It gave to the Interstate Commerce Commission power over the classification of railroad rates. It prohibited an increase of a railroad rate without the consent of the commission first being had.

None of these powers were, in the Fifty-eighth Congress, contained either in the Democratic caucus bill or in the Republican caucus bill. I have always believed that had the Democrats in the Fifty-eighth Congress made the "Hearst bill," or its provisions, their caucus bill, and compelled the Republicans to vote it down, as they would have done, that then the House of Representatives in the Fifty-ninth Congress would have contained a Democratic majority. The Democratic party can not win the country with an attitude on this great question as poor as that of Republican Representatives, and not half as good as that of a Republican President.

Mr. HINSHAW. Mr. Chairman, I now yield thirty minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, one day in the month of December, 1908, somebody was kind enough to mail me a pamphlet containing the speech of Mr. William C. Brown, the president of the New York Central system, delivered at the eleventh annual meeting of the Illinois Manufacturers' Association in Chicago, December 8, 1908.

In this speech Mr. Brown was endeavoring to show the necessity for an advance in railroad freight rates throughout the country. I became interested in his discussion of the question. I was curious to know whether the railroads really needed additional freight rates to enable them to continue to pay dividends.

Among other things, Mr. Brown said:

> In mileage the railroads of the United States approximate 225,000 miles. They employed in 1907 in the neighborhood of 1,675,000 men, and their gross earnings amounted to $2,585,913,000, or more than $7,000,000 for each of the three hundred and sixty-five days of the year. Figures of this magnitude can be better comprehended by comparison, and it may be stated that the number of employees on the pay rolls of American railroads in 1907 was only about 80,000 less than the standing armies of the United States, Great Britain, Germany, France, and Japan combined. Their gross earnings were three times the total revenue of the United States Government, twenty-nine times the total gold production of the United States, and six times the total gold production of the world.

Mr. Brown's statement excited my curiosity, and being anxious to do justice to the great interests involved I set about a study of the question. I was anxious to agree with Mr. Brown, for I believed that a statement such as he made, involving as it did the life and death of the great properties, was worthy of the greatest consideration.

To enable me to study the question intelligently I introduced a resolution calling on the Interstate Commerce Commission to furnish information showing increases in freight rates since the enactment of the Hepburn law.

The report which was received from the Interstate Commerce Commission showed a large number of increases in freight rates, but the report, which follows, was so unsatisfactory that I decided to make a further study of the question on my own account.

[House Document No. 1412, Sixtieth Congress, second session.]

INTERSTATE COMMERCE COMMISSION,
Washington, February 4, 1909.

To the House of Representatives:

On January 15 the House of Representatives adopted the following resolution:

"*Resolved*, That the Interstate Commerce Commission be required to inform the House, as soon as may be, what advances have occurred in freight rates in different parts of the United States since the passage of the Hepburn amendment, June 29, 1906; whether such advances have been occasioned by an advance in the tariff rate or by a change in classification or by charging for some privilege which was formerly accorded free."

In response thereto the Interstate Commerce Commission has the honor to report:

Between July 1, 1906, and January 15, 1909, nearly 600,000 sched-

ules of rates and classifications and supplements thereto, varying in size from 1 page to 700 pages, were filed with this commission. No record has been kept of the number of pages contained in schedules as they were filed. Such record has now been kept for one week, and it is found that the schedules and supplements average 5 pages each. This is believed to be a fair average for the period above mentioned, and based thereon it is seen that the schedules filed within that period contained approximately 3,000,000 pages. The number of rate items is conservatively estimated to be about 50 per page, and in order to determine accurately what advances have been effected by such schedules it would be necessary to examine and compare 150,000,000 rate items, with a like number of items filed previous to July 1, 1906.

This estimate does not take into account changes which have been effected in the absence of through joint rates by changes in proportional rates, basing rates, or local rates which are used in the absence of joint through rates for making through rates in combination with other similar rates. For example, a single-page schedule naming proportional rates from New York and other Atlantic seaboard cities to Chicago, Peoria, East St. Louis, and other Mississippi River crossings and applicable to traffic destined to points west of the Mississippi River, if changed, would affect through rates to thousands of destinations west of the Mississippi River. In instances of this kind—and they are numerous—the present rates would have to be determined by combining the proportional rates east of the base points with the local rates west thereof, and before comparison could be made former rates would have to be made up in like manner.

A schedule of 90 pages recently filed contains specific rates on 3,800 separate articles. There are two ratings—one applicable to carload quantities and one to less than carload quantities—for most of these articles. The rates apply from 10 groups of origin, embracing a large number of the States east of the Mississippi River. This schedule contains approximately 60,000 separate specific rates, and in order to determine what changes are effected thereby comparison would have to be made with a like number of items published in previous schedules. This schedule was not of exceptional size, as many schedules contain between 200 and 700 pages.

On a previous occasion the schedules filed upon a single day were examined and compared with corresponding rates previously on file. Eight rate clerks were engaged upon this work for a period of seven days, and were unable within that time to complete the check of the single day's filing. The number of schedules filed on that day was considerably below the average daily filing. The number of pages so examined did not exceed 2,000, while the present average number of pages filed per day is about 3,800.

It will therefore be seen that it is impossible, with the present force, to undertake such check of rates as would be necessary in order to secure in complete form the information requested, and that even if a very large number of additional clerks were employed for that purpose it would probably be a work of several years. Experienced rate clerks would be essential to intelligent work in that line, and even if they were available, which they are not, so many changes would be effected in rates during the time within which statement was being prepared that it would not accurately represent conditions at the time of its completion.

Many important advances in rates have been made since the passage of the Hepburn amendment. We have not been able to keep a record of the advances, but in a general way the following are noted:

The different freight-association territories hereinafter referred to are, in a general way, defined as follows:

Central Freight Association territory is that territory lying west of Buffalo and Pittsburg, north of the Ohio River, and east of Chicago and St. Louis.

Southeastern Freight Association territory is that territory lying south of the Ohio and east of the Mississippi rivers.

Trunk Line territory is that territory lying north of the Ohio River, east of Buffalo and Pittsburg, and west of the Hudson River.

Trans-Continental rates apply between points on the Pacific coast and points east of the Missouri and Mississippi rivers. Under these rates it is common to blanket a large territory on the east. For example, many of these rates apply alike from or to all points east of Chicago and north of the Ohio River.

Official classification territory includes all the territory east of Chicago and St. Louis and north of the Ohio River.

Southern classification territory includes the territory south and east of the Ohio and Mississippi rivers.

Western classification territory includes all the territory west of the official and southern classification territories.

COAL.

Rates have been advanced 5 cents per ton from the Pennsylvania, Maryland, and West Virginia fields to Central Freight Association territory and from the Kentucky, Tennessee, and Alabama fields to points in Southeastern Freight Association territory.

PIG IRON.

Rates have been advanced 25 cents per ton from furnace points in Southeastern Freight Association territory to points in Central Freight Association and Trunk Line territories.

CAST-IRON PIPE.

Rates have been advanced 25 cents per ton from foundry points in Southeastern Freight Association territory to points in Central Freight Association and Trunk Line territories.

IRON AND STEEL ARTICLES.

Rates subject to official classification have been generally advanced by the withdrawal of commodity rates and the application in lieu thereof of higher class rates. These advances are not uniform to all points affected.

LUMBER.

Rates from Chicago and points basing thereon to Trunk Line territory have been generally advanced by withdrawal of commodity rates and the application in lieu thereof of higher class rates. This advance was not uniform as to all points affected.

Rates from producing points in the Pacific Northwest to all destinations were advanced on November 1, 1907. After full hearing on complaint this commission condemned the advance made from the producing points to points lying west of a line drawn from Pembina, N. Dak., through Omaha and Kansas City to Port Arthur, Tex. An increase of 5 cents per 100 pounds was permitted to points lying east of that line.

GRAIN AND GRAIN PRODUCTS.

Rates have been advanced 2 cents per 100 pounds from Ohio and Mississippi River crossings to Southeastern Freight Association territory. Rates from northern and western producing points are based upon the Ohio and Mississippi River crossing rates, and therefore this advance resulted in an advance from all that territory.

Rates were advanced 2 cents per 100 pounds from Chicago to New York in May, 1907. The proportional rate applicable from Chicago on shipments from points west of the Mississippi River was reduced 1½ cents per 100 pounds on wheat and corn and one-half cent per 100 pounds on rye, oats, and barley in May, 1908.

Rates from the Missouri River to the Mississippi River crossings and to Chicago were increased 1½ cents per 100 pounds in July, 1907.

PACKING-HOUSE PRODUCTS.

Rates have been advanced 3 cents per 100 pounds from Ohio and Mississippi River crossings to Southeastern Freight Association territory. Rates from northern and western producing points are based upon the Ohio and Mississippi River rates, and therefore corresponding advances result in rates from those producing points.

SUGAR.

Rates have been advanced 2 cents per 100 pounds from New York and New Orleans and from points in Trunk Line territory, rates from which are made with relation to the New York rates to points in Central Freight Association territory, and to Chicago and to St. Paul and to points in the northwest, the rates to which are made with relation to the Chicago or St. Paul rates.

TO TEXAS POINTS.

Rates have been advanced from Kansas City and St. Louis and points basing thereon, which embraces the entire territory east of the Mississippi River and a large number of points west thereof, to Texas points in sums ranging from 4 cents per 100 pounds on one class or article to 10 cents per 100 pounds on another class or article.

TRANSCONTINENTAL RATES.

These rates have been advanced both eastbound and westbound between points in the Atlantic seaboard territory and States east of the Mississippi River, on the one hand, and terminal points on the Pacific coast and intermediate points, the rates to which are made with relation thereto, on the other hand, in sums ranging from 3 per cent on one article to 60 per cent on another article. The heaviest advance was in eastbound rates.

CLASSIFICATIONS.

Many advances in rates have been effected by changes in classification ratings and without changes in the specific scale of rates. Many changes in required carload minimum weights have been made. These do not necessarily increase the rates upon the commodities to which they apply unless the minimum weight has been fixed so high as to make it impossible to load it into the car.

OTHER CHANGES.

The tariffs of to-day contain many listed charges for services which would not be found in the tariffs in effect immediately prior to the Hepburn amendment. They, however, can not be said to be additional or increased charges, because now the tariffs contain lawful authority and provision for many services and charges which formerly were rendered without specific tariff authority therefor. The tariffs now contain many provisions for assessment and absorption of switching charges which simply continue former practices for which provision was not made in the tariffs. The same is no doubt true as to many transit privileges.

EXPRESS RATES.

Express companies were first brought under the act to regulate commerce by the Hepburn amendment, and this necessitated an entire reconstruction of their rate schedules. None were on file with the commission prior to that time. No general advances in the charges of express companies have been noted except between various points in New England territory, where advances have been made ranging from 10 cents to 25 cents per 100 pounds.

PASSENGER FARES.

There have been no general increases in passenger fares; the tendency has been in the opposite direction. Reductions in state fares have resulted in a general lowering of interstate passenger fares.

The general increases in rates to Southeastern Freight Association territory and the increase in the rates to southwestern territory have been made the subject of complaint to this commission, and these complaints are in course of investigation, several hearings on same having been had.

As stated in our annual report recently submitted to the Congress, the commission, on April 15, 1908, promulgated a ruling that tariffs applying on traffic exported to or imported from foreign countries not adjacent to the United States must, in accordance with the requirements of the law, show the rates, fares, and charges of the inland carriers subject to the act for the transportation in the United States to the port and from the port.

Rather than to conform to this requirement the rail carriers in the United States ordinarily known as the "transcontinental lines" withdrew, effective November 1, 1908, all their through import and export rates via the Pacific ports, leaving their domestic rates to and from the ports to apply to the inland carriage of such export and import traffic.

Presumably this resulted in increased rates upon such traffic as has been subsequently imported or exported through those ports, but we have no means of measuring the advance, as the tariffs did not disclose, and we were not informed, how the former rates were divided between the rail carriers in this country and the ocean steamship lines, and we have no means of knowing now what are the charges of the steamship lines.

Very respectfully, MARTIN A. KNAPP, *Chairman.*

It was not my purpose in instituting this study of the railroad question to do any injustice to anyone engaged in it, nor to the railroad business, as such. On the contrary, I believed that I would discover reasons why freight rates should be advanced, in order that the properties might continue to enjoy the prosperity with which they have been favored in the past.

My study of the question amazed me. It developed a state of things that I had never before dreamed about. Let me give you a few of the facts which I have discovered. I think you will be equally astonished.

It is true, as Mr. Brown states, that figures of the magnitude which he quotes can be better comprehended by comparison. I want to bring to your attention a few comparisons that will show the gentlemen of this House that the railroad business compared with the other business of the country bears the same relation to the business as a whole that the teaming of an individual house does to the entire business of that firm. Mr. Brown says that the gross earnings of the railroads of the United States amount to more than $7,000,000 a day. Do you know that Chicago pays $1,000,000 a day to the farmers of the United States for cattle? Do you know that these figures of $1,000,000 a day include three hundred and sixty-five days in the year, and do not eliminate the Sundays? You will see there is one industry in one city that does one-seventh as much business in a day as all the railroads in the United States. I can name two firms whose gross receipts are $2,000,000 a day that are located in the Chicago Stock Yards neighborhood. If you will take all the business of "packing town," including the stock yards, you will find that that one locality in one day will do about half as much business in gross earnings as Mr. Brown says all the railroads in the United States do.

Let me bring your attention to some of the business that is done in the district which I have the honor to represent. Did you know that the gross business of the dry goods stores in the First Congressional District of Illinois amounts to $350,000,000 a year and that they employ over 50,000 men and women? That is not so bad a showing for one line of business in one district. There is one dry goods firm in the district from which I come that does almost $100,000,000 a year, and it employs almost as many men in the conduct of its business as the Chicago, Burlington and Quincy Railway employs east of the Missouri River; yet the railroad companies would have you understand that this railroad business should be given precedence, and that those that are engaged in it must receive dividends on their stock, regardless of whether business is good or bad, by raising rates.

IRON AND STEEL RATES.

During the past ten years there have been advances of more than 100 per cent in the rates actually received by the railroads for carrying manufactured iron and steel in carloads between important competitive centers. Ten years ago the printed rates on this commodity were considered so high and unreasonable that the railroads did not attempt to collect them, even from small shippers, on competitive traffic; but the power of the Government has been used to erect these "paper" tariffs into actual legal rates, which the shipper must pay and the railroad must collect under penalty of criminal prosecution.

The following figures show the advances which shippers have been forced to pay:

Freight charges on manufactured iron and steel in carloads between important competitive points in cents per 100 pounds.

	10 years ago.	Present rates.
Pittsburg to Chicago	9	18
Cleveland to Chicago	7	15
Pittsburg to East St. Louis	10	22
Chicago to Missouri River points	10	27
Chicago to Denver	25	77
Chicago to Texas common points	25	75
Chicago to East St. Louis and northern Illinois points	5	8

These figures are fairly representative of the advances which manufacturers and other shippers have had to pay in transportation charges on commodities moving between competitive points.

Coal was formerly carried from West Virginia mines to Chicago for $1.20 per ton, in average cars of 22 tons. The rate is now $1.90 on average cars of 33 tons.

Mr. POLLARD. May I ask the gentleman a question?

Mr. MADDEN. Certainly.

Mr. POLLARD. I would like to inquire whether those increases apply to all classes of freight or one particular class?

Mr. MADDEN. This has reference to iron and steel products.

Mr. POLLARD. Does the same ratio of increase apply to other commodities?

Mr. MADDEN. In a large measure.

EARNINGS PER MILE OF ROAD.

During the first ten years following the enactment of the interstate-commerce law, while the law remained practically a dead letter, there was no material increase in the earnings of railroads per mile of road. There was a great increase in the mileage in operation, but rates were not advanced, because competition kept them on a fair basis.

During the past ten years, coincident with the rigid enforcement of the law, there has been a great increase in the earnings of railroads, both gross and net, per mile of road.

The following figures are taken from the United States Statistical Abstract for 1907, page 225:

Earnings of railroads per mile of road.

Year.	Gross.	Net.
1888	$6,540	$2,045
1889	6,455	2,068
1890	6,822	2,162
1891	6,852	2,136
1892	6,852	2,068
1893	6,963	2,069
1894	6,054	1,803
1895	6,097	1,804
1896	6,223	1,840
1897	6,228	1,884
1898	6,771	2,111
1899	7,161	2,272
1900	7,826	2,519
1901	8,270	2,668
1902	8,696	2,830
1903	9,301	2,887
1904	9,248	2,989
1905	9,643	3,135
1906	10,631	3,580
1907 (I. C. C. report)	11,463	3,723

INCREASE IN FREIGHT "EARNINGS."

The statistical reports of the Interstate Commerce Commission show the average earnings of railroads per "freight-train mile;" that is, for each average mile traveled by the average freight train. These figures show an average of all the tariffs of the carriers on all commodities, and they are more valuable for comparison than the tariffs on the actual rates received on any one commodity.

During the ten years that followed the enactment of the interstate-commerce law, while the law remained practically a dead letter, there was no increase in this average of earnings from all freight, but in the past ten years there has been a striking advance, as shown in the following table:

Freight earnings per freight train mile.

Interstate Commerce Commission Statistical Report, 1888, p. 20:	
1888	$1.65
Interstate Commerce Commission Statistical Report, 1897, p. 82:	
1890	1.65
1891	1.63
1892	1.64
1893	1.62
1894	1.55
1895	1.61
1896	1.63
1897	1.65
Interstate Commerce Commission Statistical Report, 1906, p. 103:	
1898	1.73
1899	1.79
1900	2.00
1901	2.13
1902	2.27
1903	2.43
1904	2.42
1905	2.49
1906	2.60

Only a small part, a very small part, of this increase since 1897 is due to the larger average capacity of locomotives and cars. The greater part is due to the average increase in rates.

RAILROADS OWNED BY RAILROADS.

The bonds and other securities issued by railroads are based upon and are sustained by the "earnings" rather than the physical property or actual value of the issuing company.

During the past twenty years the "earnings" of the leading railroads have grown so rapidly, chiefly through increases in rates, that enormous issues of bonds and stocks have been made against these "earnings" for the purpose of buying up other railroads.

In 1899 (I. C. C. Stat. Rept., 1906, p. 63) the railroad stocks and bonds owned by railroads amounted to $1,151,972,901. In 1906 these holdings had increased to $2,898,480,829.

Special Report No. 1, "Intercorporate Relationships of Railways" (I. C. C., 1908, compiled as of June 30, 1906), goes more fully into the control by railroads of other railroads.

According to this report (p. 45), the total outstanding issues of stocks by railroads amounted to $8,884,234,925, of which railroad companies owned $4,114,851,990.

Nearly half the stocks issued by railroads are owned by railroads, which also own $1,440,360,507 of the funded debt issued by railroads.

Who will decide what "reasonable" rates a railroad company may charge to pay "reasonable" returns to holders of its stocks or securities, which have been issued for the purpose of acquiring control of other railroads?

RAILROADS AS BANKING CORPORATIONS.

Railroads are supposed to be incorporated for the sole business of transporting freight and passengers, but their "earnings" from this traffic have grown so enormously through the opera-

tion of the interstate-commerce law that they are far in excess of their legitimate requirements in the business of transportation. Money has been accumulated in such vast sums that the men in control have used the funds for a new form of banking or speculation.

The railroads now have five times as much of their working capital invested in bonds, stocks, and other "banking" assets as they have invested in equipment, materials, and supplies for conducting the business of transportation.

That is a statement that must astonish the American people. That is a statement that can be verified. That is a statement that ought to call for radical legislation and remedy. That condition of things ought not to be allowed to prevail. These railroad companies should not be permitted to tax the American public to pay dividends on stocks and bonds issued by them for the purpose of buying new railroads and controlling the transportation conditions of the country.

In Statistics of Railways for 1906 (p. 105) appears a "balance sheet" compiled by the statisticians of the Interstate Commerce Commission from the reports received from individual companies. It shows the following figures:

Working assets employed in the business of transportation.

Cost of equipment	$831,365,517
Materials and supplies	185,228,347
	1,016,593,864

Banking assets.

Stocks owned	$1,817,242,555
Bonds owned	642,805,004
Cash and current cash assets	1,259,304,647
Sinking funds and sundries	130,566,158
Miscellaneous	1,172,658,251
Total banking assets	5,022,576,615

In 1897 the "cash and current cash assets" only amounted to $326,707,224.

This "balance sheet" in Statistics of Railways does not include all the railroad corporations of the country. There are many strictly banking or "holding" companies whose capital is not comprised in the statement, because, although organized as railroad companies, they are not engaged in the operation of railways.

In the report on the Intercorporate Relationships of Railways is appears that the total par value of railway securities owned by railway corporations is $5,555,212,497, nearly double the amount that appears in the "balance sheet."

JUG-HANDLED LAW.

A grave injustice has been done to shippers and the public in the national legislation of the past twenty years. The Government has confined its attention entirely to one side of the question, and has used its great power solely to assist the railroads in collecting "earnings" from the public.

The United States Supreme Court has twice decided that a combination or traffic association of railroads to fix or maintain rates is illegal. (Trans-Missouri Freight Association and Joint Traffic cases.) In the face of these decisions, all competitive rates in the United States in the past ten years have been agreed upon and fixed by competing railroads in associations of this illegal character. None of these combinations has ever been made the object of criminal prosecution.

Scores of prosecutions have been instituted against shippers who had failed to pay the uttermost farthing of the rates agreed upon by the railroads in their illegal traffic associations, but no railroad has ever been prosecuted for charging too much.

The law as it stands is a jug-handled law, with the iron grasp of the railroad monopolizing the handle.

The argument against all legislative regulation of business, and especially the business of railroads, is the "general-prosperity" argument. Even if prosperity, brought about and maintained through railroad extortion, were preferable to a normal and quiet condition of business, which I deny, no period of prosperity has ever been due to it, nor has any subsidence of a tide of prosperity ever been justly attributed to the enactment or enforcement of laws against the railroads.

The form that this argument usually takes is an assertion that when the railroads are prosperous or when earnings are large the whole country is prosperous. The principal vice of that argument is that it begs the question and makes an effect do service as a cause. The panic of October, 1907, would under normal conditons have had the same depressing effect upon railroads as upon other lines of business. But the railroads have some advantages over other business institutions. One of these consists in the fact that, being monopolies and being in a combination or having adopted a community of interest plan, they can raise their rates at will and thus recoup their losses after a panic has spent its force, and have the usual monopolistic advantages during a business depression, because there is a large volume of traffic that must go, whether times be flush or dull.

Nevertheless the railway managements are not averse to seeking the lines of least resistance. So it was deemed best, if it could be done, to obtain the assent of the principal shippers throughout the country to an all-round raise of rates; and soon after the depression following the panic began to be felt representatives of railroad interests began what they called a campaign of education preliminary to putting into effect the increase. Among other statements was the assertion that the proceeds of the increase were not to be used for the payment of increased dividends, but to supply capital required for repairs, betterments, and new construction.

And this brings us face to face with a very important and far-reaching question, not often discussed, but which will sometime have to be settled; the sooner the better for all concerned.

The true bearings of the proposition thus advanced was not perceived by the general public. In fact, although it has been a continuous process since railroading in this country had its beginning, its extraordinary character is seldom noted by those in authority, or by publicists. It is taken for granted that after the rough roadway is constructed and the first train passes over it the public can be rightfully taxed not only for profits, dividends, and interest on the original capital, but for all capital thereafter needed, though the enterprise may become a colossal four-track affair, with terminals worth many millions.

The public have been so far schooled in railroad sophistries that they accept as equal in dignity to a truism, or a law of the land, the proposition that the stockholders of public-service corporations are entitled to exact from the public sufficient compensation for services to maintain a certain fixed standard of dividends. So far has this idea taken root that it passes without question, and a compulsory reduction of a dividend rate upon the stock of an important railway gives a shock to financiers and is regarded as in the nature of a public calamity. A thousand business men may lose their margins of profit, or even fail; all the farmers may lose their year's toil; a million laborers may lose their jobs or have their wages reduced. Whoever proposed that the community should insure profits, or good prices, or steady employment, or good wages in these cases would be considered a fit inmate for a madhouse. I leave for others to figure out where this principle of railroad financiering, followed out and perpetuated, will land the whole people. And let it never be forgotten that these stated dividend rates are upon outrageously inflated capitalizations.

The Interstate Commerce Commission stands committed to the economic fallacy that public-service corporations are entitled as of right to remunerative returns upon their stocks in addition to interest on issues of bonds. (See Twenty-second Annual Report, issued December 24, 1908, p. 6.) This heresy, if once accepted and fixed, even as unwritten law, will impoverish the people of the country and transfer to Wall street what still remains of government at Washington. Why should government guarantee the solvency and also the prosperity of railroads, any more than of manufacturers, merchants, and farmers? Railroad magnates are constantly making this claim in concert, and there is not a protest nor even a dissent from any public source.

When other arguments fail, the representatives of these special interests parade the stockholders behind them and admonish the people's representatives to beware of diminishing the value of the stocks in their hands. Is the Government to be made an agency for the exploitation of eighty or ninety million people in order to safeguard and save from loss about one-thousandth of the population? No statute nor any governmental policy is responsible for individuals investing in mining or any other kind of stocks, or in any other personal property. Who is responsible, after all, for what a corporation does, if not its stockholders? If not active participants in the management, they are, nevertheless, responsible by reason of their acquiescence. If they have made a bad deal, it is not the business of the Government either to help them get out or to promote their interests if they stay in. The rule established by statute is that of reasonable rates; and if the Interstate Commerce Commissioners do not enforce that rule, regardless of stockholding interests, then they should be called to account.

Recent investigations in New York have shown, however, that the bulk of railroad stockholding interests are concentrated in the hands of the managers.

Populations of countries have been impoverished and compelled to resort to revolution to escape starvation, and republics have been undermined and destroyed by the insidious introduction into a law of a single vicious economic or political principle; and there is a destructive element in railway policy now crystallized into statute law in the Hepburn rate act, without

discussion or protest. It is the legal recognition of the claim long previously urged by interstate carriers that they are entitled to a guaranty from the public, which must use them from necessity, of a regular unfailing profit upon the business they do, whatever fate may befall all other business establishments or ventures.

The people endure many wrongs simply because they do not understand them, which, if fully understood in all their true bearings, would no more be submitted to than would the introduction of an epidemic or an invasion by a hostile foreign force. The established heresy that railroad rates shall in all cases and under all circumstances be sufficiently high to insure an income from investments in railroad property is a discrimination in favor of, and a special favor granted to, that class of capitalists of most serious import and leading inevitably to the absorption by them of a large share of the national wealth. But not until the Hepburn rate bill became a law was the proposition authoritatively sanctioned that their monopolistic power was itself property, to be counted capitalized, estimated, and appraised in ascertaining the aggregate of a railroad's property as a basis for fixing rates.

No procedure is provided by which the Interstate Commerce Commission can make valuations in fixing maximum rates. But in order to commit the Government, the people, and the commission to the theory of enormously evil import, that after considering actual investment and unearned increment the monopoly privilege shall be valued and added, a word was skillfully incorporated in the twentieth section of the bill in such connection as will accomplish that dire and sinister purpose, if ever the commission shall be given effective power to make valuations, without striking that portion out of the rate act. Among the matters which the commission is directed to require carriers to annually report are "the cost and value of the carrier's property, franchises, and equipments."

Now, a franchise has been defined in varied terminology, but all agree that it is a privilege enjoyed by one to the exclusion of common right, an exclusive privilege such as the privilege to dig up the streets and lay down gas pipes or rails or, in the case of steam railroads, the privilege of constructing tracks over private lands and public property, as the basis of collecting from the public any tolls, rates, or fares whatever. In short, a franchise is such a privilege as would, without a concession or grant by the State, remain a particle of sovereignty to be exercised by the Government for the equal benefit of all. These privileges have been granted to railroad corporations by the federal and state governments without charge. They constitute monopolistic power, and have been used in connection with investments in property to the vast enrichment of the investors. Now comes the Congress of the United States and gives express legislative recognition to the claim, long made by the railroad managements, but heretofore resisted, that these monopolistic privileges are themselves property. This is accomplished by requiring the companies to report and the commission to receive and record "the cost and value of franchise." In view of this statutory status of franchises as property no one need wonder or misunderstand the increase in mileage earnings and in market value of the principal railroad stocks since the act was passed. The most recent report of the Interstate Commerce Commission presents the following figures and facts with respect to railway earnings.

The gross earnings of all railroads for the year ending June 30, 1908, were $2,424,640,637, only $164,464,941 less than the gross earnings of the preceding year of 1907, yet the 1908 earnings are $98,876,470 in excess of the earnings for 1906 and $342,158,231 in excess of those for 1905. At the close of the railroad fiscal year 1907 it was openly claimed by all railroad authorities that the financial condition of the roads had greatly improved, and the increase of dividends confirmed it. There have been no notable reductions of dividend rates. How has it been in other lines of business?

So far as the Supreme Court has expressed itself, its views have been adverse to the right of public-service corporations to any assured and fixed rate of income on investment.

I have endeavored to show that, whatever be the cause of panics and depressions, they are not attributable to the enforcement of law against the railroads. Not only so, but it is also clear that its enforcement, or rather its nonenforcement, has had little, if any, bearing upon the condition of railroad business or upon any general business. Indeed, the subject of panics, depressions, and prosperity has been seized and employed as a subterfuge and a substitute for sound argument, because it was thought that an appeal to the hopes and fears of the unsophisticated might aid in the accomplishment of the end in view—the repeal or emasculation of the antitrust law.

But while the railway managements make a show and pretense of holding council with the shipping interests, they invariably consult their own interests and formulate their plans in advance and in secret. If possible, they hoodwink commercial and other interests; but in case of failure to do so, they proceed to execute their own plans, relying upon tact, intrigue, and the law's delays for a safe deliverance at the hands of the Interstate Commerce Commission. A notable instance, selected for the purpose of illustration because it is the latest, was the course pursued by the railroads in the movement inaugurated in midsummer, 1908, and consummated in December of that year, for a general advance in rates. The procedure prescribed by the interstate-commerce act for bringing about a change in rates on a certain date is to notify the Interstate Commerce Commission of the proposed increase or decrease thirty days in advance, and the proposed changes are then made public.

The legal situation brought about by the publication of such increase is interesting. The railroads do not have to go through any sort of legal procedure, much less do they have to litigate in advance the right to raise rates. They only have to fix the new rates to go into effect thirty days thereafter, and then they become effective. The burden then continues, except as to such shippers as are in a position to successfully litigate the question of reasonableness with the railroads.

The duty of the commission regarding proposed increases in rates is simply to make the proposed increases public. If shippers object to the increases they must wait until the rate goes into effect, and then start a litigation before the commission, which may go through all the courts to the highest. If the commission decides adversely to the shipper the rate continues in force notwithstanding his objections. In the rare event of the protesting shipper ultimately succeeding there is usually such an all-round change of conditions and relations that it is immaterial to any party to the litigation what may be the final judgment.

The existence of the regulative powers of the commission under these statutes, passed subsequently to the enactment of the antitrust law, is used by the advocates of amendment of the latter as an argument. The argument, if such it may be called, is in substance that the railroads may safely be permitted to form traffic agreements, because, anyhow, their rates and practices are subject to the control of the Interstate Commerce Commission. It is therefore relevant, and perhaps important, to examine this argument carefully and at some length. Its refutation is complete when the interstate-commerce acts and the workings of the commission under them are explained.

The only material interest which the great body of people—the wealth producers and consumers—have in the question of rates is their effect upon the cost of living and the market price of what they produce at the place of production. Has there been any reduction of the one or increase in the other? The cost of living has been increasing for years, and if market prices of what primary producers have to sell have been affected at all at points of production, they have been lowered. Meantime, there is no mistaking the tendency of railroad securities taking the average for several years past. Their trend has been unmistakably upward.

One naturally shrinks from the task of describing the state of the public mind brought about prior to and during the incubation of the so-called "Hepburn rate bill." As to any statement covering the true and false, illuminating and misleading, patriotic and demagogic utterances, that is out of the question. Though the people do not remember very much, nor remember that very long, they have not forgotten the extravagance of the promises concerning results and pretenses of hostility on the part of railway managements to any rate legislation whatever. The latter, it is true, evinced a feeling of uneasiness at first. But as time wore on no class in the country, except those who were, or expected to be, on the Interstate Commerce Commission, were so anxious for the Hepburn bill to pass or so fearful that it might fail as were the railway monopolists.

There were prerogatives which railroad corporations had long usurped in derogation of public right which the people had contested in their helplessness, and the railway owners feared a popular uprising which might lead to some sort of reprisal or radical reform. The problem was how to satisfy without relieving them with a makeshift of legislation, after the manner of quieting them without affording them real relief on previous occasions. The measure with which the public was deceived in the matter of railroad abuses, extortions, and exactions was this rate bill. Many having access to the listening and reading public, some designing to mislead, others ignorantly misleading, are even yet, in face of the obvious facts, proclaiming the rate bill and its enactment a great victory over the corporations controlling transportation, while representatives of the railroads still pretend to protest against it.

But if there had been any real improvement since the act took effect, there would surely have been some subsequent

tangible evidences of it. The railroad officials fully understand the benefits conferred by the new law, despite their play in the rôle of injured innocents, and though they are chary of giving publicity in any form to their knowledge, one of them occasionally gives a clear intimation of what they realize the Hepburn Act to have accomplished for them.

It would have required no phenomenal legislative wisdom, only ordinary talent for constructing laws, for Congress to have done what was sorely needed to be done, and the most important of all that could be done, for the great body of the people in the way of rate legislation. Of course rebates must be suppressed and rebating managers and shippers punished; but that might just as well have been done under the provisions of the original act, or of what was known as the "Elkins amendment to the interstate commerce act of 1887," passed at a previous session in 1903, if violations had not been to a great extent condoned by officers charged with the duty of enforcing the laws. There was just one way to relieve the people of the more grievous evil, that of extortion inflicted by transportation monopolies, and that was plain, simple, and adequate. The measure that would really have been serviceable would have been one directing the Interstate Commerce Commission to take up the whole railroad and transportation question of the United States, ascertain what it would cost to reproduce all the roads, including all rolling stock, terminals, and other adjuncts, adding, forsooth, unearned increments; then taking the rates as an entirety and making new rates which would yield the owners a given per cent of income on the investment—say about 4 per cent. This would be 1 per cent advantage over the average of other investments.

All else in the rate bill is of infinitesimal value as compared with what would have been such an equitable, just, and reasonable provision. But by promulgating a voluminous, complicated measure, containing a forest of legislative exotics and a tangled wilderness of words, the combined meaning of which no one can or ever will be able to explain, it was supposed by the sponsors for the bill that its fatal defect would be overlooked, at any rate for as many years as it took to learn how imperfect was the original interstate-commerce law. The act comprises 24 long sections. There are various definitions of things the meaning of which is already well known. Railroad monopoly has a basis so deeply embedded in practices which have become customs, rules that have come to be recognized as municipal law, and terms that have taken their place in the language as truly applicable though meaning something else than that which they are made to represent, that one must be an analyst and a close student of railroad business to detect the impositions. What the railroads collect from the people must be paid, whether the contributors are willing or unwilling. Why not then speak of the aggregate of these tributes as of any other sum total of collections? No; the honest word "earnings" has been borrowed, the better to forestall scrutiny and investigation on the part of the superficial reader of annual reports and railway statistics. When one such reader sees the word "earnings" he gets an impression of something of value, given pursuant to an agreement to perform a service in which there has been an amicable mutuality from inception to liquidation.

But when the railroads of the country use their power to exact from the Nation's traffic $2,424,640,637, as they did during the fiscal year ending June 30, 1908, much of which was used to pay dividends on stocks representing no actual investment as capital, interest on bonds issued to represent "trusteed" stocks, outrageously inflated and exorbitant salaries, and sums added to private railroad capital in permanent improvements, the use of the term "earnings" is a fraudulent perversion.

It does not require a very deep study of finance to see that if a stockholder owns one-tenth of the stock of a company capitalized at $100,000,000 and out of the income of one year $10,000,000 is used in adding permanent value to its property, he has enjoyed the full benefit of a dividend of 10 per cent, whether or not he has received any dividend whatever specified as such.

When a farmer has marketed his crop and carefully figured out his expenditures while growing, gathering, and delivering it to the buyer, he subtracts the total from the selling price to find his net earnings. He does not also subtract the cost of a new stable or other contemplated or completed improvement from the amount realized to ascertain his earnings.

To see the uses made of misleading terms, we only have to examine the annual returns reported by any railroad, or read the comments thereon in Wall street newspapers. For instance, when in August, 1906, the Southern Pacific declared a dividend on its stupendously inflated common stock, a New York paper congratulated Mr. Harriman and the other big stockholders on their being at last rewarded for their persistent faith in the stock "as an investment." Without going analytically into that corporation's financial history, it may be roughly stated that the controlling interest in this stock came to the original holders as pure bonus, and the balance of the stock was put on the market and bought at a ridiculously low price.

But in the same article it was stated, without the slightest intention of being humorous, that since the reorganizaion $100,000,000 had been appropriated out of net "earnings" to improve the property. That meant that these stockholders had profited to that great extent. The $100,000,000 of net "earnings" probably constituted an excess above reasonable rates and charges equal to that great sum.

The Interstate Commerce Commission, in making its reports, has inadvertently fallen into the groove well worn by railway officials in making annual reports. They indulge in the same misleading assumptions and deceptive terminology employed by the railroads. They have never segregated the net earnings so as to show the entire sum of actual profits, itemizing the vast amounts devoted to improvements under that head. In reporting the financial operations of a railroad for a given year the commission should explain, in phraseology with which the general public is familiar, the meaning of the technical terms used in railroad finance, so that the public would fully understand the full import of their reports. But this the commission has thus far never done. An interstate-commerce act which is pretended to be at all comprehensive, but affords no remedy for such abuses, is defective in an important particular, to say the least.

Numerous expensive proceedings are directed in the rate act to be instituted for the accomplishment of useless things and many other things are directed to be done, any attempt to do which must, in the nature of the case, prove wholly abortive. There are other things directed to be done which, though feasible, involve limitless and continuous labor on the part of railroad employees and prodigal expenditures from the National Treasury, necessitated by the employment of a vast army of clerks, the total results of which, when accomplished, are not of the slightest value to the public or to a single individual on the earth.

After illegalizing, in vague terms, several forms of discrimination, and prohibiting generally the granting of free transportation, the act contains a long list of exempt classes, and amongst them "attorneys at law." The exempted classes are thus granted exclusive privileges of considerable value which are denied to the general public. The act allows the commission "to determine and prescribe what will be the just and reasonable rate or rates, charge or charges to be thereafter observed," and so forth, "as the maximum to be charged." But this cautious stipulation is so hedged about by conditions, limitations, provisos, and qualifications in the same and other sections as to render it of little, if of any, value or protection against exorbitant charges. No rule or standard is prescribed for ascertaining the value of railroad property used in transportation. And as the commission can only act upon complaint filed by an injured shipper, and as the filing of such complaint is under the "broad judicial review" provision, merely the commencement of a costly litigation to continue until the relief would not be needed, or would be no help for the wrong done, it is little wonder that not one seriously contested case coming before the commission since the act has been in force has gone to the Supreme Court for review as to the constitutionality of the rate-fixing powers of the commission.

Instead of competition and reduction of freight charges resulting from the rate law, the big systems no longer fear a rate war, and dividends were in 1903 and 1907 considerably increased, notwithstanding vast investments in improvements. The terminal improvements by the Pennsylvania and the New York Central in New York City alone involved the expenditure of hundreds of millions, and such improvements were made by all the roads, though on a less extensive scale. Within three months after the act took effect, the Lake Shore increased its dividend rate from 8 to 12 per cent, and the Michigan Central from 4 to 6 per cent.

These properties are controlled by the New York Central. The New York Central rate was increased about the same time from 5 to 6 per cent. The Norfolk and Western a short while ago was engaged in a disastrous rate war; in 1900 it paid no dividends. It now pays 5 per cent. The Baltimore and Ohio paid 2 per cent in 1900. It now pays 6 per cent. The Chesapeake and Ohio also suffered from the rate war and paid no dividends. Dividends are now paid on its stock. The dividends paid by the Big Four road have been increased from 3 to 4 per cent. Before the rate law went into effect it was generally supposed that it would take a decade at least for the Southern Pacific to recover from the San Francisco earthquake

and fire and pay dividends on its common stock. But it now pays 5 per cent. The Union Pacific, which was in the hands of a receiver ten years ago, recently had its dividend rate boosted overnight from 6 to 10 per cent.

The railroads not only retain, but have confirmed to them under the act the most valuable privilege of monopoly, that of exploiting the public to the full extent that the traffic will bear. That is a legislative creation of vast—practically unlimited—value, an asset the right to value at all was previously disputed. The franchises really belong to the people, subject only to use by the railroads upon sufferance. The value of these benefits conferred by the act upon the transportation monopolies can be seen in the substantial and unprecedented rise of railroad securities above referred to, increases in surpluses and dividends reported by the Interstate Commerce Commission, and commented upon by the press as "evidence of general prosperity reflected in railway earnings."

I do not flatter myself that the deceptions and delusions about rate regulation and control of transportation by act of Congress will be entirely or generally dispelled by this genesis and analysis of the rate act. But it is hoped that it will start an inquiry which may sooner or later lead to important results.

An idea has been carefully and industriously spread abroad that the payment of rebates was about the only evil worth considering or needing a legislation antidote. It was but one form of discrimination practiced by carriers, most other forms being legalized or irremediable. For the prominence given the evil of rebating there were two causes. First, a rebate is a palpable, acute injury, easily defined and measured when the facts are known. Secondly, the crusade for its suppression and for the punishment of those guilty of practicing it was along the lines of least resistance, because none of the railroads were really adverse to the abolition of rebates and the establishment of uniformity as between individuals, if uniformity could be established by law and preserved through a commission standing impartially between them, its expenses and salary charges paid by the Government. It is no secret among those conversant with railroad business that rebating was not only a disagreeable but a costly practice which each railway, being a law unto itself, supposed to be necessary in order to obtain and retain its due share of traffic tonnage. Therefore no one acquainted with the situation was surprised at the acquiescence in the rate bill of railroad officials and attorneys when it was seen that rebating was about the only abuse for which it provided certain punishment as a remedy. Its stringent and specific provisions relieving traffic managers of the strain of watching rivals and struggling for business, and leaving with the railroads the power of equalizing rates upward rather than downward through the friendly agency of a government commission, promised vastly greater pecuniary returns than they enjoyed under the preexisting interstate-commerce act. And this promise has been fully realized.

There can be no question of a popular demand for relief from the abuse of rebating, nor of the merits of the rate bill, in so far as it seeks to end rebating. But that was only one of the reforms desired by the people, and though that was an evil of some magnitude, it was by no means the principal grievance. Except for the fact that the rebates were usually paid to great industrial monopolies and served to build them up to the destruction of competition, the people at large had little interest in that subject of legislation.

But there are discriminations of tenfold greater importance not relieved by this act. For instance, discriminations with reference to priority of shipment and discriminations between kinds of freight and localities.

A provision of the act reads as follows:

That it shall be unlawful for any common carrier, subject to the provisions of this act, to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality on any particular description of traffic in any respect whatsoever, or to subject any particular person, company, firm, or corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatever.

It will be noted that this purports to embody a general and sweeping prohibition against discriminations. If Congress really had desired to forbid discriminations, it was fully competent to have done so in explicit and unqualified terms. But what it has done was to leave in the hands of the railway managements about the same discriminatory powers that they had previously possessed. For instance, in this general prohibition, instead of saying that "it shall be unlawful for any common carrier to make or give preference or disadvantage," etc., the words "undue or unreasonable" are interpolated, the effect of which is to leave a very wide field of discretion and a license of indefinable scope to the carriers.

There is nothing in the act to prevent outrageous and ruinous discriminations between localities and kinds of traffic. And the people have already had an opportunity to learn how this provision is interpreted by the traffic managers of the country. In the early winter immediately following the taking effect of the act the railroads so used this dangerous and comprehensive discretionary power that suffering, disaster, and death were visited upon many homes in the Northwest by reason of a coal famine, and many farmers were ruined because no cars were furnished in which to move their grain crops to market. Suffering and inconvenience from lack of coal were reported from half a dozen States, and yet there was no shortage in the season's output. The winter up to that period had not been severe, and there had been no snow blockades worth mentioning. The fault was entirely with the railroad companies, and they had been neglecting the people, in their zeal to increase their surpluses, notwithstanding pretenses of shortage of cars. Coal and grain are low-grade, easily handled freight, but do not yield so large revenues as some other kinds. Consequently, they were sidetracked to make room for more profitable business. And this exclusively private view of their business, this notion of absolute irresponsibility to public necessity and convenience, put into practice, caused much loss to the mercantile interests throughout the country and much deprivation and destitution among the poorer classes everywhere, while the railroads were seeking and finding shelter under those conveniently inserted words, "undue and unreasonable."

It is not within the power of the Interstate Commerce Commission to afford any relief against such a deplorable state of affairs, no matter how often the railroads in their greed, and in the exercise of their mastery of the situation, see fit to bring it about. The rate law provides no means for determining what is an "undue or unreasonable" discrimination against, or advantage to, a locality, or between classes of traffic. Nothing short of complete control of the entire mileage of the country and of all the rolling stock would enable the commission to prevent such trade catastrophes as that above described.

The rate bill provides, in section 15, that under certain circumstances the commission shall have power—

to determine and prescribe what will be the just and reasonable rate, or rates, to be thereafter observed in such case, as the maximum to be charged.

The most important condition precedent to the determination is the filing of a complaint.

The commission has no power to overhaul or readjust or to reduce or to change in any respect whatever the rates of any railroad upon its own initiative, but only "upon the filing of a complaint," making specifications of excessiveness of a rate.

Now, let any citizen, ordinarily circumstanced, put the question to himself whether he is likely ever to file such a complaint. He finds from a study of current history and statistics the railroads have formed gigantic combinations and are collecting from the public each year an amount equal to all the money in circulation and more than twice as much as is collected annually from all sources by the Federal Government. He realizes that the taxing power in this country is not the Government, but the men who control transportation. He may realize that somehow his struggle for a livelihood or for a profit has intensified, and he may strongly believe that excessive charges for transportation are in part responsible for it.

But supposing he feels called upon, individually and on account of the injury to his individual interest, to proceed against so mighty an adversary. In the first place, of course, he must have a lawyer to formulate his complaint and conduct the proceeding, because the statute does not authorize any public officer to begin or prosecute the proceeding, nor, as has been already stated, does it allow the commission to initiate it.

Well, our citizen hires his lawyer, or offers to do so, and the first thing the lawyer does is to ask him for particulars. Unless he is a merchant or manufacturer, or an habitual shipper in some other way, it is just as impossible for him, with or without legal assistance, to formulate a complaint as if he contemplated suing the city or county in which he lives for damages resulting from excessive taxation. We come to the shipper—the merchant, manufacturer, or speculator in products—and we find that he has little, if any, interest in the matter. In the same way that the landlord shifts his taxes to the tenants and the merchant adds to the expenses of conducting business to his selling price, these and other shippers pass over all excessive freight charges to the consuming public, covered up and concealed in the price. As every large shipper knows, however, there is a point at which the shifting process results in reduced consumption and diminishing sales.

Supposing we find a frequent shipper with the requisite hardihood to incur the unrelenting hostility of the railroads, and he hires a lawyer who frames a complaint that on a particular day he sent a shipment of a certain commodity over a given

railroad, and the freight charge was, for instance, $10 in excess of "a just and reasonable rate." In due course of the protracted litigation he has thus entered upon he is called upon to prove his allegation.

Here comes in the joker which this act has so conveniently left in the hands of the carriers. The shipper is entirely destitute of any evidence satisfactory to a court of what in the particular instance would be a just and reasonable rate or constitutes an unreasonable charge. In all the cases that have arisen, not once has a court undertaken to determine all the matters that ought to be considered in determining the question; and, in the nature of things, it can not be done. Ten thousand elements enter into the making of each rate for a single railroad. To determine the unreasonableness of a rate, the inquiry does not stop with the intricate and innumerable affairs of the particular company making the charge, but must extend to the interminable affairs of, and relations between, that and every other company in the country with which it competes or holds any connection. Not only so, but since every railroad is connected with ocean or lake transportation, the constantly varying and fluctuating cost of the latter must be ascertained—an utter impossibility.

I repeat that there was just one thing that Congress could have done to afford the relief on this subject to which the people were entitled, and that was to provide and prescribe the necessary procedure for the appraisement and valuation of all the railroad property in the country, and then empower the commission not merely to determine, upon the filing of a complaint, but also whether any complaint was made or not, the just and reasonable rates for the entire traffic on all the roads. Taking the comprehensive valuation thus made, the commission should have been authorized to make a schedule of rates for the country's transportation business in its entirety. Determining what would be a just percentage return upon that valuation, the making of such schedule would be feasible. Anything short of this must leave conditions as bad as before, and even worse than they were found. Not to do this was to be tried and found wanting.

Divergent views have been expressed as to the advisability of making or attempting the valuation. But the principal divergence will be found to exist upon the question of method. Some of the railroad managers insist that such valuation is impossible. But when their arguments are dissected it is found that their objections are based upon a fear that any method that might be adopted would work great injustice to them. No plan or theory of valuation will be here expounded; but I advance the thought that some approximately just standard of valuation can be found. If found to work injustice, it could be changed from time to time, just as assessment rates are changed by States and municipalities.

It seems to be conceded that the Interstate Commerce Commission may make a comparison of rates for the purpose of exercising the power thus narrowly limited by the bill. But that this concession by the railroads was in entire harmony with their general design and determination that the commission should sit only as an equalizing or arbitration board, subserving the interests of the carriers, is easily shown. Mr. Jones, we will suppose, files a complaint alleging that the rate charged by a particular carrier on wheat from a point in Kansas to Chicago is 20 cents per hundred, and that that rate is "unjust and unreasonable," following the language of this act, and that a just and reasonable rate would be 10 cents per hundred, and asking that a maximum rate be fixed by the commission which shall be just and reasonable. Now, all that the commission can do, in order to determine whether or not the complaint is well founded, is to compare the existing rate of 20 cents, which the carrier has fixed, with the rates charged by other carriers for carrying that commodity; or if the carrier complained against has no competitor, the only recourse of the commission would be to take a comparison with its rates on other commodities.

Either comparison, however, is between rates, all of which may be 50, 100, or 500 per cent above what are reasonable and just. But as to the justness or unjustness, and reasonableness or unreasonableness, of the whole schedule of rates the commission has no jurisdiction to investigate. It is powerless to extend its inquiry beyond the allegations of the complaint before it, nor can it make any valid finding or order with respect to the reasonableness or unreasonableness of any rate besides that specified in the complaint, and therefore any finding or order reducing that rate is liable to be set aside by the courts as one made arbitrary and upon insufficient evidence. So, though the commission should be of the opinion that the carrier had in force a schedule of rates yielding dividends on a hundred millions of stocks that represented but a small investment, or none at all, it could afford no relief. The commission does, in fact, sometimes set aside rates made by railroads and substitute lower rates; but when it has done so the premises upon which it based its rulings were purely speculative and its conclusions mere guesswork.

In the first case carried to the Supreme Court under the interstate-commerce act of 1887, involving the exercise of the power of the commission to substitute a rate in lieu of the one found to be unjust and unreasonable, it was held that the commission possessed no such power. That left the power to fix rates just where it was before, namely, in the hands of the railroads, subject to no control or restraint except the roundabout and ineffective power to resort to the courts for an injunction or the wholly abortive remedy of an action for damages. Now, the thing principally desired by the people and originally recommended by the commission and the President, the thing upon which most stress was continually laid, was such an amendment of the interstate-commerce act as would confer upon the commission the power to fix rates.

The foundation of the demand upon Congress for legislation was not merely the practice of discriminating or payment of rebates, but also relief of the public from rates that were too high. The reason it was desired to vest the fixing of rates in an official body was that the railroads had abused the power and robbed their patrons through excessive charges. Such official body it was thought might be trusted to stand and act impartially between the people and the carriers, nor was there any doubt, in the mind of any fair and reasonable man, that a commission could be found that could be trusted to that extent. But the railroad interests were unwilling to trust any commission, and set themselves doggedly against the proposition of doing so. And it was through fear that, in spite of the legal cunning employed in framing the bill, some such power might have been inadvertently conferred upon the commission, that the "broad judicial review" amendment was adopted, the effect of which was to empower the carrier to wipe out and annul any order of the commission fixing a maximum rate and to lift the whole subject-matter of a complaint into the courts where it has to be reexamined in all its aspects, de novo. So, if the carrier be disposed to take an appeal, no final decision can be reached for years. In the meantime, the conditions demanding the special relief prayed in the complaint will have radically changed, and a decision in favor of the complainant will be valueless. Any vitality that might have remained in the act was eliminated, and the rate-fixing feature, which alone justified the bill being called a "rate" bill, was obliterated as completely as if the amendment had said, in identical words: "But the exercise of the maximum rate-making power hereby conferred shall be of no force or effect unless the action of the commission shall be entirely satisfactory to the carrier; and in any case of the carrier objecting to the action of the commission, such carrier may resort to the courts as heretofore, and by so resorting nullify any action so taken by the commission."

It is not to be wondered at, then, that thus far very little has been done by the commission except what was entirely satisfactory to the railroads.

The report received from the commission in response to the resolution of the House asking information with respect to the increases in freight rates throughout the different sections of the country is such as to satisfy every one that excessive increases in freight rates have been made and that the time has come for the people of the country, through their representatives to enact such legislation as will prevent a continuance of excessive charges for the movement of commodities.

This, in my judgment, can be done only by the enactment of a law giving power to the Interstate Commerce Commission to pass upon the rates made by the carriers of the country before they become effective; or, better still, to make a valuation of the properties of the carriers of the country and fix the rate upon such a basis as will yield them a reasonable return upon such valuation.

The time has come when the American people must see that the laws controlling the transportation companies of the country are enacted in the interest of the American people. The railroad revenues for the last year amounted to about $2,500,000,000.

This last year was said to be one of the worst business years that this country has seen for a decade, and yet while these revenues were only about $164,000,000 less than they were in 1907, they were ninety-eight and odd millions of dollars more than they were in 1906, which was one of the best years ever known in this country. And they were three hundred and forty-two millions more than the revenues of 1905, and 1905 is conceded to have been the best year in the business of this country in all its history. So that while the business done in the year of 1908 was something vastly less in volume in all

lines throughout the country than in 1905, nevertheless the revenues of the railroad companies in 1908 were $342,000,000 more. Now, this could not have been the case but for the fact that higher rates were charged—unjust, inequitable rates—and the time has come when power must be given to the Interstate Commerce Commission to fix the rates before they go into force, or, better still, make a physical valuation of all the railroad properties in the country, allow the railroads a proper amount for increments, fix this valuation on a fair basis, allowing the railroads to earn proper dividends on this valuation, and fix the rates on such a basis that nothing more than a fair interest will be permitted under any circumstances to be earned on the actual value of the property. [Applause.]

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. DRISCOLL. I have been very much interested in the gentleman's discussion of railroad revenue, and I want to ask a question with reference to that. Does he mean by revenues the receipts for handling freight and passengers? Or does the word "revenues" include the large amount of bonds and stocks and currency which he has stated the railroads own?

Mr. MADDEN. No; by no means. I think the railroad companies ought not to be allowed to tax the American people on anything beyond the actual value of the property which they own, and which is used exclusively for transporting the commodities of the country.

Mr. DRISCOLL. I agree with the gentleman in that.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. [Loud applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS. I now yield thirty minutes to the gentleman from Wisconsin [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, in the brief time at my disposal I desire to call attention to some tendencies in our national and political life which seem to me to merit the careful consideration of all who are interested in the permanent prosperity of our Republic.

In a little more than a century our people have emerged from the quiet retirement and laborious struggles of pioneer life into a period of intense material activity. The simplicity and economy which were the prominent characteristics of life in the early days have given place to a much more luxurious and extravagant mode of life. The dignified repose which in the days of simple living gave time and disposition for careful thought has been banished by the frenzied rush for gold and the honors and pleasures that gold will provide. The central ideas around which life revolved in the years succeeding the Revolution were the ideas of national glory and individual liberty.

Political movements and policies of government were scrutinized with care and all the safeguards which our dual form of government provides for protecting individual rights and liberties were kept constantly in mind. Any invasion, even the slightest, by the Federal Government of the rights of the States as understood by their people was vigorously resisted. Any attempt by government or wealth to encroach upon the rights or liberties of the individual was quickly detected and as speedily prevented.

The development of our wonderful material resources gradually through the passing years attracted the attention of the people more and more and has now become the all-absorbing passion. Our thoughts have become so engaged with material things that we have failed to notice the tendency of government to consider material things more carefully, and individual rights less carefully, than in the earlier years. We have permitted and encouraged the combination of capital and the consequent centralization of power to an extent that many consider a menace to our future, and that all agree renders the proper regulation of such combinations a very difficult matter.

Changed conditions, brought about by increased wealth, increased population, and the extension of national boundaries, have brought other vexing questions in the administration of government to which our people, absorbed in material things, may be paying too little heed. A hundred years ago the three branches of the Federal Government were, in popular estimation, regarded as equal and each supreme in its own jurisdiction. To the minds of many in our day the executive branch of the Government seems to be the seat of powers which were formerly conceded to be solely within the province of the legislative branch of government, and what would once have been regarded as an unwarranted encroachment on the legislative branch of government is now regarded with complaisance.

In saying this I do not wish to be considered as in any manner reflecting on that distinguished citizen who now occupies the presidential chair, for no man in his generation has more accurately charted the course nor more skillfully applied the force of public sentiment.

Another evidence of the drift away from early ideals is found in the sentiment that sustains and approves military and naval establishments maintained on a scale that would have been considered a public menace a century ago, and at an expense which would have been considered appalling then.

Colonial establishments have been created and governments to which the consent of the governed has never been given and which would have been considered obnoxious to our form of government then are now looked upon without displeasure, if not viewed with favor.

Only a day or two ago in this body, which should, and many hold does, reflect the sentiment of the people, legislative sanction was given to the establishment in the Panama Canal Zone of a form of government bearing little resemblance to that government which was the idol and ideal of our fathers.

The construction of the Panama Canal, the greatest building project ever undertaken by any nation, a project the expense of which can not even now be estimated with any degree of accuracy, but which will certainly be a burden on our people for a generation, has been intrusted to an Executive already overburdened with a multiplicity of official duties, and the legislative branch of the Government in effect surrenders all control over these enormous expenditures. Another evidence of this drift that is going on is found in the numerous departments, bureaus, and divisions which have been created and which deal very largely with matters once held to be distinctly within the province of the governments of the several States. States, too, that formerly looked with disfavor, if not distrust, upon any action of the Federal Government tending toward even a participation in matters within the State, now welcome federal assistance in public enterprises. Where formerly a strict construction of the Constitution was demanded when examining the granted powers enumerated there, a very liberal interpretation of those powers is favored by public sentiment.

Formerly the National Government administered the national domain lying within the limits of a State with a view to the greatest possible benefit of the State and of its citizens with the least possible interference by the National Government. Now the policy of the Government is much more cautious. Forest lands are reserved from sale, mineral rights are withheld, and the growth of population in newer States is thus retarded, and public sentiment sustains it. In other days those were the means relied upon for building up the prosperity of the frontier. Now we even welcome a commission entering the older States to tell the people on the farms how to improve the condition of that home life on the farm, which has been the purest and best in all our national history. Formerly the matter of education within the State was considered as a matter exclusively within the province of the State to regulate. Now, by executive representation, the legislators of a great State are urged to refrain from an act of regulation believed by them to be in the interest of that civilization which is the heritage received from all the centuries of progress of the Caucasian race, and are warned that grave consequences may result from their refusal to follow this advice.

With no desire to be considered as an incendiary, I pass in sad but unforgetting silence from this picture, only pausing to suggest that the drumbeats of the Revolution are coming to us faintly now, and soon no murmur from those notes that woke to life the slumbering spirit of liberty will reach us if we continue in our wanderings from the principles which the founders of our country established for our guidance. The public purse that once was guarded with a watchful eye is subjected to greater and greater drains each year. The revenues to fill up the void are bearing heavier and heavier on those least able to provide, while those who benefit the most from legislation pay the least. Salaries go on increasing, officials multiply, and a civil pension list is gradually creeping on us.

Again, it is asserted that this tendency away from earlier ideals may even be noted in the rules which govern and direct the course of business in this branch of the legislative department of government, and it is one of the hopeful signs that in that political party which is now charged with the duty of legislating an attempt is being made to at least prevent the further extension of this tendency, and if possible to direct the course toward that less obstructed channel formerly traversed.

That confidence which the people are wont to repose in their leaders is to some extent responsible for this drift toward autocratic rule and centralization of government.

A relaxation of watchfulness by the public encourages, or at least tends, toward a corresponding relaxation of watchfulness on the part of their leaders, and the drift goes on so quietly, almost imperceptibly, that before we are aware we have en-

tered channels new and strange, whose course is uncharted and which terminate we know not where. The duty rests on both to guard with care the vessel laden with so much of priceless value to humanity.

If time permitted, I might point to many other indications that we are gradually and not very slowly, after all, considering the duration of nations, drifting away from that conception of government which our fathers held; but what I have stated is sufficient for my purpose.

I do this in no spirit of pessimism, for I do not believe that our people will ever permit our liberties to be destroyed, but so insidious is the growth of that spirit opposed to democracy that it is well to always keep its progress in our minds. We can not sound the channel too often if we would keep our ship of state in safe and peaceful waters.

That our people will always continue to regard the accumulation of wealth, the display of luxury, as the highest ambition of life I can not believe. That the pomp and trappings of power can permanently blind us to the disadvantages, the deprivations, the want, and misery that are their necessary attendants is certainly impossible.

That the simple life of industry, economy, and the highest physical and intellectual development is the life that in the end will appeal to the sound reason of a practical people such as ours, and that a plain government, economically administered and resting as lightly on their shoulders as the necessities of permanent safety, order, and tranquillity require will in the end prevail I am absolutely confident.

A hundred years ago, in a humble cabin on a hillside of Kentucky, was born that man whose centenary the country has just celebrated with all the manifestations of universal reverence. It is not for his great achievements alone, but for that example of simple life, enduring faith, and sleepless patriotism, which, through him, his country confides to the ages that his memory will survive when the proudest thrones have crumbled and their occupants are dust. It is well that by common consent, without compulsion of law, his birthday was by the people proclaimed as a holiday, for, contemplation of that brave, sincere character must tend to impress upon the people the uselessness of unnecessary wealth, the hatefulness of autocratic power, the nobleness of honest and disinterested patriotism, and the beauty of a simple, loving life. It is such examples as this, such living as he lived and loving as he loved, that will cause his countrymen to know and understand and believe the sentiment expressed by that other great American, President Andrew Jackson, in a message to the Senate:

"It is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that the people will find happiness or their liberties protected, but in a plain system, void of pomp—protecting all and granting favors to none—dispensing its blessings like the dews of heaven, unseen and unfelt save in the freshness and vigor they contribute to produce. It is such a government that the genius of our people requires—such a one only under which our States may remain for ages to come, united, prosperous, and free." [Loud applause.]

Mr. SHERMAN. I was to yield to the gentleman from Kentucky, but I do not see him here. I yield thirty minutes to the gentleman from Massachusetts [Mr. WASHBURN].

Mr. WASHBURN. Mr. Chairman, I desire to make some remarks upon the Sherman antitrust act, principally as it relates to so-called "business combinations," and shall confine myself to commenting upon the scope of the act as now interpreted by the courts, the reason why the various interests affected desire that the law should be amended, and the objections made to the amendments which have been proposed.

This act was passed July 2, 1890, for the purpose, as it was then stated, of extending the provisions of the common law to interstate commerce and to enforce them by suitable penalties, and runs, in part, as follows:

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

The act as at first interpreted by the courts did not seriously embarrass business combinations, for the reason that it was held not to apply to contracts not in unreasonable restraint of trade. As a rule, where the combination effected did not control the entire product in any given industry, it was held to be not inhibited by the Sherman Act, which was passed ostensibly to extend the common law affecting contracts in restraint of trade to interstate commerce, and it was a well-known doctrine of the common law that the validity of contracts restricting competition was to be determined by the reasonableness of the restriction, and hence contracts made for a legal purpose which were not unreasonably injurious to the public welfare and which imposed no heavier restraint on trade than the interest of the favored party required, were, as a rule, held to be valid, both before and after the passage of the Sherman Act.

But in March, 1897, in the trans-Missouri case, the Supreme Court placed the construction upon the Sherman antitrust act that all contracts affecting interstate commerce which in any way restrained trade, whether reasonable or not, were invalid, the conclusion of a majority of the court being that—

> Congress has, so far as its jurisdiction extends, prohibited all contracts or combinations in the form of trusts entered into for the purpose of restraining trade and commerce.

This decision has, as a matter of course, been followed by the lower courts, and the trade combinations which before the decision had been held to be legal were by it made illegal, and it became impossible for manufacturers and others safely to enter into any agreement, however reasonable, for the maintenance of prices; and many of them, finding that they could not legally organize trade combinations, consolidated their interests and the trusts, as we know them, were created.

A distinction has been made between contracts in restraint of trade and combinations and conspiracies to monopolize trade. For example, a man sells out his business and good will and agrees that for a limited time or in a limited territory he will not engage in the business. Here the main purpose is the sale of the business. Ancillary to this is the contract in restraint of trade—that is, the agreement on the part of the vender not to compete with the vendee, a contract which the vender is compelled to make in order to sell his business. It is this sort of contract, it is asserted, that the common law permits when reasonably necessary to the main purpose to be effected.

On the other hand, if a number of manufacturers engaged in interstate business agree upon a schedule of prices for their product, whatever it may be, we have, it is asserted, a combination and conspiracy to monopolize trade which is void at common law, irrespective of whether the combination is reasonable or not.

In the Addyston Pipe and Steel Company case, Judge Taft, in speaking of the trade and business combinations of which I have just given an example, says:

> In such a case there is no measure of what is necessary to the protection of either party, except the *vague and varying opinion of judges* as to how much, on principles of political economy, men ought to be allowed to restrain competition. There is in such contracts *no main lawful purpose, to subserve* which partial restraint is permitted, and by which its reasonableness is measured; but the sole object is *to restrain trade*, in order *to avoid the competition* which it has always been the policy of the common law to foster.

If this be the correct interpretation of the law, then it is obvious that every business combination, whether reasonable or unreasonable, is void at common law and obnoxious as well to the Sherman Act, as the Supreme Court has held.

If the Sherman Act was only intended to apply to contracts in unreasonable restraint of trade, and the decision of the Supreme Court in 1897 so construed the act that it inhibited all combinations, good or bad, which in any way restrained trade, and waiving for the moment the objections urged by Judge Taft in the Addyston case, it would seem to be a simple matter to amend the act by limiting it to combinations in unreasonable restraint of trade.

Mr. SHACKLEFORD. Will the gentleman from Massachusetts allow me to ask him, what, if any, contract in restrain of trade would not be unreasonable?

Mr. WASHBURN. Mr. Chairman, I have already attempted to answer that question as to existing law by citing the decision of Judge Taft, in which he held that at the common law all contracts of the modern combination type would have been held as tending to monopoly, and hence void.

Senator FORAKER proposed such an amendment in January, 1904, in the Fifty-eighth Congress, in Senate bill 3937, which ran as follows:

> *Be it enacted, etc.*, That nothing in the act to regulate commerce, approved February 4, 1887, or in the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, or in any act amendatory of either of said acts, shall hereafter apply to foreign commerce, or shall prohibit any act or any contract in restraint of trade or commence among the several States, provided that such restraint be reasonable, or shall hereafter authorize imprisonment or forfeiture of property as punishment for any violation of such acts, except for perjury or contempt of court.

And in the first session of this Congress Senator FORAKER introduced another bill (S. 6331) to legalize contracts and agreements not in unreasonable restrain of trade or commerce, as follows:

> *Be it enacted, etc.*, That nothing in the act to regulate commerce, approved February 4, 1887, or in the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, or in the act to reduce taxation, to provide revenue for the Government,

and for other purposes, approved August 27, 1894, or in any act amendatory of or supplementary to any of said acts, shall hereafter be construed or held to prohibit any contract, agreement, or combination that is not in unreasonable restraint of trade or commerce with foreign nations or among the several States.

Assuming for the moment that the Sherman Act can be amended so as to permit of combinations in reasonable restraint of trade, it is urged that this would destroy the penal features of the law, for the reason that in order to constitute a crime the act to be committed must be one which can be defined with such exactness that the person about to commit it may know in advance whether it will be criminal or not. Now, it is asserted that there is no standard which will enable one to determine in advance whether any given combination in restraint of trade will be held to be reasonable or not, and a combination reasonable at one time may be unreasonable at another. If reasonable, the amended Sherman Act would not be violated; if unreasonable, a crime will have been committed, and the determination of this question might be different in different jurisdictions, so that the same combination might by one court be held harmless and by another criminal, and hence the penal section of the Sherman Act would be void for uncertainty. If this view be correct, then the penal part of the Sherman Act, providing for fine and imprisonment for anyone who engages in a combination or conspiracy in restraint of trade, would be held void if the criminality of the act depended upon whether such combination were reasonable or unreasonable. There would then be nothing left of the law but the civil remedy of injunction.

There is good authority for this proposition in Tozer *v.* The United States. (52 Fed. Rept., 917.) Mr. Justice Brewer said:

> But in order to constitute a crime the act must be one which the party is able to know in advance whether it is criminal or not. The criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty.

Admit all this to be true; however, it does not diminish the necessity for amending the law, but merely increases the difficulty of doing it in a way to obviate all objections.

In a message to Congress last winter the President said, speaking of the Sherman Act:

> It should be so amended as to forbid only the kind of combination which does harm to the general public, such amendment to be an incident of a grant of supervisory power to the Government over these big concerns engaged in interstate business.

It was for the evident purpose of carrying out the President's recommendation that House bill No. 19475, known as the "Hepburn bill," was introduced in the last session of Congress.

So far as business combinations are concerned, this bill provides that any party to a contract or combination may file a copy of such contract with the Commissioner of Corporations, whereupon the commissioner, with the concurrence of the Secretary of Commerce and Labor, may, with or without a hearing, enter an order declaring that in his judgment such contract or combination is in unreasonable restraint of trade. If no such order shall be made within thirty days after filing such contract, no prosecution by the United States shall lie unless the same be in unreasonable restraint of trade among the several States or foreign nations, but the United States may institute a suit on account of any such contract or combination of which a copy shall not have been filed or as to which an order shall have been entered as provided.

This bill was considered by a subcommittee of the House Committee on the Judiciary at the last session of Congress, and the testimony fills 750 printed pages. The matter is still pending before the committee. It will be noticed that none of the legal questions which have been raised are avoided in this bill. The duty of determining whether a contract is in unreasonable restraint of trade or not is in the first instance merely shifted from the court to the Commissioner of Corporations.

While no action has been had upon this matter by the Judiciary Committee of the House, so far as I am advised, a bill substantially like it, known as the "Warner bill" (S. 6440), was carefully considered by the Senate Judiciary Committee, and an adverse report was made under date of January 26, 1909, from which I quote the following conclusion as to the power sought to be conferred upon the Commissioner of Corporations, to which I have referred to above:

> The result is that, technically as to criminal prosecutions and practically as to civil prosecutions, a dispensing power, a power of granting immunity, is in the one case conferred on a mere bureau head * * * without notice or hearing and wholly ex parte, a course of procedure that would not be tolerated in any court of our country. * * * Shall we confer a power upon the mere head of a bureau that the Parliament of England was unwilling to accord to the King, and which they regarded as a menace to their liberties? To do this would be a most serious departure from the fundamental principles of our Government, and would do violence to what we conceive to be due process of law.

And the Senate committee concludes its report by saying:

> To amend the antitrust act as suggested by this bill would be to entirely emasculate it, and for all practical purposes render it nugatory as a remedial statute. Criminal prosecutions would not lie and civil remedies would labor under the greatest doubt and uncertainty. The act as it exists is clear, comprehensive, certain, and highly remedial. It practically covers the field of federal jurisdiction, and is in every respect a model law. To destroy or undermine it at the present juncture, when combinations are on the increase and appear to be as oblivious as ever of the rights of the public, would be a calamity.

Is this to be the last word in any attempt to amend the Sherman Act? Is the Sherman Act in every respect a "model law?" The President evidently does not think so, for he has frequently urged Congress to amend it. In his special message to Congress dated March 25, 1908, President Roosevelt said:

> This antitrust act was a most unwisely drawn statute. It is mischievous and unwholesome to keep upon the statute book, unmodified, a law like the antitrust law, which, while in practice only partially effective against vicious combinations, has nevertheless in theory been construed so as sweepingly to prohibit every combination for the transaction of modern business. The Congress can not afford to leave it on the statute book in its present shape.

The business interests evidently do not think so, because they are clamoring for some relief from its operations. Mr. Knapp, of the Interstate Commerce Commission, has said of it:

> I believe the most mischievous piece of legislation in the history of the country is the Sherman antitrust law, as interpreted by the United States Supreme Court. It is intolerable and strikes a blow at development and progress.

I can not better state the necessity for some amendatory legislation than to quote from the testimony taken by the subcommittee of the House Judiciary Committee, to whom the bill upon which the Senate committee reported adversely was referred, where, on page 11 of the printed hearings, Mr. Seth Low said:

> As a result of a long series of decisions by the Supreme Court of the United States, it is at last made clear to everybody doing interstate commerce by the methods of combination which are characteristic of these times that much of such business is done contrary to law. Common carriers, business corporations, and business men, labor organizations, and labor men, have all had it brought home to them, one after another, that under the terms of the Sherman antitrust law a large part of the business done in the United States at the present time is being done contrary to law. Cooperative associations and other associations of farmers are subject to the same statute. * * * As a further aggravation of the situation, the antitrust law is a penal one. Yet no one is able to be sure as to certain agreements whether they are unlawful or not. Anyone making an agreement of such a sort affecting interstate commerce and who does business under it, does it at his own risk; and long after the agreement has been made he may find out that he has rendered himself liable to imprisonment as well as to a heavy fine. I respectfully submit that this is a situation which is literally intolerable. It inevitably leads to a wide disregard of the statute upon the theory that "necessity knows no law," because business to be done at the present time must be done by modern methods, and these often involve some restraint of trade. The preservation of our forests, for example, by agreement between the owners as to the amount of timber to be cut year by year is probably impossible under such a law, because such an agreement involves a restraint in trade. Beyond this, the statute itself constantly acts in restraint of trade, for the reason that only what is necessary is likely to be undertaken in the face of the penalties which the statute provides. A better method for sapping enterprise could scarcely be devised.

It is to this bill that the Commissioner of Corporations refers in his recent report, dated January 27, 1909, in which he states:

> The most important legal work of the bureau in the last fiscal year was in connection with a bill for the amendment of the Sherman law of 1890.

Later in the report, and speaking in aid of the general proposition of the necessity for corporate regulation, the commissioner states that, in his opinion, such a system should provide for regular reports from the large interstate corporations, and that such a system should, if possible, be voluntary.

Continuing, he says:

> A compulsory law would bring in a vast number of small concerns technically, indeed, engaged in interstate commerce, but only of local character and of no public interest. Under an optional act these would not register, nor would there be any strong public reason for their doing so. This practical result would do away with much of the inconvenience to individuals which would be caused by a general compulsory system and would relieve the Government of a mass of unnecessary detail.

And later he makes the statement:

> By vigorous effort there has been created a current of opinion which will amply support a modern system of regulation when once the details thereof are properly worked out. Attempts have already been made in this direction. These were exemplified in a bill introduced in the last session of Congress, intended to amend the Sherman antitrust law. It represented an attempt to bring about some such constructive system of publicity as above outlined. It was wholly optional and did not compel any corporation to subject itself to its provisions unless that corporation so chose. It also proposed to modify the present sweeping prohibition against all combination. It recognized, as suggested above, the propriety of reasonable combination. Prominent financial and corporate leaders stated that if the bill were passed they would at once accept its provisions and bring their corporations under its operation. To be allowed to register under a uniform law, to obtain a federal standing as a corporation rendering open accounts to a federal office, was recognized by them as a commercial asset well purchased by a reasonable degree of publicity.

The suggestion of the commissioner that the law governing reports from corporations engaged in interstate business should be voluntary, because a compulsory law would bring in a vast number of small concerns engaged in interstate commerce but only of local character, would seem to be a wise one, for the reason that the commissioner and his office force would probably be physically unable to deal with the reports if made by all corporations engaged in interstate business. In the whole country there must be upward of 50,000 of these small business corporations. Many of them doubtless have been, and very likely are now, members of combinations which are in contravention of the Sherman law as construed by the Supreme Court. It is obvious that with combinations of this sort Congress can have no concern and should not attempt to exercise any control over them.

I am informed that this Hepburn bill (No. 19745) has been abandoned by its proponents, who are satisfied that it provides for a scheme which is practically unworkable, and the report of the Senate committee, to which I have referred, condemns it unqualifiedly.

In a recent statement, Mr. Taft, the President-elect, said:

Every business man who is obeying the law may go ahead with all the energy in his possession; every enterprise which is within the statutes may proceed without fear of interference from the administration, when acting legally; but all interests within the jurisdiction of the Federal Government may expect a rigid enforcement of the laws against dishonest methods.

This is reassuring so far as it goes, but the crux of the situation is that business combinations affecting interstate business can not now be made without violating the Sherman Act. It is obvious that any combination which is organized contrary to law, however beneficent its purpose and however honest its administration, is an illegal combination, and an illegal combination is obviously a bad one, and the distinction can no longer be made between the good trusts and the bad trusts, because all being contrary to the law, they are all bad.

In a recent case, that of the United States against The American Tobacco Company, the court says:

Disregarding various dicta and following the several propositions which have been approved by successive majorities of the Supreme Court, this language [referring to the Sherman Act] is to be construed as prohibiting any contract or combination whose direct effect is to prevent the free play of competition, and thus tend to deprive the country of the services of any number of independent dealers, however small. As thus construed the statute is revolutionary. * * * The act may be termed revolutionary because, before its passage, the courts had recognized a "restraint of trade," which was held not to be unfair, but permissible, although it operated in some measure to restrict competition. * * * The act, as above construed, prohibits every contract or combination in restraint of competition. Size is not made the test: Two individuals who have been driving rival express wagons between villages in two contiguous States, who enter into a combination to join forces and operate a single line, restrain an existing competition, and it would seem to make little difference whether they make such combination more effective by forming a partnership or not.

If the law is here correctly stated, existing conditions would appear to be intolerable.

A recent interesting contribution to this subject should not be overlooked. I refer to a speech recently made in the House by the distinguished chairman of the Committee on the Judiciary, who advances the proposition, new so far as my knowledge of the subject goes, that inasmuch as Congress has the power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes," every contract which restrains interstate commerce is void ab initio. He states this proposition as follows:

The power to regulate commerce between the States and with foreign nations is by the Constitution exclusively committed to Congress, and Congress can not delegate nor in any manner part with this exclusive authority. The power is not only exclusive, but limited to regulating commerce between the States and with foreign nations, and any attempt by contract or otherwise to regulate commerce between the States or with foreign nations is void.

The talk about amending the Sherman law practically amounts to nothing, as the prohibitory part is of no effect. The penal part is the only thing of value, as Congress has a right to make it a penal offense to regulate or restrain commerce between the States or with foreign nations. It does not need an act of Congress to prevent the regulation of commerce between the States or with foreign nations by contract or otherwise. Any such contract is void and can be annuled by a court without legislation.

If this be sound doctrine, then it follows, as the distinguished gentleman states in his speech (in speaking of the Sherman Act), that—

The prohibitory part of the statute is unauthorized and absolutely unnecessary, therefore no amendment of value can be made to the same.

And hence it follows that every contract between citizens of different States which in any way restrains trade is void ab initio, being inhibited by the constitutional provision giving Congress the power to regulate commerce among the several States.

If this doctrine be sound, it would certainly be attended by very far-reaching consequences, rendering nugatory most of the legislation affecting interstate commerce. What Congress will do for the relief of existing conditions can not, of course, be foretold.

I would suggest that the first step to take is to pass legislation which shall make the Sherman antitrust act what those who framed it thought it to be—namely, an inhibition of contracts in unreasonable restraint of trade. This could be accomplished by enacting a bill as follows:

Be it enacted, etc., That nothing in the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, or any act amendatory thereof, shall hereafter prohibit any act or any contract in restraint of trade or commerce among the several States: *Provided*, That such restraint be reasonable.

If the Sherman Act, as so amended, were made indefinite, then the penal section of the act would fall, as I have suggested above, and it is also possible that the same contract restraining trade might be held to be reasonable in one jurisdiction and unreasonable in another; but in such cases there would, of course, always be an appeal open to the Supreme Court.

And we are experiencing at present in other fields of litigation, and always have suffered, the inconvenience of conflicting decisions on the same state of facts in different jurisdictions. Nor do I think that the public would materially suffer if the penal part of the statute were to fall. The civil remedy of injunction is, after all, the one upon which to rely for relief. In the case of a combination in unreasonable restraint of trade, what brings relief to the public is not putting the promoters in jail, but breaking up the combination.

There is strong support for the amendment to which I have called attention. Under date of December 20, 1902, Senator Hoar, then chairman of the Senate Judiciary Committee, wrote to Mr. KNOX, then Attorney-General, in regard to the Sherman antitrust act, and, among other things, asked him for—

any suggestions that your reflection or experience shall suggest as to what may be desirable in the way of further legislation.

Mr. KNOX, in his reply, dated January 3, 1903, Senate Document No. 73, second session Fifty-seventh Congress, said, among other things:

It is difficult to improve upon the great unwritten code known as the "common law." Under its salutory guaranties and restraints the English-speaking people have attained their wealth and power. It condemns monopoly and contracts in restraint of trade as well. The distinction, however, between restraints that are reasonable in view of all the circumstances and those which are unreasonable is recognized and has been followed in this country by the courts. * * *

This distinction makes a rule that may be practically applied.

Congress can, if it sees fit, adopt the scheme of that law. In the enforcement of such law each case as it arose would be considered upon its own facts, and the rule of guidance would be as laid down by the Supreme Court of the United States, that is—

Public welfare is first considered, and if it be not involved and the restraint upon one party is not greater than protection to the other party requires, the contract may be sustained. The question is whether, under the particular circumstances of the case and the nature of the particular contract involved in it, the contract is or is not reasonable.

This rule has often been stated, and is substantially as follows:

That contracts made for a legal purpose, which are not unreasonably injurious to the public welfare and which impose no heavier restraint on trade than the interest of the favored party requires, are sustained, notwithstanding their tendency to some extent to check competition.

It has taken us eighteen years, more or less, to bring the Sherman law to a point where it inhibits all combinations, good or bad, which restrain trade. The progress toward a more rational condition of things must necessarily be slow, and I suggest as a first step the importing of the quality of reasonableness, as suggested above, which was construed out of the law by the trans-Missouri decision in 1897. [Applause.]

Mr. SAUNDERS. Mr. Chairman, I yield thirty minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I desire to discuss briefly the rules of this House and to suggest some amendments thereto. Before doing so I wish to strongly disavow being actuated by any personal consideration. I have no grievance of any kind against the Speaker or any Member of this body. My criticisms are not directed at individuals, but against a parliamentary system which is an evolution, and has come about partly by changes in the rules by the votes of previous Houses, partly by decisions of the various occupants of the chair in the past thirty years, and partly by the growth of customs entirely outside of all rules.

Rules are, of course, necessary for the government of all legislative bodies, but no matter how carefully drawn never reach perfection. They are all the result of evolution and always have frequently changed and always must frequently change with changing conditions so as to adapt themselves more perfectly to the needs of the body which alone gives them force.

Something like twenty-nine years ago there was a general revision of the rules of the House of Representatives. Nearly half of the rules in force prior to that time were either dropped entirely or were so changed as to be unrecognizable. In 1896 there was another revision; and many changes in the rules were made from time to time prior to 1880. To propose a change in the present rules is therefore not in the nature of an onslaught on time-tried and approved customs. It is only a suggestion to modify a set of rules not twenty years old.

As to the necessity for a change, I am quite well aware that there is a difference of opinion. Members of this House much more experienced and longer in service than I am maintain that no change is necessary. While respecting their opinion, after four years' experience in the House I am strong in the conviction that there must be a change in the rules unless the House of Representatives is to permanently degenerate into a machine for registering the will of the Speaker. At the opening of each Congress the House is complete master of itself for one hour only—just long enough to elect a Speaker and pass a motion to make the rules of the prior Congress the rules of the opening one. By these two acts, as the rules have been administered and interpreted since I have been a Member of this House, on the first day of each Congress the Members vote away their independence and most of their power for two years beyond the possibility of recall. By these two acts most of us abdicate the authority with which the Constitution has clothed us; put our legislative consciences largely into the keeping of the Speaker for the balance of our term; give to one man greater legislative power than is exercised by any living human being, unless it is the Czar of Russia; reduce ourselves to the level of suppliants at the door of the Speaker's room, begging the permission of the master of the House to make any motion or bring up any matter in which we may be interested; and reserve for ourselves power to do little more than to be counted when necessary to make a quorum, and to vote yea or nay on such propositions as are permitted to come before us for consideration.

These may seem to be strong words, but they are not stronger than I believe the facts warrant. I believe it is best to speak plainly about so very important a matter, but I intend no offense or disrespect to anyone. During the last session, lasting six months, there was not a single call of committees, nor during the session before the last, for that matter. There was therefore no opportunity to bring any matter before the House, unless it was made privileged by the rules, without first obtaining the consent of the Speaker to bring it up either by asking unanimous consent or under the suspension of the rules.

The privileged measures were so managed that one of them was always ready to be used to block anything that any Member sought to bring up. If the regular order had been called for, there was, as I remember, always a measure or measures on the calendar as unfinished business, the consideration of which could be made as interminable as the exigencies of the case required, which, under the rules, must be first disposed of before a call of committees would be in order. The gentleman from Pennsylvania [Mr. DALZELL], in his speech on this subject near the close of the last session, reported on page 3836 of the RECORD, says:

> The Speaker must call the committees in their alphabetical order, and then the chairman of the committee which has the call is entitled to recognition by the Speaker as of right.

Thus leaving it to be inferred that this call must be made daily, or frequently. It is sufficient answer to this statement to simply state that during the second session of the Fifty-ninth Congress and the first session of the Sixtieth Congress the committees were not once called by the Speaker. To so interpret the rules and so manipulate the business of the House that a large majority of the business on the calendar can only be considered by unanimous consent or under suspension of the rules is to make the Speaker the censor, the master of the House and its membership, and enables him to set up his will and judgment and make it effective against not only the Member most interested, but against the majority of the House. At least he prevents the consideration of measures duly reported by committees, which the House might approve if it could get the opportunity to vote upon them.

Those who are opposed to any change in the present rules are fond of saying that no one can prevent a majority of the House from doing anything that it wishes to do. This sounds very well, and if it were true would be a complete answer to those who advocate a change in the rules. But in the sense in which it is meant to be understood the statement is not true. A legislative body having established rules for the government of its deliberations and the conduct of its business can consider matters only under and according to those rules; and when the effect of those rules is to delegate the powers and the judgment of the body in any given matter to its presiding officer, it can only act according to the will and judgment of such officer.

A majority of this House can not consider any matter except under the rules or by unanimous consent, and unanimous consent, at least under the present practice, can not even be asked unless the Speaker agrees beforehand to recognize the Member for the purpose of asking it. For example, let us suppose that a majority of this House desired to change some one or more of the present rules. This desire could only be put into effect by means of a report of the Committee on Rules or by the Speaker recognizing some Member to bring the question before the House independently of the committee. So that a majority could not, in the case mentioned, do what it wished to do.

I know that in claiming the right to deny recognition to Members to bring up matters that would otherwise be in order the present Speaker is only following precedents established by his predecessors, but I insist that no such authority is given, or ever has been given, the Speaker by any fair interpretation of the rules. It is so utterly repugnant to all ideas of fairness, equality, and independence that I am astonished when I think how many years the House of Representatives has quietly submitted to this unwarranted usurpation of power. The specious claim is made that the Speaker is a Member of the House and as such he has the same right as any other Member to object when unanimous consent is asked. Of course he has the same right to object as any other Member, but let him exercise that right, as other Members exercise it, from his place in the chair or on the floor, where his objection can be made a matter of record, instead of requiring the Members to come to his private room in order to ask of him as a favor what every Representative of a free people ought to insist upon as a right. I do not wish to be understood as asserting that the present Speaker has not exercised this authority to refuse recognition conscientiously nor that he has offensively denied recognition to Members. I am only claiming that no such authority exists under the rules, and that no self-respecting legislative body should tolerate the exercise of any such autocratic authority by its presiding officer, no matter how wise and just he may be, whether the rules permit it or not.

Those who defend the present system of organization and government of the House assert that the present rules were formulated in order to facilitate the expression of the will of the majority and to do away with the anarchy which formerly prevailed. They remind us that under the old rules a minority, or even one man, could set at naught the will of the majority of the House and prevent for days the transaction of important public business. We must stick to the present system, they say, or return to the old chaos. But such objections to amendments to the present rules are either made thoughtlessly or not in good faith. No one wants to return to the anarchy of the past. As we look back to the conduct of this body before Speaker Reed began to count a quorum and the obstreperous obstructions of a minority or a single Member were rendered impossible by a change of the rules, we wonder that such foolish chaos was suffered so long by the membership of the House of that day. Perhaps those farsighted men feared that the taking away of the power of initiative of the individual Member would have the effect of producing the present subservient, supine, and spineless condition of the membership of the House. These great men may have seen that anarchy in the House was to be preferred to the present inanition. In any case it seems to me clear that in trying to get away from anarchy the shapers of the destinies of the House of Representatives have gone far to the other extreme.

The modern office of Speaker of the House of Representatives is an anomaly; a constitutional monstrosity. The makers of the Constitution did not see fit to provide that he should even be a Member of the House, and would certainly have stood aghast at the mere suggestion that they were providing for the creation of an official who would have the sole power of determining what subjects of legislation the House of Representatives should consider. The only provision of the Constitution on the subject is as follows:

> The House of Representatives shall choose their Speaker and other officers—

Clearly intending that the Speaker, like the clerk and other officers, should not be a Member, but a servant and employee of the House. For this reason the Constitution does not define and limit the powers and duties of the Speaker as it does the powers and duties of other officers of its creation. The Speaker has therefore no constitutional responsibility, and as he is elected for a definite term of two years, he is not under any direct responsibility to the House; at least, none that it can enforce without revolution.

I believe that the troubles complained of arise from the enormous and unconstitutional political power which the modern practice and rules of the House lodge in the Speaker; and the way to correct the wrongs which have grown up under this system and to restore to the membership of the House something of the power of initiative and independent action that the Constitution makers intended that they should have, and which in the earlier history of the House they had and exercised, is to take away from the Speaker the political power which has been gradually centering around his office.

Through the appointment of committees he affords the opportunity to Members to exercise their influence where, under the rules as they now exist, it will be most effective. Indeed, a Member of the House of Representatives is reduced nearly to a cipher unless he has a satisfactory committee appointment. These appointments are therefore eagerly sought by the membership of the House; and as political favors of this kind always confer great power upon any man that grants them and places those who receive these favors under obligations which most men recognize as binding, it is easy to discover the chief source of the power of the Speaker. Thus the Speaker of the House and those whom he chooses to help him control its legislation and conduct come into possession of the enormous power which enables them to do all the other things of which many of the people of the United States, I believe, justly complain.

As one result of this power we have daily the exhibition of Members who are on the programme of the Speaker being called up like schoolboys in a recitation to bring such matters before the House as they have rehearsed beforehand to the Speaker in his private apartments. To old Members this spectacle has become so common that they probably think nothing of it; but to new Members and to those who observe it from the gallery it is very significant of the condition to which the House has come, and to an American ought to bring regret, if not humiliation.

What I have already said probably sufficiently indicates the amendments to the present rules which I would propose. At the time of the adoption of the Reed rules but few amendments were necessary to revolutionize the practice of the House in the conduct of its business; so now only a few amendments appeal to me as necessary.

First, and more important than all the rest, I would take away from the Speaker the power to appoint the standing committees, which is not a legislative, but a political power; and I would have those committees appointed by a committee chosen from the various sections of the country for that purpose, and responsible directly to the men in each section who chose them and indirectly to the whole body of the House. Some such system is followed, I believe, by every parliamentary body in the world except this House; at least not one of them delegates to the presiding officer political power at all analogous to those exercised by the Speaker of the House of Representatives. I would also make this committee a committee on rules, which, when necessary, might suggest amendments of the rules to the House or bring in special rules for the consideration of particular bills in the manner in which the Committee on Rules now does. Such a committee would, in a measure, be like the ministers of Parliament or other legislative bodies, and would be directly responsible to the House, instead of, as now, being the creature of the Speaker.

Second. I would give a time when all so-called "minor bills" on either the Union or the House Calendar, and which have not the privilege that attaches to appropriation bills, bills for the raising of revenue, and a few others, should only be in order. For lack of some such rule matters of the highest importance to the people may go from Congress to Congress without an opportunity for consideration.

Third. I would also add to Rule XIV a provision that would prevent the presiding officer from refusing recognition to a Member who desires to bring up any matter which, under the rules, would be in order.

I believe that the adoption of these three amendments would so revolutionize the House of Representatives that it would be something of a deliberative body again; its Members would exhibit new life, and something of the virility of fifty years ago would be restored to it.

Membership in this House is an honor that may well be prized by any American citizen. I do not believe the average ability of its membership was ever higher than it is to-day, and the House and the country need to utilize all of this ability. Yet I think it will be generally admitted that the House has been declining in influence and power. Instead of being what the Constitution makers intended it to be, the most influential and powerful department of the Government, it has probably become the least important, and unless present conditions change must continue to sink into greater insignificance, both in real influence and in public estimation. For these conditions the membership and not the present occupant of the Speaker's chair is to blame. At least at the opening of each Congress the House could make any changes in the rules which it chose. Having this undoubted power, a membership which at the opening of each Congress puts its legislative head willingly into the yoke of bondage and keeps it there, thus robbing itself of power either to follow the dictates of its own judgment and conscience or to obey the wishes of the people, can not hope to long hold the respect of thinking men. [Applause.]

Mr. SHERMAN. Mr. Chairman, I yield ten minutes to the gentleman from Pennsylvania [Mr. MCCREARY].

Mr. MCCREARY. On yesterday afternoon I requested to have read a letter from a constituent of mine, Mr. W. S. Harvey, in which he denies certain charges that have been made against him by the gentleman from Illinois [Mr. RAINEY]. The reading of the communication was stopped by reason of some unparliamentary language in the letter. I desire to disclaim any personal association with it and regret very much that it should have been there. Before presenting the letter to be read I went over it and expurgated certain matters and supposed that I had expurgated all such matters, but this one slipped in unnoticed. I desire now to read in my time this letter from Mr. Harvey, the reading of which was stopped yesterday, as it is due to him:

NEW YORK, *February 3, 1909.*

DEAR SIR: On the 26th of January, in a speech in the House on the Panama Canal, Mr. RAINEY, of Illinois, referred at length to a proposal for the construction of a railroad and a proposal for the purchase of timber, which were under consideration by the Government of the Republic of Panama, and in that speech he referred to me by name as being one of those who are interested in what he calls "an infamous, outrageous scheme to despoil that country," and calls me and others "financial buccaneers."

At the time this speech was made I was out of the country on business and beyond reach of the telegraph. I have just returned and read the speech Mr. RAINEY made on the 26th of January, as well as his speech made on the 29th day of January, as printed in the CONGRESSIONAL RECORD.

Mr. RAINEY said what he did in respect to myself and other gentlemen under the protection of his official position as a Member of Congress. As I am not able to refute his statements in the public manner in which he has made them, and as I am prevented from calling him to an account in the courts, also because of his official protection, I ask you to do me the favor of stating to Mr. RAINEY and to the Congress the facts as they exist in respect to my interest in these matters.

In his speech on January 26 Mr. RAINEY says:

> There is pending now in the General Assembly of Panama the most infamous railroad proposition ever submitted to any government.

After detailing the features of this railroad proposition, Mr. RAINEY then says:

> In addition to all this a group of American financiers is seeking to obtain possession of all the timber lands in the Republic of Panama on the Atlantic slope.

And in the next paragraph:

> These two schemes are proceeding with such absolute harmony * * * that I am driven to the conclusion they are being promoted by the same gentlemen.

In this manner Mr. RAINEY tries to confound those who may be interested in the railroad project with those interested in the timber project and to make it appear to the reader that the same parties are trying to put through both proposals.

I wish to say in the most positive manner that I know nothing whatever of this railroad project, nor have I any acquaintance with Mr. Randolph G. Ward or any person interested with him, nor have I ever had any correspondence with him or anyone else upon this or any other railroad project in Panama. I thus confirm the denial made by my secretary, Mr. J. F. Scott, during my absence, which denial Mr. RAINEY referred to on the 29th.

Mr. RAINEY, in speaking of the timber proposal, says:

> A group of American financiers is seeking to obtain possession of all the timber lands in the Republic of Panama on the Atlantic slope.

And he characterizes a little further on in his remarks this proposal as "an infamous, outrageous scheme," and calls the people who he names as being interested in this proposal "financial buccaneers."

I wish to say that I am interested in a proposal made to the Government of the Republic of Panama to purchase some of the standing timber on the wild and undeveloped lands situated on the Atlantic side of the Republic of Panama which belong to the Government of that country. This proposal is one to purchase on a stumpage basis, paying so much per 1,000

feet for such timber as is exported under the provisions of the contract. The prices to be paid for the various kinds of wood are clearly set forth in the contract, as are the terms and conditions of payment, which are quarterly payments in United States gold to the national treasury in the city of Panama.

I wish to most emphatically state that this contract was only and solely for the purchase of timber, and does not, in any manner or form, convey 1 acre of land in fee or under lease, or as a gift, to anyone, nor does it convey any rights or privileges of any kind whatsoever above or below ground, except such temporal rights of way as are necessary to get the timber from where it is out to the side of a vessel.

I wish to say that Mr. RAINEY's characterization of this proposal as "infamous and outrageous" was misleading, and I can not but question the sources of the gentleman's information and the integrity of those who advised him in preparing his speech; and I think he should have submitted with his remarks a copy of this timber contract for the inspection and judgment of his colleagues, which he might well have done, as this contract was published weeks ago in both the official and public journals in Panama, and was publicly known and as easily obtainable as the railroad contract which he did submit. I believe that Mr. RAINEY was misled into submitting a copy of the railroad contract without submitting a copy of the timber proposal, the effect of which has been to confound my association in the latter with the former, and to prejudice the minds of his associates in Congress. I challenge him or anyone else to point out in the timber proposal, as submitted to the Government of Panama, anything "infamous or outrageous," and in order that there may be no question as to the character of this contract, I submit to you with this comumnication a true copy of this document, with the letter that accompanied it to Señor Arango, minister of the Republic of Panama, and ask that they be published in the RECORD as a part of my statement.

Contrary to Mr. RAINEY's description in respect to the accessibility of the timber lands and the ease with which timber may be gotten out, I may say that the reverse is actually the case, as is well known to everyone who has traveled any distance away from the Canal Zone or who has studied the topography of the country. One of my associates, an expert timber man, spent nearly two years exploring the timber lands of Colombia, including what is now a part of the Republic of Panama. From his description I doubt if Mr. RAINEY ever was 5 miles away from the line of the Panama Railway.

There are but five possible ports, excepting the port of Colon, in 400 miles of Atlantic coast line, where vessels can safely lie and take on cargo. The timber fit for market grows in spots, mostly in the midst of jungles, as is the case in tropical climates, necessitating the covering of a good deal of very rough territory to obtain any considerable quantity of marketable logs.

In addition to this, it is an undetermined question as to what portion of what are called "inferior woods" of the Isthmus are suitable for use in northern climates. They have never heretofore had commercial value. In respect to some of them, it is known that they are worthless for use in the dry summer heat or colder temperature of the North, wherein they warp and check. If Mr. RAINEY's statements are correct that—

a forest sought to be obtained by this concession ought to yield in the course of the next fifty years between $500,000,000 and $1,000,000,000—

he advances the strongest argument why the Republic of Panama should make this contract; for, excepting mahogany and cedar, for which high prices are paid the Republic (note price in contract), the largest part of the cost of timber is logging and stocking, which means getting it out so it can be shipped, all of which is labor, and the employment of labor means prosperity. The Republic of Panama, by the payments for stumpage and its people for labor, would be the principal recipient of this large sum.

The fact that the Panama Railroad Company, which has been operating on the Isthmus for some fifty years, and those in charge of the construction of the Panama Canal have never set up even a small sawmill to convert some of this immensely valuable timber which Mr. RAINEY describes into lumber for their local use, but have brought hundreds of shiploads from the farthest ends of the United States, would indicate that it is not so valuable as Mr. RAINEY sets forth or that it costs more to get it out than other timber can be imported for. The commercial value of all timber is determined by its geographical location in relation to other timber and the cost of getting it to market. Some timber would cost more than it would bring as manufactured product, and therefore has no commercial value so long as that condition exists, which has been the condition in Panama, with the exception of the cabinet woods.

In connection with this project, Mr. RAINEY, in his speech, says that at a conference of some members of the assembly held on Sunday night, December 27, at the presidencia in Panama, and in response to a question, President Obaldia stated that the parties who were back of this proposal were William Nelson Cromwell, Roger L. Farnham, W. S. Harvey, and Charles P. Taft. I wish to characterize this statement by Mr. RAINEY as unfounded and undoubtedly based on misinformation furnished to him. I have never had any connection directly or indirectly with Mr. William Nelson Cromwell or Mr. Charles P. Taft in respect to this timber proposal or any other proposal of any sort in the Republic of Panama, nor have either of these gentlemen, directly or indirectly, the remotest interest with me in this timber proposal. This denial of business relations with Mr. Cromwell in connection with the Republic of Panama is in no way to be construed as a "repudiation of him and his methods," for I hold him in the highest esteem and appreciate, as all should, his patriotic altruism. The parties associated with me in this matter are those named in the proposal as well as some other influential men identified with lumber interests in the United States.

What I particularly wish to state respecting Mr. RAINEY's statement that at the presidencia President Obaldia or John Ehrman, who is the authorized representative on the Isthmus of myself and associates, told the assemblymen that the parties behind this scheme were William Nelson Cromwell, Roger L. Farnham, Charles P. Taft, and W. S. Harvey, is absolutely incorrect, and Mr. RAINEY must have been very badly misinformed, for I call your attention, and that of the Members of Congress, to copies of two cables which I submit herewith, one from President Obaldia and one from John Ehrman, in which the former states that neither he nor anyone else at the meeting referred to, or at any other time, mentioned the names of William Nelson Cromwell, Charles P. Taft, and Roger L. Farnham as being connected with the timber proposal; and Ehrman states that he was not present at all at the meeting and never elsewhere mentioned the names of those three men in connection with the timber proposal.

Mr. RAINEY states that the assemblymen at the meeting referred to demanded to know the names of the parties whom Ehrman was acting for, because the assemblymen represented that John Ehrman had no particular financial standing. I wish to say that John Ehrman is a partner in the banking firm of Ehrman & Co., one of the oldest banking houses in Panama, with prominent European, American, and oriental banking connections, and he is a man of large wealth and of the highest standing in Panama. He is about the last man in Panama whose financial responsibility would be questioned by anyone.

Respecting Mr. Farnham's apparent connection with this matter, I wish to state I personally have conducted negotiations in this proposed contract, first, with Mr. Obaldia, when he was minister in Washington, and subsequently with Mr. Arango, who succeeded Mr. Obaldia as Panama minister in Washington.

In the meantime my expert associate, who had visited Panama and was well acquainted on the Isthmus, having died, I did on two occasions ask Mr. R. L. Farnham, whom I have known for a number of years and who was going to the Isthmus on business, to secure for me any data or information that would be of assistance to me and my associates in preparing our proposal. This was in the nature of a friendly request, without compensation, and saved me a personal trip to the Isthmus. This was what Mr. Farnham did, and I desire to call your attention to a letter by Señor Valdez, a member of President Obaldia's cabinet, written on January 1, 1909, published in the Panama papers, and submitted by Mr. RAINEY, in which Mr. Valdez refers to Mr. Farnham's connection with the case:

Those interested in this business for the purchase of timber are Messrs. W. S. Harvey, Alfred E. Drake, and Jonas E. Whitley, of the United States. Mr. Farnham had no part in this business, so far as I know, and there is no reason whatever to consider him as the attorney or representative of the gentlemen just named, because they have never accredited him as such before the President of Panama nor before any other functionary of this Republic.

Respecting the statement of Doctor Amador in a letter, copy of which was submitted by Mr. RAINEY, to the effect that Mr. Farnham urged him to sign this contract: At my request Mr. Farnham did have one interview with Doctor Amador, whom he met in Paris. He had no possible reason to ask him to sign the contract, for the good reason that at that time the contract was not definitely outlined. I had asked Mr. Farnham to learn for me the views which Doctor Amador had in respect to the incorporation in the proposed contract of a clause permitting and encouraging immigration onto the lands of the Republic during the operation of the cutting of the timber, in order that agricultural development might be encouraged.

I wish to quote further from a letter of Mr. Valdez, as heretofore referred to, in which he says:

The reports that I have of Messrs. Harvey, Drake, and Whitley agree in establishing the fact that they are all persons of honor and ex-

quisite culture and unimpeachable reputation, which fact is corroborated with respect to Drake by the very respectful tone in which he alludes in his letter to our ex-President.

For this reason Señor Obaldia, who knows the public and private morality of these parties and knows that not one of them is capable of corrupting anyone nor going into illegal or censurable affairs, has become offended with the malicious report that they attempted to bribe Doctor Amador; and in one of his letters to him, of which I have made mention above, he rejects with severity this foolish assertion.

I have had the honor and pleasure of meeting Señor Obaldia a number of times, and have been greatly and most favorably impressed with him as a gentleman not only of great culture, but of the very highest standards of commercial integrity. His broad, comprehensive appreciation of the interests and welfare of his country and his patriotic determination to protect, conserve, and perpetuate its natural resources, which he believed the proposed contract would do, commanded my admiration and enlisted my earnest cooperation.

On January 9 I sent the following cable to President Obaldia:

President OBALDIA, *Panama:*

Regret to read in newspapers of opposition based upon misunderstanding of timber contract. Feel sure opponents do not realize benefits to Republic without any surrender by the Republic of right or title to lands.

W. S. HARVEY.

After learning of the vicious attack being made upon President Obaldia on January 12, I cabled him as follows:

President OBALDIA, *Panama:*

Our proposal is most fair, but to relieve your administration of difficulties we will, if desired, withdraw proposal, as we decline to compete with obstructive or blackmailing bidders.

WILLIAM S. HARVEY, *Trustee.*

On January 13 I received the following cable:

W. S. HARVEY, *New York:*

I thank you for your cablegram. It is not yet time to desist. Assembly will decide upon contract. Inhabitants Atlantic coast favorable. You caused me no difficulties. I work for the welfare of my country and must oppose the obstructionists. I will approve the contract that best consults the interests of the public.

OBALDIA.

This timber contract that proposes to buy from the Republic of Panama and pay quarterly in gold coin a full market price for timber that is of known value, and to endeavor to create a market for timber that heretofore has had no value, will be of great benefit and advantage to the Republic of Panama. The forests will in no way be denuded. The conditions of the contract require that the timber shall be cut according to the best-known methods of the Forest Service of the United States and Germany, and under the supervision of forest experts.

I sincerely trust you will use your influence to have the Congress of the United States purge itself of even the appearance of approval of the actions of one of its Members, who, by his reflections upon citizens of his own country and also upon the President of a friendly Republic, discredits the distinguished body whose reputation he should jealously guard.

Respectfully, yours,

WM. S. HARVEY.

[Copy of cable.]

PANAMA, *January 31, 1909.*

MANUEL OBALDIA,
Hotel Latham, New York:

I was not present at conference at Presidencia December 27; therefore have never made statement to Deputados relating to parties interested in timber proposition who have no connection with Charles Taft, Cromwell, or Farnham, so I have never mentioned them to anybody.

JUAN EHRMAN.

[Copy of cable.]

JANUARY 21, 1909.

MANUEL OBALDIA,
Hotel Latham, New York:

My attitude while in Colombian Congress in 1903 and my entire public life are far beyond the reach of slanderers. Amador Arias's government was not overthrown, but after expiration of constitutional term was defeated in free elections, which freedom of suffrage was due to the presence of the Americans at polls, especially invited to do so by Amador Arias's government, as it is shown by official communication published and in accordance with article 136 of Panamanian constitution. At conference at Presidencia December 27 were present the members of the cabinet and 17 deputados; neither Ehrman nor any other outsider was present, and no mention was ever made by me or by any other person of Charles Taft, Cromwell, or Farnham in regard to timber proposition which was brought before them for consideration. Railway proposition presented by Ward to Assembly was considered and rejected. Assembly passed a law authorizing to construct railroads with public funds, said roads to be national property. Timber contract with Ehrman was rejected by Assembly, and there is a bill under consideration regulating forest exploitation on the Atlantic coast between Rive Concepcion and Costa Rica, excluding the entire Chagres Valley.

OBALDIA.

I ask unanimous consent, Mr. Chairman, to incorporate also in the RECORD the letter accompanying the contract and the contract referred to in the letter which I have just read.

The CHAIRMAN. Is there objection?

There was no objection.

The letter and contract are as follows:

LETTER ACCOMPANYING CONTRACT.

100 BROADWAY, NEW YORK CITY,
August 24, 1908.

Señor J. A. ARANGO,
Minister from the Republic of Panama
to the United States, Washington, D. C.

YOUR EXCELLENCY: On behalf of myself and my associates, I beg to hand you herewith a proposal of purchase of the timber upon a portion of the public lands of your Republic, with a request that it receive your careful attention and, in case it meets with your approval, as we trust it may, that you transmit it officially to your Government, at Panama, with such commendation as you can consistently accord to it.

In preparing the proposition, we have steadily borne in mind that any such transaction as the one we contemplate, to be successful, must be framed so as to yield well-balanced beneficial results for both parties to the undertaking, and have endeavored so to arrange.

Your country's timber, which has lain in luxuriant forest waste for centuries, is a great natural heritage of large value, which, it is believed, can be converted into an annual revenue-producing asset for your national treasury that will increase from year to year; but this can not be done except by the most intelligent, skillful, experienced effort and administration. Our proposal is not a request for a concession, but a direct offer to purchase outright, making prompt and regular payments, from which an income would result in the near future, to continue in perpetuity.

The work of cutting would be conducted under the direction of qualified experts in forestry, and would afford steady and congenial employment, at good wages, to a large agricultural class of native labor, who would thus be brought in immediate contact with progressive men and methods. The Government of Panama would secure a great advantage through this cutting of timber, as a large portion of its territory, which is at present of no value for either cattle raising or agriculture, would be cleaned, ready for use for such purposes and for the establishment of homesteads and village centers.

Another important consideration is the probability that in clearing the lands of undergrowth and timber, rich mineral deposits, now unknown and impossible to locate, will be uncovered, and thereby made an additional source of revenue to the Republic.

In the timber tracts selected undergrowth that has no value must be removed to get at what we regard as merchantable material, for which, when cut and transported to the seacoast, markets must be created and developed in this and other countries. With this in mind, we have offered exceptional prices for the higher grade of woods with established values, in fact, several times as much per 1,000 feet as is realized by the Nicaraguan Government from a standing concession which provides for the payment of a fixed sum annually for a monopoly in cutting mahogany and cedar.

For the enormous quantities of timber, of little or no value at present, that have stood for ages without attracting capital for development and use, we offer prices that are equal to those paid for better-known varieties in other countries nearer than yours to the United States. For instance, in Mexico, within 135 miles by railroad of Mexico City, we can purchase large tracts covered with pine and oak timber at prices lower than we herein offer for the inferior varieties of woods standing in the public lands of your country; and, in anticipation of a possible increase in value in the future, after we have made a market, we have provided that prices shall be subject to revision after a term of years.

To develop profitable markets and use for the timber to be cut and exported requires an intimate knowledge of the world's lumber conditions, also an association of capital and facilities of large magnitude, which will be furnished.

The establishment of plants in your country to provide facilities for the handling of the timber will also require large outlay.

The quantities of timber cut and to be paid for, it is proposed, shall be verified by a class of government officials to be created, and paid good salaries from the revenues which this important industry will produce.

Too much importance can not be attached to the enormous benefit to accrue to the Republic of Panama from the adoption through our organization of modern scientific methods of operating which result in the practical perpetuation of the forest supply and the preservation of an asset of almost incalculable value.

After years of indifference our country has become earnestly alive to the value of our forests, and the policy now in force is producing an income that is rapidly increasing.

There will be associated with those making this offer some of the most experienced men in the United States who are indentified in an influential way with the timber and lumber trade of the United States, whose efforts have done much to arouse public sentiment in favor of conserving our national and state forests for both the beneficent and financial results that will follow.

This proposal is made by us, acting in the capacity of three trustees, to facilitate the execution of the conditions of the purchase, as this undertaking requires the joint association of men with the capital, experience, and particular equipment and machinery for cutting and shipping the timber—men with sawmills at tide-water ports in the United States and lumber dealers who supply builders and consumers. Those who will be associated in this enterprise are men identified with all the above branches of the timber and lumber business and who control ample capital and every facility to carry it on successfully.

I trust that this summary statement of our purpose and the benefits to follow from an acceptance of our offer will commend themselves to your favorable attention, and beg to place at your disposal any further information we possess and to offer any service you may require to make the business proposed acceptable to you and your Government.

Kindly accept this expression of my appreciation of your courtesy and attention, and believe me,

Very truly, yours, WM. S. HARVEY, *Trustee.*

For—
WM. S. HARVEY,
119 South Fourth street, Philadelphia, Pa.,
ALFRED E. DRAKE,
24 State street, New York, N. Y.,
JONAS E. WHITLEY,
25 Broad street, New York, N. Y.,
Acting as Trustees.

CONTRACT.

The Messrs. William S. Harvey, Alfred E. Drake, and Jonas E. Whitley, citizens of the United States, with offices in the city of New York, and acting as trustees of the interests of themselves and associates, having proposed to the Government of the Republic of Panama to buy from the said Government all of the natural forest timber of whatever variety, growing on the lands or public domain belonging to the Republic of Panama, in the several Provinces of Bocas del Toro, Chiriqui, Veraguas, Panama, and Colon;

The Government of the Republic of Panama, being desirous of deriving a substantial and regular income from its vast forests, which at present yield no revenue,

Does, therefore, on this — day of ———, 1908, through and by its proper and qualified officers, acting in accordance with the laws of the Republic of Panama, and having full authority thereunder, make and enter into this contract with and hereby sells to the said William S. Harvey, Alfred E. Drake, and Jonas E. Whitley, all of the natural forest timber, of whatever variety (excepting rubber, cacao, and dyewoods), growing upon all the lands at this date belonging to the Government of the Republic of Panama in the Provinces of Bocas del Toro, Chiriqui, Veraguas, Panama, and Colon (excepting such of the territory as is included in the Canal Zone), and embraced between the coast of the Caribbean Sea and the top of the parallel divide, including to the headwaters of all the streams and rivers in all of the above-named Provinces flowing into the Caribbean Sea, upon the following terms and conditions:

First. (*a*) The Government of the Republic of Panama (hereinafter called "the Government") hereby concedes to the said William S. Harvey, Alfred E. Drake, and Jonas E. Whitley (hereinafter called "the trustees"), full power to assign, sell, lease, make over, and convey to a company or companies, party or parties, all or any part of the rights, benefits, and privileges by the said trustees possessed by and under this contract; without, however, relinquishing or relieving in any respect or degree the direct obligation of said trustees to make to the Government the payments, as prescribed in article 3 hereof, for all timber and lumber exported by either the trustees, their agents, or assigns.

(*b*) To enable the trustees, their agents or assigns, to cut and export the timber by them purchased under this contract of sale, the Government hereby grants to the said trustees, their agents or assigns, a continuous period of fifty-two years from the date of the signing and execution of this contract of sale, in, and during which period of time the trustees, or their agents, or assigns, shall proceed to cut and remove from all the public lands at this date existing in all of the territory specified and described in the foregoing paragraph, all the forest timber purchased by them under the terms of this contract; the trustees, on their part, hereby agree to commence, as soon as possible after the execution of this contract, the exploration work necessary to getting machinery and plant on the ground, preliminary to the actual cutting and exportation of the forest timber purchased, and the trustees further agree to begin, or cause to be begun, under penalty of cancellation of this contract, such actual cutting and exportation of said timber within a period of not to exceed two years from the date of this contract, and to continue diligently thereafter the cutting and removal of all the timber thus purchased.

Second. As a valuable consideration and in part payment for the forest timber which they purchase under this contract, the trustees agree, at their expense, to furnish to the Government constantly during the continuance of this contract, the services of one or two forest experts who, acting for the Government, shall supervise and see that all cutting of timber done by the trustees or their agents or assigns shall be in accordance with the methods adopted by the Governments of the United States and Germany for the profitable utilization and practical perpetuation of the said forest resources so far as conditions and climate permit.

Third. (*a*) In addition to this service for the utilization and perpetuation of the forests which the trustees bind themselves, in article 2 hereof, to furnish the Government as part compensation for the forest timber purchased by them, the trustees hereby agree to pay into the treasury of the Republic of Panama for mahogany and cedar the sum of $15 per thousand feet (board measure), and for all other woods of whatever variety the sum of 25 cents per thousand feet (board measure), for each and every thousand feet of such timber which the trustees, or their agents, may export from the country under this contract.

(*b*) It is understood by and agreed between the Government and the trustees that these prices, as set forth above, to be paid by the trustees to the Government, shall remain unchanged for a continuous period of ten years from the date of the commencement of exportation of the timber cut under this contract.

(*c*) At the expiration of such period of ten years the price then to be paid by the trustees to the Government shall be: For mahogany and cedar, $20 per thousand feet (board measure); for nispero and for maria, $1.50 per thousand feet (board measure); and for all other woods, 75 cents per thousand feet (board measure) for each and every thousand feet (board measure) exported by the trustees or their agents or assigns under this contract; and these prices shall remain unchanged for the continuous period of fifteen years immediately following the first foregoing period of ten years.

(*d*) At the expiration of this second period of fifteen years, which will be the end of the twenty-fifth year of the fifty-two years of the life of this contract, the prices to be thereafter, and until the conclusion of this contract, paid by the trustees to the Government for each and every thousand feet (board measure) exported by the trustees or their agents or assigns under this contract shall be, for mahogany and cedar, $30 per thousand feet (board measure), and for all the other woods the price to be paid shall be double the price fixed for each thousand feet (board measure) of such wood, for the preceding period of fifteen years.

Fourth. The trustees hereby agree that the reports of the amount of timber or lumber exported by them, or their agents or assigns, shall be verified by competent inspectors, appointed and paid by the Government for that purpose, and whose duties are to verify, by the established rules now used in the United States for measuring logs and lumber, all such exports of logs or lumber, and when shipped in full cargoes to verify the tonnage of all vessels used by the trustees, or their agents or assigns, for carrying said logs or lumber.

Fifth. The trustees hereby agree to accept these verified reports as the basis for payment, in accordance with the provisions of article 3 of this contract, by the trustees to the Government for all the timber or lumber exported by the trustees or their agents or assigns under this contract; and further agree to make all such payments in gold coin of the United States or the equivalent in money of the Republic of Panama, at the office of the treasurer of the Republic in the city of Panama on or before the 25th day of the month succeeding each period of three months of the calendar year.

Sixth. The Government hereby agrees to make no other contracts or concessions for the cutting of timber on any of the public lands embraced in the territory included in this contract during the life of this contract; also, the Government agrees to protect the trustees in all their rights thereunder against any and all encroachments on the same, and without cost to the trustees.

Seventh. The trustees and their agents or assigns are not required to pay, and hereby are relieved from the payment of, any national, departmental, or municipal taxes or duties of any sort whatsoever during the operation of this contract; the payments by the trustees to the Government, as set forth in article 3 of this contract, being in lieu of any and all of such taxes or duties.

Eighth. The trustees and their agents or assigns may import into the Republic of Panama, without duty or other charges of any kind, such machinery, tools, steamboats or power boats, and other equipment and supplies necessary to the conduct of its business and maintenance of its employees, and also the trustees and their agents or assigns are hereby granted the right, without tax or hindrance, to make use of and to have the right of way over any and all of the public lands and any and all streams and waterways for the utilization or for transportation by cable, tramway, sluiceway, flumes, barges, tugs, rafts, or otherwise of the timber and lumber cut by the trustees, or their agents or assigns, under this contract.

Ninth. If, after the commencement of actual shipments of lumber by the trustees, or their agents or assigns, all operations are suspended for a continuous period of twelve months, the trustees hereby agree to pay to the Government a sum equal to the Government's yearly average income from the proceeds of this contract of sale of timber for the years during which said contract has been operative; and should any payment so due not be made within twelve months after such payment falls due, such default may be deemed by the Government an abandonment of this contract, and the same may then be declared by the Government null and void: *Provided, however*, that such suspension of operation be not caused by a revolution or civil or foreign war involving the Republic of Panama, in which case such suspension will not be a cause for cancellation of this contract.

Tenth. The trustees hereby agree that if, at any time during their operations under this contract, their employees or agents or assigns, or agents' or assigns' employees, uncover or discover any mine or mineral deposit, of whatever kind or character, on the lands belonging to the Government, such mine or deposit shall be recognized as the property of the Government, and in no wise included in this contract of sale; and that whenever and immediately any such discovery of mine or mineral deposit be made, all details of such discovery, together with the location of the same, shall be communicated by the trustees or their agents to the proper officials of the Government at Panama: *It is provided, however*, and mutually agreed, that in the event of any and every such discovery of a mine or mineral deposit, the trustees shall have the first option to purchase or lease the same from the Government, in accordance with the mining laws of the Republic of Panama.

Eleventh. The trustees hereby express their understanding and agreement that this contract to buy, cut, and export the timber growing on the lands belonging to the Government in the several provinces named in this contract, gives to the trustees no title in fee to any of said public lands, or right to occupy any portion of such public lands as the Government may, from time to time, allot or sell to actual settlers for bona fide occupation for agricultural purposes, for a longer time than may be necessary to cut and remove the timber therefrom, or to impede immigration to portions of the public lands so allotted or sold. On its part, the Government hereby agrees that any allotment or sale hereafter made by it of any portion of its public forest lands to actual settlers shall not interfere with or prevent the trustees, or their agents or assigns, from cutting and removing the timber growing on any such public forest lands so allotted or sold, but now included under this contract, it being recognized that one of the principal objects of the Government in making this contract is to have some of its public forest lands cleared, in order that such land, now useless, may be made valuable and of use for the purposes of settlement and agriculture.

Twelfth. In the event of any dispute or difference of any and every kind arising between the trustees and the Government or its officials, or between the trustees and any citizen of the Republic of Panama, which can not equitably and satisfactorily be adjusted by arbitration, the trustees hereby agree to submit the same for adjudication to the proper courts of the Republic of Panama.

The following amendments were suggested to Mr. John Ehrman by various members of the general assembly:

1. It is desired that during the two years for studies, etc., at least five stations for the cutting of timber be fully installed.

2. A clause is to be inserted granting the inhabitants of the region where the timber is sold the right of transit through the grounds worked by the company, and also the liberty for those inhabitants to use the timber necessary for their buildings and domestic services as it is heretofore used.

3. That the list of hard woods be increased of some left out in yours.

4. That commissary departments, if established, are to sell their goods for money and not with coupons.

5. That the price of 25 cents United States gold per 1,000 feet of soft wood in the first years be raised to 35 cents United States gold per 1,000 feet.

6. That the improvements made, as roads, railroads, buildings, wharves, etc., be left free of charge to the Republic of Panama at the end of the contract.

7. That all goods imported, except machinery and tools, are to pay the regular national importation tax—10 per cent ad valorem.

Which changes John Ehrman was instructed by the trustees to make, as follows:

Trustees agree to No. 1, with exception of word "fully," which is too indefinite, as they must determine character of plants in each situation. Trustees accept Nos. 2, 3, 4, and 6. Respecting No. 5, they can not advance price named in contract, because it is same as they now pay for same class woods elsewhere better located. Respecting No. 7, they object to it as written. They will accept in its place the following: The trustees, their agents or assigns, shall pay the regular national tax of 10 per cent ad valorem on all their importations of food supplies, dry goods, wearing apparel, jewelry, perfumery, tobacco, and liquors. Present form of contract must be preserved as submitted, and the changes as herein agreed to must follow article 12 as addenda to contract.

Mr. SHERMAN. Mr. Chairman, I yield fifteen minutes to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. SHERMAN. Mr. Chairman, I am now ready to yield thirty-five minutes to the gentleman from Kansas [Mr. MADISON]. The gentleman from Kansas informs me that he does not care to consume the time. I promised also to yield to the gentleman from Vermont [Mr. FOSTER], to the gentleman from Wisconsin [Mr. MORSE], to the gentleman from Ohio [Mr. LONGWORTH]. None of these gentlemen being present, I will now yield two minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Chairman, last year the question was before the House of whether a change should be made in this Hall, and the House adopted a resolution directing that a report be made. The report was made and is now printed and is in the document room, and I presume that we will soon be called upon to take some action upon it. In that connection I ask unanimous consent to have inserted in the RECORD an article giving in detail the system of ventilation in the British House of Commons. It is chapter 12, of "Memories of Eight Parliaments," by Lucy (Toby, M. P.). The chapter is entitled "The lungs of the House of Commons." It gives a very complete account of the ventilating system there, said to be the best system of any parliamentary house in the world.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, do I understand from the gentleman from New York that the article he desires to be printed is in reference to the ventilation of public buildings?

Mr. PARSONS. No; the House of Commons.

Mr. STEPHENS of Texas. I was in hopes the gentleman would take up the question of the ventilation of this building, and I would be glad that he or some other gentleman would introduce in this House a resolution that would open the doors around the galleries in this Hall and also some of the outside windows, so that we could have proper ventilation in this Chamber. If the gentleman would introduce a resolution of that kind, I do not think there would be a dissenting voice on this floor.

Mr. PARSONS. I think if the gentleman will read this extract which I will insert in the RECORD he will see that a much more elaborate system than he suggests will be necessary to meet the question of the ventilation of this Hall.

Mr. STEPHENS of Texas. I think, instead of ventilating this Chamber by going half of a quarter of a mile away and pumping air into the building through a tunnel, the practical, sensible thing would be to open the doors, or part of them, in the galleries and raise the outside windows, as they do all over the country, and ventilate this room from the outside, as we do at our residences and other public buildings.

Mr. PARSONS. In the system there they do not go a half a mile away.

Mr. STEPHENS of Texas. We have to go one-half of a quarter of a mile away from here to get the air that we breathe in this room. We should get it direct from the outside.

Mr. PARSONS. They pump in from the outside and pass it through several passageways, and then it comes through the floor, which is made of iron gratings, and the air is passed up through these iron gratings, and then on the floor there is a matting. On some of these iron gratings, in warm weather, there are blocks of ice placed, so that the air is cooled as it comes through. There is no draft, because there is, first, this iron grating, and then this matting over the grating.

Mr. STEPHENS of Texas. Does not the gentleman think it would be much cheaper and better in a great hall of this character to let the outer windows and the doors around the galleries and the outside windows be opened, so as to allow the fresh air to enter directly from the outside, instead of getting it as we now do through a tunnel several hundred feet away from the building?

Mr. PARSONS. I do; and I think the Superintendent of the Capitol Building and Grounds has recommended that if a change is made, the Hall be placed as near as possible to the outer wall, so that we will have ventilation from the outside, but that of itself will not be sufficient and will not work in cold weather——

Mr. STEPHENS of Texas. I understand, but——

Mr. PARSONS. The draft would be too great.

Mr. STEPHENS of Texas. I understand, but a great deal of the time we are here we have warm weather, and we will be here during the coming extra session, soon to be called, and probably we will have a good deal of warm weather, political and otherwise, and we should provide for sensible ventilation by opening the doors and windows around this Hall.

Mr. PARSONS. By the ventilating system of the British House of Commons the temperature is kept below 70° all the time.

The article referred to is as follows:

CHAPTER XII. THE LUNGS OF THE HOUSE OF COMMONS.

That the House of Commons is the chamber with the best acoustical properties among its compeers is indisputable. Personally, with an experience exceeding that of most members, I hold it to be also the best ventilated. This is a controversial point governed by idiosyncrasies. It is an old story, going back to a date beyond thirty years, how John Bright and Acton Smee Ayrton, sitting side by side on the treasury bench during the last years of Mr. Gladstone's great administration born in 1868, used to squabble over the temperature. While one declared it was intolerably cold, the other protested it was insufferable by reason of heat.

Doctor Percy, then in charge of the ventilating machinery, was the recipient of angry letters from both statesmen. Ayrton was at the time first commissioner of works, and spent an appreciable portion of a useful, strenuous life in prowling round, closing up the air openings of the chamber. "Mr. Ayrton was very susceptible to drafts," Mr. Prim, resident clerk of the works in the ventilation department of the Houses of Parliament, subsequently resident engineer, confided to the select committee meeting in 1892. Mr. Bright yearned for fresh air, from whatsoever quarter it came. Thus it came to pass that as they sat together watching the decadence of Gladstone's once vigorous ministry, a coolness literally sprang up between the president of the board of trade and the first commissioner of works.

It is this difference in the temperature of statesmen and less important mortals that harries the life of those responsible for the ventilation of the House of Commons. What is one man's fresh air is another man's dangerous draft, leading to rheumatism and other direful consequences. The normal temperature of the House of Commons is, with infinite care and at considerable cost to the nation, kept at the level of 62°. That is the ideal temperature for healthy human beings. But so devotional is the care with which the priceless health and comfort of members are watched over that varying circumstance leads to altered temperature. The thermometer is consulted every hour, the result being recorded in a book that will never be published. The inquiry is no mere slapdash performance. Nothing is dealt with haphazard. An able-bodied man passes a useful life in perambulating the chamber and its precincts, thermometer in hand, testing the temperature. No member coming upon him by chance guesses his kindly errand. He may be seen flitting behind the Speaker's chair at one end of the House, presently skirting the chair of the sergeant-at-arms at the other, anxiously watching the thermometer and entering the record. Thence his parade leads him to the division lobbies, the retiring rooms, the outer lobbies, and all the places where members congregate. His report is, hour by hour, carried to the clerk of the works, who, with a speed and decision unknown in committee of supply, deals accordingly with the ventilating apparatus.

I have mentioned the fact that the normal temperature aimed at is 62°. Having made profound study of human nature, the experts in charge of the ventilation of the House recognize that with a temperature of 80° in the shade outside, members entering the chamber where it stood at 62° would feel it chilly. Accordingly, in such exceptional circumstances, the temperature is nicely graduated, going up to 65° or higher. The same infinite care watches over an all-night sitting. This divertissement taking place on a sultry summer night, a temperature of 62° is a luxury. With the dawn of early morning healthy animal nature grows chilly. The temperature of the chamber is, accordingly, delicately doctored until, as far as possible, the anxious expert raises it to about the average of the blood heat of an Irish or Welsh member.

In no other legislative assembly in the world is equal solicitude in the important matter of ventilation shown for the comfort of members. The extreme radical will feel some satisfaction in knowing that it is not extended to the House of Lords. The difference between the atmosphere of the two chambers is strikingly disclosed on the rare occasions when the lords sit late, carrying on debate in a crowded house. Ventilation is attempted by the vulgar process of opening windows. How ineffective this proves by comparison with the scientific, elaborate mechanism controlling ventilation in the House of Commons is brought home to the member leaving his own house to sit for a while in the gallery overlooking the peers. The air of cities contains an average of four volumes of carbonic acid per 10,000. In an ordinary room the ventilation is regarded as satisfactory as long as the proportion of carbonic acid in the atmosphere does not exceed six volumes per 10,000. The House of Commons, with some 350 people breathing its atmosphere, rarely exceeds four volumes, equivalent to breathing the fresh air outside. This simple matter of fact is a triumphant vindication of the success of its ventilation.

Doctors are agreed on the point that supply of fresh air should reach the proportions of 50 cubic feet per minute per head. That ideal is habitually exceeded in the House of Commons. Members who, like the oldest clubman, must grumble about something, complain that while the air is abundant it lacks freshness, inducing a feeling of lassitude. In fairness to the painstaking staff of the ventilation department, it should be pointed out that this incontestable condition of constant attendance upon parliamentary debate is due not to lack of freshness in the air supplied, but to the prodigious length of some speeches. As an incentive to a state of physical and mental lassitude, an hour's discourse from certain members is equal to an increment of carbonic acid in the atmosphere of one volume per 10,000.

Two years ago careful experiments were carried out with desire to ascertain to what extent bacteria frequent the house. The results were curious—on the whole satisfactory. For reasons which members familiar with its occupants may determine, the worst quarter of the house was, oddly enough, the bench immediately behind that on which His Majesty's ministers sit. As the result of 10 experiments made with infinite care, it was demonstrated that here bacteria revelled in proportion of 87 per cent, while the corresponding bench on the opposite side revealed the presence of only 65 per cent of undesirable visitors. On the back bench on the government side the record ran as low as 57 per cent. Compared, as was done in the select committee's report, with such representative congregations of innocents as gather in the town schools of Aberdeen and Dundee, where mechanical ventilation is in use, this incursion of microbes in the ministerial stronghold is exceptionally high. The organisms were different in form. Happily, in

no case was discovery made of the presence of any recognized as the cause of specific infectious diseases in man.

The unique privileges of members of the House of Commons in respect of ventilation are secured by elaborate and costly machinery. When, after the destruction of the Houses of Parliament by fire in 1834, the structure was rebuilt, special attention was devoted to the subject. Doctor Reid, the highest authority of the day, was intrusted with the care of this department. The process adopted by him was primarily based on the use of gigantic fans, which drove fresh air into the chamber. While the supply of fresh air was an article of faith, the presence of a constant draft was a matter of fact. In this initial stage the main principle underlying the ventilation of the chamber of to-day was adopted. Air was driven into the chamber through the grating of the floor. Members, ever complaining, protested, with some reason, that while by this primitive process they were chilled in winter and scorched in summer, such air as was provided was served up strongly impregnated with pounded grit and road metal. A tradition lingers round this epoch, showing how a long-suffering member secretly provided himself with a piece of paper freshly gummed. This, in the presence of sympathetic witnesses, he attached to one of the seats. On examination at the close of the sitting the paper was found to be covered with particles of fine dust projected by the ventilating apparatus. This was conclusive. Doctor Reid and his system disappeared from Westminster.

After brief interval he was succeeded by Sir Goldsworthy Gurney, who, doing away with the primitive fans, adapted the principle familiar in collieries of a furnace at the base of an upcast. Doctor Percy, following Sir Goldsworthy in care of the ventilating apparatus, maintained this principle, and with one or two improvements it is in practice at this day.

The machinery is subterraneous. There are many more vaults betwixt the foundations of Westminster Palace and the floor of the House of Commons than is dreamt of in the philosophy of honorable members. Under the Octagon Hall lurks a vault whence the supply of air for the debating chamber is drawn. Through doors and windows overlooking the river the balmy breeze of the Thames is indrawn.

This arrangement is accountable for an episode, threatening at the outset, farcial in the conclusion, that marked the reign of Mr. David Plunket (now Lord Rathmore) at the board of works. One sultry summer night, the house being exceptionally crowded in anticipation of a division, his private room was stormed by a mob of alarmed and angry members. Even as the door opened to admit them the first commissioner was conscious of a pestilential smell. This evidence confirmed their complaint that the corridors, the reading room, the dining room, and, to a modified extent, the lobby were permeated by malodor. The conclusion was obvious. Something had gone wrong with the drains, and the health of honorable and right honorable members was in dire peril.

Mr. Plunket hastily summoned to consultation the chief engineers and the heads of his staff. Hurried examination was made of the sanitary apparatus, without detecting a flaw. Even as the anxious work went forward the plague abated. The normal condition of the sedulously purified atmosphere was steadily, with increased rapidity, reasserting itself. The harried first commissioner, going onto the terrace with intent to cool his heated brow, came upon the heart of the mystery. Just passing the end of the terrace, slowly making its way with the tide up the river, was a stately barge, with high deck load of fresh manure meant for riverside gardens. Drifting at slow pace past the terrace of the House of Commons, the evening breeze, blowing off the heap, filled the ventilating bins with delectable air. Hence the scare.

The progress of the indraft is intercepted by a broad expanse of falling water, through which the air must needs pass, leaving behind it possible particles of undesirable dust. Inside the chamber are a couple of shafts worked by a large pair of wheels, which drive the air into what looks like a colossal corn bin. This is a chamber 8 feet high, extending the full breadth of the vault, a distance of 13 feet. Inside this bin is a movable close-fitting shutter, which travels backward and forward. As it is pushed forward the air in the bin, having no other means of escape, passes upward through a funnel into another chamber prepared for its reception. The closely fitting shutter advancing leaves a vacuum behind, into which the outer air comes rushing, in time to find itself driven upward by return of the relentless shutter.

Thus through the long night, while tongues wag above, the almost silent shutter moves backward and forward, crushing the newly come air out of the bin, only to find that a fresh supply has entered on the other side, making constant discovery that if the bin is to be emptied there is yet another journey to make.

The air thus dexterously trapped breathes itself out from the upper bin into a gallery, along which it courses till it finds itself under the legislative chamber. Thirty feet above the lights of the house shine, twinkling through the close iron grating of the floor. It is so silent down there that one can distinctly hear the voice of the honorable member addressing the chair. Climbing a series of steep iron ladders the explorer comes upon a succession of gratings on which stand blocks of ice. Coursing round these the ambient air cools itself before entering the house through the grating which serves as flooring, so cunningly hidden by twine matting that probably half the members of the house are not aware of its existence.

The blocks of ice are for summer time. In wintry weather the air is comfortably heated before it enters the chamber. When the fog lies low over London the outer air passes through layers of cotton wool 6 inches thick. The appearance of the cotton wool after a few hours' fog is a painful object lesson for citizens. There was a memorable occasion when the fog prevailed unintermittedly for forty-eight hours, with the result that the cotton wool was as black as the back of a chimney. I have groped my way down to the house through a dense fog, and entering the legislative chamber, have found it absolutely free from mist, the atmosphere in normal condition. That is the ultimate triumph of the patient, cultured care that watches over the lungs of the House of Commons.

By this elaborate process does fresh air get into the legislative chamber in unbroken supply. How the vitiated atmosphere, occasionally tainted with strong language, escapes is a simpler process. By the marge of the ceiling are panels opening upon a space left between it and the roof. The air, rarified by use, ascends as the sparks fly upward, escapes by these open panels, is conducted by flues to the basement, and delivered in a gallery ending in a shaft opening up in the clock tower, a height of 230 feet. On the basement a great fire brightly burns on open hearth. Drawing to it the inrushing air, it drives it up the shaft and so into the infinitude of spacious London.

Mr. SHERMAN. Mr. Chairman, the gentleman from Vermont [Mr. FOSTER] in a moment or two will be prepared to occupy some time. As soon as he returns to the Chamber I will yield to him. In the meantime, Mr. Chairman, I desire to call the attention of the committee to the fact that the bill which the committee has presented appropriates in round numbers some $11,000,000. The bill is based upon the usual estimates submitted through the usual channel—the Treasury Department—and all items estimated for are contained in the bill, save the item providing for the education of children not alone of Indian blood, but those of white blood, in the new State of Oklahoma, or that part of the State which was formerly the Indian Territory. That estimate was for an appropriation of $300,000.

Upon the hearing it appeared that the appropriation for last year—that is, the fiscal year in which we are now—was not fully exhausted, nor was the appropriation for the preceding fiscal year; and it seemed quite apparent that a lesser amount than that which was asked for in the estimates would meet every requirement of the present year, so that in this particular the bill contains an item for an appropriation of but $150,000. There are some legislative items in the bill which have all met the approval of the bureau and of the department, not all through the usual channel of an estimate, but by supplemental estimates, which have come either directly to the committee or to the Speaker, and were referred to the committee. So that all the estimates in the bill have the approval of the department having in charge the Indian service. There are some items of legislation in the bill, not many, but some which are undoubtedly obnoxious to the rule, providing anybody chose to invoke the rule.

The committee have incorporated in the bill only such items as they believed were for the betterment of the Indian service. There is nothing in the affairs of the Indians especially new. Last year the House in its wisdom saw fit to provide that the Commissioner of Indian Affairs should examine into the question of disposing of certain of the nonreservation schools and seeing if they could be transferred to any of the States to be continued as educational institutions, at which Indian pupils might be educated without paying tuition. The commissioner reported with reference to five or six schools—I have forgotten which—that it would be well to dispose of them; and, in reference to two of them, stated that a tentative agreement had been made with the State to take over the institutions. In reference to all of these schools upon which the commissioner reports, we provide for the disposal of them to the State upon terms which are accepted by the Secretary of the Interior, but we provide that in case they are not disposed of the appropriation for the coming fiscal year shall be continued as in the last fiscal year.

In other words, so that if the school is not disposed of it will not be an empty and abandoned plant, to be kicked to pieces by vandals, but will be a going institution until such time as it is disposed of.

Mr. SCOTT. Can the gentleman from New York advise the committee at this time as to the names of the schools which have been recommended to be discontinued?

Mr. SHERMAN. Yes; but none of them are in Kansas. I will say to the gentleman that, in my judgment, the Haskell School, in Kansas, in which I expect he is especially interested, will not be done away with for some little time. I should say that the Haskell School; the school at Riverside, Cal.; the Phoenix School, perhaps; the school at Chilocco, in Oklahoma, perhaps; the Salem School, in Oregon; and two or three of the schools in the Northwest, it will be necessary to continue for many years yet; but it is the belief of the commissioner that quite a few of the nonreservation schools can properly and with profit be dispensed with now. The House made provision in the last appropriation bill for that to be done at the earliest practicable moment.

The number of Indian pupils enrolled during the last fiscal year was slightly in excess of those enrolled during the preceding year, the number in actual attendance slightly in excess—a very small matter of two or three hundred, or something of that kind. As is known, the Indian population increases very slowly, but it has increased some. The matter of allotment to Indians is increasing with reasonable rapidity. More and more Indians every year are receiving their allotments, building houses, adopting civilized dress, devoting their energies to agriculture, and reaching a higher degree of civilization. In other words, the general progress of the Indian race toward eventual civilization is reasonably satisfactory.

In the matter of irrigation, much has been done during the last year, and provision is made in the bill now presented for a

generous appropriation for the continuance of that work. Not only do we provide for appropriations in the way of gratuities for the continuance of this work, but we also provide that certain of the Indian funds be used for putting in irrigation systems, which shall enchance the value of the lands and improve the opportunities for production from those lands.

I think, in a general way, I have covered the main provisions in the bill. From time to time, as we take up the bill under the five-minute rule, I imagine gentlemen may be interested in obtaining more specific information in reference to individual items, and I believe that some member of the committee will be able to give the Committee of the Whole all the information that it desires upon any subject.

There is nothing of a partisan nature in the Indian appropriation bill. There has been nothing of partisanship in the preparation of the bill, and I trust that the action of the committee in the main will meet the approval of the Committee of the Whole, and that the efforts of the committee and the efforts of the department to progress toward the goal which we all have long desired and still desire to attain, in order to place the Indians in a position where they will become civilized, and where they will become self-supporting, will be rewarded at an early day.

I was a bit surprised at the remarks which were made by the gentleman from Kentucky [Mr. LANGLEY]. That he had a bill before the Indian Committee, in which he was intensely interested, had not before been made known to the members of that committee. Ordinarily when a gentleman introduces a bill he calls the attention of some member of the committee to the fact that he has such a bill and ordinarily requests reference of it to a subcommittee. That has not been done in reference to this bill, else it would have been referred to a subcommittee which would have given attention to it and given a hearing on the subject if he desired it.

Mr. LANGLEY. Will the gentleman from New York yield?

Mr. SHERMAN. Certainly.

Mr. LANGLEY. I desire to state to the gentleman from New York that I believe I have discussed this bill with nearly every member of the committee time and again and, so far as I have been advised, there has not been a hearing this session on a proposition of that kind. I may be mistaken about it, but if I am the gentleman can correct me.

Mr. SHERMAN. I am willing to concede that the gentleman has discussed it with every member of the committee save the chairman of the committee. He had not discussed it with the chairman, and I did not know that he wanted a hearing or he should have had one. I think the gentleman, if he had given careful consideration to the subject himself, would hardly have made a statement in a form quite so severely critical of the department and of the committee of this House which has charge of Indian matters.

Mr. LANGLEY. Will the gentleman pardon me a moment?

Mr. SHERMAN. Certainly, I will.

Mr. LANGLEY. I did not intend to indulge in any criticism of the committee, and I do not think the stenographer's notes will show that I did; but I did intend to criticise the administration of this Indian estate; and I also desire to say that the bill to which I referred a while ago was introduced quite recently, and perhaps, in justice to the committee, I ought to say that doubtless it has scarcely had time yet, in view of its other duties, to give hearings on this particular bill. The gentleman is correct in the statement that I have not yet talked with him about this bill, but I did talk with him on the general subject.

Mr. SHERMAN. I am glad to have the gentleman make that statement, which modifies the statement made a few moments ago.

Mr. LANGLEY. I do not like to be put in a wrong attitude. I said this last bill of mine was introduced quite recently. I was not complaining about the failure to give hearings on that. I merely said I hoped the committee would do so promptly.

Mr. SHERMAN. I do not intend to put the gentleman in a wrong attitude. I yield to him with great pleasure.

Mr. LANGLEY. I was endeavoring to make an explanatory statement which, I think, harmonizes with what I said before. I think the gentleman from New York—unintentionally, of course—makes it appear that I am now retracting what I said.

I repeat that the administration of this Indian estate is little less than a national scandal, and that it is an injustice to these Indian claimants to be deprived, by legislation or by failure to legislate, of their just rights. I am sure the gentleman from New York would not desire to deprive any legal claimant of an opportunity to participate in the distribution of this estate. I am sure if he knew the people in my district who are descendants of these Indians, he would not oppose legislation that would enable them to go into the United States courts to have their rights determined.

Mr. SHERMAN. Mr. Chairman, I do wish to say that in my judgment the administration of the affairs of the Indians of the Five Civilized Tribes since the United States Government has attempted to bring order out of chaos, to bring decency out of disorder, to bring law instead of lawlessness and crime, has been anything but a national scandal; and I do say that there are no Indians down there who have been deprived of their day in court. If, Mr. Chairman, they have neglected to take advantage of the law which has been given to everybody down there to have a day in court, the administration ought not to be criticised in such sweeping terms because Congress does not now see fit to open up the rolls and give to men an opportunity to litigate over alleged rights when heretofore an opportunity has been given to go into the courts.

I did not intend to take any time this afternoon to discuss the merits or demerits, if it have any, of the Indian appropriation bill, but only to occupy a little time until the gentleman from Vermont should be present, and I have occupied so much time.

Mr. GAINES of Tennessee. I want to ask the gentleman, for my information, if it is the policy of the law to permit these Indians to go into court and set up their rights in some court that we have established?

Mr. SHERMAN. The policy has been to let them go in; but the rolls have been completed and have been closed, and the proposition of the gentleman from Kentucky, as I understand it, now is—after the allotment has been largely completed, fully in some of the tribes, and after the work of enrollment is well toward completion in others—to open the whole proposition and let individuals now go into the court by the hundreds or thousands and litigate that matter and in that way try to extend the time within which we desire to close up these matters.

Mr. GAINES of Tennessee. I thank the gentleman for that statement. But here is what I have in mind: The Indian has always been a ward of the Government, and he has been a ward because a savage, and a savage because he could not help himself. Now, I just want to know whether these ex-savages or savages were required to go into the courts and set up their rights, or they would be estopped or pro confesso would be taken against them, as it would be taken against the gentleman from New York or myself.

Mr. SHERMAN. Certain rolls were accepted as established rolls made up by the Indian tribes. Provision was made for additions. Subsequently a time limit was fixed within which that question should be closed up, and that time limit has expired.

Mr. GAINES of Tennessee. I can very well understand the Indians would not know what a pro confesso meant, and what I want to know is whether there ought not to be somebody down there to take charge of the Indian to see that his rights are not lopped off by some limitation of law.

Mr. LANGLEY. There are many Indian descendants in my district, remote from railroad and other methods of communication, who did not know anything about any limitation on their right to make application and who therefore are not, in equity, properly chargeable with laches.

Mr. SHERMAN. There has been somebody there whose business it was to see that the rights were not lopped off, and whose desire it was, and whose attempt it was, to see that those rights were protected; but the gentleman will understand that where there are 100,000 people scattered over tens of thousands of square miles of territory, where the complete census had not been made by the United States, some of them possibly would not be reached by the authorities.

Mr. GAINES of Tennessee. That is what I wanted to know, whether this ex-savage, I will say for short, is to be cut off from what he otherwise would have had by the closing of these rolls.

Mr. SHERMAN. If he was on the accepted roll of his own people he would be provided for. I will admit that there are some cases where injustice is done by not opening the rolls, but in the large number of cases there is no apparent merit in the application of the people who desire to be enrolled.

Mr. GAINES of Tennessee. The gentleman can see what I have in mind.

Mr. SHERMAN. I see what the gentleman from Tennessee has in mind.

Mr. GAINES of Tennessee. As a practitioner in the gentleman's own court and State, sometimes he will find a defenseless woman who says she is about to be turned out of her home, and upon looking at the case in court he finds that the bill against her has been taken pro confesso, and that hardships of that kind result through ignorance of the persons' own rights.

Mr. SHERMAN. Oh, probably individual cases will be brought to light down there of hardship, but the question is whether it is better to hold up this whole work of progress, the work of civilization, or to let the hardship fall upon a few individuals.

Mr. LANGLEY. Will the gentleman from New York yield to me for a moment, so that I may set myself right in the RECORD?

Mr. SHERMAN. Certainly, I am willing to yield to the gentleman to set himself right if he is in the wrong. [Laughter.]

Mr. LANGLEY. That is not exactly a correct statement of my purpose. I do not accept the gentleman's interpretation of my purpose in interrupting him. I am not admitting that I am wrong, but contend that the gentleman is wrong in his understanding of what I said and meant.

The gentleman from New York seems to be under the impression that I sought to criticise and particularize the present administration of Indian affairs. I did not do that. I referred to the administration of this Indian estate, which, as the gentleman knows, covers more than three-quarters of a century. I did not intend, as the gentleman from New York seems to think, to criticise in particular the present administration. Now, Mr. Chairman, I should say more upon one or two points to which the gentleman has referred but for the fact that I know my friend and colleague the gentleman from Texas [Mr. STEPHENS] is shortly to address the House on the same subject and that he has prepared the material which will sustain every statement I have made, and I do not wish to trespass upon the ground that I know he is going to cover.

Mr. SHERMAN. As I understood the gentleman's remarks, they were addressed more particularly to the situation that has arisen since the passage by Congress of the act which was intended to terminate the existence of the so-called "national government" of the Five Civilized Tribes.

Mr. LANGLEY. I referred to that, but I also referred to the whole history of this estate, and that, broadly speaking, was what I had in mind.

Mr. SHERMAN. My remarks had entirely to do with the administration under the acts which began with the act known as the "Dawes Act," and the appointment of the Dawes Commission.

Mr. LANGLEY. I was referring to this and several other things. Let me ask the gentleman from New York this question: He said a while ago that I had not asked for a hearing before the full committee. If I ask for that hearing will I get it? I am referring now, not to the bill I introduced last session, but to the bill I introduced the other day.

Mr. SHERMAN. The gentleman will get a hearing before the committee, if he asks for it now, provided the hearings already asked for and promised on other matters will not occupy all of the time which the committee will have during this session.

Mr. LANGLEY. Hearings on other matters?

Mr. SHERMAN. Hearings on other matters which have already been asked for.

Mr. LANGLEY. I am very much obliged to the gentleman from New York for that assurance. I want him and his associates on the committee to understand that, while I know they will not report a bill on this subject at the present session, I do not question that they will give proper consideration to all measures presented to the committee. I merely desired to express my anxiety for action at the earliest possible moment.

Mr. FOSTER of Vermont. Mr. Chairman, It is sometimes extremely difficult to secure consideration in the House of Representatives for a piece of proposed legislation that seems to commend itself to the great majority of those who have given it consideration. We appropriated the other day nearly $235,000,000 for the expense of the Post-Office Department for the next fiscal year. We did it readily. It took but a short time. On the other hand, I have been endeavoring for a long time to secure the necessary legislation changing the postage rates on parcels between every post-office and the patrons on any routes eminating therefrom. The propriety of this legislation can not, it seems to me, be questioned by any fair-minded man who gives the subject thoughtful consideration. To-day one in San Francisco can send through the mail a package weighing 4 pounds to any patron on the rural routes emanating from my post-office in Burlington for 64 cents. But if I desire to send the same package weighing 4 pounds to the same patron on the same route emanating from the same post-office in Burlington, where the package will be carried 3 miles instead of 3,000 miles, I have to pay the same 64 cents. I can send the same package to London for 48 cents.

Of course it is needless to say that this condition is ridiculous. But it is more than that. It is unjust and unreasonable, and we should not let the Sixtieth Congress end without having taken action. A reasonable rate of postage on parcels on routes emanating from the same office is asked for with practical unanimity by the patrons on our rural routes. From the standpoint of the Government we ought to take prompt action, for such a rate must inevitably greatly increase the income from these routes, which now are a burden upon the Post-Office Department. The Government and the patrons on these routes are the ones who would be affected by this proposed legislation, and as both would be benefited by the change it is difficult to understand why Congress did not act long ago in the premises.

Mr. SCOTT. Will the gentleman permit an interruption?

Mr. FOSTER of Vermont. I yield to the gentleman from Kansas.

Mr. SCOTT. The gentleman is doubtless aware that the objection most commonly urged against the proposition contained in his bill is that if it should be adopted it would only be the beginning of a country-wide parcels post, and I should be glad if he would address himself to that phase of the subject.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FOSTER of Vermont. Yes.

Mr. HARDY. I will state to the gentleman that the gentleman from Kansas [Mr. SCOTT] came very near asking the question I intended to ask, but I want to know if it could be explained why the local merchants whom it seems would profit by the rural-route delivery are constantly sending petitions against the local rural-route delivery?

It is undoubtedly true that a strong effort has been made in certain quarters to create opposition to this proposed legislation on the theory that it would lead inevitably to a country-wide parcels post. A studied effort has been made by certain interests which are opposed to a general parcels post to prejudice the country merchant against any change in the postage rates on parcels on our rural routes. These interests have warned the country merchant that any such change would be but an opening wedge which the advocates of a general parcels post would promptly drive home to the utter ruin of all country merchants. They have frantically appealed to these country merchants to bestir themselves, to organize, to present a solid front of opposition to the insidious foe, to petition their Congressman, and assure him in the most emphatic way that for reasons purely personal and selfish they would bitterly oppose any change in existing rates of postage whereby a parcel could be conveyed from a post-office to a patron on a rural route emanating therefrom at a just and reasonable rate.

I hold in my hand some reprints from the Iron Age, which illustrate very clearly the methods employed to create prejudice against this proposed legislation and to give the impression that the country merchants were a unit in opposition to it. These reprints were sent to me some weeks ago. I understand that they were sent quite generally to Members of the House, and as they tell the whole story of the efforts of outsiders to deprive the farmers of the country of this much-needed legislation, I shall ask the Clerk to read them in my time.

The CHAIRMAN. If there be no objection, they will be read in the gentleman's time.

The Clerk read as follows:

REPRINTS FROM THE IRON AGE.

The indications are becoming more and more clear that the form of merchandise post which will be urged upon Congress at the next session will be that on the rural routes, limiting the service, as well as may be, to packages mailed on such routes, or at the post-office from which they start. The less energetic pressure for the time being for a general parcels post measure may be regarded as a recognition of the force of the objections which hold against it, in view of which there seems to be little probability that the scheme will have sufficient supporters in Congress to encourage the expectation that it can be enacted into law at the coming short session. Very earnest efforts, however, will doubtless be made to secure the passage of a law establishing a merchandise service on the rural routes under the specious plea that this form of parcels post will be to the interest of the retail merchants throughout the country, because giving to them facilities for the carriage of merchandise on the rural routes emanating from their towns, while such facilities are denied to merchandise in the mails at large. It is therefore argued that such a form of parcels post would be advantageous to the smaller communities.

The opponents of the scheme should lose no time and spare no effort in combating this insidious attempt to establish a parcels post, even on a limited scale. The objections to the proposal should be emphasized and enforced:

That it is contrary to public policy for the Government to go into the business of transporting merchandise.

That a large expenditure would be required to furnish the rural carriers with the necessary outfit and conveniences for the carrying of merchandise on their routes.

That it would be impracticable to limit the service as proposed to merchandise originating at the offices from which the rural routes start.

That it is not unlikely that the proposed law would be pronounced unconstitutional as class legislation.

That there is great danger that there would be a gradual enlargement of the service so that a parcels post on the rural routes would be an entering wedge, and prepare the way for a general-merchandise post.

That the carriage of merchandise in the mails would tend to build up the trade of the catalogue houses, and to extend mail-order business with the large cities to the injury of merchants generally throughout the country.

That the present arrangement by which carriers deliver packages without charge, or at a nominal charge, is more advantageous to the retail merchants than would be the proposed change in the law which would require a regular postal charge in all cases.

That the proposed service is not desired by the retail merchants of the country, who regard it as dangerous and diminishing instead of increasing their present facilities.

The important matter at this juncture is to have brought to the attention of the Post-Office Department and to Congress, as well as to the public at large, the fact that the retail merchants throughout the country do not desire the rural parcels post, and do not regard it as in their interest, but, with large, substantial unanimity, are opposed to it. If the retail associations in hardware and other lines desire to be useful in a practical way in combating the parcels post, they can do no more effective work than find means to bring out, and to bring out without delay, an emphatic expression of the opinion of local retail merchants on this point. If the retailers generally desire a rural parcels post they are likely to have an opportunity to enjoy it. If, on the other hand, they do not want it, there should be no loss of time in making it plain. Resolutions in convention are not sufficient. There should be protests from merchants in every town and village. In this work the hardware associations may take a leading part. If they do not do this, it will be to miss a great opportunity. But what they do should be done immediately.

ADOPTION OF RURAL PARCELS POST WOULD STIMULATE DEMAND FOR FURTHER LEGISLATION.

The readers of the Iron Age who have followed the developments of the past few years, especially in connection with the expansion of the rural free-delivery service, do not need to be told that the adoption of a rural parcels post, so far from putting an end to legislation, would merely stimulate a demand from all parts of the country for a general parcels post. In fact, it is difficult to see how Congress could refuse such an extension, especially if the postal officials could make a respectable showing regarding the alleged success of the institution as applied to rural routes. As to the effect of the proposed experiment on rural routes, the Post-Office Department is so fully committed to the project and would so completely control all official reports on the subject, that it goes without saying that the experiment would merely serve to redouble the present demand.

FORM OF PETITION TO CONGRESSMEN.

Some one in each town should move actively and at once to obtain from merchants in the various lines of business their signatures to a protest against the parcels post in any form, and particularly against the special parcels post on the rural routes.

Unless some one else is taking this matter up, each hardware man should consider it obligatory on him to do so, conferring with his fellow-merchants, perhaps calling a meeting of the merchants of the town, or directly circulating the petition, as may seem best under the particular circumstances of each case.

The following form of petition is suggested to be used in obtaining the signatures of merchants in the various branches of trade, the petition being sent to the Representative in Congress:

[Town, State], *December —, 1908.*

To ——— ——— [your Representative in Congress]:

We, the undersigned, in business in ——— [town, State], enter our earnest and emphatic protest against the establishment of a parcels post on the rural routes and against parcels-post legislation in any form.

We regard the carriage of merchandise in the mails on the rural routes as not only open to many serious objections on the ground of expense and public policy, but desire to emphasize the fact that while it would be greatly to the advantage of the catalogue houses and the department stores of the large cities, it would be detrimental to our interests and to the business welfare of the smaller communities.

Name.	Business.
———, ———	———.
———, ———	———.
———, ———	———.

Mr. FOSTER of Vermont. So far as my State and district are concerned these efforts to mislead the country merchants have had very little effect, for our merchants do their own thinking. They can see that the rural-delivery service has come to stay, and that this proposed legislation is necessary to perfect the system. They can see that common everyday justice requires that this proposed reduction in postage should be made. They can see that it will bring them into closer relationship with all the patrons on routes emanating from their respective post-offices. They can see that from the standpoint of the Post-Office Department the change is desirable, as it will bring the routes to a higher degree of efficiency and will enable them to become more nearly self-supporting. They see that there is no more connection between this low rate of postage for this local purpose and a general parcels post than there is between 1-cent postage on local letters and the general 2-cent letter postage. In short, they see that the proposed legislation is in their own interest, in the interest of the farmers, and in the interest of the General Government, and that it can injure no one.

As showing the sentiment in my State upon the subject, I desire to have read in my time two editorials selected from many that have recently appeared in the press of Vermont.

The CHAIRMAN. Unless objection is heard, they will be read in the gentleman's time.

[Editorial from the Northfield (Vt.) News.]

A PRACTICAL PROPOSITION.

A bill recently introduced in Congress by Representative FOSTER, of Vermont, reads as follows:

"A bill providing special postage rate on third-class and fourth-class matter on rural free-delivery routes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rate of postage on third-class and fourth-class matter on all the rural free-delivery routes emanating from the same office shall be as follows: On packages weighing 8 ounces or less, 1 cent; on packages weighing more than 8 ounces and not more than 1 pound, 2 cents; on packages weighing over 1 pound, 2 cents for each pound or fraction thereof: *Provided,* That no package weighing over 10 pounds shall be received for conveyance under the provisions of this act."

If the News is not mistaken, this is a measure which will appeal to all people living on rural-delivery routes and in cities and towns from which such routes originate. The purpose is to give a reasonable postage rate for packages going over rural routes, and the enactment of the measure can hardly fail to be of great value to farmers and other residents living along such routes, as well as to local business men and citizens generally.

Under this proposed rate merchants will be able to serve patrons on rural routes with dispatch. A farmer may wish something for immediate use. He will telephone to the merchant, or to a number of merchants, for prices, place his order, and in a few hours the package is delivered at a minimum price for transportation. In many ways this proposed service can be used to great advantage.

The Government would also derive a handsome revenue from such a plan, as the service can be rendered without additional expense, and this means ultimately a further improved rural-delivery system. It is certainly reasonable to hope that Congress will act promptly and favorably upon Mr. FOSTER's measure.

[Editorial from the St. Albans (Vt.) Messenger.]

THE PARCELS POST.

When men like Elihu Root, now New York's Senator-elect, commit themselves in vigorous language to the parcels-post proposition, there may be some hope that eventually Congress will wake up to heed the public interest in this matter. In his speech before the legislature at Albany Mr. Root said:

"If you think it will be beneficial to the State of New York, for example, as I now think it would be, to have a parcels-post provision included in our postal laws, so that the 39,000 rural free-delivery wagons, instead of driving around the country with empty buggies, as they do now, shall earn enough to pay their salary by carrying small packages to the people they serve—if you think that would be beneficial to the interests of the State of New York, I would be glad to have you say so. And if you think I am wrong in that I would be glad to have you say that."

Mr. FOSTER of Vermont. In this connection I desire to have read a few of the many letters I have received from my constituents on the subject.

The CHAIRMAN. Unless objection is heard, the Clerk will read the letters in the gentleman's time.

The Clerk read as follows:

ST. ALBANS, VT., *January 18, 1909.*

MY DEAR MR. FOSTER: In a recent issue of the Burlington (Vt.) Free Press I note the text of a bill introduced into the House by yourself providing for a material reduction on mail matter of the third and fourth classes on the rural free delivery routes emanating from the same office.

I believe the passage of this bill and the adoption of such a policy by the Post-Office Department would not only be of material advantage to the patrons of the rural free delivery routes, thereby enabling them to purchase their supplies more readily, but it would also very largely increase the revenue of the several routes.

Very respectfully, yours,

GEO. T. CHILDS.

Hon. D. J. FOSTER, M. C.
Washington, D. C.

BRISTOL, VT., *January 23, 1909.*

Hon. D. J. FOSTER, M. C.,
Washington, D. C.

MY DEAR SIR: At this time I desire to bring to your attention the urgent need of a local rate for the transmission of parcels of merchandise on rural free delivery routes; a rate which will not be prohibitive, and that will tend to do away with abuses of the carrying privilege of parcels, as it is now accorded to rural carriers.

As such legislation has already been recommended by the Postmaster-General, and as there is apparent likelihood of something being done in the matter, I wish to express to you my views on the subject as they appear after eight years' experience with the rural service.

Our village, as you know, is a central point of trade for the greater portion of four towns adjoining; into which towns, the four rural routes emanating from this office extend. A good part of this territory is now covered by telephone service, and doubtless within a few years nearly, if not quite all, will be.

This extends to the farmer remote from town the opportunity to save much time and travel by telephoning his order to the local merchant, and have small articles of merchandise brought to his door by rural carrier, providing a rate for the transportation of such may be fixed which will not be prohibitive, as is now the case at the present rate, 1 cent per ounce.

At present there is but little merchandise carried for hire by the carriers at this office. Before the ruling now in force went into effect—the 4-pound limit—there was a large quantity carried. Small parcels weighing from 1 to 7 or 8 ounces are often mailed; larger ones very seldom.

There is one point which I wish also to bring to your attention in connection, which I think ought to be considered. It is this: The acacceptance of liquids for mailing on rural routes in a more simple form than is prescribed for regular mails. The greater part of the carrying of parcels by our rural carriers at present is medicines from druggists and doctors; and I have no doubt this holds true generally throughout the country. If a simple form of wrapping same in a strong pasteboard or wooden box was permissible, it would, I believe, add an amount of revenue worthy of consideration.

Knowing, as I do, that you have always the betterment of the rural service in mind, I am confident that you will work for this much-needed reform, which, as I truly believe, will increase the revenue of rural routes two or three fold, and at the same time extend to the patron the privilege of having the rate on merchandise paid to his door by the sender.

I am confident that if such a law may be enacted it will in a great measure help to wipe out the deficit that is now chargeable to the rural service; at the same time help the country merchant and please the patrons of rural delivery generally.

I am, very sincerely, yours, F. G. HASKINS.

MIDDLEBURY, VT., *January 16, 1909.*

Hon. D. J. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: I notice in yesterday's Free Press that you have introduced a bill to reduce the postage on parcels on our rural routes. I sincerely hope that this bill will pass, as I know it will be of great help to the farmers and to the village merchants. Everyone appreciates the rural free-delivery service, but we realize that we and the Government are receiving only half the benefit that we should enjoy if a parcels post were introduced on these routes.

Thanking you for your efforts in this direction and assuring you the full support of your constituents in this vicinity, I am,

Very truly, yours,

A. W. FOOTE.

BENNINGTON, VT., *January 21, 1909.*

Hon. DAVID J. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: I have looked into the provisions of your bill relative to a change in the postage rates on parcels on our rural routes, and I give the proposed measure my hearty approval. I believe that it would open up a new channel for the circulation of books and magazines between the farmers, which certainly would furnish them a source of pleasure and profit. I have had inquiries from several merchants lately requesting that such a bill as you have introduced become a law. They believe it would be a great advantage to them, owing to the extent that telephones are now used in this vicinity. I believe that this bill, if it should pass, would bring additional revenue to the post-office and be a source of great convenience to all its patrons.

Very sincerely, yours, COLLINS M. GRAVES.

VERGENNES, VT., *January 20, 1909.*

Hon. D. J. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: My attention has been called to bill H. R. 26207, providing special postage rate on third-class and fourth-class matter on rural free-delivery routes.

A careful inquiry among the tradespeople here convinces me that such a law would be popular and to the advantage of the merchant in the small village and to the people served by the rural delivery.

Respectfully, yours,

THOMAS MACK.

MORRISVILLE, VT., *December 31, 1908.*

Hon. D. J. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: I wonder if you would be willing to do something more to help the patrons of our rural routes by securing lower rates of postage on third and fourth class matter on all routes emanating from the same post-office? Such a change would increase the revenue from these routes and at the same time prove a great convenience to the patrons.

Only last week we had a rather important package of third-class Sunday-school matter offered one of our routes by one of the state Sunday-school officials. We could not accept the package. Even if we could have taken it, he could not have afforded to send it through the mail at the present rates.

Our merchants have many packages of merchandise which would be forwarded through the mail over these routes if we only had a reasonable rate of postage. It would assist both the village merchant and the farmer if we could secure the necessary legislation.

Hoping that this will meet with your approval, I remain,

Very sincerely, yours,

H. J. FISHER.

Mr. FOSTER of Vermont. In addition to many letters like these, I have received many numerously signed petitions from the patrons on the rural routes in my district all urging the reduced postage on parcels. Everyone understands how awkward the situation now is. If a farmer on one of these routes telephones the local merchant for something weighing 3 pounds, the merchant can not send the package through the mail to his customer, for it would cost 48 cents to do so. But as the package is mailable the letter carrier can not be asked to carry out the package. So what is done? Why, the merchant throws in enough refuse matter to make the package weigh over 4 pounds. Then it is not mailable, and then the farmer can pay the carrier 5 or 10 cents for bringing it out to him.

Mr. SMITH of California. Do I understand that you would favor a general parcels-post system?

Mr. FOSTER of Vermont. In the short time that is given me, I can not undertake to discuss the larger and broader proposition of a general parcels-post system. What I am trying to demonstrate is that there is absolutely no connection between the provisions of my bill and the proposition of a general parcels post, and that common justice and common sense and common business principles require that a reasonable rate be provided for carrying these small parcels short distances on our rural routes.

The gentleman from California [Mr. SMITH] made it plain in a speech which he delivered some months ago that he is not in favor of a general parcels-post system. I am willing to concede that the proposition of a general parcels post involves a question of public policy as to which men honestly differ. Everyone who has given the subject serious consideration understands that it is a problem by no means easy to work out. We know that it would mean the addition of a regiment to the army which now comprises the employees of the Post-Office Department. It would mean the employment of men with teams in every town where city delivery is in vogue to gather up and distribute these parcels. And any parcels post to meet with approval must necessarily be self-supporting. That is to say, the rate of postage should be such as to fully compensate the department for the expense of administering the system. The popular idea of a parcels system is the one in vogue in England, for instance, where, owing to the short distances, it is possible to fix a flat rate of postage. It would be extremely difficult, in my judgment, to establish a parcels-post system in this country, with our immense distances, with a flat rate of postage. It has always seemed to me that the only method by which a satisfactory system could be worked out in this country would be by adjusting the rate to the weight of the parcel and the distance it is to be carried. Sixty-four cents, for instance, is a very reasonable charge for carrying 4 pounds from Boston to San Francisco.

But it is an exorbitant charge for carrying the same package 100 miles. And so to-day if one has a 4-pound package he desires to send a short distance he sends it by express, and the express company gets the profit. If he desires to send it a long distance he sends it by mail, and the Post-Office Department carries it at a loss. So, if a parcels post is ever established in this country, it must be along the lines which will make it self-supporting and at the same time popular, by making the cost of carriage dependent upon the weight of the package and the distance it is to be carried. But, as I said before, there is no connection whatever between that proposition and the one to which I call the attention of the committee.

Mr. SMITH of California. Then let me ask another question: How are you going to keep down the demand of the people for some uniformity in the postal service?

Mr. FOSTER of Vermont. I shall never undertake to keep down any demand of the people that is just and reasonable.

Mr. SMITH of California. You are combating the idea that your proposition is the opening wedge.

Mr. FOSTER of Vermont. Yes; I am combating that idea, and I think I have shown conclusively that that idea is an utterly erroneous one.

Mr. SMITH of California. I am very positive the moment you begin to serve one neighbor by the carriage of his merchandise by mail and refuse it to another neighbor you will never have a moment's rest until a general system is established.

Mr. FOSTER of Vermont. The gentleman from California [Mr. SMITH] must keep in mind two things. First, there is no express company ready to carry these packages over these rural routes. If the gentleman from California [Mr. SMITH] desires to send a 4-pound package 100 miles he can send it through the mail or he can send it by express. But the farmer who desires to have a 4-pound package sent to him by mail from his local post-office can not afford to pay 64 cents for the privilege. So to-day no facilities are afforded him for the conveyance of parcels.

In the second place, the gentleman from California [Mr. SMITH] must never forget why it is that the people of the country are crying out for a general parcels post. He knows very well that it is because the express companies have become a grinding monopoly and that the people of the land are seeking relief therefrom through the instrumentality of a government parcels post. And the gentleman from California [Mr. SMITH] should not lose sight of the fact that the proposed local rate of postage on parcels is not entirely novel. I again call attention to the fact that the rate of postage on local letters, except where free city delivery is in vogue, is 1 cent. If the people in the larger cities, seeing their neighbors in the smaller places paying only 1 cent for local letters, have cried out for the same privilege for their local letters they have done so in vain. The fact is that 1 cent for such local letters in those small communities is amply sufficient, and it would be an injustice to fix a higher rate of postage. We are asking simply for a just and reasonable local rate on parcels on these rural routes.

And let me remind the gentleman from California of a further fact. If there is one institution of the Republic that more than another can be said to belong to the people as a whole, it is the Post-Office Department. It was organized and is maintained for their use and benefit. To increase its usefulness and efficiency in every possible way should be the high purpose of the representatives of the people in the Congress. Every cent of the vast income of the Post-Office Department, amounting now to nearly $250,000,000 per year, comes directly from those who patronize it. This is literally true. For the amount which

comes from the National Treasury is in lieu of postage for the great amount of matter that is sent out by the different departments of the Government under their respective franks. This great department of the Government will continue to be administered in the interest of its patrons, and whenever the majority of those patrons decide that they want a general parcels post, such a system will be established.

Mr. SMITH of California. Does the gentleman think that we can add a very large amount to the burden which the rural carrier will have to provide for without providing additional compensation for him?

Mr. FOSTER of Vermont. I have no idea that the farmers on these routes are going to sit up nights devising how they can have packages sent them, provided the proposed legislation is had. It does not seem at all probable that there would be any such amount of business done on any route as to burden the carrier. The question as to the carriers' compensation should always be, Is it reasonable? In my judgment these carriers are now more poorly paid than any other class of employees in the Government.

In all probability from time to time their pay will be increased. If we should enable them to earn more for the Government it is doubtless true that they would from time to time urge that fact as an argument for an increase in their salaries. As I said a few moments ago, we shall soon have 50,000 of these rural routes, and I estimate that on an average at the start a carrier would earn under my bill 30 cents a day. This would mean a million and a half dollars increase per year and every cent of this would be net profit. It is just so much to be added to the credit of these rural routes that to-day are costing us so much.

Mr. SMITH of California. The gentleman will certainly admit that during the seasons of the year when the farmer is busiest and the roads are the worst is when they will use the carrier most.

Mr. FOSTER of Vermont. Yes; that is undoubtedly true, and it may be that the gentleman is entirely right in believing that under the provisions of my bill these routes would be patronized the year round much more than I have supposed they would be. But everyone who is at all familiar with the subject knows perfectly well that the carrier on any of these routes could take with him every morning 50 additional pounds of mail without the slightest inconvenience. This would mean that he would earn for the Post-Office Department at least a dollar a day additional instead of the 30 cents at which I estimate the amount he would earn.

Mr. FINLEY. I would like to ask the gentleman from Vermont a question. Would he impose this additional burden upon the rural carrier without giving him additional compensation?

Mr. FOSTER of Vermont. I would say that without this additional burden the question of the compensation of the carriers on these rural routes is one for Congress to deal with. I believe that they should be given just and reasonable compensation. If, however, they were earning more for the National Treasury, if their routes were more nearly self-supporting, this fact would naturally be an argument in favor of increased compensation.

Mr. FINLEY. Does the gentleman not think that additional compensation should go along with the proposition?

Mr. FOSTER of Vermont. Certainly, if the business of these routes should increase as rapidly as my friend from California [Mr. SMITH] fears it would, it is probable that the carrier would be entitled to additional compensation. But as I said before, these carriers are at all times entitled to reasonable compensation. Their task is an exacting one; and they are placed under very strict rules.

Mr. SMITH of California. Will the gentleman yield?

Mr. FOSTER of Vermont. Certainly.

Mr. SMITH of California. Does not the country merchant universally prefer to have the customer come into the store to do his trading?

Mr. FOSTER of Vermont. Well, that was formerly the general wish of the country merchant. In fact, at the start many of them were opposed to the establishment and extension of the rural-delivery system, because they feared that if the farmers did not come to town daily they would patronize the stores less.

Mr. SMITH of California. Then this proposed system would not benefit him.

Mr. FOSTER of Vermont. I contend that it would benefit him, and this is the belief of many of these merchants in my district. This rural-delivery system has come to stay, and it is now in the interest of the country merchant to facilitate by every possible means his connections with the patrons of these routes. The up-to-date country merchant has come to learn that country life has been revolutionized by rural delivery and the telephone and the creamery. I am the last man to undertake anything which would tend to injure one of these country merchants, but up to this time no one has been able to point out wherein this proposed legislation would work any injury to anyone. With the provisions of my bill in force the farmers, as a rule, would continue to go to town when they desire to make purchases. On the other hand, however, many times when it would not be convenient for them to go to town they would telephone to their merchant for needed articles. Thus purchases would be promptly made which under existing conditions are many times postponed, perhaps indefinitely.

Mr. HUGHES of New Jersey. Will the gentleman answer a question?

Mr. FOSTER of Vermont. Certainly.

Mr. HUGHES of New Jersey. How far does the gentleman's bill propose to go in the matter of weight and size? I did not hear the first of it.

Mr. FOSTER of Vermont. The rate of postage fixed in my bill is as follows: On packages weighing less than half a pound, 1 cent; on packages weighing over half a pound and not over 1 pound, 2 cents; on packages weighing over 1 pound, 2 cents for each pound or fraction thereof. If we were perfecting the bill to-day, I think I should suggest a uniform rate of 1 cent for each half pound or fraction thereof. The limit of weight per package is 10 pounds.

Mr. HUGHES of New Jersey. Ten pounds is the limit?

Mr. FOSTER of Vermont. Ten pounds is the limit.

Now, I will be glad to yield to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. What I wanted to call to the attention of the gentlemen was this. It can be said in favor of the rural parcels post that if the rate of postage was 20 cents for carrying 10 pounds the entire 20 cents would go into the National Treasury; while if the same rate of 20 cents for 10 pounds was the rule in connection with a general parcels post the amount of postage would not compensate the Government for what it would have to pay the railroad for carrying the package.

Mr. FOSTER of Vermont. The gentleman is entirely correct.

Mr. BARTLETT of Georgia. I want to say to the gentleman that I have had a number of letters and petitions, but that so far as the people whom I represent are concerned, they do not so much oppose the rural parcels post as they do the general parcels post. They have sent me some of these petitions which contain opposition to any parcels-post legislation to which the gentleman has called our attention. In answering I have stated that while I should not vote for a general parcels post, I was in favor of the proposition contained in the gentleman's bill. I am glad to say that in reply to my letters they have not offered any opposition to the proposed rural parcels post. This is what I desired to say to the gentleman.

Mr. FOSTER of Vermont. I am confident that if the Members of the House would take the matter up with their constituents, as the gentleman from Georgia [Mr. BARTLETT] has done with his constituents, it would be found that there is very little local opposition to this proposed legislation.

Now I will yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Will the gentleman's bill, if made a law, destroy the country merchants and build up the great cities?

Mr. FOSTER of Vermont. I have attempted, and I think succeeded in showing that it will prove advantageous to the country merchants, and it certainly has nothing whatever to do with the great cities. It simply provides a local postal rate for packages carried a short distance on these rural routes. The provision is analogous to the law which provides penny postage for local letters where city delivery is not in vogue.

Mr. GAINES of Tennessee. Can not a package be sent from Cincinnati—say, out to my home, where I was born and reared—and destroy the small merchant who used to sell it to me?

Mr. FOSTER of Vermont. At present, packages which do not weigh over 4 pounds can be sent from San Francisco to patrons along any of the rural routes of the district so ably represented by my friend from Tennessee. My bill proposes a reasonable rate for carrying similar packages from any post-office to the patrons on the routes emanating from that office.

Mr. GAINES of Tennessee. Would not this have a tendency to wipe out the small merchants?

Mr. FOSTER of Vermont. On the contrary, all my experience, and nearly all my information from home and from communities like the community of my friend from Georgia [Mr. BARTLETT] who has just spoken, indicate that it will bring the farmers on the routes into closer contact with the village

grocer, the village druggist, and the village doctor, and that they will all profit by it and that no one will be damaged by it.

Mr. GAINES of Tennessee. Has the gentleman estimated how much revenue would be collected by carrying packages in this way?

Mr. FOSTER of Vermont. I said a moment ago that the time is at hand when we shall have 50,000 of these carriers. I think a very modest estimate is that 30 cents per day would be earned, on an average, by these carriers.

Mr. GAINES of Tennessee. Who gets that?

Mr. FOSTER of Vermont. The Government.

Mr. GAINES of Tennessee. Does not the gentleman think that a part of that ought to go to the carrier?

Mr. FOSTER of Vermont. I have stated repeatedly in the course of this discussion that these carriers should receive reasonable compensation, and that it is for Congress to say from time to time whether under all the circumstances they are entitled to an increase. If the carriers are not paid enough they should have their pay increased whether they earn this extra amount or not. But, as I said a moment ago, if we can make them earn more money for the Government, if we can make these routes less a burden upon the Post-Office Department, it will be easier to secure increased compensation for the carriers.

Mr. GAINES of Tennessee. The gentleman knows that at one time they were allowed to carry packages.

Mr. FOSTER of Vermont. And what is the situation to-day? It frequently happens that a patron on the rural route telephones to the hardware man that he has broken his mowing machine, or that he wants this or that piece of hardware; or he will telephone to the grocery store for something. It turns out that the package weighs three pounds. It is therefore mailable, but the postage is 48 cents and so prohibitive. But being mailable, the carrier can not be employed to carry it in a private capacity. So what does happen? Why, the merchant throws in waste matter until the package weighs more than 4 pounds. Then it is not mailable and the carrier can be asked to deliver it to the farmer.

Mr. GAINES of Tennessee. What kind of a district, with reference to country stores and villages, does the gentleman represent?

Mr. FOSTER of Vermont. It is made up mostly of small towns. We have no large cities.

Mr. PERKINS. What does the gentleman estimate the possible revenue to be derived by the Government?

Mr. FOSTER of Vermont. I stated that we should soon have 50,000 of these carriers, and that a modest estimate is that on an average the carriers will earn 30 cents a day, or $1,500,000 per year.

Mr. PERKINS. A great deal more than that.

Mr. FOSTER of Vermont. I may be in error.

Mr. PERKINS. I think it will be three times that amount.

Mr. FOSTER of Vermont. The gentleman from New York is entirely right. What I meant to say was, that if these carriers on an average earn 10 cents per day their earnings would amount to $1,500,000; but that, in my judgment, it may fairly be estimated that they would earn, on an average, 30 cents a day, which would amount to $4,500,000 per annum. If the gentleman from California [Mr. SMITH] is right in the suggestion that these carriers would be called upon to do a much larger business, then this increase in the post-office revenue would be at least doubled.

Mr. SHACKLEFORD. Does the gentleman think that if a parcels post such as he is advocating should be established, it would later be extended to a general parcels post?

Mr. FOSTER of Vermont. I insist that there is absolutely no connection between the two. This proposition of mine should really not be called a parcels post. It is simply a local rate on packages which are carried but a short distance and which are never carried on the railroads.

Mr. SHACKLEFORD. It is simply the transportation of small freight through the mail?

Mr. FOSTER of Vermont. That is all. It provides for carrying small packages over these rural routes.

Mr. SHACKLEFORD. You do not think that the system is likely to be extended over all?

Mr. FOSTER of Vermont. A general parcels post may be adopted, but it will never be established as a result of this legislation. There are many people who believe to-day that we ought to have penny postage on letters. I believe that the time will come at no distant day when 1 cent will carry a letter to any part of the United States. But if this change is made it will not be because of the fact that for many years the rate of postage on drop letters or local letters at post-offices where there is no city delivery has been 1 cent.

Mr. GILLESPIE. Would not the fact that the revenue is increased by this work of the carriers make it necessary that their pay should be increased?

Mr. FOSTER of Vermont. If these carriers earn 30 cents a day in addition as a result of this legislation, it would mean $9 per month. It does not seem to me that this would necessarily mean an increase in their salary.

Mr. GILLESPIE. If you put this increased work upon the carriers, would not you first have to compensate them in proportion?

Mr. FOSTER of Vermont. I do not think so. We pay them now $900 per year for a full route of 24 miles. I insist that the additional work required of them to earn 30 cents a day would not prove burdensome.

Mr. GILLESPIE. If $900 is adequate compensation and no more for what they now do, if we put this additional burden upon them we should need to provide additional compensation.

Mr. FOSTER of Vermont. I repeat that I do not think this necessarily follows.

Mr. BARTLETT of Georgia. I will ask if they are not expecting an increase under present conditions?

Mr. FOSTER of Vermont. It is certainly claimed by many that under existing conditions, with hay and grain as high as they are, with the expense of living as high as it is, these carriers are entitled to more pay right now. It should be remembered that under existing conditions the Government takes practically all their time. They are under the civil service. They are not permitted to engage in any outside occupation. They can not permit for love or money a passenger to ride with them over their respective routes. They must maintain two and frequently three horses. They are expected to keep their uniforms neat and their horses and vehicles in good order. There is not one of these carriers who could not readily carry 50 additional pounds of mail matter every day without inconvenience and without seriously increasing his work. In view of the demands that are made upon them, in view of the manner in which the Government hedges them about, we should pay them a reasonable living wage, and then so legislate as to develop the system and enable them to earn as much as possible for the Government.

Mr. GILLESPIE. Many of them do not drive two horses.

Mr. FOSTER of Vermont. That is true. It is also true that the man who drives but one horse could readily carry 50 pounds more of mail matter over his route without inconvenience.

Mr. GILLESPIE. But if this change were made they would be required to drive two horses.

Mr. FOSTER of Vermont. Oh, I do not think there would be any such increase in the amount of business. Of course no one denies for a moment that if the business of these routes became so enormous as to require two horses where one at present is sufficient for the work, it would be the duty of Congress to share the profits with the carriers.

Mr. COOK of Colorado. Will the gentleman yield?

Mr. FOSTER of Vermont. I yield to the gentleman from Colorado.

Mr. COOK of Colorado. I would like to inquire of the gentleman from Vermont if he understands that the smaller merchants of his district are in favor of the passage of this bill?

Mr. FOSTER of Vermont. They are certainly coming to favor it. At the start I think that there was some hesitation on the part of our country merchants respecting the plan. They originally believed that there was a connection between this proposition and that of a general parcels post. I think that they feared that legislation of this kind in the end would result in the establishment of such a general parcels post as would injure them. Now, they have looked into the subject and they have changed their minds.

I remember how, about two years ago, a gentleman from an adjoining State canvassed my State, organizing the country merchants into associations and advocating strenuous opposition to a general parcels post. Within a few months, however, this same gentleman took up the proposition embraced in my bill and advocated, in public and private, the adoption of this local parcels post as being for the direct benefit of the country merchant, as well as for the farmer on these routes.

A very large proportion of the farmers in my district have telephones, and these merchants are learning that with the telephone and with a reasonable rate of postage on parcels they would be brought into close relation with the patrons of these routes.

Mr. COOK of Colorado. Then the small merchants in your district are very much different from those in Colorado. I do not think a single small merchant in my State is favorable to this bill. They believe that the tendency would be to favor the

department stores in the large cities and destroy the small merchant.

Mr. FOSTER of Vermont. Then I am sorry for the country merchant in Colorado. However, he will grow more enlightened as he sees how well the plan works in other parts of the country. He will see in the end how silly is the talk that by giving a reasonable local rate on packages to be carried over these rural routes, not to exceed on an average of 10 miles, we are plotting to destroy him.

We are having our attention called particularly to the needs of country life. President Roosevelt has submitted to us the report of the commission appointed by him to investigate the needs of country life. I believe that much good will result from the work of that commission. But while the Chief Executive is thus giving consideration to the subject of the improvement of farm life it would seem as though Congress could well afford to give heed to the unanimous request of the great body of farmers who constitute the patrons of the 40,000 rural routes that gridiron the country. This rural service was established for the farmers. The system now serves 8,000,000 people, and it is still growing. Common sense, common justice, and common business principles require that Congress take prompt action along the lines indicated by my bill.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26916, the Indian appropriation bill, and had come to no resolution thereon.

PRINTING OF HEARINGS ON FOREST-RESERVE LANDS.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk (H. Res. 562).

The Clerk read as follows:

Resolved, That there shall be printed, in paper covers, at the Government Printing Office, 5,000 additional copies of the hearings before the House Committee on Agriculture on bills having for their object the acquisition of forest and other lands for the protection of watersheds, etc.; 4,000 copies to be delivered to the document room of the House, 1,000 to be delivered to the document room of the Senate.

Mr. BARTLETT of Georgia. Reserving the right to object, if these documents are for the benefit of Members of the House, why does the gentleman have them sent to the document room?

Mr. WEEKS. That is the proper place for them.

Mr. BARTLETT of Georgia. No; not if they are for the benefit of Members of the House. They should go to the folding room.

Mr. WEEKS. I do not care where they go, as long as Members receive them.

Mr. BARTLETT of Georgia. Then the gentleman should have them sent to the folding room.

The SPEAKER. Does the gentleman modify his resolution?

Mr. WEEKS. I move to amend the resolution by striking out the word "document" and inserting the word "folding."

Mr. MANN. Do these hearings include the article by Chittenden?

Mr. WEEKS. They do.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The resolution was agreed to.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. HASKINS, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Nahum C. Baker, Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. GARDNER of Massachusetts, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Caroline F. Pettingell, Sixtieth Congress, no adverse report having been made thereon.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair will designate the gentleman from Indiana [Mr. OVERSTREET] to act as Speaker pro tempore at to-morrow's session.

ADJOURNMENT.

Mr. SHERMAN. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House, under the order heretofore adopted, adjourned until to-morrow, Sunday, February 14, 1909, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for clerks in naturalization cases (H. Doc. No. 1449), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KENNEDY of Ohio, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15939) authorizing the Secretary of War to exchange property, reported the same with amendments, accompanied by a report (No. 2141), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STANLEY, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 24328) to enable the Secretary of Agriculture to conduct experiments and determine the practicability of making paper material out of cornstalks, and to erect buildings and purchase apparatus therefor, reported the same with amendments, accompanied by a report (No. 2142), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 28072) to enlarge the Interstate Commerce Commission, reported the same without amendment, accompanied by a report (No. 2143), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN, from the Committee on Expenditures in the Interior Department, to which was referred the bill of the House (H. R. 24148) to establish in the Department of the Interior a bureau to be known as the Children's Bureau, reported the same, together with the views of the minority, without amendment, accompanied by a report (No. 2144), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21455) to establish a United States Court of Patent Appeals, and for other purposes, reported the same with amendments, accompanied by a report (No. 2145), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS of North Carolina, from the Committee on the Library, to which was referred House bill 26989, reported in lieu thereof a bill (H. R. 28107) to aid the Gridley Memorial Association in the erection of a monument to Charles Vernon Gridley, late a captain, United States Navy, accompanied by a report (No. 2149), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARSHALL, from the Committee on Private Land Claims, to which was referred the bill of the Senate (S. 1617) to quiet title to certain land in Dona Ana County, N. Mex., reported the same with amendments, accompanied by a report (No. 2152), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2405) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported the same with amendments, accompanied by a report (No. 2153), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAINES of West Virginia, from the Committee on Election of President, Vice-President, etc., to which was referred the bill of the House (H. R. 28058) in relation to the salary of the Secretary of State, reported the same, together with the views of the minority, without amendment, accompanied by a report (No. 2155), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7829) to amend an act entitled "An act to

authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882, reported the same without amendment, accompanied by a report (No. 2139), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 27531) to amend an act entitled "An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters," approved May 20, 1908, reported the same with amendments, accompanied by a report (No. 2146), which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 27894) amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, reported the same without amendment, accompanied by a report (No. 2147), which said bill and report were referred to the House Calendar.

Mr. LANGLEY, from the Committee on the Census, to which was referred the joint resolution of the House (H. J. Res. 231) authorizing the Director of the Census to collect and publish additional statistics, reported the same with amendment, accompanied by a report (No. 2150), which said joint resolution and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26725) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads," reported the same with amendment, accompanied by a report (No. 2151), which said bill and report were referred to the House Calendar.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27360) to divide the judicial district of Indiana into divisions, and for other purposes connected therewith, reported the same with amendments, accompanied by a report (No. 2154), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15467) for the relief of William P. Drummon, reported the same without amendment, accompanied by a report (No. 2140), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 9761) for the relief of William Redder, reported the same without amendment, accompanied by a report (No. 2148), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the District of Columbia was discharged from the consideration of the bill (H. R. 15624) for the relief of George A. Armes, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOWLER: A bill (H. R. 28100) to erect a replica in bronze in the city of Washington of the log cabin in which Abraham Lincoln was born—to the Committee on the Library.

By Mr. DAVENPORT: A bill (H. R. 28101) making an appropriation to reimburse the Cherokee and Creek Indians in Oklahoma, formerly Indian Territory, for money deducted from the royalties from leased lands of the Cherokees and Creeks, and for other purposes—to the Committee on Indian Affairs.

By Mr. GOULDEN: A bill (H. R. 28102) to provide for the better security of lives of passengers and crews on board vessels of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: A bill (H. R. 28103) to amend an act entitled "An act for the widening of Benning road, and for other purposes," approved May 16, 1908—to the Committee on the District of Columbia.

By Mr. SMITH of Iowa: A bill (H. R. 28104) to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 28105) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 28106) to create a board of accountancy for the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BRODHEAD: A bill (H. R. 28108) to amend the Code of Law for the District of Columbia regarding corporations—to the Committee on the District of Columbia.

By Mr. WILSON of Illinois: Resolution (H. Res. 560) for the appointment of two additional clerks to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. COOK of Colorado: Resolution (H. Res. 561) directing the Secretary of the Interior to furnish the House certain information concerning the boundary line between Colorado and Oklahoma—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 256) authorizing the President of the United States, in conjunction with the State of Texas, to reestablish and re-mark the boundary lines between the Indian Territory and the State of Texas, and for other purposes—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 28109) granting an increase of pension to George H. Rugg—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 28110) granting an increase of pension to Rufus C. Bradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28111) granting an increase of pension to James M. Maddox—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 28112) granting an increase of pension to Elsworth A. Mapes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28113) granting a pension to Sabra Bramble—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 28114) granting a pension to John Maley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28115) granting an increase of pension to William B. Britton—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 28116) granting an increase of pension to Reuben H. Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28117) granting an increase of pension to Dennis Maher—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 28118) granting an increase of pension to Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 28119) for the relief of Thomas McFarlane—to the Committee on War Claims.

Also, a bill (H. R. 28120) for the relief of the heirs of Fredrick R. Wylly, deceased, of Effingham County, Ga.—to the Committee on War Claims.

By Mr. FLOOD: A bill (H. R. 28121) granting a pension to James Manning—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 28122) for the relief of Madison County, Ky.—to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 28123) granting an increase of pension to Charles M. Adcock—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 28124) granting a pension to Olivia C. Vander Meulen—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 28125) granting a pension to Robert C. Foster—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 28126) granting an increase of pension to Jeremiah H. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28127) granting an increase of pension to Ella Q. Parrish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28128) granting an increase of pension to James Gibson—to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 28129) to relieve W. A. Thompson and Jacob Sigmon from a certain judgment in favor of the United States, on a forfeited recognizance—to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 28130) for the relief of Brown & Co. or Brown & Bryant—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 28131) granting a pension to Erskine E. Teague—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 28132) for the relief of the estate of Thomas Drake, deceased—to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 28133) granting a pension to Ann Stanbrough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28134) granting an increase of pension to Thomas F. Baker—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 28135) for the relief of James A. Ray or his heirs—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Lodge No. 23, Benevolent and Protective Order of Elks, of Buffalo, N. Y., favoring a reservation for the American elk—to the Committee on the Public Lands.

By Mr. ASHBROOK: Petition of the Sinhauser Clothing Company and 156 other firms of Tuscarawas County, Ohio, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of heirs of James V. Grier (H. R. 2391)—to the Committee on War Claims.

By Mr. BENNET of New York: Paper to accompany bill for relief of George H. Rugg—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of members of Windsor (Me.) Grange, No. 2847, for H. R. 15837, in aid of highways—to the Committee on Agriculture.

By Mr. CALDER: Petition of New York Commandery of Naval and Military Order, favoring bestowal of campaign badges on Spanish war, Philippine insurrection, and China campaign soldiers—to the Committee on Military Affairs.

Also, petition of Francis M. Johnson, favoring children's federal bureau in the Interior Department (H. R. 24148)—to the Committee on Expenditures in the Interior Department.

Also, petition of Merchants' Association of New York, for an appropriation of $300,000 for United States participation in Brussels Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. FOSTER of Vermont: Petition of Maple Valley (Vt.) Grange, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Trout River Grange, of Berkshire, Vt., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FOWLER: Petition of Men's Berean Bible Class, of Park avenue, Plainfield, N. J., and H. C. Higbie, of Elizabeth, N. J., for the Burkett-Foelker bill, against telegraphing gambling bets—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 395, Benevolent and Protective Order of Elks, of Phillipsburg, N. J., for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. FRENCH: Petition of citizens of Idaho Falls and Twin Falls, both in the State of Idaho, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of committee from the New York Board of Trade and Transportation, favoring an increase of salaries for United States judges—to the Committee on the Judiciary.

By Mr. FULTON: Petition of citizens of Texas County, Okla., favoring law to allow final proof of title to homesteaders to be a showing of one year's residence and cultivation without paying for their land—to the Committee on the Public Lands.

By Mr. GARNER: Petition of citizens of Del Rio, Tex., favoring legislation for parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of the Phelps Publishing Company, of New York, favoring the forestry bill as reported with the Weeks amendment—to the Committee on Agriculture.

By Mr. GRANGER: Petition of Providence Typographical Union, No. 33, favoring President's veto of census bill, etc.—to the Committee on the Census.

By Mr. HAGGOTT: Petition of John A. Bransen and others, against extradition of any political refugees from the United States to Russia, Mexico, or any other country—to the Committee on Foreign Affairs.

By Mr. HASKINS: Petition of Sutton (Vt.) Grange, No. 252, favoring a national highways commission—to the Committee on Agriculture.

By Mr. HAY: Paper to accompany bill for relief of Sarah A. Coffman, heir of Joseph Borden—to the Committee on War Claims.

By Mr. HELM: Papers to accompany bills for relief of J. W. Allen, administrator of the estate of B. N. C. Allen; W. H. Curtis, heir of Munroe Curtis; and E. B. Caldwell—to the Committee on War Claims.

By Mr. HENRY of Texas: Petition of the Hamilton Turner Grocery Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of Rev. Edmund C. Ingalls, favoring the Burkett-Foelker bill, against telegraphing gambling bets, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Affidavit to accompany H. R. 27849, granting a pension to William Edward Prater—to the Committee on Pensions.

By Mr. HULL of Tennessee: Petition of citizens of Rhea County, Tenn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. LAWRENCE: Petition of men and women of Plainfield (Mass.) Grange, for legislation creating a national highways commission—to the Committee on Agriculture.

Also, petition of Ashfield (Mass.) Grange, against a parcels-post and savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petitions of citizens of Evansville, Smith Lake, Cokato, Lake Minnesota, Monticello, Garfield, and Elk River, all in the State of Minnesota, against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of St. Paul Typographical Union, No. 30, commending action of the President on vetoing the census bill and favoring his recommendations relative to government printing—to the Committee on the Census.

Also, petition of citizens of Litchfield, Minn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, memorial of the senate and house of representatives of the State of Minnesota, favoring the development of the Red River of the North and the Minnesota River as waterways by the Federal Government—to the Committee on Rivers and Harbors.

By Mr. McKINNEY: Petition of business men of Sciota, Ill., against tax on tea and coffee—to the Committee on Ways and Means.

By Mr. MALBY: Paper to accompany bill for relief of Langdon Clark (H. R. 3333)—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of the Chicago Architectural Club, favoring the Newlands bill for Lincoln memorial on the designated park commission's plan—to the Committee on the Library.

By Mr. NORRIS: Petition of the Central Labor Union of Lincoln, Nebr., against piecework at the navy-yards of the United States—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petition of J. P. Bessire, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of Charles Carson and 20 other citizens of New York, favoring a national highways commission—to the Committee on Agriculture.

By Mr. ROBINSON: Paper to accompany bill for relief of Mont M. James (H. R. 27126)—to the Committee on Pensions.

By Mr. RYAN: Petition of the Merchants' Association of New York, favoring an appropriation of $300,000 to provide a government exhibit at the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the National Fruit Products Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, resolution of the Shenandoah Valley Fruit Growers' Association, favoring law to prevent spread of dangerous insect pests—to the Committee on Agriculture.

By Mr. SIMS: Petition of business men of Washington, favoring H. R. 27670, for prevention of cruelty to animals—to the Committee on the District of Columbia.

Also, petition of farmers' convention for Carroll County, favoring a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of P. B. Fort and 26 others, of Washington, D. C., against the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. SPERRY: Resolution of the Meriden Order of Elks, of Meriden, Conn., favoring the establishment of a reserve for the American elk—to the Committee on the Public Lands.

By Mr. STANLEY: Papers to accompany bills for relief of Thomas H. Barker and Rankin Eastin, administrator of the estate of William H. Eastin—to the Committee on War Cliams.

By Mr. STEENERSON: Petitions of W. T. Spillam and others, of Red Lake Falls; Edward Johnson and others, of Beltrami; J. P. Seim and others, of Flom; and Axel W. Johnson and others, of Newfolden, all in the State of Minnesota, against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of the Crookston (Minn.) Water Works, Power, and Light Company, for reduction of tariff on electric-light carbons—to the Committee on Ways and Means.

Also, petition of Noyes Brothers & Cutler, of St. Paul, against free importation of surgical instruments in certain cases—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of Groton Grange, No. 7, of Groton, Mass., favoring establishing a national highways commission—to the Committee on Agriculture.

By Mr. TOWNSEND: Petition of residents of Ann Arbor, against converting the Hetch Hetchy Valley of California into a reservoir for the city of San Francisco—to the Committee on the Public Lands.

By Mr. VREELAND: Petition of oil producers of Wellsville and Richburg, both in the State of New York, against any change in tariff on crude oil—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 14, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we meet here on this sacred day to fulfill a sacred mission. We are come to pay a tribute of love and respect to men who served with distinction their country in the Congress of the United States, than which no greater service, if faithfully and efficiently done, can be rendered to one's country. Teach us how to be true to ourselves, how to be patriots in times of peace, how to be philanthropists, that we may feel bound to contribute something to our neighbor, to the public weal, and to the uplift of humanity; that we may be, indeed, followers of the world's great Exemplar, and departing, leave the world a little better than we found it.

Inspire the men who shall speak here to-day that they may bring out the sterling qualities of their departed colleagues; that they may be an example to those who shall come after them. Comfort us all with the blessed hope of the immortality of the soul, and be especially near to the families who mourn the loss of their dear ones that they may look forward with bright anticipations to a world where sorrows never come, and where they shall dwell together with their loved ones forever. And glory and honor be Thine through Him who revealed the immortality of the soul to the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

MEMORIAL ADDRESSES ON THE LATE HON. WILLIAM H. PARKER, OF SOUTH DAKOTA.

The SPEAKER pro tempore (Mr. OVERSTREET). The Clerk will report the first special order.

The Clerk read as follows:

On motion of Mr. MARTIN, by unanimous consent,

House Order No. 18.

Ordered, That there be a session of the House at 12 m. Sunday, February 14, for the delivery of eulogies on the life, character, and public services of the Hon. WILLIAM H. PARKER, late a Member of this House from South Dakota.

Mr. MARTIN. Mr. Speaker, I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 563.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM H. PARKER, late a Member of this House from the State of South Dakota, which occurred at his home in the city of Deadwood, June 26, 1908.

Resolved, That the business of the House is now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased, and in recognition of his distinguished public service, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were agreed to.

Mr. HALL. Mr. Speaker, it is with mingled feelings of sadness and hope that I undertake to pay this final tribute to my deceased friend and colleague in this body. It is with a feeling of sadness because of the loss of a companionship which I prized highly, and the memory of which I sacredly cherish. It is with a feeling of sadness because I realize that in his death his splendid family sustained the loss of a loving and devoted husband and father. It is with a feeling of sadness because by his departure the State of South Dakota lost one of its most honored, respected, and patriotic citizens, one whose bright intellect and sturdy integrity have been interwoven in many ways in the fabric of her laws and social life. It is with a feeling of hope that what has been our loss has been his gain. It is with a feeling of hope because he has departed from this world of sickness, pain, trouble, and sorrow, and has gone to a sphere of existence where these are unknown, where all is brightness and happiness and peace.

We can not approach the subject of death with aught but reverence. It is the great unexplainable mystery. Sages and philosophers for ages have vainly endeavored to discover the source of life and the effect of death. It is the secret which the Omnipotent One has wisely and mercifully withheld from us. But enough has been revealed to us that we may know that life does not end at the grave. As the new-born infant instinctively takes nourishment at the mother's breast, so every human being, though unlearned and uncultured, has within his breast the instinctive feeling of immortality. It has been said that "the gods conceal from men the happiness of death that they may endure life."

I shall allude briefly to some of those principal incidents which, like milestones, mark and indicate our lamented colleague's upright life, his noble character, and his patriotic and active civil and military service. WILLIAM H. PARKER was born May 5, 1847, enlisted in the Union Army May 27, 1861, at Portsmouth, N. H., and was mustered into service, to take effect the same date, as a musician, in Company H, Second New Hampshire Volunteer Infantry, to serve three years, and was discharged from the service August 28, 1861, at Bladensburg, Md., being unfit for duty as a drummer.

He was again enrolled September 4, 1862, at Keene, N. H., and was mustered into service September 22, 1862, at Concord, N. H., as a private, Company G, Fourteenth New Hampshire Volunteer Infantry, to serve three years. He was transferred some time in January or February, 1864, to Company A, Sixth Regiment Invalid Corps, which organization was afterwards designated Company A, Sixth Regiment U. S. Veteran Reserve Corps. He was mustered out of service, as of that company and regiment, April 28, 1865, at Cincinnati, Ohio, to enable him to accept promotion as second lieutenant in the Sixth U. S. Volunteer Infantry. He was mustered into service April 29, 1865, at Cincinnati, Ohio, as second lieutenant Company C, Sixth U. S. Volunteer Infantry, to serve three years, and was mustered out and honorably discharged the service with the company October 15, 1866, at Fort Kearney, Nebr. He was brevetted first lieutenant of volunteers March 13, 1865, for faithful and meritorious services.

He married Miss Clara E. Thomas, of Washington, D. C., January 27, 1867, the result of the union being 11 children, 8 of whom are living. Graduated from the law department of the Columbian University, Washington, D. C., class of 1868. Was admitted to the bar of the supreme court of the District of Columbia immediately after his graduation. Appointed collector of internal revenue of Colorado Territory by General Grant, President, June 24, 1874. Resigned July, 1876, upon his appointment as assistant United States attorney of Colorado Territory. Was subsequently appointed United States attorney of Colorado. Removed to Deadwood, Dak., July, 1877, where

since said time up to the time of his death he engaged in the practice of his profession. Was elected a member of the constitutional convention of the proposed State of South Dakota June 30, 1885. November 3, 1885, was elected a member of the state senate from Lawrence County, but owing to the fact that South Dakota was not admitted as a State until 1889, he did not serve. Was elected a member of the house of representatives of South Dakota in 1880. Was elected state's attorney of Lawrence County in November, 1902, and reelected in 1904. Was elected to the Sixtieth Congress November, 1906. He departed this life at Deadwood, S. Dak., June 26, 1908, in the sixty-first year of his age.

Colonel PARKER while in this body was a member of the Committee on the Militia and of the Committee on Indian Affairs, and it is somewhat indicative of the generosity of his nature and of his interest in military affairs that of the thirty-odd bills which he introduced in the last session of Congress two-thirds at least were bills either for pensions or otherwise for the relief of worthy and distressed soldiers and the widows of soldiers. His death occurred within a month after he had left Washington, where he had been in faithful attendance upon this House.

I had known Colonel PARKER for upward of twenty years, but became more intimately acquainted with him during the last year of his life. I had known him as an able lawyer, as a member of the constitutional convention, a member of the state legislature, as a worthy and respected citizen of the State. Later, upon closer acquaintance, we became friends. He was one of those friends who was such not only in fair weather, but in foul; not only in times of prosperity, but in times of adversity and of trouble. Unfortunately his continued illness during the last session of this Congress prevented him from becoming intimately acquainted with many of his colleagues. To say that he or any man is without faults would be an exaggeration.

We all have our faults. "To err is human, to forgive divine." His faults, if any, were such as are common to those of his generous nature and amiable disposition, and they were so few and of such minor importance that they were eclipsed by his many virtues as the stars are eclipsed by the noonday sun. He could not see want and distress unrelieved, even to the extent of giving his last dollar. He came always to the relief of the afflicted.

Going to the Territory of Dakota in 1877 and locating at Deadwood, then a mining camp, he was one of those hardy pioneers who materially assisted in building up a splendid Commonwealth. He was one of those who assisted in bringing order out of chaos, in subduing the lawless and turbulent element which is usually found in an early mining camp; and he lived to see it develop into the richest hundred square miles in the world, populated by a law-abiding, peaceful, industrious, and prosperous people. One might inquire why with all this opportunity he did not accumulate great wealth. The answer is very simple. His generous nature and his ever-present desire to assist others would not permit it. In the death of Colonel PARKER the State has sustained a great loss. He took an important part in framing the constitution of that State, a constitution which is generally conceded to be a model.

As a member of the state legislature he was the author of many meritorious bills which became crystallized into the laws of that State. As a lawyer he was noted for his ability as a counselor and as an advocate, as well as for his fidelity to his clients. The reports of the supreme court of the State bear evidence of his legal ability and his success at the bar of that tribunal. The Lawrence County bar, of which he was a respected member, paid a beautiful final tribute to his memory by resolutions adopted by that body. I had the honor to be a member of the committee which attended his burial service, and was impressed, as his body lay in state in the city hall of Deadwood, by the great number of sympathetic friends and neighbors who came to look for the last time upon the face of their departed friend. The ceremonies were conducted under the auspices of his old comrades, the Grand Army of the Republic.

When Colonel PARKER was elected state's attorney of Lawrence County he found that the laws prohibiting gambling and regulating the sale of intoxicating liquors were, as they had been for years, flagrantly violated. In obedience to his duty as he saw it, and with the courage to express and enforce his convictions, he closed the gambling joints and caused their apparatus to be destroyed and compelled the saloon keepers to obey the law. To him the grateful people of his county extended the due meed of praise for having suppressed and cleansed the community of these vices.

Realizing his failing health and evidently with a premonition of death, Colonel PARKER told me a few days before I left Washington for home that he had selected a site in Arlington Cemetery where he desired that he might be buried, and there in that beautiful city of the soldier dead, overlooking the placid and historic waters of the Potomac, now lie the earthly remains of my colleague.

It is only in those homes where the grim destroyer has entered that the full import of death is felt. The cheering voice is silent, the willing, helpful hands are still. The empty chair, the vacant place at the table, are silent but eloquent evidences of him who has gone. To the bereaved ones the sun does not shine as brightly or the birds sing as sweetly as before. The charms and pleasures of life have lost their attractiveness. The one who has gone before is as a magnet that calls them to heavenly thoughts and things. Yet it is not despair, but resignation. He has gone to await their coming and, with that faith in immortality which inspires hope, they know that they will meet again. We may strew his grave with beautiful flowers expressive of our love and esteem, we may here recount his virtues and his services to his country and express our sympathy to the bereaved family, but hope and comfort must come to them from a source infinitely higher than from us poor fallible mortals. I know of no more concrete, hopeful, authoritative assurance than that which is contained in the words of our Savior when he said:

> Verily, verily, I say unto you, he that heareth my word and believeth on Him who sent me shall have everlasting life and shall not come into condemnation, but is passed from death unto life.

The final summons came to our beloved colleague at an age when the twilight shadows of life were lengthening toward the east, and surrounded by his loved ones to whom he was so devotedly attached, he fearlessly, calmly, and peacefully entered into the great beyond. But let us indulge in the hope of a happy reunion with him and our other friends and dear ones who have gone before in a place where there are no tears and no more partings.

> Eternal Hope! when yonder spheres sublime
> Peal'd their first notes to sound the march of time,
> Thy joyous youth began, but not to fade
> When all thy sister planets have decay'd;
> When wrapt in flames the clouds of ether glow,
> And heaven's last thunder shakes the world below,
> Thou, undismay'd, shalt o'er the ruins smile,
> And light thy torch at Nature's funeral pile.

Mr. GRONNA. Mr. Speaker, it is fitting, when one of our number lays down his work and consigns himself to the last sleep, that we pause for a brief moment and pay tribute to his memory. It is well to consider his life, his endeavors, and his achievements, that we may learn from his failures and rejoice in his successes.

We have assembled to-day to honor the memory of WILLIAM H. PARKER, of South Dakota. At the time of his death I had known him but a comparatively short time, but I had learned to regard him with the highest esteem. Born in 1847, he was but 14 years of age when the civil war broke out. He answered the call to arms, however, and gave five years of his early youth in eager, unselfish service to his country. At the end of the war he took up his work in the walks of civil life. He graduated from the law department of what was then the Columbian University in this city in 1868 and was immediately admitted to the bar. He was appointed collector of internal revenue of Colorado by President Grant in 1874, was appointed assistant United States attorney of Colorado in 1876, and was subsequently appointed United States attorney of Colorado. In July, 1877, he moved to Deadwood, Dak., and engaged in the practice of law.

His neighbors, however, soon recognized his abilities and called upon him to take part in public life. He served as a member of the constitutional convention in 1885, served as a member of the South Dakota legislature, as state's attorney of his county, and as a Member of Congress, and in every office that he was called to fill he performed his duties faithfully and did his work well. He had served but a short time in Congress when an all-wise Providence cut his life short, but his previous training in public life stood him in good stead and enabled him to do efficient work from the first. All his associates felt that had he been permitted to serve a few more years, he would have left his mark on much important legislation.

He had a keen intellect, showed marked ability as a lawyer, and was a leader of men. The high devotion to his country that he showed when, as a mere boy, he risked his life in her service was always evident in his performance of all public duties. His genial disposition won him many friends, and there are few

men who go to their graves more sincerely loved and mourned by his associates than WILLIAM H. PARKER. And sincerely regretting his departure, we take leave of him with the words:

His faults write upon the sands; his virtues on the tablets of our memories.

Mr. KEIFER. Mr. Speaker, in earlier days in the Congress of the United States we were in the habit of stopping in the course of our business day's legislation to recount the history and speak of the character and commemorate the memory of our dead. Perhaps it is well now that we take the Sabbath day to come here for a like purpose. I was not, Mr. Speaker, intimately acquainted with the Member from South Dakota, WILLIAM H. PARKER. He came into this Congress after a long life of preparation for the work that confronted him here. I can not speak of his personal achievements in civil life nor of his long and gallant career in the Army of the Union in times of war. I knew his genial character, and I was drawn to him because he was a soldier in the Union Army in the civil war. With a rare exception here and there, he was the youngest of those who went into the civil war to fight for the preservation of the Union. A child (14 years of age), in fact, when he first enlisted in 1861, blossoming with youth and not yet into mature manhood, he went with his regiment and comrades of the State of New Hampshire to the field. Difficulties always arose in such cases with persons so young, and yet he persisted, and with a second enlistment, and so on, to the end of the civil war.

Like some others who showed their military spirit and courage in that war, he became a soldier, or, rather, an officer, in the United States Army without preparation in the military sense or in an educational sense for military duties. He became a natural soldier, and by serving in the field, in campaigns, bivouacking with the soldiers without tents, and in battle he acquired the true inspiration of an officer. His war experience stood at the close of the civil war with him for a graduation at the Military Academy at West Point. At 19 years of age he became a lieutenant in the United States Army. There were few others who went into the Regular Army under like circumstances. The present senior colonel of the Quartermaster's Department of the United States Army was a marked example of a child going into the civil war and from that, with an interval in civil life, to service in the Regular Army, and he now stands as the senior colonel and quartermaster in that great department of the United States Army. I refer to Col. John L. Clem, once known as the "Drummer boy of Chickamauga." But, Mr. Speaker, we are to speak of the dead. We often hesitate and sometimes fail to stop in our daily career to honor the dead, but look forward to the living. I had a peculiar sensation come over me a few months ago when I had climbed to a mountain summit in the Yosemite Park, California, and up to the great Mariposa trees. These trees range in height from 200 to 350 feet, higher perhaps. I looked around at that marvelous growth of nature, and as I rode along I came across a great redwood tree lying prone full length upon the ground.

I looked in amazement and with mingled sorrow and regret at that lone, fallen tree which had stood through the centuries, as it lay amongst its living, standing comrades. But what a curiosity to inspect, to take its measurements in length and diameter, and see what nature had produced there in that wonderful mountain park! My interest centered around this mammoth tree, dead, decayed; but in the providence of things earthly it had fulfilled its mission and though fallen was monarch of all of them.

So we turn to those who have fallen among us here and view what they have been in life and see that they, though dead, still have fulfilled their mission on earth among men.

The last fiscal year showed that of those soldiers of the civil war who drew pensions 23,353 had died. That great, grand army of the Union is to pass away. Nature makes this inevitable. But Mr. PARKER as one of them fulfilled his duty with them and did his full share from childhood to manhood, which came early with him, and aided in accomplishing the greatest thing for civilization and humanity and personal liberty that has ever been accomplished in all the ages.

From the decrees of war, that war from 1861 to 1865, we mark a new era all around the world. We have seen, and we are still seeing, and we shall see, the glories of the things accomplished in our own country, but that does not tell half the tale. The liberty of man has extended to autocratic Russia, to other lands where oppression fell heavily upon the masses; and while we are here to-day, the people in Persia, taking spirit from what occurred here in our civil war, are fighting for civil liberty. And even the Sultan of Turkey is negotiating with the young, spirited Mohammedans and granting them a share of human liberty. This is all traceable back, in my opinion, to what was accomplished here in this land by the civil war.

I have said enough, Mr. Speaker, to bear my testimony to that highest thing incident to a citizen of our country, to wit, patriotic duty, which inspired our deceased colleague here. In the performance of duty none can stand higher than WILLIAM H. PARKER, whose life and character we commemorate here to-day.

Mr. MARTIN. Mr. Speaker, Col. WILLIAM H. PARKER represented the State of South Dakota as a Member of this House of Representatives only a little more than a year, when he was stricken suddenly and died on the 26th day of last June.

For twenty-eight years we had been residents of the same town and have practiced law before the same courts. In the daily life of the citizen and in the forum of the courts I have had good opportunity to test his quality as a man and public servant. He succeeded me as a Member of this body, and now, by reason of the fatality of death, I am in turn succeeding him. It is not inappropriate, therefore, that I should offer this modest tribute in his memory.

Colonel PARKER had the instincts and bearing of the soldier. The war of the rebellion was on during the years of his young manhood. He enlisted in the Union Army before that struggle had proceeded ninety days, and he was still wearing the blue when the Confederate forces surrendered under General Lee. Indeed, he continued in the Regular Army until the fall of 1866, when he resigned from the service at Kearney, Nebr. The bearing and deportment of the military gentleman remained with him to the end of his life.

The events of the war of the rebellion have long since passed into history. Let us hope that the tremendous issues involved in that mighty struggle may never be lost to the understanding and to the benefit not only of this land of ours, but of universal humanity.

Every student of our Constitution is necessarily struck with the fact, historical as it is, that in at least one particular this great instrument, this charter of liberty of our people, was the result of compromise. It is true that that compromise grew out of a condition—a condition by which much of the labor of the Southern States was performed by slaves; and it is probable—indeed, I think it is generally agreed by historians—that without the making of that compromise our Constitution would not have been formed. That compromise was to the effect that the African slave trade should continue for a period not to exceed twenty years, and that the slave condition in the particular States where it had become established as an institution might continue indefinitely. Those were the provisions placed in that immortal instrument which tended toward slavery rather than universal liberty. It was a yielding of principle to expediency. In the progress of years it became manifest, as was said by the immortal Lincoln, that this land could not permanently endure half slave and half free. Slavery was therefore the irritating cause of the rebellion, but the permanency, the existence, indeed, of the Nation itself, was the rallying call that summoned the loyal men of the North and the South to the defense of the Union.

Colonel PARKER, young man as he was, devoted more years of his life to the protection of that principle of union in this Nation than was accorded to but few patriots. That struggle developed. It cost an infinite amount of treasure. It cost in the neighborhood of a million of young lives, the very flower of the manhood of America; but it was worth all that it cost. As a result, our flag emerged from the smoke of battle to float forever over a Nation every individual of which shall be forever free. The Constitution was purged of its iniquity, and it is now one consistent whole, based upon the principles of universal liberty.

If this Constitution was worthy to be venerated before the civil war, certainly it is now entitled to the love and to the patriotic devotion of the people of our country for all time to come.

Colonel PARKER was a native of New Hampshire, and married in the city of Washington in 1867. He graduated from the law department of the Columbian University, now the George Washington University, in this city in 1868. From that time forth he became identified with the development of the West, and lived continuously in the West, first in Colorado and then in the Territory of Dakota and subsequent State of South Dakota.

It is in his profession as a practicing lawyer that Colonel PARKER is best known, and it is here that he carved out his most eminent career. He was made assistant United States attorney for Colorado Territory by President Grant in 1874, and became

later United States attorney for the State of Colorado. He moved to Deadwood, in the then Territory of Dakota, in 1877, and for the thirty-one years until his death he was in the constant practice of his profession.

He was an eminent and gifted lawyer. By natural talent and education he was well equipped for his profession. An orator of ability, possessing an unerring judgment in discovering the strong points of his case, with consummate skill in the presentation of his cause to the jury, he made a most formidable legal antagonist, particularly in the trial of jury cases. His specialty was criminal law, and for years he was easily the leading criminal lawyer in western Dakota.

Near the close of his life he served two terms as state's attorney for the county in which he lived. He brought to the service of the State and county a proficiency acquired during a long career in the practice of his profession. As public prosecutor he discharged the official duties of his position with an ability and success seldom equaled and never excelled in the administration of the state's attorneyship of his county. It was during his term that a moral movement for the enforcement of the laws against gambling was undertaken and successfully prosecuted. The credit for this is due, in large part, to the courage and ability of Colonel PARKER in the fearless discharge of his duty as prosecuting attorney. The results of that movement have been far-reaching and will be permanent.

The fatal malady which overcame him was upon him for two or three weeks before his death. It was apparent to his friends and to himself that the end was at hand. His courage was unfailing. He responded to the summons of the "grim destroyer" with fortitude and confidence. He approached his grave—

> As one who wraps the drapery of his couch about him,
> And lies down to pleasant dreams.

His body rests in Arlington Cemetery, in appropriate recognition of his long and honorable service in defense of his country and in suggestive nearness to the scenes of his gallant young manhood.

RECESS.

Then, on motion of Mr. MARTIN (at 12 o'clock and 53 minutes p. m.), the House stood in recess until 2 o'clock p. m.

AFTER RECESS.

At 2 o'clock, the recess having expired, the House was called to order by the Speaker pro tempore.

EULOGIES ON THE LATE WILLIAM PINKNEY WHYTE, OF MARYLAND.

The SPEAKER pro tempore. The Clerk will read the order adopted in respect to the late WILLIAM PINKNEY WHYTE.

The Clerk read as follows:

On motion of Mr. GILL, by unanimous consent,

House Order No. 16.

Ordered, That there be a session of the House at 2 p. m. Sunday, February 14, for the delivery of eulogies on the life, character, and public services of the Hon. WILLIAM PINKNEY WHYTE, late a Member of the United States Senate from Maryland.

Mr. GILL. Mr. Speaker, I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 564.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the late Hon. WILLIAM PINKNEY WHYTE, late a United States Senator from the State of Maryland.

Resolved, That as a particular mark of respect to the deceased, and in recognition of his distinguished public service, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GILL. Mr. Speaker, we have assembled here to-day to pay tribute to the memory of one of Maryland's noblest sons, the late Senator WILLIAM PINKNEY WHYTE, of whom it may be said in the words of Byron:

> Thy days are done, thy fame begun;
> Thy country's strains record
> The triumphs of her chosen son.

His life was like a shining star in the firmament of Maryland's history. It shed the luster of nobility of character and force in every sphere of public and private activity in which this strong and good man entered. Governor WHYTE's influence for good did not end with his life. Like a comet which in its rush through space leaves a streak of light in its trail, so his life which pulsated with goodness and strength has after its extinction left a beacon for the guidance of those who were not vouchsafed the God-given powers which were his.

In my boyhood days it was my good fortune, as friend of his sons, to be a welcome guest at his old-fashioned home in Baltimore. His hospitality to all who passed his door, and especially to the young, was as warm as it was spontaneous. It was during these visits that I was struck with the extraordinary strength of his devotion to his family and friends. To sacrifice his own comfort for the happiness of those about him was to him a pleasure. It was then also that I observed those marked characteristics which were exemplified in his conduct throughout his long and useful life—his goodness and his strength, and exquisite and most harmonious blending of the finest qualities of heart and head. Strong enough himself to mock at the temptations and the great and petty vices to which big as well as little men easily fall victims, he was yet big-hearted enough and sympathetic enough to look charitably upon the frailties and weaknesses of those who were not blessed with his wonderful self-control and powerful moral and intellectual discipline. He was strong enough to be self-denying in his habits, but he was too human and too broad to permit self-denial and self-sacrifice to degenerate into asceticism. Indeed, few men I know were more sociable than he. And though he was too strong to require the diversion and recreation which most men regard as essential, he was too broad not to recognize why others weaker than himself did need them.

It was not strange, then, that a man whose private life was an exemplification of the noblest attributes of the loving father, the devoted husband, and the faithful friend should have discharged his public duties with the fidelity and the ability that have earned for him the affectionate appellation, "The Grand Old Man of Maryland." At the age when most boys are still at school Governor WHYTE was obliged to begin his career in a countinghouse as a bookkeeper. His work there, though still a lad of 18, showed that thoroughness which in his later career blossomed forth into that masterful faculty to go to the bottom of every difficult problem with which his powerful mind was required to grapple. But the routine and the limitations of the countinghouse life were not compatible with the tastes and the aspirations which this youth had probably inherited from his maternal grandfather, the great William Pinkney. He therefore turned from the trials and tribulations of trade to the more exacting and more exciting life which the law holds out. Governor WHYTE's training as a law student was in most capable hands. But while I do not wish to detract from the credit that may probably be due to those who were intrusted with Governor WHYTE's legal training, I am not inclined to attribute his magnificent career largely to that training.

We must remember that we are dealing with a rare individuality—an individuality which does not suffer itself to be submerged by initial handicaps, nor one that sends its possessor to greater heights because of initial advantages. At the outset of his legal career it was soon recognized that this young lawyer possessed a power of application, a thoroughness of method, a luminousness and strength of intellect that would make him a worthy son of the State that has given us a Wirt, a Pinkney, a Taney, a Nelson, and a Johnson. The promise of his early life was fulfilled by the performance of his later career. In 1847 we see him for the first time in the rôle of public servant, when this young man of 23 served a term in the lower branch of the Maryland legislature. Thereafter, until his death while a Member of the United States Senate, his public services and activities are so wrapped up and interwoven with the annals of our own State that when we read its history we are bound to learn much of this beautifully rounded life. Six years after his election to the legislature we find him as state comptroller, utilizing his experience as an expert accountant in placing that important office upon a basis which, since that time, it has been necessary to change but little.

The admirable system which he established in that office and the excellent manner in which he fulfilled his responsibilities elicited high praise from the legislature of his State. In 1868 we see Governor WHYTE in the United States Senate, the worthy successor of Reverdy Johnson, who was called to other fields of usefulness. With the hand of the master, we see this comparatively young man curbing the bitter feelings and passions of partisanship and upholding the waning influence and dignity of a coordinate branch of the Government. He was fearless enough to enter the lists with such master minds as Wade, Cameron, Sumner, Conkling, Edmunds, Morton, and

Conness, and he was strong enough to carry the day. There he stood, as he had always stood since that time, for the supremacy of constitutional principle against the exaltation of personal and party passion, for the equal dignity and preservation of every coordinate branch of the Government against the usurpations and the arrogance of power by any one of them. This was the first supreme test of his fearlessness and statesmanship, and he measured up to it nobly. Three years after his appointment to the Senate Mr. WHYTE was elected governor of his State, and in 1874 we find him again in the United States Senate. This time he was sent there by a legislature of which I had the honor to be a member for a full term of six years.

After the expiration of his first term we find him declining a reelection to that august body. This refusal of one of the greatest honors which a State can confer upon its worthy son was not prompted by what we could justly consider as a proper motive, the desire to provide for himself that competence to which his magnificent powers entitled and assured him, but because of the illness of his wife. So that when we look at any period of this full and tirelessly active career we find that Governor WHYTE's energies were stimulated by his devotion to his family and his finely developed sense of responsibility to his fellow-citizens.

There can be no nobler example of this keen sense of responsibility to the public than his public career offers after his retirement from the Senate in 1880. Some men, after having enjoyed the highest favors which a discriminating electorate can bestow, are not content to serve their fellow-citizens in a capacity less exalted than that in which they formerly represented them. We are accustomed to look upon this weakness as one of the foibles of great men. With Governor WHYTE, however, it was not so. In 1881 the exigencies of public life required him to serve as Baltimore's mayor. In 1900 he was called to be its city solicitor. To him the call of his fellow-citizens was the equivalent of a sacred command. And he sanctified those offices, high in themselves but minor in their nature when likened to those which he had formerly filled, with the same nobility of purpose, the same inexorable rectitude, the same high powers that characterized his conduct in the governor's chair and in the national forum at Washington.

Of his splendid successes as a lawyer and an orator it is sufficient to say that he was a noble successor and representative of Maryland's famous line of lawyers. To him the profession of the law was a sacred calling, not a means for enrichment, followed during the intervals in which his manifold public duties did not absorb his attention, for throughout his long and useful life his private interests were subordinated to the requirements of public responsibility. It was therefore a crowning tribute to his worth and a striking manifestation of the gratitude of his fellow-citizens when the governor of his State appointed him to fill out the unexpired term of the late Senator Gorman and when the action of the governor was stamped with the people's approval when the legislature of Maryland in 1908 elected him to the same office. An affectionate father, a devoted husband, a faithful friend, a brilliant lawyer, and a fearless and splendid public servant—in short, a strong and a good man—this is what Governor WHYTE was. It is the achievement of men such as he was that inspire the well-known and beautiful strain:

Lives of great men all remind us
We can make our lives sublime,
And departing, leave behind us
Footprints on the sands of time.

Footprints that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother
Seeing, might take heart again.

Mr. KEIFER. Mr. Speaker, it is fitting and appropriate that the Members of this House, especially of the State of Maryland, should speak of the life and character of WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland. I offer no excuse for adding a word of tribute to his memory, although I had no close personal acquaintance with him. I knew his public history, his splendid life history, and that covered a long and successful career. I knew his character and reputation, that which attaches to a man by what we call "word of mouth." That is always truthful, no matter what the public prints may contain with reference to the individual considered.

I have a very warm feeling for the State of Maryland and her people. Almost one hundred years ago (1811) my father started from the heights around Antietam Creek, Maryland, from the then village of Sharpsburg, to the West. He carried with him the plain, simple, sturdy nature that belonged to the people with whom he had lived from birth to a period of about 27 years of age. I had the honor of commanding for almost two years one of Maryland's most gallant regiments—the Sixth Maryland Volunteers—that fought for the preservation of the Union. These things make me feel as though it was highly appropriate that I should say a word for the distinguished deceased Maryland Senator. In order that there may be no mistake about the description and history of this distinguished man, I now ask the Clerk to read from the Congressional Directory that story of his life and career therein contained, which, though not necessarily written by Senator WHYTE, we all know must have had his approval as to its essential accuracy. It is mere statement or recital and not eulogistic, yet a good, though far from full, summary of his life and career.

The Clerk read as follows:

WILLIAM PINKNEY WHYTE, Democrat, of Baltimore, was born in Baltimore, Md., August 9, 1824. His grandfather, Dr. John Campbell White, a native of Ireland, and one of the United Irishmen of 1798, came to America in 1800; his maternal grandfather was William Pinkney, of Maryland, who died while United States Senator from that State in 1822; he was educated by M. R. McNally, a distinguished scholar, who had been secretary of the first Napoleon. From 1842 to 1844 he was engaged in mercantile pursuits in the countinghouse of Peabody, Riggs & Co., of Baltimore, of which house George Peabody was the founder; studied law in Baltimore, and finished his legal education at the law school of Harvard University in the class of 1844–45; was admitted to the bar in 1846 and practiced his profession in Baltimore; was judge-advocate of a court-martial at the Naval Academy in 1848. He was a representative of Baltimore City in the legislature of Maryland in 1847 and 1848; was elected comptroller of the treasury of Maryland in 1853, serving until 1855, when he declined a reelection; was a candidate for Congress in 1857 against the Know-Nothings and contested the seat of the sitting Member on account of fraud and violence at the election, and the Committee on Elections reported a resolution declaring the seat vacant, but it was laid on the table by a vote 100 to 105. He was a delegate to the Democratic national convention of 1868, which nominated Horatio Seymour for President; in the same year he was appointed by the governor United States Senator to fill the vacancy caused by the appointment of Reverdy Johnson as minister to Great Britain; in 1871 he was elected governor of Maryland for four years, but resigned in 1874 to enable the legislature to elect his successor, on his own election to the United States Senate for a full term from 1875 to March 3, 1881, to succeed William T. Hamilton, as a Democrat. In 1881, on his retirement from the Senate, he was elected mayor of Baltimore, without opposition.

In 1887 he was elected attorney-general of Maryland, serving until 1891. He was appointed by President Harrison a delegate to the congress of South American Republics, but declined on account of professional engagements. During the years 1897 and 1898 he was chairman of a commission, established by the city, to frame a new charter for the city of Baltimore. In 1874, in the boundary dispute between Maryland and Virginia, he appeared by appointment of the governor as counsel for his State before the arbitration board, composed of Judge Jeremiah S. Black; Governor Jenkins, of Georgia; and Senator Beck, of Kentucky. In the same year the degree of LL. D. was conferred on him by the University of Maryland, and subsequently he received a like degree from St. John's College. In 1900 he was appointed city solicitor of Baltimore, which office he resigned in 1903; was appointed June 8, 1906, by the governor of Maryland, United States Senator, to fill the vacancy occasioned by the death of Hon. Arthur Pue Gorman, and took his seat June 11, to serve until the legislature of Maryland shall elect a successor for the unexpired term, ending March 3, 1909.

When the Democratic state convention, on August 8, 1907, adopted the plan of selecting nominees for United States Senators and declared by unanimous resolution that it should be binding on the Democrats elected in any county or district to the next legislature to cast their votes for the candidates for United States Senator who shall have received the greatest number of votes cast at such primary election in such county or district, he announced his candidacy for the balance of the term to succeed himself. He received 66,290 votes at the primary, carrying every county and district in the State without opposition, insuring his election in January, 1908. His term of service will then expire March 3, 1909.

Mr. KEIFER. Mr. Speaker, WILLIAM PINKNEY WHYTE died a United States Senator March 17, 1908, at the age of almost 84 years. Such a long life is rarely allotted to man; and to live in this Republic for such a period is to have lived through the best and most important period of the world's history. I have often reflected over the matter of the greatness of individual men of the present day compared with that of times gone by. We are apt to minimize our own great men. It was not hard, Mr. Speaker, for a man to be great in barbaric or semibarbaric times, nor yet to be great in the bursting out of civilization in Europe, when it came first out of the forests of Germany and France and from early tribal relations. A great Saxon, or, indeed, a great Roman, always had behind him masses that were of the commonest, illiterate class. When we come to our own period, we find that a great man has to be great among greatness, and when we speak of WILLIAM PINKNEY WHYTE as a great man of his day and generation, we must remember his ancestry and the great men all around him. He came from a good ancestry, a great ancestry, I can truthfully say, on both his maternal and paternal sides. William Pinkney, a great statesman, lawyer, and early patriot of this country, died while a United States Senator, in 1822, two years before the birth of WILLIAM PINKNEY WHYTE, his grandson.

WILLIAM PINKNEY WHYTE grew up among the learned men of his State and country and had to compete with them in mercantile relations, in social relations, in general business rela-

tions, as an attorney and counselor at law and as a statesman, and in all these things he stood with the stronger and greater of them. He succeeded in the United States Senate at one time Reverdy Johnson, a great Marylander, respected and known all over the country as a great patriot-statesman. The statesmen of Maryland of the time of the civil war had their difficulties multiplied somewhat over that of great men and statesmen in some of the Northern States. Maryland was a border slave State, and when the civil war came that was to try the strength of our constitutional unity, they had difficulties to overcome, perhaps prejudices, that did not attach to men of other parts of the United States. These men in the light around them and with the conditions about them did their duty to their country through the civil war and since the civil war, and while I belong and have belonged to a party opposed to the one to which WILLIAM PINKNEY WHYTE was always attached, I have always had the most profound respect for his character and for the character of his associates in his own State. We are here, then, Mr. Speaker, to-day simply to testify to one of our great statesmen. A Member from Maryland speaks properly of WILLIAM PINKNEY WHYTE as belonging to the State of Maryland, but he belonged to the Union—to the great American Republic.

Mr. TALBOTT. Mr. Speaker, we are called upon once more to speak of the illustrious dead.

The late Senator WILLIAM PINKNEY WHYTE was of a most distinguished lineage. His grandfather, William Pinkney, was, in his time, the leader of the American bar. Chief Justice Taney, who had listened to arguments by Luther Martin, Daniel Webster, and the other giants of the time, declared he had never heard Mr. Pinkney's equal; and he was as pre-eminent as a statesman as he was as a lawyer. Senator WHYTE, if he had one ambition, wanted to equal the standard set by his great ancestor, and no one who knew him doubts that he, in a very great degree, realized his ambition, for he was undoubtedly eminently safe as a counselor, one of the most brilliant advocates in his State, and, before a jury, without a peer. The story of his life for its last fifty years is the history of Maryland, and his death closed a great career, which has had few like it in the history of the State he loved and served so well. While many years of his long life were occupied in public office, he was not regarded as an ambitious or self-seeking man, and I personally believe that with the exception of his election as governor and his first election by the legislature to the Senate, the offices he held, in my time at least, came to him because he was worthy of them, and men knew he could be trusted and delighted in honoring him, without effort on his part.

Of his integrity there has never been a suspicion or shadow of doubt, and he discharged the duties of every office to which he was elected or appointed without one adverse criticism. No man ever heard an official act of the late WILLIAM PINKNEY WHYTE censured. Always correct, always honest, he served the people faithfully. He was singularly free from avarice or greed, and never appeared to consider the profits of an office as worthy of his attention, and it has been most frequently commented upon by those who knew that his legal fees were out of all proportion to the eminent services rendered his clients.

In his private life Senator WHYTE was pure and blameless. As a Christian gentleman he was without reproach, with convictions of the life to come and the truths of his religion, which were ever firm and unshaken. He was charitable beyond his means. Most undoubtedly his last election to the Senate was the cause of the greatest gratification to him. Coming as it did, unanimously, in his old age, it showed that although naturally a man of his character had made enemies and known opposition during certain periods of his long and splendid life, at the end he not only was the best known, but the best loved man in Maryland, which was a fitting crown of a life largely devoted to the public service of his State and country.

His death caused more than a mere passing regret, for he had won a warm and loving place in every Maryland heart, even among those who did not know him personally, and there was among our people a feeling of genuine grief when he passed away.

Mr. GOULDEN. Mr. Speaker, in this day of our witness to the memory of Senator WILLIAM PINKNEY WHYTE I leave to my colleagues more fortunate in his close personal acquaintance the tributes of intimate and affectionate association. The State of Maryland is doubly dear to my heart as the scene of my earliest recollections and boyhood days and as the field of my activities, as well as the birthplace of many of my ancestors of sacred memory. As a son of Maryland I have taken pride in the achievements of Senator WHYTE and a delight in helping to honor him. On the several occasions when I called on him for assistance in the passage of bills introduced by me I always found him willing and ready to help.

As a man of high aims and ideals, as a citizen of great legal and statesmanlike attainments and experience, Senator WHYTE was exceptionally distinguished. He was such a man as the citizens of any State might be proud to honor, and in giving him so many marks of their esteem and confidence, my fellow-citizens of Maryland and of the country were reflecting honor on themselves. That they were justified in their choice, that he was tried and never found wanting, the open book of his life and high-honored career amply testifies.

You have heard of the great and stirring events in which he figured. Let me dwell upon what is to me the greatest lesson of his life, the thing for which I revere him most, and which, in my opinion, should be the greatest cause of sorrow at his loss.

By heritage and birth he came to us from our revolutionary fathers, and he was thus a link which bound us to the glorious past; but even more by the cast and bent of his mind he stood for those things which make the glory of the past and the crown of our forefathers; they gave us of their best in giving us the Constitution, and it was for this best that Senator WHYTE stood, and which made him such a strong link and such a representative one between the times of our forefathers and these our days. He was always for the Constitution; for the Constitution as it is, and not as we would make it; his best thought, his deepest and most profound convictions, the essence of his life, were given to the upholding of that instrument, and some of the most noteworthy speeches he uttered were in defense of its integrity and plain intention.

We have fallen upon restless times, and we scarcely know wherein we stand from day to day in the fierce cross currents of opinion on our representative institutions and the framework of our Government. We are mightily rocked in the sea of interpretations and all but drowned in the torrents of authority. But the steadfastness of Senator WHYTE was as a beacon light in such times, a clear, cold light to give courage and hope of succor. He had infinite faith in the fundamental law and its plain interpretation; faith in the intention of the people to place power only in the hands of their chosen representatives as a bulwark against encroachments from whatsoever source. He withstood the storms of opinion like a mighty oak and defended the rights and liberties of the people, who instinctively trusted and honored him.

Strict constructionist he may have been; conservative and wise we knew him to be; but we wish from our hearts that there were more of him in these fevered days. His loss is a great one to his people and to his State, but a greater to the institutions he so fittingly represented and so eloquently defended. At the passing of such a man I could cry out with David, lamenting over Saul, "How are the mighty fallen!" did I not know that his spirit lives on; that the things he stood for will be the better for his labors; that the true representative government he pleaded for and prayed for will be the more able to outlast the storms beating down from high places.

Because his life meant all this, because he died while serving his people and country in a capacity he loved, and because his lesson and his influence will live on we revere him and give testimony here to-day, from full hearts, of the love we bore him and of the honor and respect in which his memory is held.

RECESS.

Mr. GILL. Mr. Speaker, I move that the House now take a recess until 3 o'clock.

The SPEAKER pro tempore. Without objection, the House will stand in recess until 3 o'clock.

There was no objection.

Accordingly the House took a recess until 3 o'clock.

AFTER RECESS.

At 3 o'clock, the recess having expired, the House was called to order by the Speaker pro tempore.

EULOGIES ON THE LATE ABRAHAM LINCOLN BRICK, OF INDIANA.

The SPEAKER pro tempore. The Clerk will report the special order in reference to the late ABRAHAM LINCOLN BRICK.

The Clerk read as follows:

House Order No. 19.

Ordered, That there be a session of the House at 3 p. m. Sunday, February 14, for the delivery of eulogies on the life, character, and public services of the Hon. ABRAHAM LINCOLN BRICK, late a Member of this House from Indiana.

Mr. CHANEY. Mr. Speaker, I move the adoption of the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Indiana moves the adoption of the resolutions which the Clerk will report.

The Clerk read as follows:

House resolution 565.

Resolved, That the House has heard with profound sorrow of the death of the Hon. ABRAHAM LINCOLN BRICK, late a Member of this House from the State of Indiana.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public service, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Mr. CHANEY.

There is no death! The stars go down
To rise upon some fairer shore;
And bright in heaven's jeweled crown
They shine for evermore.

At the Republican convention of Indiana last spring ABRAHAM LINCOLN BRICK was there, as he had been many times in his life, contributing his advice and enthusiasm to the great party to which we belong in preparation for another great campaign. We parted with him in the lobby of the New Claypool Hotel, Indianapolis, expecting to meet him in this Chamber in a day or two to resume the duties here, when, instead, a message came on the swift wings of the lightning telling us that "ABE BRICK is dead." Though sudden and stunning the shock to us, what a blow it was to the wife and daughter, who were also waiting contentedly for his return to Washington. They are entitled to our sympathy, and we mourn with them.

In the midst of life we are in death.

But forty-eight years had passed with Mr. BRICK. He was endowed with a physical constitution equal to any of us, so that it might reasonably be expected many more years would be meted out to him. He was an Indianian, born under the skies of that great State, and possessed, in a superior degree, that milk of human kindness which true Hoosiers always share. He was richly blessed with a splendid human nature, and he believed in his fellow-men. He was not without his faults, like everybody else, yet he was esteemed for his loyal friendships and his good will to men. A man of entirely holy instincts would not be of the earth earthy, would not be sociable, could not be companionable, and hardly endurable. Perfection is beyond our reach. We love a man who is also touched with our infirmities.

Man hath two attendant angels
Ever waiting at his side;
With him where'er he wanders,
Wheresoe'er his feet abide.

* * * *

One to warn him if he darkleth,
And rebuke him if he stray;
One to leave him to his nature
And so let him have his way.

The subject of our sketch was christened with an honored name. Abraham Lincoln was the greatest American citizen. His life was full of trials and duties, but he conscientiously served his day and generation. His life exemplified the inspiring hope that—

For every tear there are a thousand smiles;
For every sorrow there are a thousand joys;
For every vicious thought there are a thousand generous impulses;
For every crime there are a thousand heroic deeds;
For every lie there are a thousand truths;
For every error there are a thousand righteous calculations;
For every mistake there are a thousand perfections;
For every sin there are a thousand redemptions;
For every sinner there are a thousand upright men.

ABRAHAM LINCOLN BRICK had confidence in the human race. The district which he served so long and so well had faith in him, and recognized his ability, his industry, and his fidelity; and the Congresses in which he served have entered upon their imperishable records "Duty well done."

Mr. BRICK came to Congress a well-equipped lawyer and a man of affairs. He had habits of industry, without which no man ever succeeds. He applied himself with assiduity to the tasks of statesmanship and established himself in the hearts of his colleagues, where appreciation is never won without merit. He had literary tastes of a high order, and his life was embellished with the inspiration of the pure and beautiful. He was wont to ask the gentle traveler, "Who hast wandered through the world and seen the sweetest flowers blow and brightest gliding rivers, of the fairest land his eyes hath seen?" and to ask the child, "Where nature is most blest and fair?" and to get the answer that "It is where those we love abide. Though that space be small, it is ample above kingdoms; though it be a desert, through it runs the river of Paradise, and there are the enchanted bowers."

The United States was his country, Indiana was his beloved State, and South Bend his honored home. To his country he yielded patriotic devotion; to his State he gave a full measure of service and appreciation; in his home love asserted and maintained its mild dominion. He would not have it asserted that he possessed all the virtues and graces of life, but that his ambitions were honorable, his life creditable, his impulses exalting and not groveling. He always stripped the calendars of the dead December and threw the husk away; and he always looked beyond the phosphor wisp that seeks to comfort only the barren moors of life to the brilliancy of the sun on the highlands a little way ahead. And so it is that men come and go; for a little while they wear the masks of a choice endeavor, then hasten on to the reward their deserts win.

We have but recently closed a century of the world's progress and noted the achievements of civilization. We have just dried our eyes upon the century of Lincoln's birth and eulogized the triumphs of this matchless man of the people. With handkerchiefs to our faces we stand on the floor of the House of Representatives to-day mourning with a stricken family, but with pride in our hearts that another son of Indiana has shed the luster of an honorable service in the high councils of our national life. His achievements were worthy, his life successful.

ABRAHAM LINCOLN BRICK was a Republican in our politics. He believed in the doctrine that all men are created equal and equally endowed with inalienable rights. He believed in giving to every man an equal chance in the race of life with every other man. He believed in the schoolhouse and in intelligent liberty. He believed in one and the same law for rich and poor, high and low, white and black. He believed in progress, and hailed every progressive thing. He believed in American ideals, and cherished the hope that each succeeding year should outcivilize the old year. He contributed his humble part in the succession of great achievements while he sojourned here. He honored his country, his State, his neighbors, and he left an honorable name to our common civilization.

We bore his mortal remains to his beloved city, and left him with his friends, whom he loved and who loved him in return.

Peace to his ashes! A page to his memory, a tablet to his worth, a blessing on his household, and hail and farewell!

Adelaide Proctor has touched the real graces in Per Pacem ad Lucem and fittingly spread the aroma of the life of our deceased friend—

I do not ask, O Lord, that life should always be a pleasant road;
I do not ask that Thou shouldst take from me aught of its load.
I do not ask that flowers should always spring beneath my feet.
Too well I know the poison and the sting of things too sweet.

* * * * * * *

I do not ask that Thou should always shed full radiance here;
Give but a ray of peace that I may walk without a fear.
Joy is like restless day, but peace divine like quiet night.
Lead me, O Lord, till perfect day shall shine through peace to light.

Mr. DIXON. Mr. Speaker, it has ever been the custom of civilized nations to mingle with their sorrow commemoration of the noble qualities of the dead. It is fitting that those who have served their country in public life, and especially those who have died while in that service, should have accorded them some permanent memorial of the personal regard and esteem felt by those who were associated with them and of the events in which they played so large and useful a part. The time-honored and beautiful custom of Congress enables us to turn aside for a brief period from the active and laborious routine of legislation and to give voice to our mingled feelings of sorrow and respect for our late lamented colleague and friend, Hon. ABRAHAM LINCOLN BRICK.

Born on May 27, 1860, in St. Joseph County, Ind., where to-day his ashes rest, he knew by experience the hardships and privations of the struggles of an ambitious son of the Middle West. His early education was in the public schools of his native county, and he graduated with honor from the high school of South Bend. With an ambition for a higher and broader education, with the determination to prepare himself

more thoroughly for the active and responsible duties of his chosen profession, he sought the advantages of courses at Cornell, Yale, and Ann Arbor. He graduated from the latter institution and returned to his native county and entered the struggle for a practice in his profession.

Three years later he was elected to the office of prosecuting attorney, and his faithful discharge of its responsible and multifarious duties gave early promise of the capable and conscientious manner in which he performed the duties of the high office which he was later called to fill. His close application to his books, his painstaking attention to details, his fidelity to his clients, his strict integrity and charming personality brought him clients and enabled him to establish a large and lucrative practice. He was skilled in the trial of causes, courteous to his opponents, respectful to the court, and frank and open in his arguments to the jury. With these exceptional qualities, it is not surprising that his services were always in demand in important cases, and he leaves a name that will long be honored by the bar of northern Indiana.

As is usual in our State, the lawyer is called upon to participate in political battles, and Mr. BRICK rendered great service to his party in each campaign. His natural oratorical talent, his trained logical mind, quick in its analysis of public questions, his beautiful diction, his practical illustrations, and his passionate and enthusiastic appeals in behalf of Republican policies and principles made him the leading figure of his party in a district that had for years been the storm center of Indiana politics.

Mr. BRICK was not only a fighter on the firing line, but his advice was sought and followed in the councils of his party, both locally and in the State. In recognition of these qualities, he was nominated and elected to the Fifty-sixth Congress, and continued an uninterrupted service for nearly ten years, the longest period served by any Representative from his district.

His constituency looked with favor upon his ability and faithfulness, and loyally gave him their support each time he sought reelection. As a Member of this House, he was placed upon important and responsible committees, and served with distinction on the Committee on Territories, on Naval Affairs, and later upon the Appropriations. Everyone familiar with the business of this branch of Congress knows that these committees have to deal with the most comprehensive and intricate subjects of legislation, and exact of their membership the strictest application and industry. To these duties Mr. BRICK contributed his talents with unwavering fidelity. He shrank from no sacrifices, and never hesitated to give his time and mind to the labor of these committees. He sought no public display of the result of this work, and was always modest and unpretending in his intercourse with his fellow-Members. He but seldom took part in the debates on the floor, not because he was not equipped with knowledge of the subject and able to present his views with vigor and effect, but rather because he was diffident and retiring by nature, and of a demeanor and temperament which induced him to refrain from lifting his voice in debate and to exert his influence and impress his ideas in the committee room, where in fact all important, and particularly constructive, legislation is in reality framed. The services rendered by a Member of this House to his constituency and the country are not measured by the number of bills he introduces, nor in any sense determined by the speeches he delivers. The greatest and most lasting results are accomplished by earnest efforts in the committee, where learning, ability, and devotion to the best interests of the country, such as possessed by our departed friend, have their best opportunity to mold legislation and permanently to leave their impress upon the destinies of the Republic.

While it was through politics that Mr. BRICK secured his advancement and preferment, nevertheless, he was a politician in the highest and broadest sense of that term. "A politician" does not mean in its proper sense one whose aims and ambitions are solely selfish and who seeks only his own advancement without regard to means or methods employed, but rather one who has an intense interest in governmental affairs, fixed ideas as to policies and principles, ability to command the respect and win the confidence of men, and who seeks place and power in the hope that he can be of larger service to his fellow-men. With no other thought than the public good, no other ambition than the faithful performance of his duty, the politician is merged into the statesman, and such a politician and such a statesman was ABRAHAM LINCOLN BRICK.

It is impossible to state in formal phrase the many noble qualities that made up his splendid manhood, kindness, generosity, a loving disposition and an engaging personality. He had no malice in his heart toward any man, no envy in his thoughts, no treason in his dealings with his fellow-men. He was happy when helping others, and he had an unfailing charity toward all.

I was a member of the congressional committee appointed to attend the funeral of our late colleague, and I witnessed the solemn and impressive ceremonies with which his body was laid to rest. I noted the sincere grief felt by the people of his district over his death. Factories were closed, business was suspended, schools were dismissed, and the streets were for squares thronged with those who sought to pay their last tribute to their departed fellow-citizen. Persons of all ranks and classes jostled elbows in that crowd, and mingled the expressions of heartfelt sorrow that each felt in his death and their admiration and love for his splendid character.

The people of his city had honored him in life, and they did not fail in his death to breathe the tenderest sentiments of affection and sympathy over his remains. No matter what the memorial shaft chosen to mark his grave may be, no matter how long it endures the elements and mutely stands bearing testimony of the departed, longer still shall his memory be cherished and shall the spirit of the man that was and the good he wrought live in the hearts of the people whom he served. In the words of Tacitus—

> Whatever we have loved in Agricola, whatever we admired in him, remains and shall remain in the minds of men, in the duration of the ages, and the renown of great events.

The last word is said. Human hands can do no more; human sympathy can share but never still the pangs of broken hearts.

I append portions of the beautiful tribute to Mr. BRICK delivered by the Rev. Henry Webb Johnson, pastor of the Presbyterian Church of his home city, who was his lifelong friend and neighbor:

> TEXT.—Seest thou a man diligent in business? he shall stand before kings. (Proverbs, xxiii: 29.)
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> I said to a friend a moment ago that I could hardly realize that our friend is gone. The letter that I hold in my hand, received from him a few days ago, makes it difficult for me to realize that he is not with us. When he wrote it he was in the prime and splendor of his powers. A deep shadow is upon our city. A life work is done. While the years of our fellow-citizen have not been many his labors have been multiform. We are never to measure a life by its years, but by the noble deeds performed. Achievements measure the value of a life.
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> Behind the success of our fellow-citizen there were years of preparation. He was born under the sky of our county. Many here to-day have watched his movements and marked his progress from his very cradle. In the early years there was born in his heart an ambition to make something of himself. He thirsted for knowledge. To acquire an education he was willing to cross every rough sea and to climb every lofty height. The great statesman after whom he was named on his way from the log cabin to the White House never worked harder for an education than did Mr. BRICK, our fellow-citizen and friend. He was endowed with large natural gifts, but he well knew that the most royal talent must have discipline and culture. Our Angelos who chisel our marble, our Raphaels who paint our pictures, our Shakespeares who write our poetry, our orators who speak for us in the name of liberty must toil long and patiently. Without diligence our feet shall never stand in the presence of kings.
>
> He possessed in a high degree the literary instinct, and wielded a graceful pen. His was a brilliant imagination, and he was a poet in temperament. He drank of the wells of a Byron and of a Burns and of a Charles Lamb. Charles Lamb appealed to him most strongly. His crumbs were better than some men's whole loaves. The fact that Charles Lamb cared so patiently for his invalid sister clothed his essays and poems with new charms for Mr. BRICK. In conversation once with my friend, I told him an incident that was associated with Mr. Lamb that affected him deeply. Poets, orators, artists, and authors were once dining with Mr. Lamb. As the conversation flagged one of them said, "What would you do, Mr. Lamb, if William Shakespeare were to step into our presence?" He replied, "I would stand to my feet and exclaim, 'All hail, thou greatest of poets!'" "But what would you do if the Christ of the New Testament should come into this room?" He replied, "Of course, I should receive Him upon my knees."
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> When he had achieved an honorable fame among the great men of the Nation, then did he stand before kings. There are real kings who do not wear crowns and waive scepters and live in palaces. The words "Seest thou a man diligent in business? he shall stand before kings," are fulfilled when we stand in the presence of true greatness.
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> But what a friend was he. What a patriot. How loyal to the friends he loved. Warm in his sympathies, appreciative of the smallest kindness. A gentleman in his instincts. He had his faults, but his good qualities overbalanced his bad qualities. We shall miss his genial personality and his manly presence. We are all glad that we have known him. What a spontaneous tribute to his memory do we see here to-day. His distinguished associates in Congress are here to pay the final tribute of their affection and appreciation. With thousands of fellow-citizens I passed through the court-house yesterday, where his body lay in state. Every man, woman, and child was sympathetic. I was impressed with the beautiful flags that made the very air throb with patriotism. Let us clothe him with the flag of his country, which he loved, to which he was so true, and for which he would have died, and let us weave another flag, the flag of charity, out of our heart's best affection, and throw its folds around him. With these two flags let him rest.
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> O death, where is thy sting? O grave, where is thy victory?

Mr. ALEXANDER of New York. Mr. Speaker, in the few minutes allotted me I shall speak of Mr. BRICK, not as a Representative, although I regarded him one of the ablest Members in

this House; nor as a lawyer who came here with a reputation second to none in the section of Indiana where he resided; nor as an affectionate husband and devoted father whose life seemed wrapped up in the daughter of whose mental gifts he was so justly proud; nor as the friend of his constituents, whose respect, shown to his memory by crowded streets and a thronged procession on the funeral day, indicated that they, among whom he was born, understood the rare qualities of his head and heart.

But I shall speak of him rather as one whom I knew with something of the intimacy that one mind knows another after each, with absolute candor, has exposed its inmost thoughts. For six or seven years ABE and I lived at the same hotel. Many evenings were we together. Before an open, crackling wood fire, comfortably seated in rocking chairs, with the blue smoke of our cigars curling and circling about us, we talked of men, of books, of nature, and of eternity. He was a lover of the best literature. His tranquil and pretty home in South Bend, with its large and carefully selected library, showed that he wrought in the pure literary spirit.

A delicate and an acute critic of style, his discussion of it vividly illustrated by recitals that seemed to blend them with his own words, made an hour as enjoyable as the talk of George William Curtis in the old "Easy Chair" of Harper's Weekly. An index to his taste is found in the scrapbook, which he guarded with the jealous care that a Lassan protects his holy city, and which is a storehouse of thoughts that can never die. Poetry, art, letters, the higher politics, take their place freely and naturally beside philosophy, morals, and history, but in it are pasted only the selections that show careful and conscientious work, critical discrimination, and the dainty form that culture gives to written words. No one can turn the pages of this rare book without recognizing scrupulous attention to a very high standard. It revealed his mental appetite, his aspirations, the thoroughness of his training, and the constancy of his moral impulse. Judged by its standards, and by the unfailing self-respect that characterized his thoughts in heart-to-heart conversations, he was as anxious to be right as he was determined in what he had decided to be right.

His personality counted for much. He was of a singularly simple and consistent nature, sincere and kind, and sensitively sympathetic. Free from bitterness, without varying moods, and nursing neither prejudices nor resentments, one felt in intercourse with him only the substance and reality of companionship.

Those who entered his inner life felt the charm of an open mind, vigorous and sane, which loved to analyze men of achievement, getting at the spring from which they drank, finding the secret of their strength, and tracing in the mastery of their work the influence of obstacles which they encountered. He was an optimist as well as an idealist. That is to say, he believed in the best, declaring that it was imperative always to pursue it and possible ultimately to attain it. This could be gathered from the range of his subjects disclosed in the scrapbook, as well as from his talk, illustrated with the aid of a memory as sound as it was ready, showing his wide reading and the ease with which his mind assimilated and made it his own.

Mr. BRICK liked nature. He took his rooms on the west side of the hotel that he might have a glimpse of McPherson Park, a miniature mixture of the choicest trees, the tenderest shrubs, and the most delicate flowers in Washington. He loved to be alone in the country. The trees were company enough. A little pond with its tiny ripples, a babbling brook, the ever-changing clouds floating above him, or the cattle on a distant hill bathed in the sunlight satisfied him. He once told me of a visit to Atlantic City, where he did nothing for a week but look out upon the ocean and watch the waves chase each other to the shore. He was particularly susceptible to a sunset. He loved the twilight, the tinkle of the bell upon the returning herd, and the shadowy outline of a church thrusting its steeple above the fresh foliage. At such moments he was in imagination at Stoke Pogis, and the stanzas of Gray's Elegy came involuntarily to his lips. But he also enjoyed the wild.

The low threatening cloud, the raging storm, the wild swaying of the trees, and the downpour of the rain held him by the hour at the window as in a trance. He easily yielded to the influence of untamed nature, which requires supreme effort to know. He had seen little or nothing of it himself. Our midnight climb a year ago last summer to the summit of Haleakala, on one of the Hawaiian Islands, was the most adventurous event of his life, he said; but his love for the wild took him in thought among mountain peaks where only the eagle lives, through Alaskan winters and their strenuous conditions, and with Rudyard Kipling into the attractive life of the jungle. The Call of the Wild interested him because it harked back to the original in nature, showing in animals, perhaps, the inherent governing qualities that dominate men when isolated from the ripening and refining influences that make for civilization and peace. To him White Fangs, representing the wild in its evolution, likewise appealed. The cruel pictures did not please, nor the impossible feats of strength, but the wild, strange life, thrust into sight like an upheaval of ice churned and stiffened into fantastic shapes, riveted his thought upon the war that goes on among the survival of nature's fittest.

He might be called a "gentle Elia;" yet he was not wholly content with literature as a mere source of enjoyment. His deepest pleasure was in its substance and in the inspiration it breathed into his life. Nor was he wholly satisfied with the exquisite and truthful nature pictures of John Burroughs. His mind was essentially vigorous, and of a fiber as firm as it was fine. He enjoyed a contest at the bar, on the hustings, and in this House. He could easily have become a reformer. It is doubtful, however, if one possessing the variety of his intellectual sympathies could have become an agitator, with its narrowness and monotony.

Others have spoken of his gifts of speech, and surprise was sometimes expressed that he did not oftener address this House. In the first years of his service, before attachment to one of the great committees, his voice was frequently heard in debate, but he gradually yielded to the rule governing most Members who work upon important committees, of speaking only when measures are before the House which come from their committees or about which they are especially informed. Such Members do not fill the RECORD. It is easy to criticise an item in a supply bill the purpose of which lies upon the surface and opposition to which requires neither research nor special information. Such debate did not interest Mr. BRICK. He held himself in reserve to aid only when help was needed to enlighten, and then he presented the information and argument learned by hard work in the committee room. He was at once free and measured. He had rare skill in the presentation of facts, and if at times caustic, he was never noisy, nor unfair, nor conceited.

It is needless to say that he was not sectarian. Neither was there any taint in his mind of narrowness or bigotry. He believed in God and in the survival of personality after death. He cared little for later-day psychical research and its spiritistic theories, but he had an abiding faith that the spirits of just men live on, striving to attain the best and not unmindful of those who are soon to follow them. He believed, with the poet, that—

They see the face of God, and know at last
The thing they sought,
But could not find, in this gray light of time;
They tread with holy feet that far-off clime,
They live with God.

And we who follow them are not forgot;
They know our life;
The memory of years once lived upon these lands,
Where we still toil with weary feet and hands,
Is sacred still.

(The Faces of our Dead, by Pascal Harrower. The Outlook, April 18, 1908.)

Mr. LLOYD. Mr. Speaker, when it is least expected many times the final summons to meet the enemy of life is heard. The person in whose memory we meet presented a case directly in point. A few days before he breathed his last he was apparently in splendid health, but the vital spark went out and left the body cold in death.

He was in middle age—in the prime of life. He had much to encourage him to live, but no allurement of life could withstand the forces which held him in their fatal grasp.

Mr. BRICK had always lived in St. Joseph County, Ind. He came up through its schools in his preparatory work and later attended Cornell and Yale universities, and graduated in law at Ann Arbor, Mich., in 1883. He at once began the practice of law in his home town, South Bend. He was prosecuting attorney of the counties of La Porte and St. Joseph, and had been in Congress about nine years prior to his death. I knew him during his stay in Congress and served on the Committee on Territories with him.

Mr. BRICK was a man of good ability and strict integrity. What he undertook to do he did well. If one will examine the bill to give a delegate in this body to the district of Alaska, which was favorably reported, he will find a strong and forceful presentation of the rights of the Alaskans and in favor of the passage of the bill. It will give something of insight to the

caution which swayed him, and the painstaking investigation made about a matter which he nor his constituents had any personal concern. He was partisan in politics, but patriotic always. When the proposition was before Congress for the admission of Indian Territory, Oklahoma, New Mexico, and Arizona to statehood as two States, I remember, in conversation with him as to the merits of the bill, he remarked: "I always follow my party on a matter of policy."

His name indicates a parental appreciation of one of the greatest characters in American history—Abraham Lincoln. With him as their ideal, it is safe to assume that they were loyal, devoted citizens in full accord with the sentiments which dominated the life of him whose name shines forth as a great beacon, preeminently more striking than the average of the heroes and sages of this Republic.

Mr. BRICK was cautious and methodical, honest and truthful. His integrity was never questioned in any particular, so far as I have information. He had some frailties amongst his many virtues, it may be, but if so, let him who has no faults, condemn. His life shines out with the greater luster the more you study it. He was most appreciated by those who know him best. Never offensive, always affable and pleasant, his association tended to good cheer and his counsel to better living. He was devoted to his wife and child. A few days before his departure, he told me how rejoiced he was at his daughter's success in school, and expressed the thought that he was living now for his child and her mother. What higher purpose could prompt a man! What love more sacred—what relation more dear! The wife who gives up all to accept the lot and share the fate of man, and the child which comes into the home to share the joint affection; it becomes the truest bond of union; the strongest incentive for unusual endeavor; and the cause of the exhibition of that which is noblest and best in man. Mr. BRICK lives in the memory of men, but nowhere more constantly than in the lives of the wife and daughter left behind. Man may philosophize about the hereafter and its desirability, but no stronger reason can be given than that the afflicted family circle may be reunited. In times of distress and grief there is no sweeter thought than that separation shall cease and that perpetual reunion shall follow the resurrection morn.

To his colleagues on this floor, for whom he had an abiding friendship and personal interest, his taking was a serious loss. These may each say, "My friend has gone." What monument more enduring than friendship; what examples more enchanting than the exhibition of genuine friendship? David and Jonathan, Damon and Pythias, are noted illustrations of the strength of the cord which binds men in sympathetic and unselfish interest, but thousands of such characters may be found in the world. Mr. BRICK was true to his friends and consecrated to their welfare. I remember well a little incident which exhibits what I believe was his freedom from selfishness. On separating a few years ago I had a slight throat affection, which resulted in constant hoarseness. He said, "If you will permit me, I can send you the medicine which will overcome your trouble," and explained what it was. He said he would send me some of it when he went home. I thanked him, and thought no more about it. In a day or two after I reached Missouri I received the remedy which he believed would relieve. This little incident, like so many in Holy Writ, helps to point out the real elements of genuine character which, carried to the extreme, would cause the man to die for his friend.

No man could have seen the unusual demonstrations of affection in South Bend on the day of his burial—the holiday from business, the unusual large concourse of people who sought to pay their respect to the dead, with the streets lined with people for miles, and the occasional outburst in audible tones, "BRICK was a good fellow," "I loved ABE," "He was one of my best friends;" in fact, the repeated evidence of real affliction and grief on every hand—without realizing that a good man had been called away to that place from whence no man returns.

In the death of Mr. BRICK many lessons are found for the surviving. In the life of Mr. BRICK was much that was worthy of our emulation. Your friend and mine has gone, but is not forgotten. His work for his country was patriotic and helpful. His constituents were the beneficiaries of his best endeavors; his town was a source of pride. Mr. BRICK rejoiced in the loyalty of his friends, but he was best of all within the home, which I believe is the real test of genuine manhood. The family unit is the hope of the Republic, the perpetuity of family ties, the enduring monument which man builds for country, the homage and devotion to the inmates who are there to bless, is the touchstone which separates the genuine from the false, and the love of wife and child is the culmination of the highest and noblest that can assert itself in human life.

Mr. HOLLIDAY. Mr. Speaker, I desire to place a few wreaths upon the tomb of a man whom I loved well. While I indorse everything said in regard to his ability as a statesman, so well and ably stated by my colleagues, my mind to-day does not dwell upon that part of his career. I rather prefer to think of our warm personal friendship. When I first came to Congress he had already obtained a considerable influence in this body. I remember the greeting that he gave me and I remember how thoroughly I appreciated it. I came here thoroughly conscious of my limitations, diffident, morbidly sensitive, and it would have taken but little on the part of my colleagues who were here to have made me miserable. I am glad to be able to say without a single exception they gave me a warm and cordial welcome, and undertook to help me in every way possible to become a useful Member of this body, and to none other am I indebted more greatly than to our deceased comrade. Like my distinguished friend from New York I love to think of him as a student and a reader of literature. He drank deeply of the well of English, pure and undefiled; from Spenser to Tennyson he was familiar with the British poets, and was master of their subtlest thoughts and sweetest expressions.

I loved to get within the cloakroom, or at his hotel, or anywhere we could meet, and have him recite and review his favorite poets. Never a Shakespearian scholar myself, I got my best conceptions of the work of the great dramatist by the interpretation placed upon them by Mr. BRICK. And with the renaissance of literature, which came to the American writers with Emerson, and Lowell, and Whittier, and Longfellow, and the great men who have embellished the history of literature of this country, he was also equally familiar. And it was not merely in a general way. He was not omnivorous in his reading; it was not mere academic reading. He would assimilate what he read. He was able to gather up the thoughts of the poets and he was able to give them expression. He was a personal friend of Lew Wallace, George Ade, James Whitcomb Riley, Booth Tarkington, and the other men who have contributed so much to bring a literary distinction to our own great Commonwealth. He knew them, recognized them, and, like every other Indianian, was proud of what they had brought of fame to our State. I remember a curious coincidence that when my friend from New York and myself were returning from Mr. BRICK'S funeral our thoughts naturally turned toward him, having just seen him placed in his coffin, and we talked, not of his work, not of his law practice, not of his duties in this House, but we talked of his books.

It seems so natural, in thinking of Mr. BRICK, to think of the authors that he loved, whose beauties he had selected, whose sweetness he had culled, whose glories he had cultivated. He had the poetical instinct without the poetical faculty. He breathed the very aroma of the highest literature of this land and of all other lands. There is something good about that kind of a man. You never saw a thoroughly bad man who loved the great classics of English literature.

He had his weaknesses, and it seems to be a strange fatality that the minds most finely attuned sometimes the most readily yield to extraneous influences. But he had a delicate mind, had a spiritual soul, and if he was not always able to keep himself keyed up to the highest ideals of which he dreamed and for which he wrought, let us forget it. He loved his books; he loved nature. He was a devoted husband, he was a devoted father, and he was an excellent citizen.

Mr. BRICK was many years my junior. Owing to our warm friendship, owing to our close and constant intimacy and companionship, I believed that some day he would attend my funeral. I never dreamed I would attend his.

But men come and men go, and these things bring to us more closely the awful certainty of death. And in the presence of that great shadow how little our bickerings, how little our disputes, how futile our ambitions are! It comes with still greater force to those of us who have climbed to the summit of life and feel ourselves rapidly going down on the other side. Young men in the prime of life and usefulness have gone from this body since I have been here and some of we old men still remain.

But, after all, a real manly man never lives in vain, no matter where he is placed. The fact that Mr. BRICK was a Member of Congress was a mere incident. He led men because God had made him a natural-born leader of men. He went to the front because his place was at the front. He would have gone to the front in any occupation or any station in life.

Let us forget his imperfections and weaknesses. Let us emulate his virtues and his good qualities, and let us rest in

supreme confidence upon that God in which he believed, because, after all, in the face of the mighty leveler there is only one consolation, and that is the trust in the divine and overruling Providence.

I know not where His islands lift
Their fronded palms in air;
I only know I can not drift
Beyond His loving care.

Mr. CRUMPACKER. Mr. Speaker, Hon. ABRAHAM L. BRICK was my intimate personal friend for more than twenty years, and I would be remiss in my obligation to that friendship if I did not add a word of tribute to his life and character on this memorial occasion.

Before either of us became a Member of this body we were frequently associated together, and occasionally opposed to each other in the trial of cases in the courts of Indiana. He was an able lawyer, a strong advocate, and his professional career reflected the highest and best ideals in the administration of justice. While he had no sympathy with unfair or dishonest methods in the practice of law, he was a master in marshaling facts, in persuasive and convincing argument, and in the subtle strategy of the forum. He translated his high conception of the ethics of his profession into worthy acts and noble deeds. His temperament was peculiarly artistic, his nature was noble and refined. He was familiar with the world's master works of literature and art; he loved everything that tended to elevate thought and refine feeling. His ripe scholarship, his broad culture, his dignified reserve were not mere embellishments, but were powerful weapons in his moral and intellectual armory in waging conflict in the cause of justice and righteousness.

His manner was always gentle and his heart was kind and tender. Generosity of spirit and sympathy for the unfortunate were conspicuous qualities of his nature. He was modest in pretension, but ample in power of execution. His purpose was to live broadly and deeply, and to dwell in perfect harmony with the laws of nature and of man. His ambition was to make the highest and best use of the talents committed to his keeping, and to contribute to the world more than he received from it.

He entered public life, not for honor or emolument, but because it afforded a broader field for the exercise of his faculties and increased his opportunities to promote the interests of the social body. He was an industrious, conscientious Member of this assembly, doing his work largely in the committee room, where legislation is really initiated and fashioned and where real statesmen wield their greatest influence in making laws. His passion was love of country, and he enjoyed the work of investigating public questions and shaping laws and policies to advance its welfare. His religion was love of mankind, and his creed was embodied in the words of Abou Ben Adhem:

I pray thee, then,
Write me as one that loves his fellow-men.

He died in the prime of a useful life, with the sun of his hopes and aspirations at its zenith. His career was a credit to his State and Nation, his death a distinctive loss to both.

Mr. HAMILTON of Michigan. Mr. Speaker, ABRAHAM LINCOLN BRICK died at the age of 48 years, in the fullness of his mental powers, mourned by the people of his State and district.

On the day on which his body was carried to the tomb the whole population of the city where he had lived and worked and struggled upward stood along the line of the procession with heads bowed in sorrow.

It was a day in spring, when a trembling heat had begun to shimmer in the sunlight across green fields and a smell of new grass was in the air.

It was one of those days when a man seeing the renaissance of the world about him wishes there might also be a renaissance for mankind.

This yearly renewal of life was mysterious to primitive man, and the mystery and the wonder of it have not ceased to civilized man.

For centuries philosophers have philosophized and scientists have speculated concerning the origin of life, but it has always baffled them.

No life has ever been found to originate itself.

Who, then, sowed life upon this planet and who fitted it for the development of life and the evolution of reason, the crown of life?

It may have come by chance, but it is easier to believe that an orderly universe is the result of an orderly Intelligence than it is to believe that an orderly universe is the result of chance.

To suppose, then, that the Power that set this planet spinning in space as one of many planets in one of many solar systems moving through space subject to law;

To suppose that the Power that sowed life upon this planet and fitted it for the evolution of reason;

To suppose that the Power that created finite reason and therefore must be infinite reason;

To suppose that such a Power, infinitely wise, infinitely reasoning, would create reasoning beings, with thoughts, hopes, and aspirations caught from the Infinite only to make them the sport of circumstance for a little time and then to let them "lie in cold obstruction and to rot" in the grave, is to suppose a Power of infinite cruelty.

Plato taught long ago that the human soul neither begins nor ends.

But whether human life here is a beginning or whether "birth is but a forgetting" of some previous existence, men—groping for knowledge, searching the Book of Life and finding that nothing is lost in nature's infinite mutations—have come to believe, what for centuries was only a hope, that death is only a transition, and that life here is only a phase of continuing existence.

Thousands of years ago Job propounded the question: "If a man die, shall he live again?" and years afterwards Paul, the apostle, made answer: "If Christ be not risen from the dead, then is our preaching vain, and your faith is also vain."

And it came to pass that on a Sunday morning long ago, the third day after the crucifixion, two women on their way to the Savior's tomb were wondering who should "roll away the stone from the door of the sepulcher" for them, but "as they looked they saw that the stone was rolled away." When that stone was rolled away it opened an avenue upward for the hope of all mankind. Therefore—

He who died at Azan sends
This to comfort faithful friends;
* * * what the women lave,
For its last bed in the grave,
Is but a hut which I am quitting,
Is a garment no more fitting.

I had talked these things over with BRICK many times, the last time on a train as we were crossing a vast sweep of arid plain on our way west, and if he could hear me still groping about these problems which he has solved, I fancy he would smile a little.

He had thought much not only concerning this "unending, endless quest" for immortality, but he had read widely and studied deeply in many directions.

He was learned in the law, and in the practice of his profession realized Bacon's idea that every man is "a debtor to his profession; that as from it he derives profit and consequence, so he should endeavor to make amends by being to it a helper and an ornament."

I always liked BRICK because he was modest and genuine and was not always advertising without regard to his ability to fill the bill.

So far as history will take account of us, we are most of us mere items in the census list, notwithstanding the efforts of a certain kind of flamboyant mediocrity to make itself conspicuous by press-agent publicity.

I think hard work inspired by devotion to principle will win in the long run, but it does not get its pay every Saturday night.

And when work is being over its task it not infrequently hears a loud noise and, turning around, discovers that some other kind of genius has won.

There is no pursuit in the world where the talent of the faker get quicker results than in politics, but, on the other hand, there is no place where a sham shrinks to its true value more quickly than in a responsible political position.

BRICK was the kind of man who would not resort to the craft of the political advertiser while alive, and now that he is dead he would not want us to exaggerate his virtues.

The truth is enough. He was a brave, honest, truthful, genuine man.

Mr. GILHAMS. Mr. Speaker, whatever may be life's pathway, each of us must meet the last milestone. Time flies and the world moves on, but meet it we must. The solemnity of this hour is coupled with the thought of those who have met the last milestone, among whom is my friend and colleague, ABRAHAM LINCOLN BRICK.

Of his early life I am not able to speak, as I never came in contact with the people of the community in which he lived or had opportunity to learn it from him. It had not been my pleasure to know him prior to my service in Congress, but I had known of him through his many friends.

Wherever he had gone in the practice of his profession he was held in high esteem and warm remembrance by all. It was his inborn characteristic and good fortune to at once gain the respect, admiration, and love of all with whom he came in contact. He was always spoken of in the highest terms for his ability and integrity as a lawyer while actively engaged in the practice of his profession in his own and the thirty-fourth judicial circuits of Indiana. Everywhere he received the highest encomiums, and was early recognized among the practitioners of the bar to be an excellent lawyer and an able advocate.

He was genial, kind, and loving; full of warmth for everyone; appreciative of the kindly spirit that was manifested toward him from time to time, with a keen sense of integrity, honor, and justice, and a generous appreciation of his fellow-men. He was earnest, honest, and capable, and sincerely desirous of serving his constituents well; of unusual capacity for preparation and to do well that which he undertook to do. He was always easy of approach and never in the slightest degree exclusive, and held himself at all times on a par with the humblest of his constituents, with whom he met from day to day.

Because of these qualities he early gained recognition. Nature, in its kindness, had endowed him with excellent capabilities, and early age found him climbing the ladder of success.

His tastes were distinctly intellectual. He was an extraordinary student of literature, and he was unusually responsive to the flashlights of the historian and the voice of the poet. His power to analyze the thought of an author and to turn it to his own use was always noticeable in all his work. He was not a seeker of notoriety. He was not sensational, but was always modest and unassuming, and was content with doing his duty each day in a manner which he believed would assist the people. He had a keen sense of humor and ready wit, and was, all in all, a generous, noble fellow.

Simplicity of character remained with him whom we commemorate to-day. He was born of common parents, whose lineage was of the common people, and to the common people he was constantly drawn, and never held a spirit of exaltation above them. To him it was a pleasure to serve, and his constituents, however humble, found an obliging and ready helper.

To know ABRAHAM LINCOLN BRICK was to feel the warmth of a noble and generous heart and enjoy the pleasure of his personal charm. He was as a brother to those who were fortunate in knowing him—broad in fellowship and deep in love and sympathy for all. Nothing could have proclaimed more surely and emphatically the high regard and affection of his people than did the action of his home city and district in the filial welcome of his mortal remains and the loving affection and tearful burial of all that was earthly of their fellow-townsman and foremost citizen.

In everyone we find characteristics which mark the true and noble impulses. They are the sentinels which proclaim the man to his friends, the community, and, perchance, to all the world. They speak for quality, as nobility, justice, truth, love, and gentleness. These are some of the attributes that were strongly marked in our friend and colleague, ABRAHAM LINCOLN BRICK, and which endeared him to all who had the pleasure of his acquaintance. How often do we find those whom the populace has raised to conspicuous position exhibit qualities that are ignoble, ostentatious, and vainglorious; but it was not so with our colleague and friend, who wore the honors well.

From my observation of him on the floor of the House, I would judge he was not given to much speaking; but when called upon to defend his constituency, or in defense of his position upon questions before the House, he was clear, able, and forceful, speaking with earnestness and feeling.

ABRAHAM LINCOLN BRICK was fortunate in the representation of a district composed of a sturdy, rugged, and industrious people, of fine moral integrity and intellectual attainments, out of which has come some of the strongest and ablest men of the State; a district that has always been a great force in the State's affairs, producing some of the ablest men in its history; men who have not followed, but have led in the work of both State and Nation in the fields of legal jurisprudence, agriculture, and manufacture.

To be chosen as the Representative of such a district is indicative of the ability and character of the man. Character is that silent, unseen force always felt and known of all men. It is always preceding us, proclaiming our virtues and our possibilities. It is the silent messenger, standing at the door of opportunity and proclaiming our rights to enter. 'Tis the conqueror of adversity and, although it might be outgeneraled for a day, its power of recuperation is marvelous, and success is attained at last.

It has been well said by a philosopher in years past, that:

Rashly, nor ofttimes truly, doth man pass judgment on his brother;
For he seeth not the springs of the heart, nor heareth the reasons of the mind.
And the world is not wiser than of old, when justice was meted by the sword,
When the spear avenged the wrong, and the lot decided the right,
When the footsteps of blinded innocence were tracked by burning plowshares,
And the still condemning water delivered up the wizard to the stake:
For we wait, like the sage of Salamis, to see what the end will be,
Fixing the right or the wrong by the issues of failure or success.
Judge not of things by their events; neither of character by providence;
And count not a man more evil, because he is more unfortunate:
For the blessings of a better covenant lie not in the sunshine of prosperity.

ABRAHAM LINCOLN BRICK has passed over to the other side into the great unknown, but toward which all mankind has looked forward with contemplative eye, hoping that he might catch a vision, and thereby obtain a clearer perception of eternal destiny, and so we will continue to believe and hope that "death did not come to our colleague bearing in his hand the sickle of destruction, but the scepter of immortality." It has been said by the philosopher Tupper:

That we are of earth for a day, but an heir of the universe forever!
For neither the congealing of the grave, nor 'gulphing waters of the firmament,
Nor rust of rest, nor wear, nor waste, nor loss, nor chance, nor change
Shall avail to quench or overwhelm the soul within thee!
Thou art an imperishable leaf on the evergreen bay tree of existence;
A word from wisdom's mouth that can not be unspoken;
A ray of love's own light; a drop in mercy's sea;
A creature marvelous and fearful, begotten by the fiat of omnipotence.
I that speak in weakness and ye that hear in charity
Shall not cease to live and feel, though flesh must see corruption;
For the prison gates of matter shall be broken, and the shackled soul go free
Forever, happy fate, to ripen into perfectness, forever!

Mr. BARNHART. Mr. Speaker, what a sunshine and what a shadow is life! To-day we are in the midst of activity and usefulness, and to-morrow our faces and our favors are known no more forever. Truly it has been said that man cometh forth, like the flower of the field, only to fall, in the full bloom, before the blighting edge of the sickle of death. Also truly it has been said that man's work doth follow him. And notwithstanding the awful truism that "in the midst of life we are in death," there is great inspiration and hope in the assurance that death does not end all, and that usefulness and devotion to duty, in whatever sphere of life, is the richest legacy that can be left to posterity, and that loyalty to friends and country has its bountiful reward, both here and hereafter.

With a magical name and a wealth of industry, ambition, and love of fellow-men, ABRAHAM LINCOLN BRICK, to whom we give panegyric here to-day, came into the field of life's activities equipped for leadership in an advantageous way. He was not only blessed by nature and environment with qualification for the larger sphere of usefulness in his community and his country, but he diligently enlarged his possibilities by studious research, until his ability shone in distinguished splendor and he was called, step by step, to the highest councils of his illustrious country.

It was not my pleasure to know him intimately, as many of you, sirs, who served with him here beneath this great dome, the emblem of supreme sovereignty throughout the world, but I did know him to be ambitious to serve his country well, and while he was a stalwart in politics, he was magnanimous to all of opposite faith, and he followed his party leaders only so far as he thought them to be right.

Born of intellectual and sturdy parentage, he was endowed with a desire to get knowledge, and after securing a high-school education he achieved scholastic finish at Cornell, Yale, and Michigan universities, and entered upon a successful career as a lawyer. Soon after he was elected to responsible judicial calling, and later enjoyed the distinguished honor of being elected to Congress and reelected four times. And of his services here and of his devotion to his duty, to his friends, to his country, and to the heroes who stood by the Union in its time of peril, an old soldier, with a crown of snow-white hair over a heart of gold, says:

I care not how great his predecessors were, no Congressman ever did more for his district than ABRAHAM L. BRICK. He knew the wants of his constituents, and none ever worked harder for the poor and afflicted than he. No Congressman ever loved and cared for the old soldier more than he, and no one had a greater reverence for the flag of his country—this not so much for its triumphs of 1776, 1812, and 1846, but for its blood stains for the perpetuity of this Union. His motto was, "If you can not say good of one, say no evil." Hence, he always had some extenuating circumstance for the man who may have gone wrong. His badge of love and humanity's heraldry reclines on thousands of breasts whose hearts have felt. Therefore if, after his life of love, he is but dust, he needs no tears. Then all the eulogies, monuments, and cenotaphs of earth are hollow mockeries. If he lives forever, then he is

safe, because on earth he furnished the material for his mansions of charity, for God is just and He knows ABRAHAM L. BRICK.

Of his traits as fellow-citizen, neighbor, and friend a lifelong acquaintance says of him:

To his intimate friends Mr. BRICK always maintained that advancement and high standing in the law was his prime ambition, and that it was against both his better judgment and his real inclination that he yielded to the importunities of his friends and entered upon a political career. His eloquence as a speaker, his interest in public affairs and in the success of his party had, however, brought him into political prominence.

The same vigor, earnestness, and assiduous attention to work that had produced the successful lawyer made Mr. BRICK a useful, popular Congressman. A hard worker, effective speaker, and courteous gentleman, the progress of his service placed him high in the regard of his constituents and influential in the councils of his party.

But death ends all activity. There remains but the memory of a reputation. Of the hollowness of fame and power and wealth none were more aware than ABRAHAM LINCOLN BRICK. At a social function a few years ago at the Oliver Hotel, in South Bend, Ind., in honor of an old-time friend, Mr. BRICK spoke feelingly of the elusive baubles of fame and riches which so many pursue to their undoing; and in eloquent words portrayed the higher satisfaction of an ambition devoted to noble purposes, along the cool, sequestered vale of a private career. Was it the heart recalling its own earlier cherished dreams? Doubtless so, for his high ideals, his love of nature, and his poetic temperament often made him yearn for relief from public burdens, but his sense of duty to friends and country held him in the public service. He esteemed public duty to be paramount to personal comfort; therefore he died literally "in the harness."

So, after his life of generosity, of manifold good deeds to others, let us remember his virtues as worthy of our emulation, and as the bleak winds of life toss us hither and thither and submerge our ambitions with billows of misfortune and despair let us hope that they may ever hum a requiem to the eternal rest of him whose memory we honor here to-day. My hope and my ambition is to succeed his official career well.

And, as appropriate benediction to his life and an inspiration for us, shall we all join in the humble but uplifting consecration vouchsafed to mankind by life's sanctuary in Max Ehrmann's Kindly Light:

Let me do my work each day, and if the darkened hours of despair overcome me, may I not forget the strength that comforted me in the desolation of other times. May I still remember the bright hours that found me walking over the silent hills of my childhood or dreaming on the margin of the quiet river, when a light glowed within me and I promised my early God to have courage amid the tempests of the changing years. Spare me from bitterness and from the sharp passions of unguarded moments. May I not forget that poverty and riches are of the spirit. Though the world know me not, may my thoughts and actions be such as shall keep me friendly with myself. Lift my eyes from the earth and let me not forget the uses of the stars. Forbid that I should judge others, lest I condemn myself. Let me not follow the clamor of the world, but walk calmly in my path. Give me a few friends who will love me for what I am, and keep ever burning before my vagrant steps the kindly light of hope. And though age and infirmity overtake me and I come not within sight of the castle of my dreams, teach me still to be thankful for life and for time's olden memories that are good and sweet; and may the evening's twilight find me gentle still.

ADJOURNMENT.

Then, in accordance with the order heretofore adopted (at 4 o'clock and 34 minutes p. m.), the House adjourned.

SENATE.

MONDAY, *February 15, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CREDENTIALS.

Mr. PILES presented the credentials of WESLEY L. JONES, chosen by the legislature of the State of Washington a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

Mr. MCLAURIN presented the credentials of JAMES P. CLARKE, chosen by the legislature of the State of Arkansas a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

Mr. BOURNE presented the credentials of GEORGE E. CHAMBERLAIN, chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and of opinion filed by the court in the cause of Henry A. Laughlin, surviving partner of Jones & Laughlin, and 10 other parties *v.* United States (S. Doc. No. 715), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 3969. An act to amend the laws of the United States relating to the registration of trade-marks;

S. 8628. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8629. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The message also annouced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 1574. An act to create the Calaveras Bigtree National Forest, and for other purposes;

S. 8254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors;

S. 8422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors;

S. 8510. An act to extend the time of payments on certain homestead entries in Oklahoma;

S. 8898. An act granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8899. An act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 7474. An act granting a pension to Charles H. Balch;

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 21926) for the organization of the militia in the District of Columbia, except amendment No. 79, to which it agrees with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska;

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.;

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27419. An act to repeal the act of June 29, 1906, granting a pension to Jackson Adkins;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic.

The message also returned to the Senate, in compliance with its request, the following bills:

S. 7862. An act to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma;

S. 8356. An act to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska; and

S. 9039. An act to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

The message further transmitted resolutions of the House commemorative of the life and public services of Hon. ABRAHAM LINCOLN BRICK, late a Representative from the State of Indiana; of Hon. WILLIAM H. PARKER, late a Representative from the State of South Dakota; and of Hon. WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 8154. An act to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906;

H. R. 6252. An act to promote the administration of justice in the navy;

H. R. 7474. An act granting a pension to Charles H. Balch and others;

H. R. 18726. An act for the relief of Wyatt O. Selkirk;

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska;

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho;

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon of fieldpieces and cannon balls to the city of Henderson, Ky.;

H. R. 27970. An act to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes;" and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

CERTIFICATE OF CERTIFIED COPY.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 2, by Storey, memorializing Congress of the United States, which was filed in this office the 9th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 9th day of February, A. D. 1909.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

House joint memorial 2, by Storey, memorializing Congress of the United States.

Your memorialists, the legislature of the State of Idaho, respectfully represent that

Whereas the Federal Government permitted settlers to enter land on the Minidoka tract, under the representation and inducement that water would be furnished said entrymen under the Government Reclamation Service for purposes of irrigation within two years from date of said entries; and

Whereas a large number of people under such representations filed on said lands and, as required by the homestead law, took up their residence on said land; and

Whereas it was further represented to said entrymen that in case water could not be so furnished that a law would be enacted or rules promulgated by the Interior Department whereby said entrymen would be permitted to leave their said entries for the purpose of securing employment until such time as water would be furnished; and

Whereas water was not furnished to said settlers under said reclamation project within three years from date of their said entries and no law has been enacted permitting said entrymen to leave their said lands for the purpose of procuring profitable employment elsewhere, and no rules promulgated by the Interior Department permitting such absence from their entries, and no law enacted whereby an entryman could sell or mortgage any part of his said entry prior to making final proof and issue of patent; and

Whereas said settlers, while waiting for water and deprived of the means of earning a livelihood for themselves and families, have exhausted the money and property accumulated for the purpose of improving their said entries and making homes on said land, are now being compelled to sell their work horses and farm implements in order to meet the first payment on water for said lands under threat from the General Land Office that if such payments are not made their said entries will be canceled for nonpayment of water charge; and

Whereas our junior Senator, Hon. WILLIAM E. BORAH, has enlisted his services in behalf of said settlers and entrymen: Now therefore be it

Resolved, That we most heartily commend the work of the said Hon. WILLIAM E. BORAH on behalf of the said settlers, and respectfully urge upon Congress the necessity of enacting some remedial legislation, to the end that the present oppressive conditions may be relieved, that time may be granted for making payments on water beyond the dates now in force, that entrymen may be permitted to take leave of absence from their said entries to enable them to engage in profitable employment so as to meet said water payments, or that said entrymen be permitted to mortgage or sell a part of their said entries for the purpose of procuring money to meet water payments on the remainder of their said entries and improve the same, or the enactment of such other laws or the promulgation of such rules by the General Land Office as afford adequate relief in the premises.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and to our Representative in Congress.

This house joint memorial No. 2 passed the house of representatives on the 2d day of February, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

This house joint memorial No. 2 passed the senate on the 6th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 2 originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
Territory of Arizona, ss:

I, John H. Page, secretary of Arizona, do hereby certify that the within is a true and complete transcript of house memorial No. 3, which was filed in this office on the 9th day of February, 1909, at 11 a. m.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 10th day of February, A. D. 1909.

[SEAL.]

JOHN H. PAGE,
Secretary of Arizona.

House memorial 3.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, do most respectfully and earnestly represent that—

Whereas the San Xavier Mission, located in Pima County, Territory of Arizona, about 9 miles from the city of Tucson, is one of the most interesting and architecturally perfect examples of the mission style of construction of the ancient padres in the United States, and a relic worthy of preservation for the education and edification of future generations; and

Whereas said mission building is now in a state of decay and dilapidation: Therefore be it

Resolved by the twenty-fifth legislative assembly of the Territory of Arizona, That we earnestly and respectfully petition and request the Senate and House of Representatives of the United States in Congress assembled to appropriate the sum of $5,000, said sum to be expended in the restoration, rehabilitation, and preservation of the San Xavier Mission building: And be it further

Resolved, That the secretary of the Territory be, and hereby is, directed and requested to forward to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on Appropriations of the House of Representatives, and the Hon. MARCUS A. SMITH, our Delegate in Congress, an engrossed copy of this memorial.

SAM F. WEBB,
Speaker of the House.
GEO. W. P. HUNT,
President of the Council.

The VICE-PRESIDENT presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Joint resolution (S. R. 12) asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 951,687 June 30, 1908), and as this number is likely to further increase owing to legislation affecting widows enacted April 19, 1908; and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interest and convenience: It is therefore

Resolved by the senate (the assembly concurring), That the legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

JOHN STRANGE,
President of the Senate.
L. H. BANCROFT,
Speaker of the Assembly.
F. E. ANDREWS,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

DEPARTMENT OF STATE.

Received February 9, 1909.

J. A. FREAR,
Secretary of State.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
Territory of Arizona, ss:

I, John H. Page, secretary of Arizona, do hereby certify that the within is a true and complete transcript of council memorial No. 1, which was filed in this office on the 9th day of February, 1909, at 11 a. m.

In witness whereof, I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 10th day of February, A. D. 1909.

[SEAL.]

JOHN H. PAGE,
Secretary of Arizona.

Council memorial 1.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, respectfully represent:

That in the year 1885 the legislative assembly of Arizona authorized the issuance of bonds by the county of Yavapai, in said Territory, in aid of the construction of the Prescott and Arizona Central Railroad;

That pursuant to said act said railroad was constructed from Seligman, a point on the Atlantic and Pacific Railroad, to Prescott, a distance of about 74 miles, and the said county of Yavapai issued bonds for said road to aid in the construction of said road to the amount of $296,000. Thereafter, said railroad was abandoned and the rails taken up and with the rolling stock were removed to the State of California, and there used in construction and operating another railroad;

That during the year 1901, the county of Coconino was created by a division of Yavapai County, and Coconino County thereupon assumed its proper proportion of said bonded indebtedness;

That interest has been paid upon said bonds since the date of their issuance, and that were said bonds to be retired at this time, the aggregate outlay, including interest, will be approximately $500,000;

That in the year 1883 the legislative assembly of the Territory of Arizona passed an act authorizing the board of supervisors of Pima County to pledge the credit of said county for the purpose of assisting any enterprise of a public nature which might be inaugurated in said county, in a principal sum not to exceed $200,000, and the amount of interest that might become due thereon;

That by an amendment to said act passed by the legislative assembly of said Territory in the year 1885, it was provided that the board of supervisors of said county might, at any time it deemed it expedient so to do, to issue its bonds in denominations of $1,000 each, to fix the rate of interest thereon not to exceed 7 per cent per annum thereon, and providing when and how said interest should be paid, and providing that no such bonds should be issued except upon the result of an election called by said board for that purpose, pursuant to law, upon notice given as required by said amendment. Said bonds to be issued in the name of the county, and made payable to the person or company on whose favor drawn, or to bearer thirty years after their date.

Provision was made in the act of 1883 for the levy of a tax to raise a sinking fund to liquidate the principal of said bonds and the interest accruing thereon, and authorizing said board to issue to any corporation or any company organized for the purpose provided in the act such proportion of the assistance provided in the act as it might deem it expedient to grant;

That pursuant to said legislation, bonds in the sum of $150,000 were issued and delivered by the board of supervisors of Pima County to assist in the construction of a railroad from the city of Tucson, in Pima County, to the city of Globe, in Gila County, Ariz.;

That said road was graded from Tucson toward Globe for about 13 miles, and rails and ties laid for about 5 or 6 miles, and not farther, but was never operated;

That after the railroad company obtained said bonds, construction was stopped, the enterprise abandoned, and the ties and rails taken up;

That on June 30, 1908, the principal and interest of said bonds amounted to the sum of $318,275.29, to which with 3 per cent per annum added, would amount now approximately to the sum of $323,828.43;

That said bonds, and all bonds issued under like circumstances and authority within the Territory of Arizona, were declared by the Supreme Court of the United States to be null and void in the case of Lewis *v.* Pima County;

That thereafter Congress passed an act validating said bonds, and in a subsequent action brought to enforce payment thereof, the Supreme Court of the United States held that said act operated to legalize said bonds, the effect of which decision was to compel the payment thereof, with interest;

Wherefore your memorialists respectfully pray that the pending act of Congress, enabling the Territory of Arizona to form and adopt a Constitution and to be admitted into the Union as a single State, contain an appropriation sufficient to liquidate, retire, and pay off the said bonds, including interest accrued and accuring, to the end that said counties may be wholly reimbursed; or that in lieu of such appropriation, a sufficient grant of the public lands lying within said territory be made for the use and benefit of said counties, sufficient in area and desirability to compensate said counties for the amounts paid and to be paid out by them upon said bonds.

GEO. W. P. HUNT, *President.*
SAM F. WEBB, *Speaker.*

The VICE-PRESIDENT presented a joint memorial of the legislative assembly of the Territory of New Mexico, which was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

Council joint memorial 3. By Mr. Prince.

To the Congress of the United States, requesting the passage of House bill introduced by Hon. W. H. ANDREWS, amending the irrigation law generally known as the "Carey Act," so as to extend its operation to the Territories:

Whereas there is now pending in the Congress of the United States a bill introduced by Hon. W. H. ANDREWS, of New Mexico, amending the irrigation law generally known as the "Carey Act," so as to extend its operation to the Territories; and

Whereas the speedy passage of said bill by the present Congress is very important, for the following reasons:

1. In several sections of New Mexico, and especially in the county of San Juan, those interested in irrigation are convinced that in no way can the reclamation of their arid lands be so successfully accomplished as under the provisions of the law known as the "Carey Act;" but as that law now stands it applies only to States and not to Territories, and the object of the pending bill to amend is to extend its operation to Territories as fully as to States.

2. The Carey Act requires action by the state legislature in order to make it effective. The legislature of New Mexico will close its sessions on March 18, so that the time is short in which to obtain the necessary local legislation between the passage of the pending amendatory act in Congress and the expiration of this session of said legislature: Now, therefore (if the house of representatives concur), be it

Resolved by the legislative assembly of New Mexico, That the Congress of the United States be earnestly requested to pass the House bill introduced by Hon. W. H. ANDREWS to amend the irrigation law, known as the "Carey Act," so as to extend its operation to the Territories at the earliest date possible.

Resolved, That a copy of this memorial be sent to the President of the Senate and Speaker of the House of Representatives of the United States and to Hon. W. H. ANDREWS.

CHAS. A. SPIESS,
President of the Council.
WM. F. BROGAN,
Chief Clerk of the Council.
E. A. MIERA,
Speaker House of Representatives.
E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 2d day of February, A. D. 1909.

GEORGE CURRY,
Governor of the Territory of New Mexico.

The VICE-PRESIDENT presented a petition of the Utah Branch of the American Mining Congress, and a petition of the Chamber of Mines of Los Angeles, Cal., praying for the enactment of legislation to create a bureau of mines and mining, which were ordered to lie on the table.

He also presented a petition of the Iowa Association of Cement Users, praying for the enactment of legislation to provide for the carrying on of the test in the investigation of concrete and other structural materials, which was referred to the Committee on the Geological Survey.

He also presented memorials of the Typographical Union of Memphis, Tenn.; of Typographical Union No. 4, of Albany, N. Y.; of the Typographical Union of Des Moines, Iowa; of Typographical Union No. 198, of Fort Worth, Tex.; of Typographical Union No. 5, of Columbus, Ohio; of the Central Labor Union of Erie, Pa.; of Typographical Union No. 245, of Woonsocket, R. I.; of the Typographical Union of Atlanta, Ga.; of the Typographical Union of Anaconda, Mont.; of Typographical Union No. 218, of Sioux Falls, S. Dak.; and of Typographical Union No. 252, of Bridgeport, Conn., remonstrating against authorizing the printing in connection with the Census Office being

given to private concerns, which were referred to the Committee on the Census.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Berkshire, N. Y., and a petition of the Woman's Christian Temperance Union of Reed Corners, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Typographical Union of Syracuse, of Typographical Union No. 52, of Troy, and of Typographical Union No. 4, of Albany, all in the State of New York, remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

He also presented a petition of Local Lodge No. 645, Benevolent and Protective Order of Elks of the United States, of Port Jervis, N. Y., and a petition of Local Lodge No. 877, Benevolent and Protective Order of Elks of the United States, of Haverstraw, N. Y., praying that an appropriation be made to establish a reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of Mrs. Frances M. Johnstone, of New York City, N. Y., praying for the enactment of legislation to establish a national children's bureau, which was ordered to lie on the table.

He also presented a petition of the Fine Arts Academy of Buffalo, N. Y., praying for the enactment of legislation providing for the erection of the proposed Lincoln memorial in the city of Washington, D. C., upon the site selected by the Park Commission, which was referred to the Committee on the Library.

He also presented a memorial of the New York State Woman's Christian Temperance Union, of Lockport, N. Y., remonstrating against any change being made in the present pure-food law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 1086, Patrons of Husbandry, of Hermitage, N. Y., praying for the passage of the so-called "rural parcels post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Hamilton & Cunningham, of Hoopeston, Ill.; of the Union Savings Bank, of Patchogue, N. Y.; and of W. & J. Seligman, of New York City, N. Y., remonstrating against the passage of the so-called "postal savings banks" bill, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the C. H. Avery Company, of Nashua, N. H., praying that a no lower duty be imposed on a square yard of oil cloth and linoleum of the highest price than is imposed on a square yard of the lowest price, which was referred to the Committee on Finance.

He also presented a petition of Local Lodge No. 618, Benevolent and Protective Order of Elks, of Berlin, N. H., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the East Washington Heights Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation to regulate the licensing of builders in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Park View Citizens' Association of the District of Columbia, and a memorial of the Columbia Heights Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation providing for the assessment of real estate in the District of Columbia for taxation at its full value, which were referred to the Committee on the District of Columbia.

Mr. WARREN presented a joint memorial of the legislature of Wyoming, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, William R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original house joint resolution No. 2 of the tenth state legislature of the State of Wyoming and is a full, true, and correct copy of same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1909.

[SEAL.]

WM. R. SCHNITGER,
Secretary of State.

House joint resolution 2, relating to Revolutionary war veterans.

In the senate and house of representatives of the State of Wyoming:

Whereas by the acts of May 15, 1828, and of June 7, 1832, granting full pay during life to the surviving officers and enlisted men of the Army, Navy, and Marine Corps who served with credit during the Revolutionary war the Congress of the United States established a precedent for the proper reward of the patriots who offered their lives in defense of the liberties of their country and of the Constitution of the United States; and

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war—1861 to 1865—forms the most sanguinary chapter in the history of the world, during which struggle the Regular Army was maintained at about 25,000 men, while the Volunteer Army numbered more than 2,500,000 officers and enlisted men; and

Whereas it is also a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great reunited people, now enjoying the inestimable blessing of a preserved Union, owe a debt of gratitude that can never be paid; and

Whereas the Congress of the United States, during the civil war, made frequent pledges that the services of the Volunteer Army should be fully recognized and rewarded by a grateful country; and

Whereas the act of 1901, retiring Charles A. Bouteile, a volunteer officer of the Union Navy, with the rank and retired pay of a captain of the navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had "served with credit during the civil war;" and the act of 1905, providing for the retirement of two officers of volunteers, namely, Gens. Joseph R. Hawley and P. J. Osterhaus, with the rank and pay of brigadier-generals, were acknowledgments of the obligations incurred by the Congress of the United States while the civil war was in progress; and

Whereas there is now pending in the Senate and House of Representatives of the United States a bill entitled "A bill to create in the War and Navy departments, respectively, a roll to be known as the "civil-war officers' annuity honor roll," which bill grants to surviving officers of the Volunteer Army who served with credit during the civil war as officers or enlisted men for a total of two years one-half of the pay of the highest rank held by them during such term of service, and to those who served less than two years and not less than six months like pay in proportion to their periods of service: Therefore be it

Resolved by the senate and house of representatives of the State of Wyoming, That, in our opinion, the surviving officers of the Volunteer Army, Navy, and Marine Corps who served with credit in the great war for the preservation of the Union are entitled to recognition equal to that bestowed upon the officers who served in the Revolutionary war by the acts of 1828 and 1832, and should receive from the National Government honors and emoluments equal to those which have heretofore been bestowed upon any officer who served in time of war in defense of the country.

Resolved further, That we respectfully urge upon the Sixtieth Congress of the United States the passage of the above-named bill, and request the Senators and Representative of the Sixtieth Congress from the State of Wyoming to aid in the prompt enactment into law of the bill above mentioned, that the surviving officers of the Volunteer Army, Navy, and Marine Corps may, upon application, receive the pay and emoluments to which they are justly entitled by reason of their services during the civil war and the precedents heretofore established.

Resolved further, That, in our opinion, as such survivors now constitute but a small remnant of that gallant body of men who led the Union forces to final victory, and their ranks are being rapidly depleted, the Congress of the United States should lose no time in redeeming the obligations to these men made by the Thirty-seventh, Thirty-eighth, and Thirty-ninth Congresses of the United States.

Approved, February 10, 1909.

Mr. WARREN presented resolutions adopted at the twelfth annual convention of the American Live Stock Association, held at Los Angeles, Cal., January 26–28, 1909, which were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED AT TWELFTH ANNUAL CONVENTION OF AMERICAN NATIONAL LIVE STOCK ASSOCIATION AT LOS ANGELES, CAL., JANUARY 26, 27, AND 28, 1909.

Resolution 1.

OPPOSING ADVANCES IN INTERSTATE RATES, FARES, AND CHARGES, EXCEPT UPON APPROVAL OF INTERSTATE COMMERCE COMMISSION.

Be it resolved by the American National Live Stock Association, in annual convention assembled in Los Angeles, Cal., January 26, 27, and 28, 1909, That the Congress of the United States be, and the same is hereby, memoralized to enact a law which shall prohibit any railroad company from advancing interstate rates, fares, and charges, except upon approval of the Interstate Commerce Commission, after notice thereof to interested parties in such cases as the commission shall deem necessary; and

That all parties having the right under present laws to complain of unlawful rates shall have the right to complain of any proposed advances in rates, whereupon it shall be the duty of the Interstate Commerce Commission to suspend the taking effect of such proposed advances until an opportunity shall be afforded the interested party to be heard; and

That the Interstate Commerce Commission shall be authorized to suspend in all cases any changes in the tariffs covering rates, fares, and charges, or rules and regulations respecting the same, pending any investigation which the commission deem necessary to determine whether the same are just and reasonable.

Resolution 2.

RELATIVE TO RAILROADS FURNISHING CARS TO TRANSPORT LIVE STOCK AND OTHER PERISHABLE FREIGHT, AND GIVING PROMPT AND EFFICIENT SERVICE.

Whereas there is pending in Congress the bill known as the "Culberson-Smith car and transportation service bill," declaring it to be the duty of railroads, subject to the act to regulate commerce, to provide

sufficient facilities for performing with dispatch their duties as common carriers in furnishing cars and transporting all freight, including live stock, and for properly transporting same; and to exchange loaded and empty cars, and otherwise to provide sufficient facilities, fixing penalties for failure in such duties; and to give to the shipper the right to recover in any court of any State or Territory having jurisdiction his damages and attorney's fees, and in the case of failure to furnish cars for shipping live stock double the damages sustained; and also to empower the Interstate Commerce Commission to enforce penalties for violation of the act and to make rules and regulations with respect to the time and manner of giving notice for cars, furnishing cars, exchange and interchange of cars, and to make all needful rules and regulations in the administration of such law, and to compel its observance, and to provide rules applicable to the different classes and kinds of freight and the varying circumstances and conditions of shipment; and

Whereas we believe that the enactment of said bill will remedy the evils resulting from insufficient service in transportation of live stock: Now, therefore, be it

Resolved by the American National Live Stock Association, in convention assembled at Los Angeles, Cal., January 26, 27, and 28, 1909, That we heartily indorse said bill and recommend its passage to our Senators and Congressmen from all of the Western States from which this association draws its membership.

Resolution 3.

REGULATING SPEED LIMIT OF LIVE-STOCK TRAINS.

Resolved by the American National Live Stock Association in annual convention assembled in Los Angeles, Cal., January 26, 27, and 28, 1909, That the Congress of the United States be, and the same is hereby, memorialized to enact a law to provide for a minimum speed limit for the transportation of live stock and other perishable freight of not less than 20 miles per hour, including stops, with such reasonable exceptions as should be made on branch lines or over mountain divisions and under other exceptional conditions; and

That the Interstate Commerce Commission be vested with the power to prescribe a less speed limit on proper showing so as to make it applicable to the various circumstances and conditions of transportation; and

That the law fix appropriate penalties against railroad companies for the enforcement of such speed limit.

Resolution 4.

TRANSPORTATION OF LIVE-STOCK ATTENDANTS AND REFUND OF FARES PAID.

Whereas for many years it has been the custom of western railroads to grant free transportation to parties who go out to receive live stock and who accompany such live stock to market or to the feeding points; and

Whereas the Interstate Commerce Commission has declared that, under the interstate-commerce law, the railroads may grant free transportation to parties who go out to receive live stock actually contracted for, or may refund the fare of such parties; and

Whereas railroad companies in many instances refuse to furnish such transportation to live-stock attendants going to receive and accompany such shipments on return to market or other destination: Now therefore be it

Resolved by the American National Live Stock Association in annual convention assembled in Los Angeles, Cal., January 26, 27, and 28, 1909, That we respectfully request such railroad companies, carriers of live stock, as have not already done so, to adopt reasonable rules and regulations with respect to granting of return transportation for the attendants in charge of live-stock shipments, and that, in lieu of return transportation in all cases where persons are traveling en route to point of shipment for the purpose of returning with shipments of live stock, as attendants thereto, they shall be accorded free transportation to the point of shipment; and

That where it may be necessary to protect railroad companies against abuses of this practice, they sell tickets to parties going out to receive live stock, with the understanding that the fares so paid shall be refunded upon the showing that said parties went to point of shipment to receive live stock already arranged for, and accompanied same en route to destination.

Resolution 5.

INDORSING TARIFF ON HIDES, WOOL, AND LIVE STOCK.

Resolved, That we are in favor of adequate and needed protection to all live stock and its products, including hides and wool; that we also approve such modification and adjustment of tariff relations with foreign countries, especially with Europe, as will increase our export trade in live stock, meat, and meat products, by authorizing the Executive to make commercial agreements under maximum and minimum duties, to be fixed by Congress; and that the Executive should have the aid and advice of an expert tariff commission in preparing and negotiating such agreements, on which commission the live-stock interests should have fair representation.

Resolution 6.

URGING INCREASED APPROPRIATION FOR BUREAU OF ANIMAL INDUSTRY.

Whereas the southern cattle owners are suffering annually great losses resulting from the presence of the fever tick; and

Whereas the work already done has demonstrated beyond any doubt the feasibility of the eradication of the fever tick in large areas where they are now found, and the progress made with funds heretofore appropriated by Congress has been very satisfactory; and

Whereas the known facts regarding the life history of the tick and the methods of its destruction justify the prosecution of the work of eradication on a more comprehensive and extensive scale: Therefore be it

Resolved by the American National Live Stock Association in convention assembled in Los Angeles, Cal., January 26, 27, and 28, 1909, That the appropriation made for this work by the Congress of the United States should be commensurate with the magnitude and the importance of the work to be done, and we therefore respectfully request Congress to make such appropriation as will enable the Secretary of Agriculture to continue this important work and to increase this force where necessary.

Resolution 7.

SCABIES IN CATTLE AND SHEEP.

Resolved, That we heartily indorse the efforts of the Bureau of Animal Industry to eradicate scabies among cattle and sheep, and we earnestly urge further and more complete measures to finally remove this harmful and expensive disease, especially in the States and Territories where there are public ranges.

Resolution 8.

TO EMPOWER SANITARY BOARDS TO CONDEMN AND SLAUGHTER DISEASED LIVE STOCK.

Be it resolved by the American National Live Stock Association in annual convention assembled in Los Angeles, Cal., January 26, 27, and 28, 1909, That this association urgently recommends to the legislatures of all Western States and Territories where such laws do not already exist the enactment of legislation that will empower the sanitary boards of said States and Territories to condemn, appraise, and slaughter, and pay compensation for all live stock found to be infected or exposed to infection from fatally contagious diseases, and to make such appropriations as may be necessary to carry on such laws; and

That said legislation should be framed so as to insure cooperation with the Bureau of Animal Industry; and

That the secretary of this association be instructed to present copies of this resolution to the legislative bodies of all States and Territories represented in the membership of this association.

Resolution 9.

APPROVING LEASE OF UNAPPROPRIATED PUBLIC GRAZING LANDS.

Whereas there has been introduced in the United States Senate, by Senator CURTIS, of Kansas, and in the House of Representatives, by Congressman SCOTT, of Kansas, the identical land-leasing bill prepared by your committee on resolutions and submitted to your association at its annual meeting of 1908, where it received the almost unanimous indorsement of this organization, said bill being contained in the annual report for 1908, pages 84 to 90; and

Whereas we believe that said bill providing for the disposition of the unappropriated public lands of the United States is a reasonable, just, and equitable measure, which would do much to improve the stock-raising and agricultural industries of the West: Therefore be it

Resolved, That the American National Live Stock Association in convention assembled this 28th day of January, 1909, heartily indorses this bill and reaffirms the resolution passed at our last annual meeting and recommends that this association should vigorously urge upon Congress its early passage.

Resolution 10.

INDORSING FOREST SERVICE.

Whereas under the capable and broad-minded direction of the United States Forestry Service by its chief, Mr. Gifford Pinchot, we believe that the administration of this service is steadily improving and is being conducted along practical and businesslike lines, with a view to obtaining the greatest possible use of the forests consistent with their preservation:

Resolved, That the American National Live Stock Association in convention assembled this 28th day of January, 1909, in Los Angeles, Cal., heartily indorses the forest and water preservation policy of the Federal Government and the management thereof.

Resolution 11.

THANKS TO PRESIDENT ROOSEVELT.

Whereas the American National Live Stock Association has received many great and lasting benefits from the administration of President Roosevelt, who has honestly endeavored to upbuild and further the best interests of the live-stock industry; and

Whereas after a service of more than seven years he is about to retire from his position as President of the United States; and

Whereas as President he has given to the live-stock industry of this country that attention to which we believe it is entitled: Now, therefore be it

Resolved by the American National Live Stock Association, at its annual convention assembled in Los Angeles, January 26, 27, and 28, 1909, That we tender the thanks of this organization to President Roosevelt for all of his efforts in behalf of the live stock industry represented by this association; and be it further

Resolved, That a copy of these resolutions be forwarded to President Roosevelt to express to him our thanks and as an appreciation of his efforts.

Resolution 12.

VOTE OF APPRECIATION AND THANKS TO HON. JAMES WILSON.

Whereas we recognize that the Hon. James Wilson, Secretary of Agriculture, has served the country faithfully and with great efficiency; and

Whereas the stock raisers and farmers of this country universally revere and honor him for his faithful and impartial services: Therefore be it

Resolved by the American National Live Stock Association, at its annual convention in Los Angeles, Cal., January 26, 27, and 28, 1909, That we recognize the services of Secretary Wilson and the policies which he has pursued in that important office as of lasting benefit to the stock raisers and farmers of the entire country, and that we tender him our sincere thanks; and that a copy of these resolutions be forwarded Secretary Wilson as an evidence of our appreciation.

Resolution 13.

INDORSING BUREAU OF PLANT INDUSTRY.

Resolved, That on behalf of the live stock industry, we express our hearty appreciation of the valuable and efficient work of the Bureau of Plant Industry, especially in its investigations of poisonous plants, and we urge upon Congress the necessity of liberal appropriations for the carrying on and extending of the work of this department.

Mr. WARREN presented a petition of Local Lodge No. 582, Benevolent and Protective Order of Elks, of Laramie, Wyo., praying for the enactment of legislation to create a national

reserve in that State for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SCOTT presented a petition of sundry citizens of Charleston, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Keyser and Ronceverte, in the State of West Virginia, remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of the State Federation of Labor of Seattle, Wash., praying for the enactment of legislation to exclude the immigration of Asiatics into the United States except students, travelers, and merchants, which was referred to the Committee on Immigration.

He also presented a memorial of the State Federation of Labor of Seattle, Wash., remonstrating against the passage of the so-called "ship subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the Sailors' Union of the Pacific of Seattle, Wash., praying for the enactment of legislation requiring the United States inspectors of steam vessels to designate the complement of licensed officers and crew necessary for the safe navigation of steam vessels, which was referred to the Committee on Commerce.

He also presented a memorial of the State Federation of Labor, of Seattle, Wash., remonstrating against any change being made in the duty on shingles which would bring white labor in competition with oriental labor, which was referred to the Committee on Finance.

Mr. BURROWS presented petitions of sundry citizens of Eaton Rapids, Alto, Isabella County, the Michigan State Association of Farmers' Clubs, and the Farmers' Institute of Berrien County, all in the State of Michigan, praying for the establishment of the rural parcels-post delivery, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens engaged in the leather business in Cheboygan, Petoskey, Boyne City, Fremont, Whitehall, Muskegon, Grand Haven, Holland, and Grand Rapids, all in the State of Michigan, praying for the removal of the duty on hides, which was referred to the Committee on Finance.

He also presented a petition of the Hillsdale Grocery Company, of Hillsdale, Mich., praying for the removal of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of the Farmers' Club of Shiawassee County, Mich., praying for the establishment of postal savings banks, which was ordered to lie on the table.

He also presented a petition of the Wholesalers' Association of Detroit, Mich., praying for the enactment of legislation increasing the salaries of justices of the circuit and district courts of the country, which was ordered to lie on the table.

He also presented a petition of the Women's Club of Adrian, Mich., praying for the enactment of legislation to provide for instruction and experiments in forestry, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Acme Grange, Patrons of Husbandry, of Hillsdale County, Mich., praying for the creation of a national highways commission, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of East Jordan, Mich., praying that an appropriation be made for the improvement of public highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Scotten Avenue Baptist Church, of Detroit, Mich., praying for the establishment of a national children's bureau, which was ordered to lie on the table.

He also presented a memorial of the Board of Commerce of Detroit, Mich., remonstrating against the proposed appropriation of $3,000,000 for the purchase of a site and the erection of a monument to Abraham Lincoln in the city of Washington, which was referred to the Committee on the Library.

He also presented a petition of the Board of Commerce of Detroit, Mich., praying for the establishment of a national council of fine arts, which was referred to the Committee on the Library.

Mr. GAMBLE presented a memorial of Typographical Union No. 218, of Sioux Falls, S. Dak., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which was referred to the Committee on the Census.

He also presented a petition of the Woman's Christian Temperance Union of Lead, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of South Dakota, remonstrating against the treatment accorded German-Russian immigrants by government officials on account of their alleged suffering from trachoma on their arrival at Ellis Island, N. Y., which were referred to the Committee on Immigration.

Mr. TAYLOR presented a petition of the Synod of the Presbyterian Church of Maryville, Tenn., praying for the enactment of legislation requiring individuals and corporations engaged in interstate commerce to give their employees who work on Sunday a day's rest during the next succeeding six days, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Council No. 83, Junior Order of United American Mechanics, of Clinton, Tenn., praying for the enactment of legislation to prohibit the immigration into the United States of all oriental ignorant, lawless, and pauper classes of people, which was referred to the Committee on Immigration.

He also presented a petition of the Farmers' Institute of Carroll County, Tenn., praying for the passage of the so-called "rural parcels post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BOURNE presented a petition of sundry citizens of Multnomah County, Oreg., praying for the passage of the so-called "rural parcels post" and "postal savings banks" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented petitions of Local Lodge No. 571, of Derby; of Local Lodge No. 35, of Meriden; and of Local Lodge No. 709, of Norwalk, all of the Benevolent and Protective Order of Elks, in the State of Connecticut, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FRAZIER presented a petition of Local Lodge No. 1098, Benevolent and Protective Order of Elks, of Humboldt, Tenn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Council No. 83, Junior Order of United American Mechanics, of Clinton, Tenn., praying for the enactment of legislation to prohibit the immigration into the United States of all oriental, ignorant, lawless, and pauper classes of people, which was referred to the Committee on Immigration.

He also presented a petition of the Farmers' Institute of Carroll County, Tenn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Pomona Grange, Patrons of Husbandry, of Oxford County, Me., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of Local Lodge No. 835, of Houlton; of Local Lodge No. 244, of Bangor; and of Local Lodge No. 934, of Bath, all of the Benevolent and Protective Order of Elks in the State of Maine, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Strong, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented petition of Local Grange, Patrons of Husbandry, of Industry, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 244, Benevolent and Protective Order of Elks, of Bangor, Me., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LODGE presented a petition of the Synod of the Presbyterian Churches of New York and the New England States, praying for the enactment of legislation requiring individuals

and corporations engaged in interstate commerce to give their employees who work on Sunday a full day's rest during the next succeeding six days, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Salem, Mass., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a petition of District Assembly No. 30, Knights of Labor, of Boston, Mass., praying for the enactment of legislation to regulate and control the food commodities entering into the necessaries of life, which was referred to the Committee on Finance.

Mr. KNOX presented a memorial of the Universal Peace Union of Philadelphia, Pa., remonstrating against any further appropriation being made for the increase of the navy, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Apollo, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented memorials of the St. Clair Savings and Trust Company, of Knoxville; of the Warren National Bank, of Warren; and of the First National Bank of Warren, all in the State of Pennsylvania, remonstrating against the passage of the so-called "postal savings banks" bill, which were ordered to lie on the table.

Mr. NELSON presented resolutions of the legislature of Minnesota, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Joint resolution.

Whereas periodical floods of the Minnesota and the Red River of the North during the past ten years have caused vast damage to property in Minnesota and North and South Dakota; and

Whereas it is the unanimous testimony of engineers familiar with these rivers and their watersheds that it is entirely feasible and practicable to so regulate and control the waters of these streams by a system of impounding reservoirs and by the improvement of the channels thereof, so as to entirely prevent these disastrous floods; and

Whereas the construction of such impounding reservoirs will not only prevent destruction by floods, but will also be a most valuable aid in making national waterways of these streams and in creating vast water power thereon; and

Whereas the state drainage commission of the State of Minnesota is now engaged in making a survey of the Minnesota River for the purpose of collecting data from which plans may be prepared for the proper regulation and control of the waters of the Minnesota River and the Red River of the North: Therefore be it

Resolved by the house of representatives of the State of Minnesota (the senate concurring), That our Senators and Representatives in Congress be, and they are hereby, respectfully requested to work for the immediate development of the Minnesota and Red River of the North as waterways by the Federal Government.

Resolved further, That a copy of the foregoing resolution, when adopted, be sent by the chief clerk of the house to each of our Senators and Representatives in Congress; also a copy to the speakers of the houses of representatives of North and South Dakota, with a request for joint action by the legislatures of those States.

Mr. NELSON presented a petition of the Minnesota Live Stock Breeders' Association, praying for the enactment of legislation providing for a thorough and systematic training of the rural classes in agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Wenonah Chapter, Daughters of the American Revolution, of Winona, Minn., praying for the enactment of legislation providing for the establishment of a national children's bureau, which was ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 8968) granting an increase of pension to Charles J. Decker, which were referred to the Committee on Pensions.

Mr. HEMENWAY presented petitions of sundry citizens of Madison, Princeton, Evansville, Vincennes, Washington, Brazil, and Indianapolis, all in the State of Indiana, favoring the present system in the making of payments to pensioners, which were referred to the Committee on Pensions.

Mr. McCUMBER. I present a petition of sundry citizens of Center, N. Dak., praying for the enactment of legislation providing for the issuance of clear title to lands in the State of North Dakota which have been entered upon and which were not designated as coal lands at the time such entries were made. I ask that it be referred to the Committee on Public Lands and printed in the RECORD, omitting the names.

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD, omitting the names, as follows:

Resolutions adopted at a mass meeting held at Center, N. Dak., February 2, 1909.

The evening being fine and the moon bright helped to draw a large crowd to the court-house on last Tuesday night for the purpose of discussing the recent bills as introduced in Congress on the coal-field proposition. A set of resolutions were drawn and forwarded to our Representatives in Washington.

The meeting was called to order by E. F. Mutchler, who was immediately nominated chairman. The election of a secretary having been made, Mr. Mutchler devoted some time to the reading of the recent bills which have been introduced by McCUMBER, MARSHALL, and GRONNA in their endeavors to get the homestead and coal-land questions settled so that entrymen could obtain patents. A committee consisting of J. W. Bennett, E. A. Larson, J. J. Krauth, Lewis Dresser, and Elmer Vail were appointed by the chair to form suitable resolutions, and the following were presented and after discussion and amendments were adopted:

RESOLUTIONS.

"Whereas there is now pending before the Congress a bill to grant to homesteaders and settlers a clear patent for all lands which were recently set aside for coal purposes in the county of Oliver, State of North Dakota: Now, therefore, we, the citizens of Oliver County, in mass meeting assembled at Center on this 2d day of February, 1909, do adopt the following resolutions:

"*Resolved*, That we indorse the bill of Senator PORTER J. McCUMBER relating to patents on homestead lands in this State: Be it further

"*Resolved*, That we indorse the resolutions as passed by the legislature of North Dakota striking out the following words from the last clause, 'and which were not designated as coal lands at the time such entry was made.'"

The above petition and resolutions were signed by nearly all present, and a telegram was forwarded to Senator McCUMBER advising him of the meeting and that the resolutions and signatures would follow by mail.

We give below the resolutions as adopted by the state legislature:

"Whereas there is now pending before the Congress of the United States a bill providing that the United States Government shall reserve unto itself all mining rights to all coal deposits underlying government lands for which patent has not been issued so far and that patent be issued for the surface of the land only; and

"Whereas most of these coal-underlying lands in the western part of North Dakota have been disposed of in former years as land grants and under the different land laws without restrictions of this kind; and

"Whereas the comparatively small acreage of unpatented lands, scattered mostly in small and isolated tracts, left in the hands of the Government in this State are of not much value as mining properties, more so as the quality of the lignite coal in this State is such that it can be used in a limited way and only inside of a short time after its mining; and

"Whereas hundreds of settlers have made homestead entries in good faith and have improved their places, spending thousands of dollars, not knowing that their lands were underlaid with this coal, relying upon and expecting to receive clear title to such lands after fully complying with the requirements of the law; and

"Whereas such clouded title will be a hardship to a great number of settlers because they, with such a cloud and burden upon the lands, will be unable to borrow money on mortgages or sell or dispose of the same: Now, therefore, be it

"*Resolved by the senate of the State of North Dakota (the house of representatives concurring)*, That our congressional delegation in Congress be requested to use all honorable means to prevent the passage of such bill and to introduce and to assist in its passage such a measure as that the Government issue a clear title to all lands in the State of North Dakota which have been entered upon under our present land laws, and which were not designated as coal lands at the time such entry was made."

Mr. LONG presented a resolution of the legislature of Kansas, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House resolution 24. By John R. Ashcroft.

Whereas under the act of Congress relating to internal revenue it is the practice of the Commissioner of Internal Revenue to issue government stamps to wholesale and retail dealers of intoxicating liquors in Kansas, thus authorizing them, so far as the United States Government is concerned, to sell such liquors without regard to their right to do so under the constitution and the laws of the State; and

Whereas such practices on the part of the United States Government seriously interferes with the execution of the laws of this State and encourages violations thereof: Be it

Resolved by the legislature of the said State of Kansas, That our Senators and Representatives in Congress be, and hereby are, requested to use all honorable means to secure the enactment of such legislation as will prohibit the acceptance by the Government of the tax required to be paid by wholesale and retail liquor dealers and the use of internal-revenue stamps to such persons, except in cases where the persons applying to be registered as liquors dealers shall present with the application therefor a certificate from the proper state officer, and under the laws of the State he is authorized to engage in such business: Be it further

Resolved, That it is the sense of this body that the Interstate Commerce Commission law should be so amended that no common carrier can transport into any State any article or articles which is prohibited by the constitution of that State or such State.

Mr. LONG presented a resolution of the legislature of Kansas, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 16, relating to the placing on the retired list ex-Union officers of the civil war.

Whereas the Congress of the United States, some forty years after the Revolutionary war, with a desire of expressing, in a measure, their gratitude to the surviving officers who had conducted that long, perilous, but successful war, enacted a law placing the old patriots on the retired list, thereby enabling them to spend a few years freed from the cares and labor of providing the necessities of life; and

Whereas the same course was pursued with the survivors of the war of 1812, thus showing to the world that republics are not ungrateful, but, on the contrary, are ever mindful of the interests of their most humble citizens and regard with the most tender care their aged and decrepit patriots; and

Whereas nearly forty-four years have passed since the surrender of Appomattox, and the number of these veterans of cherished memories is being rapidly reduced: Now, therefore, be it

Resolved by the senate (the house concurring), That we instruct our Senators and earnestly request our Representatives in Congress to give

all assistance in their power to the enactment of a law that will place the surviving officers of the war of the rebellion on an equal footing in regard to the retired list as are officers of the Regular Army.

Resolved, That certified copies of these resolutions be forwarded to each of our Senators and Representatives in Congress.

I hereby certify that the above concurrent resolution originated in the senate and passed that body February 4, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Passed the house February 5, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Approved February 9, 1909.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 10th day of February, 1909.

[SEAL.]

C. E. DENTON,
Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. LONG presented a resolution of the legislature of Kansas, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 13.

Whereas the pioneers of Kansas withstood the onslaught of the slave power for six years before the war of the rebellion, and when that conflict came on put more soldiers in the Volunteer Army to uphold the Government than there were voters in the State, and then organized all the men left in her boundaries into the militia service to protect as best they could the homes of the absent soldiers; and

Whereas this militia organization did valiant and valuable service, being at various times called upon by the Federal Government to assist in repelling invasion, always responding with alacrity; and

Whereas we believe the survivors of the Kansas Militia from 1861 to 1865 deserve to be recognized by making them eligible to all the pension laws applicable to the volunteer soldiers of the war from 1861 to 1865: Therefore be it

Resolved by the senate (the house concurring), That we most heartily commend Hon. CHARLES CURTIS and Hon. D. R. ANTHONY for introducing in the Senate of the United States and House of Representatives, respectively, bills providing for placing the patriotic survivors of our old militia veterans on the pension rolls, and that we must respectfully and earnestly request our entire delegation in Congress to unite in a strong effort to secure the passage of one of these bills at as early a date as possible, while there yet remain some to be benefited thereby.

Resolved, That duly authenticated copies of these resolutions be forwarded to each of our Senators and Representatives in Congress.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body January 22, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Passed the House January 30, 1909.

J. N. DOLLEY,
Speaker of the House.
C. H. BRILHART,
Assistant Chief Clerk of the House.

Approved February 3, 1909.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, this 4th day of February, 1909.

C. E. DENTON,
Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. LONG presented a petition of the Woman's Christian Temperance Union of McPherson, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government buildings and grounds, and also to prohibit the interstate transportation of intoxicating liquor into prohibition districts, which was ordered to lie on the table.

He also presented a petition of the Mercantile Club, of Kansas City, Kans., praying for the enactment of legislation to prohibit the authorities at San Francisco, Cal., from taking water from the Hetch Hetchy Valley to such an extent as to deplete the water supply of the Yosemite National Park, which was referred to the Committee on Public Lands.

He also presented a petition of Local Lodge No. 579, Benevolent and Protective Order of Elks, of Fort Scott, Kans., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also present sundry papers to accompany the bill (S. 9082) granting an increase of pension to John L. Brady, which were referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of the Commercial Club, of Cedar Rapids, Iowa, praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which was ordered to lie on the table.

He also presented a petition of the Tuesday Club, of Stockbridge, Mass., praying for the enactment of legislation to establish a national children's bureau in the Department of the Interior, which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Wilmington, Del., remonstrating against the enactment of legislation fixing an arbitrary price for smokeless powder, which was ordered to lie on the table.

He also presented a petition of the Manufacturers and Shippers' Association of Rockford, Ill., praying for the adoption of certain amendments to the present interstate-commerce law relative to the shipping interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Oskaloosa, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Western Pine Manufacturers' Association, of Spokane, Wash., remonstrating against the repeal of the duty on lumber, which was referred to the Committee on Finance.

He also presented a petition of Local Lodge, No. 445, Benevolent and Protective Order of Elks, of Atlantic, Iowa, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Farmers' Institute of Clinton County, Iowa, and a petition of the Farmers' Industrial Union of Britt, Iowa, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Commercial Club of Sioux City, Iowa, remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Davenport, Iowa, praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented a memorial of the Central Labor Union of Waterloo, Iowa, remonstrating against the adoption of the piecework system at the different navy-yards throughout the country, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 9133) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, reported it without amendment and submitted a report (No. 983) thereon.

He also, from the same committee, to whom was referred Senate concurrent resolution 87, submitted by Mr. SCOTT on the 5th instant, authorizing the Committee on Public Buildings and Grounds to investigate as to the renting of private buildings for business purposes in the District of Columbia, etc., asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

Mr. BOURNE, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them without amendment and submitted reports thereon:

A bill (H. R. 4307) for the relief of E. J. Reed (Report No. 984);

A bill (H. R. 17171) for the relief of Benjamin F. Curry (Report No. 985); and

A bill (H. R. 19762) to reimburse the postmaster at Sandborn, Ind. (Report No. 986).

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 4094) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, reported it without amendment and submitted a report (No. 987) thereon.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 23699) to grant to John T. Rivett

privilege to make commutation of his homestead entry, reported it without amendment and submitted a report (No. 988) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 27425) to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes, reported it without amendment and submitted a report (No. 989) thereon.

He also, from the same committee, to whom was referred the bill (S. 8960) to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes, submitted an adverse report (No. 990) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 8803) to codify, revise, and amend the postal laws of the United States, reported it without amendment and submitted a report (No. 991) thereon.

Mr. OWEN, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by himself on the 5th instant, directing the Postmaster-General to settle the accounts of Charles D. Carter with the United States for the rent of the post-office at Ardmore, Okla., etc., submitted a report (No. 992) accompanied by a bill (S. 9351) authorizing the Postmaster-General to settle the accounts of Carter & Booker, and for other purposes, which was read twice by its title.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 27311) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.," reported it with amendments and submitted a report (No. 1001) thereon.

Mr. CARTER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

The bill (H. R. 25149) to authorize certain changes in the permanent system of highways, District of Columbia (Report No. 993);

The bill (H. R. 26472) to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes (Report No. 994);

The bill (H. R. 16747) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street" (Report No. 995);

The bill (H. R. 24152) for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road (Report No. 996);

The bill (H. R. 23864) authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road (Report No. 997);

The bill (H. R. 16269) authorizing the extension of Ninth street NW. (Report No. 998);

The bill (H. R. 17303) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW. (Report No. 999); and

The bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia (Report No. 1000).

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5853) to provide for the extension of Reno road in the District of Columbia, for the assessment of benefits and the award of damages in connection therewith, and to provide a fund for the cost and expenses of condemnation proceedings and for the payment of all judgments and awards in connection therewith, reported it with amendments and submitted a report (No. 1002) thereon.

ENLARGED HOMESTEADS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to House amendments numbered 2, 3, 5, 6, 7, 8, and agree to the same.

That the Senate recede from its disagreement to House amendment numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"*Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply."

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land in the State of Utah subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may in his discretion designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section."

And that the House agree to the same.

REED SMOOT,
C. D. CLARK,
A. J. MCLAURIN,
Managers on the part of the Senate.
F. W. MONDELL,
A. J. VOLSTEAD,
JOSEPH T. ROBINSON,
Managers on the part of the House.

Mr. FULTON. I should be glad to have the Senator from Utah inform us what change has been made in the bill in regard to the requirement of residence, if any, on these lands.

Mr. SMOOT. Mr. President, the conference report now provides that the nonresidence section, known as section 6, shall apply only to the State of Utah. It does not apply to any other State.

Mr. FULTON. Then, in any State other than Utah residence is required as proposed by the Senate bill?

Mr. SMOOT. I will say that that is the case, and also that the only other change is a provision "that no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply."

Mr. HEYBURN. I should like to have from the Senator from Utah a statement as to whether the bill in any of its features applies to the State of Idaho.

Mr. SMOOT. The bill does not apply to Idaho.

Mr. HEYBURN. In any feature?

Mr. SMOOT. Not in any feature.

The VICE-PRESIDENT. The Chair will call the attention of the Senator from Utah to the fact that the Journal of the 19th of May last indicates that the report was then agreed to.

Mr. SMOOT. It was agreed to, as far as the Senate was concerned, and went over to the House. The House disagreed to certain amendments and it was sent back by the House into conference and came to the Senate the other day. Since then the conferees of the two Houses have met and agreed upon the report as now presented to the Senate.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

MINERAL CLAIMS.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 23473) extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming, to report it favorably without amendment, and I submit a report (No. 980) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE SENATE MANUAL.

Mr. KNOX, from the Committee on Rules, reported the following resolution (S. Res. 286), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual, and that there be printed 3,500 copies of the same for the use of the committee, of which 150 copies shall be bound in full morocco and tagged as to contents.

COURTS IN ALABAMA.

Mr. OVERMAN. I am directed by the Committee on the Judiciary to report back favorably without amendment the bill (H. R. 21560) to provide for circuit and district courts of the United States at Gadsden, Ala. I call the attention of the Senator from Alabama [Mr. BANKHEAD] to the report.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. P. DUKES.

Mr. SIMMONS. From the Committee on Post-Offices and Post-Roads I report back favorably without amendment the bill (H. R. 7157) for the relief of W. P. Dukes, postmaster at Rowesville, S. C., and I submit a report (No. 982) thereon. I call the attention of the junior Senator from South Carolina [Mr. GARY] to the bill.

Mr. GARY. I ask for the present consideration of the bill just reported by the Senator from North Carolina.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. P. Dukes, the sum of $74.36, the amount stolen from him while postmaster at Rowesville, Orangeburg County, S. C.

Mr. KEAN. I do not object to this bill, but after it is disposed of I shall insist on the regular order.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNED CANNON FOR WARRICK COUNTY, IND.

Mr. HEMENWAY. From the Committee on Military Affairs I report a joint resolution, and I submit a report (No. 981) thereon. I ask for its immediate consideration.

The joint resolution (S. R. 128) authorizing the Secretary of War to donate four condemned cannon to the county of Warrick, in the State of Indiana, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Warrick, in the State of Indiana, four condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be placed in the park surrounding the county court-house in the city of Boonville, Ind.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNED CANNON FOR BEDFORD, IND.

Mr. HEMENWAY. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 234) to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind., to report it favorably without amendment. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Now let us have the regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. The introduction of bills is next in order.

BILLS INTRODUCED.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9308) granting an increase of pension to Moab Turner;

A bill (S. 9309) granting an increase of pension to Elijah Broughman; and

A bill (S. 9310) granting an increase of pension to Enoch W. F. Felt.

Mr. McLAURIN introduced a bill (S. 9311) for the relief of the estate of Stephen Herren, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 9312) to amend the act entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," approved March 3, 1877; and

A bill (S. 9313) to create a board of accountancy for the District of Columbia, and for other purposes.

Mr. GALLINGER introduced a bill (S. 9314) granting a pension to Nancy Crowther, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 9315) granting an increase of pension to Edward W. Freeman, which was read twice by its title and referred to the Committee on Pensions.

Mr. du PONT introduced a bill (S. 9316) to authorize the Secretary of War to furnish a condemned cannon to the State of Delaware, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PILES introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9317) granting an increase of pension to Zaphna L. King; and

A bill (S. 9318) granting an increase of pension to William Deering.

Mr. FULTON introduced a bill (S. 9319) granting an increase of pension to Arthur M. Sumner, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9320) for the relief of the estate of F. F. Lucas, deceased (with the accompanying paper);

A bill (S. 9321) for the relief of David N. Williams;

A bill (S. 9322) for the relief of the estate of James O. Harrison, deceased;

A bill (S. 9323) for the relief of William H. Nolcini;

A bill (S. 9324) for the relief of the estate of Thomas Drake, deceased;

A bill (S. 9325) for the relief of the estate of Thomas B. Posey, deceased; and

A bill (S. 9326) for the relief of the estate of B. N. C. Allen, deceased.

Mr. McCREARY introduced a bill (S. 9327) to correct the military record of William N. Lakes, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TALIAFERRO introduced a bill (S. 9328) granting an increase of pension to Howell Atwater, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 9329) for the relief of civil-service employees of branch hydrographic offices of the United States Navy, which was read twice by its title and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9330) for the relief of the heirs or estate of John E. Stevenson, deceased, and others (with the accompanying paper);

A bill (S. 9331) for the relief of the heirs or estate of Peter Baker and others;

A bill (S. 9332) for the relief of the estate of John W. White, deceased; and

A bill (S. 9333) for the relief of Mrs. Bathsheba Gordon.

Mr. SIMMONS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 9334) authorizing a survey and estimate for removing obstructions and deepening the channel of Smiths Creek, North Carolina; and

A bill (S. 9335) authorizing a survey and estimate for removing obstructions and deepening the channel of Swift Creek, North Carolina.

Mr. FRAZIER introduced a bill (S. 9336) for the relief of W. H. Francis, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9337) to amend an act entitled "An act to create a new division in the middle judicial district of the State of Tennessee," which was read twice by its title and referred to the Committee on the Judiciary.

Mr. McENERY introduced a bill (S. 9338) for the relief of G. A. Le More & Co., which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 9339) for the relief of Mary E. Barrow, which was read twice by its title and referred to the Committee on Claims.

Mr. BACON introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9340) for the relief of the heirs or estate of Gideon Robinson, deceased, and Margaret Robinson, deceased, and others; and

A bill (S. 9341) for the relief of the heirs or estate of Jackson Higginbotham, deceased, and others.

Mr. BURKETT introduced a bill (S. 9342) granting an increase of pension to George W. Davenport, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 9343) to provide for the inspection of immigrants to the United States, which was read twice by its title and referred to the Committee on Immigration.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9344) granting an increase of pension to Alexander Esler (with accompanying paper);

A bill (S. 9345) granting an increase of pension to Patrick Gallagher (with accompanying papers);

A bill (S. 9346) granting an increase of pension to Thomas Harrison; and

A bill (S. 9347) granting an increase of pension to John Brown, alias George Brown (with accompanying papers).

Mr. WARNER introduced a bill (S. 9348) to reimburse Frank Wyman, postmaster at St. Louis, Mo., for embezzlement of money-order funds by clerk at said post-office, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BRIGGS introduced a bill (S. 9349) to extend to the port of Thompsons Point, in the district of Bridgeton, N. J., the privilege of immediate transportation without appraisement of dutiable merchandise, which was read twice by its title and referred to the Committee on Commerce.

Mr. BOURNE introduced a bill (S. 9350) granting an increase of pension to William F. Hodges, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 9352) granting an increase of pension to Isaac P. Force, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 9353) amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. BURKETT introduced a bill (S. 9354) granting a pension to Andrew Minkler, which was read twice by its title and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a joint resolution (S. R. 129) authorizing the Secretary of War to donate two condemned cannon to the State of Florida, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FRYE introduced a joint resolution (S. R. 130) to declare the intent of certain provisions of the coastwise laws of the United States, which was read twice by its title and referred to the Committee on Commerce.

Mr. PILES introduced a joint resolution (S. R. 131) relative to the construction of wagon roads, bridges, and trails in Alaska, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $35,000 to increase the limit of cost for the public building at Wallingford, Conn., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. FRYE submitted an amendment proposing to appropriate $5,000 for compensation and expenses necessary for the representation of the United States at the third international conference on maritime law to be held at Brussels, Belgium, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURROWS submitted an amendment authorizing the Secretary of the Interior to deduct from the respective shares of intermarried white citizens an amount sufficient to compensate their attorneys according to the terms of their respective contracts, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $70,000 for the construction of two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DIXON submitted an amendment relative to the establishment of a national bison range in the State of Montana, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,000 for fencing the National Bison Range, as provided for by the act of May 23, 1908, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable point in the State of North Carolina, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,600 for completion of the roadway, now under construction, to the Salisbury National Cemetery from Main street in Salisbury, N. C., to the cemetery gate, intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. BURKETT submitted an amendment providing that none of the money herein appropriated for work to be done in any of the navy-yards of the United States shall be used to pay for labor under the system of employment known as the "piece" or "task" system, intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

Mr. OWEN submitted an amendment proposing to appropriate $600,000 in full payment of the award of the United States of February 16, 1903, in favor of loyal Creek Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $40,000 for the purchase of a sufficient number of improved modern acetylene gas buoys for lighting the channel across Newport News, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NEWLANDS. I submit an amendment intended to be proposed by me to the naval appropriation bill (H. R. 26394). I ask that it be read.

The Secretary read the amendment, as follows:

Strike out the clause relating to battle ships, page 68, lines 14 to 21, inclusive, and insert:

"That for the purpose of increasing the efficiency of the naval establishment of the United States the President is authorized to have constructed such auxiliary ships, including transports, colliers, dispatch boats, cruisers, and scouts as will be necessary in case of war to support the fighting ships, at a total cost not exceeding $12,000,000; and that the President make such recommendations to Congress as to him seem advisable regarding the manning of vessels belonging to such auxiliary navy, in whole or part, by the naval reserve and the leasing of them so manned in times of peace to shipping companies for the purpose of promoting foreign trade and commerce."

Mr. HALE. The bill is before the Senate. The amendment ought to lie on the table.

The VICE-PRESIDENT. It will lie on the table. Does the Senator from Nevada desire to have it printed?

Mr. NEWLANDS. Yes; I should like to have it printed.

The VICE-PRESIDENT. The proposed amendment will lie on the table and be printed.

TRAVEL PAY TO VOLUNTEERS.

Mr. DICK. On the 25th ultimo I submitted an amendment relative to the travel pay to Philippine volunteers of 1899–1901, intended to be proposed to the army appropriation bill, which was referred to the Committee on Military Affairs. I present a

statement in favor of the restoration of the original promise on entering the service, but denied on muster out, which I ask may be printed (S. Doc. No. 720), to accompany the amendment introduced by me, and referred to the Committee on Military Affairs.

The VICE-PRESIDENT. Without objection, it is so ordered.

IMPROVEMENT OF ST. JOHNS RIVER, FLORIDA.

Mr. TALIAFERRO submitted the following concurrent resolution (S. C. Res. 91), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the St. Johns River, between Jacksonville and the ocean, with a view to obtaining a depth of 30 feet at mean low water.

IMPROVEMENT OF FERNANDINA HARBOR, FLORIDA.

Mr. TALIAFERRO submitted the following concurrent resolution (S. C. Res. 90), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey with the view to obtaining a uniform depth of 10 feet in the inland waterway between Fernandina, (Fla.) harbor and the St. Johns River, and to report, together with an estimate of the cost of the project.

WITHDRAWAL OF PAPERS—MARY E. GOSNELL.

On motion of Mr. SIMMONS, it was

Ordered, That the papers accompanying Senate bill 236, first session Sixtieth Congress, granting a pension to Mary E. Gosnell, there having been no adverse report filed, be withdrawn from the files of the Senate.

PAUL C. JACOBSON.

Mr. NELSON submitted the following resolution (S. Res. 287), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Paul C. Jacobson, father of Walter Jacobson, late a member of the Capitol police force, in the employ of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

THE EMERY TESTING MACHINE.

Mr. TELLER. Several weeks ago I introduced a bill (S. 8925) to provide for the purchase and erection of a large testing machine, and building therefor, which was referred to the Committee on Appropriations, and it has attracted the attention of the civil engineers of the country. I have a number of letters from them addressed to different Senators, some to myself, and others to the heads of departments concerning the bill. I should like to have the letters published as a document (S. Doc. No. 716) and referred to the Committee on Appropriations.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

AMERICAN SUGAR REFINING COMPANY.

Mr. CULBERSON. I ask to have printed as a document (S. Doc. No. 718) the opinion of the United States circuit court of appeals for the second circuit in the case of the Pennsylvania Sugar Refining Company *v.* The American Sugar Refining Company, which was delivered December 15, 1908.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE SMITHSONIAN INSTITUTION.

Mr. LONG. I present a paper prepared by Dr. Charles Minor Blackford, jr., being a reprint from the North American Review for January, 1909, relative to the Smithsonian Institution. I move that it be printed as a document (S. Doc. No. 717).

The motion was agreed to.

THE MARINE CORPS.

Mr. BURROWS. I present a short history of soldiers enlisted for service either on shore or aboard ships of war known by the distinctive name of "marines." I move that the paper be printed as a document (S. Doc. No. 719) and referred to the Committee on Naval Affairs.

The motion was agreed to.

COURTS IN WISCONSIN.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of House bill 27311, reported this morning by the Judiciary Committee. It has to do solely with the terms of the court at Superior, Wis., and will not take any time, I am confident.

Mr. KEAN. I have no objection to the bill, but I demand the regular order.

Mr. LA FOLLETTE. It is purely a local matter. The bill has received the approval of the Judiciary Committee.

Mr. KEAN. I gave notice some time ago that I would demand the regular order. I have no objection to the bill, but I think we ought to have the regular order.

The VICE-PRESIDENT. The regular order is demanded. Are there further concurrent or other resolutions?

IMMIGRATION STATION AT BOSTON, MASS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H. R. 13851) providing for a site and the erection of a new immigration station thereon at the city of Boston, Mass., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House to the amendment of the Senate with an amendment striking out all the said amendment of the House to the Senate amendment and inserting:

"*Provided*, That this act shall not be construed to amend, modify or repeal joint resolution No. 17, authorizing the use and improvement of Castle Island in Boston Harbor, approved May 1, 1890."

Also, on page 1, line 5, strike out the words "a site now owned by or to be ceded," and insert the words "any site except Castle Island, now owned or controlled by the Government of the United States, or upon any site to be ceded;" and the House agree to the same.

WILLIAM P. DILLINGHAM,
H. C. LODGE,
A. J. MCLAURIN,
Managers on the part of the Senate.

BENJ. F. HOWELL,
BURTON L. FRENCH,
JOSEPH B. BENNETT,
Managers on the part of the House.

The report was agreed to.

CONSTITUTION ISLAND, NEW YORK.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert the following:

"That the United States accepts with gratitude and appreciation the gift of Constitution Island so graciously and patriotically donated to the Government by Miss Anna Bartlett Warner and Mrs. Margaret Olivia Sage; and the Secretary of War is hereby authorized to receive a deed from Anna Barlett Warner and Margaret Olivia Sage for the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point; *Provided*, That the lands so donated and deeded shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit; *Provided also*, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership."

And that the Senate agree to the same.

H. C. LODGE,
H. A. DU PONT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

A. B. CAPRON,
JOHN C. CHANEY,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

February 13, 1909:

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois;

S. 212. An act to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary;

S. 655. An act for the relief of Richard A. Proctor;

S. 1204. An act for the relief of J. M. Bloom;

S. 2911. An act for the relief of the Columbus Gas and Fuel Company;

S. 3723. An act for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.;

S. 3748. An act for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio;

S. 4427. An act for the relief of Hastings Steamboat Company;

S. 4312. An act for the relief of William E. Moses;

S. 4313. An act for the relief of John V. Vickers;

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburg, Pa.; and

S. 7325. An act for the relief of Cadmus E. Crabill.

ADOLPHUS ERWIN WELLS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Military Affairs:

To the Senate:

In compliance with the resolution of the Senate of February 11, I return herewith House bill No. 10752, entitled "An act to complete the military record of Adolphus Erwin Wells."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 15, 1909.*

CARE OF DEPENDENT CHILDREN IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 721), which was read and, on motion of Mr. HALE, with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed:

On January 25–26, 1909, there assembled in this city, on my invitation, a Conference on the Care of Dependent Children. To this Conference there came from nearly every State in the Union men and women actively engaged in the care of dependent children, and they represented all the leading religious bodies.

The subject considered is one of high importance to the well-being of the Nation. The Census Bureau reported in 1904 that there were in orphanages and children's homes about 93,000 dependent children. There are probably 50,000 more (the precise number never having been ascertained) in private homes, either on board or in adopted homes provided by the generosity of foster parents. In addition to these there were 25,000 children in institutions for juvenile delinquents.

Each of these children represents either a potential addition to the productive capacity and the enlightened citizenship of the Nation, or, if allowed to suffer from neglect, a potential addition to the destructive forces of the community. The ranks of criminals and other enemies of society are recruited in an altogether undue proportion from children bereft of the natural homes and left without sufficient care.

The interests of the Nation are involved in the welfare of this army of children no less than in our great material affairs.

Notwithstanding a wide diversity of views and methods represented in the Conference, and notwithstanding the varying legislative enactments and policies of the States from which the members came, the Conference, at the close of its sessions, unanimously adopted a series of declarations expressing the conclusions which they had reached. These constitute a wise, constructive, and progressive programme of child-caring work. If given full effect by the proper agencies, existing methods and practices in almost every community would be profoundly and advantageously modified.

More significant even than the contents of the declarations is the fact that they were adopted without dissenting vote and with every demonstration of hearty approval on the part of all present. They constitute a standard of accepted opinion by which each community should measure the adequacy of its existing methods and to which each community should seek to conform its legislation and its practice.

The keynote of the Conference was expressed in these words: "Home life is the highest and finest product of civilization. Children should not be deprived of it except for urgent and compelling reasons."

Surely poverty alone should not disrupt the home. Parents of good character suffering from temporary misfortune, and above all deserving mothers fairly well able to work but deprived of the support of the normal breadwinner, should be given such aid as may be necessary to enable them to maintain suitable homes for the rearing of their children. The widowed or deserted mother, if a good woman, willing to work and to do her best, should ordinarily be helped in such fashion as will enable her to bring up her children herself in their natural home. Children from unfit homes, and children who have no homes, who must be cared for by charitable agencies, should, so far as practicable, be cared for in families.

I transmit herewith for your information a copy of the conclusions reached by the Conference, of which the following is a brief summary:

1. *Home care.*—Children of worthy parents or deserving mothers should, as a rule, be kept with their parents at home.

2. *Preventive work.*—The effort should be made to eradicate causes of dependency, such as disease and accident, and to substitute compensation and insurance for relief.

3. *Home finding.*—Homeless and neglected children, if normal, should be cared for in families, when practicable.

4. *Cottage system.*—Institutions should be on the cottage plan with small units, as far as possible.

5. *Incorporation.*—Agencies caring for dependent children should be incorporated, on approval of a suitable State board.

6. *State inspection.*—The State should inspect the work of all agencies which care for dependent children.

7. *Inspection of educational work.*—Educational work of institutions and agencies caring for dependent children should be supervised by State educational authorities.

8. *Facts and records.*—Complete histories of dependent children and their parents, based upon personal investigation and supervision, should be recorded for guidance of child-caring agencies.

9. *Physical care.*—Every needy child should receive the best medical and surgical attention, and be instructed in health and hygiene.

10. *Cooperation.*—Local child-caring agencies should cooperate and establish joint bureaus of information.

11. *Undesirable legislation.*—Prohibitive legislation against transfer of dependent children between States should be repealed.

12. *Permanent organization.*—A permanent organization for work along the lines of these resolutions is desirable.

13. *Federal Children's Bureau.*—Establishment of a Federal Children's Bureau is desirable, and enactment of pending bill is earnestly recommended.

14. Suggest special message to Congress favoring Federal Children's Bureau and other legislation applying above principles to District of Columbia and other Federal territory.

While it is recognized that these conclusions can be given their fullest effect only by the action of the several States or communities concerned, or of their charitable agencies, the Conference requested me, in section 14 of the conclusions, to send to you a message recommending Federal action.

There are pending in both Houses of Congress bills for the establishment of a Children's Bureau, i. e., Senate bill No. 8323 and House bill No. 24148. These provide for a Children's Bureau in the Department of the Interior which "shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion and illegitimacy, dangerous occupations, accidents and diseases of children of the working classes, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the health, efficiency, character, and training of children."

One of the needs felt most acutely by the Conference was that of accurate information concerning these questions relating to childhood. The National Government not only has the unquestioned right of research in such vital matters, but is the only agency which can effectively conduct such general inquiries as are needed for the benefit of all our citizens. In accordance with the unanimous request of the Conference, I therefore most heartily urge your favorable action on these measures.

It is not only discreditable to us as a people that there is now no recognized and authoritative source of information upon these subjects relating to child life, but in the absence of such information as should be supplied by the Federal Government many abuses have gone unchecked; for public sentiment, with its great corrective power, can only be aroused by full knowledge of the facts. In addition to such information as the Census Bureau and other existing agencies of the Federal Govern-

ment already provide, there remains much to be ascertained through lines of research not now authorized by law; and there should be correlation and dissemination of the knowledge obtained without any duplication of effort or interference with what is already being done. There are few things more vital to the welfare of the Nation than accurate and dependable knowledge of the best methods of dealing with children, especially with those who are in one way or another handicapped by misfortune; and in the absence of such knowledge each community is left to work out its own problem without being able to learn of and profit by the success or failure of other communities along the same lines of endeavor. The bills for the establishment of the Children's Bureau are advocated not only by this Conference, but by a large number of national organizations that are disinterestedly working for the welfare of the children, and also by philanthropic, educational, and religious bodies in all parts of the country.

I further urge that such legislation be enacted as may be necessary in order to bring the laws and practices in regard to the care of dependent children in all Federal territory into harmony with the other conclusions reached by the Conference.

LEGISLATION FOR THE DISTRICT OF COLUMBIA.

Congress took a step in the direction of the conclusions of this Conference in 1893, when, on the recommendation of the late Amos G. Warner, then Superintendent of Charities for the District of Columbia, the Board of Children's Guardians was created, with authority, among other things, to place children in family homes. That Board has made commendable progress and its work should be strengthened and extended.

I recommend legislation for the District of Columbia in accordance with the fifth, sixth, seventh, and eighth sections of the conclusions of the conference, as follows:

1. That the approval of the Board of Charities be required for the incorporation of all child-caring agencies, as well as amendments of the charter of any benevolent corporation which includes child-caring work, and that other than duly incorporated agencies be forbidden to engage in the care of needy children. This legislation is needed in order to insure the fitness and responsibility of those who propose to undertake the care of helpless children. Such laws have long been in satisfactory operation in several of the larger States of the Union.

2. That the Board of Charities, through its duly authorized agents, shall inspect the work of all agencies which care for dependent children, whether by institutional or by home-finding methods, and whether supported by public or private funds. The State has always jealously guarded the interests of children whose parents have been able to leave them property by requiring the appointment of a guardian, under bond, accountable directly to the courts, even though there be a competent surviving parent. Surely the interests of the child who is not only an orphan but penniless ought to be no less sacred than those of the more fortunate orphan who inherits property. If the protection of the Government is necessary in the one case it is even more necessary in the other. If we are to require that only incorporated institutions shall be allowed to engage in this responsible work, it is necessary to provide for public inspection, lest the State should become the unconscious partner of those who either from ignorance or inefficiency are unsuited to deal with the problem.

3. That the education of children in orphan asylums and other similar institutions in the District of Columbia be under the supervision of the Board of Education, in order that these children may enjoy educational advantages equal to those of the other children. Normal school life comes next to normal home life in the process of securing the fullest development of the child.

4. That all agencies engaged in child-caring work in the District of Columbia be required by law to adopt adequate methods of investigation and make permanent records relative to children under their care, and to exercise faithful personal supervision over their wards until legally adopted or otherwise clearly beyond the need of further supervision; the forms and methods of such investigation, records, and supervision to be prescribed and enforced by the Board of Charities.

I deem such legislation as is herein recommended not only important for the welfare of the children immediately concerned, but important as setting an example of a high standard of child protection by the National Government to the several States of the Union, which should be able to look to the Nation for leadership in such matters.

I herewith transmit a copy of the full text of the proceedings.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 15, 1908.*

APPENDIX A.

Letter to the President of the United States, embodying the conclusions of the Conference on the Care of Dependent Children held by invitation of the President in Washington, D. C., January 25 and 26, 1909.

SYLLABI OF CONFERENCE RESOLUTIONS.

1. *Home care.*—Children of worthy parents or deserving mothers should, as a rule, be kept with their parents at home.
2. *Preventive work.*—Society should endeavor to eradicate causes of dependency like disease and to substitute compensation and insurance for relief.
3. *Home finding.*—Homeless and neglected children, if normal, should be cared for in families, when practicable.
4. *Cottage system.*—Institutions should be on the cottage plan with small units, as far as possible.
5. *Incorporation.*—Agencies caring for dependent children should be incorporated, on approval of a suitable State board.
6. *State inspection.*—The State should inspect the work of all agencies which care for dependent children.
7. *Inspection of educational work.*—Educational work of institutions and agencies caring for dependent children should be supervised by state educational authorities.
8. *Facts and records.*—Complete histories of dependent children and their parents should be recorded for guidance of child-caring agencies.
9. *Physical care.*—Every needy child should receive the best medical and surgical attention, and be instructed in health and hygiene.
10. *Cooperation.*—Local child-caring agencies should cooperate and establish joint bureaus of information.
11. *Undesirable legislation.*—Prohibitive legislation against transfer of dependent children between States should be repealed.
12. *Permanent organization.*—A permanent organization for work along the lines of these resolutions is desirable.
13. *Federal children's bureau.*—Establishment of a federal children's bureau is desirable, and enactment of pending bill is earnestly recommended.
14. Suggest special message to Congress favoring federal children's bureau and other legislation applying above principles to District of Columbia and other federal territory.

Hon. THEODORE ROOSEVELT,
President of the United States.

SIR: Having been invited by you to participate in a conference on the care of dependent children, held at Washington, D. C., January 25–26, 1909, and having considered at the sessions of such conference the various phases of the subject as stated in the memorandum accompanying your letter of invitation, and such others as have been brought before us by the executive committee, we desire to express the very great satisfaction felt by each member of this conference in the deep interest you have taken in the well-being of dependent children. The proper care of destitute children has indeed an important bearing upon the welfare of the Nation. We now know so little about them as not even to know their number, but we know that there are in institutions about 93,000, and that many additional thousands are in foster or boarding homes. As a step, therefore, in the conservation of the productive capacity of the people, and the preservation of high standards of citizenship, and also because each of these children is entitled to receive humane treatment, adequate care, and proper education, your action in calling this conference, and your participation in its opening and closing sessions, will have, we believe, a profound effect upon the well-being of many thousands of children, and upon the Nation as a whole.

Concerning the particular objects to which you called attention in the invitation to this conference, and the additional subjects brought before us by the executive committee, our conclusions are as follows:

HOME CARE.

1. Home life is the highest and finest product of civilization. It is the great molding force of mind and of character. Children should not be deprived of it except for urgent and compelling reasons. Children of parents of worthy character, suffering from temporary misfortune, and children of reasonably efficient and deserving mothers who are without the support of the normal breadwinner should, as a rule, be kept with their parents, such aid being given as may be necessary to maintain suitable homes for the rearing of the children. This aid should be given by such methods and from such sources as may be determined by the general relief policy of each community, preferably in the form of private charity, rather than of public relief. Except in unusual circumstances, the home should not be broken up for reasons of poverty, but only for considerations of inefficiency or immorality.

PREVENTIVE WORK.

2. The most important and valuable philanthropic work is not the curative, but the preventive; to check dependency by a thorough study of its causes and by effectively remedying or eradicating them, should be the constant aim of society. Along these lines we urge upon all friends of children the promotion of effective measures, including legislation, to prevent blindness; to check tuberculosis and other diseases in dwellings and work places, and injuries in hazardous occupations; to secure compensation or insurance so as to provide a family income in case of sickness, accident, death, or invalidism of the breadwinner; to promote child-labor reforms, and generally, to improve the conditions surrounding child life. To secure these ends we urge efficient cooperation with all other agencies for social betterment.

HOME FINDING.

3. As to the children who for sufficient reasons must be removed from their own homes, or who have no homes, it is desirable that, if normal in mind and body, and not requiring special training, they should be cared for in families whenever practicable. The carefully selected foster home is for the normal child the best substitute for the natural home. Such homes should be selected by a most careful process of investigation, carried on by skilled agents, through personal investigation, and with due regard to the religious faith of the child. After children are placed in homes, adequate visitation, with careful consideration of the physical, mental, moral, and spiritual training and development of each child, on the part of the responsible home-finding agency, is essential.

It is recognized that for many children foster homes without payment for board are not practicable immediately after the children become dependent, and that for children requiring temporary care only the free home is not available. For the temporary, or more or less permanent, care of such children different methods are in use, notably the plan of placing them in families, paying for their board, and the plan of institutional care. Contact with family life is preferable for these chil-

dren, as well as for other normal children. It is necessary, however, that a large number of carefully selected boarding homes be found if these children are to be cared for in families. The extent to which such families can be found should be ascertained by careful inquiry and experiment in each locality. Unless and until such homes are found, the use of institutions is necessary.

COTTAGE SYSTEM.

4. So far as it may be found necessary temporarily or permanently to care for certain classes of children in institutions, these institutions should be conducted on the cottage plan, in order that routine and impersonal care may not unduly suppress individuality and initiative. The cottage unit should not be larger than will permit effective personal relations between the adult caretaker or caretakers of each cottage and each child therein. Twenty-five is suggested as a desirable cottage unit, subject to revision in the light of further experience in the management of cottage institutions. The cottage plan is probably somewhat more expensive, both in construction and in maintenance, than the congregate system. It is so, however, only because it secures for the children a larger degree of association with adults, and a nearer approach to the conditions of family life, which are required for the proper molding of childhood. These results more than justify the increased outlay, and are truly economical. Child-caring agencies, whether supported by public or private funds, should by all legitimate means press for adequate financial support. Inferior methods should never be accepted by reason of lack of funds without continuing protest. Cheap care of children is ultimately enormously expensive, and is unworthy of a strong community. Existing congregate institutions should so classify their inmates and segregate them into groups as to secure as many of the benefits of the cottage system as possible, and should look forward to the adoption of the cottage type when new buildings are constructed.

The sending of children of any age or class to almshouses is an unqualified evil, and should be forbidden everywhere by law, with suitable penalty for its violation.

INCORPORATION.

5. To engage in the work of caring for needy children is to assume a most serious responsibility, and should, therefore, be permitted only to those who are definitely organized for the purpose, who are of suitable character, and possess, or have reasonable assurance of securing, the funds needed for their support. The only practicable plan of securing this end is to require the approval, by a State Board of Charities or other body exercising similar powers, of the incorporation of all child-caring agencies, including the approval of any amendments of the charter of a benevolent corporation, if it is to include child-caring work; and by forbidding other than duly incorporated agencies to engage in the care of needy children.

STATE INSPECTION.

6. The proper training of destitute children being essential to the well-being of the State, it is a sound public policy that the State, through its duly authorized representatives, should inspect the work of all agencies which care for dependent children, whether by institutional or by home-finding methods, and whether supported by public or private funds. Such inspection should be made by trained agents, should be thorough, and the results thereof should be reported to the responsible authorities of the institution or agency concerned. The information so secured should be confidential, not to be disclosed except by competent authority.

INSPECTION OF EDUCATIONAL WORK.

7. Destitute children at best labor under many disadvantages and are deprived in greater or less degree of the assistance and guidance which parents afford their own children. It is important, therefore, that such children be given an education which will fit them for self-support and for the duties of citizenship, and the State should provide therefor. In order that this education may be equal to that afforded by the schools attended by the other children of the community, it is desirable that the education of children in orphan asylums and other similar institutions or placed in families should be under the supervision of the educational authorities of the State.

FACTS AND RECORDS.

8. The proper care of a child in the custody of a child-caring agency, as well as the wise decision as to the period of his retention and ultimate disposition to be made of him, involve a knowledge of the character and circumstances of his parents, or surviving parent, and near relatives, both before and at the time the child becomes dependent and subsequently. One unfortunate feature of the child-caring work hitherto is the scanty information available as to the actual careers of children who have been reared under the care of charitable agencies. This applies both to institutions, which too frequently lose sight of the children soon after they leave their doors, and home-finding agencies, which too frequently have failed to exercise supervision adequate to enable them to judge of the real results of their work. It is extremely desirable that, taking all precautions to prevent injury or embarrassment to those who have been the subjects of charitable care, the agencies which have been responsible for the care of children should know to what station in life they attain and what sort of citizens they become. Only in this manner can they form a correct judgment of the results of their efforts.

We believe, therefore, that every child-caring agency should—

(*a*) Secure full information concerning the character and circumstances of the parents and near relatives of each child in whose behalf application is made, through personal investigation by its own representative, unless adequate information is supplied by some other reliable agency.

(*b*) Inform itself by personal investigation at least once each year of the circumstances of the parents of children in its charge, unless the parents have been legally deprived of guardianship, and unless this information is supplied by some other responsible agency.

(*c*) Exercise supervision over children under their care until such children are legally adopted, are returned to their parents, attain their majority, or are clearly beyond the need of further supervision.

(*d*) Make a permanent record of all information thus secured.

PHYSICAL CARE.

9. The physical condition of children who become the subjects of charitable care has received inadequate consideration. Each child received into the care of such an agency should be carefully examined by a competent physician, especially for the purpose of ascertaining whether such peculiarities, if any, as the child presents may be due to any defect of the sense organs or to other physical defect. Both institutions and placing-out agencies should take every precaution to secure proper medical and surgical care of their children and should see that suitable instruction is given them in matters of health and hygiene.

COOPERATION.

10. Great benefit can be derived from a close cooperation between the various child-caring agencies, institutional and otherwise, in each locality. It is especially desirable that harmonious relations be established in regard to the classes of children to be received by each agency, the relations of such agencies to the parents of children received, and the subsequent oversight of children passing from the custody of child-caring agencies. The establishment of a joint bureau of investigation and information by all the child-caring agencies of each locality is highly commended, in the absence of any other suitable central agency through which they may cooperate.

UNDESIRABLE LEGISLATION.

11. We greatly deprecate the tendency of legislation in some States to place unnecessary obstacles in the way of placing children in family homes in such States by agencies whose headquarters are elsewhere, in view of the fact that we favor the care of destitute children, normal in mind and body, in families, whenever practicable.

We recognize the right of each State to protect itself from vicious, diseased, or defective children from other States by the enactment of reasonable protective legislation; but experience proves that the reception of healthy normal children is not only an act of philanthropy, but also secures a valuable increment to the population of the community and an ultimate increase of its wealth.

The people of the more prosperous and less congested districts owe a debt of hospitality to the older communities from which many of them came.

We earnestly protest, therefore, against such legislation as is prohibitive in form or in effect, and urge that where it exists it be repealed.

PERMANENT ORGANIZATION.

12. The care of dependent children is a subject about which nearly every session of the legislature of every State in the Union concerns itself; it is a work in which state and local authorities in many States are engaged, and in which private agencies are active in every State. Important decisions are being made constantly by associations, institutions, and public authorities affecting questions of policy, the type of buildings to be constructed, the establishment of an adequate system of investigating homes and visiting children placed in homes, and scores of important matters affecting the well-being of needy children. Each of these decisions should be made with full knowledge of the experience of other States and agencies, and of the trend of opinion among those most actively engaged in the care of children, and able to speak from wide experience and careful observation. One effective means of securing this result would be the establishment of a permanent organization to undertake, in this field, work comparable to that carried on by the National Playground Association, the National Association for the Study and Prevention of Tuberculosis, the National Child Labor Committee, and other similar organizations in their respective fields. It is our judgment that the establishment of such a permanent voluntary organization, under auspices which would insure a careful consideration of all points of view, broad-mindedness and tolerance, would be desirable and helpful, if reasonably assured of adequate financial support.

FEDERAL CHILDREN'S BUREAU.

13. A bill is pending in Congress for the establishment of a Federal Children's Bureau to collect and disseminate information affecting the welfare of children. In our judgment the establishment of such a bureau is desirable, and we earnestly recommend the enactment of the pending measure.

SUMMARY.

14. The preceding suggestions may be almost completely summarized in this—that the particular condition and needs of each destitute child should be carefully studied and that he should receive that care and treatment which his individual needs require, and which should be as nearly as possible like the life of the other children of the community.

15. We respectfully recommend that you send to Congress a message urging favorable action upon the bill for a federal children's bureau and the enactment of such legislation as will bring the laws and the public administration of the District of Columbia and other federal territory into harmony with the principles and conclusions herein stated; and we further recommend that you cause to be transmitted to the governor of each State of the Union a copy of the proceedings of this conference for the information of the state board of charities or other body exercising similar powers.

By order of the conference.

Yours, very respectfully,

HASTINGS H. HART,
EDMOND J. BUTLER,
JULIAN W. MACK,
HOMER FOLKS,
JAMES E. WEST,
Committee on Resolutions.

The above letter, embodying the conclusions of the conference on the care of dependent children, was unanimously adopted at the close of the afternoon session on Tuesday, January 26, 1909.

HOMER FOLKS,
Vice-Chairman.
JAMES E. WEST,
Secretary.

CALAVERAS BIGTREE NATIONAL FOREST.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1574) to create the Calaveras Bigtree National Forest, and for other purposes, which were:

On page 2, line 8, after "acquired," to insert "shall be permanently held by the United States and."

On page 2, line 9, after "administered," to insert "and."

On page 2, line 10, to strike out "and improved."

On page 2, line 10, after "Agriculture," to insert "from the funds appropriated for the administration of national forest land."

On page 2, line 12, to strike out all after "trees," down to and including "public" line 13.

On page 2, line 23, to strike out "shall."

On page 2, line 23, after "selection," to insert "and of a value substantially equal to that of the amounts conveyed, may."

On page 3, line 3, to strike out "reserve."

On page 3, line 3, to strike out all after "wood," down to and including line 19, and to insert "substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this act: *Provided*, That nothing contained in this act shall warrant an appropriation from the Treasury to carry out the terms of this act."

Mr. PERKINS. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

HOMESTEAD ENTRIES IN OKLAHOMA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 8510) to extend the time of payments on certain homestead entries in Oklahoma, which were:

On page 2, line 13, to strike out all after "six" down to and including "granted," line 15.

On page 3, to strike out line 18 down to and including line 19, page 4.

Mr. OWEN. I move that the Senate concur in the House amendments.

The motion was agreed to.

PAYMENT OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 8898) granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors, which were:

On page 2, line 22, to strike out "fifty" and to insert "sixty."

On page 5, line 17, to strike out "thirty" and to insert "thirty-six."

On page 16, line 11, to strike out "twenty-four" and to insert "thirty."

Mr. McCUMBER. I move that the Senate concur in the House amendments.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 8422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors, which were:

On page 7, to strike out lines 21 to 24, inclusive.

On page 10, to strike out lines 16 to 19, inclusive.

Mr. McCUMBER. I move that the Senate concur in the House amendments.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 8254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors, which were:

On page 1, to strike out line 11, down to and including line 2, page 2.

On page 11, to strike out lines 17 to 20, inclusive.

Mr. McCUMBER. I move that the Senate concur in the House amendments.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was, on page 1, to strike out lines 10 to 13, inclusive.

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House of Representatives and ask a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska was read twice by its title and referred to the Committee on Territories.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes; and

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic.

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, was read twice by its title and referred to the Committee on Agriculture and Forestry.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27419. An act to repeal the act of June 29, 1906, granting a pension to Jackson Adkins;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28046. An act granting pensions and increase of pensions to soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BRICK.

Mr. BEVERIDGE. I wish to give notice that on Saturday, February 27, I shall ask the Senate to consider resolutions commemorative of the life and character of the Hon. ABRAHAM LINCOLN BRICK, deceased, late a Member of the House of Representatives from Indiana.

NAVAL APPROPRIATION BILL.

Mr. HALE. I now ask unanimous consent that the consideration of the naval appropriation bill may be proceeded with.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of House bill 26394, the naval appropriation bill, so called. In the absence of objection, it is so ordered.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

The Secretary resumed the reading of the bill, beginning on page 1, line 8.

The first amendment of the Committee on Naval Affairs was, under the subhead of "Pay of the navy," on page 3, after line 5, to insert:

The provisions of the act approved June 29, 1906, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes," providing for the retirement in the next higher grade of officers of the navy who served during the civil war, shall not operate to deprive any officer of the navy who has been, or may be, retired, since the passage of that act, of the right to increased rank and pay to which, but for the passage of said act, he would have been entitled.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to insert:

The accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the navy while on temporary leaves of absence since March 3, 1899, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the army without reduction in pay.

The amendment was agreed to.

The next amendment was, under the subhead "Pay, miscellaneous," on page 3, after line 24, to insert:

The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount in money of all pay under the provisions of this act and for all allowances for each grade of officers in the navy, including retired officers, and for all officers included in this act and for all enlisted men so included.

The amendment was agreed to.

The next amendment was, on page 4, after line 5, to insert:

The estimates for the support of the navy shall hereafter show, under the head of "Pay of the navy," the sums allowed for pay of officers belonging to the line, to the several departments of the staff, and to the retired list; the estimates to show under each head the amount allowed for pay proper, for increases due to longevity and foreign service, and for pay at sea rates to officers employed on shore; together with the total number of warrant and petty officers and

seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases. The estimates shall include a list giving the rates of pay for all petty officers and other enlisted men of the navy.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I rise to make an inquiry. The bill is now being considered, as I understand, in Committee of the Whole?

The VICE-PRESIDENT. That is correct.

Mr. LA FOLLETTE. These amendments as adopted in Committee of the Whole will all be subject to objection or amendment when we take up the consideration of the bill in the Senate?

The VICE-PRESIDENT. That is correct.

Mr. LA FOLLETTE. I will inquire whether that will be the parliamentary situation without making any reservation with respect to particular amendments after we go back to the Senate?

The VICE-PRESIDENT. The Senator would, under the practice, need to reserve such amendments as he wishes considered in the Senate when the bill comes into the Senate.

Mr. LA FOLLETTE. When is it required to make that reservation?

The VICE-PRESIDENT. The Chair will put the question when the bill comes into the Senate. The question will then be as to concurrence in the amendments made as in Committee of the Whole. If any Senator desires action reserved on any specific amendment, he can then, on submission of the question by the Chair, make such reservation as he likes. The Chair will give to the Senate notice of the time for the reservation.

The reading of the bill was resumed on page 4, line 19.

The next amendment of the Committee on Naval Affairs was, under the subhead "Pay, miscellaneous," on page 7, line 22, after the words "Revised Statutes," to strike out "is" and insert "and so much of section 1556 of the Revised Statutes as relates to pay of clerks to commandants of navy-yards and naval stations, are," so as to make the proviso read:

Provided further, That persons employed in the clerical, drafting and inspection force at navy-yards and stations discharged for lack of work or insufficiency of funds shall for one year thereafter be preferred for employment in such navy-yards and stations in the clerical, drafting, inspection, and messenger forces; that section 1545, Revised Statutes, and so much of section 1556 of the Revised Statutes as relates to pay of clerks to commandants of navy-yards and naval stations, are hereby repealed; in all, $868,550.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Maine if the matter contained on page 6, beginning with the words "*Provided further,*" in line 6, and ending with the words "$868,550," in line 2, page 8, is not new matter, and whether it does not change existing law?

Mr. HALE. It is undoubtedly new matter. I do not think that it changes existing law. It is simply making appropriations in certain places and in certain conditions, in bulk, instead of in detail. I will say to the Senator that the same plan is carried through the entire bill as to the different bureaus in the various navy-yards. Heretofore there has been no let or hindrance in these matters, and the sums have been taken from the general appropriation for the increase and extension of the navy, and a large force in that way has grown up at the different navy-yards.

Now, this plan has been taken in hand by the department and by the House, and it is provided that a certain amount—at present there is no limit—in the different yards shall be used as a lump sum, and that at the next Congress the Secretary shall report the amount paid to each person, so that Congress will see how this new plan works. I thought, considering that it had been going on without any kind of authority or scrutiny by Congress, and that they were spending tens of thousands and sometimes hundreds of thousands of dollars without any knowledge on the part of Congress of what portion of the great appropriations were taken for this purpose, that it was a step in the right direction. The Secretary taking hold of it, as I believe in a very intelligent way, was able to show to the House committee just what he would require in amount at each yard, and would report at the next Congress how he had spent it.

I thought it was better that we should know, when we appropriate, say, ten millions for hulls and machinery, ten millions for armament and ordnance, and ten millions for armor, that those appropriations should not be, as they have been for the last few years, cut into, as I have said, without let or hindrance by the department in building up this force, undoubtedly necessary, in the different navy-yards. It seemed to me that this was a step in the right direction.

It is simply a method of appropriation, and is not in contravention of any existing law, for there is no law that forbids their doing just what they are doing now—taking it out of these big sums. There is no law requiring them, unless Congress has beforehand directed them, as we do with respect to next year, to report in detail how the money goes. And so, in answer to the Senator, I should say with a good deal of confidence that while it is new matter, it is not only not new legislation, but not any legislation. It is a method of appropriation. I ask the Senator's attention to that phase of it.

Mr. LA FOLLETTE. If I may inquire further before the Senator takes his seat, just for information——

Mr. HALE. Certainly.

Mr. LA FOLLETTE. Has this been heretofore provided for in the legislative, executive, and judicial appropriation bill?

Mr. HALE. No. I am glad the Senator has asked the question. That is entirely a distinct matter and applies only to clerks who are here in Washington or in the navy-yards on the regular roll and who are appropriated for in the legislative bill. This does not affect departmental clerks. It affects the immense number—I do not remember how many, but hundreds and hundreds; I do not know but that there are thousands—who are paid mainly a per diem out of these big appropriations, which is not the case with the employees under the legislative bill. It does not cover the departmental clerks.

Mr. LA FOLLETTE. In paying them out of a lump-sum appropriation, I should like to inquire of the Senator from Maine whether it would not tend to confuse and obscure investigation, for instance, with respect to where that labor was employed? Supposing——

Mr. HALE. No. I am trying to see how far the Senator's question extends. I should say that instead of that it would rather help, because it would limit the amount, as the Senator will find as we come to the different bureaus. It limits to each bureau the amount of this fund which we appropriate here that can be expended, and at present there is no limitation whatever. I should say that putting these appropriations under limitations at each yard would tend to help anybody who was seeking to investigate what kind of service this is, and how much there is of it, and whether it is the best.

Mr. LA FOLLETTE. Supposing, for instance, one were pursuing an investigation with respect to the cost of a particular battle ship. Would this new provision be any obstacle to anyone making such an investigation?

Mr. HALE. On the contrary——

Mr. LA FOLLETTE. Or, on the contrary, would it tend to promote such investigation?

Mr. HALE. The Senator's alternative has struck just what was one of the arguments used for it—that at present it is impossible to tell what the cost of a battle ship is, because the appropriations for the component parts—hull and machinery, armor and armament—are all cut into and reduced, and hundreds of thousands of dollars are being used for these purposes which do not go into the construction of the battle ship. That was one of the reasons urged for it, so that we may know what amount a battle ship really costs. One result of it is that if these appropriations are made on the plan suggested by the Secretary and adopted by the House, it will reduce so much the amounts that are asked for the ships in their different parts of construction. I am glad the Senator asked the question.

Mr. CLAY. Mr. President, will the Senator from Maine let me ask him a question?

Mr. HALE. Certainly.

Mr. CLAY. I see that this proviso reads:

That hereafter the rates of pay of the clerical, drafting, inspection, and messenger force at navy-yards and naval stations and other stations and offices under the Navy Department shall be paid from lump appropriations and shall be fixed by the Secretary of the Navy on a per annum or per diem basis as he may elect; that the number may be increased or decreased at his option and shall be distributed at the various navy-yards and naval stations by the Secretary of the Navy to meet the needs of the naval service.

If I understand the Senator, he says that at the next session of Congress the Secretary of the Navy is to report to Congress the number of employees he has employed in this work and the wages paid them. Does not the Senator think it would have been much better if the Secretary of the Navy had reported at this session of Congress the number of employees he needed in this work and the salaries he expected to pay each, in order that the Naval Committee could set forth the exact sum that would be required, specifying the number of employees and the wages to be paid? Does not the Senator think that would be a much better method than simply to appropriate a lump sum and allow the Secretary of the Navy in his discretion to employ the number of persons he wishes to employ and to fix their salaries?

Mr. HALE. The answer to that is this: I think, and I think Senators, if they reflect will more and more see, that this is a great improvement over the present scheme; but you can not ask the Secretary to report in detail about this system now

because he has not tried it; he does not know; he can not tell until he tries it. But at the next session of Congress he will report to us how it has worked. However, he can not do it now.

Mr. TILLMAN. I should like to ask the Senator from Maine a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. This bill, as I understand, destroys the civil establishments at navy-yards. All previous appropriation bills have provided for those persons in the classified service—draftsmen, clerks, and so forth—by specific appropriation of so much for each man——

Mr. HALE. No. Let me——

Mr. TILLMAN. And indicated what clerk was appropriated for.

Mr. HALE. Let me say to the Senator that has been a very little part of the service in the navy-yards compared with, I may say, this immense force that has had to be used in connection with the building of ships. The establishment of clerks and the few draftsmen who are provided is very little, either in extent or in amount spent.

Mr. TILLMAN. I understand that.

Mr. HALE. So it does not cut much figure.

Mr. TILLMAN. Except that it cuts a considerable figure for those persons interested, and as they are now under the protection of the law, as having been appointed under civil-service rules and have certain rights, to just simply cut their heads off without any provision whatever looking to their protection and transfer in the event they are not needed where they are now, I think is a wrong and a very serious blunder in making up the bill. The provision, like it is, comes to us from the House, it is true, but there is no protection whatever given to these men, and I had hoped that the Senator might see some way, in conference or some other place, to make provision looking to their protection.

Mr. HALE. This can be done. Of course this is a House provision, and it is not subject to the point of order; but an amendment can be put in, following the line suggested by the Senator and also intimated by the Senator from Wisconsin, so as to apply it to all of this force except the regular clerical and draftsmen force now provided for under the legislative appropriation bill. That would throw the whole thing into conference.

I do not think there is any great objection to it, because these employees cut so little figure compared with the great force that we are trying to take care of.

Mr. TILLMAN. I can understand why it may be advisable and in the interest of economy to have the Secretary given a discretion in the matter of employing these mechanics and other workmen by the day; and the only thing that strikes me is that this force, be it ever so small—it is several hundred—ought not to be left dangling in the air, as it were, subject to the whims and, while I would not charge the Secretary of the Navy with any cruelty, subject to his indifference to the rights of these men.

We are always solicitous here, or have appeared to be, to protect the civil service. It is the holy of holies with some people, especially at the other end of the Avenue, and I am surprised that a bill should emanate from that source which does not protect these special clerks.

Mr. HALE. I see no objection, if the Senate thinks it right, for the reasons given, to an amendment inserting after the word "department," in line 9——

Mr. NEWLANDS. On what page?

Mr. HALE. Page 6. I wish the Senator from South Carolina and the Senator from Wisconsin would see what my amendment is. After the word "department," in line 9, one page 6, insert the words——

Mr. TILLMAN. Where are you going to begin?

Mr. HALE. After the words "Navy Department."

Mr. TILLMAN. On what page?

Mr. HALE. On page 6, line 9, the very clause that was called up by the Senator from Wisconsin.

Mr. TILLMAN. Very well.

Mr. HALE. Insert the words—

Excepting the regular clerical and draftsmen force in such navy-yards and stations as is now provided for in the legislative appropriation bill.

That covers what you may call the regular old establishment which they had before they began to build these ships.

Mr. TILLMAN. If we put in an amendment, it will throw the matter into conference, and then we can look at it and protect all those who ought to be protected.

Mr. HALE. Of course it will bring all of that question up.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated.

The SECRETARY. On page 6, line 9, after the words "Navy Department," it is proposed to insert:

Excepting the regular clerical and draftsmen force in such navy-yards and stations as is now provided for in the legislative appropriation bill.

Mr. RAYNER. Why not include inspectors?

Mr. TILLMAN. Had we not better say those in the classified service?

Mr. HALE. I would not want to do that, because I think the plan is that these shall be put into the classified service.

Mr. TILLMAN. They are already in the classified service, and I want them to be left there rather than have their heads cut off and leave them subject to the whims of the Navy Department or the Secretary.

Mr. HALE. That is what I am trying to do.

Mr. TILLMAN. I will leave it to the Senator's judgment how to do it.

Mr. HALE. Of course it will all go into conference, and we will see whether the House will agree. I should take it as an instruction to the conferees that the Senate desires to protect what I may call this small force which is there now.

Mr. LA FOLLETTE. If I understood the reply of the Senator from Maine to the interrogatory of the Senator from South Carolina and the purpose of the amendment which he offered, it was to protect those who are now within the civil service. Am I right about that?

Mr. HALE. Yes; that is, I presume that all these regular clerks and draftsmen in the navy-yards as well as in the department are under the civil service. I do not know about that, but I presume so.

Mr. LA FOLLETTE. I suggest to the Senator from Maine for his consideration, instead of the amendment offered by him, the following, to come in immediately after the words "Navy Department," in line 9:

Excepting as to employees in the classified service and under the protection of the civil-service law.

That would be a little more specific.

Mr. HALE. There is no objection to that. It could be changed so as to read:

Excepting the regular force in the Navy Department at such navy-yards and stations as is now under civil-service laws and regulations.

I think that would cover it.

Mr. LA FOLLETTE. I think it would cover it.

Mr. HALE. I think my amendment covers it just as much, but I have no objection to changing it. I think that is all right.

The VICE-PRESIDENT. The Senator from Maine modifies his proposed amendment, and as modified it will be stated by the Secretary.

The SECRETARY. On page 6, line 9, after the words "Navy Department," it is proposed to insert:

Excepting the regular force in the Navy Department at such navy-yards and stations as is now under civil-service laws and regulations.

Mr. LA FOLLETTE. May I ask the Senator from Maine whether any of the yards are not under the regulation of the civil service?

Mr. HALE. No; I think they are all under the same regulations.

Mr. LA FOLLETTE. And do the civil-service regulations extend to all of them?

Mr. HALE. I understand that they extend to all of them. I have no doubt——

Mr. TILLMAN. Then, the word "such" ought to go out.

Mr. LA FOLLETTE. The word "such" suggested to my mind that there were some which would be excepted.

Mr. HALE. Yes; let it go out. I did not think of that.

Mr. NEWLANDS. I should like to ask the Senator from Maine whether the bill provides for employees, draftsmen, clerks, and so forth, other than those now employed under the classified civil service; whether it means in any way an enlargement of the naval force of clerks and draftsmen and employees?

Mr. HALE. Oh, I suppose so; yes. I suppose that this very great force, that is now taken out of the appropriations for battle ships and which by hundreds and thousands is found in the different navy-yards, is not under the civil service now, and this provides for that. The other regular service is under civil-service laws and regulations, but I do not suppose that this is at all. It exists and is being employed, and it is thought, and I think this is very much better than the old plan. We will know, when we make appropriations, not through battle ships, but through regular appropriations here, what this service costs, and it will leave the battle-ship appropriations to be expended in the real construction.

Mr. NEWLANDS. I understand, then, that heretofore the compensation of these clerks and draftsmen, who have been employed in connection with battle ships, has been a part of the battle-ship appropriation?

Mr. HALE. Undoubtedly. That is the very——

Mr. NEWLANDS. And it is proposed now to segregate them from the battle-ship appropriation and put them under a class of their own as clerks, draftsmen, and so forth.

Mr. HALE. That states in a very few words what is the chief merit of this plan.

Mr. NEWLANDS. Assuming that, the question arises as to whether it would not be desirable to put under the classified civil service these men who are now authorized to be employed by the Secretary of the Navy. As I understand, all our legislation has tended to gradually increase the application of the civil-service law, to bring different classes of occupations under that law, and not to diminish and restrict the operation of the law.

I ask the Senator whether there is any reason why this class of clerks, draftsmen, and so forth, employed in connection with these large appropriations for battle ships, and so forth, should not be put under the classified civil service, just as are the other employees of the Navy Department?

Mr. HALE. There is this reason: They are a temporary force. They are not a part of the regular, old-fashioned naval establishment. They are not paid yearly salaries. They are not in any way a force like that. They are paid per diems; and when the work in one yard falls off the Secretary, under this provision of the House, may either drop them or, if they are wanted in another yard, may send them there. But they have no claim for salary. They are not paid by the year. They are paid only as they are needed, for the time being, dependent on the extent to which we are building ships and repairing ships—largely for repairs of ships.

For that reason I should not think it would be well for us to hamper this experiment; certainly not until it has been tried a year, and we see how it works.

Then there is another reason why I do not think it would be needed. If it is a practicable thing, and even if it is not practicable, the Civil Service Commission will reach out for it, as I think the Senator knows as well as I, and will claim that it should, by executive order, be put under the civil service; and whenever it is in condition that as a matter of good business it can be subjected to the civil-service laws and rules, it will be done by executive order. I have never found any great timidity or reserve on the part of the Civil Service Commission in stretching out its hands and taking into its possession any form of service performed for the Government. So I do not think it would be a good plan to do it now. Let us see how it works for a year, and if it works well, before we get returns I am by no means certain but that some executive order will put in. But whenever we know its extent and range it can be done. However, I do not think we ought to embarrass it now.

Mr. NEWLANDS. Has the Senator any information as to the number of men who would come under this provision of the appropriation bill?

Mr. HALE. No; I can not tell.

Mr. NEWLANDS. And as I understand, then, Mr. President——

Mr. HALE. I think already some of the, I may say nearer permanent, force of this kind is subjected to an examination. How complete that is, with its range of promotions and its classification by numbers, I do not know. But they are not taken on loosely. There is an examination. But the number I can not tell. It is very great. The Senator can see we have built up an enormous fleet, and when—it is an old story—we build a ship and pay for her she has just only begun to cost money.

She has to go to these navy-yards, and the repairs cost millions of dollars; and the force that is necessary at the yard in the way of plans and designs, not only for building, but for repairs and for practically rebuilding ships, is very great.

I do not know whether we can right here and now get at just exactly what is a perfect form of statute. We can do enough to throw it into conference and perfect it as far as possible there. Even there I do not know that we will get at what we want to do before the next Congress. But the Senator must reflect when he asks the number that the business is immense, that the spending of money is immense. We have gone on raising the annual appropriations for the navy from twelve and fourteen million dollars, which we used to spend when I first began to report appropriation bills, and this year we are spending $137,000,000. Next year it will be $160,000,000. We are not doing that without employing everywhere at every stage of the way an immense and expensive force.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. HALE. Certainly.

Mr. BACON. Does the Senator anticipate that in the future the expenditures will be in that progression?

Mr. HALE. The increase from $120,000,000 or $121,000,000 or $122,000,000, whatever it was last year, to $137,000,000, not reckoning anything for repairs and deficiency, shows——

Mr. BACON. The reason why I used the word "progression" is because I noticed the increase this year over the increase in the preceding year.

Mr. HALE. It will be the same.

Mr. BACON. The Senator thinks, then, that next year the appropriations being $160,000,000, the succeeding year they will probably be $200,000,000.

Mr. HALE. If we go on. Mr. President, that is for Congress to settle. I am sometimes led to ask, When and where are we going to stop? The clerk of the Appropriations Committee said to me the other day, "I have got a new batch of appropriation deficiencies." I asked, "How much?" "Why," he said, "$10,000,000." I said, "$10,000,000 more?" He said, "Yes." I asked, "What is it for?" He said, "All except about a million and a quarter or so for the army and navy." That is not in this bill at all.

Mr. BACON. The point of my inquiry to the Senator is this: I understand that even if we make an appropriation each year for, say, two battle ships, as the navy is increased the expense is not simply the increased expense of the construction of two ships, but in the proportion that it is increased the incidental expenses are increased, and in that way the amount is progressive and the ratio increases. Is not that correct?

Mr. HALE. Of course it does. I have said that repeatedly.

Mr. BACON. I know the Senator has said it, and I got my idea from him, but I wanted him to make the statement now, because I think the matter ought to be well understood.

Mr. HALE. Some day, Mr. President, Congress will be confronted with the absolute, imperative, and unescapable duty and obligation either to borrow money or to increase taxes to pay the appropriations.

Mr. BACON. Is not that day right at hand?

Mr. HALE. It is too near, but it is not in the minds of men. The Senator can hardly get any votes here in this Chamber to reduce this naval programme.

Mr. TILLMAN. The Senator from Maine must think that, else he would not say it. He asserts it with such positiveness, I suppose he has made inquiry on that side.

Mr. HALE. I have made inquiry on the other side, too.

Mr. TILLMAN. I should like to cut some of these expenditures, for one.

Mr. HALE. The curtailing of expenditures is a pretty deep matter. It is more than a matter of sentiment. One man can not do it; one committee can not do it; one set of men can not do it; but some day or other the Secretary of the Treasury will tell us that the money is out and there is nothing left in the Treasury; we have either got to borrow money in time of profound peace or clap on the taxes. That is coming, Mr. President, just as tides and sunrise come. Then we shall have to cut down everything. But one thing that goes on, I have said time and again, and that nothing stops, is the military expense. They will not have a river and harbor bill because there will not be enough money, but they will have an immense army and navy expense. Hundreds of other things are given the go-by to the military.

Mr. BACON. I will ask the Senator on that point to state here what I have heard stated heretofore. What proportion do the army and navy and pensions and other matters which are incidental to the military service of the country bear to the total expenses of the Government?

Mr. HALE. That was all thrashed out last year.

Mr. BACON. I know it was, and I recollect it, and for that reason I am asking the Senator, as he is now on that point to state it again.

Mr. HALE. The appropriations are larger all the time and revenues are falling off. But I must ask pardon of the Senator. I am conducting the bill; the committee has reported it, and I am trying to get it through. What I have said was elicited by the very searching and pertinent questions put by the Senator from Wisconsin and the Senator from South Carolina and the Senator from Nevada. That is the reason why these expenses are so large.

Mr. LA FOLLETTE. Will the Senator from Maine yield to me for a moment?

Mr. HALE. Certainly.

Mr. LA FOLLETTE. On one feature of this amendment I have not been able at this distance to quite clearly understand the explanation of the Senator from Maine. As I understand it, this is a departure from the usual legislative policy; that is, I understand the employees named in this provision who are now to have their pay fixed at the discretion of the Secretary have heretofore been paid a sum fixed by law.

Mr. HALE. No.

Mr. LA FOLLETTE. I wanted to be clear about it.

Mr. HALE. I am glad the Senator has asked that question. They are paid now out of what are lump appropriations, and the pay is fixed not by law, but by the Secretary. Instead of those three lump appropriations for construction, machinery, and armor and armament of ships, there is to be appropriated in this bill distinctly for each navy-yard.

Mr. LA FOLLETTE. And it is to be separated from the other expenditures which have been heretofore covered by the lump appropriation?

Mr. HALE. Entirely.

Mr. LA FOLLETTE. So, when the report comes back to the Congress, they will have more specific information with respect to these employees than they have heretofore had?

Mr. HALE. Yes. They will be able to tell us not only how many men they want in each bureau under this adjustable arrangement, but what pay in each case they have given to the men employed under this new plan.

Mr. LA FOLLETTE. I did not quite understand the reply of the Senator from Maine to the Senator from Georgia. I did not hear at this distance why the Secretary of the Navy might not have stated at the present time the amount of money needed for the pay of these employees as much in detail as he would be able to do at the end of the year.

Mr. HALE. The Senator sees——

Mr. LA FOLLETTE. My inquiries are proceeding upon the assumption that in the appropriations made by Congress with respect to government service it is wiser for Congress, which has the direct responsibility with respect to these appropriations, to ascertain what should be appropriated for each specific thing and to fix by law the amount that is to be paid. It was upon the assumption that this provision made a departure from existing law, or at least a departure from the general policy, with respect to appropriations that I first made my inquiries of the Senator from Maine.

Mr. HALE. My answer to that is, I think, almost a repetition. I do not think the Secretary now, having just started with this plan, as it is a new matter, can tell in detail how it will work, how much will be wanted, how many man, what pay in each navy-yard or in each bureau. Of course if we do not do anything, if we discard the House provision, they will go on just as they have done heretofore. They will have this force and will have to have it. So I think perhaps it will be asking too much now, at this stage of the bill, to provide that we shall do nothing until the Secretary can tell us exactly what he wants in each yard. I do not think we can do that.

Mr. BACON. I notice that the pending amendment provides for the repeal of section 1545 of the Revised Statutes. That section is very short and is in these words:

SEC. 1545. Salaries shall not be paid to any employees in any of the navy-yards except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

I simply desire to inquire of the Senator whether the paragraph which has been under discussion is inconsistent with that section of the Revised Statutes, and for that reason it is necessary to repeal it?

Mr. HALE. It was stated in the hearings in the House when the statute the Senator has just read was cited that it simply prevents a salary from being paid a man unless he is designated in the estimates. That is why the provision was sought to be repealed.

Mr. BACON. The law as it now stands provides that a salary shall be paid only to those who are estimated for.

Mr. HALE. Yes.

Mr. BACON. And that others shall be paid a per diem. The question I asked of the Senator was whether it is necessary to repeal that section in order to carry out the provisions of the paragraph under discussion.

Mr. HALE. Yes; I should say in the working of it if that statute remains it will embarrass us.

Mr. BACON. As I understand it, the object of that statute now upon the books is to prevent too great a latitude and to limit the regular employment of those who shall be needed in the work to those who are estimated for. This will absolutely take away all that restraint and there is no limitation whatsoever as to what shall constitute the salary of the force, except of course it will have to be done by a lump appropriation.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. HALE. In the absence of the Senator from Montana [Mr. CARTER], I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. BACON. I do.

Mr. OWEN. I want to ask the consent of the Senate to have 50,000 copies of the President's message on children's conference printed for the information of the country. It is a very interesting compilation and is not very long.

Mr. HALE. That will have to go to the Committee on Printing.

Mr. ALDRICH. It must go to the committee under the law.

Mr. OWEN. If there is any objection to it.

The VICE-PRESIDENT. The Chair would suggest that the resolution is not now in order.

Mr. BACON. I wish to state to the Senator from Maine that of course I am perfectly willing to rely on the judgment of the committee and of the House in regard to this provision, but unless the section of the Revised Statutes is inconsistent with the provisions of the paragraph now under discussion, I do not see why it should be repealed. I have read the paragraph with some degree of care. There is nothing which I find in it which indicates that there is any such inconsistency as would make necessary the repeal of that section.

Mr. LA FOLLETTE. Will the Senator read the section of the Revised Statutes.

Mr. BACON. I have just read it, but I will read it again at the request of the Senator from Wisconsin:

SEC. 1545. Salaries shall not be paid to any employees in any of the navy-yards except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

My attention, I will state to the Senator from Maine, was called to it by the fact that the House, which originated the provision of the paragraph which we have been discussing, did not seem to think it necessary to repeal this section of the law, and this is an amendment suggested by the committee.

Mr. HALE. From the department.

Mr. TILLMAN. The Senator from Georgia is in error, I think.

Mr. BACON. It is in italics. That is what I judge by.

Mr. TILLMAN. But that is section 1556, which the Senator has not read. The House itself repealed section 1545, which he has read.

Mr. BACON. The Senator is correct about that.

Mr. HALE. The provision at the bottom of page 7 is the suggestion of the Senate committee.

Mr. BACON. The one I have just read is in the bill as it came from the House. I was mistaken in saying that it is an amendment of the Senate committee. That does come from the House. The amendment proposed by the Senate committee——

Mr. HALE. At the bottom of page 7.

Mr. BACON (continuing). Is an altogether different matter. I will read that section, and I call attention to it:

SEC. 1556. The commissioned officers and warrant officers on the active list of the Navy of the United States, and the petty officers, seamen, ordinary seamen, firemen, coal heavers, and employees in the navy, shall be entitled to receive annual pay at the rates herein stated after their respective designations.

Then there is a long enumeration of the rate of pay. All of that is proposed to be repealed.

Mr. TILLMAN. No; the Senator is wrong. It is only that paragraph at the bottom of page 267 of the Revised Statutes which refers to clerks to commandants which is repealed by the amendment of the Senate committee. It does not deal with anything else in section 1556 except commandants' clerks.

Mr. BACON. I was misled, not as to this last paragraph, but as to the fact that the former, which I had read, had been offered by the committee of the Senate; but I see that it came from the House. I still do not see in what way it is inconsistent. Still, if the committee, after examination, thinks it is, I will not pursue the matter further at this time.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine. The Secretary will again read the amendment.

The SECRETARY. On page 6, line 9, after the words "Navy Department," insert:

Excepting the regular force in the Navy Department at navy-yards and stations which is now under civil-service regulation.

The amendment was agreed to.

Mr. TILLMAN. Now, I should like to ask the Senator from Maine to look at the proviso near the bottom of page 7, beginning in line 16. We have just put in an amendment on page 6, line 9, after the words "Navy Department," looking to clarifying the situation and protecting those who are in the classified service. If the Senator will look at the proviso beginning with line 16, he will see it provides:

That persons employed in the clerical, drafting, and inspection force at navy-yards and stations discharged for lack of work or insufficiency of funds shall for one year thereafter be preferred for employment in such navy-yards and stations in the clerical, drafting, inspection, and messenger forces.

The House of Representatives evidently had in its mind the protection to that degree—that is, for twelve months—of the rights of persons in the classified service. I submit to his experience and wisdom whether we had not better amend that so as to bring the whole subject of protection of the classified service before the conferees. If it is not necessary, of course, we can let it alone.

Mr. HALE. This amendment was moved on the floor of the House and assented to by the Representative in charge. It shows on its face that it intends to apply to this force so far as it can the spirit of what is a part of the operation of the regular civil service of the Government—the feature of preferences for a year. As I look into this matter and read the reports of what the department says about it, I am inclined to think that we do not need to trouble ourselves any further about this force being under the civil service, for I think that it is now substantially under the civil service.

Mr. TILLMAN. But I am only trying not to have the amendment which we put in nullified or have the two cut each other's throats. I suggest to the Senator that it might be wisdom on our part to strike out this provision of the House and then it, along with the amendment which we inserted on page 6, line 9, would go to conference together, and we could consider the whole matter of civil service and its relationship to the Navy Department and what we ought to do to protect those who are under the classified service.

Mr. HALE. There is no objection to that, Mr. President. I move that the proviso beginning on line 16 and ending with the word "forces," in line 21, be stricken out.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated.

Mr. HALE. I do not think it is necessary, but it does no harm.

The SECRETARY. On page 7, beginning in line 16, strike out the following:

That persons employed in the clerical, drafting, and inspection force at navy-yards and stations discharged for lack of work or insufficiency of funds shall for one year thereafter be preferred for employment in such navy-yards and stations in the clerical, drafting, inspection, and messenger forces.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LA FOLLETTE. I see no objection to that proviso. The employees named in the proviso are within the civil service, but if they should not happen to be within the civil service it would cut them off from the benefit which this confers upon them.

Mr. HALE. Then we could restore them, of course.

Mr. LA FOLLETTE. That will all come up in conference?

Mr. HALE. It will all come up in conference.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment reported by the committee, which will be stated by the Secretary.

The SECRETARY. On page 7, line 22, after the words "Revised Statutes," strike out the word "is" and insert:

And so much of section 1556 of the Revised Statutes as relates to pay of clerks to commandants of navy-yards and naval stations, are.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Navigation," on page 9, line 13, after the word "courts-martial," to insert the following proviso:

Provided further, That the Secretary of the Navy is hereby authorized to furnish naval prisoners upon discharge suitable civilian clothing in case, and only where, said discharged prisoners would otherwise be unprovided with suitable clothing to meet their immediate needs.

Mr. LA FOLLETTE. Mr. President, I should like to inquire of the Senator from Maine just what is the purpose of that committee amendment?

Mr. HALE. Well, I do not know that there is anything that I can say which would add to the provision. It is a provision in the interest of those prisoners. I will say that perhaps the underlying reason for all of this helpful legislation to naval prisoners is that such prisoners generally are not imprisoned for any very heinous offense. It is usually for some technical offense—some technical desertion it may be. The imprisonment is not long and it is found when the prisoners are discharged and turned out that they are in pretty bad case. The Senate committee thought it well in case where the discharged prisoner has no suitable, decent clothing, to give him clothing, so that he would not be practically naked.

Mr. LA FOLLETTE. Mr. President, not knowing fully just what was the purpose of the committee, the inquiry raised in my mind with respect to that paragraph was this: I suppose the prisoners wear a certain prison uniform, do they not?

Mr. HALE. I do not know enough about the regulations of prisons to enable me to state whether the provisions relating to clothing and wearing prison uniform which apply to regular convicts apply to the men who are put into these prisons for slight offenses because we have not got enough of our own. I do not know that they are obliged to assume prison garb. I am rather inclined to think they are not; but still when they are released they are very apt to be found without suitable clothing. They do not want to be sent out, of course, without something suitable. That is what the committee had in mind.

Mr. LA FOLLETTE. I apprehended that the purpose of that amendment was to provide discharged prisoners with civilian clothing, and I could see no reason, if that was the purpose, for the sort of discretion that seemed to be attached to or a part of the amendment. I could see no reason why these prisoners should not in all cases be provided with civilian clothing.

Mr. HALE. Suppose it happened that the prisoner—the nominal prisoner—had only been in prison a short time and had good comfortable clothing of his own. The idea of the committee was that you have got to leave that discretion to the department.

Mr. LA FOLLETTE. It had occurred to me—of course, I have had to speculate a good deal with respect to the provisions of this bill in the short time that I have had to examine it; I have not been able to get full information—but it occurred to me that when these prisoners, these employees of the navy, went into prison, as a rule, they would only have their uniforms; and in order that the discharged prisoners should not go out of prison wearing convict garb, the purpose of this amendment was to clothe them in civilian dress. But, if that were the purpose of it, then it seemed to me that civilian dress should be provided without any qualification whatever.

Mr. HALE. I suppose in a good many cases these men are deserters, and they are found not in the service; they are away from it and are not in their uniforms. Most of them have separated themselves from the service.

Mr. LA FOLLETTE. That would be true as to deserters.

Mr. HALE. They are not usually, the Senator will see, in their uniforms.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 10, line 1, after the word "seaman," to strike out "unless a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment," and insert "unless a certificate of birth or written evidence, other than his own statement or statement of another based thereon, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment," so as to make the clause read:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $130,000: *Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seaman, or apprentice seaman, unless a certificate of birth or written evidence, other than his own statement or statement of another based thereon, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment.

The amendment was agreed to.

The next amendment was, on page 14, line 6, to reduce the total appropriation for the maintenance of the Naval War College, Rhode Island, from $19,100 to $14,700.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to strike out the subhead "Bureau of Ordnance."

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

The President is hereby authorized to appoint, by selection and promotion, a vice-admiral on the retired list of the navy.

Mr. RAYNER. Mr. President, I make the point of order against that amendment. Does the Senator from Maine desire me to argue the point of order? The amendment seems to be very clearly subject to it, providing, as it does, for the creation of an entirely new office in an appropriation bill. I am prepared to argue the point if the Senator so desires.

Mr. HALE. I am very sorry the Senator has felt constrained to make the point of order, but it is, of course, good. The amendment provides for the creation of a new office on an appropriation bill, and undoubtedly, if the Senator insists upon his point of order, the amendment is subject to the point of order.

The VICE-PRESIDENT. What is the ground of the point of order?

Mr. RAYNER. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment contravenes the provision of subdivision 3 of Rule XVI, and he therefore sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 16, after line 13, to insert the subhead "Bureau of Ordnance."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," in the item for "ordnance and ordnance stores," on page 17, line 7, after the word "dollars," to insert "and 99 cents," so as to read:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval magazines, torpedo stations, and proving ground; for maintenance of the proving ground and maintenance and enlargement of powder factory, and for target practice, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy-yards, naval stations, and naval magazines: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy-yards, naval stations, and naval magazines for the fiscal year ending June 30, 1910, shall not exceed $398,890.28." In all, $5,528,171.99.

The amendment was agreed to.

The reading of the bill was continued, and the Secretary read to the end of line 23, page 17, as follows:

Provided, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals: *Provided*, That no part of this appropriation shall be expended for powder other than small-arms powder at a price in excess of 64 cents a pound. All shells and projectiles shall conform to the standard prescribed by the Secretary of the Navy: *Provided*, That no part of this appropriation for powder shall be paid to any trust or combination in restraint of trade nor to any corporation having a monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an emergency.

Mr. CUMMINS. Mr. President, I should like to ask the Senator who is at the present moment in charge of this bill with respect to the last proviso. It provides:

That no part of this appropriation for powder shall be paid to any trust or combination in restraint of trade nor to any corporation having a monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an emergency.

What appropriation is meant by the words "this appropriation?" Is that reference confined to the $5,528,171.99 mentioned in lines 6, 7, and 8, on page 17, or does it also refer to the $650,000 mentioned in lines 24 and 25 on the same page, and does it also include ammunition for ships as provided for beginning in line 9, on page 19? I ask only for information, because it is a most interesting point.

I observed the other day in the newspapers that the House of Representatives had provided that the powder to be bought by the United States was not to be bought of any trust or combination in restraint of trade, save in an emergency, but I find this limitation, as I construe the bill, confined to the powder that is to be purchased under the appropriations embracing in all $5,528,171.99. If I am in error with regard to that construction of the bill, I should be glad to have it pointed out by the Senator from New Hampshire.

Mr. GALLINGER. I take it for granted that the appropriation of $5,528,171.99 applies to various other kinds of material than powder. Powder is included in the item. The House, in considering this bill, on page 68 inserted, in lines 20 and 21, the words "maintenance and enlargement of," referring to the powder factory, and then added $250,000 additional to the powder item.

Mr. CUMMINS. But my question is, Would the Government of the United States be permitted to buy the smokeless powder mentioned in lines 24 and 25 on page 17 to the extent of $650,000 of a trust or of a combination, and would the United States be permitted to buy the ammunition for ships, which, I assume, includes powder, to the extent provided on page 19 following the description "ammunition for ships?"

Mr. GALLINGER. My impression would be, Mr. President, in the matter of smokeless powder, that if it were manufactured by a trust or combination in restraint of trade the proviso would apply to that as well as to ordinary powder; but I think that that is not true so far as smokeless powder is concerned. The Government itself is manufacturing smokeless powder. Nor do I think it would apply to the item for the ammunition on ships. It certainly would not unless the Government was compelled, as it were, to deal with a trust or a combination. If that powder were all manufactured by a trust or combination in restraint of trade, I should say the proviso would apply to powder for whatever purpose it was purchased. That would be my judgment.

Mr. CUMMINS. I am expressing no opinion with regard to the propriety of forbidding the United States buying powder from a trust or a combination. I express no opinion upon that point; but it seems to me that, as necessarily construed, the inhibition would be limited to the purchases of powder made, together with all other ordnance stores, for which $5,528,171.99 are appropriated. I have been informed that substantially no powder is bought under that appropriation according to the practice and the custom of the navy. If that information be true, then the prohibition attached by the House of Representatives, it seems to me, is keeping the promise to the ear and breaking it to the hope.

I want the people to know to just what extent it is proposed to limit the United States in buying powder of a trust or combination, for, as I construe this bill with respect to all purchases of powder, save a very limited amount, the limitation does not apply at all. We shall be in precisely the same position practically after the passage of this bill with this prohibition in it as we were before. In order to show that this conclusion is well founded, may I ask the Senator from New Hampshire what kind of powder is bought under what might be called the "ordnance appropriation," and to what extent is powder bought under that part of the authority?

Mr. GALLINGER. Mr. President, I will not undertake to answer that with definiteness, but my impression is that it would apply to ordinary black powder and likewise to smokeless powder. The Government purchases both kinds of powder and uses both.

Mr. CUMMINS. I may or may not be well informed, because I recognize that I am inexperienced here, but I am informed that under the provision of the bill to which I have referred the department buys only black powder for loading shells and the like, and that the proportion so bought, compared with all the powder used by the Department of the Navy, is so small as to be almost negligible. If that be true, we have, then, a bill which has been heralded to the world as a bill prohibiting the United States from buying powder from combinations in restraint of trade, when in fact it contains no substantial limitation whatsoever.

Mr. BURKETT. Mr. President, I suggest to the Senator from New Hampshire, if the committee intended that provision to mean as stated, they could obviate any question or possibility of doubt as to what it means by a few words of amendment, by striking out, in line 19, page 17, the word "this" and inserting the word "any," and adding the words "appropriation made in this act for the purchase of powder," so as to read:

Provided, That no part of any appropriation made in this act for the purchase of powder shall be paid to any trust or combination in restraint of trade.

That would remove any question as to its construction.

Mr. GALLINGER. Mr. President, so far as the provision on page 19 is concerned, I replied to that without giving it much consideration. The Senator from Iowa will observe that the $5,528,171.99 is not an item for powder alone. It covers——

Mr. CUMMINS. I remarked a few moments ago that I understand that, and I understand the amount of powder ordinarily purchased under that appropriation is so small that it might be disregarded entirely in considering the question I suggested.

Mr. GALLINGER. Inasmuch as the House on the floor added $250,000 to the appropriation to cover the powder provision, it, of course, is of some consequence; but undoubtedly it is a small part of all the powder purchased for the navy. There is no doubt about that. The Senator is right on that point.

Mr. CUMMINS. My inquiry was made in order to provide myself with some information with regard to the condition of the Government in respect of its ability to furnish powder to the navy.

Mr. GALLINGER. If the Senator will permit me, he will observe that in the proviso at the bottom of page 17 the House very properly limited the price for which powder should be purchased.

Mr. CUMMINS. Yes.

Mr. GALLINGER. It made a limitation, so far as the cost price is concerned.

Mr. CUMMINS. I observed that, but the inquiry I have made I intended as preliminary to a further one. I think it would be interesting to the Members of the Senate, at least those who are as inexperienced as I am, if some member of the Naval Committee at some point in the consideration of the bill would inform the Senate with regard to the capacity of the government factory for the production of powder, so that we may judge intelligently whether it is wise or unwise to attach to any part of the bill the prohibition I have read.

Mr. GALLINGER. I will say to the Senator that my recollection is, and I think it is correct, that the Government is now producing about 1,200,000 pounds of powder per year.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. GALLINGER. With pleasure.

Mr. STONE. Pertinent to this discussion I wish to make a statement of what I understand to be the fact and then to ask the opinion of the Senator from New Hampshire, now in charge of the bill, as to the possible effect of the proviso contained between lines 18 and 23.

I understand that the government plant at Indianhead produces about one-third of the powder now consumed by the navy.

Mr. GALLINGER. Yes. To be definite, I will say to the Senator that the Government produced 1,877,000 pounds, and we bought 2,408,000 pounds last year.

Mr. STONE. A little less than one-third.

Mr. GALLINGER. Yes; a little less than one-third.

Mr. STONE. The remaining two-thirds of the powder is purchased from what is popularly known as the "powder trust." I have seen it stated in the debates in another place and in some official documents read there that the powder purchased, exceeding 2,000,000 pounds, was all bought of what is known as the "Du Pont Powder Company," or its allied interests, and that there was no other corporation or producer from whom powder of the kind needed could be secured. In other words, what is known as the "powder trust" is the sole source of our supply.

Mr. GALLINGER. Outside of what we ourselves manufacture.

Mr. STONE. Outside of what the Government itself manufactures. Now, if that be true, it occurs to me—and upon that I ask the deliberate and better judgment of the Senator—whether or not that proviso is not practically without force and effect; whether there is any real meaning to it. It is true the last clause in the proviso says:

Provided, That no part of this appropriation for powder shall be paid to any trust or combination in restraint of trade, nor to any corporation having a monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an emergency.

But an emergency or a necessity, it seems to me, arises the moment the appropriation is made to purchase powder needed by the Government; and since there is no other source from which it can be secured, except what is known as the "trust," we must procure it there or go without it. Therefore it seems to me that the clause is a mere pretense. It is a declaration sent out to the country that we will not buy from a trust, so called, when we know we will have to buy from the trust. It ought not to be in the bill.

Mr. GALLINGER. The language was inserted by the other House. I will say to the Senator that I imagine the emergency alluded to would be a military emergency. But it does not say that exactly, and perhaps the Senator's criticism has considerable ground of justification.

Mr. STONE. If my friend, the Senator from New Hampshire, means by "military necessity" that a war is threatened or in actual existence, then only one-third of the amount of the powder needed for the ordinary uses of the navy would be supplied by the Government's own manufactory. What would we do for the remainder?

Mr. GALLINGER. This exception allows the Government then to purchase from any source available.

Mr. STONE. But you can not buy it except from the one source.

Mr. GALLINGER. That is right; and the exception is made——

Mr. STONE. The emergency then exists?

Mr. GALLINGER. The exception is made in that emergency. I will say to the Senator, that the "joint board," so called, has been in the habit of investigating the powder question and fixing a price.

Mr. STONE. As the Senator suggests to me, this is for peace, not for war.

Mr. GALLINGER. Yes, of course; we are all for peace.

Mr. STONE. But the bill makes provision for time of peace and not for time of war.

Mr. GALLINGER. Yes; that is very true.

I was about to remark that the joint board has been in the habit of fixing the price of powder. Last year it fixed it at 67 to 69 cents a pound. This bill, I think very properly, reduces that amount to 64 cents a pound, making a very material reduction in the price the Government is allowed to pay for the powder.

Mr. President, I am not going to say whether the language here inserted by the House is wise, where it is provided that the Government may purchase the powder in an emergency from a trust or combination. But the Senate is not responsible for that language. Of course it can be stricken out if it is thought desirable to do so.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. I do.

Mr. TILLMAN. Who is to determine whether or not an emergency exists?

Mr. GALLINGER. I presume the department or the President.

Mr. TILLMAN. The Navy Department or the President would determine it?

Mr. GALLINGER. Presumably the department.

Mr. TILLMAN. Therefore this means that if in the judgment of the President the powder trust should have some of the Government's patronage, that some powder should be bought from it, an emergency would be discovered to permit it to do so.

Mr. GALLINGER. I should hardly think that that would follow. I have more faith in human nature than the Senator has, and more faith in our high officials of Government.

Mr. TILLMAN. I am not expressing any opinion as to the integrity of purpose or the character of high officials, because we do not know whom they are going to be other than the President himself. We hear all sorts of rumors about this and that and the other Cabinet officer, but so far, I believe, other than our colleague, the Senator from Pennsylvania [Mr. KNOX], who has had the Constitution ravished in his behalf in order to be eligible, we do not know exactly who will be the heads of departments next year.

Mr. GALLINGER. No.

Mr. TILLMAN. It seems to me, however, that we might safeguard this matter much better by enlarging the appropriations for the government powder factory and make all our powder, in view of the fact that we are informed by the officials that we can make the powder at 43 cents a pound; and why the department should be allowed to buy it at 64 cents when we can make it at 43 I can not understand, unless there is some nigger in the wood pile somewhere. Let us ask the Senate to vote for an increase of the powder factory to a size sufficient to give us all the powder we need.

Mr. GALLINGER. I will say to the Senator that the $250,000 added to this bill in the House on the floor was for the very purpose of increasing the capacity of the plant.

Mr. TILLMAN. Will it increase it to a sufficient degree, so that we will never, in an emergency, have to apply to the powder trust?

Mr. GALLINGER. I would not want to say that it would.

Mr. STONE. Moreover, if the Senator from New Hampshire will permit me a word, I have seen it stated in the RECORD, and in some hearings in the House, that while the $250,000 appropriated was to enlarge our plant at Indianhead, it really was not intended for present use, but simply to establish and build and enlarge it to meet a possible emergency in time of war.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. GALLINGER. Certainly, with pleasure.

Mr. LA FOLLETTE. If I were able to understand the discussion that took place elsewhere when this same matter was under consideration, the increase of $250,000 in the appropriation, referred to by the Senator from New Hampshire, would only increase the capacity of the government manufactory to about 2,000,000 pounds per year, which would be only about two-thirds or one-half the total amount used by the Government. Am I right about this?

Mr. GALLINGER. The Senator is right about it. Of course, we are moving along and developing this industry year by year. I suppose it was not thought desirable to make appropriations sufficiently large to manufacture all the powder at once. Of course we can not make any of this powder until we get the buildings and the facilities for manufacturing. I do not know how long that will be, but it was thought desirable to make an additional appropriation whereby we could practically double our present manufacturing capacity. Of course it might be wise to make a still larger appropriation. I am not going to express an opinion on that point.

Mr. LA FOLLETTE. Of course it will take a much longer period of time for the Government to turn out the powder than is required if we progress so very slowly in the development of our plant. From the little investigation which it has been possible for me to make I have gathered that the Government produces powder at a cost of 51 cents a pound.

Mr. TILLMAN. My information is 43 cents a pound.

Mr. LA FOLLETTE. The Senator from South Carolina, being a member of the Committee on Naval Affairs, and probably having access to inside information which we unfortunate——

Mr. TILLMAN. Oh, the Senator need not put himself in that category. He can go to the document room and get anything that "the Senator from South Carolina" or any other member of the Naval Affairs Committee can get.

Mr. LA FOLLETTE. Of course that is possible; but as legislation proceeds here largely by committees, the means of investigation open to individual Members of the Senate who are assigned to other committees are not, after all, so ready, so accessible, so complete as to those who have the subject directly in hand.

Now, I may be entirely wrong about the amount that it costs the Government to make powder. The suggestion of the Senator from South Carolina only emphasizes the point I was about to make. If it costs only 47 cents a pound to make it instead of 51——

Mr. TILLMAN. Forty-three.

Mr. LA FOLLETTE. The Senator from South Carolina says 43 cents. The difference between the amount which the Government pays for powder and the cost at which the Government produces it is greater than I had supposed it to be. This furnishes a stronger reason for the Government to take the hazard of making an additional investment, so as to enlarge the plant and increase the output of the Government Powder Factory.

Mr. TILLMAN. I agree entirely with what the Senator says, but does not the Senator recall that a certain distinguished man had to resign as treasurer of the Republican campaign committee because he was supposed to belong to the powder trust?

Mr. LA FOLLETTE. Yes; and I recall a good many other resignations that took place from campaign committees. They were not confined to any one party.

Mr. TILLMAN. I know that. I simply say that if you will undertake to skin your cat, I will undertake to skin ours, if we have any.

Mr. LA FOLLETTE. I can help to skin this cat, and all I want is the cooperation of the Senator from South Carolina and that of other Senators in skinning down and scaling down the propositions in this bill before we get through with the consideration of it; and I hope the Senator from South Carolina will give his very valuable assistance, as we get along in the consideration of this bill, to other provisions, and I believe he will.

Mr. TILLMAN. I hope the Senator from Wisconsin will not give us sheet lightning, but will give us a concrete proposition to vote on; that he will offer an amendment increasing the amount for the construction of a powder factory adequate for the uses and needs of the Government, and I shall be very glad to give it my individual vote. I do not know what the Senate will do.

Mr. LA FOLLETTE. Of course there is no restriction upon any Senator with respect to amendments. I rose to propose an increase in the amount provided in the bill for this proposition. I have not the information to guide me in determining what the amount should be, that any member of the Committee on Naval Affairs must have, whether he be in the majority or in the minority. With my meager information on the subject, and it is very meager, I am feeling my way along as best I can.

I do not know whether the appropriation of $250,000 should be enlarged by one hundred thousand more, in order that the Government may make all of its powder. If some member of the Committee on Naval Affairs will kindly inform me as to how much is necessary to enable this Government to make all of its powder, I will gladly take the responsibility, whatever it is, of offering an amendment to provide that amount.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. I do.

Mr. HALE. I have been away from the Chamber for the last ten minutes, and I do not know what is the parliamentary condition. Mr. President, is there any amendment pending?

The VICE-PRESIDENT. There is no amendment pending.

Mr. LA FOLLETTE. If it will help the Senator from Maine to catch up, I will say we are on page 17 of the bill, and are considering some of the provisions with respect to the manufacture of powder and its cost when that powder is manufactured by the Government and when purchased from other manufacturers.

Mr. HALE. Now, will it interfere with the Senator if I state the attitude on this matter?

Mr. LA FOLLETTE. Oh, no; it will be very helpful.

Mr. HALE. Mr. President, the history of this matter is very plain to anybody who has read the debates in the other House. There was clearly there a feeling that there ought to be some legislation to protect the Government and reduce the price of powder used by the Government and have a safeguard for the future, so that no monopoly could dictate to the Government. It went along in stages. The first proposition was that the extreme price to be paid by the Government should be fixed. The answer to that was that a board had heretofore fixed the price and that it was deemed by the department reasonable. But the House evidently did not consent to that, and believed that the price should be lowered, and it reduced the price to be paid as provided in the bill.

Then, in order that the Government might have some control and that there might be competition at least between the Government and private parties, the additional appropriation for the government plant was made and is carried in the bill, and is in the provision as it comes to us from the House, which will substantially double its present power. It will furnish the Government two-thirds of what is needed by the Government in any ordinary time of peace.

Mr. LA FOLLETTE. If it will not interrupt the Senator——

Mr. HALE. Not at all.

Mr. LA FOLLETTE. I should like to inquire right in this connection what quantity of powder, outside of that for small arms, is required by the navy annually?

Mr. HALE. In ordinary times about 3,000,000 pounds.

Mr. LA FOLLETTE. So we now manufacture about one-third?

Mr. HALE. About one-third under the present capacity.

Mr. LA FOLLETTE. And the enlarged capacity provided for will about double that?

Mr. HALE. It will about double the present production.

Mr. LA FOLLETTE. That is this amount required in time of peace. Now, right in this connection I ask the Senator to state, if he will, why it would not be advisable to manufacture the entire amount required in time of peace and to provide for it in this bill.

Mr. HALE. That is a very large question. The whole business of the Navy Department has gone on with two things in view—the work by the Government in its navy-yards and the encouragement that is given in building up private establishments which in a way compete with the government establishments. I think one of the great benefits which have been derived from our policy of increasing the navy has been not only to build the ships, to build up the navy-yards, but to increase outside plants, competing plants, so that the labor of the country, which is vast compared with the limited number of laborers in navy-yards, shall be helped; and to me it is more a matter of pride that we have built up such great establishments where the workmen from the ranks of labor, and not special employees of the department, find employment—the great establishments in Philadelphia, Newport News, Fore River, California, and everywhere else. Therefore it has never been the policy in this matter for the Government to do everything. But competition——

Mr. MONEY. Will the Senator from Maine permit a question?

Mr. HALE. Certainly.

Mr. MONEY. I have not risen to criticise the bill or the committee. I do not expect to be informed fully about the bill, because I recognize the necessity of following committees if we do anything at all in the Senate. But I have an interest to

know whether it is the opinion of the committee that the Government should manufacture all its powder, and whether they intend to make arrangements in the future that it shall manufacture all its powder.

Mr. HALE. That is a question which has to be settled by Congress, between the two Houses. What I was going on to say was——

Mr. MONEY. Will the Senator permit me for a moment?

Mr. HALE. Certainly.

Mr. MONEY. Of course I understand very well that Congress must decide it, but what I want to know is what is the view of the committee at present. From the remarks of the Senator from New Hampshire it seemed we could anticipate a programme as to powder manufacture by which the Government could do its own work. I am one of those who do not believe that the Government ought to do all its work in that particular, and hardly any of it. I think it is just as important that we should have private manufactories of gunpowder as that we should have private shipyards and other private establishments, and if that is the opinion of the committee, I simply want to be informed, and I think the public are interested in knowing.

Mr. HALE. I will tell the Senator just what I think is the attitude of the committee.

The bill as it passed the House contained, as I have said, three features that were against the monopoly, whatever that monopoly may be. It lowered the price; it provided that an additional amount should be given to the government factory to increase its plant, and provided that no contract should be made with a monopoly which was contravening the statutes of the United States. The outcome of the House legislation was against whatever monopoly there is and was a triumph for those who want to limit and curtail that monopoly.

What the committee has supposed, what I have supposed, and what will happen, is that when the bill is completed and the committee amendments have been considered there will be an effort made not in the direction we are talking about now, but to contravene the House legislation, to interfere with the lower prices that have been fixed, and to interfere with the prohibition to deal with a monopoly. I have supposed that when the question was raised not to increase the restrictions which the House have put on, but to remove them, the Senate would then consider this whole subject-matter.

I have no doubt that whoever furnishes this powder can furnish it even cheaper than the House has provided for; but it has to be remembered that the Government in producing it has spent large sums of money and will spend large sums of money in building up a plant. I have supposed, to repeat, that when we have reached the end of the consideration of the bill and amendments are offered, an amendment will be offered not in the direction of the present suggestions, but to relieve the manufacturers of powder who are now furnishing it to the Government, and then the Senate will come into contact with the actual questions here. But there are no committee amendments at present pending.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Iowa?

Mr. HALE. Certainly.

Mr. CUMMINS. The Senator from Maine was not in the Chamber at the time this discussion began and it has all proceeded from a very plain and simple question propounded by myself, which related to the very subject just under consideration by the Senator from Maine. I am sorry it drifted away into a discussion with regard to the propriety of the Government entering into the further manufacture of powder, for it was not my purpose to begin any such discussion by propounding the question that I did.

This is the question. Whatever may be our opinions with regard to the merits of any of these questions, there is one thing the Senate can not afford; it can not afford to be unfair; it can not afford to join in any scheme or pretext. When the amendment with regard to trusts and combinations that is found in lines 19, 20, 21, 22, and 23, on page 17, was added in the House to the bill completed there, it was almost universally construed throughout the country, especially in the newspapers, to be a prohibition against the Government's purchase of any of its powder for use in the Navy Department from a trust or combination in restraint of trade, save in the event of an emergency. My question propounded to the Senator from New Hampshire was, Does the Committee on Naval Affairs believe that this prohibition does relate to all the powder that is provided for in the bill, or does it relate to only a very small part of the powder that will be bought by the Government for the use of the navy?

We can not afford to put forth a bill which will be misunderstood and misconstrued. I am expressing, as I said, no hint as to whether we should include in the bill any prohibition against purchase from a trust or combination, but we ought to use such language upon the subject as will be easily understood by every intelligent person.

Therefore, I conclude by asking the Senator from Maine, who undoubtedly is more familiar with the bill than any other person, Is the limitation contained in lines 19, 20, 21, 22, and 23, upon page 17, a limitation also upon the purchase of the powder provided for in lines 24 and 25 of that page and upon the powder to be purchased under lines 9 and following, upon page 19?

Mr. HALE. I should say, Mr. President, without any doubt, that it is intended to apply generally, and the Senator from New Hampshire, who kindly took my place and I have no doubt did better than I would have done, now tells me that that was his answer. I should have no doubt that it applies to all these purchases.

Mr. CUMMINS. I understood the Senator from New Hampshire to answer otherwise.

Mr. HALE. I look upon it, I will say to the Senator from Iowa, as a very restrictive and drastic provision. I do not think that I should be in favor of striking it out. Undoubtedly when we reach the end of the bill amendments other than the committee amendments are to be considered which can not be considered now. Undoubtedly there will be a motion then made to strike that out, and perhaps good reasons will be given for it, but as the matter stands now I am not in favor of contravening in any way or qualifying the attitude taken by the House. I read the debates very carefully. I think there was a very strong feeling there that there should be not only a restriction in price, a limitation as to monopoly, but increased competition by the Government provided through an increased appropriation to enlarge the government plant.

What I had supposed would happen would be that when we reached the end of the bill we should be confronted with amendments that cut away the House provisions and reduce them and bring them more nearly back to the old condition. At present I am not in favor of that. The committee, I will say, were asked to strike out this proposition and to change the limit of price and to leave things as they were before. The committee believed that all of the House propositions which I have recited—for a lower price, exclusion of monopoly, and government competition—should not be interfered with.

So, as far as I can, I have answered the question of the Senator. I have no doubt we shall meet all these questions. Under the rule prescribed there are no such amendments now pending and there can be none, but we shall have plenty of amendments when we get through with the committee amendments asking us to recede from the House proposition. Then the Senate will confront the whole thing.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do not know that I have the floor.

The VICE-PRESIDENT. The Senator from Iowa has the floor.

Mr. CUMMINS. I yield to the Senator from Missouri for a question.

Mr. STONE. I desire to ask the Senator from Maine a question. The bill carries in the aggregate rather large appropriations for the purchase of powder. Is it supposed that that powder is necessary for the use of the navy during the fiscal period covered by the bill?

Mr. HALE. Yes; I suppose it is just that. While we are at peace and there is no enemy in sight either for the present or the future, we are burning up and exploding and getting rid of an immense amount of powder every year, an amount that in any old war would have been considered sufficient for the war. Our ships are all the time cruising about experimenting in gunnery, target practice, and using up powder. They need every year an immense amount of it.

Mr. BACON. Is not the Senator aware that more powder is used in firing salutes than in firing at targets?

Mr. STONE. This appropriation, then, is intended to meet the necessities of the navy?

Mr. HALE. The everyday necessities.

Mr. STONE. For the time covered by the bill?

Mr. HALE. The everyday necessities without war.

Mr. TILLMAN. In time of peace.

Mr. STONE. It is presumed it will be a time of peace during the period for which this appropriation is made. The Senator approves of what has been done elsewhere, which his committee has indorsed by its report, the restrictions placed upon the purchase of powder from a monopoly or a combination in restraint of trade. I wish to have the well-informed judgment

of the Senator upon this question: First, who is to determine when the purchase is made whether it is made of a combination in restraint of trade or a monopoly? It is a fact, I think, established and generally conceded that all the powder now purchased and which for many years has been purchased by the Government has been bought of what is popularly known as "the powder trust," against which a proceeding has been instituted in some federal court of Philadelphia or Delaware. I gathered from what I read of the debates in the House and the hearings there that it was conceded that the Government made about one-third of the powder that is needed.

Mr. HALE. Now?

Mr. STONE. Now; and it purchases the other two-thirds of this one source of supply.

Mr. HALE. Yes.

Mr. STONE. If this quantity of powder is actually needed for the next year, for example, by the navy for its necessary uses, and we make but one-third of it, from what source is the other two-thirds to be obtained? It must come, as my information goes, from what is denominated "the powder trust," which is popularly supposed to be a combination in restraint of trade.

Now, my question is, Shall the officers who administer this law determine what is and what is not a combination in restraint of trade, what is or is not an industrial monopoly; and, secondly, if we find that we must purchase two-thirds of the powder that we need and can get it but from this one source, is there not an emergency raised under the very terms of this proviso that would enable the department to purchase from that supposed monopoly? Therefore, if that be true, is this provision effective? Is it not a mere pretense, a fraud on its face?

Mr. HALE. No; it is not a pretense or a fraud. The other branch, I have no doubt, was entirely sincere about it; but it is a question as to how adequate the provision is. We may as well look things in the face. I do not know how effectual the provision would be. I do not know how it would be construed and what an emergency is under it. That has got to be left to the administrative officers. What I am interested in is to know what we can do. If we give the amount the House has given and double the capacity of the Government plant, that can only get in operation some months from now. When we come back to the bill when amendments are proper, if we give money enough for the Government to make all the powder, that will not cover the next year; it will take time. We shall proceed by gradual steps. It may be in the end it will be concluded that the Government shall make all of the powder we need at any time. This concern would then be driven out.

But we can not cover the next year by whatever we do. We must have something left to the decision of the administrative part of the Government. I suggested to the Senator from Iowa, whose very natural question raised this discussion, as there is no amendment pending, and under the rule there can be none, there being no committee amendment, what I supposed would be done is to let all this matter go until we reach the end of the bill, and then any amendment will be in order, either from the friends of the House measure, who are likely to offer them, or from those who are opposed to the House measure, so that we may go on with the bill.

Mr. CUMMINS. Mr. President, I will say to the Senator from Maine I did not dream that my question would provoke any considerable discussion, and it was for the very purpose of preparing the minds of Senators so that they would examine this part of the bill that I asked it.

I now repeat, so that Senators may recall the real question that I asked. The Naval Committee declares that it was its purpose to attach this restriction with respect to purchases from monopolies or trusts and combinations to all powder purchased by the Government. I simply submit that Senators will see, if they will examine the bill carefully, that the restriction is not placed upon more than one-hundredth part of the powder purchased by the Government, and if the bill is to be brought into harmony with the desire of the Committee on Naval Affairs the restriction will have to be very much broadened.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. LA FOLLETTE. Mr. President, I should like to interpose another inquiry at this point, because it may be helpful in determining whether any Senator desires to offer an amendment, not at this time, but when the provision comes up again in regular order. If the information could be elicited now, it might prevent the offering of amendments at that time and save much time then.

I wish to inquire of the Senator from Maine if he can inform me whether any portion of the powder purchased by the Government last year was purchased from the powder trust?

Mr. HALE. I do not know; I presume it was.

Mr. LA FOLLETTE. I wish to make this further inquiry: How many companies are manufacturing the powder in question outside of the powder trust—that is, independent companies—if the Senator from Maine can inform me?

Mr. HALE. From the reading of the hearings and the debate in the House, I get the impression that the Central Powder Company has practically absorbed most of the outside manufactories. I can not say to what extent, but I think from what I have done in looking up the matter a great many of the outside establishments have been substantially merged and are controlled by the Central Powder Company. Just to what extent that goes I do not know, but I have no doubt, if the Senator will read the debates—and probably he has—he will find that that consideration moved the House in putting in this prohibition.

Mr. LA FOLLETTE. The question that suggested itself to my mind was whether the Government in the event of an emergency would be forced to depend upon the powder trust, or whether there were independent and competing companies that could supply any demand in case of an emergency.

Mr. HALE. I suppose if a war should break out to-morrow the only question would be that we have got to have powder. I think that would be a clear case of emergency. We should have to get almost all of the powder, all that we can not manufacture ourselves, from this monopoly, and I have no doubt they would do what they did before when we were in trouble—put the price away up—and we would have to stand it.

Mr. LA FOLLETTE. But what I was endeavoring to ascertain was whether there were not independent companies enough, outside of this trust, to supply the demand, even in such an emergency as that suggested by the Senator from Maine.

Mr. HALE. I am afraid not.

Mr. LA FOLLETTE. Because the point of my inquiry would go to the advisability of offering amendments when we return to this provision again.

Mr. HALE. I presume, as I have said, that there will be amendments offered on both sides, undoubtedly.

Mr. LA FOLLETTE. Yes.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill on page 17, line 24, and read to the end of the clause, from line 24, page 17, to line 3, on page 18, as follows:

Purchase and manufacture of smokeless powder, $650,000: *Provided*, That no part of this appropriation shall be expended for powder other than small-arms powder at a price in excess of 64 cents a pound.

Mr. BACON. Mr. President, if the Senator from Maine will permit me to ask him a question, I will say that I understood the paragraph which has been under discussion is the one which contemplates the purchase of powder. I simply desire to know why is this specification in addition to what has been previously reported—$5,528,171.99. As I understand, a part of that appropriation was for powder, was it not?

Mr. HALE. Yes; a small part of it.

Mr. BACON. The appropriation of $5,528,171.99?

Mr. HALE. That is principally for ordnance.

Mr. BACON. Is the powder, to which the clause we have been discussing has allusion, the powder to which the provision just read refers?

Mr. HALE. That is an additional provision which the House put on after a contest.

Mr. BACON. I have no criticism to make on the fact that the amount is specified there. I think it would be very fortunate if it were specified in the preceding provision, but I do not know. I supposed possibly there was some reason why there was a general appropriation embracing a dozen different articles in which there was no specification, and then, immediately following, another provision in which there is a specification.

Mr. HALE. That is put on as an addition.

Mr. BACON. Very well.

The reading of the bill was resumed on page 18, line 4, and continued to the end of the clause from line 12 to line 14, on page 18, as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, $150,000.

Mr. DIXON. Mr. President, concerning the item of $150,000 for the Naval Gun Factory at Washington, I should like to inquire of the chairman of the Naval Committee if all of the large guns of the navy are made at that gun factory, or are there other navy-yards where guns are manufactured? To what extent are the large guns made here at the Naval Gun Foundry at Washington?

Mr. HALE. In some cases the guns are what is called "assembled" at other establishments, but they are all completed and made ready for service in the Washington yard; and as we

appropriate for that yard, the jurisdiction of the yard is all the time more and more extended. I understand that all the guns, particularly of the larger caliber, are completed at this yard and issued from it.

Mr. DIXON. Even down to 3-inch guns and the rapid-fire guns?

Mr. HALE. I do not know about that.

Mr. DIXON. But the larger pieces of ordnance are made here at Washington?

Mr. HALE. Yes; that is the object. It is not like any other navy-yard. It is an ordnance yard.

The reading of the bill was resumed on page 18, at line 15, and continued to the end of the clause from line 18 to line 24, on page 25, as follows:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

Navy-yard Portsmouth, N. H.: Rebuilding and fireproofing building No. 20, $43,500; electric capstan for quay wall, $3,000; foundry building (to cost $200,000), $50,000; in all, $96,500.

Mr. DIXON. Mr. President, at this point the naval appropriation bill for the next several pages contains so much that is of public interest that I think it would not be amiss for the information of the Senate and the public in general for the chairman of the Committee on Naval Affairs of the Senate to make a general statement regarding the whole question of navy-yards and docks, as it affects both the Atlantic and the Pacific coasts. Not in the spirit of captious criticism, but I want to say frankly that some days ago an article was called to my attention in one of the magazines of the country. I am not here to say that I accept magazine articles as gospel truth whenever they are printed; but this was such a pointed and specific and overwhelming general criticism of the whole policy of the naval appropriation bill for the current and past years that I think it made something of a profound sensation among many well-thinking men.

I remember a year ago the chairman of the Naval Committee made a statement to the Senate regarding the annual increased expenditures for the maintenance of the American Navy. I know how popular a thing it is to vote for big naval expenditures in Congress, but the statement in the report accompanying this appropriation bill showing that in ten years the appropriations for the American Navy have increased from $50,000,000 to $137,000,000 for this fiscal year is really alarming.

I do not think we get these enormous figures in our minds unless we use a more familiar yardstick as compared with other matters. I noticed this morning a tabulated statement of the total assessed wealth of this country, State by State, with particular regard for the value of the farms, and the farming implements and stock, and, to my utter amazement, it appeared that the annual appropriation bill for the American Navy is greater than the total farm values in six or eight States of this Union. Every year, if the naval appropriation bill is going to be of the same magnitude as it is this year, we are feeding into the hopper of naval appropriations more than double the assessed farm values of half a dozen States of this great Republic.

Now, in particular, we are getting down into the items regarding the navy-yards. I know very little of the matter. I think none of the members of the Naval Committee come from the inland country. I believe it was stated in the article to which I refer that 10 or 12 members of the Naval Committee had navy-yards in their States, which led to the insinuation that appropriations were easy on the naval bill. The statement was made that in the past ten years we had expended upward of—I do not remember the number of million dollars, but several hundred million dollars in navy-yards that were practically on land.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. DIXON. Gladly.

Mr. LA FOLLETTE. The questions raised by the Senator from Montana [Mr. DIXON] are so interesting and of such great public concern that, much against my desire, I feel impelled to suggest the absence of a quorum. I do not do this to obstruct business.

The VICE-PRESIDENT. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Aldrich	Burrows	Dick	Fulton
Bacon	Carter	Dillingham	Gallinger
Borah	Clapp	Dixon	Gamble
Bourne	Clay	Dolliver	Guggenheim
Brandegee	Culberson	Elkins	Hale
Briggs	Cummins	Flint	Hemenway
Burkett	Curtis	Frazier	Heyburn
Burnham	Daniel	Frye	Kean
Kittredge	McEnery	Page	Smoot
Knox	Martin	Perkins	Sutherland
La Follette	Milton	Piles	Teller
Lodge	Money	Richardson	Tillman
Long	Nelson	Simmons	
McCreary	Newlands	Smith, Md.	
McCumber	Nixon	Smith, Mich.	

The VICE-PRESIDENT. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. DIXON. I thank the Senator from Wisconsin [Mr. LA FOLLETTE] for his thoughtfulness in the matter. Now, inasmuch as the presence of a quorum has been developed, I think we should have the attention of the Senate.

I started to say that I thought it was due the Senate to have a general statement regarding the many charges that have been printed in the last month concerning the great expenditures made by Congress for the maintenance of the navy and of the navy-yards. I remember, I think, that the article in question stated that on the navy-yards up and down the Atlantic coast and the two on the Pacific coast, $110,000,000, as I recall the figures, had been spent in the years since the Spanish-American war, and that we did not have at this time a navy-yard where we could dock more than two battle ships at one time; and, I think, not over two docks where we could really dock a battle ship that was crippled and crept into a friendly harbor under stress of battle.

What I wanted to call the attention of the Senate and the country to was that, taking a different yardstick of measurement, the present naval bill, carrying $137,000,000, is practically $20,000,000 in excess of the total value of the farms and their equipment in the great State of Maine, and greater in amount than the farm values in six or eight States of the American Union.

What is going to be the limit of naval expenditure, in the opinion of the chairman of the Naval Committee; and I submit there is no living man who knows more about the matter than does that distinguished Senator? Will the expenditures and the appropriations for the navy for the next five years increase in the same ratio that they have in the past ten years? Is there going to be a limit?

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. DIXON. Gladly.

Mr. CLAPP. I should not like to usurp the functions of the Senator from Maine, but I want to make the prediction that if we constantly protest against these increased appropriations without ever commencing to reduce them, they will continue increasing in the ratio.

Mr. DIXON. That is certainly true, based on the experience of the last ten years; but, as was well stated by the chairman of the Naval Committee a year ago—and it struck me with peculiar force at the time—this great Republic, not seriously threatened, as I view it, by war, isolated, as we are, is spending each year 66 per cent, as I remember the figures, of its total revenues on the navy, the army, coast fortifications, and pensions. Over two-thirds of the revenues of this great peaceful Republic are going into expenditures for past and future wars, leaving a little over 30 per cent of the revenue to be devoted to the great expenditures for peaceful pursuits and occupations.

The article that I have especially in mind made the bald statement that some of the navy-yards mentioned in this bill in the items now under consideration, on which we would expend $200,000 or $300,000, last year only produced practically $10,000 worth of work. I remember one particularly where we had spent $300,000 for machine shops that had never been used, except for storage purposes. There is item after item of this kind. If the charges are not true, the country ought to know it. We should not stand under the terrible indictment contained in an article of that kind, which has been scattered broadcast over the country. If these things are so, it is a crime for this Congress to continue these great appropriations. This bill, carrying almost $138,000,000, greater by far than most of the great appropriation bills that the Congress passes, was being considered this afternoon, until the Senator from Wisconsin made the point of no quorum, with not 15 Senators present on the floor of the Senate.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. DIXON. Certainly.

Mr. FORAKER. I interrupt the Senator in order that I may say in my own defense that while I was absent from the floor of the Senate and was unable to get here to answer the call of the Senate I was absent on duty, working in the committee room on the appropriation bill for the army. But inasmuch as

I happened to be absent and was not here to help the Senator to consider the bill, I wish to ask him what amendments he has offered striking items out of this bill, if any at all?

Mr. DIXON. None whatever; because, as I understand, the bill is being read for committee amendments only.

But I had started to say that at this time I thought we ought to have some kind of an explanation from the great Senator who has been at the head of this committee for the last twenty years.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. DIXON. Gladly.

Mr. HALE. I agree fully with the Senator from Montana [Mr. DIXON] that the aggregate of this bill is alarming, and the statement of the Senator from Minnesota [Mr. CLAPP] is very pregnant, that if we do not start at some time cutting down appropriations we will find these bills increasing every year.

When the Senator says he is alarmed by this bill carrying $137,000,000, does he know that out of that great total the entire amount in the bill devoted to work in the navy-yards is only $4,844,000?

The public, Mr. President, has been misled and mistreated and misinformed by the crusades that have been made upon what are called the "enormous appropriations for navy-yards," and the Senate has been slandered. If the Senator will look at the figures he will find that of the aggregate of these enormous bills the appropriations for navy-yards have been very small indeed, and do not constitute a large item in the expenditures. When the Senator says that hundreds of millions of dollars have been spent upon navy-yards in useless buildings, and all that, he has not looked at the figures. The entire appropriations for navy-yards for a series of years are small, very small, compared with the entire appropriation, and smaller than in rival countries. I have here a comparative statement of appropriations of this country and England for navy-yards and stations running over a long period of time.

The statement is headed "Comparison of appropriations for naval public works in Great Britain and the United States during the fiscal years 1896 to 1909, inclusive." What does the Senator suppose that for three great navy-yards, with some small stations, Great Britain has appropriated in that time for these public works, which have been talked about and exaggerated and falsehoods told about by the magazines and some of the press of the country? What does the Senator suppose during those fourteen years our appropriations for all these yards have been compared with the British? For the British yards—they have only three large yards—$126,987,550; for the United States public works in navy-yards up to this time, $51,015,864. The figures for navy-yards, for everything spent upon them, compared with the aggregate of big bills that frighten Senators, as they ought to, are small indeed; and if the Senator will look at the figures and compare them with other things, he will find that all these charges fall to the ground.

The whole appropriation this year, as I have shown, including the increase, is only $4,800,000 for all the yards. The Senate has made an increase over the House only of about $800,000, and that only for a few yards. If the Senator will go over the record from the time when we began to build up this enormous navy and spend millions upon millions, he will see that the pay alone in one item in this bill is eight times as much as the entire appropriation for all the public works in the navy-yards; the items for armor and armament and hulls and machinery are, every one of them, from four to six times as much as all the appropriations for navy-yards.

The truth is, Mr. President, that the appropriations for navy-yards have undoubtedly in some cases been duplicated, and that is what the present Secretary of the Navy and what this bill cut up from the roots. There have been buildings erected in these navy-yards, there have been duplicates of power plants and mechanic shops, and all that, and that is all being cured and will have no existence hereafter. But even with all of that, with all the errors—and I do not say there have not been errors—instead of the navy-yards and the expenditures upon the public works in the navy-yards figuring as a very great amount, swelling the appropriation bills, the truth is precisely the reverse.

I shall put it into the RECORD before this debate ends more extensive comparisons which I have here, for ten years, showing that the hue and cry that has been raised about the enormous cost of the navy-yards has no foundation.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. Yes.

Mr. DIXON. I know it is utterly impossible for the Government ever to do as cheaply as private firms or individuals can do. But is it not a matter of fact that up and down the Atlantic coast navy-yards which have come down to us from a former generation—yards that were established in the days of the old wooden sailing ships, which at that time were well fitted for the purpose—have been continued year after year and appropriations made year after year for improvements there when under modern conditions, with the big battle ships, they are practically worthless as naval bases and navy-yards, as the public understands generally?

Mr. HALE. No, Mr. President, that is not true. The reverse is true. When this great fleet finds its way into the Atlantic waters of the coasts of the United States and the reckoning is made up and the housekeeping is taken into account and it is seen what those great ships need in the way of reconstruction, repairs and overhauling we shall not have navy-yards on the Atlantic coast to accommodate them. You can not send a fleet of 16 battle ships—with all the auxiliaries and everything that we can furnish and everything that we can hire abroad, as we have done with this great squadron—on a cruise around the globe and bring it home for repairs without the ships being taken into navy-yards, and we will not have navy-yards enough. I do not know one of the Atlantic navy-yards from Portsmouth to Portsmouth where they can not and will not be taken and docked for repairs.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. Certainly.

Mr. GALLINGER. The Senator has just mentioned Portsmouth, and that is one of the yards which has been talked about a good deal by these magazine writers; and yet Portsmouth, when the fleet comes home, will have three of the battle ships assigned to her.

Mr. HALE. And will have to.

Mr. GALLINGER. She has but one dock, and it is one of the best docks in the world, but three of the battle ships have been assigned to the navy-yard at Portsmouth for repairs. I will venture to emphasize what the Senator from Maine has said, that when the ships come home, each one of them probably requiring a million dollars' worth of repairs to be put on it, instead of having a surplus of navy-yards we will not have navy-yards enough to accommodate them.

Mr. DIXON. I mention this in good faith and not in a spirit of criticism, because I do not know. I heard a naval officer of high rank make the statement within the last two or three days that with the navy-yards as they are, scattered up and down the coast, "little one-horse affairs," as he put it, in time of war if the fleet was crippled off the eastern coast, there was not a single navy-yard that would accommodate at one time anything like the number of battle ships which would constitute a fighting squadron.

Mr. HALE. I do not know who that naval officer was, and I do not care, but he had no business to make that statement. With the exception of the enormous ships that are provided for in the House bill this year, any ship that is now afloat—and they are the largest in the world, for we have to-day the largest ships afloat in the world and the best ships and the best guns—can go into Portsmouth and Boston and New York and Philadelphia and Norfolk; and every one of these yards will be needed to accommodate them, and we shall spend millions upon millions of dollars——

Mr. TILLMAN rose.

Mr. HALE. And Charleston.

Mr. TILLMAN. I was just going to remark that the Senator ought not to leave out Charleston.

Mr. GALLINGER. That was an inadvertence.

Mr. TILLMAN. Unless the coast survey officers and the engineers of the army are lying, we have about as much water there as at any other port on the coast.

Mr. HALE. We can not leave out the Senator from South Carolina.

Mr. TILLMAN. Not when he belongs in. You will not leave him out then without his being heard from.

Mr. HALE. The Senator from Montana is beginning to look into these things. He has taken the statements, the random statements, of naval officers.

Mr. DIXON. I am not taking any statement. I am asking what is the true condition.

Mr. HALE. The Senator is right about that. He has a right to ask, and I am trying to answer him. He does not know—it is no discredit to him that he does not know—how much of all of this stir that has been made and the charge that hundreds of millions of dollars have been wasted on our navy-

yards has no substantial foundation. It has been a small figure compared with the other enormous expenditures, and it is done with the purpose of diverting attention from other enormous expenditures. That is the purpose; and the Senator will do well to look into other items of expenditure that overtop all the expenditures for navy-yards by three times and four times and six times and ten times.

Mr. DIXON. I should like to know to what the chairman of the Naval Affairs Committee refers. What are the overwhelming expenses?

Mr. HALE. I have mentioned pay, which in itself is eight times all that is appropriated for navy-yards—pay alone; armament; increase of the navy; machinery and hulls; armor; and even the distinctive bureau appropriations for coal are bigger than all the navy-yard appropriations.

Does the Senator know that we spend more for coal in one year, even if we do not circuit the waters of the globe, than all the navy-yard appropriations aggregate? Does the Senator know that the appropriations in the bureau of construction and repair are 50 per cent larger than all the appropriations for navy-yards? Does the Senator know that the appropriations in steam engineering and for ordnance are every one of them larger than the appropriations for navy-yards?

Mr. DIXON. Does the chairman of the Naval Affairs Committee, in making this statement, include merely the repairs and expenditures for navy-yards, or does he take into consideration the cost of the officers and the men and the clerks maintained at all these naval establishments? Of course, we can take the tables and figure out pure expenditures of construction, but when you come to get at the actual cost of the navy-yards, it means the great army of men who are employed there locally. It means not only the actual cost of repair and construction, but the side issues that go with the maintenance of it.

Mr. HALE. Is the Senator going to abolish navy-yards?

Mr. DIXON. Not at all.

Mr. HALE. There is another feature. These men are doing the work. The outcry has been made that Senators have secured appropriations for public works in the navy-yards aggregating hundreds of millions of dollars.

Mr. DIXON. Will the Senator allow me to ask just one or two more questions, so that he can make his statement more comprehensive? Would it not be a better plan, instead of maintaining so many little navy-yards up and down the Atlantic coast, to have three or four great big naval establishments and naval bases where in time of stress and trouble you could put a whole squadron in the docks and take care of it, rather than scattering them in a dozen navy-yards stretched for 800 miles up and down the coast? Would it not be a better and more economical and wiser general plan?

Mr. HALE. The English experiment does not show that. In a coast line which, compared with ours, is not so much as the circumference of one of these glasses in my hand compared with the moon almost, they have three big navy-yards, and the figures that I have shown disclose that in fourteen years they have spent on those navy-yards almost three times what we have spent on all our yards.

I think at the time when we were not building up an enormous navy and had a small force and were spending from twelve to twenty million dollars we might have got along with two or three navy-yards on the Atlantic coast.

I wonder if Senators realize that any administration—I do not think any other administration will ever send a fleet around the world; I hope not—has an elephant on its hands when it has thirty-odd battle ships, 15 or 20 armored cruisers, and 40 or 50 other ships? It has to do something; it has to send them somewhere; it has to keep them in all sorts of practice, all sorts of exercise; it has to keep spending money, consuming powder, with prizes for everything, and every year it has to bring the ships home, and they have to go in the navy-yards to be repaired. There is not one of these navy-yards which, while they will take in these ships, can dock more than one or two of them at most at a time.

Mr. DIXON. If the Senator will pardon me, that is exactly what I wanted to ask the chairman of the Naval Affairs Committee. The establishments we now have hold only one or two battle ships. Would it not be a wiser general plan if we had three or four great naval establishments and yards that would accommodate six or eight battle ships at one time?

Mr. HALE. It would be more expensive undoubtedly. The English experiment shows that.

Mr. DIXON. To maintain three or four establishments than to maintain those we have?

Mr. HALE. Yes. The British experiment shows that it cost two and a half times what all of our navy-yards had for public works.

Mr. TILLMAN. Will the Senator allow me to call his attention to the fact that at Gibraltar, which is only seven or eight hundred miles from the southern coast of England, there is another great naval establishment, and then some thousand miles east, at Malta, there is a fifth? There are three on the coast of England, which is about as big as the State of Georgia.

Mr. HALE. Those are naval stations.

Mr. TILLMAN. I have been there and have seen the battle ships all in the docks.

Mr. HALE. I did not intend to debate this matter until we came to the paragraph which involves the vital question in this bill—the increase of the navy. But when the Senator came out with his statement and repeated the inconceivable statements made by the newspaper and the magazine press, I thought it was proper for me to call the attention of the Senate to the fact that it is all based upon a fiction.

Mr. DIXON. I desire, in conclusion, to ask the chairman of the Committee on Naval Affairs one other question. The charge has been repeated in the magazines and in the newspapers that the present navy-yards, with the exception of two or three only, can not accommodate a battle ship of the kind we propose to build now by the appropriation in this bill. Is that correct or not?

Mr. HALE. I did not quite hear the Senator. My attention was diverted.

Mr. DIXON. It has been repeatedly charged in the newspapers and in the magazines, and naval officers themselves have said, that the navy-yards which we now maintain—how many, 10 or 12, are there on the coast——

Mr. HALE. There are nine yards in all.

Mr. DIXON. That, I think, with only two or three exceptions, not one of them would permit the entrance of a battle ship of the type that we are now building, especially if she was water-logged or suffering from stress of battle. Is that the situation or not?

Mr. HALE. If you go on and provide for ships such as no other nation has, and which are four or five thousand tons larger than anybody has ever imagined or contemplated, what does the Senator expect—that navy-yards which have been dealing with smaller ships can be equal to the new and larger ships? That is one of the arguments that was used against these enormous ships—that they can get into only two or three yards. But is that the fault of the navy-yards? The navy-yards have docked and repaired all the other ships we have ever had. There has been no fault found with them.

Now, the Senator raises a new issue. We are asked to build a ship of dimensions and size such as no nation in the world has ever thought of building; a great, monstrous structure that has no equal or parallel or similarity hardly on the waters of the globe; and the Senator finds fault with the navy-yards, which have accommodated everything else, but can not accommodate these vessels. Of course, when you increase your size and make these leviathans of the deep you have to dredge your navy-yards; you have to make appropriations of money by millions in order to make space for them. But that is not a fault of the navy-yards, which have dealt with the ships we have built heretofore. It is a new condition, made by these monsters that are provided for in this bill.

Mr. TILLMAN. Before the Senator from Maine takes his seat I should like to ask him if he does not feel that the indictment brought by the Senator from Montana, in regard to these two proposed battle ships of 26,000 tons, is not an argument against the navy-yards but against these ships themselves? If we already have as big or bigger battle ships than any other nation in the two we ordered last winter of 21,000 tons, and we can accommodate those in our navy-yards, some 6 or 7 of them, is the fact that we are going to build two bigger than anybody else ever saw or ever dreamed of any indictment against the navy-yards, or is it an indictment against the folly of Congress in ordering these monsters?

Mr. CLAY. Will the Senator let me ask him a question?

Mr. TILLMAN. With pleasure.

Mr. CLAY. The Senator from South Carolina [Mr. TILLMAN] is a member of the Committee on Naval Affairs. The Senator from Maine is chairman of the committee. We were told four years ago on the floor of the Senate that the policy of Congress would be to construct one battle ship every year. I can turn to the RECORD and find where the Senator from Maine made that statement.

The senior member of the minority side of the Chamber on that committee has practically criticised the Committee on Naval Affairs for making a report in favor of two battle ships with a tonnage of 26,000. The chairman of the Committee on Naval Affairs has made a very severe arraignment of the Committee on Naval Affairs in regard to the construction of

these two battle ships. The Senate to a large extent looks to the Committee on Naval Affairs to guide it as to what it ought to do. It is an easy matter to stand here and tell the people of the country that our naval appropriations have grown to $137,000,000 a year, and that we must stop; that our expenditures are exceeding our receipts. But what light does the Committee on Naval Affairs give the Senate in regard to the reduction? To stand here and talk every session of Congress in favor of economy in expenditures, and of stopping these enormous expenditures in the Navy Department, unless we vote to stop them, amounts to nothing.

Mr. HALE. I will tell the Senator——

Mr. CLAY. One minute. If the Committee on Naval Affairs had come into the Senate with a report in favor of the construction of one battle ship it would have shown the sentiment of the committee in favor of a reduction. But it comes here in favor of two battle ships, unheard of in size throughout the entire world, and we are told that there is not a single harbor which they can enter without the expenditure of a large amount of money for dredging.

Mr. HALE. I will tell the Senator. I do not have any great pride in my record. I thought at the time the Senator alludes to that one battle ship a year of the size we were then building—about 17,000 tons, before the English had developed any 26,000-ton ship, but an 18,000-ton ship, the *Dreadnought*—would keep the navy good.

But what happened? The next thing the President and the Navy Department came in with a programme of four enormous battle ships, and told us that no ship would be good if we did not authorize four of over 20,000 tons, about 21,000 tons—that the others would soon be obsolete—and we had to make a fight. I would be glad to cut it down to one ship. But we had almighty hard work in the House and here to keep it down to two battle ships of 20,000 or 21,000 tons. It was the best we could do, and there was an intimation then that hereafter we might be content with two battle ships. It did not suit me. One would have suited me.

But this year, after the declaration by the President and the Navy Department that what we needed were four battle ships of 20,000 or 21,000 tons, they come in with a programme that we need four battle ships of 26,000 tons; and the whole country is convulsed with a fury and a fever in favor of the navy, and the exploits of the navy in navigating the globe, and the reception it met with everywhere. They made the fight in the House, and tried to cut it down; tried to get one ship. Then they tried to defeat the project, and were beaten, and it comes over here.

I do not put the blame on anybody else in the Naval Committee. I reserved the right to vote for smaller ships or any ships, as other members of the committee did. But I take my responsibility, and I am as much accountable as anybody on the committee, for reporting the House programme, because we believed that under the conditions that was a suitable thing for the committee to do—to report the House programme, which had been carried through after a fight in the House, and bring it in for the Senate to consider.

Still, I am in favor of smaller ships, and in the condition of the Treasury I would be glad if we could get along with building one or even none now. But I do not expect we could carry that, and I take the responsibility with the other members.

Mr. CLAY. I misunderstood the committee. I thought the Naval Affairs Committee were unanimous in favor of two battle ships. I did not know that a minority report had been filed.

Mr. HALE. There is no minority report.

Mr. TILLMAN. There is no minority report, but there is a great disagreement of feeling in the matter, if the Senator will permit me, and we reserved the right to vote as we saw fit in the Senate.

Mr. HALE. I think I stated that. I did not want to put the responsibility on anybody else. I was responsible. I thought it was better to report the House programme to the Senate.

Mr. McCREARY. I desire to ask the Senator from Maine a question. The bill reported from the Committee on Naval Affairs does not provide for two battle ships of 26,000 tons, as I understand. It says:

> Not exceeding $6,000,000 each, similar in all essential characteristics to the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

The battle ships provided for in 1908 were 21,000 tons.

Mr. HALE. If the Senator will read the hearings he will find that the reason for putting that language in is that the $6,000,000 provided for hull and machinery is the limitation and will build a 26,000-ton battle ship. That is the limitation. If we built the smaller ones of last year we could take $1,500,000 off of each ship. That is the limitation, and that is where they get the authority.

Mr. McCREARY. I understand that the language "similar in all essential characteristics to the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1908," does not regulate the tonnage.

Mr. HALE. It does not. If they had said "of like size and displacement" that would have ended it.

Mr. McCREARY. There has been so much said about 26,000-ton battle ships that I desired to hear an explanation of it.

Mr. NEWLANDS. Mr. President, while the Senator from Maine has the floor I should like to ask him whether the criticisms regarding the navy-yards do not inovlve also the large expenditures made by different bureaus in the navy-yards, and is it not the claim that they are so organized as to result in very extravagant administration? For instance, I find the one item of Bureau of Ordnance, $11,000,000. I presume that work is mainly done at the navy-yards. The Bureau of Equipment is $9,000,000. I presume that is done at the navy-yards. Then there come the public works, $4,000,000. I do not find any item here relating to the navy-yards themselves, though I imagine there must be some such item in the report of the committee.

Mr. LODGE. The Senator will find it under the heading of "Yards and docks."

Mr. NEWLANDS. That expenditure, I understand, relates simply to the physical expenditures upon the yards and docks themselves and not to the vast sums, aggregating in some instances $11,000,000, that are spent in the course of administration at the yards and docks.

As I understand it, the criticism is that these yards and docks are not so concentrated as to result in a diminution in the administrative expense. We all know that in great corporations the concentration of the plants is regarded as one of the essential things in administration.

Mr. HALE. That is just what the present Secretary has been doing, and we have not had a more able administrator and a better manager of business in the Navy Department in years than the present Secretary. The thing he has done in the navy-yards, for which I have never seen any credit given him in these attacks, is to concentrate all the work in the navy-yards where they have two or three bureaus and duplicate buildings, and all that, which, as I have said, is undoubtedly a fault, not in magnitude, as it has been claimed, but it is a fault. He has cured all that and he is doing it now. He is putting it on the basis this bill provides, which gives him material to work with in concentrating and making a most valuable reform in the administration. I have seen nobody who gives him credit for that.

Mr. NEWLANDS. What I say is not at all in the spirit of criticism, but simply for the purpose of obtaining information. I would call the Senator's attention to the fact, however, that we have here in this bill nearly $40,000,000 for new construction under the item of increase of the navy, and so I assume that the remaining $100,000,000 is for the cost of the administration of the existing navy.

The Senator gives us to understand that he and others in the committee have differed with the majority regarding a good deal of this new construction. It is possible that they may differ with the committee as to the expenses of administration; and of course it is under these two heads that we are to accomplish economy, if economy is to be accomplished.

I ask the Senator whether it would not be advisable for the Senators who object to these extraordinary expenditures both in construction and administration, instead of apparently acquiescing in the will of the majority of the committee, to present to the Senate a minority report, fortified by the facts and the information within easy reach of the able men on that committee?

Mr. ALDRICH. Will the Senator allow me?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. Did the Senator vote for the four battle ships last year?

Mr. NEWLANDS. I did not. I am offering an amendment to strike out all the battle ships from this bill and to substitute for this appropriation of $12,000,000 the construction of auxiliary ships, absolutely needed in the case of war, and without which our navy would be as helpless as the Senator from Maine well said one year ago—

> As a painted ship
> Upon a painted ocean.

I stand for a proportionate navy, not a disproportioned navy. I stand for a modern and a strong and a well-proportioned navy, not a navy so organized as a man would be who had big muscles, a big chest, and a big heart and was without legs or perhaps arms, or as an army would be without a commissary or quartermaster's department.

It is conceded that we have a navy that is absolutely unable to sustain itself in case of war. Our ships would be derelicts in the ocean without auxiliary ships, scouts, colliers, dispatch boats, transports, now almost wholly lacking. When our fleet made its cruise around the world we recall that we were obliged to call upon foreign nations for 27 of the colliers to supply them with coal. The Senator from Maine remarked at the last session of Congress that had war existed the law of neutrality would have prevented our securing those ships, and it was that condition of things which led him to say that our ships in case of war would be like—

A painted ship
Upon a painted ocean.

What I wonder at is that a disproportionate bill is brought in again, notwithstanding the views of the Senator from Maine. I presume that he has been overruled in committee. He uttered at the last session words of warning and of prophecy. I assume that in that committee he has fought for an auxiliary navy, and he has fought to substitute these useful and necessary ships for the fighting ships called for by this bill; that he realizes it is necessary for us to cease the building of fighting ships until we secure the ships that are absolutely essential to support them in case of war.

We have little or no merchant marine in this country. Our protective tariff makes the cost of the construction of our war ships one-fourth more than anywhere else in the world. The high wages of this country make the cost of administration of these ships one-third more. Therefore in international transportation we are absolutely helpless against the competition of the world. The only suggestion is that we should create a merchant marine by large subsidies, and there is great opposition to building up a shipowning interest favored and subsidized by Congress, which will add its importunities to the other interests in this country, which claim that they have a property right in the favoritism of the Government.

I have been calling attention to this badly proportioned, this unsymmetrical, navy for three or four years. The Senator from Maine one year ago came to my rescue, and as the result of his intervention an appropriation was put in the naval appropriation bill of about $3,000,000 for three colliers.

I denounced it then as a lame and impotent conclusion. I was aware that the Senator from Maine must have had a hard struggle in this committee and that he was overruled by the judgment of the committee. My sympathy was with him then and my sympathy is with him now, when he brings into the Senate a bill making an appropriation, not as of last year for three colliers, but an appropriation for one collier and $12,000,000 for battle ships, to which $12,000,000 more will be added, I believe, for the cost of armor and armament, and only $900,000 for one ship of that auxiliary navy, which the Senator from Maine declared one year ago was absolutely essential to support our navy in case of war, so essential that he declared that no more fighting ships ought to be built until this want was filled.

Now, we have these two elements of construction and administration. I believe that $100,000,000 ought to cover every expenditure both of administration and of construction; and I believe that if we should pursue businesslike methods—the methods that are pursued by the corporations, by the great trusts, by the combinations of the country regarding their affairs—we would have better results.

I would have the Congress of the United States declare that hereafter the expenditures for the navy should be limited to $100,000,000. I would give the power to the President of the United States to organize a board or commission that would keep the expenditures within $100,000,000. I would give such a commission a comparatively free hand. I would put upon it great naval officers. I would put upon it the great constructors of the country, such men as Mr. Gary, of the steel trust, and such men as James J. Hill, of the Great Northern. I would put the big constructive talent of the country upon such a commission, and we would have results.

Congress is not a business body. I make no imputation upon it when I so declare. It is not organized for business purposes. It should lay down the general rules under which the great constructive works should be carried on; and the only way to carry them on is to give the Executive large power, holding the Executive to a strict responsibility for the exercise of that power, and limiting the expenditures within certain lines without too much detail, so as to absolutely control and limit the total expenditure without crippling efficient management and administration as to detail. It is this large power that we gave the President in the construction of the Panama Canal. It is this large power that we gave the Secretary of the Interior in the reclamation works. As a result we accomplished speedy, economical, effective work.

If we would only apply these businesslike methods to the navy of the country and limit the appropriations for construction and administration to $100,000,000, giving the Executive, with the aid of experts organized as a board or a commission or a committee, the full power to act within various subdivisions of the appropriation, we should find that affairs would be conducted in a businesslike way and with the celerity and the dispatch, the certainty and the economy with which affairs are conducted by the great corporations of the country.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. I simply want to ask the Senator from Nevada, should we enter upon that field of legislation, if he does not think it would be well immediately thereafter to amend the Constitution by abolishing the Senate and House of Representatives?

Mr. NEWLANDS. I do not. I think we would have a very much more efficient Congress than we now have without changing at all its membership. I think we would have results that would be more satisfactory to the country than we have now.

Mr. BACON. I will say, Mr. President——

Mr. NEWLANDS. I hope to see Congress rid itself of the attempt to do executive business, and I want it to place the executive power of the Nation in some one man or organization and hold it to strict responsibility.

Mr. BACON. With the permission of the Senator, I should like to say if the estimate in which the Senator evidently holds Congress is a true one, certainly something ought to be done to make it a stronger body than it is now.

Mr. TILLMAN. Will the Senator allow me?

Mr. NEWLANDS. Mr. President, this involves no imputation upon Congress—none whatever.

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. NEWLANDS. Certainly.

Mr. TILLMAN. I wish to suggest to the Senator from Nevada that there are just two things that I think he ought to try to accomplish before he does this. One is to have an emperor who will give orders and which a servile House and Senate will obey, and the other is that the California legislature shall be forbidden to sit while Congress is considering the naval appropriation bill.

Mr. NEWLANDS. Mr. President, the Senator entirely misapprehends me, as to the power that I would give the Executive. Congress has the control over the purse strings. I would not abate that control one inch. Congress has the power to inaugurate every national enterprise, and without its inauguration no enterprise can be conducted. The executive department of the Government is absolutely powerless save when exercising its constitutional powers or under the authority of an act of Congress. I would not have Congress act in the unbusinesslike manner presented by this bill and the report accompanying it, a report of only three pages, to enlighten us regarding the proposed expenditure of $137,000,000, with the knowledge imparted to us for the first time upon this floor that the committee itself, which, if this body is a business body, constitutes the board of directors, was divided, and yet nothing whatever shown in the report that such a division of sentiment existed.

We are entitled in the Senate and the country is entitled to the judgment of the minority members of the committee, if it be adverse to the recommendations and judgment of the majority. The fault in this whole procedure is that the committee does not limit the entire expenditures of the navy to a fixed sum, say, $100,000,000, and compel the executive department to square its demands and its estimates with such limitation, defining generally the sphere of action of the executive department, and holding it to a rigid responsibility for good work. If we will only do that we will have a Congress that will do its duty to itself and its duty to the country. As it is, these overwhelming expenditures have been increasing year after year. I refer to the report in 1888. Fourteen million dollars was the total expenditure. In 1908 the total expenditure was $129,000,000, and now these advances for 1909 come. If Congress is satisfied with these results, all well, but if these results are the subject of criticism upon the part of Congress, I submit it is time to change the methods under which Congress acts.

Mr. LODGE. Mr. President, I do not care to discuss now the somewhat large question of the increase of the navy, which comes at a later period in the bill, but I wanted to say a single word in regard to the question which is before the Senate relating to the matter of navy-yards.

The navy-yards, Mr. President, have been in existence since practically we had a navy. The Portsmouth Navy-Yard was established in 1800, the Boston Navy-Yard in 1801, and the Washington Navy-Yard at the same time. The purpose of those yards when they were established was the construction of ships of war, but the purpose of the navy-yard in modern times is somewhat altered. We should be in a very unfortunate position if we did not have navy-yards. We should be absolutely at the mercy of the contractors. It is the existence of the navy-yards that enables us to get reasonable contracts for building ships. There is no doubt that the ships can be built more rapidly and more cheaply at private yards than in navy-yards, but the navy-yards are essential for repairs, and that is a large work in a modern navy.

Here, Mr. President, we have these great investments at different points. It is not merely the depth of water that is needed, or the frontage at the navy-yard, but it is essential also to be in the neighborhood of a population from which large bodies of labor can be quickly drawn, because there is a great rush of work in a navy-yard at a given time, and then there is a period, when the repairs are completed on the ships, of great slackness. It is therefore necessary to have a large labor market within easy reach of the navy-yard.

I wanted as an illustration merely to put in a certain memorandum in regard to the Boston yard about which I happen to know most. It is one of the oldest yards in the country. It is situated on the harbor of the second port in the country. It has a depth of water in its controlling channels leading to the navy-yard sufficient to float the largest ships now afloat, and those channels are being deepened under the projects adopted by Congress. It is in the neighborhood of a large labor market.

Now, as to the enormous expenditures, the Boston Navy-Yard is a fair illustration. During the period from 1883 to 1886 there were no appropriations. The yard was one of the closed yards. From 1887 to 1897, inclusive, there was $345,000 spent on the yard. From 1898 to 1908, inclusive, there was spent $5,424,000. That is the period, of course, of the upbuilding of the navy. From 1883 to 1908 the total amount spent on the yard was $5,570,000.

Mr. DIXON. Mr. President, in perfect fairness, I want to say in frankness, I am not making these criticisms except to find out the truth. The amount appropriated for the maintenance of the navy-yards, for the cost of construction and repairs, as a matter of business, does not represent one-half of the real cost of maintaining the navy-yard at Boston, does it?

Mr. LODGE. The figures I give represent the expenditures on public works and the cost of the maintenance of the yard. They do not represent the cost of the ordnance made. They do not represent the cost of the ships built or repaired. Of course that work must be done somewhere. We make all our guns here in Washington, for instance. If that work is not done in the Washington Navy-Yard it must be done somewhere else.

Mr. DIXON. Will the Senator from Massachusetts pardon me? I feel deeply about this matter. As a matter of fact, the maintenance of all the navy-yards we now maintain costs the Government, does it not, three or four times what the cost would be if there were two or three big yards? The plants and machinery and equipment and captains and admirals and all the men would not then have to be duplicated as they are in the eight or nine places up and down the Atlantic coast at this time. Is not that largely the trouble with the cost of maintaining the navy at this time? Now, if it will not break right into the middle of the Senator's remarks——

Mr. LODGE. Not the least.

Mr. DIXON. If the article I referred to a while ago did not have some personal allusions I would ask to have it put in the RECORD.

Mr. TILLMAN. I think I am in it. I should like to have you put it in.

Mr. LODGE. I do not know whether I am in it or not, but I have not the slightest objection.

Mr. TILLMAN. Let muck-raking go on here as it goes on outside.

Mr. GALLINGER. I ask the Senator what is the magazine?

Mr. DIXON. It is the February number of McClure's. I am told on good authority several months' work was put on the preparation of the figures. It is entitled "Our navy on the land," by George Kibbe Turner, in the February number of McClure's.

Mr. GALLINGER. There was a previous article in a New York magazine that was the most untruthful and slanderous that ever was printed. It dealt with all the navy-yards and with those Senators who happened to represent States that have navy-yards. I did not know but it was the article referred to.

Mr. DIXON. Oh, no; it is in McClure's for February.

Mr. TILLMAN. I wish to suggest to the Senator from Montana——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I yielded to the Senator from Montana to ask a question, and was very glad to do it, but I should like to finish my speech before we go into a general debate.

Mr. DIXON. All right; the Senator will please excuse me.

Mr. LODGE. If the Senator had not concluded his question, I yield to him further.

Mr. DIXON. As a sample, the writer, in speaking of two or three navy-yards, the cost of maintenance is compared with the cost of work turned out. I picked it up at random, and I notice the first is the one at New Orleans. The writer says:

> New Orleans, for example, was so unfortunate as to secure but $1,040.01 worth of work in the naval year of 1907. The cost of maintaining this station during that year was $97,178.49, while $308,332.35 more was expended, with rare optimism, on improvements. There were $41,644.37 worth of naval officers and enlisted men stationed about this establishment during that uneventful year, while $20,000 worth of marines guarded it day and night.

That is the item I wanted to call to the attention of the Senator from Massachusetts. It is not the amount appropriated for maintenance and repairs, but it is the side issues that are largely in excess.

Mr. LODGE. I suppose I understand the Senator's question. The figures that I read relate to what may be called public works, the appropriation for which comes under the heading of "Yards and docks"—that is, the maintenance, the upkeep of the yards, and the addition of new buildings. For example, in the Boston yard they had a stone dock too small for modern ships. They built another capable of docking any modern ship. That, of course, was a very large expenditure.

As to the civil establishment—and I suppose that is what the Senator refers to—the cost for ten years amounts to $95,904. That is something over $9,000 a year. The civil establishment at New Orleans, to which the Senator has referred, has cost a little over $2,000 a year—under $3,000 a year. That civil establishment includes the clerks and watchmen employed in the yard. It is a very small item, so small that I did not include it, because what I was discussing was the way the expenditures were classified each year under yards and docks, and the expenditure on the Boston yard, which I was taking as an illustration, has been $5,770,000.

Mr. President, as to the gain of concentration, you must have your navy-yards at great ports with deep water, where there are improved and deep channels, and you must have them within the vicinity, at least, of a labor market. We have a great sum invested in certain yards. I have here a statement of the present value of the Boston yard. The selling value of the real estate alone of that yard at this moment—it is right in the city—is $8,583,000, and the buildings, plants, docks, and establishments are worth $10,000,000 more. Those great plants and all of that valuable real estate could not possibly be duplicated.

You can not concentrate the work of the navy at New York. The cost of the amount of land you would have to buy there would be almost prohibitive. Besides, Mr. President, nothing could be more unfortunate for a country than to have all the repair shops for its fleet at one point. Should the enemy blockade that port you could not repair your fleet.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly.

Mr. DIXON. Does the Senator from Massachusetts believe it to be good business policy for this Nation to maintain a navy-yard at Boston, equipped, as he says it is—and it doubtless is so equipped—and to duplicate that same machinery equipment and work only 65 miles distant, at Portsmouth?

Mr. LODGE. I think, Mr. President, under existing circumstances it is good business policy. If we were starting de novo and going to equip ourselves with navy-yards for the first time, I suppose we might distribute them somewhat differently. But we have great ports with the necessary conditions for navy-yards. I think, on the whole, they have been wisely distributed. You have at Portsmouth a greater depth of water, I think, than is found at any other naval establishment except at Puget Sound. You are within easy reach of a large labor market, not in Portsmouth itself, but within easy reach—the great labor market of Boston, where there are 1,200,000 people in the metropolitan district. Then there are the navy-yards at Boston, New York, League Island—another great manufacturing center—Norfolk, and one at Charleston, which is now in process of upbuilding. I am not familiar enough with it to say how

far the work has progressed, but there is a fine harbor there and an increasing depth of water.

I think, Mr. President, that all of those yards are needed, and that to throw them away would be a simple waste of money. In obtaining new accommodations you would have to spend a great deal more money than these yards have cost, for all the land in the neighborhood of navy-yards is of very high value.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I do.

Mr. NELSON. If the Senator from Massachusetts will allow me, I will say there is one question that has not been cleared up in this discussion. I desire to know of the Senator from Massachusetts whether the Boston Navy-Yard has a dry dock?

Mr. LODGE. It has two dry docks.

Mr. NELSON. That can dry dock one of the largest battle ships?

Mr. LODGE. It has two dry docks.

Mr. NELSON. Has the Portsmouth Navy-Yard a dry dock?

Mr. LODGE. It has one of the largest in the world.

Mr. NELSON. That can dock one of the biggest battle ships?

Mr. LODGE. It can.

Mr. NELSON. How many naval stations are there where a battle ship can be dry docked, and at what points are they?

Mr. LODGE. Portsmouth and Boston each have one capable of docking the most modern and the largest ships. New York, I think, has two—one a wooden dry dock.

Mr. GALLINGER. Four in all; two modern ones.

Mr. LODGE. Four in all; two modern ones.

Mr. NELSON. I mean capable of dry docking one of the biggest battle ships.

Mr. LODGE. There is one at Norfolk.

Mr. TILLMAN. And one at Charleston. We have one at Charleston that will dock the largest ship you people will give us, and repair it, too.

Mr. LODGE. I was going to say one at Charleston and one at League Island.

Mr. NELSON. I do not mean those docks where you have deep water, where a vessel can steam up alongside the wharf, have coal and supplies put on and repairs made while in the water. I mean dry docks that can take ships out of the water.

Mr. LODGE. Certainly. I understood the Senator. They are large stone dry docks, capable of docking the largest ships.

Mr. PERKINS. I want to put into the RECORD that on the Pacific coast we have a dry dock with 30 feet of water on the sill, and at San Francisco it is the same way.

Mr. LODGE. I will say to the Senator that nobody is assailing the Pacific coast. All admit that we have not enough yards there.

As the Senator from Minnesota [Mr. NELSON] asks that I give a list of these yards, I will give it at once.

Portsmouth has a new modern dock, 750 feet; Boston has two, a small one and a modern one, 750 feet; New York has one of wood, 668 feet, and one granite, 585 feet. League Island has one, 754 feet—one of the most modern and one of the largest; Norfolk has one of granite, 550 feet; Charleston has one of stone and concrete, 575 feet. The largest docks are those at League Island, Portsmouth, and Boston. Mare Island has one, 752 feet, and Puget Sound has one of stone and concrete.

Mr. PERKINS. There are two docks at Mare Island.

Mr. LODGE. Yes. I do not want anyone to suppose that I suggested that the Senator from California had neglected Mare Island. [Laughter.]

Mr. NELSON. What is the length of a 26,000-ton battle ship?

Mr. PERKINS. About 550 feet.

Mr. NELSON. Can they get into the present dry docks with these new ships?

Mr. LODGE. Yes; every one of them.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I do.

Mr. DIXON. I understood the chairman of the committee to say that only two of these naval stations would admit the great battle ships which we propose to build under this bill.

Mr. LODGE. The Senator is speaking now of the depth of water?

Mr. DIXON. Yes; and I should like to ask the Senator from Massachusetts——

Mr. LODGE. I think the depths are, if the Senator will allow me——

Mr. DIXON. I think the chairman of the Naval Committee made that statement, as I understood, a while ago. Speaking of these dry docks, can a battle ship get into the dock at New Orleans up the river?

Mr. LODGE. There is a dry dock at New Orleans.

Mr. DIXON. I will ask the Senator from Louisiana [Mr. MCENERY] to make a statement on that point.

Mr. MCENERY. Mr. President, I will answer that question by stating that the trouble is that the Navy Department is following a policy to starve all the other navy-yards, if possible, in order eventually to have them abolished, with the exception of Norfolk and New York. They have made war on the naval station at New Orleans almost from its establishment. That station is equipped for repairing battle ships of the United States Navy. It is prepared to make plates for them, place them, and repair every part of the machinery. It has a channel that will carry any battle ship there at the present time of the tonnage of the *Louisiana*, which has visited that port and gone through it without any difficulty, and in a short time a 35-foot channel will be permanent. It has a dock capable now of docking any battle ship up to the displacement of the *Connecticut*. It has a dry dock there which, with a little improvement by simply putting in a section, a telescope, will be able to dock any ship that is now being built by the Government, or any which possibly may be built within the next fifteen or twenty years.

If the Senator from Massachusetts will permit me, I will merely make one other statement. I state that the article which has been read by the Senator is full of misstatements from beginning to end. There is hardly any truth in it, or just enough to make the article plausible. The Senator says he understood the writer took months in preparing it. I have no doubt of it. It was never prepared where it was published, but was evidently prepared here by officers connected with the Navy Department, and in pursuance of the policy of the department to abolish these navy-yards and build up a great station at Guantanamo—apparently that is their object—on the ground that that is a strategic point, though it is not nearly as much so as the naval station at New Orleans, which was selected by one of the ablest officers in the navy, then Captain, afterward Admiral, Bunce, who visited all the gulf ports under an act of Congress authorizing the selection of a station in the Gulf. Certainly there was no officer in the navy who was more capable of selecting a station both for its safety and its strategic value with reference to fleets in the Gulf.

What is the use of building up a great station in Cuba? To protect the Isthmus of Panama? I say that we might be at war with every nation in Europe, and not one of them would ever attempt to destroy the Isthmian Canal, for the simple reason that we are building it for them and not for ourselves. We have not got a ship to send through it, and Congress somehow has not had the wisdom to build up a merchant marine that would necessitate our building fortifications in order to protect the Isthmus.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I do, with pleasure.

Mr. CUMMINS. Speaking of the Portsmouth Navy-Yard, I have been informed that a battle ship could not enter the dock save at the turn of the tide and that it must make the passage in ten minutes. Is that true?

Mr. LODGE. I will allow the Senator from New Hampshire to answer that.

Mr. CUMMINS. And that no battle ship ever did enter the dock except at that time?

Mr. GALLINGER. That was true until a recent improvement was made in the channel. I will say to the Senator that not many weeks ago the new battle ship *Maine* steamed up to the Portsmouth Navy-Yard under her own steam, without the aid of tugs, and went out in the same way. There is no difficulty with the Portsmouth Navy-Yard. It has a very wide channel.

Mr. CUMMINS. Did it enter while the tide was running either way?

Mr. GALLINGER. Unquestionably.

Mr. CUMMINS. That is the question I asked.

Mr. GALLINGER. Let me tell the Senator what the depth of water there is.

Mr. CUMMINS. I know the water is abundantly deep, but the tide is tremendously strong, is it not?

Mr. GALLINGER. The tide is strong, but there is no difficulty now. The channel is wide enough for any ship to go up to the Portsmouth Navy-Yard under her own steam without any difficulty whatever.

Mr. CUMMINS. And at any time of the day?

Mr. GALLINGER. At any time of the day.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly.

Mr. LA FOLLETTE. In order to clear up the matter further, I wish to ask one more question of the Senator from New Hampshire, if I have the permission of the Senator from Massachusetts.

Mr. LODGE. Certainly.

Mr. LA FOLLETTE. And the consent of the Senator from New Hampshire.

Mr. GALLINGER. Proceed.

Mr. LA FOLLETTE. This is the question: Whether it is possible for a vessel such as the *Maine* or any other battle ship to go into the Portsmouth Navy-Yard with the tide running in, and whether a battle ship going in with the tide will obey her helm?

Mr. GALLINGER. I think there is no difficulty whatever. Nobody else has discovered that trouble.

Mr. LA FOLLETTE. Let me ask the Senator if he has personal knowledge upon this subject which enables him to say that any vessel ever docked there excepting at slack water, between the tides?

Mr. GALLINGER. I think I can definitely say that that has been done; but even if it were so that a vessel could not dock except between tides, I suppose it would not be a public calamity for a vessel to wait a little while to go into a navy-yard.

Mr. LA FOLLETTE. That is a matter, perhaps, to be argued out with more fullness in this connection.

Mr. GALLINGER. She would not have to wait outside over six hours. She would get in in due time. I have never heard the suggestion made that there was any trouble at any time for a vessel to go into the Portsmouth Navy-Yard. The *Chester* went in and went out; and she is a very large ship.

Mr. LA FOLLETTE. I will ask if the attention of the Senator from New Hampshire has ever been directed to this particular point, that a vessel can not go in with the tide because she can not obey her helm, and that she can not go in against the tide because of the narrowness of the channel and the danger due to the swirls and whirlpools that prevail there?

Mr. GALLINGER. The channel is a thousand feet wide, I think, where a vessel would go in.

Mr. LA FOLLETTE. Let me ask the Senator from New Hampshire if the channel between the rocks is to exceed 300 feet in width?

Mr. GALLINGER. Certainly; it is nearly a thousand feet. We recently removed rocks to a width of more than 300 feet.

Mr. LA FOLLETTE. At what cost was that?

Mr. GALLINGER. At a cost of about $700,000.

Mr. LA FOLLETTE. What rock was that?

Mr. GALLINGER. That was Hendersons Point. In the old charts it is put down as "Pull-and-be-Damned Point."

Mr. LA FOLLETTE. Yes; or sometimes called "Profanity Point," I believe.

Mr. GALLINGER. The Senator will find the name I have mentioned on the chart. I would not have mentioned it if it was not printed on the old charts.

Mr. LA FOLLETTE. In applying the scale to the topographic chart of Portsmouth, it seemed to me that the passage did not exceed 100 yards as it now exists since the blasting at the point to which the Senator has directed attention.

Mr. GALLINGER. The difficulty is that the Senator is misinformed. The fact is that ships have gone there and have gone out, and there has been no trouble. Now, what is the good of arguing it? The *Chester* went in, and she is a very large ship, and she went out under her own steam. The battle ship *Maine* went in and went out under her own steam.

Mr. LA FOLLETTE. The battle ship *Maine* is the only battle ship that ever went in, is it not?

Mr. GALLINGER. It is the only one we have had occasion to take in. We will take in the *New Hampshire* after a little while.

Mr. LA FOLLETTE. I understand that an order has been made to take in the *New Hampshire* and to take in the *Wisconsin*.

Mr. GALLINGER. Yes; the Navy Department, after investigating the matter thoroughly and after having soundings made, has made Portsmouth the home port of three battle ships—the *Maine*, the *New Hampshire*, and the *Wisconsin*. The department can not be misinformed as to the situation there.

Mr. LA FOLLETTE. What does the Senator mean by "home port?"

Mr. GALLINGER. It is the home port for vessels needing repairs—these three battleships.

Mr. LA FOLLETTE. Of course, it would not be possible to dock more than one of these vessels at one time?

Mr. GALLINGER. Not more than one at the same time. That is all.

Mr. LA FOLLETTE. And if it be true—just assuming that it possibly is true—that a vessel can only go in at slack water, then a vessel might have to wait six hours before it could be taken in there at all?

Mr. GALLINGER. Yes; it might have to wait six hours.

Mr. HALE. All three of these ships could go in abreast. The Senator from Wisconsin is all wrong about this harbor. Somebody has misinformed him. He has got a lot of figures that some naval officer has given him, but these three ships could go in abreast. It is a wonderful harbor, one of the finest in all the United States.

Mr. LA FOLLETTE. I understand, Mr. President, that it is a channel where there is a great depth of water.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. If I have the floor, I do.

Mr. LODGE. I think I have the floor.

Mr. LA FOLLETTE. Then I ask the Senator from Washington to wait a moment.

Mr. LODGE. I do not want to be forgotten.

Mr. PILES. I just want to correct an error; that is all.

Mr. LODGE. I stated that the harbor at Puget Sound was deeper.

Mr. PILES. I want simply to correct a statement that has been made. It has been stated by some Senator on the floor that the largest vessel contemplated could not make an entrance to Puget Sound without dredging. I want to say that the entrance to the Puget Sound Navy-Yard has 42 feet at mean low tide and 55½ feet at mean high tide; so that the statement was an error, and whoever made the statement was wrong. The greatest naval vessels of the United States can put their noses, so to speak, right into the dry dock at Puget Sound Navy-Yard; and in place of going in three abreast, they can go in something like ten abreast, and the fleets of the world can lie at anchor in the bay off Puget Sound Navy-Yard.

Mr. LODGE. I hope the Senator from Washington will do me the justice to remember that when I referred to the Portsmouth Navy-Yard, I stated that it had the deepest water, with the exception of Puget Sound. I was careful to say that.

Mr. PILES. I understood the Senator to say that.

Mr. GALLINGER. And we have at Portsmouth almost as much water as there is at Puget Sound, but not quite as much.

Mr. HALE. We have got some very good navy-yards.

Mr. LA FOLLETTE. I inquire who has the floor, Mr. President?

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. LODGE] has the floor. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. I will yield to the Senator from Wisconsin if he desires to ask any further questions.

Mr. LA FOLLETTE. Since some attention has been directed to Portsmouth, and any question that seems to be raised here with respect to the perfection of that harbor provokes great levity in the Chamber, I want to ask the Senator from New Hampshire or the Senator from Maine if it is not a fact that Admiral Goodrich recommended within the last three months that Portsmouth be abandoned altogether as a harbor, and that no further expenditures be made upon it?

Mr. GALLINGER. I believe Admiral Goodrich did make that absurd recommendation, with several other absurd recommendations.

Mr. LA FOLLETTE. The question of the absurdity of that recommendation may be one to thrash out more completely here than can be done in the closing hour of this legislative session. I was simply seeking to know whether it would be admitted by either of the Senators who are especially concerned in this harbor that any authority could be found on earth questioning the ampleness of the harbor and its being the choicest selection in the whole country. Now, while we are upon that subject——

Mr. LODGE. Now, Mr. President, if the Senator is through with his questions, if he will allow me to proceed, I shall be through in a few moments and will yield the floor to him.

Mr. LA FOLLETTE. Very well.

Mr. LODGE. At different times there have been recommendations for abandoning many of the navy-yards. I remember that an eminent Secretary of the Navy from the State of New Hampshire thought it would be wise to close the Boston yard and leave the Portsmouth yard open. I differed with him in that view at the time; but I find that the General Board of the Navy has made the following comments concerning the navy-yard at Boston, showing how easy it is to be mistaken as to the advisability of closing such a yard. It says:

* * * To utilize the present capacity of the navy-yards at * * * Boston for repairs, but that large facilities, in addition to present equipment * * * is not urgent.

The general board also believes it to be good general policy to utilize so far as possible the docking facilities at Portsmouth, Boston, New York, Philadelphia, and Puget Sound, as well as the docks at Norfolk and San Francisco when completed.

* * * For lack of water-front space at any one yard it has been found necessary, and probably will always be necessary, to divide the fleets into groups, if all the ships of the fleet are to repair at the same time, assigning a group to each of the yards at Portsmouth, N. H., Boston, New York, Philadelphia, and Norfolk on the Atlantic coast, and Puget Sound and Mare Island on the Pacific, as home ports for repairs and docking, a plan which has worked well in the past two years when the demands have been by no means light.

That is the report of the general board.

Now, all these yards of which I have been speaking, beginning at Portsmouth and running down the coast, have the necessary water. They have great harbors that must be improved for commercial purposes. They are admitting now to the harbors in Boston and New York certainly vessels of the merchant marine of larger tonnage than the vessels proposed in this bill. The *Lusitania* and the *Mauretania*, of the Cunard Line, are 32,000 tons gross. The White Star Line is building two new ships which are to be of 40,000 tons. They expect to get them into the harbor of New York, where the controlling depth to the sea is less than it is at Boston, and very much less than it is at Portsmouth.

It is therefore absurd to suggest that there is not water enough for the utilization of all these yards. We have none too many docks, and that will be demonstrated on the return of the fleet. The figures exhibited by the Senator from Maine, which are, I confess, entirely new to me, contrasting the expense of our yards with those of Great Britain—and Great Britain builds her ships under contract, as we do—I think show that the navy-yards of the United States have not been extravagantly managed, but, on the contrary, have been very economically managed. They are absolutely necessary for the repairs of the navy and to enable us to keep contractors within bounds.

I ask leave to print as a part of my remarks certain memoranda in regard to Boston.

The VICE-PRESIDENT. Without objection, permission is granted.

MEMORANDUM IN RELATION TO THE NAVY-YARD, BOSTON, MASS.

The site now occupied by the Boston Navy-Yard was ceded to the United States by the State of Massachusetts in 1800, the original cession including an area of 65 acres, and the acreage was subsequently increased by purchase of additional territory. Among the principal vessels built there in former years were the following:

Independence, launched June 22, 1814.
Cyane, launched December 2, 1837.
Bainbridge, launched April 26, 1842.
Cumberland, launched May 24, 1842.
Plymouth, launched October 11, 1843.
Vermont, launched September 14, 1848.
Princeton, launched October 29, 1851.
Merrimac, launched June 14, 1855.
Narragansett, launched February 15, 1859.
Wachusett, launched October 10, 1861.
Housatonic, launched November 20, 1861.
Monadnock, launched March 23, 1864.
Guerriere, launched September 9, 1865.
Worcester, launched August 15, 1867.
Vandalia, launched October 23, 1874.

The *Constitution* was built at the shipyard of Samuel Hart, in Boston, the keel being laid in November, 1794.

Among the vessels also laid down at Boston, but not finished, were the original *Virginia*, *Connecticut*, *Oregon*, and the *Pennsylvania*. The keels of the last three were laid during the civil war, but the vessels were never completed.

In recent years the U. S. S. *Cumberland*, a steel sailing vessel, resembling in many respects the original *Cumberland* of civil-war fame, was built at the navy-yard, Boston.

The Boston Navy-Yard is located in the midst of a large manufacturing district and close to complete labor and material markets. It has good water approaches and needs no further protection than that given the city of Boston. It is in many respects the best location for a navy-yard east of New York. The importance of this yard from the early days is shown by comments of the various Secretaries of the Navy.

In 1876, it appears from the report of the Secretary of the Navy of that year, that by special direction of Congress a board of commissioned officers had been appointed "to examine fully and determine whether any of the navy-yards could be dispensed with," etc.

In the Secretary's report for the year 1877, and referring to the Boston Navy-Yard, appears the expression, "This yard is a very important one."

In 1878 the Secretary said: "It has every facility for the construction and repair of vessels," and so forth; and in 1879, "The great importance of this yard renders it necessary that it should be always kept in good condition."

Congress, in the act of August 5, 1882, directed the Secretary of the Navy to appoint a commission to consider and report "Whether it is advisable to sell any of the navy-yards, and if so, which; and report, also, certain facts and opinions bearing upon the question of sale or retention." This same year the Secretary of the Navy, in recommending a decrease in the number of navy-yards at that time, said: "No advocate of a stronger and better navy urges the construction of many ships or the maintenance of a large fleet."

The Secretary's report for 1883 refers to the report of the Navy-Yard Commission, appointed in accordance with the instructions of Congress, and consisting of Commodore S. B. Luce, Chief Engineer C. H. Loring, and A. B. Mullett, esq., civilian member. This commission made certain recommendations relative to navy-yard organization and closing certain yards, but did not agree as to the Boston yard, the Secretary stating in reference to the report of this commission: "Two think that it should not be used as a construction and repair yard in time of peace, but all agree that the woodwork and sail-maker shops should be continued in operation, and that the yard should not be sold, but kept for use in time of war." The Secretary, in the same report, says, "Of the little more than 30 vessels in commission, only 5 or 6 have required repairs at any one time," and so forth.

By orders of the Secretary this yard was then used as an equipment yard.

The various reports of the Chief of the Bureau of Yards and Docks during this period set forth the general deterioration of the buildings and appliances of the yard.

Later, in 1889, the Secretary of the Navy said: "The only stations now in use as construction yards are Brooklyn, Norfolk, Mare Island, and Portsmouth. The other yards were closed, as far as construction and repair was concerned, by order of the Secretary, June 23, 1883, under the provisions of the act of August 5, 1882."

The Secretary also stated that the Boston yard was "capacious, well located, with building slips, dry docks, etc., harbor a fine one, with deep water," and that the surrounding population afforded an ample supply of good mechanics.

In 1900 the Secretary of the Navy in his annual report says, referring to navy-yards: "The demands upon these yards have largely increased, and in some instances have reached the limit of the capacity of the existing plants. The efficiency of ships afloat must necessarily be dependent, in large measure, upon the promptness and thoroughness with which defects, due to wear and tear, deterioration, or latent imperfections, are remedied, and it is accordingly important that facilities for executing at the several manufacturing yards work required by ships in commission should be made adequate to the increasing demands of the service."

In recent years Boston has again been made a construction and repairing station, in addition to its equipment features, and is possessed of two dry docks, fine piers, good water frontage and approaches, and is well located as regards labor and material markets. Several of the other large navy-yards are so situated that large extensions are impracticable; and it would also be impracticable to extend such yards to such an extent as to accommodate all the repair work of the fleet in time of war. Therefore the only practicable means of having sufficient repairing plants to maintain the fleet under war conditions or in preparation for war is by retaining and developing those navy-yards which are suitably located.

Referring to the Boston Navy-Yard, the Secretary of the Navy in 1877 stated as follows: "So much money has already been expended for this yard, and so essential is it for the maintenance of the navy, that it would be bad economy to permit it to go into decay and the large amount of property accumulated in it to be wasted." The value of the Boston yard has greatly increased since 1877.

The value of the total plant at Boston at the end of the fiscal year 1907, including land, buildings, docks, chattels, and machinery, was $18,863,110.37, made up of—

Realty	$8,583,000.00
Buildings, plant appliances, machinery, power plants, yard improvements, wharves, etc	8,207,393.18
Dry docks	2,072,717.19

In addition to the allotted portions of the routine annual appropriations, such as "General maintenance," "Repair and

preservation," and so forth, the following special appropriations have been made for the Boston Navy-Yard since 1883, the year it became temporarily what was then known as a "closed yard:"

1883 to 1886, inclusive: No special appropriation.	
1887 to 1897, inclusive:	
Wharves, piers, etc	$45,000
Dry-dock alterations, repairs, etc	95,500
General yard improvements—walls, culverts, telephones, water-closets, gates, paving, sewers, fire system, water piping, etc	37,000
Buildings	33,110
Improvement of plant, appliances, tools, machinery, etc	114,000
Electric-lighting plant	21,000
Total	345,610
1898 to 1908, inclusive:	
Wharves, piers, etc	250,000
Dry-dock alterations, repairs, etc	41,500
Dry dock, new	1,100,000
General yard improvements—culverts, water-closets, telephones, gates, roads, paving, sewers, fire system, water piping, etc	690,850
Buildings	1,661,000
Improvements of plant, appliances, tools, machinery, etc	942,570
Coal plant	165,000
Dredging	75,000
Power plant, electric plant, heating plant, underground conduit, etc	498,800
Total	5,424,720
Total 1883 to 1908	5,770,330

Mr. GALLINGER. Mr. President, a few days ago I had printed a chart compiled from data of the United States Coast and Geodetic Survey and the Hydrographic Office, showing the depth of water at high and low tide in front of the several navy-yards of the country. I wish to insert it in the RECORD so that Senators can see that there are not only two yards where these large ships can go in without any difficulty, but that there are six or seven harbors where they can enter without any difficulty.

The VICE-PRESIDENT. Without objection, permission is granted.

The table referred to is as follows:

Name.	Established.	Water at yard.	
		High water.	Mean low water.
		Feet.	*Feet.*
Boston	1801	22.1 to 39.6	12.5 to 30
Portsmouth	1800	33.6 to 57.6	25 to 49
New York	1801	26.4 to 34.4	22 to 30
League Island	1868	27.1 to 39.1	21 to 33
Washington	1800	21 to 23	18 to 20
Norfolk	1801	29.7 to 37.7	27 to 35
Charleston	1901	24.1 to 35.1	19 to 30
Pensacola	1826	16.3 to 42.3	15 to 41
Mare Island	1854	28.1 to 36.1, M. H. H. W.	22 to 30, M. of selected L. L. W.
Puget Sound	1891	37.6 to 61.6	24 to 48, Harmonic tide plane.

Mr. GALLINGER. In addition to that, so that Senators who seem to be particularly gunning for Portsmouth may have information, I ask to have inserted some data concerning the Portsmouth yard, which are very brief.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

SOME FACTS ABOUT THE PORTSMOUTH NAVY-YARD.

1. No bar at the harbor entrance.

2. A channel 500 to 700 feet wide at the narrowest points, and 1,000 feet and upward at other places, 35 feet deep at low water, direct to the yard and dry dock.

3. Thirty minutes to forty-five minutes slack water at turn of each tide, allowing ample time to steam the 1½ to 2 miles from lower harbor to berths at yard, if slack-water navigation is preferred.

4. Harbor and channel never obstructed by ice. A short distance only from the sea.

5. Harbor well protected by fortifications.

6. A new granite dry dock that will accommodate any battle ship in the navy, and buildings, plant, and equipment ready for any work on the fleet.

7. The battle ship *Maine* came to the yard recently without the aid of tugs, and with the greatest ease. She was successfully docked, quickly repaired, and departed without the aid of tugs, and without any hitch of any kind.

8. Three battle ships, including the *New Hampshire*, the largest type in service, are assigned to this yard as their "home port" for docking and overhauling.

9. Ample area for expansion of working plant when required, for recreation spaces for enlisted men, and for isolating men when necessary, such as ships returning from tropical-fever districts, or the case of the naval prisoners during the Spanish war. Some location, not in the heart of a metropolitan district, is required for such purposes.

10. Located in the midst of an intelligent, loyal, and expert mechanical population, within easy reach of the still larger labor markets of a number of cities.

11. The work here has always been of the highest quality. The yard is now competing successfully in the campaign for more economical production of high-standard work.

12. It is stated that $10,000,000 has been spent on this yard. This expenditure is a permanent investment for improvements that will endure, such as the granite dry dock, granite quay walls, commodious fireproof buildings, some grading, improvement of channel at Hendersons Point. Is it proposed to abandon this investment and, in the interest of economy, to duplicate it elsewhere?

Mr. HALE. Mr. President, I will put in the RECORD either to-morrow or afterwards a fuller comparison between our yards and other yards upon public works. That was the feature to which I was calling attention.

Now, I wish to say before Senators leave—it is now half-past 5, and, of course, it is impossible to finish the bill to-night—that I find on looking it over that we are two days short of what I stated on Thursday. Tuesday of next week is confiscated to the Brownsville inquiry and Saturday to eulogies, several of which have been combined and will take up the day. So we have only eleven or twelve days remaining. I shall not ask for a session to-night, but in order that Senators may be prepared I shall, if we do not finish the bill to-morrow afternoon, ask for a night session to-morrow. I will say to Senators that while I do not expect in any way—and I think I have not to-day in any way sought—to interfere with debate and the questions and answers, we can not get the appropriation bills through by 12 o'clock March 4 unless we have hereafter a good many night sessions; and undoubtedly we will soon have to meet at 11 o'clock.

Of course we may be confronted with some of the appropriation bills going over. If we do that, it will change the whole programme for the special session. If that session is open to business generally and appropriations bills and everything else, instead of getting off, as we hoped, by the middle of June, we will be here until August. I think the Senate generally has the feeling that we will endure some privation and some hardship through the remaining days in order to avoid that, which would be very irksome and burdensome to everybody.

I think there is some other business that Senators desire to have transacted, and I will not ask the Senate to go on further with the appropriation bill this evening, but to-morrow I shall test the sense of the Senate, unless we finish the bill in the afternoon, with respect to an evening session.

The VICE-PRESIDENT. The bill will be temporarily laid aside.

ORGANIZATION OF DISTRICT MILITIA.

The VICE-PRESIDENT laid before the Senate the action of the House agreeing to the amendments of the Senate to the bill (H. R. 21926) for the organization of the militia in the District of Columbia, except amendment No. 79, and agreeing to the same with an amendment, on page 9, line 20, to strike out "eight" and insert "eighteen."

Mr. HEMENWAY. The amendment of the House to the amendment of the Senate simply corrects a mistake in the print of the bill. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

INDUSTRIAL PEACE COMMITTEE.

Mr. DANIEL. I am directed by the Committee on Education and Labor, to whom was referred the bill (H. R. 19662) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," to report it favorably without amendment; and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ALDRICH. I wish the Senator from Virginia would explain to me the exact change in the present law.

Mr. DANIEL. I will answer with pleasure. The only changes in the present law are stated in the letter of Secretary Straus, who has been attending to this matter:

The amendment provides that the "Industrial Peace Committee" shall consist of 16 members instead of 9 as now provided, and shall

include the 7 trustees created by the act. It is believed that the co-operation of the trustees with the committee appointed by them will place a practical responsibility upon the trustees commensurate with the importance of the trust, and that the unification of the two bodies will best subserve the interests involved.

Upon my own responsibility I have also drafted an amendment to section 3, which does away with the necessity of calling an annual conference of the representatives of capital and labor for the purpose of discussing industrial problems. I am convinced that a compulsory annual meeting between the representatives of capital and labor is not advisable, and that better results will be accomplished by leaving it within the discretion of the committee to call meetings when deemed necessary.

There is nothing in the bill except a convenient rearrangement of some of its provisions. It is some time since the original act passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL COURTS AT SUPERIOR, WIS.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 27311) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis." It was reported favorably to-day from the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 2, line 20, after the word "writs," to strike out "warrants;" in the same line, after the word "processes," to insert "except criminal warrants;" in line 21, after the word "issued," to strike out "by the said courts or the clerks thereof" and insert "out of said courts;" in line 22, before the word "be," to strike out "shall" and insert "may;" and in line 24, before the word "pending," to strike out "or" and insert "and," so as to read:

SEC. 3. All summonses, writs, and processes, except criminal warrants, issued out of said courts at Superior may be made returnable at Superior, and the clerk shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein.

The amendment was agreed to.

The next amendment was, after the word "therein," in line 24, on page 2, to insert:

Criminal warrants may be returned at any place where the court is held. Whenever warrants shall be returned at any place other than Superior, the clerk of the court where the warrant is returned shall certify the same under the seal of the court, together with the plea and other proceedings had thereon, and the determination of the court upon such plea or proceedings and all papers and orders filed in reference thereto to the clerk of the courts at Superior, and shall charge for the same in his account against the United States. The clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant and certified as aforesaid.

The amendment was agreed to.

The next amendment was, on page 3, line 11, after the words "grand jury," to insert "or petit jury."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHARLES H. DUNNING.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 18487) for the relief of Charles H. Dunning.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Charles H. Dunning, late postmaster at Rome, N. Y., $421.21, paid by him in settlement of his accounts with the Government to cover loss sustained by reason of the failure of the Fort Stanwix National Bank, of Rome, N. Y.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADOLPHUS ERWIN WELLS.

Mr. OVERMAN. I move to reconsider the votes by which the bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells was read the third time and passed.

The motion was agreed to.

Mr. OVERMAN. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

HARRY KIMMELL.

Mr. MARTIN. I ask unanimous consent for the immediate consideration of the bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to appoint, by and with the advice and consent of the Senate, Harry Kimmell, now a commander on the retired list of the United States Navy, a commander on the active list of the navy, to take rank next after Frederick C. Bieg.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT & CHAPMAN WRECKING COMPANY.

Mr. KEAN. I ask unanimous consent for the consideration at this time of the bill (S. 6935) for the relief of the Merritt & Chapman Wrecking Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Merritt & Chapman Wrecking Company, of New York City, N. Y., $237.36, in full for damages resulting from injury to its boats and materials and failure to return the same after hire thereof by the War Department for use in laying submarine mines.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDERSONVILLE PRISON LAND, GEORGIA.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 6971) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville Prison Park, in the State of Georgia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, in line 5, before the word "gift," to strike out "proposed;" in line 7, before the word "of," where it occurs the first time, to strike out "of Andersonville National Park, in the State of Georgia, consisting;" in line 8, after the word "Cemetery," to insert "in the State of Georgia;" in line 10, after the word "said,' to strike out "park" and insert "land;" and in line 11, after the word "the," to strike out said," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, a gift of 88 acres of land, more or less, contiguous to the Andersonville National Cemetery, in the State of Georgia, with all improvements thereon, the details incident to the transfer of said land to be arranged and perfected by the Secretary of War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FORAKER, the title was amended so as to read: "A bill authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a gift of Andersonville prison land, in the State of Georgia."

Mr. FORAKER. I ask that the report accompanying the bill be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The report submitted by Mr. FORAKER, from the Committee on Military Affairs, on the 8th instant is as follows:

The Committee on Military Affairs have had under consideration the following bill:

[S. 6971, Sixtieth Congress, first session.]

A bill authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville Prison Park, in the State of Georgia.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, a proposed gift of Andersonville National Park, in the State of Georgia, consisting of 88 acres of land, more or less, contiguous to the Andersonville National Cemetery, with all improvements thereon, the details incident to the transfer of said park to be arranged and perfected by the said Secretary of War.

From the correspondence and papers filed in connection with this bill it appears that the Grand Army of the Republic of Georgia bought the grounds of the Andersonville prison site of the original owner. The tract contained 72½ acres, and the price paid was $1,500. The Grand Army of the Republic of Georgia made improvements the first year costing $1,500, making a total expenditure of $3,000, to which sum the Woman's Relief Corps of Georgia contributed a considerable amount.

Those in Georgia who were interested in the so-called "park" realizing they would be unable to improve and care for it in a proper manner, offered it to the National Woman's Relief Corps as a gift, free of debt. At the Fourteenth Annual Convention of the National Woman's Relief Corps, held in St. Paul, a resolution was passed accepting the property. The titles to it were examined, deeds drawn, executed, and properly recorded, and placed in the hands of the president of the National Woman's Relief Corps. Some time afterwards it was discovered that this organization did not own the northwest corner of the

tract which had come into its hands, such corner being located in another country. Negotiations finally resulted in the purchase of 14½ acres necessary to complete the tract.

The National Woman's Relief Corps have since improved the property by inclosing the grounds with a wire fence, building thereon a ten-room cottage, and planting trees, shrubbery, flowers, etc.

The States of Massachusetts, Ohio, Michigan, Rhode Island, and Wisconsin have erected on these grounds monuments dedicated to the memory of the soldiers from these States, respectively, who died in the prison and were buried in Andersonville Cemetery, which is adjacent, being connected by a narrow strip of land. In the excavations for the foundations of these monuments the remains of buried soldiers were found.

The National Woman's Relief Corps is a corporation not for profit, organized under the laws of Ohio for charitable and patriotic purposes, with power to accept and convey title to such property, as shown by the following opinion of Hon. Wade H. Ellis, attorney-general of Ohio:

STATE OF OHIO,
OFFICE OF THE ATTORNEY-GENERAL,
Columbus, Ohio, March 23, 1908.

DEAR SIR: I beg to acknowledge the receipt of your letter of March 14, inclosing a copy of the articles of incorporation of the National Woman's Relief Corps, together with certain letters and documents bearing upon the acquisition by that organization of the site of Andersonville Prison. The papers are referred to me as to the legality of a proposed transfer of this property to the Federal Government.

The corporation is formed not for profit and its objects appear to be charitable and patriotic in nature. The right to dispose of this property stands upon the right to acquire it. If such right exists at all it must be under the first section of the purpose clause which provides, in part, "to assist the Grand Army of the Republic and to perpetuate the memory of their heroic dead."

Assuming the land in question to have been acquired for the purpose of preserving it as a memorial to the Union prisoners who died at Andersonville or as a result of infirmities received while confined in the prison, I believe that the ownership of this tract by the National Woman's Relief Corps is within its corporate power. That being the case, a transfer of the property to the Federal Government, if designed to perpetuate the memorial more effectively than could be done by the corporation itself, would be entirely legal.

I herewith return the papers submitted to me.

Very truly, yours,
WADE H. ELLIS,
Attorney-General.

HON. WALTER D. GUILBERT,
Auditor of State, Columbus, Ohio.

The following is a copy of the articles of incorporation of the Woman's Relief Corps referred to by the attorney-general of Ohio in his foregoing opinion:

ARTICLES OF INCORPORATION.

These articles of incorporation of the National Woman's Relief Corps witnesseth that we, the undersigned, a majority of whom are citizens of the State of Ohio, desiring to form a corporation, not for profit, under the general corporation laws of said State, do hereby certify:

First. The name of said corporation shall be the National Woman's Relief Corps.

Second. Said corporation is to be located and its principal business transacted at the city of Troy, in Miami County, Ohio.

Third. The purpose for which said corporation is formed is:

1. To especially aid and assist the Grand Army of the Republic and to perpetuate the memory of their heroic dead.

2. To assist such Union veterans as need our help and protection, and to extend needful aid to their widows and orphans; to find them homes and employment and assure them of sympathy and friends. To cherish and emulate the deeds of our army nurses and all loyal women who rendered loving service to our country in her hour of peril.

3. To maintain true allegiance to the United States of America, to inculcate lessons of patriotism and love of country among our children and in the communities in which we live, and encourage the spread of universal liberty and equal rights to all.

In witness whereof we have hereunto set our hands this 24th day of December, A. D. 1903.

SARAH D. WINANS.
JENNIE S. WRIGHT.
KATE B. SHERWOOD.
CORA DAY YOUNG.
MARY C. WENTZEL.
MARY M. NORTH.
SARAH E. PHILLIPS.
LIZABETH A. TURNER.
CLARA BARTON.
ALLASEBA M. BLISS.

STATE OF OHIO, *County of Montgomery, ss:*

On this 24th day of December, A. D. 1903, personally appeared before me, the undersigned, a notary public within and for said county, the above-named Sarah D. Winans and Jennie S. Wright, who each severally acknowledged the signing of the foregoing articles of incorporation to be her free act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal on the day and year last aforesaid.
[SEAL.] GEO. W. OZIAS, *Notary Public.*

STATE OF OHIO, *County of Montgomery, ss:*

I, Charles W. Beiser, clerk of the court of common pleas within and for the county aforesaid, do hereby certify that George W. Ozias, whose name is subscribed to the foregoing acknowledgment as a notary public, was at the date thereof a notary public in and for said county, duly commissioned and qualified, and authorized as such to take said acknowledgment; and, further, that I am well acquainted with his handwriting, and believe that the signature to said acknowledgment is genuine.

In witness whereof I have hereunto set my hand and affixed the seal of said court at Dayton, Ohio, this 24th day of December, A. D. 1903.
[SEAL.] CHAS. W. BEISER, *Clerk.*

THE STATE OF OHIO, *Lucas County, ss:*

On this 2d day of January, A. D. 1904, personally appeared before me, the undersigned, a notary public within and for said county, the above-named Kate B. Sherwood, who acknowledged the signing of the foregoing articles of incorporation to be her free act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal on the day and year last aforesaid.
[SEAL.] GEO. E. SENEY, Jr., *Notary Public.*

THE STATE OF OHIO, *Lucas County ss:*

I, J. M. Weir, clerk of the court of common pleas within and for the county aforesaid, do hereby certify that George E. Seney, jr., whose name is subscribed to the foregoing acknowledgment as a notary public, was at the date thereof a notary public in and for said county, duly commissioned and qualified and authorized as such to take said acknowledgment; and, further, that I am well acquainted with his handwriting and believe that the signature to said acknowledgment is genuine.

In witness whereof I have hereunto set my hand and affixed the seal of said court at Toledo, in said county, this 4th day of January, A. D. 1904.
[SEAL.] J. M. WEIR, *Clerk.*

THE STATE OF OHIO, *Greene County, ss:*

On this 24th day of December, A. D. 1903, personally appeared before me, the undersigned, a notary public within and for said county, the above-named Cora Day Young and Mary C. Wentzel, who each and severally acknowledged the signing of the foregoing articles of incorporation to be her free act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal on the day and year last aforesaid.
[SEAL.] L. B. YALE, *Notary Public.*

THE STATE OF OHIO, *Greene County, ss:*

I, S. O. Hale, clerk of the court of common pleas within and for the county aforesaid, do hereby certify that L. B. Yale, whose name is subscribed to the foregoing acknowledgment as a notary public, was at the date thereof a notary public in and for said county, duly commissioned and qualified, and authorized as such to take acknowledgments; and, further, that I am well acquainted with his handwriting and believe that the signature to said acknowledgment is genuine.

In witness whereof I have hereunto set my hand and affixed the seal of said court at Xenia, in said county, this 25th day of December, A. D. 1903.
[SEAL.] S. O. HALE, *Clerk.*

UNITED STATES OF AMERICA,
STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, Lewis C. Laylin, secretary of state of Ohio, de hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original record now in my official custody as secretary of state, and found to be true and correct, of the articles of incorporation of "The National Woman's Relief Corps," filed in this office on the 3d day of February, A. D. 1904, and recorded in volume 92, page 642, of the Records of Incorporations.

Witness my hand and official seal at Columbus this 3d day of February, A. D. 1904.
[SEAL.] LEWIS C. LAYLIN,
Secretary of State.

In view of the foregoing and because of a belief that these grounds should be under the control and protection of the United States, the Woman's Relief Corps last year authorized its national president, Mrs. Kate E. Jones, to make the following formal tender of them to the Government as a free gift, unencumbered:

HEADQUARTERS WOMAN'S RELIEF CORPS,
OFFICE OF THE NATIONAL PRESIDENT,
Ilion, N. Y., March 27, 1908.

To the honorable Senate and House of Representatives,
United States Government:

I, Kate E. Jones, national president of the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, with the consent of the national council of administration, do hereby formally tender to the United States Government the gift of the Andersonville Woman's Relief Corps Park, situated at Andersonville, Ga., a tract of land of 87 acres, with a 10-room cottage thereon, the property of the Woman's Relief Corps, free of all indebtedness.

This act to take effect September 3, 1908.

[SEAL.] Mrs. KATE E. JONES, *National President.*
ELIZA BROWN DAGGETT, *National Secretary.*

The acceptance of these lands is therefore believed by your committee to be desirable, but your committee are of the opinion that they should be accepted, not as a park, but simply as lands, so that Congress may be free to make a park of them or deal with them otherwise, as it may hereafter see fit.

Accordingly, the recommendation of your committee is that the bill be amended so as to read as follows and passed:

[S. 6971, Sixtieth Congress, first session.]

A bill authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville Prison Park, in the State of Georgia.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, a gift of 88 acres of land, more or less, contiguous to the Andersonville National Cemetery, in the State of Georgia, with all improvements thereon, the details incident to the transfer of said land to be arranged and perfected by the Secretary of War.

DISTRICT POLICE AND FIREMEN'S RELIEF FUND.

Mr. BURKETT. I ask unanimous consent for the consideration of the bill (S. 8276) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

The Secretary read the bill.

Mr. KITTREDGE. In my opinion, a bill of that importance ought not to be considered at this hour. Therefore I object to its consideration.

The VICE-PRESIDENT. Objection is made, and the bill will go over.

UNSURVEYED LANDS OF THE FIVE CIVILIZED TRIBES.

Mr. OWEN. I ask consent for the present consideration of the bill (S. 8441) to authorize the Secretary of the Interior to cause to be surveyed any unsurveyed lands belonging to the Five Civilized Tribes, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF PROVISIONS OF CAREY ACT.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. The Chair will call attention to the fact that the Senator from South Carolina [Mr. TILLMAN] left a memorandum wishing to be notified before this bill is acted on.

Mr. NELSON. The Senator from South Carolina has withdrawn all objections to it, I am advised.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN C. BEACH.

Mr. WARREN. I ask the Senate to take up the bill (S. 4029) to appoint Warren C. Beach a captain in the army and place him on the retired list.

Mr. KITTREDGE. Let the bill go over.

The VICE-PRESIDENT. Objection is made, and the bill will go over.

ATCHISON, TOPEKA AND SANTA FE RAILROAD.

Mr. WARREN. I ask the Senate to take up the joint resolution (S. R. 127) authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DUPLICATION OF POST-OFFICE DEPARTMENT CHECKS.

Mr. PENROSE. I ask unanimous consent to call up the bill (H. R. 25805) to reenact and to amend sections 3646 and 3647 of the Revised Statutes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the sections so as to read:

SEC. 3646. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of $50 the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check: *Provided further*, That whenever any original check or warrant of the Post-Office Department has been lost, stolen, or destroyed the Postmaster-General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster-General may prescribe: *And provided further*, That when such original check or warrant does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post-Office Department, whether by contract, designation, or appointment, the Postmaster-General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant.

SEC. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent: *Provided*, That in case a check drawn by any officer or agent of the Post-Office Department is lost, stolen, or destroyed a duplicate thereof may be issued under regulations prescribed by the Postmaster-General, as set forth in section 3646.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPUTY MARSHALS.

Mr. FORAKER. I ask for the present consideration of the bill (H. R. 16274) to amend section 10 of chapter 252, volume 29, of Public Statutes at Large.

Mr. DANIEL. I ask that the bill may be read.

The Secretary read the bill.

Mr. FORAKER. The bill simply strikes out "two" and inserts "three," allowing $1 a day additional. There is nothing else in the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 10 of chapter 252, volume 29, Public Statutes at Large, by striking out, in the twelfth line of the section, the word "two" and inserting in place thereof the word "three," so as to read:

SEC. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service of any writ, process, subpœno, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL FITZ SIMMONS.

Mr. FORAKER. I move that the bill (S. 8487) to correct the military record of Michael Fitz Simmons, deceased, reported heretofore favorably by the Committee on Military Affairs, be recommitted to that committee.

The motion was agreed to.

RETURN OF BOOKS TO LIBRARIES.

Mr. BURKETT. I ask unanimous consent to call up the bill (S. 7298) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 2, line 9, after the word "not," to strike out "less than one or."

The amendment was agreed to.

The next amendment was, on page 2, line 10, before the word "dollars," to strike out 'twenty-five" and insert "ten."

The amendment was agreed to.

Mr. KEAN. Is there a report accompanying the bill?

Mr. DANIEL. Does the bill propose to make it a jail penalty to keep a book overtime out of the library?

Mr. BURKETT. If the Senator will listen he will find that that is stricken out by an amendment.

Mr. DANIEL. I did not hear the amendment.

The VICE-PRESIDENT. The next amendment will be stated.

Mr. DANIEL. Let the bill be read as it is proposed to amend it.

The SECRETARY. In line 10, after the word "dollars," strike out "or by imprisonment for not less than one month or more than six months," so that, if amended, the bill will read:

Be it enacted, etc., That the act of Congress approved March 3, 1901, entitled "An act to establish a Code of Law for the District of Columbia," as amended by the acts approved January 31 and June 30, 1902, be, and the same is hereby, amended by adding thereto next after section 849 a new section, to be known as section 849a, and to read as follows:

"SEC. 849a. Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to or in the custody or control of the Library of Congress or any public or incorporated library in the District of Columbia for thirty days after notice in writing to return the same, such notice to contain a copy of this section, and to be given after the expiration of the time which, by the rules of such library, such book or other property may be kept, shall be punished by a fine of not more than $10. Prosecutions under this section shall be brought in the name of the District of Columbia by information filed by the corporation counsel or one of his assistants: *Provided*, That the penalties provided by this section shall be in addition to any

penalties lawfully imposed by the trustees of any public or incorporated library in the District of Columbia, and shall be applicable when the offense is not otherwise punishable by some statute of the United States."

Mr. BACON. To what libraries does the bill refer?

Mr. BURKETT. The District library, and——

Mr. OVERMAN. The Congressional Library.

Mr. BACON. If it applies to the Congressional Library I am absolutely opposed to it.

Mr. KEAN. I understand there is a report accompanying the bill.

Mr. OVERMAN. Let the bill go over so that we may examine it.

The VICE-PRESIDENT. The bill will lie over.

OSAGE ENROLLMENT.

Mr. OWEN. I wish to call up the joint resolution (S. R. 70) for the enrollment of certain persons as members of the Osage tribe of Indians, and for other purposes.

Mr. KEAN. The Senator from Massachusetts [Mr. LODGE] I know desires to be present when the joint resolution is considered.

Mr. OWEN. It is merely to send to the Court of Claims the claims of certain persons, 33 or 34, who desire to be enrolled.

Mr. KEAN. Let it go over.

The VICE-PRESIDENT. The joint resolution will lie over.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent for the consideration of the bill (H. R. 25552) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded with its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEATH OF REPRESENTATIVE DANIEL L. D. GRANGER.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. CAPRON of Rhode Island, Mr. HOWARD of Georgia, Mr. BOUTELL of Illinois, Mr. UNDERWOOD of Alabama, Mr. HILL of Connecticut, Mr. SLAYDEN of Texas, Mr. HUGHES of New Jersey, Mr. WASHBURN of Massachusetts, Mr. WILLIAMS of Mississippi, Mr. PARSONS of New York, Mr. SHERLEY of Kentucky, Mr. GAINES of Tennessee, Mr. RYAN of New York, Mr. O'CONNELL of Massachusetts, and Mr. MARCUS A. SMITH of Arizona members of the committee on the part of the House.

Mr. ALDRICH. Mr. President, I ask that the resolutions just received from the House of Representatives be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island.

Resolved, That a committee of 15 Members of the House be appointed by the Speaker to take order superintending the funeral of Mr. GRANGER at Providence, R. I., and to attend the same with such Members of the Senate as may be appointed by the Senate.

Resolved, That the Sergeant-at-Arms of the House be, and he is hereby, authorized and directed to take such steps as may be necessary to carry out these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now stand in recess until 11 o'clock a. m. to-morrow.

Mr. ALDRICH. Mr. President, I offer resolutions which I send to the desk.

The VICE-PRESIDENT. The Senator from Rhode Island submits resolutions which will be read by the Secretary.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer, to join a committee appointed on the part of the House of Representatives, to attend the funeral of the deceased at Providence, R. I.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The resolutions were considered by unanimous consent and unanimously agreed to.

Under the second resolution the Vice-President appointed Mr. ALDRICH, Mr. WETMORE, Mr. BURROWS, Mr. MONEY, Mr. CLARKE of Arkansas, Mr. TALIAFERRO, and Mr. TAYLOR, members of the committee on the part of the Senate.

Mr. ALDRICH. Mr. President, I offer the following additional resolution.

The VICE-PRESIDENT. The resolution will be read by the Secretary.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was considered by unanimous consent and unanimously agreed to.

Thereupon the Senate (at 6 o'clock and 9 minutes p. m.) adjourned until to-morrow, Tuesday, February 16, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 15, 1909.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, look down, we beseech Thee, upon us with compassion and forgive our sins as individuals and as a Nation, and inspire in us a greater love and admiration for those things which make for righteousness in the soul, that we may go forward with the work which Thou hast given us to do with a clear vision, pure conscience, and high ideals that at last we may merit the "Well done, good and faithful servant."

We are reminded by the death of one of the Members of this House of the uncertainty of life, that in the midst of life there is death. Help us, our Heavenly Father, to be prepared for the change which will bring us into a larger life. Comfort, we pray Thee, the family and friends of the deceased, and guide us all to the larger faith in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SALARY OF THE SECRETARY OF STATE.

Mr. GAINES of West Virginia. Mr. Speaker, I move that the Committee on Election of President, Vice-President, and Representatives in Congress be discharged from the further consideration of the bill S. 9295, and that the rules be suspended and that the same be passed.

The SPEAKER. The gentleman from West Virginia moves that the Committee on Election of President, Vice-President, and Representatives in Congress be discharged from the further consideration of the bill S. 9295, that the rules be suspended and that the same be passed. The Clerk will read the bill.

The Clerk read the bill, as follows:

A bill (S. 9295) in relation to the salary of the Secretary of State.

Be it enacted, etc., That section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," approved February 26, 1907, so far as the same relates to the annual compensation of the Secretary of State, be, and the same is hereby, repealed.

The SPEAKER. Is a second demanded?

Mr. RUCKER. I demand a second.

Mr. HENRY of Texas. I demand a second.

Mr. GAINES of West Virginia. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

Mr. RUCKER. Pending that request, I ask unanimous consent that the time of debate be extended to two hours on a side.

Mr. GAINES of West Virginia. I am compelled, Mr. Speaker, to object to that; I would like to give what time is desired for debate, but there are other matters pressing.

Mr. RUCKER. In view of the importance of this matter, I will ask if we can not agree on one hour on a side for debate?

Mr. GAINES of West Virginia. If I did not make objection others would, and I am constrained to object.

Mr. LASSITER. I join in the request of the gentleman from Missouri.

The SPEAKER. Is there objection to the request that a second be considered as ordered?

Mr. HENRY of Texas. I desire to make a request that unanimous consent be given.

The SPEAKER. But the first thing is to see whether this matter is to be voted upon at all.

Mr. HENRY of Texas. I object.

The SPEAKER. The gentleman from West Virginia [Mr. GAINES] and the gentleman from Texas [Mr. HENRY] will take

their places as tellers. All those in favor of ordering a second will pass between the tellers.

The House divided and the tellers reported that there were 116 ayes and 60 noes.

The SPEAKER. On this vote the ayes are 116 and the noes are 60, and a second is ordered. The gentleman from West Virginia is entitled to twenty minutes and the gentleman from Texas to twenty minutes.

Mr. HENRY of Texas. The gentleman from Missouri is entitled to twenty minutes.

The SPEAKER. The Chair recognized the gentleman from Texas because he demanded a second.

Mr. RUCKER. The Speaker is wrong; I demanded a second.

The SPEAKER. The Chair did not hear the gentleman from Missouri.

Mr. RUCKER. That is what the Speaker is there for.

The SPEAKER. The Chair again states that he was looking at the gentleman from Missouri and failed to hear him demand a second, but he did hear the gentleman from Texas. So the Chair does not charge himself with any laches.

Mr. HENRY of Texas. Mr. Speaker, on account of a misunderstanding I desire the gentleman from Missouri to have the control of the twenty minutes.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask unanimous consent for an hour's debate on each side of this proposition. If you gentleman have enough votes over there to pass the bill you can pass it and debate will not do any particular harm.

The SPEAKER. The gentleman from Missouri asks unanimous consent for one hour's debate on each side.

Mr. PAYNE. Reserving the right to object, Mr. Speaker, I want to say that other matters are pressing the House to-day and we will hardly get through; and in view of the fact that we have wasted fifteen minutes in ordering a second I shall have to object to any extension of debate.

Mr. HENRY of Texas. I should like to submit a request for unanimous consent that would obviate the objection that the gentleman from New York made. I ask unanimous consent that we have an evening session, beginning this evening at 8 o'clock and continuing until 11 o'clock, which will give us an hour and a half on each side.

Mr. PAYNE. The regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The gentleman from West Virginia is recognized for twenty minutes.

Mr. GAINES of West Virginia. I yield eight minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, the bill under consideration, and which has just been read at the Clerk's desk, in and of itself in nowise offends against any provision of the Constitution. No one has said—and, I take it, no one will contend—that the enactment of this particular measure will be in violation of the organic law, but the most that is urged against it is that it is an attempt to avoid an alleged ineligibility which may arise hereafter in a possible case. This bill simply seeks (1) to repeal that part of the act of June 30, 1908, which relates to the annual compensation of the Secretary of State and fixes this compensation at the rate of $8,000 per annum, which was the compensation named in the former statute covering the subject; (2) to provide that there shall be no emoluments attached to the office of Secretary of State other than those in force on the 1st day of May, 1904; (3) and stipulates that the pending measure, if enacted, shall be in force from and after March 4 next. It seems to me too plain for argument, and therefore a waste of time, to say that there can be no constitutional obstacle to the passage of this bill.

Undoubtedly this is true, unless we look beyond the terms of this measure and consider as inseparably related to it the possibility of the appointment of Senator KNOX to the office of Secretary of State. If we were permitted to follow the example of a good lawyer before a court, we would confine ourselves to the case at bar, to the particular question before the tribunal, rather than seek for a moot case, and discuss a question that might arise before some other tribunal in some other case at some future time.

Mr. Speaker, in considering the pending measure I believe we have nothing to do with what may be the question presented to the Senate in the near future upon the happening of a possible contingency. To put it plainer, I do not believe that in considering the measure now before the House we have anything to do with a decision of the question which will be presented to the Senate when that body sits as a part of the appointing power to consider the nomination of Senator KNOX as Secretary of State, which nomination is now probable, with every prospect of being made a certainty on the 4th of next month.

I have no objection to urge against this bill which reduces the salary of the Secretary of State. By its very terms it does not relate to any other matter. If I had the opportunity I would vote to reduce the salary of every other Cabinet officer to $8,000. I do not believe that any man has ever accepted a place in any presidential cabinet on account of any salary inducement. It seems to me that $8,000 per annum is enough salary for such a position. Therefore, because this bill does not violate any provision of the Constitution and does reduce the salary of the Secretary of State, I shall vote for it.

I concede, Mr. Speaker, that many of my associates here, whose opinions I value highly, do not agree with the line of argument that I have pursued; so, out of deference to them and for the sake of further argument, I shall consider as best I can in the brief time allowed me the question of the eligibility of Senator KNOX for the portfolio of Secretary of State in the Cabinet of the incoming President.

The second paragraph of section 6 of Article I of the Constitution of the United States is in the following language:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office.

To correctly understand any provision of law it is essential to know the good which it is intended to provide and the evil which it is intended to prevent. The rule is stated by an eminent authority to be as follows:

> The mischief intended to be removed or suppressed or the cause or necessity of any kind which induced the enactment of a law are important factors to be considered in its construction. The purpose for which the law was enacted is a matter of prime importance in arriving at a correct interpretation of its terms.

Again Judge Story says:

> The reason and spirit of the law, or the causes which led to its enactment, are often the best exponents of the words, and limit their application.

And again he says:

> The rules then adopted are, to construe the words according to the subject-matter, in such a case as to produce a reasonable effect, and with reference to the circumstances of the particular transaction. Light may also be obtained in such cases from contemporary facts or expositons; from antecedent mischiefs, from known habits, manners, and institutions; and from other sources almost innumerable, which may justly affect the judgment in drawing a fit conclusion in the particular case. (Story on Const., vol. 1, pp. 305–307.)

These rules apply in the construction of any part of a constitution as well as they do in the construction of a statute. A reference to the debates in the convention which framed our Constitution will reveal the fact that there was a twofold purpose in rendering Senators and Representatives ineligible to offices created, or the emoluments of which were increased during the time for which they were elected. It is worthy of note that when this provision was under discussion in that convention, it was attempted to make the bar against Senators and Representatives perpetual, and that this was defeated. This provision was designed in the first place to protect the people from such Senators and Representatives who might be willing to create offices or increase salaries in order that they might enjoy them; and, in the second place, it was designed to remove Congress as far as possible from the influence which such appointments might give the executive over the legislative branch of the Government. If the object was to prevent Senators and Representatives from increasing the salaries of offices and then becoming the beneficiaries of such increase by executive appointment, it obviously follows that the repeal of the law which increased the salary of the Secretary of State would remove the case of Senator KNOX from the reason of the rule, and I think it manifest that it would also remove his case from the operation of the rule.

There can be no dispute that, by repealing the law which increased the salary and restoring the old salary, Senator KNOX, as Secretary of State, would not be benefited by the law passed while he was a Member of the Senate; and therefore the reason which prompted the framers of the Constitution to adopt that provision rendering Senators and Representatives ineligible to certain offices pointed out in the provision which I have read would not longer be applicable. The maxim that "When the reason ceases the rule itself ceases" is not of universal application, and it must be conceded that no matter what the reason of the rule may be, if the rule itself still applies to a given case, then the rule must be followed. Those who contend that the repeal of the law increasing the salary of the Secretary of State will not render Senator KNOX eligible base their contention on the clause which declares, "or the emoluments whereof shall have been increased during such time." Reading that language in the light of the purpose which it was intended to serve,

it seems plain to me that it contemplates a continuing condition, and applies, therefore, in a case only where the officer would enjoy the increased emoluments. In the event of the enactment of this bill and the appointment of Senator KNOX he will not "be appointed to any civil office * * * the emoluments whereof shall have been increased." This bill does not attempt to repeal a fact, as is tritely stated, but it seeks to repeal a condition created by a legislative enactment, and it is not to be denied that if Congress has created it can remove the condition. The power to create carries with it the power to destroy.

I venture the opinion that this provision was not intended to apply to a case where an act was passed by Congress, and afterwards, for any reason, repealed, thus restoring the old status. This view is sustained by the rule of construction, that when a statute has been repealed it is the same as to future consequence as if it had never been enacted, unless in the repealing act there is some saving clause.

It is a well-known doctrine applied in construing penal statutes, that if a statute denouncing a given act as a crime has been repealed there would be no warrant or authority for the prosecution of a person for the offense denounced by that statute, even though the offense was committed before the statute was repealed. The prosecution in such a case could not proceed except under the law existing at the time of the trial.

"The general rule is that when an act of the legislature is repealed without a saving clause it is considered, except as to transactions past and closed, as though it had never existed." (Section 282 (162), Lewis Sutherland, Statutory Construction and cases cited.)

"The repeal or expiration of a statute imposing a penalty or forfeiture will prevent any prosecution, trial, or judgment for any offense committed against it while it was in force, unless the contrary is provided in the same or some other existing statute. * * *

"There can be no legal conviction for an offense unless the act be contrary to law at the time it is committed; nor can there be judgment unless the law is in force at the time of the indictment and judgment."

Section 286 (166), Lewis Sutherland, Statutory Construction and cases cited.

If this be the true rule, then we may say that, for a stronger reason, we must conclude, that in testing the right to an office, the law as it exists when the test comes ought to govern.

We speak of this question as a constitutional disqualification, but it must be remembered that the Constitution does not prohibit, in a case like that under consideration, proprio vigore, that there must be some statute enacted before the constitutional disqualification can attach; and it seems to me that, when called upon to decide the question of eligibility vel non, the decision must be made under the Constitution and upon the statutory law existing at the time of the decision. Ineligibility is made up of the constitutional provision and a statutory enactment. If the statute has been repealed before the question of ineligibility arises, there is then no law to which the constitutional provision can be applied.

On account of his high character, eminent ability, and long and successful experience in public life, Senator KNOX will doubtless be nominated by the President to the Senate on March 4 next for Secretary of State. There will then be no existing statute increasing the emoluments of that office enacted while he was a Senator, and I doubt not that the Senate will confirm him. That great body is fully capable of interpreting any provision of the Constitution. Perhaps it is not too much to say that the interpretation of this provision of the Constitution in such a case is confided to the Senate as a part of the appointing power. In my judgment, that tribunal will not "stick in the bark" and say that there was at one time a statute increasing the emoluments of the Secretary of State, enacted while Mr. KNOX was a Senator, but will go deeper and put their decision upon the ground that, on the 4th of March next, there is no statute increasing the emoluments of the office of Secretary of State, enacted during the time for which Senator KNOX was elected, and therefore no constitutional disqualification arises.

It is evident, and it is complimentary to that distinguished gentleman, that when he was selected, conceding that he has been selected, by Mr. Taft as the ranking member of his official family, the matter of salary was not thought of by him, and therefore this question as to his eligibility never occurred to him. Had the salary been any inducement to him the question discussed here to-day would naturally have presented itself for his learned consideration. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, I would vote for this bill to cut down the salary of the Secretary of State if that were the whole of it; but we all know that this bill is an attempt to make a man eligible as Secretary of State who is ineligible under the Constitution of the United States. [Applause.] This bill is simply an effort to override the Constitution by statute. We are asked to stultify ourselves, for that is exactly what it amounts to, for fear that we will be personæ non gratæ at the White House. [Applause.]

Paragraph 2 of section 6 of Article I of the Constitution of the United States reads, in part, as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

There is, there can be, no dispute about the facts in this case. Senator KNOX was elected for a term beginning March 4, 1905, and ending March 3, 1911. He began serving that term March 4, 1905, and has been serving it ever since. Some two years ago, while he was serving that senatorial term, the salaries of all Cabinet officers, including that of Secretary of State, were increased from $8,000 to $12,000. The fact that he voted for the increase has nothing to do with it. If he had voted against it or had not voted at all, would have been all the same.

The act which makes Senator KNOX ineligible to Judge Taft's Cabinet prior to March 4, 1911, when Senator KNOX's present term expires, is an accomplished fact, and all the statutes that this Congress could pass between now and the 4th of March next, if it did not do anything else but pass statutes on that subject, would not make him eligible. It can not be done. Even if the Congress had repealed the law increasing cabinet salaries in fifteen minutes after the President signed it, Senator KNOX would still be barred. The only way to qualify him is to repeal that clause of the Constitution.

Certain newspapers have wanted to know of me whether this is a political question. I have said "No." I say now that it is not a political question. It is a question of the construction of the Constitution. It is a question of understanding plain English, and the fathers who made the Constitution were wise in putting this provision into the Constitution. They were wise then, and it would be the part of wisdom now, if it was not in the Constitution, to put it in. I do not care what the editors say about the idiocy of the fathers of the Constitution, or what they say about the corruption of that time being so great that they had to put this provision in to restrain that generation. It is in there and we can not take it out. It is right that it should be in there, and for one I would not stultify myself if I knew that we would not have any Secretary of State during the next two years. [Applause.]

Mr. RUCKER. I yield five minutes to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, as I understand it, in this case we have no reason, no right, to refer to the constitutional convention and what occurred there, because the provisions of the Constitution in question are plain, they are emphatic, they are unequivocal. The salary of the Secretary of State has been increased. The increased salary has been received for two years. The constitutional prohibition is complete. Mr. Speaker, what attitude would we be in here if we were considering the passage of a statute like this?

> *Be it enacted, etc.,* That any Senator or Representative may, during the time for which he was elected, be appointed to any civil office under the authority of the United States the emoluments whereof shall have been increased during the time for which he was elected: *Provided, however,* That such Senator or Representative shall not receive the increased salary, but shall only receive such salary as was fixed by law before the said increase.

What would we be attempting to do? To amend the Constitution of the United States by legislative enactment, and that is the purpose of this bill. Mr. Speaker, I do not know how others feel, but for myself I will forever feel humiliated if this Congress in this way deliberately passes this act to override the Constitution of the United States. I believe it not only violates the letter of the Constitution, but it violates the spirit of the Constitution. Are we going to say that the United States Senators or Members of the House may engage in these evil machinations and schemes, in these designs which always involve the increase of other salaries, and then pass a bill like this, temporarily reducing the salary, as an avenue of escape? This is not a question of reducing a salary, and everybody here knows it. If the question were upon its merits of reducing the salary of the Secretary of State, I believe that there would not be 10 per cent of the Members of this House who would vote to reduce the salary of the Secretary of State from $12,000 to $8,000. I myself would vote to-morrow to restore this salary to $12,000. No; it is not a question of reducing a salary, and we can not shield ourselves behind that proposition. Any Senator or Member would know, if appointed under such cir-

cumstances, that his influence within his party, if it is strong enough to enable him to be appointed Secretary of State, would be strong enough to have this salary restored. It is true the bill says that no future Congress shall restore this salary. This is only another absurdity of this bill. We can not control future Congresses. Absurdities accumulate in this bill. The salary of the Secretary of State is too low now, and that is what nearly all of us believe. You are voting upon this bill upon the other proposition, and not upon the merits of the proposition incorporated in the bill. I do not charge that anything of evil entered into the raising of the Secretary of State's salary. I do not believe that such was the case, but I say all the possible mischief that the Constitution undertakes to protect the country from lives in this act. It is a violation of both the letter and the spirit of this provision of the Constitution. Mr. Speaker, when the temperance people come here for legislation, they are told the Constitution is in their way; when labor demands legislation, its representatives are told the Constitution is in their way. Let us live up to the Constitution. If it applies to one let it apply to all. [Applause.]

[Here the hammer fell.]

By unanimous consent, Mr. GILLESPIE was granted leave to extend his remarks in the RECORD.

Mr. GAINES of West Virginia. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. PARKER.]

Mr. PARKER. Mr. Speaker, I find the provision of the Constitution as plain as its intent. The Constitution is dealing with an appointment. It deals with an office that shall exist at the time of the appointment. It asks, first, whether that office so then existing was created during the term of the Senator or Representative. It deals with emoluments—that is, benefits, gain, or advantage—existing at the time of the appointment, and it asks, second, whether those emoluments include any increase made during the term of the legislator. The words are:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created—

and which must therefore then exist—

or the emoluments whereof shall have been increased during such time.

The wording is future—"shall have been increased." They would have said, "had been increased" if they had meant to cover past emoluments.

[Here the hammer fell.]

By unanimous consent Mr. PARKER was granted leave to extend his remarks in the RECORD, and under such leave Mr. PARKER submits the following:

The section is not dealing with emoluments that had been increased and then diminished, or with an office that had been created and then abolished, but with an existing office that "shall have been created," and with emoluments that "shall have been increased." The provision relates to the time of appointment, and therefore with advantage or emolument to be received, and not with past provisions which have no force at the time of the appointment. It submits a practical question, that the Senator or Representative during his term shall take no advantage or emolument from legislation. The provision accurately covers what was intended—the prevention of such personal advantage during the term of service for which the Representative or Senator has been chosen. It will not be twisted by construction out of this intent so as to prevent appointment if the emoluments of former tenants of the office had been increased by legislation afterwards repealed.

The provision does not deal with past offices or past emoluments, but with those still existing at the time of appointment. It does not deal with what other officeholders have received, but with what the legislator who is appointed is to receive. It is a practical provision. Its intent is plain, and I believe it to be plainly expressed; if there be any doubt, it will be so construed as only to carry out that intent, and not to bar good men from the service of their country except when their own legislation has created emoluments which by such appointment would go to them.

Every rule of reasonable construction should apply. Courts consider the old law, the mischief, and the remedy, in order "so to construe the act as to suppress the mischief and advance the remedy." In such construction they even disregard the words of a statute in order to attain this result only. A statute declaring leases made by a bishop to be void if made for more than three lives was held to be made for the benefit of the successor, and therefore such a lease was held good during the life of the bishop and only void thereafter.

The Nation can not rightly be barred from the aid of its greatest men. The Constitution does not bar any man, Senator or Representative, from serving his country, except to exclude him from being appointed to an office which brings increased emoluments. This provision if at all doubtful would be limited so as to go no further than the evil intended to be met. But it is plain on its face. The single sentence relates to an appointment to an office existing then and emoluments existing then that may have been created or increased, and to these only.

Mr. GAINES of West Virginia. I yield two minutes to the gentleman from Virginia [Mr. LASSITER].

Mr. LASSITER. Mr. Speaker, I had hoped that it would have been the pleasure of this House to extend the time for debate upon this important question. I shall not undertake in the brief time allotted me to discuss at any length the constitutional question involved in the passage of this act or in any subsequent questions which may grow out of the action to-day of this House. I have listened with great pleasure to my friend, the gentleman from Alabama [Mr. CLAYTON], and I would be glad to adopt as my sentiments upon the construction of the Constitution of the United States the handsome argument which he has made before the House to-day. I yield to no man, Mr. Speaker, in my reverence for the Constitution of the United States. I believe, however, that if we are to maintain the Constitution in its strength and in that regard in the hearts of the people which it ought to have, it ought to be construed in accordance with its manifest spirit and not in unillumined literalness.

I was glad to hear the gentleman from Missouri [Mr. CLARK] say that this was not a party question. It ought not to be decided by a party vote. If it is to be decided by a party vote, every gentleman on this side of the Chamber should vote for the passage of this act.

If gentlemen on this side believe that it is the intention of Mr. Taft to perform a Cæsarean section upon the Constitution to bring the Senator from Pennsylvania into his Cabinet; if they believe that they can convince the courts or the country that the first act of the new administration is in violation of the Constitution, it might be strategical to invite our political opponents into such a situation. There is no constitutional question before the House at this moment, nor will we ever be the tribunal to pass upon the constitutionality of what may indirectly come from the passage of this bill. It seems to me that the real question involved in this discussion is, Shall the Democrats undertake to interfere in the formation of Mr. Taft's Cabinet? For one, I shall not stand for mere obstruction. I shall be glad to accord to the Executive, one of the coordinate branches of the Government, such consideration as I constitutionally may in a matter of grave import to the new administration. If this act shall be passed, there will be no impediment. I do not believe that it can be maintained that under the sixth section of the Constitution Congress can create a status for an individual which, in such a case as this, a subsequent act of Congress can not annul.

Mr. GAINES of West Virginia. Mr. Speaker, I propose to close debate on this side in one speech, and I therefore ask the gentleman from Missouri to exhaust some of his time.

Mr. RUCKER. Mr. Speaker, in voicing my opposition to the pending measure I confess to some embarrassment. We on this side of the aisle, and I believe the entire country, hailed with delight the newspaper announcement that the President-elect had tendered a prominent place in his Cabinet to that distinguished citizen of Pennsylvania, Senator KNOX. We recognize in him all the eminent qualifications which fit and prepare him for that high station and which would enable him to discharge its duties with credit to himself and with honor to his country. The pending measure, Mr. Speaker, is harmless and innocent on its face, but let me say to gentlemen who have just discussed the pending question that they can not hide behind the provisions of this bill, because I charge that every man here knows that the purpose of this legislation is not to reduce a salary which is supposed to be too high. The real and only purpose of this legislation is to suspend the Constitution in mid-air, to rend, annul, and destroy it. [Applause on the Democratic side.] We learn through the press that the President-elect has wired the Speaker, has wired the floor leader of the House and distinguished Members of the other body to rush this measure through to its enactment. Why this great anxiety? Is it true, can it possibly be true that in the great political party which has already dominated the affairs of this Nation far too long that only one man can be found who is mentally qualified and fitted for that high position, and that that one is barred by the Constitution of the United States?

Gentlemen declaim eloquently in behalf of so construing the Constitution as to preserve its spirit. The provisions we are now considering need no hairsplitting discriminations in their

constructions. The language is so clear and unambiguous that it yields to but one construction—only one.

The second paragraph of section 6 of Article I of the Constitution of the United States is as follows:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, etc.

Senator KNOX was elected to the Senate of the United States for a term of six years beginning March 4, 1905, and has been a distinguished Member of that body since that date. His term as a Senator of the State of Pennsylvania will not expire until March 4, 1911, unless he resigns. On the 26th day of February, 1907, the salary of the office of Secretary of State, to which office current report advises us the President-elect desires to appoint Senator KNOX, was increased from $8,000 to $12,000 per annum. The act granting this increase of salary has been in full force and operation nearly two years, and the present incumbent of the office has enjoyed this increase of salary.

The constitutional inhibition is complete, and the country knows, every Member of Congress must know, the very necessity of this legislation proclaims that fact that to-day Senator KNOX is ineligible to the Cabinet office which it is so earnestly desired he shall hold. By the enactment of this measure, we attempt to make him eligible.

Mr. Speaker, I, with all of my colleagues here, stood before that desk with my hand raised aloft and solemnly swore to support the Constitution of the United States. This bill in its incipiency and in its enactment has for its sole purpose the rending and destruction of that instrument. Gentlemen can deceive nobody by it. The country will know, every man here knows and must know that in casting a vote to enact this legislation his purpose is to evade and avoid the plain, unquestioned, unequivocable language of the Constitution. For one, I will not stultify myself to gratify the desires of the President-elect. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and in that connection I would also ask that all gentlemen who desire to speak on this question may have five days to extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Now, Mr. Speaker, I yield two minutes to my colleague on the committee, Mr. HACKETT, of North Carolina.

Mr. HACKETT. Mr. Speaker, if we are to consider the bill to reduce the salary of the Secretary of State in the light of what appears on the face of it and not in the light of what is its plain purpose and intent—even then I am opposed to it. I am opposed to reducing the salary of any member of the Cabinet, for it is evident to anyone who has lived in Washington and is acquainted with the social and official duties incumbent upon the occupants of these positions, that a salary of $12,000 a year is not too high. I am opposed to cheap men in high official life. It has been suggested that Senator KNOX, who has been tendered the appointment of Secretary of State by President-elect Taft, and for whose relief the bill under consideration is intended, does not need the salary in order to maintain the social and official dignity of the position. How much more reason why it should not be reduced, because we know not when the time may come that some man preeminently fitted may need it. The greatest intellects and wisest statesmen in the history of our country have not been the men of greatest wealth, and I have seen the evil of fixing salaries so low that we can not command men of greatest ability, probity, and intelligence for positions of highest importance, unless these men are blessed with wealth sufficient to maintain the dignity and fill the social requirements of the respective offices, without regard to the salary attached.

Then, too, do we not stultify ourselves by reducing the salary of the premier of the Cabinet far below that of the members of less dignity and importance, and even that of his first assistant. But, Mr. Speaker, the real question involved in this measure is one of constitutional qualification.

Paragraph 2, section 6, Article I, of the Constitution of the United States provides that—

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office.

Under this constitutional provision it is admitted by all that at present Senator KNOX is disqualified for a Cabinet position.

What disqualifies him? The Constitution.

When did that disqualification attach to him? When the act was passed increasing the salary.

When and how alone could Congress remove that disqualification? By a reconsideration, at the proper time, of the vote by which the salary was raised and an adverse vote on the proposition to raise it under such reconsideration.

That time has passed. Another session has been entered upon and almost ended, and to my mind there is nothing clearer than the fact that the constitutional inhibition having once attached to the person of Senator KNOX or any other individual, and the time for reconsideration of the act which caused it to attach having forever passed away, the only constitutional remedy for his ineligibility is by constitutional amendment, and that can not be made by congressional enactment.

It is argued by the advocates of this measure that we should regard the spirit of the Constitution and the intent of its framers and not the letter, and that the spirit and intent are that no Senator or Representative shall fill a new office created, or one the emoluments of which have been increased, during the term for which he was elected, in order to take away the temptation from Congressmen to create new offices or increase emoluments of those in existence with the hope of afterwards filling them.

There are two inducements to hold public office, the honor and the salary. The rich man desires the honor and cares little for the salary. The poor man, though he be peerless in intellect, patriotism, and statecraft, equally desires the honor, but can not afford to accept it without the salary. If it be reprehensible and contrary to the spirit of the Constitution to increase the salary in order that any poor Senator or Representative might accept the honor of high official position, is it not equally reprehensible to decrease the salary in order that one single individual Senator or Representative whose wealth enables him to disregard the salary might accept the honor?

I know that it is not fashionable at this day and time to proclaim too strict adherence to the fundamental law of the land. However, at the risk of being held unfashionable, I can conceive of no greater truth than is contained in a clause of the constitution of North Carolina, that "Frequent recurrence to fundamental principles is necessary to preserve unto us the blessings of liberty;" and I believe by a stricter adherence alone to the "Old Landmarks" may we hope for the perpetuity of our free institutions. [Applause.]

Mr. HARDWICK. Mr. Speaker, the gentleman from Alabama [Mr. CLAYTON], who opened the debate and favors the bill, is both ingenious and candid in his presentation of the question.

He is ingenious in beginning his argument by calling attention to the fact that no gentleman can base his opposition to the pending measure upon constitutional objections to the Senate bill itself, because everyone must readily concede that Congress has the undoubted power to either increase or decrease the salary of the Secretary of State. The gentleman is not willing, however, to maintain a disingenuous position, so he candidly concedes that the question that is really behind the measure, and from which the motive for its passage springs, is not economy, but an attempt to so modify existing law as to render it possible for the distinguished Senator from Pennsylvania [Mr. KNOX] to accept the high office of Secretary of State in the Cabinet of our incoming President, for which distinguished honor it is authoritatively stated that he has been selected.

Let me say, before I enter into the argument I wish to make, that I have no wish to annoy or embarrass our incoming President, or his administration, particularly with reference to the selection of a Cabinet.

The rules of propriety and good taste would forbid that such a course should be adopted by any member of the opposing party, save upon the most important grounds and for the gravest reasons. Besides, it happens, in this particular matter, that few Members of this body more freely concede and more sincerely admire the great ability of Senator KNOX as a lawyer and as a statesman than I. I believe that he would make a great Secretary of State, and I regret that constitutional objections, as I understand the question, forbid it.

In 1904 Mr. KNOX was elected by the legislature of Pennsylvania to be United States Senator from Pennsylvania for the term beginning March 4, 1905, and ending March 4, 1911. He accepted the office, and from March 4, 1905, up to the present moment has been engaged in the performance of its duties. By the act of February 26, 1907, during the term for which Mr. KNOX was elected Senator, and while he was actually serving as such, Congress increased the salary of the Secretary of State from $8,000 to $12,000 per annum.

Paragraph 2, section 6, Article I, of the Constitution of the United States provides:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, etc.

Now, on February 26, 1907, "during the time for which" Mr. KNOX was "elected" Senator, the "emoluments" of the office of Secretary of State were increased. So it appears, from the plain words of the Constitution itself, that on February 26, 1907, Mr. KNOX became constitutionally ineligible to appointment as Secretary of State, and that such ineligibility, in the very words of the Constitution itself, continued "during the time for which he was elected" Senator, to wit, up to March 4, 1911. It seems to me that the question is so simple that to merely state it in the very words of the Constitution is all that is required to carry conviction. But able lawyers in the House and elsewhere have either intentionally or unintentionally sought to complicate the question and to muddy the waters by an entirely irrelevant and wholly useless discussion of the "meaning" of this paragraph of the Constitution, the evil it sought to remedy, and the motives that actuated its framers.

No gentleman on this floor, no lawyer here or elsewhere, is better acquainted than I am with the well-settled doctrine that in construing organic law, or statutory law, either for that matter, all of these matters ought to be taken into consideration, under some circumstances, so that the law may be properly understood; but, until the discussion over this bill and the question behind it arose, I never heard of a lawyer of respectable ability, anywhere, seriously contending that reference ought to be made to these sources of information, to these rules of construction, unless the language to be construed is of doubtful meaning or uncertain significance. That this doctrine of construction, sound enough and wise enough when applicable, should first be distorted and then invoked in order to create a doubt where none exists and to afford an opportunity to evade by "construction" constitutional language so plain that it speaks for itself, says what it means, and means what it says is equally shocking to my judgment as a lawyer and my common sense as a man. I do not believe that either lawyer or layman can accept such a doctrine.

Under the Constitution of the United States Senator KNOX is now ineligible to hold the office of Secretary of State, and will be until March 4, 1911, and no act of Congress, and no number of acts of Congress, can remove the constitutional bar which attached to him on the 26th day of February, 1907, when the Congress of which he was a Member, during the term for which he was elected, increased the salary of the Secretary of State.

The constitutional provision in question does not mean, as our opponents in this debate would have the House and the country believe, that no Member of Congress shall be appointed to an office the salary of which is higher at the time of such appointment than it was when his congressional service began. If it had meant that, it would have been a very simple matter to have said just that, and in fewer words than were employed in the provision that was adopted.

But the gentlemen who favor this bill insist that if Senator KNOX does not receive as Secretary of State greater compensation than attached to that office when his term as Senator began the "spirit" of the Constitution will have been complied with. Let us examine this argument for just a moment. Suppose Mr. KNOX becomes Secretary of State, and suppose at some time between March 4, 1909, and March 4, 1911, at which latter date the term for which Mr. KNOX was elected Senator expires, Congress should again increase the compensation of the Secretary of State above $8,000; then who can deny that not only the letter of the Constitution would have been disregarded, but its spirit, even as that "spirit" is understood and defined by the friends of the Senate bill?

If the construction which the friends of this bill contend for is sound, and the status of the salary at the very date of appointment is to be alone considered, how easy it would be to reduce this salary from $12,000 to $8,000 on the 3d day of March, 1909, let Senator KNOX qualify as Secretary of State on the 4th day of March, 1909, and then on the 5th day of March, after he had been appointed and confirmed as Secretary, restore the salary to $12,000. In the event procedure of that kind were had, what would become both of the letter and the "spirit" of the Constitution? And the fact that such procedure is possible under the "construction" contended for by the advocates of this bill is the plainest demonstration of the unsoundness of their contention and the surest warning against the danger of such tampering with the Constitution.

It is my earnest hope that when the President-elect and the distinguished gentleman whom he has selected to head his Cabinet examine into this question carefully, and with the great legal ability for which both of them are so justly distinguished, that, regardless of any action of Congress on this salary matter, neither of them will be willing to signalize the new administration's advent by so patent, so palpable a violation of the Constitution they have sworn to support. It will be most unfortunate if these gentlemen do not rise not only to the proprieties but to the duty of the occasion.

So far as I am concerned, my course in this matter is easy enough. I believe the Constitution says exactly what it means and means precisely what it says. I am convinced that Mr. KNOX will not be eligible to appointment as Secretary of State until March 4, 1911, and that no "enabling act" of Congress can override, repeal, or modify the Constitution so as to make him eligible. I shall not, therefore, lend myself to this scheme to override the Constitution and to disregard its plain, simple, and unambiguous language.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, it is with regret that I feel constrained to oppose the measure manifestly for the relief of the distinguished Senator from the State of Pennsylvania. But I took an oath to support the Constitution of the United States, and my oath does not permit a violation, either by direct or indirect methods. This act is a plain evasion of our constitutional oath.

Mr. Speaker, I am opposed to this bill for three reasons.

First. It is against the express letter of the Constitution. The plain provision is, if the salary of the Secretary of State "shall have been increased" during the six years' term for which Senator KNOX was elected, he can not, under the circumstances here dealt with, hold the office of Secretary of State.

Second. Such act is a palpable violation of the undeniable spirit of the Constitution.

Third. If it were indisputable that we are not violating the letter and spirit of the Constitution, to pass this bill is not wise as a question of policy and is a breach of all appropriate ethics that should control us in this emergency. It is utterly repugnant to my conception of the proprieties that ought to guide and determine our conclusions on this occasion. It is true on its face the act is a simple proposition to reduce the salary of the Secretary of State from $12,000 per annum, at which sum it was fixed March 4, 1907, to $8,000. But it would be an unpardonable and cowardly evasion to say that nothing else is involved.

In 1905 Senator KNOX was elected to the United States Senate for a term of six years, ending March 4, 1911. During this time the Fifty-ninth Congress, of which he was a Member, increased the salary of the Secretary of State from $8,000 to $12,000 per annum. By the Constitution, Article I, section 6, Senator KNOX, who is proposed by Mr. Taft for Secretary of State for the term beginning March 4, 1909, is disqualified. The material part of the article and section is as follows:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time.

Here we have a constitutional clause, and an act of Congress increasing the salary of an office to be filled by Senator KNOX during the term for which he was elected to serve as United States Senator. It is manifest to me that Senator KNOX is disqualified by the Constitution and not by the act of Congress. Nor can another act of Congress decreasing the salary of the Secretary of State qualify him, once he is disqualified by constitutional provision. We can not nullify a patent constitutional disqualification by a trick of legal legerdemain. Was the salary of the Secretary of State increased during Senator KNOX's six-year term in the Senate? It can not be denied. The Constitution makers unmistakably wrote in this article that when the emoluments "shall have been increased" during his term in Congress, a constitutional bar is raised against appointment of such Senator or Member until the congressional term becomes extinct. It will not do to say that the salary of Secretary of State has not been "increased" because this act "decreases" it and it then becomes as if it had never been.

The fact forever remains that such salary has been both "increased" and "decreased." You can not reverse this fact by reason of interpretation or legal enactment. You might, with the same consistency of logic, undertake to legislate that war with Mexico was not a fact in our history, but a mere dream;

that Niagara Falls does not stand between the boundaries of this country and Canada; that Yellowstone Park is a myth; the forest of big trees in California a figment of the imagination, and the historic truth of the tragic deaths of Lincoln, Garfield, and McKinley the idle vaporings of newspaper correspondents. Ah, Mr. Speaker, physical and historic facts are immutable, and no legislative action can eradicate or destroy them. The salary has been increased, and no decreasing act can make the established fact disappear, but only establishes another fact—a decreased salary by Congress. In my judgment, without meaning to be critical, if Mr. Taft and Senator KNOX had heeded the voice of wisdom when this question arose, instead of rushing it through Congress with the powerful force of Senatorial courtesy and the strong machine of the House Committee on Rules, they would have hesitated and deliberated and said, "Let this great question go to the law committees—the Committees on the Judiciary—of the two Houses, where it could be weighed, considered, and analyzed from every standpoint." Then, if favorable report had been made to Congress, the American people would have concurred with certain approval. If not, a taint of doubt being left in the proposition, they would have said, and so would the people, "Let this class legislation and special favoritism for the accommodation of one man become no part of our legislative annals."

If ever a question deserved treatment in decency and order it is this one where some of us fear we might be violating our oath of office. But you will perpetrate the act, and let me prophecy that Mr. Taft and Senator KNOX, before the 4th of March, will come to the conclusion that this is of such doubtful constitutional warrant and propriety they can not afford to avail themselves of its special favoritism and convenience.

There is one other question I desire to raise. At this session of Congress the Senate, of which Senator KNOX is now a Member, proposes to raise the salary of the President, and has already taken action to that effect. In my judgment, your party will yet ratify such Senate action in both Houses of Congress. Then Senator KNOX, being Secretary of State under Mr. Taft, will be in line for the Presidency in the event of the death of the President and Vice-President. In such an emergency he would be ineligible to the Presidency and would be laboring under a double constitutional disqualification on account of the raise of salary of the Secretary of State and of the President. In my mind it is unwise and not sound policy to pass this act and open the way to difficulties and at the same time bend and break the organic law of our Republic. No man is so great and good that it should be done. With regret, but with unwavering firmness, I shall record my vote against it.

Mr. Speaker, I have said the proposed action here not only violates the express language of the Constitution, but the spirit and intent as well, and I shall now attempt to demonstrate my statement by historic reference.

You may search the history of the proceedings of the Philadelphia convention of 1787 and you will find nothing authorizing the construction put forth by those maintaining the affirmative of this proposition. There is no hint that the spirit pervading the Constitutional Convention warranted holding that where a salary had been increased and a constitutional disqualification fixed on a Senator or a Member it might then be undone and reversed by a bit of legal juggling such as this. There is no suggestion of such pathway out of the difficulty. That language, "shall have been increased," stands forth boldly to reveal its meaning as does the sunshine by day to herald the fact that the night is over and the stars obscured. At the first point in the proceedings of the Constitutional Convention when this question becomes material we find, on June 26, 1787, Mr. Williamson moved a resolution so penned as to admit of the following question:

First. Whether the Members of the Senate should be ineligible to, and incapable of holding, offices under the United States; secondly, whether, etc., under the particular States.

Mr. Gerry and Mr. Madison moved to add to Mr. Williamson's first question "and for one year thereafter." This was carried.

To the first question in Mr. Williamson's resolution, "ineligible to and incapable," and so forth, there was unanimous agreement, and it was adopted. Then these propositions, along with others, were referred to a committee on detail on July 26, and are to be found numbered 4 in a series of resolutions.

The language here used is as follows:

That the Members of the second branch of the Legislature of the United States ought to be ineligible to, and incapable of holding, any office under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected, and for one year thereafter.

On August 6 the Committee on Detail made a report, and in it is found the following provision, embodied in section 9:

The Members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards.

Here the committee emphasized the ineligibility of Senators and discriminated against them, so anxious were the fathers to guard the point by extending the period of ineligibility "for one year" after their terms expired, thus failing to apply that disqualification to Representatives, and evincing an indisputable spirit to shield the Senate and Executive from the influences that one might exert upon the other and unequivocally separating these two departments from one another by rendering them distinct and independent.

Mr. Speaker, I challenge attention to the "spirit" here made manifest and emphatic. There is no hint that we may trifle and juggle with Cabinet offices and emoluments thereof, but a plain suggestion and injunction that the Senate must hold itself aloof from executive functions and favors and not seek ways to get into the Cabient when the Constitution interdicts. It is not meant that Senator KNOX is endeavoring to do this, but simply pointed out that the framers of the Constitution intended by letter and spirit that no Senator should ever surmount this obstacle in any kind of fashion, with or without the aid of Congress. Nor will chloroforming this section of the Constitution to-day appeal to or satisfy those who still regard its provisions with patriotic reverence.

The next glimpse of this section of the Constitution is on September 1, when Mr. Brearly, to whose committee were referred certain postponed parts of the Constitution, made partial report in this language:

The Members of each House shall be ineligible to any civil office under the authority of the United States during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a Member of either House during his continuance in office.

It is peculiarly appropriate here to quote the exact language and reasoning of some of the delegates to the Philadelphia convention on this identical point.

Mr. Sherman was "for entirely incapacitating Members of the Legislature." He thought "their eligibility to office would give too much influence to the Executive." He said:

The incapacity ought at least to be extended to cases where salaries would be increased, as well as created, during the term of the Member.

He mentioned also the expedient by which the restriction could be evaded, to wit:

An existing officer might be translated to an office created, and a Member of the Legislature be then put into the office vacated.

Mr. Randolph was "inflexibly against inviting men into the legislature by the prospect of being appointed to offices."

Here is what the great Virginian, George Mason, thought:

Instead of excluding merit, the ineligibility will keep out corruption by excluding office hunters.

On September 1 Mr. Williamson moved to insert the words "created or the emoluments whereof shall have been increased" before the word "during" in the report of the committee. This amendment was adopted. Hence, it is clear to my mind if our fathers, in writing the Constitution, enjoined upon us that we, as Senators or Members, should not benefit by the offices we created or by the increased emoluments thereof, they also, by the same letter and spirit, enjoined upon us that we should not benefit a Senator, as in the case under consideration, by legal legerdemain in attempting to obviate, by statute, a constitutional infirmity for the purpose of advancing his official station in removing an obstacle standing in his pathway from the Senate to a Cabinet office, where our fathers fixed constitutional barriers to forever remain.

Where are the letter and spirit? They remain where the writers of our Constitution placed them, as sentinels to give the alarm in such emergencies as this, when our eagerness to favor a distinguished man and new administration are about to outrun our judgments. We are importuned to bend a little, to lean only slightly to error, in order that we may do an act of kindness and convenience.

It must not be; there is no power in Venice
Can alter a decree established:
'Twill be recorded for a precedent;
And many an error, by the same example,
Will rush into the state: it can not be.

Mr. Speaker, when the committee on style finally reported the Constitution, the material part of this article and section appeared as follows, and became part of the permanent document:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

Mr. Speaker, I reiterate, with all due respect to those whose views are different, that the letter, the spirit, and the proprieties cry out against this evasion and subterfuge.

Entertaining a high regard for the distinguished Senator and wishing Mr. Taft's administration preeminent success, I must halt and do reverence to my constitutional oath as I see it, and meet the question with fair and honorable intent by considering all the known and notorious facts, and in so doing my conscience impels me to vote against the expedient here offered. Our forefathers wrote the Constitution in order that their posterity might be governed by written guaranty of liberty and republican institutions perpetuated, that we might look to and invoke it in hours of trial and peril. Mr. Speaker, that ancient document is not yet obsolete; we have not yet outgrown its sacred provisions; there is not yet need of shutting our eyes and blindly trampling under foot any part of the safeguards it contains. If liberty is to survive and constitutional government to find lodgment in permanent history, sacred reverence for the genius and spirit and letter of this beloved instrument alone will perpetuate them. For my part, I am not willing to disregard historic fact and constitutional guaranty for any man or party in the Republic. [Prolonged applause.]

Mr. RUCKER. Mr. Speaker, I yield two minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Speaker, in discussing this important question no lawyer who cares for his reputation will approach it from a partisan standpoint, but give it serious and conscientious consideration. No man's political affiliations should color his understanding of the meaning of our great charter, the organic law upon which our magnificent Government is built. The bill before us might well be styled "A bill for the relief of Senator KNOX." I want to say before proceeding further that I wish sincerely that I might aid Mr. Taft in gratifying his desire to have Mr. KNOX's disqualification for the portfolio of Secretary of State removed, but I am compelled to look at the great question in the light of the law, assisted by well-established rules of construction and interpretation.

The term of Senator KNOX began March 4, 1905, and will therefore end until March 3, 1911. On February 26, 1907, the salary of the office of Secretary of State, to which Mr. Taft wishes to appoint Mr. KNOX, was increased from $8,000 to $12,000 per annum. It is claimed that Senator KNOX voted for this increase, but this is immaterial. The act has been in effect, therefore, for the last two years. The bill now seeks to reduce the salary back to $8,000, in order to relieve Mr. KNOX of the inhibition contained in Article I, section 6, clause 2, of the Constitution, which reads as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time.

Now, suppose this bill becomes a law, will the Senator be eligible to appointment in Mr. Taft's Cabinet, prior to March 4, 1911? I am compelled to say that in my humble opinion he will not be. I have studied the question with great care and have examined every report and decision that bears on the question in the least. The Constitution must be given its plain meaning. Note the language of Judge Lamar in Lake County *v.* Rollins (130 U. S. Reports):

> If the words convey a definite meaning which involves no absurdity, nor any contradiction of other parts of the instrument, then that meaning, apparent on the face of the instrument must be accepted, and neither the courts nor the legislature have the right to add or to take from it. (Newell *v.* People, 7 N. Y., 9, 97; Hill *v.* Chicago, 60 Ill., 86; Denn *v.* Reid, 10 Pet., 524; Leonard *v.* Wiseman, 31 Md., 201, 204; People *v.* Potter, 47 N. Y., 375; Cooley, Const. Lim., 57; Story on Const., 400; Beardstown *v.* Virginia, 76 Ill., 34.) See also, where a law is expressed in plain and unambiguous terms, whether those terms are general or limited, the legislation should be intended to mean what they have plainly expressed, and consequently no room is left for construction. (United States *v.* Fisher, 2 Cranch, 358, 399; Doggett *v.* Florida Railroad, 99 U. S., 72.)
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> There is even stronger reason for adhering to this rule in the case of a constitution than in that of a statute, since the latter is passed by a deliberative body of small numbers, a large proportion of whose members are more or less conversant with the niceties of construction and discrimination and fuller opportunity exists for attention and revision of such a character, while constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption. Such considerations give weight to that line of remark of which The People *v.* Purdy (2 Hill, 31, 36) affords an example. There Bronson, J., commenting upon the danger of departing from the import and meaning of the language used to express the intent, and hunting after probable meanings not clearly embraced in that language, says: "In this way the Constitution is made to mean one thing by one man and something else by another, until in the end it is in danger of being rendered a mere dead letter, and that, too, where the language is so plain and explicit that it is impossible to make it mean more than one thing unless we lose sight of the instrument itself and roam at large in the boundless fields of speculation."
>
> Words are common signs that mankind use to declare their intentions to one another; and when the words of a man express his meaning clearly, distinctly, and perfectly, we have no occasion to have recourse to any other means of interpretation.

Mr. Speaker, it is clear to even a layman as to what the clause in the Constitution says and means. No technical language is used. No words of doubtful meanings are there. No ambiguous or uncertain thought is expressed. If the emoluments of any office have been increased during a Senator's term, he can not be appointed to that office until his term has expired. To know that the sun shines at midday we have but to look up into the heavens and see it. It is hard to use an argument that it is shining when one has but to look and see it; so it is hard to argue a question which seems so clear as that clause of the Constitution under discussion. The moment the emoluments of the office are increased by law, that moment the lawmaker's ineligibility to fill the office sets up, and must continue to the end of his term. It is not the law increasing the emoluments that disqualifies him to be appointed to such office, but it is the Constitution; and being once disqualified by that instrument the disqualification can not be removed by mere legislative enactment.

Senator KNOX is unquestionably disqualified now, and has been for the past two years. No one denies this. What disqualified him? Was it the statute or the Constitution? The question answers itself, and one has but to read the clause in question to answer that it is the Constitution which created the disqualification. Then, if he is now constitutionally disqualified, how can the Congress qualify him by passing this bill? When the act of February 26, 1907, became a law eo instanti Mr. KNOX became disqualified to hold the office of Secretary of State and has remained disqualified ever since. His disqualification, as I have said, is not statutory, but constitutional; and, having once attached, can not be remedied by legislative enactment. Everyone admits that unless this bill passes he is clearly disqualified by the Constitution; and if so disqualified, how can Congress qualify him by passing this bill? The law increasing the salary of the office of Secretary of State was enacted in the Fifty-ninth Congress, and the Secretary of State has been drawing the larger salary since that time.

So the act which enabled the Constitution to disqualify Mr. KNOX is not in fieri, but is a completed, accomplished fact, and the Constitution effected the disqualification the instant the bill became a law.

If the passing of the bill before us to-day will now qualify Mr. KNOX for the high position of Secretary of State, why could not he have been appointed to this office February 27, 1907, and have served as such until some one should have raised the point, and, the point being raised, then Congress could have reduced his salary to $8,000, and all would be well? Does anyone claim that his occupancy of the office under these circumstances and his appointment to such office would have been legal? I take it that no one would claim such. If not, how could the repeal of the statute making the increase in salary make the original appointment now legal? Shall we argue that for the past two years he has been clearly disqualified, but during the next two years he will be qualified, and yet no change take place in the Constitution? That would be tantamount to saying that it is the statute which first disqualifies and then qualifies a person for such office, without regard to the Constitution. We all know that it is the Constitution which, upon the happenings of a certain event, attaches irrevocably the disqualification, and then such disqualification can not be affected by any statutory retraction or amendment. The thing being once done can not be undone except by amendment to the Constitution. A constitutional disability having once attached, can not be removed by legislation.

The people and Mr. KNOX can not be placed in statu quo by passing this bill. The object of the clause of the Constitution in question was, according to that great judge, Story:

> To take away, as far as possible, any improper bias, in the vote of the Representative and to secure to the constituents some solemn pledge of disinterestedness.

The repeal of the law increasing the salary at this time, two years after its enactment, can not affect the motives or the interests or noninterest of the Senator at the time the bill was passed. We can not know, nor can we inquire, nor does it matter, what a Senator's motives were in voting for an increase of the emoluments or the creation of a new office, and therefore the fathers, when they framed the Constitution, pronounced in that instrument the irrebuttable disqualification the moment the offending event happens.

Suppose the Constitution should declare in plain terms that no person convicted of forgery should ever hold office, and suppose A should be convicted, but two years after his conviction

the legislature should repeal the law against forgery, could A ever hold office? I do not think so. The repeal of the statute, the violation of which caused the constitutional disqualification to attach, could not remove that disqualification; nor can the repeal of the statute, the passage of which caused the constitutional disqualification to attach to Mr. KNOX, remove his disqualification.

The case of Hill *v.* The Territory of Washington (2 Washington Reports) seems to be a case almost in point. It was against the law of the Territory for any officer of the Regular Army to be elected to any civil office. Hill was a retired member of the army and was elected treasurer in 1880 of King County. Suit was instituted to oust Hill from his office. The legislature of the Territory, however, in 1881 repealed the disqualifying statute. In a well-considered opinion the court says:

> Again, at the time of the election of the defendant to said office he was, if he belonged to the Army of the United States, ineligible thereto by the laws of the Territory; hence all votes cast for him were of no effect, and the declaration of his election could confer no rights upon him; and, if all laws that rendered him so ineligible were afterwards repealed, such repeal could not in itself validate such election and confer upon him the right to hold said office until he had been legally elected or appointed thereto.

The case of Senator Ransom from my own State shows how strictly the law officers of the Government have construed this important clause of the Constitution. General Ransom's term as Senator from North Carolina began March 4, 1889, and ended March 4, 1895. In March, 1891, the compensation of the minister to Mexico was increased from $12,000 to $17,500 per annum. On February 23, 1895, ten days before the Senator's term expired, he was appointed and confirmed minister to Mexico, and on the 4th of March following took the oath of office. The Attorney-General was called upon for an opinion as to the legality of the appointment, and it was held in a clear opinion that the appointment was illegal. In passing on this case, the Attorney-General, among other things, said:

> The case in hand, however, is governed by the other prohibition, which is against the appointment to any civil office under the United States the emoluments whereof have been increased during the time for which he was elected.
>
> Here, plainly, the prohibition is not against the holding, but the appointment. * * *
>
> He (the President) can appoint only those who, under the Constitution, are eligible to the office. His appointment of one not eligible is a nullity.

The Auditor for the State and other Departments, in discussing General Ransom's case, said:

> The Constitution of the United States provides by the second clause, section 6, Article I, that "No Senator or Representative shall, during the term for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time." The language is plain and unmistakable, and in view of the fact that the salary of the envoy extraordinary and minister plenipotentiary to Mexico was increased during Mr. Ransom's term in the Senate, he was constitutionally ineligible for appointment to the office during that term.

The decision of the Attorney-General in the case of Governor Kirkwood is one of the strongest against the eligibility of Senator KNOX that has been rendered. Governor Kirkwood was elected Senator from Iowa, his term beginning March 4, 1877, and expiring March 4, 1883. In 1881 he resigned as Senator to accept the position of Secretary of the Interior. In that same year—1881—he resigned as Secretary of the Interior and became a private citizen. While he was such private citizen and while his successor was serving as Senator from Iowa, but before Governor Kirkwood's term of office had expired—it being March, 1882—the office of Tariff Commissioner was created by Congress, and President Harrison wished to appoint Mr. Kirkwood to this office. The Attorney-General, who was called upon for an opinion in the case, after citing Article I, section 6, clause 2, of the Constitution, says:

> It is unnecessary to consider the question of the policy which occasioned such constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is absolute, as expressed in the terms of the Constitution, and behind that I can not go, but must accept it as presented regarding the application in this case. Among the decisions of the state courts four cases only were found in which a like constitutional prohibition has been considered. They are not directly in point here, and I can obtain no help from them to avoid the conclusion I have before expressed. They maintain in effect the same principle and adopt the same rule of interpretation which, I here submit, disables Governor Kirkwood from receiving the appointment.

Mr. Speaker, I therefore am opposed to the passage of this bill, for the reason that we all know it is for the purpose of attempting to make Senator KNOX eligible to be appointed Secretary of State by Mr. Taft, and for the further reason that, in my opinion, whether the bill is passed or not, he will not be eligible to receive the appointment before his term as Senator from Pennsylvania expires, which will not be until March 4, 1911.

I can not give assent to the doctrine that public and temporary expediency would excuse a breach, however slight, of the Constitution; nor can I agree that it is permissible to violate any provision of that great charter, even though no harm apparently may flow from such violation. Its every article is sacred and should be jealously guarded by all sincere lovers of constitutional government, and we should never permit its slightest violation, even though such violation should bring about a condition personally pleasant and answer a popular demand.

It is far better for the country to be deprived of the eminent services of Senator KNOX as Secretary of State for two years longer than to fracture our paramount law upon which the entire future of the Republic depends. [Applause.]

APPENDIX.

21 Wisconsin Reports, State ex rel. Ryan *v.* Boyd, page 212:

"Mr. Justice Story, in commenting upon a kindred provision in the Constitution of the United States, says: 'The reasons for excluding persons from offices who have been concerned in creating them, or increasing their emoluments, are to take away, as far as possible, any improper bias in the vote of the Representative and to secure to the constituents some solemn pledge of his disinterestedness. The actual provision, however, does not go to the extent of the principle; for his appointment is restricted only during the time for which he was elected, thus leaving in full force every influence upon his mind, if the period of his election is short, or the duration of it is approaching its natural termination.' (Story's Com. on Const., p. 684.) The learned author adds, that while it has sometimes been a matter of regret that the disqualification has not been made coextensive with the supposed mischief, and thus have forever excluded Members from the possession of offices created or rendered more lucrative by themselves, yet that perhaps there is quite as much wisdom in leaving the provision where it now is."

Volume II, Decisions of the Comptroller, pages 129 and 130, in re of accounts of Hon. Matt Ransom, for compensation as envoy extraordinary and minister plenipotentiary to Mexico:

"A Senator of the United States is prohibited by section 6, Article I, of the Constitution, during the time for which he was elected, from being appointed to any civil office the emoluments of which have been increased during such time.

"R., a Senator of the United States, elected for a term of six years, to expire March 3, 1895, during which time the salary of the office of minister to Mexico was increased, was on February 23, 1895, nominated to that office, confirmed by the Senate, and commissioned by the Presdient. He took the oath of office on March 5. Such appointment was prohibited by section 6, Article I, of the Constitution, and R.'s salary can not be paid."

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
September 6, 1895.

The Auditor for the State and other Departments having, under date of July 13, 1895, made an original construction of the following clause in the diplomatic and consular appropriation act of March 2, 1895 (28 Stat., 815)—

"Envoys extraordinary and ministers plenipotentiary to Russia and Mexico, at $17,500 each, $35,000;"

transmitted his decision thereon to the Comptroller for his approval, disapproval, or modification. Said decision is as follows:

"Mr. Ransom has presented accounts for salary as envoy extraordinary and minister plenipotentiary to Mexico, covering the time from and including March 4 to and including June 30 ultimo.

"It becomes my duty as the accounting officer to whom the accounts are assigned for audit and settlement to decide whether or not Mr. Ransom is entitled to the compensation which he claims.

"Mr. Ransom was a Senator from the State of North Carolina for the term beginning March 4, 1889, and ending March 3, 1895. During the said term the salary of the envoy extraordinary and minister plenipotentiary to Mexico was increased by Congress from $12,000 per annum to $17,500 per annum by act making appropriations for consular and diplomatic services, approved March 3, 1891. (26 Stat., 1053.) Congress has since continued to appropriate the latter sum, and at that rate salary is claimed by Mr. Ransom.

"The Constitution of the United States provides by the second clause of section 6, Article I, that 'No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.' The language is plain and unmistakable, and in view of the fact that the salary of the envoy extraordinary and minister plenipotentiary was increased during Mr. Ransom's term in the Senate, he was constitutionally ineligible for appointment to that office during that term. In the words of Attorney-General Brewster (17 Opinion A. G., 365): 'It is necessary to consider the question of the policy which occasioned this constitutional prohibition. I must be controlled exclusively by the positive terms of the provisions of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is absolute, as expressed in the terms of the Constitution, and behind that I can not go, but must accept it as presented regarding its application in this case.'"

On page 208, same volume, Decisions of the Comptroller:

"Mr. Ransom was, until the expiration of Congress on March 3, a Senator of the United States from the State of North Carolina, his term expiring on that date. On March 3, 1891, the compensation of the minister to Mexico was increased from $12,000 to $17,500 per annum, and has continued at the latter figure from that time to and including the present fiscal year. When the act increasing the salary of the minister to Mexico was passed Mr. Ransom was a Member of the Senate. The fact that the salary of the minister to Mexico was increased while Mr. Ransom was a Senator was overlooked both by the President and the Senate on February 23, when he was nominated and confirmed, and was not discovered until some time after Mr. Ransom had been appointed, qualified, and acted as the minister to Mexico. For the reasons stated by the Attorney-General in his opinion of August 15, 1895 (21 Opin. A. G., —), the appointment of Mr. Ransom under the circumstances was illegal, as in violation of paragraph 2, section 6, of Article I of the Constitution."

On page 211, volume 21, Opinions by Attorneys-General, we have the following by Hon. Holmes Conrad, Acting Attorney-General under Hon. Judson Harmon, of Ohio:

MEMBER OF CONGRESS; * * * APPOINTMENT TO OFFICE.

"During the term of R., as a Senator of the United States, Congress increased the salary attached to a civil office under the authority of the United States. On February 23, 1895, the President nominated R. (whose term would not expire until March 4, 1895) to the office in question, and on the same day such nomination was confirmed by the Senate. R. took the oath of office on March 4, 1895, and his commission was delivered to him the following day. Held, 1, the nomination by the President and the confirmation by the Senate constituted the appointment to the office in question; and,

"2. Such appointment was a nullity, because in conflict with paragraph 2, section 6, Article I of the Constitution, which prohibits the appointment of a Member of Congress during the term for which he was elected to an office the emoluments whereof shall have been increased during such time."

Matthew W. Ransom was the United States Senator from the State of North Carolina for the term beginning March 4, 1889. During the said term the salary of envoy extraordinary and minister plenipotentiary to Mexico was increased from $12,000 per annum to $17,500 per annum by act of Congress, approved March 3, 1891, making appropriations for the diplomatic and consular service. (26 Stat., 1053.) Congress has since continued to appropriate the latter sum. On February 23, 1895, Mr. Ransom was nominated by the President as envoy extraordinary and minister plenipotentiary to Mexico, and the nomination was confirmed the same day. The commission bears date of February 23. According to the statement of the President and his private secretary, Mr. Thurber, the commission was signed March 5. Mr. Ransom took the oath of office March 4, after the senatorial term had expired, and his commission was delivered to him the following day."

The occasion of your request for my opinion as to the duty of the Department of State in the premises appears to be a decision of the Auditor for the State and other Departments, holding that Mr. Ransom is not entitled to salary as envoy extraordinary and minister plenipotentiary to Mexico because of the constitutional provision of section 6 of Article I of the Federal Constitution.

Paragraph 2, section 6, Article I, of the Constitution is as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office."

Here is contained a prohibition against the appointment to office of Senators and Representatives, and also a prohibition against one holding an office from being a Member of either House of Congress.

It has been repeatedly held that the acceptance of any office under the United States by a Member of either House of Congress operates a vacation of his seat. He is disabled by the Constitution from holding an office while a Member of either House.

The case in hand, however, is governed by the other prohibition, which is against the appointment to any civil office under the authority of the United States the emoluments whereof have been increased during the time for which he was elected.

Here plainly the prohibition is not against the holding, but against the appointment. * * *

He (the President) can appoint, however, only those who, under the Constitution, are eligible to office. His appointment of one not eligible is a nullity.

One who was a Senator or Representative during the time in which the emoluments of any civil office under the authority of the United States were increased is ineligible to such office.

Judge Story says:

"The reasons for excluding persons from offices who have been concerned in creating them or increasing their emoluments are to take away, as far as possible, any improper bias in the vote of the Representative and to secure to the constituents some solemn pledge of his disinterestedness. * * *"

I am of the opinion, then, that Mr. Ransom's appointment as envoy extraordinary and minister plenipotentiary to Mexico was made on February 23, 1895; that that was during the time for which he was elected a Senator in Congress; and it appearing from your letter that it was during that time that the emoluments of the office of minister to Mexico were increased, Mr. Ransom was ineligible to appointment to that office.

HOLMES CONRAD,
Acting Attorney-General.

On page 365, volume 17, Opinions of Attorneys-General, we find the following by Hon. William Harrison Brewster:

APPOINTMENT TO CIVIL OFFICE.

K. was elected and qualified as Senator from Iowa for a term which would expire March 4, 1883. He resigned in March, 1881, to accept the position of Secretary of the Interior, which office he also resigned in the latter part of the same year. Since then, by act of May 15, 1882, chapter 145, the office of tariff commissioner was created. *Advised* that the second clause of section 6, of the first article of the Constitution disqualifies K. for appointment to such office.

DEPARTMENT OF JUSTICE, *May 26, 1882.*

SIR: It having been suggested that Governor Kirkwood might not be eligible to be appointed on the tariff commission under certain provisions of the Constitution, after conference at the Cabinet the matter was referred by you to me for examination. Knowing that it was your desire to appoint Governor Kirkwood, as it was also the hope of all the members of the Cabinet that he would be appointed, I have given the subject presented to me a serious consideration and a thorough examination, in conjunction with the Solicitor-General, whose assistance I invited in conference upon the subject. The opinion that I now give is the product of that joint examination.

The Solicitor-General has deposited with me in my department a written opinion concurring with me.

Mr. Kirkwood was elected and qualified as Senator from Iowa for a term which would expire in March, 1883. In March, 1881, he resigned to accept the position of Secretary of the Interior, and, having recently resigned that office, is now in private life. Since his second resignation the office of tariff commissioner has been created by act of Congress, and the question is, whether, in those circumstances, the second clause in the first article, section 6, of the Constitution of the United States, disqualifies him for appointment as such commissioner. The clause is as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office."

It is unnecessary to consider the question of the policy which occasioned such constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and in my opinion disables him from receiving the appointment. The rule is absolute, as expressed in the terms of the Constitution, and behind that I can not go, but must accept it as it is presented, regarding its application in this case. I caused careful search through the opinions of the Attorneys-General for precedent upon this question, but none has been found. No opinion is recorded in which the subject is considered. Neither is any record of published cases in the courts of the United States that touch upon this point. Among the decisions of the state courts, four cases only were found in which a like constitutional prohibition has been considered. They are not directly in point here, and I can obtain no help from them to avoid the conclusion I have before expressed. They maintain in effect the same principle and adopt the same rule of interpretation, which, I here submit, disables Governor Kirkwood from receiving this appointment.

I am, sir, with great respect,

BENJAMIN HARRISON BREWSTER.

THE PRESIDENT.

In volume 2, Washington Territory Reports, on page 147, George D. Hill, plaintiff in error, *v.* The Territory of Washington, ex rel. Elwood Evans, prosecuting attorney, etc., defendant in error:

"The election of a person to office in this Territory who, by reason of belonging to the Army of the United States at the time of his election, was ineligible thereto, is not rendered valid by a repeal of the statute so disqualifying him.

"Capt. George D. Hill, plaintiff in error, was, prior to December, 1870, an officer of the Regular Army of the United States, at which time he was placed on the retired list with the rank of captain.

"Subsequently he was for a number of terms elected treasurer of King County, Wash.

"He was reelected at the general November election of 1880 and entered upon the duties of the office under this election."

Opinion by Hoyt, associate justice, page 149:

"By the pleading in this cause it was admitted that the plaintiff in error, the defendant below, was declared elected to the office of treasurer of King County in November, 1880, and that in pursuance to such declaration he entered into and took possession of said office and entered upon the discharge of the duties thereof, and that he is still so in possession of said office.

"It was also admitted that at the time of said election said defendant was, and still is, an officer upon the retired list of the United States Army. And the question decided below, and to be decided here, is as to whether under the facts so admitted judgment of ouster should be entered against said defendant. * * *

"It is virtually conceded by the argument upon this point that under the law of the Territory, as it stood prior to the amendment thereto in 1881, the Territory would have been the proper party plaintiff; but it is contended that the action of the legislature in so amending said law that it was no longer a violation thereof for an officer on the retired list to hold such office had so changed the relation of the Territory that it no longer had any interest in the question; as if the laws of the United States only were being violated, they and not the Territory were the proper party plaintiffs.

"But if we concede the entire argument of the defendant upon this question, it would not then appear that said amendment could have any effect upon this cause, for this action was commenced before said amendment was made, and the rights of the parties, as they existed before the enactment of said amendment, were protected by the provisions of the act which contained said amendment. * * * Again, at the time of the election of the defendant to said office, he was, if he belonged to the army of the United States, ineligible thereto by the laws of the Territory; hence all votes cast for him were of no effect, and the declaration of his election could confer no rights upon him; and if all laws that rendered him so ineligible were afterwards repealed, such repeal could not in itself validate such election and confer upon him the right to hold said office until he had been legally elected or appointed thereto."

Mr. BOOHER. Mr. Speaker, the legislation proposed by the measure now under discussion finds no parallel in the legislative history of the country. It seems to me, after a careful consideration of the bill and its purposes, that we are embarked on a very dangerous voyage, one beset with dangers and pitfalls that will, if this bill becomes a law, establish a precedent that will be far more honored in its breach than in its observance.

The bill might well be entitled "A bill to relieve an embarrassing political situation." There is a brave and manly way open for the relief here sought, and that path should be pursued. Congress should not undertake, by indirection, to relieve a situation that is so easily remedied by the interested parties themselves.

The advocates of this bill inform the House that this legislation is necessary to enable Mr. KNOX to become Secretary of State in the Cabinet of the incoming President. All are agreed that under the plain provision of the Constitution he is not eligible, and we are asked in our capacity as lawmakers, to render him eligible by doubtful legislation:

No Senator or Representative shall, during the term for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such term. * * *

This provision was written in the Constitution for a wise and beneficent purpose, and for the first time in our history we

propose to join in violation of not only the spirit of this provision, but the letter of it as well.

There can be no question as to the wisdom of this constitutional enactment, and a strict compliance with its every provision can but have a tendency to uplift our national life.

The question for us to settle is, "Does the paragraph of the Constitution quoted render Mr. KNOX ineligible to the office of Secretary of State; if so, will this legislation make him eligible?" That must depend upon the language used.

What is meant by the words "or the emoluments whereof shall have been increased during such term?" The salary of this office has been raised from $8,000 to $12,000 per year during the prohibited time. The present Secretary of State and his immediate predecessor have both enjoyed their increase in the salary. Can we say, therefore, by any reasonable rule of construction that the emoluments have not been increased? They have been increased, and now, in order to make eligible one who is now ineligible by reason of the increase, we propose to reduce the salary to what it originally was; but the fact remains that it has been increased during the prohibited time, and in my judgment this indirect method of legislation will not remove the disqualificaton now existing. If we can not remove this disqualification by direct legislation, no one will seriously urge that we can do indirectly that which can not be done directly.

Behold the spectacle that will present itself to the American people by the passage of this act. The head of the Cabinet, the chief adviser of the President, serving for $4,000 a year less compensation than the other members of the Cabinet. This subterfuge will not deceive anyone except those who support the proposition. I venture the prediction that before the prohibited term expires the salary of this office will be restored, when the humiliating confession must be made that Congress trifled with a principle to meet an emergency.

It is not contended that the President-elect and Mr. KNOX did not know of this provision of the Constitution. In addition to the presumption indulged in that every man knows the law, we have the assurance that both of them are among the greatest, if not the greatest, constitutional lawyers in public life to-day.

The strongest arguments used by the advocates of this measure is that the President-elect wants the law passed, and that it should be done this session.

I am willing to do what I may to make the incoming administration successful, but am not willing to violate the oath I have taken to support the Constitution for the personal convenience of anyone. Each of us is the keeper of his own conscience and must answer to himself and the people in what manner he has kept it. This measure is but an expedient to evade the plain provisions of the Constitution. I do not assert that this bill will be unconstitutional, but my contention is that it will not remove the disqualification of Mr. KNOX. The inhibition of the Constitution was put in force when the emoluments of the office were increased during his term in the Senate, and that prohibition will remain in spite of this legislation.

I do not doubt or question the superior ability and attainments of Mr. KNOX to fill this great office acceptably, but I maintain that this House can not afford to engage in this indirect method of legislation.

I have said that there is a brave and manly path out of this dilemma, and it should be pursued.

Let me call the attention of the House to the fact that this is not the first time in the country's history that a provision of the law has been overlooked by the President in making up his Cabinet. President Grant, as I now recall, during his first administration sent to the Senate for confirmation the name of the most successful business man of his day for Secretary of the Treasury. It was pointed out to President Grant that under the law his choice for this important office was ineligible. There was no subterfuge resorted to in this instance; no request for the enactment of legislation of doubtful efficiency; no demand for the repeal of the obnoxious provision, that he might have his personal friend in the Cabinet. On the contrary, he took the brave and manly way out of the embarrassing situation, respected the law in every particular, withdrew the nomination of his friend and selected another for the place.

I commend the course pursued by President Grant to the parties interested in this controversy.

No one can afford to assume the responsibilities of this office upon whose title there rests the least shadow of a doubt or distrust. As representatives of the people, can we afford to give our consent to the passage of a measure that does, in effect, leave a cloud upon the title, and thereby create distrust in the minds of not only the people of our own country, but also those who have to do with us in our foreign relations?

I again repeat that this House can not afford to relieve an unfortunate political situation by an act that will create a troublesome and doubtful precedent.

I hope the bill will not pass.

Mr. RUCKER. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I can not bring myself to be a part of a conspiracy to evade or violate the Constitution, or to allow or to compel the next President of the United States, immediately after taking the oath of office to support the Constitution, to violate one of its provisions. [Applause.]

It seems to me unfortunate that the country is so devoid of able men that in order to secure a Secretary of State it is compelled to violate both the letter and the spirit of the Constitution. [Applause.] It is true that the passage of this act in itself is no violation of the Constitution, but it is a violation of the proprieties of the occasion. The salary should be as great for the Secretary of State as other Cabinet officers, and the only excuse can be that we do not, if we pass this act, violate what some gentlemen say is the letter of the Constitution, and others say is the spirit of the Constitution. Mr. Speaker, we have had some criticism of the present President that he did not, because he was not a lawyer or a judge, fully appreciate the provisions of the Constitution; and we hoped that the next President—both a lawyer and a judge—would consider the Constitution inviolate and sacred [loud applause], and not commence his administration with its violation. [Renewed applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, the only question before the House is, Shall we pass the bill reducing the salary of the Secretary of State? The House can not, in either a legislative or judicial way, determine whether or not Mr. KNOX may be made Secretary of State without doing violence to the Constitution.

Therefore we waste time by discussing the question of his eligibility, either with or without the passage of this bill. Those who oppose the reduction of salary contend that, even with the passage of this bill, Mr. KNOX would still be ineligible. If so, then why oppose the reduction of salary? Others, good lawyers, insist that the passage of this bill removes the alleged ineligibility of Mr. KNOX. Then why should not every Member vote for the bill? This is the first time I have ever seen any legislative body undertake to throw a fellow down and stuff into his pockets a larger salary than he demands—one against which he protests. If the salary can be reduced without lessening either the quantity or quality of the service rendered, why need any Member insist, over the protest of the one to be appointed, upon paying a larger salary? If the constitutional eligibility of Mr. KNOX will not be improved by the passage of this bill, as the opponents of the bill assert, why not pass it and save $4,000 to an increasing deficit? If Mr. KNOX is to be appointed Secretary of State, it is infinitely better that all reasonable question as to his eligibility be removed. Those who oppose the passage of this bill argue that the official acts of Mr. KNOX, if appointed, might be invalid, and would, at least, always be questioned. The argument, then, is in favor of the passage of this bill, for the reason that it may remove the constitutional inhibition, and everybody should want the Secretary of State legally installed into office. I take it for granted that every Member of this body, Democrat and Republican, does not wish to limit the incoming President in his efforts to get the strongest men in his party into his Cabinet.

The Democrats should be, and are, sufficiently patriotic to want an honest and an able administration. The Republicans want it because of patriotism and a selfish desire for party success. If we are denied the privilege of making an eminently successful administration of our country's affairs under Democratic control, then, as good citizens, each of us should help make it as successful as is possible under Republican control. Certainly no Democrat should put himself in the unenviable position of even apparently seeking to obstruct the dominant party in its efforts to best serve the country's interests. If Mr. KNOX's eligibiliy, as is conceded, can not be determined here, why insist that the salary of the Secretary of State be $12,000 instead of $8,000? If he is eligible, permit him to accept the smaller salary. If there is a question as to his eligibility, injunction proceedings can be had to prevent the payment of any salary. Then the highest courts of the land can pass upon the question. I see no reason in a vote against an economical and an admittedly constitutional bill in order to defeat the appointment of Mr. KNOX, or anyone else, as well as to prevent the courts from passing upon the question. I am not entirely free from doubt as to whether or not this bill removes ineligibility, but I am unwilling to set my opinion up against the opinion of the Supreme Court. If Mr. KNOX should be appointed,

either with or without the passage of this bill, the Senators of the United States will be called upon to exercise their prerogative of confirming or rejecting the appointment. After a confirmation by the Senate the judgment of the courts can be invoked to finally determine whether or not the constitutional provision has been violated. Why not let the matter come to senatorial determination and judicial finding? Again I insist that the question of eligibility to office is not germane to the simple question as to whether the salary should be $12,000 or $8,000.

Mr. BANNON. Mr. Speaker, it is conceded by all that the bill now before the House does not in any way conflict with any provision of the Constitution. But it is contended that this bill, if enacted into law, will result in a violation of the Constitution. It is urged that during the time for which Senator KNOX was elected as a Senator from Pennsylvania the emoluments of the office of Secretary of State were increased and that the prospective appointment of Senator KNOX to the office of Secretary of State would be a violation of the sixth section of Article I of the Constitution.

Now, it seems to me that this question is not before the House of Representatives. It is not for us to determine whether any person nominated by the President is eligible or ineligible. That duty and that responsibility rests upon the Senate. By the act of July 27, 1789, it is provided that—

> There shall be at the seat of government an executive department to be known as the Department of State, and a Secretary of State, who shall be the head thereof.

Now, section 2 of Article II of the Constitution confers the power upon the President to nominate, and, by and with the advice and consent of the Senate, appoint the Secretary of State. The Senate must give its consent to the appointment, and consequently all questions as to eligibility are with the Senate and not with the House. The difficulty with the position of the opponents of this measure is that they are presuming that the President and Senate will on March 4 violate the provisions of the Constitution. The legal presumption is that they will not. The presumption not only is that they will uphold the Constitution, but that, when action is taken, they have done so. The best statement of this rule I know of is in an opinion by Judge Ranney, of the supreme court of my own State, rendered in 1852 and found in volume 1 of the Ohio State Reports at page 83. It is also a most admirable rule for members of every legislative body to follow. It is a little old-fashioned, but mighty good law. Judge Ranney says:

> The legislature is, of necessity, in the first instance, to be the judge of its own constitutional powers. Its members act under an oath to support the constitution and in every way under responsibilities as great as judicial officers. Their manifest duty is never to exercise a power of doubtful constitutionality. Doubt in their case, as in that of the courts, should be conclusive against all affirmative action. This being their duty, we are bound in all cases to presume they have regarded it, and that they are clearly convinced of their power to pass a law before they put it in the statute book. If a court, in such a case, were to annul the law while entertaining doubts upon the subject, it would present the absurdity of one department of the government overturning in doubt what another had established in settled conviction, and to make the dubious constructions of the judiciary outweigh the fixed conclusions of the general assembly.

If the courts will presume that the legislative branch has regarded the Constitution and was clearly convinced of its power to pass a law before doing so, the House must also presume that the Senate will, upon a matter of confirmation, regard the Constitution and be clearly convinced of the eligibility, under the Constitution, of the person nominated by the President before ordering confirmation.

I do not believe the salary of the Secretary of State ought to be redueed. I favored the increase, and still favor it. I favor increasing the salaries of the federal judges. Yet I will vote for this bill. The President should have the right to select his own advisers, and especially his chief adviser, subject only to the limitations in the Constitution. High tribute has been paid to-day to Senator KNOX, in all of which I concur.

The President-elect is very desirous of appointing him as his Secretary of State. If it is necessary to reduce the salary in order to render Senator KNOX eligible, and the Senator agrees to this method, and the President-elect urges it, we ought to do all we can and whatever we can to aid in removing any impediment to that appointment.

The fact that there are other men of equal ability and equal fitness for the office of Secretary of State is not a valid objection to this measure. Let us do what we can to give the President-elect the men of his selection for his Cabinet, presuming, as we should, that the President will preserve, protect, and defend the Constitution and that the Senate will support the Constitution.

After March 4 the salary of the Secretary of State, if this bill becomes a law, will be $8,000 per annum. It will then be for the Senate to say whether or not Senator KNOX is ineligible if he is nominated by the President-elect. The question will be, Were the emoluments of that office increased during the term of Senator KNOX in the Senate? What emoluments? Why, the emoluments lawfully payable after March 4 next. The salary will then be $8,000, and that amount is the lowest amount payable to that officer during the term for which Senator KNOX was elected as a Senator. Manifestly the salary which the Secretary of State will receive is no greater than the lowest amount payable during the term for which Senator KNOX was elected a Senator.

The SPEAKER. The gentleman from Missouri has one minute remaining.

Mr. GAINES of West Virginia. I yield two minutes to the gentleman from Missouri.

Mr. RUCKER. There must surely be some mistake. I have portioned out the time, and I thought I had two minutes remaining. There was some overrunning the time. I hope that has not been charged against my time.

The SPEAKER. On the contrary, there was some overrunning the time by inadvertence of two minutes, and that was not charged.

Mr. RUCKER. I understand that. I have allotted gentlemen so many minutes and I have two minutes remaining. The time that was used by inadvertence should not be counted.

The SPEAKER. It is not counted.

Mr. RUCKER. That is satisfactory.

The SPEAKER. The gentleman has one minute.

Mr. GAINES of West Virginia. Since making the announcement that I would close in one speech, I have been requested for time, and the gentleman from Missouri is willing that I shall use it. I now yield two minutes to the gentleman from Missouri [Mr. DE ARMOND]. [After a pause.] As the gentleman from Missouri is not at this moment present, under the circumstances will not the gentleman from Missouri use his minute now?

Mr. RUCKER. I yield one minute to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, the time allotted to me, one minute, is quite sufficient to say that I think the only position open to this House consistent with its own dignity and consistent with its duty to maintain the integrity of the political system of which it is a part is the one so admirably stated by the gentleman from Illinois [Mr. MANN]. Apart altogether from the constitutionality of this measure rises the fact that we are deliberately asked to create an inequality in the compensation to be paid public officers discharging kindred service. It does not diminish but increases my objection to it that the chief of the Cabinet is made not the first but the last in point of compensation by the salary we are asked to fix for the Secretary of State. This I consider a most vicious departure from uniformity in the law. We announce to the world one of two things by passing such an extraordinary act: Either that the Constitution itself stands in the way of a proper appointment, which is an impeachment of its excellence, or else that we have power practically to suspend it and that we must exercise the power in order to qualify the one man who is capable of discharging the functions of this office, according to the conception of capacity entertained by the President-elect—which is an impeachment of our citizenship. I do not think it is necessary to condemn the Constitution or to discredit our citizenship—to violate the spirit or letter of our fundamental law—in order that the new President may be able to find all the elements necessary to the most thorough equipment of his administration. There is abundant material in this country for the most efficient discharge of the functions of this office and of every other office under our political system. It is no disrespect to the distinguished Senator from Pennsylvania to say that the citizenship of which he is a member, and of which I am glad to admit he is an ornament, embraces many persons besides himself abundantly capable of discharging any function necessary to the integrity of this Government or the welfare of this country where services can be secured without either violating or evading the Constitution or passing exceptional laws. [Loud applause.]

Mr. GAINES of West Virginia. Is this the last speech on that side?

Mr. RUCKER. The gentleman announced a moment ago that he intended to close in one speech.

Mr. GAINES of West Virginia. But since that I went over to the gentleman and told him a moment ago that I had had a request from the gentleman from Missouri for time.

Mr. RUCKER. That is absolutely true, Mr. Speaker; but, as I understood the gentleman, he said, as the gentleman from Missouri was not on the floor, he therefore asked me to consume the balance of my time.

Mr. GAINES of West Virginia. I announced both to the House and to the gentleman himself that, as the gentleman from Missouri was not present, I would ask him if he would not use his minute now, and then I would yield to the gentleman from Missouri.

Mr. RUCKER. I did not so understand; but I make no objection.

Mr. GAINES of West Virginia. Mr Speaker, I ask for order and yield two minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, the question as I see it does not at all involve a construction of the Constitution, because no constitutional question, I think, is in it. There is no question of constitutional power to raise or lower this salary, or even to abolish this office. As I understand it, the constitutional question as to eligibility arises at the time when the person alleged to be ineligible, or about whose eligibility the question is made, is appointed. Now, if this bill were passed, then upon the 4th or 5th day of next March how would the question stand, if Mr. KNOX should be nominated for Secretary of State? It would not be said, and could not be said, that if confirmed he would enter upon the duties of an office which would give him larger emoluments or a greater salary, because, as to that, the law would be precisely as it was when Mr. KNOX's term in the Senate began, and before the increase was made. Then, what would be said, if anything were said, would be that if Mr. KNOX had been appointed at some other time, with another law with reference to salary existing at that other time, he would have been ineligible.

Now, for illustration, suppose that on the first day of Mr. KNOX's service in the Senate a law had been passed and approved increasing the salary of the Secretary of State, as in fact it was increased later. Suppose that the next day of that session, the second day of his incumbency in the office, that salary had been reduced to the old amount; and suppose that five years and eleven months after that Mr. KNOX had been nominated for Secretary of State. Then the question of eligibility being raised, if it were raised, upon what would it rest? It would rest upon the fact that for a solitary day during almost six years of his incumbency in the office of Senator the salary of Secretary of State had been higher than it was when he went into that office, but not higher than when he was appointed to another office. The length of time surely has nothing to do with it.

The question to be determined is the question of propriety, and not the question of constitutionality. [Applause.]

Mr. GAINES of West Virginia. Mr. Speaker, I regret that those persons who favor a stricter construction of the Constitution will not permit anyone ever to act with them without he becomes also in favor of a mere technical and grammatical construction of that instrument. However, one might meet them, even upon that proposition. The passage of this bill is of course no violation of the Constitution. The bill merely provides for a reduction in the salary of the office of Secretary of State. But I prefer to debate not that question, but the other question which everybody understands to be indirectly involved in our action to-day. The Constitution says that no Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.

Now, if we were to construe the Constitution merely grammatically (and every lawyer knows that the Constitution should not be so construed), if we pass this bill, then the net result will be that the salary of the office of Secretary of State will not have been increased, but will have been left where it was before it was increased.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. GAINES of West Virginia. It is almost impossible in the time I have, but I will yield for a question.

Mr. HENRY of Texas. Does the gentleman think $8,000 is enough salary for the Secretary of State?

Mr. GAINES of West Virginia. That is not the principal question involved. That is not the question which gentlemen have themselves debated, and they ought not to undertake to distract me and take my time on that question, which they themselves declare to be a mere side issue and an evasion of this proposition.

Mr. HENRY of Texas. The gentleman then declines to answer that question?

Mr. GAINES of West Virginia. I decline to be interrupted further.

But, Mr. Speaker, constitutional propositions should not be construed in so technical a manner. In 12 Wallace, the Supreme Court of the United States says:

> Nor can it be questioned that when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the business for which those powers were granted. This is a universal rule of construction—

Says that court—

> applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained the language of its provisions must be construed with reference to that purpose and so as to subserve it.

Now, can anybody doubt that if we put this office in a position where there will have been no increase of salary, where it can not by any possible construction be held that there was a hope held out to any Senator in voting for the increase that he might get that increase, if we put it back to where it was, destroying the possibility that any such purpose should have animated him in voting for the increase, have we not complied with this rule of construction and subserved the purposes of the Constitution?

And, says the Supreme Court, there are more urgent reasons for looking to the purpose sought to be accomplished in examining the powers conferred by a constitution than there is in construing a statute, will, or contract. We do not expect to find a constitution minute in details.

In connection with the rule of construction laid down by the Supreme Court of the United States just cited, let us see what the object is of the constitutional provision which we are considering.

The reason for excluding persons from office, says Story, who have been concerned in creating them, or increasing their emoluments, is to take away, as far as possible, any improper motive in the vote of the Representative, and to secure to his constituents some solemn pledge of his disinterestedness.

The object of the Constitution is plain to everybody. I have taken the trouble, however, to cite this great authority for the statement of the purpose of the Constitution.

Now, then, if we take away that increase of salary, will we not have strictly complied with the Constitution? Gentlemen talk as if there was a constitutional ineligibility on the part of the distinguished Senator from Pennsylvania. On the contrary, Mr. Speaker, the only ineligibility is created by statute; and that ineligibility which Congress has by law created Congress can by law remove.

Mr. Speaker, this is not a new question. It has been passed upon twice—once, at least, in the National Government and once in the State of New Jersey. In the case of Senator Lot M. Morrill, of Maine, the very question was involved; and because the statute which had increased the salary of Cabinet officers, and which had been passed during the term for which he had been elected, had also been repealed, Senator Morrill was eligible to appointment in the Cabinet, although the time for which he had been elected Senator had not expired.

The New Jersey case was that of Ex-Governor George T. Werts, who was appointed to the supreme court, although his term as senator had not expired and during that term the salary had once been increased. But because the salary had been again reduced to what it had formerly been, he was deemed to be eligible to the appointment, notwithstanding a provision in the New Jersey constitution similar to the one we are now considering.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. GAINES of West Virginia. Mr. Speaker, I ask the indulgence of the House only to state that if we pass this act and the distinguished Senator from Pennsylvania should become the next Secretary of State, the constitutional provision will not have been evaded, the law will have been adapted to the constitutional provision; the Constitution will not have been violated, but deliberately complied with. [Applause.]

APPENDIX.

UNOFFICIAL OPINION OF ASSISTANT ATTORNEY-GENERAL RUSSELL.

FEBRUARY 10, 1909.

The question has been submitted for my unofficial opinion whether a Member of the present Senate of the United States could be appointed, after the 4th of March next, but prior to the expiration of the period for which he was elected, to the office of Secretary of State, the salary of which was increased since his election, provided Congress should in the meantime restore the salary to what it was when he entered the Senate. The question involves the construction of the Constitution of the United States (Art. I, sec. 6, par. 2), which reads as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof

shall have been increased, during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office."

It is a well-recognized principle of construction, frequently applied by the Supreme Court to the laws and the Constitution—as, for example, in the Legal Tender cases, the income-tax decision, and in a case (143 U. S., p. 457) involving the question whether a minister contracting to remove to the United States was prohibited from entry by the contract-labor law—that a thing may be within the law and yet without the letter of the law, and vice versa. In the decision of the first-mentioned case the Supreme Court said (12 Wall., 531):

"Nor can it be questioned that, when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensible to keep in view the objects for which those powers were granted. This is a universal rule of construction, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered. And there are more urgent reasons for looking to the ultimate purpose in examining the powers conferred by a constitution than there are in construing a statute, a will, or a contract. We do not expect to find in a constitution minute details. It is necessarily brief and comprehensive."

In the contract-labor case concerning the minister the Supreme Court used this language:

"It is a case where there was presented a definite evil, in view of which the legislature used general terms with the purpose of reaching all phases of that evil; and thereafter, unexpectedly, it is developed that the general language thus employed is broad enough to reach cases and acts which the whole history and life of the country affirm could not have been intentionally legislated against. It is the duty of the courts, under those circumstances, to say that however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore can not be within the statute."

Applying this familiar principle to the language of Article I, section 6, should we regard that language as prohibiting the appointment of a Senator to an office the salary of which, during the term for which he was elected, has been increased and afterwards diminished, so that at the time of his proposed appointment it is no greater than when he was elected Senator?

Is the general purpose of the language of section 6 such that to prohibit an appointment under those circumstances comes within that purpose, or, on the other hand, does the suggested appointment fall outside of the purpose and therefore outside of the law?

An examination of commentaries on the Constitution and of the debates in the convention which framed it leaves no doubt that the purpose, and the sole purpose, of paragraph 2, section 6, Article I, was to destroy the expectation a Representative or Senator might have that he would enjoy the newly created office or the newly created emoluments. (See Rawle on the Constitution, 2d ed., p. 189; Story on the Constitution, sec. 667; First Tucker's Blackstone, appendix, p. 375; Supp. to Elliott's Debates on the Constitution, pp. 189, 229, 375–378, 503–506, and 559.)

The reasons why the framers of the Constitution sought to destroy that hope was to prevent the vote of the Representative or Senator from being influenced by it. However that may have been, those in favor of the provision and those opposed to it concurred in understanding, what is manifest on the face of the provision itself, that the object, and sole object, to be accomplished was to destroy that hope.

Now, if in the case supposed here there could be no such hope, that object can not be accomplished by preventing the appointment. And certainly no such hope can exist, because, if the increase is made and continued, the Representative or Senator can not be appointed. If, on the other hand, it is made and then unmade, he can not get, or hope for, anything more than if there had been no such increase.

In my opinion, therefore, the case presented falls outside of the purpose of the law and is not within the law.

CHARLES W. RUSSELL,
Assistant Attorney-General.

The SPEAKER. All time for debate on this proposition has been exhausted.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. Is this bill subject to amendment?

The SPEAKER. It is not. As many as are in favor of suspending the rules and discharging the committee and passing the bill will say "aye."

Mr. RUCKER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 123, answered "present" 8, not voting 77, as follows:

YEAS—178.

Adair	Capron	Englebright	Haskins
Alexander, N. Y.	Cassel	Fassett	Haugen
Ames	Chapman	Fitzgerald	Hawley
Andrus	Clayton	Focht	Henry, Conn.
Anthony	Cole	Fordney	Hepburn
Bannon	Conner	Foss	Higgins
Barchfeld	Cook, Pa.	Foster, Vt.	Hill, Conn.
Barclay	Cooper, Pa.	French	Hinshaw
Bartholdt	Cooper, Wis.	Gaines, W. Va.	Holliday
Bartlett, Nev.	Cousins	Gardner, Mass.	Howard
Bates	Craig	Gillett	Howell, N. J.
Beale, Pa.	Crawford	Goebel	Howell, Utah
Bingham	Currier	Goldfogle	Howland
Bonynge	Cushman	Graff	Hubbard, Iowa
Boutell	Dalzell	Greene	Hubbard, W. Va.
Boyd	Davis	Gronna	Huff
Bradley	Dawson	Guernsey	Hughes, W. Va.
Broussard	De Armond	Hackney	Jenkins
Brownlow	Douglas	Haggott	Johnson, Ky.
Burke	Draper	Hale	Jones, Va.
Burleigh	Dwight	Hall	Kahn
Burton, Del.	Edwards, Ky.	Hamilton, Mich.	Kennedy, Iowa
Burton, Ohio	Ellis, Mo.	Hammond	Kennedy, Ohio
Campbell	Ellis, Oreg.	Harding	Kinkaid
Knapp	Martin	Reeder	Taylor, Ala.
Knopf	Maynard	Reynolds	Taylor, Ohio
Knowland	Moon, Tenn.	Richardson	Thistlewood
Langley	Moore, Pa.	Robinson	Thomas, Ohio
Lassiter	Mouser	Rodenberg	Tirrell
Law	Mudd	Scott	Tou Velle
Lawrence	Needham	Sherman	Townsend
Lee	Norris	Slemp	Volstead
Lever	Olcott	Small	Washburn
Longworth	Olmsted	Smith, Cal.	Watkins
Lorimer	Overstreet	Smith, Iowa	Watson
Loud	Padgett	Smith, Mich.	Weeks
Loudenslager	Parker	Sperry	Weems
Lowden	Parsons	Spight	Wiley
McGuire	Payne	Sterling	Wilson, Ill.
McKinlay, Cal.	Pearre	Stevens, Minn.	Wilson, Pa.
McKinney	Perkins	Sturgiss	Woodyard
McLachlan, Cal.	Pollard	Sulloway	Young
Madden	Porter	Sulzer	The Speaker
Madison	Pray	Swasey	
Malby	Ransdell, La.	Tawney	

NAYS—123.

Aiken	Darragh	Hitchcock	Prince
Alexander, Mo.	Davenport	Hobson	Rainey
Ansberry	Denby	Houston	Randell, Tex.
Ashbrook	Dixon	Hughes, N. J.	Rauch
Beall, Tex.	Ellerbe	Hull, Tenn.	Reid
Bede	Ferris	James, Ollie M.	Roberts
Bell, Ga.	Finley	Johnson, S. C.	Rucker
Birdsall	Flood	Kimball	Russell, Mo.
Booher	Floyd	Kipp	Russell, Tex.
Bowers	Foster, Ill.	Kitchin	Ryan
Brantley	Foster, Ind.	Küstermann	Sabath
Brodhead	Fuller	Lamb	Saunders
Brundidge	Fulton	Lenahan	Shackleford
Burgess	Gaines, Tenn.	Lindbergh	Sheppard
Burleson	Garner	Livingston	Sherley
Burnett	Garrett	Lloyd	Sherwood
Byrd	Gilhams	McCall	Sims
Calderhead	Gillespie	McCreary	Slayden
Caldwell	Gordon	McDermott	Smith, Mo.
Candler	Gregg	Macon	Smith, Tex.
Carter	Hackett	Mann	Stafford
Cary	Hamilton, Iowa	Marshall	Stanley
Caulfield	Hamlin	Miller	Stephens, Tex.
Chaney	Hardwick	Moore, Tex.	Thomas, N. C.
Clark, Fla.	Hardy	Murdock	Underwood
Clark, Mo.	Harrison	Murphy	Waldo
Cockran	Hay	Nelson	Wallace
Cook, Colo.	Hayes	Nicholls	Webb
Cooper, Tex.	Heflin	Nye	Wheeler
Cox, Ind.	Helm	O'Connell	Williams
Cravens	Henry, Tex.	Page	

ANSWERED "PRESENT"—8.

Adamson	Hull, Iowa	Keifer	McMillan
Bartlett, Ga.	Humphreys, Miss.	McGavin	McMorran

NOT VOTING—77.

Acheson	Fairchild	Keliher	Pou
Allen	Favrot	Lafean	Pratt
Barnhart	Foelker	Lamar, Fla.	Pujo
Bennet, N. Y.	Fornes	Lamar, Mo.	Rhinock
Bennett, Ky.	Foulkrod	Landis	Riordan
Butler	Fowler	Laning	Rothermel
Calder	Gardner, Mich.	Leake	Snapp
Carlin	Gardner, N. J.	Legare	Southwick
Cocks, N. Y.	Gill	Lewis	Sparkman
Coudrey	Glass	Lindsay	Steenerson
Crumpacker	Godwin	Lovering	Talbott
Davidson.	Goulden	McHenry	Vreeland
Dawes	Graham	McKinley, Ill.	Wanger
Denver	Griggs	McLain	Weisse
Diekema	Hamill	McLaughlin, Mich.	Willett
Driscoll	Hill, Miss.	Mondell	Wolf
Durey	Humphrey, Wash.	Moon, Pa.	Wood
Edwards, Ga.	Jackson	Morse	
Esch	James, Addison D.	Patterson	
Estopinal	Jones, Wash.	Peters	

So, two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. MCMORRAN with Mr. PUJO.

Mr. WANGER with Mr. ADAMSON.

Mr. BENNET of New York with Mr. FORNES.

Until further notice:

Mr. ACHESON with Mr. CARLIN.

Mr. ALLEN with Mr. DENVER.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. CALDER with Mr. FAVROT.

Mr. COCKS of New York with Mr. GILL.

Mr. DAVIDSON with Mr. GODWIN.

Mr. CRUMPACKER with Mr. GLASS.

Mr. DAWES with Mr. GRIGGS.

Mr. DUREY with Mr. HAMILL.

Mr. ESCH with Mr. KELIHER.

Mr. FOELKER with Mr. LAMAR of Florida.

Mr. FOULKROD with Mr. LAMAR of Missouri.

Mr. HUMPHREY of Washington with Mr. LEGARE.

Mr. ADDISON D. JAMES with Mr. LEWIS.

Mr. JONES of Washington with Mr. LINDSAY.

Mr. LAFEAN with Mr. PATTERSON.

Mr. LANING with Mr. RHINOCK.

Mr. LOVERING with Mr. ROTHERMEL.
Mr. MCLAUGHLIN of Michigan with Mr. SPARKMAN.
Mr. MCMILLAN with Mr. TALBOTT.
Mr. MONDELL with Mr. WEISSE.
Mr. MOON of Pennsylvania with Mr. WILLETT.
Mr. SOUTHWICK with Mr. WOLF.
Mr. MCKINLEY of Illinois with Mr. MCLAIN.
Mr. MORSE with Mr. POU.
Mr. WOOD with Mr. ESTOPINAL.
Mr. GARDNER of Michigan with Mr. BARNHART.
Mr. COUDREY with Mr. RIORDAN.
Mr. LANDIS with Mr. MCHENRY.
Mr. DIEKEMA with Mr. GOULDEN.
Mr. VREELAND with Mr. HILL of Mississippi.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to know if the gentleman from Pennsylvania [Mr. BUTLER] has voted on this roll.

The SPEAKER. He did not.

Mr. BARTLETT of Georgia. Mr. Speaker, there should be a pair, and I hope it will be put in the RECORD, between the gentleman from Pennsylvania and myself. I therefore desire to withdraw my negative vote and to answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BARTLETT of Georgia, and he answered "present."

The result of the vote was announced as above recorded.

SAFETY OF EMPLOYEES AND TRAVELERS ON RAILROADS.

Mr. TOWNSEND. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 26725) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads," which I send to the desk and ask to have read.

The SPEAKER. Without objection, the Clerk will report the substitute.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the provisions of this act shall apply to every common carrier and every vehicle subject to the act of March 2, 1893, as amended April 1, 1896, and March 2, 1903, commonly known as the 'safety-appliance acts.'

"SEC. 2. That on and after July 1, 1910, it shall be unlawful for any common carrier subject to the provisions of this act to haul, or permit to be hauled or used, on its line any car subject to the provisions of this act not equipped with appliances provided for in this act, to wit: All cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards; and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders.

"SEC. 3. That within six months from the passage of this act the Interstate Commerce Commission, after hearing, shall designate the number, dimensions, location, and manner of application of the appliances provided for by section 2 of this act and section 4 of the act of March 2, 1893, as amended April 1, 1896, and shall give notice of such designation to all common carriers subject to the provisions of this act by such means as the commission may deem proper, and thereafter said number, location, dimensions, and manner of application as designated by said commission shall remain as the standards of equipment to be used on all cars subject to the provisions of this act, unless changed by an order of said Interstate Commerce Commission, to be made after full hearing and for good cause shown; and failure to comply with any such requirement of the Interstate Commerce Commission shall be subject to a like penalty as failure to comply with any requirement of this act: *Provided*, That the Interstate Commerce Commission may, upon full hearing and for good cause, modify the requirements of this section or extend the period within which any common carrier shall comply with the provisions of this section with respect to the equipment of cars actually in service upon the date of the passage of this act.

"SEC. 4. That any common carrier subject to this act using, hauling, or permitting to be used or hauled on its line, any car subject to the requirements of this act not equipped as provided in this act shall be liable to a penalty of $100 for each and every such violation, to be recovered as provided in section 6 of the act of March 2, 1893, as amended April 1, 1896.

"SEC. 5. That nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States attorney from any of the provisions, powers, duties, liabilities, or requirements of said act of March 2, 1893, as amended by the acts of April 1, 1896, and March 2, 1903; and all of the provisions, powers, duties, requirements, and liabilities of said act of March 2, 1893, as amended by the acts of April 1, 1896, and March 2, 1903, shall apply to this act.

"SEC. 6. That it shall be the duty of the Interstate Commerce Commission to enforce the provisions of this act, and all powers heretofore granted to said commission are hereby extended to it for the purpose of the enforcement of this act."

The SPEAKER pro tempore (Mr. HULL of Iowa). Is a second demanded?

Mr. ADAMSON. Mr. Speaker, I demand a second.

Mr. TOWNSEND. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

Mr. ADAMSON. I object.

The SPEAKER pro tempore. The question is on ordering a second. The gentleman from Michigan [Mr. TOWNSEND] and the gentleman from Georgia [Mr. ADAMSON] will take their places as tellers.

The House divided; and there were—ayes 53, noes 45.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Georgia to twenty minutes.

Mr. TOWNSEND. Mr. Speaker, I do not care to occupy very much time now further than to explain very briefly the scope and object of the pending bill. While we have a law which provides for safety devices used in the operation of railroad trains, we have no penalty prescribed by the law, and therefore it is not enforced. The proposition is to compel the equipment of cars with running-boards, ladders, hand holds, steps, and the like, so as to contribute to the safety of employees. The measure is asked for by the Interstate Commerce Commission, which has discovered that it has been helpless in its effort to enforce uniformity of equipment. It is also demanded by the National Switchmen's Union of the United States, whose members perhaps have more to do with all of the appliances than any other body of railroad men. The facts are that while the Master Car Builders' Associations get together frequently and agree practically upon a uniform system of constructing cars, they nevertheless fail to go home and put that agreement into force, and the result is that every freight train in the United States, almost without exception, is made up of cars equipped with different kinds of appliances and arranged in a different manner. As a result of this, and almost entirely attributable to it, last year there were 178 men killed and over 3,000 men injured. It is thought that if we could enforce a provision compelling every railroad in the United States to equip its cars within a reasonable time in the same manner we should then avoid most, if not all, of these deaths and accidents. Is it not worth while to try? Are the lives of railroad men of so little value that we shall neglect longer to use a means of safety which even the opponents of the pending measure admit will be of much benefit, and simply because some lobbyist is not ready to O. K. the plan?

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. GAINES of Tennessee. Does the bill include all the recommendations of the Interstate Commerce Commission and also the labor organizations on the subject?

Mr. TOWNSEND. It is practically a bill which was prepared, as I understand it, under the instructions of the Interstate Commerce Commission; and so far as labor organizations have appeared before our committee, with the exception of one man, it has been indorsed by those organizations, and especially by those particular organizations which are most affected by it. There was one gentleman who appeared before the committee and stated that his organization had not acted upon this matter, but that we should take notice that for the reason that they had not asked for it, we should infer that they were opposed to it. We insisted that this measure should pass, and the gentleman claimed that we had better wait a while, although we have been waiting in this country for twenty years or more for the railroads, the Master Car Builders' Association, and the railroad employees to get together upon a uniform system. In the meanwhile crepe was being hung on the doors of thousands of our people's homes; mothers, wives, and children were mourning their slaughtered dead, and thousands of breadwinners were being crippled for life. Now, this measure does not preclude a hearing, and every man, whether a member of a labor organization or a railroad representative, has a right to appear before the commission and be heard on the proposition for standardizing these appliances.

Mr. GAINES of Tennessee. Does not the gentleman think we ought to provide something that will protect the railroad employees from being dismissed for reporting the ill condition or illegal or dangerous condition of the cars, and is not a fear of dismissal one reason why we do not get the existing law enforced?

Mr. TOWNSEND. I think not. Such a provision would not be germane to this bill. The existing law would be enforced if there were a penalty attached to it compelling the railroads to equip. There is no penalty now.

Mr. GAINES of Tennessee. What is the date of the existing law?

Mr. TOWNSEND. It was first enacted in 1893 and amended some years afterwards.

Mr. GAINES of Tennessee. Is the bill exactly as the Interstate Commerce Commission recommends?

Mr. TOWNSEND. No; not exactly, but——

Mr. GAINES of Tennessee. I am, and I think this side of the House is, in entire ignorance of the details of this bill, and

we would like to have the gentleman explain it fully. I want to help these employees to bar dangers, but I want to know how you propose to do so, so I can act intelligently.

Mr. TOWNSEND. This simply proposes a penalty and enables the commission to fix standards after a full hearing.

Mr. GAINES of Tennessee. Is that all the Interstate Commerce Commission asks?

Mr. TOWNSEND. That is all it asks. Now, Mr. Speaker, I will reserve the balance of my time——

Mr. ELLIS of Missouri. Mr. Speaker, will the gentleman yield for a question?

Mr. TOWNSEND. Yes; I will yield for a question from the gentleman from Missouri.

Mr. ELLIS of Missouri. I want to call the gentleman's attention to the last proviso at the end of section 3——

Mr. TOWNSEND. Yes.

Mr. ELLIS of Missouri (continuing). Conferring upon the Interstate Commerce Commission the power to modify the requirements of this section by extending the period, and so forth. Do we understand by that they would have the power to modify these requirements so as to change the appliances that might be prescribed by this measure?

Mr. TOWNSEND. We make no provision as to any particular kind of appliances, only that they shall be safe. Now, the power of determining must be left with the commission, otherwise it would not be able to prescribe what might afterwards be found to be a better device or method. Furthermore, it should be discretional with it to give the railroads more time in which to equip their cars. That is left discretionary with the commission.

Mr. ELLIS of Missouri. I can readily see that an extension of time might be permitted, but the question is, whether you leave the power in the commission to really nullify the provisions of your bill.

Mr. TOWNSEND. No.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman, What are the objections preferred by the employees against the provisions of this bill? I have never been able to learn what they are, and I would like to understand some of them.

Mr. TOWNSEND. Then I will say to the gentleman, the only man who appeared against it, aside from representatives of the railroads—and they were simply arguing there was an extra cost that would attach to them—was Mr. Fuller, a representative of some railroad organization, although one railroad organization was represented by Mr. Gauss, who asked for the passage of the bill. But Mr. Fuller's objection was that he did not want the commission intrusted with this power; that he was in favor of standardizing the methods of equipment by a law enacted by Congress; that he could have more influence with Congress than with the commission, so he did not want to leave it with the commission, and did not want to take the matter up now, but postpone it to some future time.

Mr. COOPER of Wisconsin. Were there any specific proposed requirements of the commission to which he especially objected?

Mr. TOWNSEND. Not one. There was nothing specified to the effect that anything unreasonable was asked.

Mr. DRISCOLL. Will the gentleman yield?

Mr. TOWNSEND. I will if it will not take up too much of my time.

Mr. DRISCOLL. Does this bill provide for standardizing with reference to the location of the ladders on the cars?

Mr. TOWNSEND. Yes, sir.

Mr. DRISCOLL. I do not see it here.

Mr. TOWNSEND. For the arrangement of ladders, grips, hand holds, and all of those appliances, in section 2 of the bill.

Mr. DRISCOLL. I know; but the location of the ladder on the car is a very important question and one that ought to be very carefully considered.

Mr. TOWNSEND. Yes, sir; and that will be taken up by the commission.

Mr. DRISCOLL. Does not the gentleman think that is being pushed through with undue haste? It was only reported Saturday. I am very much interested and always have been in this kind of legislation, because I represent a district in which there are many railroad men, and always try to do as near as I can what they want if it is for their good.

Mr. TOWNSEND. The committee has had hearings on this matter, and this safety-appliance provision has been discussed several times before our committee, the different hearings spreading over years of time.

Mr. DRISCOLL. The hearings that were taken before this committee are not yet printed.

Mr. TOWNSEND. I am stating the substance of the hearings when I say that the people directly interested, the switchmen of the country, through their organizations, are favorable to this provision, and the records show that this kind of a provision is absolutely necessary. We have waited year in and year out for the railroads to get together and adopt the master car builders' suggestions, or some other, as to the equipment of cars, because it would be infinitely better, even though the arrangement were somewhat defective, to have a uniform system rather than to have all the kinds of equipment which every train will disclose.

Mr. DRISCOLL. I fully agree with the gentleman on that. I believe in standardizing. But the switchmen are only a small proportion of the men that are directly concerned in the use of these appliances.

Mr. TOWNSEND. But they are a large proportion of the men who are directly interested in this particular kind of equipment.

Mr. DRISCOLL. But the brakemen are also interested, and I agree that the life and limbs of these men should be considered of the most importance here.

Mr. TOWNSEND. Mr. Speaker, I reserve the balance of my time.

Mr. ADAMSON. While I am not urging this legislation, I entertain no violent hostility to its professed purposes. I demanded a second in order in all fairness to state to the House the objections that were urged by the opposition before the committee and to afford an opportunity to any of my colleagues who desire to speak in opposition to the bill to do so.

The objections, as we understood them, Mr. Speaker, are, first, that the Interstate Commerce Commission would likely adopt the plans of the Master Car Builders' Association. In support of that objection, it was cited that the President had already ordered their plan into operation on the Isthmus. I stated to the gentlemen who represented the objectors, frankly, that if the 200,000 operatives whom he professed to represent, and who were accustomed to having their limbs mangled and their lives destroyed by the operation of trains not properly equipped with uniform safety appliances, would submit to us a plan, I for one, and perhaps all of the committee, would very likely side with those who are in danger of being mangled in the course of their business, by accepting their judgment in the matter.

But the answer was that they were not ready to submit a plan, that they were not ready to have legislation, and all they insisted on now was time to consider, mature, and submit their plans. It appears to me that if it is to be left with somebody to decide what uniform plan shall be adopted, it being clear that we have not sufficient knowledge, opportunity, nor time to consider and make a decision if it were left to us, that perhaps the body constituted by law for such purposes, the Interstate Commerce Commission, ought more properly be charged with the duty; and if the personnel is not such as to secure the greatest efficiency in the discharge of the duties incumbent upon that body, the personnel can easily be reformed. Now, Mr. Speaker, I will yield to other gentlemen.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. ADAMSON. With pleasure.

Mr. COX of Indiana. I received a letter this morning from Mr. H. R. Fuller, and I presume a large number of gentlemen have received similar letters from him, in opposition to this bill; and therefore I would like to get some information. Now, when did the hearings on this bill begin before the committee?

Mr. ADAMSON. They have been going on at different times for a long time; I can not say exactly how many months.

Mr. COX of Indiana. Can the gentleman give some idea how many days of this session have been consumed in those hearings?

Mr. ADAMSON. A good many.

Mr. COX of Indiana. I will ask the gentleman whether Mr. Fuller had notice or not of the hearings that were going on in regard to this bill?

Mr. ADAMSON. Now, my own opinion is, and I am a friend of Mr. Fuller and the 200,000 men whom he represents, that Mr. Fuller has been more courteously and liberally heard by the committee than all other men put together.

Mr. COX of Indiana. Was he heard this session on this particular bill?

Mr. ADAMSON. Time after time.

Mr. COX of Indiana. I will ask the gentleman whether or not the hearings that have been had at this session have yet been printed?

Mr. ADAMSON. I do not know whether they have or not.

Mr. BARTLETT of Georgia. We have not got them from the Printing Office yet.

Mr. ADAMSON. I wish to say to the gentleman from Indiana that Mr. Fuller is the gentleman to whom I made the

statement in the committee that if he would present the plan of his constituents, which he regarded as preferable to the Master Car Builders' Association, we would favorably consider it.

Mr. COX of Indiana. He makes a statement here that the bill under consideration has been indorsed by the Switchmen's Union, which represents about 9,000 men, while he represents the vast majority of the car operators and train men who are opposed to it. He makes the statement that the bill under consideration was favored by the Master Car Builders' Association. Now, I would like to know whether or not they appeared before the committee at this session.

Mr. ADAMSON. Well, I suppose that those who represented their ideas did. It was not denied, I believe, that their plans were favorably regarded by supporters of the bill and were favored by the Interstate Commerce Commission.

Mr. COX of Indiana. I will ask the gentleman whether or not the bill under consideration would therefore or does therefore meet the approval of the Master Car Builders' Association.

Mr. ADAMSON. That is my understanding.

Mr. COX of Indiana. Just one more question. So far as the safety appliances are concerned as embraced in this bill under consideration, how does it change section 1 of the act of 1893 and the amendatory acts thereof?

Mr. ADAMSON. I would not undertake to answer that question in detail from memory. I would prefer to read the two sections before answering.

Mr. COX of Indiana. Mr. Fuller is the representative of a large number of men actually operating on trains?

Mr. ADAMSON. So he says; and I do not hesitate to repeat what I have already said, that in legislating for the safety and reliability of railroads, I would unhesitatingly regard the people who incur the danger if they would present their plans.

Mr. COX of Indiana. Mr. Fuller simply wanted a little more time to give him an opportunity to consult with the train men. Is that correct?

Mr. ADAMSON. He said that he wanted more time, until they could mature their plans; that all concerned had not yet been able to agree on the best plans.

Mr. GAINES of Tennessee. Does the gentleman think that the railroad men who make their reports and come here and complain to the Interstate Commerce Commission would not be afraid of losing their jobs at home?

Mr. ADAMSON. Well, I do not know about that. They must complain to somebody.

Mr. GAINES of Tennessee. The gentleman is too experienced a lawyer not to know that they are not coming here to make complaints against their employers.

Mr. ADAMSON. I understand that these 200,000 men represented by Mr. Fuller are all employees.

Mr. GAINES of Tennessee. I will tell the gentleman an experience I had about the telegraph bill. They wrote me in the utmost confidence, and one of them happened to be a boy who once came to school to me. He cautioned me thus: "Do not let anybody know about this." He was a splendid young fellow. Other telegraph men said the same thing to me. They never were afraid if they filed any complaints against the railroad company they would lose their jobs. Now, is there anything in this bill to allow these people to come here and lodge complaints and to punish the railroad official who discharges a man for doing so?

Mr. ADAMSON. I do not think that is in this bill, I am sorry to say.

Mr. GAINES of Tennessee. I wish it did have such a provision.

Mr. ADAMSON. How much time have I consumed?

The SPEAKER pro tempore. The gentleman has consumed eight minutes.

Mr. ADAMSON. I yield five minutes, or such time as he desires, to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, about an hour ago I preferred a very reasonable request in this House, and that was that we have an hour on a side to debate that Knox proposition. The floor leader of the Republicans [Mr. PAYNE] very promptly objected, as I think, on a tip from the Speaker.

When I was elected to the position that I occupy in this House the newspapers wanted to know whether I was going to pursue tactics of general obstruction. I said "No;" that a general policy of obstruction was idiotic; that nobody had ever pursued such a course; but that when we were maltreated I proposed to pursue that course to an extent sufficient to stop such imposition, and I am going to do it now until we consume two hours of time. This is fair notice to everybody in the House that every time there is an attempt at imposition on the minority I will find some way to even up. [Applause on the Democratic side.]

Mr. MILLER. Will the gentleman allow me to ask him a question?

Mr. CLARK of Missouri. Yes.

Mr. MILLER. I want to know what he means by the "Knox bill."

Mr. CLARK of Missouri. Why, the bill to make Senator KNOX Secretary of State, which we had up and defeated a short time ago under suspension of the rules and which I hear we will have up again in a few minutes under a special rule.

Mr. COCKRAN. The bill that knocks the Constitution. [Laughter.]

Mr. CLARK of Missouri. Now, I hope we will have a fair understanding about such things as that.

As far as this bill is concerned, I have not had time to read it, and nobody else has had any time to read it except the members of the committee and my distinguished friend from Illinois [Mr. MANN], who reads everything. I want to say that I think he is a very valuable adjunct to this body. [Applause.]

The hearings on this bill have never been printed, and if we wanted to inform ourselves about it we have not had any chance to do it. I am opposed to that sort of legislation under any circumstances or at any time. I do not know whether this is a good bill or a bad one, and nobody else knows, except the members of the committee.

Mr. SULZER. Fuller says it is a bad bill.

Mr. CLARK of Missouri. I will come to that in a minute. I want to read a couple of telegrams and Mr. Fuller's letter. The first telegram runs as follows:

CLEVELAND, OHIO, *February 15, 1909.*

Hon. CHAMP CLARK,
Congressman, Washington, D. C.:

More than 200,000 members of train and enginemen's organizations oppose passage of Watson bill (H. R. 26725) as reported, and favor passage of Rodenberg concurrent resolution No. 63 as substitute therefor.

W. S. STONE.

Here is another telegram:

CLEVELAND, OHIO, *February 14, 1909.*

Hon. CHAMP CLARK,
Washington, D. C.:

More than 200,000 members of train and enginemen's organizations oppose passage of Watson bill (H. R. 26725) as reported, and favor passage of Rodenberg concurrent resolution No. 63 as substitute therefor.

W. G. LEE,
Grand Master Brotherhood of Railway Trainmen.

Here is the letter from Mr. Fuller that the gentleman from New York [Mr. SULZER] was asking about:

WASHINGTON, D. C., *February 14, 1909.*

Hon. WILLIAM B. WILSON, M. C.,
Washington, D. C.

DEAR SIR: On behalf of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, and Brotherhood of Railroad Trainmen, and representing 230,000 railroad employees, I respectfully solicit your cooperation and assistance in our efforts to prevent the passage of the Watson bill (H. R. 26725) to supplement the safety-appliance act, which bill was reported from the Committee on Interstate and Foreign Commerce yesterday, and which, it is thought, will be called up in the House to-morrow, February 15.

This legislation was primarily sought by the secretary of the Interstate Commerce Commission, and its purpose is to force the adoption of the Master Car Builders' Association's standards regarding hand brakes, sill steps, ladders, and running boards upon freight cars, some of which standards are objectionable and dangerous to the brakemen and switchmen of the country, for it directs the Interstate Commerce Commission to fix the standards, and it is well known that the secretary, who is the officer in charge of the enforcement of the safety-appliance law, has repeatedly declared that the master car builders' standards should be the law, and the commission itself is also committed to them.

It is true this measure has received the indorsement of the Switchmen's Union, but that organization represents but a small minority of the employees directly affected, its membership being limited to 9,000 switchmen, whereas the Brotherhood of Railway Trainmen, which organization is opposed to its passage, has a membership of 28,000 switchmen and also represents a large majority of the organized brakemen of the United States, all of whom are vitally interested, and who are not asking for the passage of this bill.

We appeared before the committee and gave what we believed were good reasons why this bill should not be passed, and we think the Members of the House should be permitted to read the testimony before being compelled to vote upon it; yet, as we understand it, it is the intention to bring the matter to a vote before the testimony is printed.

That has been done.

We do not object to, but, in fact, favor the ultimate standardizing of these appliances, but there is a difference of opinion among the employees themselves as to their dimensions and location, and until there are some prospects of agreement among the men we believe any legislation which either fixes or authorizes or requires the fixing of these standards is both premature and unwise and should not be passed.

Yours, truly,

H. R. FULLER,
National Legislative Representative.

I want to say this to the gentleman from Michigan [Mr. TOWNSEND]: I think he ought to withdraw this bill for the present and give us a chance to investigate it, because nobody knows whether it is good or bad. If we find it to be a good bill, we would all vote for it, for everybody knows that a good bill on this subject ought to pass.

Mr. ADAMSON. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. SULZER. I should like a minute.

Mr. ADAMSON. I should like to accommodate the gentleman, but I have promised all my time. The gentleman from New York [Mr. DRISCOLL] asked to be recognized, and so did the gentleman from Kentucky [Mr. STANLEY]. I can only yield the time between them.

The SPEAKER pro tempore. The gentleman from New York [Mr. DRISCOLL] is recognized for two minutes.

Mr. DRISCOLL. Mr. Speaker, I have tried perhaps as many accident cases against railroads in my time as any Member of this House, and I claim to have some personal knowledge from experience and observation as to how accidents happen to men in the running service.

Syracuse, N. Y., my home, in the center of the district which I have the honor to represent, is a large railroad center, and in East Syracuse are perhaps the largest railroad and freight yards in the world. There is a large number of railroad men engaged in all grades of the service living in my district, and they are always interested in legislation of this character. They generally come to me when interested in any railroad matter which affects them, and we talk it over, and while I make no definite promises, I always feel disposed to interest myself in their behalf and for legislation in which they are interested, if I think it is fair and proper legislation; and every provision and improvement which will have a tendency to save the lives and limbs of men should have the most careful and thoughtful consideration; and nothing which will not accomplish that end should be hastily or immaturely enacted into law by the Congress or put into the form of controlling regulation by any department or official of the Government.

I agree with the committee that the safety appliances referred to in the bill should be standardized, if they can be. But there is one part of it I do not think can well be standardized. In the western country, where land is cheap and plentiful, and where the tracks are far apart, they may be able to put the tracks so far apart that the ladders may be placed on the sides instead of the ends of the cars. But in the East, where tracks have been established for a long time, and where they are closer together, it is very likely that ladders must be placed on the ends of the cars; because if placed on the sides, they will be so close to other cars running by, and so close to the sides of tunnels and the abutments of bridges and to telegraph and telephone poles and other obstructions, that men in climbing up and down on the sides of the cars would be apt to be swept off and injured or killed. Aside from these obstructions and resulting dangers it would be much better to have all the ladders on the sides; but I take it that on account of these present difficulties the ladders may be placed, in the eastern part of the country, on the ends of the cars rather than the sides; and this is a matter which deserves very careful attention before it is finally decided upon by Congress or the Interstate Commerce Commission.

It is an easy matter to standardize the sill steps, and it strikes me that it would not be very difficult to standardize efficient hand brakes. Also it would be easy enough, in my judgment, to standardize running boards. This bill provides for the standardizing of secure hand holds or grip irons on the roofs of the cars and at the tops of the ladders. But it does not provide for their position with reference to the tops of the ladders, and it strikes me, from experience and observation, that they should be placed some considerable distance from the top, in order that men may climb up and get on top of the cars with less danger of accidents.

This bill was introduced on January 19, but no Member of Congress can possibly examine all the bills and familiarize himself with them. If he can keep track of the bills reported and which are of interest to his constituents, he is doing pretty well. This bill was only reported last Saturday, February 13, and to-day, Monday, it is being pushed through the House with only twenty minutes' debate on either side and under suspension of the rules, with no chance to amend. The hearings before the committee on this particular matter have not yet been printed, and the Members interested have not had an opportunity to examine the evidence and form a deliberate conclusion with reference to the merits of this bill. The railroad organizations throughout the country have not had a fair chance to examine this bill and to submit their views to their Representatives in Congress, a privilege and opportunity which they always should have, because they are the people most interested in this measure.

I am aware that the Master Car Builders' Association is interested and the railroad companies are interested, but the parties most vitally concerned are the men who have to use those appliances by day and night and whose lives and limbs are in danger if they are structurally defective or out of order.

It seems to me that this bill should not be crowded through in this way; that all men concerned in this legislation should have an opportunity to consider it carefully and deliberately, and perhaps they could agree among themselves, or their Representatives can agree, as to just how these various safety appliances should be standardized and perhaps improved in such manner as to result in a mutual benefit to the car builders and the men. I oppose this bill not because I have heard from the railway organizations in my district, but because I have not heard from them and they have not had an opportunity to express their judgment about it. If the several organizations who are interested in this legislation can not agree, or substantially agree, as to the manner of this standardizing, then that will have to be done by some other authority. But they ought to have a chance to come together and agree on this matter, if possible. Therefore I believe the bill ought not pass to-day. I shall vote against it, and hope it may be defeated.

Mr. ADAMSON. I now yield two minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, there is a German adage that "The better is the worst enemy of the best." No greater harm can be done legislation in favor of safety appliances than by the hurried passage of ill-digested, ill-considered, and insufficient legislation. Upon it hangs the lives of millions of operatives and tens of millions of travelers and passengers upon our railroad trains. I do not charge that this legislation is ill considered, nor so state, but it is manifest that it is hurried. We have had no opportunity to examine the hearings. We have had no opportunity to investigate this question for ourselves. Suppose this pernicious practice of bringing bills into the House were usual, what would be the use of hearings? We do not sit here as a high court; we simply sit to confirm what the committee has done? We are entitled to have these hearings, and without these hearings shall we fly deliberately and in the face of 250,000 railroad men, every one of whom holds his life as a hostage to his honesty and disinterestedness in his opposition to this legislation. And I maintain that this great army of brave and faithful men—a quarter of a million railway engineers and firemen, whose lives and limbs are daily and hourly imperiled by any mistake we may make—shall be fully and fairly heard.

Mr. ADAMSON. I now yield the remainder of the time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I realize that probably this bill will not pass under this motion to suspend the rules. It is unfortunate that this is the situation. When the gentleman from Missouri and the gentleman from Kentucky, however, seek to hide behind the proposition that the hearings have not been printed, it makes me smile. For more than a year we have had hearings printed on the subject which neither gentleman has ever seen or read. If we had printed bushels of hearings, they would know no more about those than about the one we printed a year ago. The present bill is the outgrowth of hearings we had a long time ago, and which we did have printed.

Mr. STANLEY. Will the gentleman yield for a statement?

Mr. MANN. I can not yield; my time is too short. I do not criticise the gentleman; he has not seen the hearings printed a year ago.

Mr. STANLEY. I beg the gentleman's pardon, I have seen them.

Mr. MANN. Then the gentleman has seen them. Then the gentleman has no excuse for opposing the bill. [Laughter.] I realize, however, that a certain gentleman now sitting in the gallery of the House is seeking to direct the destinies of this House through claiming that he represents 230,000 trainmen in the country. I hope that upon his conscience, if this bill be defeated, will rest the agony of knowing that he is the cause of the death of many a man on the train, that he has cut the leg off many a switchman and many a trainman, that he has deprived many a man of his arm, and that he has made many an orphan and many a widow.

The whole purpose of this bill is to have the hand brake, the ladders, the stirrups, and the safety appliances which every brakeman and switchman is required to use look all alike, so that the man who becomes accustomed to swinging onto a car, who swings on without stopping to look, can do so without looking to see just how they are placed. The bill is asked for by a great majority of the trainmen of the country, who are not in this particular represented by Mr. Fuller. It is true gentlemen here receive telegrams from persons at home who do not know anything about what the bill is. The bill is asked for by the American Federation of Labor. Remember that. It is asked for by the Order of Railroad Conductors. Remember that.

It is asked for by the Switchmen's Union. Remember that. It is asked for by decency and humanity. The gentleman from New York [Mr. DRISCOLL] says they want the ladders on the side on the western cars, where the tracks are wider. We want the ladders at the same place on every car, because western cars come east and eastern cars go west, and when a man seeks to swing himself onto a car he ought to feel that he will find the ladder where he expects it and not become accustomed to using the ladder on the side and then fall between the cars because the ladder is on the end. It does not make any great difference where these appliances are placed. Some men want them in one place and some want them in another place. Doubtless each has equally good arguments, but the point is that if they can all be placed in the same place uniformly on the cars, it will save human life. The only real objection that has been made to the bill was made by the railroad companies, who said it would cost them money to change these appliances, and we did not consider that a sufficient objection. [Applause.]

Mr. TOWNSEND. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has five minutes.

Mr. TOWNSEND. Mr. Speaker, I assume that it will not be of any avail for me to discuss this matter further with gentlemen who have been influenced and who will be influenced, not by the merits of the case, but by telegrams and special-delivery letters which have been sent out for the purpose, not of enlightening the Congress, but of prejudicing Members who are to vote. The gentleman from Missouri [Mr. CLARK] has read a letter in which the writer states that some of the provisions of the Master Car Builders' Association are not satisfactory to some of these alleged leaders of railroad men. The fact of the matter is that there are all kinds of methods now employed. The object of this bill is to make one uniform system, and the gentleman who has sent out the special letters stated before our committee that his organizations had given him no instructions on this subject. I submit that when any man states that 250,000 men in this country are opposed to this measure he is stating an absolute falsehood. There are not that number who even know about it. One of the representatives of the trainmen, Mr. Goss, appeared before our committee in favor of this bill and claimed to be representing the railroad men of his organization in his testimony, so that it is certainly clear that not all the railroad men are opposing the measure.

Mr. DRISCOLL. Is not Mr. Goss a representative of the conductors?

Mr. TOWNSEND. Yes.

Mr. DRISCOLL. They have nothing to do with these appliances one way or the other.

Mr. MANN. The gentleman does not know how they run a railroad, I guess.

Mr. TOWNSEND. Mr. Speaker, the fact of the matter is that a representative of the switchmen's organization and also a representative of the national conductors' order appeared before our committee favoring the bill, but outside of any influence of this kind there comes to us at this moment the question of whether we will aid in preserving life—whether we are going to do something that will lessen the number of accidents. We are not tying the hands of anybody for all time to come. We simply say that within six months the commission shall have full hearings, at which all gentlemen interested may appear and present their reasons in favor or in opposition, and the commission is also authorized to make more liberal its findings and to extend the time during which they shall be put in operation. But, Mr. Speaker, this is a righteous measure. There is nothing in opposition to it except jealousy and selfishness. I know what I am talking about. The gentleman in his letter says that he is in favor of standardizing some method to be used in place of the various methods now employed.

This bill will do that. This bill enables the commission to obtain all of the information which is necessary, and if these gentlemen are as active in presenting facts to the commission as they are in trying to prejudice this Congress and to create cowards who will not dare to act upon what their judgment dictates to be in the best interests of the country [applause]—if that is true, Mr. Speaker, if that is to be maintained, then I say, with the gentleman from Illinois [Mr. MANN], the blood——

Mr. STANLEY. Mr. Speaker, I call the gentleman to order.

Mr. TOWNSEND (continuing). Of these slaughtered men must be upon their heads.

Mr. STANLEY. Mr. Speaker, does the gentleman refer to Members of Congress by the use of that term?

Mr. TOWNSEND. Mr. Speaker, I am not referring to any specific Congressman in this matter, and I certainly would not refer to the gentleman from Kentucky [Mr. STANLEY], but I do state this: If gentlemen, without any other reason than the receipt of telegrams or letters, vote against this measure, it seems to me that they have not properly considered their duties as Members of Congress. This bill was reported unanimously by the members of the Interstate and Foreign Commerce Committee. The reasons that the hearings were not printed were, as the gentleman from Illinois [Mr. MANN] has said, because we have had hearings from time to time, and one gentleman after another has appeared, and time has been asked for, and the committee has been most liberal in granting it. So it has been running along from day to day, but the report of all the hearings has been fairly stated. I do not think anybody will dispute it, and with this statement, Mr. Speaker, it seems to me that the bill ought to pass.

Mr. COOK. Will the gentleman yield for a question?

The SPEAKER. The gentleman's time has expired. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. SULZER and Mr. BARTLETT of Georgia) there were—ayes 150, noes 51.

Mr. DRISCOLL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. As many as favor calling the yeas and nays will rise and stand until counted. [After counting.] Seven gentleman have arisen, not a sufficient number. The yeas and nays are refused.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

SALARY OF SECRETARY OF STATE.

Mr. DALZELL. Mr. Speaker, I submit the following report (H. Rept. No. 2163) from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits the following report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

House resolution 566.

Resolved, That the Committee on Election of President, Vice-President, and Representatives in Congress be, and hereby is, discharged from the consideration of the bill (S. 9295) in relation to the salary of the Secretary of State, and that the said bill shall at once be considered in the House, with forty minutes of debate to be divided between those favoring and those opposing the said bill, at the end of which debate the previous question shall be considered as ordered on the bill to a final passage without intervening motion or appeal.

Mr. DALZELL. Mr. Speaker, the bill referred to in the resolution just reported is the bill which was debated and voted upon by the House within the last two hours. At the beginning of business to-day the gentleman from West Virginia, chairman of the Committee on Election of President, Vice-President, and Representatives, moved to suspend the rules and pass the Senate bill, a bill relating to the salary of the Secretary of State. It was debated for forty minutes, a yea-and-nay vote was taken; and the result was that there were—yeas 179, nays 123. It is apparent, therefore, that it is the wish of the House that the bill should pass, and, pursuant to the wish of the House, expressed by this vote, the Committee on Rules have reported this rule, making it in order to consider now the same bill with twenty minutes' debate on either side, at the end of which time the previous question is to be considered as ordered and a vote taken.

Mr. OLMSTED. Mr. Speaker, may I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. OLMSTED. Mr. Speaker, I did not understand from the reading of the rule whether the twenty minutes' debate on either side is to be on the adoption of the rule or on the adoption of the bill after the rule shall have been adopted.

Mr. DALZELL. The rule permits a debate of twenty minutes on a side on the adoption of the bill itself. I now ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 115, noes 99.

Mr. WILLIAMS. Mr. Speaker, upon this question I ask for tellers.

The SPEAKER. The gentleman from Mississippi demands tellers.

Mr. DALZELL. Mr. Speaker, we might as well have the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 123, answered "present" 5, not voting 116, as follows:

YEAS—142.

Adair	Dwight	Hull, Iowa	Payne
Alexander, N. Y.	Edwards, Ky.	Humphrey, Wash.	Perkins
Ames	Ellis, Mo.	Jenkins	Pollard
Andrus	Ellis, Oreg.	Kahn	Porter
Anthony	Englebright	Kennedy, Iowa	Pray
Bannon	Focht	Kennedy, Ohio	Reeder
Barchfeld	Fordney	Kinkaid	Reynolds
Barclay	Foss	Knapp	Robinson
Bartholdt	Foster, Vt.	Knopf	Rodenberg
Bartlett, Nev.	French	Knowland	Scott
Beale, Pa.	Gaines, W. Va.	Langley	Sherman
Bingham	Gillett	Law	Slemp
Bonynge	Graff	Lawrence	Smith, Cal.
Boutell	Greene	Longworth	Smith, Iowa
Brownlow	Gronna	Loud	Smith, Mich.
Burke	Guernsey	Loudenslager	Southwick
Burton, Del.	Haggott	Lovering	Sperry
Burton, Ohio	Hale	Lowden	Sulloway
Campbell	Hall	McGuire	Sulzer
Capron	Hamilton, Mich.	McKinney	Swasey
Cassel	Harding	McLachlan, Cal.	Tawney
Chaney	Haskins	McMillan	Taylor, Ohio
Chapman	Haugen	Madden	Thistlewood
Clayton	Hawley	Madison	Thomas, Ohio
Cole	Henry, Conn.	Malby	Tirrell
Conner	Hepburn	Martin	Townsend
Cook, Pa.	Higgins	Mondell	Volstead
Cooper, Pa.	Hill, Conn.	Moore, Pa.	Washburn
Cousins	Hinshaw	Mouser	Watson
Currier	Holliday	Mudd	Weems
Cushman	Howell, Utah	Norris	Wilson, Ill.
Dalzell	Howland	Olcott	Woodyard
Davis	Hubbard, Iowa	Olmsted	Young
Dawson	Hubbard, W. Va.	Overstreet	The Speaker
Douglas	Huff	Parker	
Draper	Hughes, W. Va.	Parsons	

NAYS—123.

Alexander, Mo.	Flood	James, Ollie M.	Randell, Tex.
Ansberry	Floyd	Johnson, Ky.	Rauch
Beall, Tex.	Foster, Ill.	Johnson, S. C.	Reid
Bell, Ga.	Fuller	Jones, Va.	Richardson
Birdsall	Fulton	Kimball	Rucker
Booher	Gaines, Tenn.	Kitchin	Russell, Mo.
Bowers	Gardner, Mass.	Lee	Russell, Tex.
Brantley	Garner	Lever	Ryan
Brodhead	Garrett	Lindbergh	Shackleford
Burleson	Gill	Livingston	Sheppard
Burnett	Gillespie	Lloyd	Sherley
Byrd	Gregg	McCall	Sherwood
Caldwell	Hackett	McCreary	Sims
Candler	Hamilton, Iowa	McDermott	Slayden
Carlin	Hamlin	McHenry	Smith, Mo.
Carter	Hammond	McLain	Smith, Tex.
Caulfield	Hardwick	Macon	Spight
Clark, Mo.	Hardy	Mann	Stafford
Cook, Colo.	Harrison	Marshall	Stanley
Cooper, Wis.	Hay	Maynard	Stephens, Tex.
Craig	Hayes	Miller	Stevens, Minn.
Cravens	Heflin	Moore, Tex.	Thomas, N. C.
Crawford	Helm	Nelson	Underwood
Davenport	Henry, Tex.	Nye	Waldo
De Armond	Hitchcock	O'Connell	Wallace
Denby	Hobson	Padgett	Watkins
Dixon	Houston	Page	Webb
Ellerbe	Howard	Patterson	Wiley
Ferris	Hughes, N. J.	Pou	Williams
Finley	Hull, Tenn.	Prince	Wilson, Pa.
Fitzgerald	Humphreys, Miss.	Rainey	

ANSWERED "PRESENT"—5.

Adamson	Burgess	Keifer	McMorran
Bartlett, Ga.			

NOT VOTING—116.

Acheson	Diekema	Jackson	Nicholls
Aiken	Driscoll	James, Addison D.	Pearre
Allen	Durey	Jones, Wash.	Peters
Ashbrook	Edwards, Ga.	Keliher	Pratt
Barnhart	Esch	Kipp	Pujo
Bates	Estopinal	Küstermann	Ransdell, La.
Bede	Fairchild	Lafean	Rhinock
Bennet, N. Y.	Fassett	Lamar, Fla.	Riordan
Bennett, Ky.	Favrot	Lamar, Mo.	Roberts
Boyd	Foelker	Lamb	Rothermel
Bradley	Fornes	Landis	Sabath
Broussard	Foster, Ind.	Laning	Saunders
Brundidge	Foulkrod	Lassiter	Small
Burleigh	Fowler	Leake	Snapp
Butler	Gardner, Mich.	Legare	Sparkman
Calder	Gardner, N. J.	Lenahan	Steenerson
Calderhead	Gilhams	Lewis	Sterling
Cary	Glass	Lindsay	Sturgiss
Clark, Fla.	Godwin	Lorimer	Talbott
Cockran	Goebel	McGavin	Taylor, Ala.
Cocks, N. Y.	Goldfogle	McKinlay, Cal.	Tou Velle
Cooper, Tex.	Gordon	McKinley, Ill.	Vreeland
Coudrey	Goulden	McLaughlin, Mich.	Wanger
Cox, Ind.	Graham	Moon, Pa.	Weeks
Crumpacker	Griggs	Moon, Tenn.	Weisse
Darragh	Hackney	Morse	Wheeler
Davidson	Hamill	Murdock	Willett
Dawes	Hill, Miss.	Murphy	Wolf
Denver	Howell, N. J.	Needham	Wood

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. BURLEIGH with Mr. BROUSSARD.

Mr. DIEKEMA with Mr. KIPP.

Mr. PEARRE with Mr. NICHOLLS.

Mr. LANDIS with Mr. BRUNDIDGE.

Mr. HOWELL of New Jersey with Mr. AIKEN.

Mr. BATES with Mr. ASHBROOK.

Mr. JACKSON with Mr. WOLF.

Mr. WEEKS with Mr. TAYLOR of Alabama.

Mr. STURGISS with Mr. TALBOTT.

Mr. STEENERSON with Mr. SMALL.

Mr. SNAPP with Mr. SAUNDERS.

Mr. ROBERTS with Mr. SABATH.

Mr. MURDOCK with Mr. PETERS.

Mr. NEEDHAM with Mr. RANSDELL of Louisiana.

Mr. MCKINLAY of California with Mr. PRATT.

Mr. MCGAVIN with Mr. MOON of Tennessee.

Mr. KÜSTERMANN with Mr. LENAHAN.

Mr. GRAHAM with Mr. LEAKE.

Mr. GOEBEL with Mr. LASSITER.

Mr. GILHAMS with Mr. LAMB.

Mr. GARDINER of New Jersey with Mr. HACKNEY.

Mr. FOWLER with Mr. GORDON.

Mr. FOSTER of Indiana with Mr. GOLDFOGLE.

Mr. FASSETT with Mr. COX of Indiana.

Mr. FAIRCHILDS with Mr. COOPER of Texas.

Mr. DARRAGH with Mr. COCKRAN.

Mr. CALDERHEAD with Mr. CLARK of Florida.

Mr. CARY with Mr. WEISSE.

For this vote:

Mr. LORIMER (in favor) with Mr. BURGESS (against).

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 140, noes 123.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 129, answering "present" 6, not voting 103, as follows:

YEAS—148.

Alexander, N. Y.	Ellis, Mo.	Humphrey, Wash.	Perkins
Ames	Ellis, Oreg.	Kahn	Pollard
Andrus	Englebright	Kennedy, Iowa	Porter
Anthony	Focht	Kennedy, Ohio	Pray
Bannon	Fordney	Kinkaid	Reeder
Barchfeld	Foss	Knapp	Reynolds
Barclay	Foster, Vt.	Knopf	Robinson
Bartlett, Nev.	Gaines, W. Va.	Knowland	Rodenberg
Bates	Gardner, Mass.	Langley	Scott
Beale, Pa.	Gillett	Law	Sherman
Bede	Goebel	Lawrence	Slemp
Bingham	Graff	Longworth	Smith, Cal.
Bonynge	Greene	Loud	Smith, Iowa
Boutell	Griggs	Loudenslager	Smith, Mich.
Brownlow	Gronna	Lovering	Southwick
Burke	Guernsey	Lowden	Sperry
Burleigh	Haggott	McGuire	Sterling
Burton, Del.	Hale	McKinlay, Cal.	Sturgiss
Campbell	Hall	McKinney	Sulloway
Capron	Hamilton, Mich.	McLachlan, Cal.	Sulzer
Cassel	Harding	McMillan	Swasey
Chapman	Haskins	Madden	Tawney
Clayton	Haugen	Madison	Taylor, Ohio
Cole	Hawley	Malby	Thistlewood
Conner	Henry, Conn.	Martin	Thomas, Ohio
Cook, Pa.	Hepburn	Mondell	Tirrell
Cooper, Pa.	Higgins	Moore, Pa.	Townsend
Cooper, Wis.	Hill, Conn.	Mouser	Volstead
Currier	Hinshaw	Mudd	Washburn
Cushman	Holliday	Needham	Watson
Dalzell	Howell, Utah	Norris	Weeks
Davis	Howland	Olcott	Weems
Dawson	Hubbard, Iowa	Olmsted	Wilson, Ill.
Douglas	Hubbard, W. Va.	Overstreet	Wilson, Pa.
Draper	Huff	Parker	Woodyard
Dwight	Hughes, W. Va.	Parsons	Young
Edwards, Ky.	Hull, Iowa	Payne	The Speaker

NAYS—129.

Adair	Burnett	De Armond	Garrett
Aiken	Byrd	Denby	Gill
Alexander, Mo.	Caldwell	Dixon	Gillespie
Ansberry	Candler	Ellerbe	Gregg
Beall, Tex.	Carlin	Ferris	Hackney
Bell, Ga.	Carter	Finley	Hamilton, Iowa
Birdsall	Caulfield	Fitzgerald	Hamlin
Booher	Clark, Mo.	Flood	Hammond
Bowers	Cockran	Floyd	Hardwick
Brantley	Cook, Colo.	Foster, Ill.	Hardy
Brodhead	Craig	Fuller	Harrison
Broussard	Cravens	Fulton	Hay
Brundidge	Crawford	Gaines, Tenn.	Hayes
Burleson	Davenport	Garner	Heflin

Helm	Livingston	Prince	Smith, Tex.
Henry, Tex.	Lloyd	Rainey	Spight
Hitchcock	McCall	Randell, Tex.	Stafford
Hobson	McCreary	Rauch	Stanley
Houston	Macon	Reid	Stephens, Tex.
Howard	Mann	Richardson	Stevens, Minn.
Hughes, N. J.	Maynard	Rucker	Thomas, N. C.
Hull, Tenn.	Miller	Russell, Mo.	Tou Velle
Humphreys, Miss.	Moon, Tenn.	Russell, Tex.	Underwood
James, Ollie M.	Moore, Tex.	Ryan	Waldo
Johnson, Ky.	Murdock	Sabath	Wallace
Johnson, S. C.	Murphy	Saunders	Watkins
Jones, Va.	Nye	Shackleford	Webb
Kimball	O'Connell	Sheppard	Weisse
Küstermann	Padgett	Sherley	Wheeler
Lamb	Page	Sherwood	Williams
Lee	Patterson	Sims	
Lever	Peters	Slayden	
Lindbergh	Pou	Smith, Mo.	

ANSWERED "PRESENT"—6.

Adamson	Burgess	McDermott	McMorran
Bartlett, Ga.	Keifer		

NOT VOTING—103.

Acheson	Diekema	Hill, Miss.	Marshall
Allen	Driscoll	Howell, N. J.	Moon, Pa.
Ashbrook	Durey	Jackson	Morse
Barnhart	Edwards, Ga.	James, Addison D.	Nelson
Bartholdt	Esch	Jenkins	Nicholls
Bennet, N. Y.	Estopinal	Jones, Wash.	Pearre
Bennett, Ky.	Fairchild	Keliher	Pratt
Boyd	Fassett	Kipp	Pujo
Bradley	Favrot	Kitchin	Ransdell, La.
Burton, Ohio	Foelker	Lafean	Rhinock
Butler	Fornes	Lamar, Fla.	Riordan
Calder	Foster, Ind.	Lamar, Mo.	Roberts
Calderhead	Foulkrod	Landis	Rothermel
Cary	Fowler	Laning	Small
Chaney	French	Lassiter	Snapp
Clark, Fla.	Gardner, Mich.	Leake	Sparkman
Cocks, N. Y.	Gardner, N. J.	Legare	Steenerson
Cooper, Tex.	Gilhams	Lenahan	Talbott
Coudrey	Glass	Lewis	Taylor, Ala.
Cousins	Godwin	Lindsay	Vreeland
Cox, Ind.	Goldfogle	Lorimer	Wanger
Crumpacker	Gordon	McGavin	Wiley
Darragh	Goulden	McHenry	Willett
Davidson	Graham	McKinley, Ill.	Wolf
Dawes	Hackett	McLain	Wood
Denver	Hamill	McLaughlin, Mich.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CANNON, and he voted "yea."

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DRISCOLL with Mr. WILEY.

Mr. JENKINS with Mr. MCLAIN.

Mr. COUSINS with Mr. MCHENRY.

Mr. CHANEY with Mr. KITCHIN.

Mr. BURTON of Ohio with Mr. HACKETT.

Mr. BARTHOLDT with Mr. WEISSE.

For the balance of the day:

Mr. CARY with Mr. MCDERMOTT.

The result of the vote was announced as above recorded.

Mr. DALZELL. I yield ten minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, the opposition to this bill is based upon the proposition that it may affect the eligibility, or remove the ineligibility, of a distinguished Member of the Senate to an office in the Cabinet of the incoming President. The qualifications of that gentleman are so preeminent that the desire for his appointment far exceeds any desire on his part to hold the office. The constitutional provision is that—

> No Senator or Representative shall during the time for which he was elected be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.

The judicial, legislative, and executive appropriation bill passed in 1907 increased the salaries of certain officers of the Government, including that of the Secretary of State, whose salary was increased from $8,000 to $12,000 per annum. This bill, if passed, will repeal the act which created that increase in salary and restore it to $8,000, which had been the salary of all Cabinet officers for many years prior to 1907.

I maintain that this pending measure if enacted will be not an evasion of, but in compliance with, the constitutional provision to which I have referred. In support of that proposition I have some precedents and some authorities which, in the arrangement of an orderly argument, I should keep until the last, but which, owing to the shortness of the time allowed me, I shall refer to at the outset so that they may not be overlooked.

In the first place, I will call attention to the provision of the constitution of the State of Indiana:

> That no person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit in the State other than a judicial office.

A gentleman who held a judicial office was elected for a second term. Before the first term expired he was elected to another office not judicial in its character and for which he was at the time of his election ineligible under the language of the constitution. He declined the election to the judicial office the second term, and refused to qualify. His election to the nonjudicial office took place, however, twenty-two days before the expiration of his first term.

He endeavored to administer the duties of the nonjudicial office, and legal proceedings were instituted to determine his right. The trial court held him ineligible under the constition, because he had been clearly so at the time of his election. But the supreme court, the highest court under the constitution of that State, held, in Smith *v.* Moore, reported in Ninetieth Indiana State Reports, at page 274, that the ineligibility was removed; first, by his declination to serve the second judicial term, and by the expiration of the first term after his election before the term of the nonjudicial office had begun. That decision, as applied to this case, Mr. Speaker, holds that a constitutional ineligibility may be constitutionally removed, and that the question of eligibility is to be determined as of the time when the appointment is made or attempted to be made according to the conditions as they then exist and not as they may have existed during some previous period of time.

Now, here is a precedent from the State of New Jersey. The constitution of that State is even more stringent than that of the Federal Constitution. It says:

> That no member of the senate or general assembly shall, during the time for which he was elected, be nominated—
>
> Be nominated—
>
> or appointed by the governor or by the legislature in joint meeting to any civil office under the authority of this State which shall have been created or the emoluments whereof shall have been increased during such time.

A former governor of that State, George T. Werts, being a member of the state senate, had voted for an increase in the salaries of the supreme judges. Before the expiration of his senatorial term it was desired that he should be elevated to the bench. The legislature thereupon reduced the salary to the original figure. Thereupon he was appointed, accepted, and served. No question was ever raised as to his right to serve nor as to the validity of his judicial acts.

There is a still more important precedent, to which I now call attention. The case is on all fours with the question under consideration here. The gentleman from West Virginia [Mr. GAINES] was about to refer to it this morning when the gavel fell.

Lot M. Morrill, of the State of Maine, was, in 1871, elected a member of the United States Senate. When a member of that body there was passed the act of March 3, 1873, which may be found in the Seventeenth Statutes at Large, page 486, increasing the salary of Members of Congress, Senators, Cabinet officers, the President, and others.

It increased the salaries of Cabinet officers from $8,000 to $10,000 per annum. In the succeeding year, by the act of 1874 (18 Stat. L., 4), that increase was repealed as to some of the offices, and it was enacted that the salaries of Cabinet officers—

> Shall be as fixed by the law in force at the time of the passage of said increasing act.

That is exactly what it is now proposed to do—make the salary of the Secretary of State precisely what it was before the passage of the act of 1907 making the increase.

This volume which I hold in my hand is the executive register of the United States, 1789–1902. On page 203 this entry appears, under the caption "Secretary of the Treasury:"

> Lot M. Morrill, of Maine, nominated, confirmed, and commissioned June 21, 1876; entered upon his duties July 7, 1876; served through the remainder of the administration.

During the term in the Senate to which he had been elected in 1871, and during the same term in which the salary of the Secretary of the Treasury had been increased from $8,000 to $10,000 in 1873, and reduced again to $8,000 in 1874, Mr. Morrill was nominated by President Grant to be Secretary of the Treasury; the nomination was confirmed by the Senate; he was commissioned, accepted, and served.

There were in the Senate at that time such eminent constitutional lawyers as George F. Edmunds, of Vermont; Roscoe Conkling, of New York; George S. Boutwell, of Massachusetts; and upon the other side of the Chamber such lawyers as Thomas F. Bayard, of Delaware; Allen G. Thurman, of Ohio; William Pinkney Whyte, of Maryland; William A. Wallace, a distinguished lawyer from Pennsylvania, as well as others whom I need not stop to name. Not one of them had the slightest doubt of the eligibility of Mr. Morrill after the salary of the office had been restored to its original figure. None of them, so far as the RECORD discloses, offered a single objection to his confirmation,

which, I believe, was unanimous in the Senate. To-day gentlemen, it seems to me, raise questions which are not worthy to be propounded, and make arguments unworthy of lawyers who are as well versed in the Constitution as some of these gentlemen are.

How do we construe a constitution? Why, the same as we do a statute. We consider first the old law, then the mischief, and then the remedy. Now, what was the old law? Why, there was no restraint upon the eligibility of Members of either branch to offices created by Congress, or the acceptance of salaries increased by Congress during their terms. It was urged in the constitutional debates on this proposition (I have the volume here) that in England great scandal had arisen from the fact that members aspired to Parliament for the very purpose of securing by their influence the creation of new offices, new embassies, new consulships, and other positions which they hoped to fill, and that they increased the salaries of positions to which they hoped to be appointed. Mr. Madison stated that even in his own State of Virginia he had noticed the undue favoritism of the legislature to its own membership. That was the mischief; the proposed remedy, the prevention of Members of either branch of Congress from accepting any office which during their membership that body had created or the emoluments of which it had increased.

The mischief certainly did not extend to a condition like this, where if an appointment is made from the present United States Senate to the Cabinet of the incoming President for the position of Secretary of State, the salary will not have been increased, but will be precisely the same salary that it was before the act of 1907 was passed. [Applause.] The case then will not be at all within the mischief and, by fair and rational construction, not within the remedy found in the constitutional provision.

Upon the question of constitutional construction, let me read you a few authorities.

I have here a monograph on "Constitutional Construction and Interpretation," prepared from a review of decisions of the Supreme Court of the United States construing and applying the Federal Constitution, by Thomas H. Calvert, from which I quote the following propositions:

> Upon the examination of every question of construction the great leading intent of the Constitution must be kept constantly in view, and it must be interpreted according to its true intent and meaning.

Which proposition is sustained by reference to numerous decisions of the Supreme Court of the United States, which, upon a hasty examination, I find are clearly in point.

And again:

> If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to conserve it.

Which proposition, also, is abundantly sustained by citations from decisions of our highest court.

And again:

> The Constitution, establishing a frame of government, declaring fundamental principles and creating a national sovereignty, is not to be interpreted with the strictness of a code of laws or of a private contract.

Then, we find this:

> Mischief to be remedied. In placing a construction upon any clause or part thereof, the mischief existing in the old law or conditions should be ascertained, and the clause construed as affording a remedy.

Innumerable decisions of the Supreme Court are cited in support of these several propositions, and if any gentleman cares to take the time to examine them, he will find that every authority cited is directly in point.

In Sutherland, one of the best works on construction, second edition, section 115, the following is laid down by the learned author:

> The courts with great unanimity enforce this constitutional restriction in all cases falling within the mischiefs intended thereby to be remedied. And, in cases not within those mischiefs, they construe it literally to give convenient and necessary freedom, so far as is compatible with the remedial measure, to the law-making power. They agree that whilst it is necessary to so expound this provision as to prevent the evils it was designed to remove, it is no less desirable to avoid the opposite extreme.

Apply those principles to the constitutional provision under discussion and we have no difficulty. The framers of the Constitution never for one moment intended that any Member of either branch of Congress should during the time of office for which he was elected be prevented from appointment to any office not created by Congress during the term and the salary of which was not greater than when his term of office began. Such a case was not within any mischief which Mr. Madison or any other of the framers of the Constitution had in mind. There could, in fact, be no mischief in such a situation or in an appointment to office under such conditions.

In the Legal Tender cases, reported in Tenth Wallace, Mr. Justice Strong, appointed from Pennsylvania, and who had previously served in the supreme court of that State, said:

> Nor can it be questioned that, when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the objects for which those powers were granted. This is a universal rule of constructions, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered. And there are more urgent reasons for looking to the ultimate purpose in examining the powers conferred by a constitution than there are in construing a statute, a will, or a contract.

If any gentleman will take the trouble to read the decision of the Supreme Court in Briscoe *v.* Bank of Kentucky, reported in Eleventh Peters at page 257, he will find it to be a case in which the Supreme Court by its construction very clearly limited and restricted the language of the Constitution so as to cover only the mischief for which the court found the Constitution had intended to provide a remedy. The Constitution provides that—

> No State shall * * * emit bills of credit.

But the court, finding that the mischief was that before the adoption of the Constitution the States issued bills which circulated as money on the credit of the issuing State, by interpretation limited the language to providing against that mischief. The construction placed upon it by the court did not permit the prohibition to be extended to other matters, which might in some sense be termed "bills of credit."

In the so-called "contract-labor" case of the Church of the Holy Trinity *v.* United States, found in Thirty-sixth Lawyer's Edition of the Opinions of the Supreme Court of the United States, page 226, the Supreme Court unanimously held, as stated in the syllabus, that—

> A thing may be within the letter of the statute and yet not within the statute, because not within its spirit nor within the intention of the makers.

The opponents of this measure really make no argument. They simply point to the words, "shall have been increased during such time." They say that the salary was increased in 1907, and that, although it may be reduced again in 1909, the fact can not be avoided that there was an increase in 1907. The letter of the law, they say, renders a Senator of 1907 ineligible to appointment during the term for which he was elected. They give us no reason; they attempt no construction; they say that they cling to the words of the Constitution. There is, Mr. Speaker, an apt scriptural quotation which I heard fall from your lips in a recent parliamentary ruling: "The letter killeth, but the spirit maketh alive." That is an equivalent for the legal maxim usually quoted in Latin, but which being interpreted means, "He who sticks to the letter, sticks in the bark."

I maintain that even the letter, fairly interpreted, would not apply to this case. After this act is passed it can not be said that the salary of the Secretary of State has been increased, for the salary will then be precisely the same as it had existed for many years prior to the senatorial term which any member of that body was serving in 1907. No authority has been cited, none can be cited, nor any respectable precedent, in opposition to the position we take in this matter. Suppose, Mr. Speaker, that at the solemn joint assemblage held in this Hall on Wednesday last it had been officially declared that Mr. Bryan and not Mr. Taft had been elected President; suppose it had become known that Mr. Bryan proposed to appoint some eminent gentleman from the Senate or my friend from Missouri, for instance, Mr. CLARK, to a Cabinet position; and suppose that which is unsupposable, that this Republican Congress had been so mean that it wanted to embarrass the incoming Democratic administration, or that it had some feeling against some Member of either House whom that Democratic President desired to appoint to the head of any of the executive departments; and then suppose that this Republican Congress should to-day pass an act increasing the salaries of all Cabinet officers; suppose that it should next week repeal that act—would any gentleman upon that side of the Chamber be found either before or after or upon the 4th of March contending that by that procedure the whole body of Senators and the entire membership of the House of Representatives had been rendered ineligible to appointment?

Would not every gentleman upon that side of the Chamber then hold, as I hold now and as the authorities hold and the precedents establish, that the question of eligibility must be determined by conditions as they may exist at the time of the appointment? Would they not hold, as I now hold, that the constitutional provision is not to be given a narrow, petty, unfair, technical construction, at variance with all the rules of construction to which from the very foundation of the Government the courts

have adhered? Would they not hold, as I hold, that it can not be made to extend beyond the mischief which the framers of the Constitution had in mind and applied to a situation wholly outside of that mischief—to a situation entirely free from mischief and to which no one inside or outside of the Constitutional Convention ever intended or dreamed that it should be made to apply?

But, Mr. Speaker, this whole discussion is academic. This question of eligibility is one over which this House has no jurisdicton. The Secretaryship of State is one of those positions to which the Constitution specifically provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint." Before that office can be filled there must be a nomination. Then there must be the advice and consent of the Senate, and only after that can the appointment be made by the President.

While the question of eligibility after the passage of this act is one upon which I entertain no doubt whatever, it is, nevertheless, one which the House of Representatives can not determine. That question is for another body, whose view of the matter may be inferred from the fact that it has sent this bill to us by an unanimous vote. The bill itself, simply repealing the act of 1907, in so far as it applies to this particular office, is clearly within the power of the House to pass. No gentleman denies that. Let us then proceed, leaving it to our newly elected President, himself a lawyer of renown and a jurist of great distinction, to make any nomination he sees fit, and to the Senate to pass upon any nomination he may make. [Applause.]

Mr. Speaker, I submit that this House may safely and constitutionally enact this bill to-day, and the future, I think, may safely be left to take care of itself. [Applause.]

Mr. WILLIAMS. Mr. Speaker, the gentleman from Pennsylvania acted wisely in going to New Jersey for a precedent for the proposed legislation. He could hardly have found a violation of constitutional law on so slight a ground outside of New Jersey, not even in a South American republic. [Laughter.] The only respectable authority or precedent that has been presented to bolster up the other side of this case is the Morrill case. But gentlemen must remember that that case never got into a court of justice, and never judicially was passed upon. Gentlemen must furthermore remember that Senator Morrill was confirmed by the Senate acting under "Senatorial courtesy," which, so far as I can learn, overrides all sorts of bars, constitutional and otherwise.

Mr. Speaker, this is a clear, plain, palpable, obvious, manifest case of a violation of a direct and express constitutional inhibition which attaches upon the happening of certain facts. These facts have happened, and not even the Parliament of Great Britain, much less the Congress of the United States, can repeal a fact.

Now, gentlemen take the position that by repeal they can do away with the motive, corrupt or possibly corrupt in the opinion of our forefathers, contrary to public policy at any rate, in the mind of a Senator; that they have answered the need of the case. The Constitution does not say that a Senator who votes for an increase shall be prohibited from holding certain offices, but that any Senator who is a member of the Senate that votes for the increase during his term shall be prohibited. Thus it is not a question of motives. It is a question of public policy. Nobody questions Senator KNOX's motive.

But, if their position were correct, you do not take away the motive in this case by the repeal; not even then. If you pass this repealing act, then, upon the same logical principles that support it, assuming for the moment that they are logical, Congress would have the right upon the 5th of March to restore the salary of the Secretary of State to the figure that it is now degraded from.

If Congress did not want to do that because it wanted to make a show of obeying the spirit of the Constitution, it could, and probably would, wait until two years had expired and the period of the term of Senator KNOX, in the Senate, had expired, and then restore the salary to the figure provided in the late act, which we are now repealing. So that the only difference would be this: Instead of the Senator getting an increase of salary for four years, he would get it for two years—precisely the same in principle, though different in degree.

Mr. Speaker, this is a case where an inhibition attaches on the happening of certain facts. Those facts have happened. That salary has been increased by that Senate of which Mr. KNOX was a member and during the term for which he was elected. It makes no difference whether it shall subsequently be decreased or not any more than it makes any difference whether—which will probably be the case—it shall be subsequently reincreased. The Constitution expresses a broad general policy. If gentlemen will pardon me, I will read a line from a speech made by the distinguished gentleman from North Carolina [Mr. WEBB] this morning, which seems to me to express the fact:

> The people and Mr. KNOX can not be placed in statu quo by passing this bill. The object of the clause of the Constitution in question was, according to that great judge, Story, "to take away, as far as possible, any improper bias in the vote of the Representative and to secure to the constituents some solemn pledge of disinterestedness." The repeal of the law increasing the salary at this time, two years after its enactment, can not affect the motives of the interest or noninterest of the Senator at the time the bill was passed. We can not know, nor can we inquire, nor does it matter, what a Senator's motives were in voting for an increase of the emoluments or the creation of a new office, and therefore the fathers, when they framed the Constitution, pronounced in that instrument the irrebuttable disqualification the moment the offending event happened.

You can not repeal a fact, whatever other power of repeal you may have. Now, gentlemen, early in the history of the country a certain elector from the State of Michigan was disqualified because a man was a deputy postmaster. There was appointed a committee to report to the Senate. Amongst them was Felix Grundy, of Tennessee, Henry Clay, of Kentucky, and Silas Wright, jr., of New York. I need not dwell, because I have not the time, upon the ability of these men. They reported:

> The committee are of the opinion that the second section of the second article of the Constitution, which declares that "no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector," ought to be carried in its whole spirit into the rigid execution, in order to prevent officers of the General Government from bringing their official power to influence the election of President and Vice-President of the United States.

Furthermore, they say that a resignation—mark you now, of the office of deputy postmaster—that "resignation would not entitle him to vote as an elector under the Constitution." On February 4 these resolutions were considered and were agreed to by the House and by the Senate. In other words, the ineligibility had attached and that was the end of it. This case, unlike the Morrill case, was not passed over sub silentio.

Here is an opinion from Attorney-General Brewster in the Kirkwood case. Kirkwood was elected and qualified as Senator from Iowa for a term which would expire in March, 1883. He resigned in March, 1881. Keep that in mind. He resigned in March, 1881, to accept the position of Secretary of the Interior, which office he also resigned in the latter part of the same year. "Since then"—mark that "since then," I am reading from Brewster's opinion—"by act of May 15, 1882, the office of tariff commissioner was created." "Advised: That the second clause of section 6 of the first article of the Constitution disqualifies Kirkwood for appointment to such office."

That is a case where the man was a Member of the Senate and elected to it and had resigned from it before the Senate voted to create the office to which he was to be appointed, and yet Attorney-General Brewster promptly ruled that he was disqualified because he had been elected a member of the body which, after his resignation, created the office, and he uses this language:

> It is not necessary to consider the question of the policy which occasioned this constitutional prohibition. It must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear in my opinion, and disables him from receiving the appointment.

Mr. Speaker, I had not proposed to say a word upon this question. Nobody appreciates more than I do the appearance, at any rate, of ungraciousness in the opposition to this measure. I am perfectly willing for Judge Taft to have whomsoever he pleases in his Cabinet. I would be glad to see him get Mr. KNOX there if he wants him, provided he gets him without my complicity, but I am, as a Member of the House, forced to vote; and, because this question was referred to the Committee on Rules, of which I am a member, I have been forced to make a short speech.

What I have said is not all. I would like to have some of you examine the Hill case, which went to the supreme court of the State of Washington, in Second Washington. In the territorial statutes there was a provision that no officer of the United States Army should hold any civil office there. Desirous that Hill, who was an officer of the United States, should hold an office, the legislature repealed the statute in order that he might be given the office. The case went to the supreme court of the State, and the supreme court ruled that his ineligibility had attached, as a matter of fact, and it could not be removed.

Mr. Speaker, how much time have I occupied?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK]. Before I sit down I want to express my regret to Members to whom I had promised time. I thought I would talk only about two or three minutes.

Upon that supposition I had parceled the time out, and I find I shall have to cut it short of what I promised. I did not know I was occupying so much time.

Mr. CLARK of Missouri. Mr. Speaker, I am a personal friend of Judge Taft. I wish him success and happiness in his presidential career. I think, as I said in my former remarks, that he has a right to select anybody for his Cabinet that he desires, provided the man has the qualifications fixed by the Constitution; but he has no right, moral or legal, to appoint to his Cabinet or to any other office a man who is disqualified by constitutional provision as is Senator KNOX. I said about three hours ago in this presence that the real thing which this bill attempts to do is unconstitutional. A few years ago our lamented friend Timothy Campbell, of New York, of blessed memory, startled the country and set it in a roar by propounding the immortal question to President Cleveland. "What is the Constitution betwixt friends?" I say that Tim Campbell stands vindicated as a great constitutional lawyer if we pass this bill. [Applause and laughter.] I have never undertaken to exploit myself as a constitutional lawyer, and in view of the way in which certain constitutional lawyers are speaking and acting, I am glad that I have not; but I do claim to understand plain English, and the plain English in this case bars Senator KNOX from the Secretaryship of State. I have no objection to Mr. KNOX being Secretary of State if he can qualify, but he stands, if he is made Secretary of State, third in the line to the presidential succession. He is disqualified for the Presidency until March 4, 1911, when his present term expires, for two reasons. The first is because he is disqualified to be Secretary of State, and the second is that during the senatorial term which he is now serving the emoluments of the President of the United States have been increased by the law enacted by the Fifty-ninth Congress, and during the senatorial term for which Mr. KNOX was elected, giving the President $25,000 per annum for traveling expenses. He is likely to be disqualified for a third reason, and that is that the bill now pending in the Senate to increase the salary of the President of the United States is almost certain to be passed. I say that no man can afford to be inducted into the office of President of the United States, and the American people can not afford to have him inducted into that office, when there rests upon his title to it the slightest cloud. [Applause.]

Clearly Senator KNOX is ineligible to the Presidency prior to March 4, 1911, because the President's "emoluments" were increased by the law enacted during the senatorial term which Senator KNOX is now serving, giving the President $25,000 per annum for traveling expenses. Should the Congress undertake to qualify Senator KNOX for the Presidency by repealing the statute giving that extra $25,000 per annum, or should the Congress, flying in the face of all the lexicographers, in its mania for qualifying Senator KNOX, enact a law declaring that the $25,000 allowance for traveling expenses did not increase the "emoluments" of the President, he would still be ineligible to the Presidency prior to the expiration of his senatorial term, March 4, 1911, provided this Congress enacts into law the pending Senate bill to raise the President's salary to $100,000. Suppose, notwithstanding all this, President Taft nominates Senator KNOX for Secretary of State and the Senate confirms the nomination, and unfortunately both President Taft and Vice-President SHERMAN should die and Mr. Secretary of State KNOX should essay to act as President, notwithstanding his triple disqualification, and the Secretary of the Treasury, who stands next in line of the presidential succession, should institute ouster proceedings against him, as both his duty and his ambition would force him to do, we would have a fine kettle of fish, would we not? Such a state of affairs would be distracting, if not positively calamitous. No man can calculate the evil consequences of such a situation.

We can not rationally assume that neither the Secretary of the Treasury nor any other Cabinet officer in the line of succession would not institute ouster proceedings, for the glittering prize of the Presidency is very tempting to poor mortals.

Mr. Speaker, it will not do to try to sneer or shunt Senator KNOX's ineligibility to the Presidency out of this case, because you yourself gave it prominence when you referred these bills to make him eligible to the Secretaryship of State to the Committee on the Election of President and Vice-President. That was the only excuse you had for referring them to that committee instead of to the Committee on the Judiciary, to which they should have been referred.

The words of the Constitution which bar Senator KNOX have been frequently construed and always to uphold the bar. Only two or three need be cited here. Governor Kirkwood, of Iowa, was a United States Senator. He resigned to become Secretary of the Interior, which office he also resigned. After that he was nominated to be a tariff commissioner, an office created during the senatorial term for which he had been elected, but after he had resigned from the Senate. The question of his eligibility arose, and Attorney-General Brewster, a brilliant and eminent lawyer of the same political party as the President and Governor Kirkwood, held that Governor Kirkwood was ineligible.

During President Cleveland's second term, a few days before the end of a senatorial term for which Senator Ransom, of North Carolina, had been elected, our diplomatic representative to Mexico was promoted from minister to ambassador and the salary increased to $17,500. President Cleveland promptly nominated Senator Ransom for that post, and the Senate as promptly confirmed the nomination. The question of his eligibility was raised and the Attorney-General declared him ineligible during the senatorial term for which Senator Ransom had been elected. President Cleveland then waited till after the 4th of March of that year, when the senatorial term for which Senator Ransom had been elected expired, which expiration removed the bar, and reappointed Senator Ransom as ambassador to Mexico.

A few days before the close of the Fifty-seventh Congress a new district judgeship was created for Minnesota and Hon. Page Morris, then a Representative in Congress, aspired to the position, and the President was willing to appoint him; but the question of his eligibility was raised and referred to Hon. PHILANDER CHASE KNOX, of Pennsylvania, then Attorney-General, who held that Morris was ineligible until the term for which he was elected as a Representative in Congress had expired. Morris's term in Congress expired in a few days thereafter, whereupon he was nominated and the nomination was confirmed. So, Senator KNOX is estopped by his own construction of the Constitution from accepting the Secretaryship of State.

It is claimed here that because Senator Morrill, of Maine, was appointed Secretary of the Treasury and served in that office during the senatorial term for which he had been elected, and during which term the salary of the Secretary of the Treasury had been increased and the increase had also been repealed, constitutes a precedent. It does no such thing, because for some reason the question of his eligibility was never raised. Anyway it is a well-known fact that when a Senator or ex-Senator is nominated for any office the nomination is immediately confirmed without reference to any committee by reason of that mysterious custom called "senatorial courtesy," which overrides the Constitution, laws, and every other thing known among men.

I herewith incorporate a luminous editorial from the St. Louis Republic:

MR. KNOX AND THE CONSTITUTION.

A constitutional provision of such clarity that it may be understood by a child stands between PHILANDER C. KNOX and the position of Secretary of State, for which he has been selected by President-elect Taft. Senator KNOX was designed for the chief position because of his conspicuous fitness, and his acceptance was the cause of much satisfaction both to Mr. Taft and the country. But it is very plain that the Constitution forbids a Senator who has voted to increase the emoluments of that office from becoming the incumbent of it.

But—and the argument started immediately—a way will be found to avoid the provision of the Constitution. Mr. KNOX himself was very much disconcerted. His friends are most solicitous. The prevailing tone of the dispatches is that it is no problem which the constitutional experts, who should be called "constitutional sharps," may not solve. One suggestion is that the salary of the Secretary of State be reduced again to $8,000. Other suggestions will doubtless be offered.

There is evidenced neither a desire nor an intention to obey the Constitution. It is assumed that Mr. Taft will suggest a way of dodging the inhibition. If Mr. Taft does not abandon the appointment of Mr. KNOX he will miss a rare opportunity to demonstrate his respect for the fundamental law. When our Presidents and Presidents-elect, our Senators and Representatives, our political leaders and our newspapers all view a constitutional direction as something of so little value that it is merely an incentive for ingenious plans to avoid it, we have carried our disrespect for law to the limit of sufferance.

The Constitution becomes in fact what Mr. Roosevelt has sought to make it—a ridiculous collection of obsolete saws hatched in the brains of theorizing patriarchs. If Mr. KNOX is not the first to decline the office absolutely, we hope that Mr. Taft will promptly save him that trouble.

This attempt to render Senator KNOX eligible to the Secretaryship of State is not only unconstitutional, but is also preposterous.

Where do we leave ourselves if we pass this bill and pass the bill pending in the Senate? You will then have the preposterous situation of the Undersecretary of State—God save the mark! It is so English, don't you know—you will have the ridiculous situation of the Undersecretary of State drawing $10,000 a year and his superior officer, the Secretary of State, drawing only $8,000 a year. By passing this bill we are making ourselves the laughing stock of every intelligent man on the face of the earth, and you can not get away from that proposition. [Applause.]

I am not going to further argue the constitutional question, because I have not time, and it has been well done, anyway, by others. It is mere child's play, and there never has been but one case in the history of the United States where anybody undertook to change a constitution by a statute or a resolution, and that has been a standing joke ever since 1820. The Congress of the United States passed a resolution, the most ridiculous thing ever put into print, that Missouri should not be admitted into the Union until the legislature of Missouri, by "solemn ordinance"—whatever that may mean—should declare that a certain clause in the constitution of Missouri should never be put into effect!

The constitution of Missouri can not be changed except by a vote of the people, but Missourians were so anxious to get into the Union that they went through the preposterous farce of calling the legislature together and passing a "solemn ordinance" that that obnoxious clause of the constitution should never be put into effect, and then like men entered their solemn protest against the idiocy of the performance. That congressional resolution and that "solemn ordinance" constitute "the second Missouri compromise." It has always been stated that Henry Clay, author of that resolution in Congress which required the legislature of Missouri to do that ridiculous thing, always regarded it as the most stupendous joke of the age, and the great Kentuckian was correct. Now, here, after the lapse of nearly a hundred years, we are repeating that condemned performance by passing this act. I regret the thing has ever come up. I would not throw a straw in the way of Judge Taft and the success of his administration. I hope it will be successful until the 4th day of March, 1913, and I hope on that day at high noon he will retire from that high office in favor of a Democrat and spend many years in the enjoyment of his reputation as a political sage. [Loud applause.]

Mr. WILLIAMS. Mr. Speaker, I yield whatever time I have remaining to the gentleman from Missouri [Mr. CAULFIELD].

Mr. CAULFIELD. Mr. Speaker, it seems to me that we are about to perpetrate a legislative absurdity. It is absurd to provide that the highest Cabinet officer, the Secretary of State, should receive the smallest salary. It is absurd after we have raised the salaries of all of the Cabinet officers, on the theory, I presume, that the expense of entertaining had increased, to now decrease the salary of the very office the duties of which really call for entertaining. It seems to me absurd after raising the salary on the theory that the best talent could not be obtained at $8,000 a year to now reduce the salary to that amount for the very purpose of getting what is assumed to be the best talent. [Applause.]

But the real spectacle for men is that of the American Congress sitting here and changing the law to meet the exigencies of a single person. I can not approve of that sort of legislation. It is unjustly said that there is one law for the rich and another for the poor. Let it not be justly said that the American Congress will change the law of the land for the benefit of only one man. I do not believe in that. It has been repeatedly said that the incoming administration shall be distinguished for its devotion to the law. I shall, indeed, feel disappointed if this is a sample of it, for it seems more like a sample of constitutional jugglery or, at least, legislative favoritism. [Applause.] I hope that we will vote down this bill and thereby say to the people that before the House of Representatives of the United States all men are equal. Gentlemen, I thank you. [Applause.]

Mr. DALZELL. Mr. Speaker, I have seven minutes remaining, I think, and I will yield the balance of my time to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I voted against the proposition to order the previous question upon this rule, and voted against the adoption of the rule. I had nothing to do with bringing this bill before the House originally under the motion to suspend the rules and pass it. I have had nothing to do with bringing it before the House now. It is, however, before the House and is to be voted upon, and the question is whether one should vote aye or no upon it. That is a question which I think every gentleman shall have to settle for himself, and claiming for myself and exercising the same rights that everybody else has and everybody else exercises, I expect to vote for its passage, as I did when it was put upon its passage under the motion to suspend the rules.

As I said a little while ago, it appears to me that no constitutional question is involved. The question is one of propriety, about which I concede there may very well be differences of opinion. I have no fault to find and no quarrel with anyone who entertains a different opinion from that which has guided my vote upon this proposition. Much can be said against it and perhaps not much for it, though I think quite enough to warrant one in casting his vote upon that side. Suppose, for illustration, that Mr. Bryan had been elected President, and that Mr. Bryan had selected a Cabinet minister out of the Senate, and the same question of eligibility arose at the same time and in the same way, and that the same question of amending the salary act was now before the House. I think no one could doubt that I would vote in that instance, providing I could do it constitutionally, to let Mr. Bryan have in his Cabinet the man of his choice by the passage of such a measure as this.

The principle involved is precisely the same, no matter who is to be President, no matter who is to be Secretary of State. The question is one of legislative power and authority and of legislative propriety. If this question had arisen in the earlier days of this session, so that there would be abundant or even reasonable time within which to construct a Cabinet to the satisfaction of the incoming President, I would have voted against the passage of such a bill as this. I do not mean by this to say or to suggest that it is impossible to find in these United States or in either one of the great parties in it, soon or at once, a competent man for this office, or for any office; but the incoming President, having arranged his Cabinet and having selected the gentleman whom he desires to place at its head, it appears to me that we can safely vote to pass this bill in order to remove the obstruction which exists, and which, if the appointment were to be made now, would be insuperable against the placing of that gentleman in the Cabinet.

That may not be a very broad or a very statesmanlike view, but I think it is a liberal, human view, a natural view in treating questions as questions arise, and as this question is presented.

What particular principle that lies at the foundation of this Government, or that any of us need care to preserve, is involved in this legislation? In what particular will the spirit of the Constitution be disregarded or its letter be affected, or in what particular will there be, from the example, danger of an invasion of the constitutional rights of anybody or of the destruction of the constitutional guaranties of anybody? In my judgment, the issue has been magnified far beyond its real, inherent importance.

The question now is whether we shall pass this bill. If we do pass the bill, then when the 4th of March comes around and the time for the appointment of the Secretary of State arrives, there will not be upon the statute books or in force any law by which the emoluments of that office are in any degree increased.

And recurring to what I said before, the matter of time has nothing to do with the principle involved, so far as the power or right to enact this legislation goes. If the law had been upon the statute books a single day and had been repealed the next day, there would be just as much of inherent disqualification, if there be any inherent, ineradicable disqualification after the passage of this act. I take it when it comes to the appointment of a person to an office the question is as to his qualification at that time. The disqualification must be at the time of appointment; that the emoluments of the office, increased while he held the congressional office for a term not yet ended, remain increased at the time of the appointment. "Shall have been increased" carries the increase down to the time of the appointment. The thing to be guarded against, the evil to be met, is giving the appointee from Congress the increased salary or emoluments of office.

The legislation is peculiar and extraordinary. It is not necessary to admit that or to deny it. That is evident to anyone and everyone. It is a peculiar case, and the question of propriety is whether or not one is warranted or justified in voting for the passage of this bill in this peculiar case.

Now, what good would come from defeating it? What good could come from defeating it? In that event Senator KNOX could not be appointed to the Cabinet. What great policy would be advanced?

Mr. COCKRAN. Equality of the law.

Mr. DE ARMOND. Equality of the law? What is the equality of the law about which the gentleman talks? The equality of the law that existed before and that does not exist when you act or the equality of the law enforced at the time of the action when the law is to be tested and tried? [Applause.]

The SPEAKER. The gentleman's time has expired.

The question is on the third reading of the Senate bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Division!

The House divided; and there were—ayes 178, noes 121.

Mr. WILLIAMS. Upon that question I demand the yeas and nays. [After a pause.] A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Is this upon the third reading of the bill?

The SPEAKER. This is upon the third reading of the bill.

Mr. WILLIAMS. Then I withdraw the demand.

So the bill was ordered to be read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS. Upon this question I ask for tellers.

Mr. DALZELL. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 116, answered "present" 7, not voting 90, as follows:

YEAS—173.

Adair	Dwight	Kahn	Peters
Alexander, N. Y.	Edwards, Ky.	Kennedy, Iowa	Pollard
Ames	Ellis, Mo.	Kennedy, Ohio	Porter
Andrus	Ellis, Oreg.	Kinkaid	Pray
Anthony	Englebright	Kipp	Reeder
Bannon	Fitzgerald	Knapp	Reynolds
Barchfeld	Focht	Knopf	Richardson
Barclay	Fordney	Knowland	Robinson
Bartholdt	Foss	Langley	Rodenberg
Bartlett, Nev.	Foster, Vt.	Lassiter	Sherman
Bates	French	Law	Slemp
Beale, Pa.	Gaines, W. Va.	Lawrence	Smith, Cal.
Bingham	Gillett	Lee	Smith, Iowa
Bonynge	Goebel	Lever	Smith, Mich.
Boutell	Goldfogle	Longworth	Southwick
Boyd	Graff	Loud	Sperry
Bradley	Greene	Loudenslager	Spight
Broussard	Griggs	Lovering	Sterling
Brownlow	Gronna	Lowden	Sturgiss
Burke	Guernsey	McGuire	Sulloway
Burleigh	Hackney	McHenry	Sulzer
Burton, Del.	Haggott	McKinlay, Cal.	Swasey
Burton, Ohio	Hale	McKinney	Tawney
Campbell	Hall	McLachlan, Cal.	Taylor, Ala.
Capron	Hamilton, Mich.	Madden	Taylor, Ohio
Cassel	Hammond	Madison	Thistlewood
Chapman	Harding	Malby	Thomas, Ohio.
Clayton	Haskins	Martin	Tirrell
Cocks, N. Y.	Hawley	Maynard	Tou Velle
Cole	Henry, Conn.	Mondell	Townsend
Conner	Higgins	Moon, Tenn.	Volstead
Cook, Pa.	Hill, Conn.	Moore, Pa.	Washburn
Cooper, Pa.	Hinshaw	Mouser	Watkins
Cooper, Wis.	Holliday	Mudd	Watson
Craig	Howard	Needham	Weeks
Crawford	Howell, Utah	Norris	Weems
Currier	Howland	Olcott	Wilson, Ill.
Cushman	Hubbard, Iowa	Olmsted	Wilson, Pa.
Dalzell	Hubbard, W. Va.	Overstreet	Woodyard
Davis	Huff	Padgett	Young
Dawson	Hughes, W. Va.	Parker	The Speaker
De Armond	Humphrey, Wash.	Parsons	
Douglas	Johnson, Ky.	Payne	
Draper	Jones, Va.	Perkins	

NAYS—116.

Aiken	Edwards, Ga.	Houston	Rainey
Ansberry	Ellerbe	Hughes, N. J.	Randell, Tex.
Ashbrook	Ferris	Hull, Tenn.	Rauch
Beall, Tex.	Finley	Humphreys, Miss.	Reid
Bede	Flood	James, Ollie M.	Roberts
Bell, Ga.	Floyd	Johnson, S. C.	Rucker
Booher	Foster, Ill.	Kimball	Russell, Mo.
Bowers	Fuller	Kitchin	Russell, Tex.
Brantley	Fulton	Küstermann	Ryan
Brodhead	Gaines, Tenn.	Lenahan	Sabath
Brundidge	Garner	Lindbergh	Shackleford
Burleson	Garrett	Livingston	Sheppard
Burnett	Gilhams	Lloyd	Sherley
Byrd	Gill	McCall	Sherwood
Caldwell	Gillespie	McCreary	Sims
Candler	Gordon	Macon	Slayden
Carlin	Gregg	Mann	Smith, Mo.
Carter	Hackett	Marshall	Smith, Tex.
Caulfield	Hamlin	Miller	Stafford
Clark, Mo.	Hardwick	Moore, Tex.	Stanley
Cockran	Hardy	Murdock	Stephens, Tex.
Cook, Colo.	Harrison	Murphy	Stevens, Minn.
Cooper, Tex.	Hay	Nelson	Thomas, N. C.
Cox, Ind.	Hayes	Nye	Underwood
Cravens	Heflin	O'Connell	Waldo
Darragh	Helm	Page	Wallace
Davenport	Henry, Tex.	Patterson	Webb
Denby	Hitchcock	Pou	Wheeler
Dixon	Hobson	Prince	Williams

ANSWERED "PRESENT"—7.

Adamson	Chaney	Hull, Iowa	McGavin
Burgess	Haugen	Keifer	

NOT VOTING—90.

Acheson	Davidson	Gardner, Mass.	Keliher
Alexander, Mo.	Dawes	Gardner, Mich.	Lafean
Allen	Denver	Gardner, N. J.	Lamar, Fla.
Barnhart	Diekema	Glass	Lamar, Mo.
Bartlett, Ga.	Driscoll	Godwin	Lamb
Bennet, N. Y.	Durey	Goulden	Landis
Bennett, Ky.	Esch	Graham	Laning
Birdsall	Estopinal	Hamill	Leake
Butler	Fairchild	Hamilton, Iowa	Legare
Calder	Fassett	Hepburn	Lewis
Calderhead	Favrot	Hill, Miss.	Lindsay
Cary	Foelker	Howell, N. J.	Lorimer
Clark, Fla.	Fornes	Jackson	McDermott
Coudrey	Foster, Ind.	James, Addison D.	McKinley, Ill.
Cousins	Foulkrod	Jenkins	McLain
Crumpacker	Fowler	Jones, Wash.	McLaughlin, Mich.
McMillan	Pujo	Small	Weisse
McMorran	Ransdell, La.	Snapp	Wiley
Moon, Pa.	Rhinock	Sparkman	Willett
Morse	Riordan	Steenerson	Wolf
Nicholls	Rothermel	Talbott	Wood
Pearre	Saunders	Vreeland	
Pratt	Scott	Wanger	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BENNETT of Kentucky, with Mr. GOULDEN.

Mr. SCOTT with Mr. LAMB.

For the balance of the day:

Mr. HULL of Iowa with Mr. RANSDELL of Louisiana.

On this vote:

Mr. HEPBURN (in favor) with Mr. BIRDSALL (against).

Mr. HAUGEN with Mr. HAMILTON of Iowa.

The SPEAKER. Call my name.

The name of Mr. CANNON was called, and he voted "yea."

Mr. CAMPBELL. Mr. Speaker, am I recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. CAMPBELL. I was present through both roll calls and listening for my name.

The SPEAKER. And did not hear it?

Mr. CAMPBELL. And did not hear it.

The SPEAKER. Call the gentleman's name.

The name of Mr. CAMPBELL was called, and he voted "yea."

The result of the vote was then announced as above recorded.

On motion of Mr. OLMSTED, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 234. Joint resolution to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind.;

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C.;

H. R. 21560. An act to provide for circuit and district courts of the United States at Gadsden, Ala.; and

H. R. 23473. An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8628. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 8629. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and certain widows and dependent relatives of such soldiers and sailors; and

S. 8422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bills of the following titles:

On February 11, 1909:

H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

On February 13, 1909:

H. R. 13809. An act for the relief of Charles S. Blood; and

H. R. 24635. An act to create a new division in the middle judicial district of the State of Tennessee.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 6252. An act to promote the administration of justice in the navy;

H. R. 7474. An act granting a pension to Charles H. Balch and others;

H. R. 18726. An act for the relief of Wyatt O. Selkirk;

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska;

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho;

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.;

H. R. 27970. An act to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes;" and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

STATEHOOD.

Mr. HAMILTON of Michigan. Mr. Speaker, by authority of the Committee on Territories, I move to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill H. R. 27891, known as the "statehood bill," to suspend the rules, and pass the bill.

The SPEAKER. The gentleman from Michigan, by authority of the Committee on Territories, moves to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill indicated, the so-called "statehood bill," to suspend the rules, and pass the same. The Clerk will read the bill.

The bill was read, as follows:

A bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

Be it enacted, etc., That the inhabitants of all that part of the area of the United States now constituting the Territory of New Mexico, as at present described, may become the State of New Mexico, as hereinafter provided.

SEC. 2. That all the qualified electors of said Territory are hereby authorized to vote for and choose delegates to form a convention for said Territory. The aforesaid convention shall consist of 100 delegates; and the governor, chief justice, and secretary of said Territory shall apportion the delegates to be thus elected, as nearly as may be, equitably among the several counties thereof in accordance with the voting population as shown by the vote cast at the election for Delegate in Congress in said Territory in 1908.

The governor of said Territory shall, within thirty days after the approval of this act, by proclamation in which the aforesaid apportionment of delegates to the convention shall be fully specified and announced, order an election of the delegates aforesaid in said Territory on a day designated by him in said proclamation, within sixty days after the approval of this act. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as nearly as may be, in the same manner as is prescribed by the laws of said Territory regulating elections therein of members of the legislature; and the penal provisions of said laws are hereby made applicable to the election herein provided for; and said convention when so called to order and organized shall be the sole judge of the election and qualifications of its own members. Persons possessing the qualifications entitling them to vote at the aforesaid election of delegates shall be entitled to vote on the ratification or rejection of the constitution formed by said convention when said constitution shall be submitted to the people of said Territory hereunder, and on the election of all officials whose election is taking place at the same time, under such rules and regulations as said convention may prescribe, not in conflict with this act.

SEC. 3. That the delegates to the convention thus elected shall meet in the hall of the house of representatives in the capital of the Territory of New Mexico at 12 o'clock noon on the fourth Monday after their election, and they shall not receive compensation for more than sixty days of service; after organization they shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and state government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which said Territory now has.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all state officers.

Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to A. D. 1915, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

Seventh. That the State shall grant to the United States Government all rights and powers relating thereto necessary for the carrying out of the provisions by it of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof, to the same extent as if said State had remained a Territory.

SEC. 4. That in case a constitution and state government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election which shall be held on the first Tuesday after the first Monday in November after the adjournment of the convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governor and chief justice of said Territory, shall constitute a canvassing board, and they, or any two of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution, the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of New Mexico, on an equal footing with the original States, from and after the date of said proclamation.

The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election, shall be forwarded and turned over by the secretary of the Territory of New Mexico to the state authorities.

SEC. 5. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the

House of Representatives of the United States, to be elected at large from said State, which Representatives, together with the governor and other officers provided for in said constitution, shall be elected on the same day of the election for the adoption of the constitution; and until said state officers are elected and qualified under the provisions of the constitution and the State is admitted into the Union the territorial officers of said Territory, including Delegate to Congress, shall continue to discharge the duties of their respective offices in said Territory until their successors are duly elected and qualified.

SEC. 6. That in addition to sections 16 and 36, heretofore granted to the Territory of New Mexico, sections 2 and 32 are hereby granted to the said State for the support of common schools, and where sections 2, 16, 32, and 36, or any parts thereof, are mineral, or have been sold, reserved, or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto in acreage are hereby granted to the said State for the support of common schools: *Provided*, That any such sections 2, 16, 32, and 36, or parts thereof, embraced in any Indian, military, or other reservations, except national forests, at the date of the passage of this act, or prior to the survey of said sections, shall not be subject to this grant, but other lands of equal area are hereby granted to be selected for school purposes in lieu thereof. And the Secretary of the Interior, without awaiting the extension of the public surveys, shall ascertain and determine, by protraction or otherwise, the area of said sections 2, 16, 32, and 36 included within such Indian, military, or other reservations, including national forests, and shall certify to the State the area thus determined, whereupon the State shall be entitled to select indemnity lands to the extent of the area thus certified: *And provided*, That the grants of sections 2, 16, 32, and 36 to said State within national forests now existing or proclaimed before identification of said sections by survey shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain, but in the meantime said State shall have the option of making indemnity selections for any or all of said sections or of leaving any or all of them to remain a part of the respective national forests; and said sections so left in national forests shall be administered as a part of said forests, but at the close of each fiscal year there shall be paid by the Secretary of the Treasury to the State as income for its common-school fund 20 per cent of the gross proceeds of all the national forests within said State, said 20 per cent, however, to be reduced at the end of each fiscal year in proportion to the reduction of the area of said sections originally in national forests, by all indemnity selections which may have been made by the State for said sections in said forests prior to the close of the respective fiscal years, the area of said sections when unsurveyed to be determined by the Secretary of the Interior, by protraction or otherwise, the amount necessary for such payments being hereby appropriated and made available annually from any money in the Treasury not otherwise appropriated.

SEC. 7. That where settlement with a view to preemption or homestead, or improvement with a view to desert-land entry, made heretofore or hereafter, before the survey of the lands in the field, are found to have been made on sections 2, 16, 32, or 36, those sections or portions thereof settled upon or improved shall be subject to the claims of such settlers or desert-land claimants who have otherwise complied with the requirements of the preemption, homestead, and desert-land acts, respectively, and other lands of equal acreage are hereby granted in lieu thereof. And other lands are hereby granted to and may be selected by said State as indemnity whereupon survey sections 2, 16, 32, and 36 are found to be entirely wanting or fractional in quantity by reason of the township being fractional, or from any natural cause whatever, except that the area of such indemnity selection right in any such fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal four sections for fractional townships containing 17,280 acres or more, three sections for such townships containing 11,520 acres or more, two sections for such townships containing 5,760 acres or more, nor one section for such townships containing 640 acres or more.

SEC. 8. That in lieu of the grant of land for purposes of internal improvements made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of the grant of saline lands heretofore made to the Territory of New Mexico for university purposes by section 3 of the act of June 21, 1898, which is hereby repealed except as to such portions of such saline lands as may have been selected by said Territory prior to the passage of this act, the following grants of land are hereby made, to wit:

For university purposes, 54,400 acres; for legislative, executive, and judicial public buildings heretofore erected in said Territory or to be hereafter erected in the State, and for the payment of the bonds heretofore or hereafter issued therefor, 96,000 acres; for insane asylums, 100,000 acres; for penitentiaries, 100,000 acres; for schools and asylums for the deaf, dumb, and the blind, 100,000 acres; for miners' hospitals for disabled miners, 50,000 acres; for normal schools, 200,000 acres; for state charitable, penal, and reformatory institutions, 100,000 acres; for agricultural and mechanical colleges, 150,000 acres; and the national appropriation heretofore annually paid for the agricultural and mechanical college to said Territory shall, until further order of Congress, continue to be paid to said State for the use of said institution; for school of mines, 100,000 acres; for military institutes, 100,000 acres; and for the payment of the debts of said Territory and of such valid county and other public debts existing at the date of the approval of this act as said Territory may have assumed or said State shall assume, 3,000,000 acres: *Provided*, That if there shall remain any of the 3,000,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or other profits therefrom, after the payment of said debts, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State, the income therefrom only to be used for the maintenance of the common schools of said State.

SEC. 9. That the schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 10. That 5 per cent of the proceeds of sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union after deducting all the expenses incident to such sales, shall be paid to the said State to be used as a permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 11. That all lands herein or heretofore granted for educational purposes shall be disposed of, at public sale only, for a price not less than $5 per acre as to all such lands east of the one hundred and fifth meridian of longitude nor less than $3 per acre for such land west of said meridian, the proceeds of such sales to constitute a permanent fund, any portion of which, if lost for any reason, shall be replaced by appropriation from the treasury of the State, and the income from which only shall be expended for the improvement, maintenance, and support of the respective educational institutions; but pending sale said lands may be leased as the state legislature shall prescribe; and all lands herein or heretofore granted for purposes other than educational shall be disposed of as the legislature of said State may prescribe.

SEC. 12. That all lands granted in quantity, or as indemnity, by this act shall be selected under the direction of the Secretary of the Interior from the unreserved, unappropriated, and nonmineral public lands of the United States within the limits of said State by a commission composed of the governor, surveyor-general, or other officer exercising the functions of a surveyor-general, and attorney-general of the said State; and the fees to be paid to the register and receiver collectively for each final location or selection of 160 acres made hereunder shall be $1: *Provided*, That if the above commission selects any tract of unsurveyed land it shall determine the exterior boundaries thereof and file with the Department of the Interior a map and description of such boundaries by metes and bounds or otherwise, and the filing of such selection map and description shall operate to defeat any right within said area sought to be initiated thereafter by location, settlement, or improvement under any but the mineral-land laws; and there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be used by the Secretary of the Interior for such examination and survey of said land as he may deem necessary for purposes of patenting the land so selected to the State.

SEC. 13. That all grants of lands heretofore made by any act of Congress to said Territory, except to the extent modified or repealed by this act, are hereby ratified and confirmed in and to said State.

SEC. 14. That the said State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, or at such other place or places as the court itself may designate, and the said district shall, for judicial purposes, be attached to the eighth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in said district, at the place or places aforesaid, on the first Monday in April and the first Monday in October of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of New Mexico.

SEC. 15. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court, hereby established within the said State, or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and state courts herein named shall, respectively, be the successors of the supreme court of the said Territory as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the said Territory, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union, and as in other States of the Union.

SEC. 16. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and state courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any territorial court in said Territory shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or state court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper

court; and in the absence of such request such cases shall be proceeded with in the proper state courts.

SEC. 17. That the constitutional convention shall by ordinance provide for the election of officers for a full state government, including members of the legislature, two Representatives in Congress, and such county and other officers as said constitutional convention shall prescribe, at the time for the election for the ratification or rejection of the constitution; but the said state government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the qualified voters of said Territory voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the Constitution and laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the state government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of state officers; and all laws of said Territory in force at the time of its admission into the Union shall be in force in said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States.

SEC. 18. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and convention provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the territorial laws, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid to members of the said territorial legislature under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of $100,000 shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of New Mexico through the secretary of said Territory, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act.

SEC. 19. That the inhabitants of all that part of the area of the United States now constituting the Territory of Arizona, as at present described, may become the State of Arizona, as hereinafter provided.

SEC. 20. That all the qualified electors of said Territory are hereby authorized to vote for and choose delegates to form a convention for said Territory. The aforesaid convention shall consist of 52 delegates; and the governor, chief justice, and secretary of said Territory shall apportion the delegates to be thus elected, as nearly as may be, equitably among the several counties thereof in accordance with the voting population as shown by the vote cast at the election for Delegate in Congress in said Territory in 1908.

The governor of said Territory shall, within thirty days after the approval of this act, by proclamation, in which the aforesaid apportionment of delegates to the convention shall be fully specified and announced, order an election of the delegates aforesaid in said Territory on a day designated by him in said proclamation, within sixty days after the approval of this act. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territory regulating elections therein of members of the legislature; and the penal provisions of said laws are hereby made applicable to the election herein provided for; and said convention when so called to order and organized shall be the sole judge of the election and qualifications of its own members. Persons possessing the qualifications entitling them to vote at the aforesaid election of delegates shall be entitled to vote on the ratification or rejection of the constitution formed by said convention when said constitution shall be submitted to the people of said Territory hereunder, and on the election of all officials whose election is taking place at the same time, under such rules and regulations as said convention may prescribe not in conflict with this act.

SEC. 21. That the delegates to the convention thus elected shall meet in the hall of the house of representatives in the capital of the Territory of Arizona, at 12 o'clock noon on the fourth Monday after their election and they shall not receive compensation for more than sixty days of service; after organization they shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and state government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property, outside of an Indian reservation, owned or held by any Indian, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territory of Arizona shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which said Territory now has.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all state officers.

Sixth. That the capital of said State shall temporarily be at the city of Phoenix, in the present Territory of Arizona, and shall not be changed therefrom previous to A. D. 1915, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

Seventh. That the State shall grant to the United States Government all rights and powers relating thereto necessary for the carrying out of the provisions by it of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof, to the same extent as if said State had remained a Territory.

SEC. 22. That in case a constitution and state government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election which shall be held on the first Tuesday after the first Monday in November after the adjournment of the convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of Arizona at Phoenix; who, with the governor and chief justice of said Territory, shall constitute a canvassing board, and they, or any two of them, shall meet at said city of Phoenix on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of Arizona to the state authorities.

SEC. 23. That until the next general census, or until otherwise provided by law, said State shall be entitled to one Representative in the House of Representatives of the United States, which Representative, together with the governor and other officers provided for in said constitution, shall be elected on the same day of the election for the adoption of the constitution; and until said state officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the territorial officers of said Territory, including Delegates to Congress, shall continue to discharge the duties of their respective offices in said Territory until their successors are duly elected and qualified.

SEC. 24. That in addition to sections 16 and 36, heretofore reserved for the Territory of Arizona, sections 2 and 32 are hereby granted to the said State for the support of common schools, and where sections 2, 16, 32, and 36, or any parts thereof, are mineral, or have been sold, reserved, or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto in acreage are hereby granted to the said State for the support of common schools: *Provided*, That any such sections 2, 16, 32, and 36, or parts thereof, embraced in any Indian, military, or other reservations, except national forests, at the date of the passage of this act, or prior to the survey of said sections, shall not be subject to this grant, but other lands of equal area are hereby granted to be selected for school purposes in lieu thereof. And the Secretary of the Interior, without awaiting the extension of the public surveys, shall ascertain and determine, by protraction or otherwise, the area of said sections 2, 16, 32, and 36 included within such Indian, military, or other reservations, including national forests, and shall certify to the State the area thus determined, whereupon the State shall be entitled to select indemnity lands to the extent of the area thus certified: *And provided*, That the grants of sections 2, 16, 32, and 36 to said State within national forests now existing or proclaimed before identification of said sections by survey shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain, but in the meantime said State shall have the option of making indemnity selections for any or all of said sections or of leaving any or all of them to remain a part of the respective national forests; and said sections so left in national forests shall be administered as a part of said forests, but at the close of each fiscal year

there shall be paid by the Secretary of the Treasury to the State as income for its common-school fund 20 per cent of the gross proceeds of all the national forests within said State, said 20 per cent, however, to be reduced at the end of each fiscal year in proportion to the reduction of the area of said sections originally in national forests by all indemnity selections which may have been made by the State for said sections in said forests prior to the close of the respective fiscal years, the area of said sections when unsurveyed to be determined by the Secretary of the Interior by protraction or otherwise, the amount necessary for such payments being hereby appropriated and made available annually from any money in the Treasury not otherwise appropriated.

SEC. 25. That where settlement with a view to preemption or homestead, or improvement with a view to desert-land entry, made heretofore or hereafter before survey, are found to have been made on sections 2, 16, 32, or 36, those sections or the portions thereof settled upon or improved shall be subject to the claims of such settlers or desert-land claimants who have otherwise complied with the requirements of the preemption, homestead, and desert-land acts, respectively, and other lands of equal acreage are hereby granted in lieu thereof. And other lands are hereby granted to and may be selected by said State as indemnity where upon survey sections 2, 16, 32, and 36 are found to be entirely wanting or fractional in quantity by reason of the township being fractional, or from any natural cause whatever, except that the area of such indemnity selection right in any such fractional township shall not in any event exceed an area which when added to the area of the above-named sections returned by the survey as in place will equal four sections for fractional townships containing 17,280 acres or more, three sections for such townships containing 11,520 acres or more, two sections for such townships containing 5,760 acres or more, nor one section for such townships containing 640 acres or more.

SEC. 26. That in lieu of the grant of land for purposes of internal improvements made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared as not extended to the said State, the following grants of land are hereby made, to wit:

For university purposes, 120,000 acres; for legislative, executive, and judicial public buildings heretofore erected in said Territory, or to be hereafter erected in the State, and for the payment of the bonds heretofore or hereafter issued therefor, 96,000 acres; for insane asylums, 100,000 acres; for penitentiaries, 100,000 acres; for schools and asylums for the deaf, dumb, and the blind, 100,000 acres; for miners' hospitals for disabled miners, 50,000 acres; for normal schools, 200,000 acres; for state charitable, penal, and reformatory institutions, 100,000 acres; for agricultural and mechanical colleges, 150,000 acres, and the national appropriation heretofore annually paid for the agricultural and mechanical college to said Territory shall, until further order of Congress, continue to be paid to said State for the use of said institution; for school of mines, 100,000 acres; for military institutes, 100,000 acres; for irrigation for public purposes and for improvement of rivers by confining them within their banks and preventing destructive overflow of streams, 600,000 acres; and for the payment of the debts of said Territory and of such valid county and other public debts existing at the date of the approval of this act as said Territory may have assumed or said State shall assume, 3,300,000 acres: *Provided*, That if there shall remain any of the 3,300,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or other profits therefrom, after the payment of said debts, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State, the income therefrom only to be used for the maintenance of the common schools of said State.

SEC. 27. That the schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 28. That 5 per cent of the proceeds of sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to the said State, to be used as a permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 29. That all lands herein or heretofore granted for educational purposes shall be disposed of at public sale only, for a price not less than $3 per acre, the proceeds of such sale to constitute a permanent fund, any portion of which if lost for any reason shall be replaced by appropriations from the treasury of the State, and the income from which only shall be expended for the improvement, maintenance, and support of the respective educational institutions, but pending sale said lands may be leased as the state legislature shall prescribe, excepting all of such lands which are now and were on the 1st day January, 1909, within the exterior limits of any district or districts of lands within said State designated by the Secretary of the Interior to be lands that may be supplied with irrigation water from any irrigation works which have been wholly or in part constructed or acquired, or which are under construction or process of acquisition by the United States under the provisions of an act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof; and all of such lands for which provision had been made by the occupants thereof prior to January 1, 1909, for the use of water for the irrigation thereof from any public or private source, the right to the use of which is being now exercised under bona fide claim of right thereto; all or any part of which lands may be disposed of by said State in such manner and upon such terms as the legislature of the State may from time to time prescribe, but at not less than $25 per acre; and all lands herein or heretofore granted for purposes other than educational shall be disposed of as the legislature of said State may prescribe.

SEC. 30. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the unreserved, unappropriated, and nonmineral public lands of the United States within the limits of said State by a commission composed of the governor, surveyor-general or other officer exercising the functions of a surveyor-general, and attorney-general of the said State; and the fees to be paid to the register and receiver collectively for each final location or selection of 160 acres made hereunder shall be $1: *Provided*, That if the above commission selects any tract of unsurveyed land, it shall determine the exterior boundaries thereof and file with the Department of the Interior a map and description of such boundaries by metes and bounds or otherwise, and the filing of such selection map and description shall operate to defeat any right within said area sought to be initiated thereafter by location, settlement, or improvement under any but the mineral-land laws; and there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be used by the Secretary of the Interior for such examination and survey of said land as he may deem necessary for purposes of patenting the land so selected to the State.

SEC. 31. That all grants of lands heretofore made by any act of Congress to said Territory, except to the extent modified or repealed by this act, are hereby ratified and confirmed in and to said State.

SEC. 32. That the said State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, or at such other place or places as the court itself may designate, and the said district shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in said district, at the place or places aforesaid, on the first Monday in April and the first Monday in October of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of Arizona.

SEC. 33. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and state courts herein named shall, respectively, be the successors of the supreme court of the said Territory as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the said Territory, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union, and as in other States of the Union.

SEC. 34. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and state courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any territorial court in said Territory shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or state court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper state courts.

SEC. 35. That the constitutional convention shall by ordinance provide for the election of officers for a full state government, including members of the legislature, one Representative in Congress, and such county and other officers as said constitutional convention shall prescribe, at the time for the election for the ratification or rejection of the constitution; but the said state government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the qualified voters of said Territory voting at the election held therefor, as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Phoenix, organize, and elect two Senators of the United States in the manner now prescribed by the Constitution and laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and the Representative in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and the Representative shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the state government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of state officers; and all laws of said Territory in force at the time of its admission into the Union shall be in force in said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws

of the United States shall have the same force and effect within the said State as elsewhere within the United States.

SEC. 36. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and convention provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the territorial laws, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid to members of the said territorial legislature under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of $100,000 shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona through the secretary of said Territory, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act.

During the reading of the bill,

Mr. SMITH of Arizona. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Arizona. I should like to ask the Chair whether or not, under a motion to suspend all rules, the reading of the bill is required? How can the reading be demanded if all rules are suspended, even the rule requiring the reading of the bill?

The SPEAKER. It is only the rules that stand in the way of the consideration of the bill that are suspended; and so far as the Chair recollects, it has been the practice to read the bills at some time. Every man in the House has a right to have the bill read once at least on which he is called to vote. It seems to the Chair that the practice of the House had better be adhered to.

Mr. SMITH of Arizona. If my memory serves me correctly, I think it has been frequently ruled, under a suspension, that the reading is unnecessary. But I am not controverting the Chair in that, and if the rule calls for the reading of the bill, I should like to ask unanimous consent, as the House is paying very little attention to the reading——

The SPEAKER. The Chair is informed that there are one or more precedents where the House has suspended the rules and dispensed with the reading of a measure, but there would have to be a special vote on that method of proceeding. It is a little inconvenient, but it seems to the Chair——

Mr. MANN. I should think the gentleman might contain his patience long enough, in his desire to get statehood, so that the bill might at least be read.

Mr. SMITH of Arizona. I do not think the gentleman from Illinois is paying particular attention to the reading.

Mr. MANN. On the contrary, the gentleman has been examining the bill very carefully.

Mr. SMITH of Arizona. I ask unanimous consent——

Mr. MANN. I shall have to object, if it requires unanimous consent.

The SPEAKER. The gentleman from Illinois objects. The Clerk will read.

The Clerk resumed and completed the reading.

The SPEAKER. Is a second demanded?

Mr. LLOYD. I demand a second.

Mr. HAMILTON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan [Mr. HAMILTON] is entitled to twenty minutes, and the gentleman from Missouri [Mr. LLOYD] is entitled to twenty minutes.

Mr. HAMILTON of Michigan. Mr. Speaker, it is not my purpose to occupy so much even as five minutes. I simply want to say that I believe I express the conviction of the overwhelming majority of this House when I say that the question whether we shall make States out of Arizona and New Mexico is practically a foreclosed question. The platforms of both the great political parties have declared for immediate separate statehood for Arizona and New Mexico. The retiring administration has repeatedly declared for statehood for those Territories, and I am informed that the incoming administration desires the admission of these Territories as States.

I have read in the newspapers that it has been said by some one, not connected with this House, but connected with Congress, that there may not be sufficient time during the remainder of this session for the consideration of this bill. I have only to say that during the last six years no question has received more frequent consideration by the Committee on the Territories of this House and the Committee on Territories of the Senate, and by the House and by the Senate than this question of statehood; and I believe, Mr. Speaker, that the time has come when we should grant statehood to these Territories. [Applause.]

I reserve the remainder of my time.

Mr. LLOYD. I yield ten minutes to the gentleman from Arizona [Mr. SMITH]. [Prolonged applause.]

[Mr. SMITH of Arizona addressed the House. See Appendix.]

Mr. HAMILTON of Michigan. Mr. Speaker, this is not a partisan occasion, but in response to something more than a suggestion in the remarks of the gentleman from Arizona [Mr. SMITH], I desire to call attention to the fact that ever since 1875 there has scarcely been a Congress when statehood bills for Arizona and New Mexico have not been introduced; that during the Cleveland administration, in the Fifty-second Congress, the Democratic party had full control of the House and in the Fifty-third Congress had full control of Congress, but no statehood bills were passed. [Applause on the Republican side.] As I said before, this is not a partisan occasion——

Mr. SMITH of Arizona. Mr. Speaker, I hope my friend from Michigan has not understood me as trying to throw any partisan color into this matter.

Mr. HAMILTON of Michigan. I feared the gentleman might be doing that.

Mr. SMITH of Arizona. It was far from my purpose to do so, I will say to my friend from Michigan, and, speaking for my people, we can not say too much for the honest and consistent labors which he has given to our cause.

Mr. HAMILTON of Michigan. I thank the gentleman, and I am completely disarmed. [Laughter and applause.]

Mr. LLOYD. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, I think it entirely fitting that in speaking of these Territories we should speak of the gentlemen who have represented them. My love for Arizona has been increased by my admiration for her good judgment in sending MARK SMITH to Congress. [Applause.]

No Member of the Sixtieth Congress will retire from it more universally beloved or more universally regretted than my dear old friend the gentleman from Arizona [Mr. SMITH]. [Applause.]

I might be tempted to question the appreciation and the wisdom of Arizona in permitting him to return to private life were I not aware of his sensitive and intense devotion to his people and his unwillingness to hear them questioned or criticised, even though in that criticism there should be implied a compliment to himself.

I can say, however, that his retirement at this time is the cause of genuine surprise among those who have followed his career with interest and with admiration. But a short time ago it seemed morally certain that Arizona and New Mexico would be indissolubly bound in a union that to the people of Arizona appeared nothing less than a loathsome and abhorred miscegenation. Then it was that MARK SMITH displayed his tireless devotion to his people and his marvelous tact and resourcefulness in saving them from the impending catastrophe. [Applause.]

A Delegate without a vote, with nothing to give and nothing to exchange, battling among several hundred cool, calculating politicians, undaunted by the desperation of his cause, determined to fight as long as there was a ray of hope, and die, if need be, in the last ditch. In the committee rooms, in the House, in the Senate—he was everywhere, he saw everybody. Nothing could be done or said or attempted that he was not there to answer, to explain, to checkmate. Twenty-odd years of distinguished service had won for him the respect of the House and of the Senate, and his generous, genial, and winsome personality had attracted to him every man capable of a generous impulse or disinterested emotion. In the presence of those who knew him in that trying hour, I can unhesitatingly say, without being charged with exaggeration or flattery, that it was to the efforts of MARK SMITH and to his personal influence more than to any and to all other causes combined that Arizona owes her escape from the irksome shackles which she so much dreaded. [Applause.]

Had any Member of the House of Representatives, on either side of the Chamber, been asked "What would be the inevitable result, so far as MARK SMITH was personally concerned," the reply would inevitably have been: "MARK SMITH will remain in the House as long as Arizona is a Territory, and he will be the first to wear with distinction the senatorial toga when she becomes a State." [Prolonged applause.] It was indeed with pain and amazement we learned that after more than twenty years of distinguished service this tried and valiant champion of his people, with his deathless laurels still fresh upon his brow, was retired by the Territory he had redeemed, and that Arizona,

on the very threshold of the promised land, having been led out of this wilderness by her brave sponsor, seems to have forgotten him in the hour of her brightest hope.

His colleagues, without an exception, still cherish the fond desire that he shall receive the reward which he so abundantly deserves, and that his name shall be indissolubly linked with Arizona the State as it is forever emblazoned on the brightest pages of the history of Arizona the Territory. [Applause.]

MARK SMITH, the jurist and the statesman, has commanded unqualified respect and attention. As an eloquent and impassioned orator he has thrilled a critical audience with admiration and delight; great as a lawyer and a forensic orator, he is greater still and dearer still as a man. Tender as a woman, brave as a lion, the soul of honor and of truth, utterly incapable of fearing an enemy or of disloyalty to a friend, a perfect exemplar of that debonair, winsome, and picturesque civilization which immortalized the old South, we bid MARK SMITH, the dear old friend and the ideal gentleman, a temporary adieu, assuring him that he will carry with him into his western home the tenderest memories and the truest friendship one noble man ever inspired in the warm heart of another. [Prolonged applause.]

Mr. LLOYD. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, I do not desire at this late hour to detain the House in arriving at a conclusion in reference to this great question which is now pending before us. I am a member of the Committee on Territories and had the honor to take part in reporting this bill, and am proud of it. It is no longer a question, as has been so well said by the distinguished gentleman from Arizona [Mr. SMITH], that admits of argument, because both of the great political parties of the country have announced most solemnly in their platforms in favor of the admission of these two Territories as States of the Union. Therefore, both of the great political parties of the country, which absolutely control the destinies of the Republic, having declared in favor of the admission of these Territories, I take it for granted that a unanimous vote will record the will of those parties that represent all the people at large.

When this is done, then two new stars will be added to the flag of this Republic, which we all love and which we honor and respect, a flag that shelters this whole country, and beneath the folds of which we all stand seeking to promote the advancement and prosperity and development of all the people and the resources of this great land, which contribute so much not only to the development of our own people, but to the peace and prosperity and glory of the world at large. This result has been brought about not only by reason of the fact that these two great parties have declared in favor of it, but because of the further fact that the distinguished Delegate from New Mexico [Mr. ANDREWS] and the distinguished Delegate from Arizona [Mr. SMITH] have labored in season and out of season for its accomplishment. The distinguished chairman of the committee, the gentleman from Michigan [Mr. HAMILTON], has lent a helping hand and been ready and willing at all times to further the advancement of this object. I trust that when these stars are added to the flag it will be an added brilliancy to the glory that the other States in their grandeur have given to this flag, which will give happiness and peace and prosperity to the country at large and be a blessing to the people to whom we give statehood. I trust the bill will promptly pass. [Great applause.]

Mr. COLE. Mr. Speaker, I am somewhat surprised at the character of the eulogy pronounced by the gentleman from Kentucky [Mr. STANLEY] upon the distinguished Delegate from Arizona. It sounded somewhat like an obituary. A strong impression prevails that this is not the final honor for that gentleman, but merely a stepping-stone to the Senate of the United States. Mr. Speaker, the Committee on Trerritories has thoroughly considered every detail of this measure. It is a unanimous report. The rights of the Government and of the people are properly safeguarded. One statement has been made which I desire to correct. It has been charged that the Government of the United States has not kept faith with the people of New Mexico and Arizona in not granting to them statehood prior to this time. The statement has gone unchallenged that there was a provision for immediate statehood in the treaty of 1848 between the United States and Mexico and under which the Territory of New Mexico was ceded to the United States. In order that the RECORD may show distinctly that no such article was ever incorporated into the treaty of Guadalupe Hidalgo, I desire to read section 9, which refers to that subject:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceeding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States), to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.

Under the provisions of that treaty it is expressly stipulated that statehood shall not be granted to the territory ceded to the United States until so decreed by Congress. I hope this will silence the oft-repeated assertion that the Government has failed to redeem its treaty obligations in regard to these two Territories.

The struggle of New Mexico for statehood has extended over a long period of time. The great prize has been within her grasp a number of times, only to disappear with the expiration of a Congress. The first attempt for statehood was made in 1850. The status of New Mexico was a subject of contention in the great omnibus bill of Henry Clay, the last of his famous compromises for the preservation of the Union. Under the provisions of that measure California was admited as a State, but New Mexico was organized into a Territory. Thus her early aspirations for statehood were sacrificed in the preliminary struggle for nationality. The people of New Mexico evidently understood that they were to be given immediate admission into the Union. A convention was called, a constitution framed, submitted to and adopted by the people, and Senators and a Member of Congress elected. They had traveled as far as Missouri when they learned of the adverse action of Congress. Arizona was a part of New Mexico at this time and remained so until 1863.

The second attempt was made in 1874–75, when Senator ELKINS of West Virginia was the Delegate in Congress from New Mexico. An enabling act passed the House by a vote of 160 to 54. This measure passed the Senate in an amended form by a vote of 32 to 11. This vote in both House and Senate indicated an overwhelming sentiment for admission over a quarter of a century ago.

If New Mexico was qualified for statehood at that time, with all the progress that has since been made, it can not be contended now that she is lacking in any of the essential factors of statehood. Unfortunately for the fate of that bill the amendments proposed in the Senate necessitated a conference. It was so late in the session that it was impossible to adjust the differences between the two Houses, and the bill died in conference. The same measure passed the succeeding Senate by a vote of 35 to 15. It was reported favorably by the House Committee on Territories, but was never reached on the calendar. The third fight for statehood began in 1890, and has been waged with untiring zeal down to the present time. In 1906 a bill providing for joint statehood between New Mexico and Arizona passed the House of Representatives. The bill passed the Senate after a proviso had been incorporated, which submitted the question to a direct vote of the people of the Territories. It was made mandatory under this proviso that a majority of the votes in each Territory should be cast in favor of joint statehood or the provisions of the act should be null and void. Arizona refused to sanction the proposal, and the measure failed. Joint statehood is forever doomed. It would be impossible to pass another such measure through Congress. The question now is separate statehood or a continuation of territorial government.

New Mexico comes with splendid qualifications for admission as a member of the Union. This fact has been recognized by both great political parties in their platforms of 1908. Both documents contain an unequivocal declaration in favor of immediate admission.

Population has always been considered the leading qualification of statehood. During the whole course of our history it has been customary to admit a Territory when it contained a sufficient population for one Member of Congress. The ratio of representation at the present time, approximately stated, is one Member of Congress to every 185,000 of people. If this were the only standard, New Mexico's title to admission is perfect. According to the census of 1900 there were 195,310 people residing within her boundaries. It is evident, however, from the school enumeration and other public documents of unquestioned authority, that the population of New Mexico was at least 225,000 in 1900 and has greatly increased since that time. From July, 1906, to October, 1907, there were 23,223 land entries made in that Territory. Each of those entries represents a family, which would indicate an increase of at least 100,000. The great influx of farmers from the East into western Texas and eastern New Mexico is a matter of common knowledge. New Mexico has at the present time a greater population than any other State at the date of admission except Oklahoma. I shall include in my remarks a table showing the date of admission and population of a number of States of the Federal Union.

State.	Date of admission.	Population.
Tennessee	1796	35,691
Ohio	1802	43,365
Louisiana	1812	76,556
Indiana	1816	24,520
Mississippi	1817	[a]40,353
Illinois	1818	12,282
Missouri	1821	66,557
Minnesota	1858	6,077
Oregon	1859	13,294
Kansas	1861	107,206
Nevada	1864	6,857
Nebraska	1867	28,841
Colorado	1876	39,864
North Dakota	1889	135,177
South Dakota		
California	1850	92,597

[a] Including Alabama.

A conservative estimate of the present population of New Mexico is 350,000. The evidence to sustain this statement is so conclusive that by common consent we have granted New Mexico two Members of Congress in the pending measure.

The character of the people is perhaps the second qualification in importance for statehood. It is perhaps sufficient to state that 93 per cent of the people of New Mexico are American-born citizens. This is undoubtedly a greater per cent of native-born Americans than can be found in any other State in the Union. The foreign-born inhabitants in Idaho constitute 21 per cent of her population; Utah, 22 per cent; Wyoming, 24 per cent; Washington, 25 per cent; Montana, 43 per cent; and North Dakota, 45 per cent. When we refer to many of the older States New Mexico has the same advantage in comparison. In 1900 Michigan had 22 per cent foreign-born population; New York, 26 per cent; Minnesota, 29 per cent; and Massachusetts, 30 per cent. It is evident from the foregoing figures that as far as the character of the citizenship of New Mexico is concerned, they are on an equality with the rest of the country. It is contended, however, that 25 per cent of the people are of Mexican descent. That is true. But the younger generation are taking advantage of the free schools and making rapid strides in education. The character of these Mexicans needs no defense, as they have demonstrated their capacity for advancement and their high respect for law and order during the past fifty years.

New Mexico has made splendid progress along educational lines. In 1891 a public school system was introduced and has been extended throughout the entire Territory. Their common schools will favorably compare in efficiency with those of the older States of the country. It is even contended that she has already established too many institutions of higher learning. New Mexico has one state university, an agricultural college, a military institute, a normal university at Las Vegas, a normal school at Silver City, and a school of mines at Socorro. Her penal and charitable institutions are equal to every demand, and the unfortunate of the Territory receive the same care and consideration that characterizes every American community.

No financial standard has ever yet been established as a qualification for admission into the Union. But as evidence of the great industrial progress of the Territory, it is enough to state that the assessed valuation of property is over $50,000,000. From computations which will hardly admit of refutation it is found that the wealth of New Mexico will aggregate $300,000,000. This is but a promise of her great possibilities. Her resources in minerals, in timber, and the products of her soil are considered almost inexhaustible. Many of her valleys are rich in all the elements of production save that of water. Great irrigation projects are being planned that will fertilize and make fruitful millions of acres and build up homes for thousands of American people.

Mr. Speaker, New Mexico possesses every qualification for statehood. She has more than sufficient population. The character of her people is above criticism. The people of New Mexico have assembled there from all sections of the country—the North, the East, and the South. They have carried with them high ideals of both private and public life. They will build a State ready at all times to stand the severest tests and rise to the full dignity of a member of the Federal Union. Congress will perform an act of justice long delayed by recognizing the validity of her claims and crowning her long and historic fight with a grateful welcome into the sisterhood of States. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SULZER]. [Applause.]

Mr. SULZER. Mr. Speaker, in my opinion it is a matter of sincere congratulation to all friends of home rule that at last Arizona and New Mexico are to be admitted to all the rights of sovereign States. In population, in natural resources, and by every principle of our free institutions they are justly entitled to statehood. For years and years I have been advocating this fundamental right [applause], and I am glad that finally it has come, so far as the House is concerned; and I indulge the hope that the other branch of the Congress will also respond to public sentiment and speedily pass this bill and make it a law before we finally adjourn. [Applause.] I also indulge the gratifying hope that when these two Territories become full-fledged States in the Union our distinguished colleague, Mr. SMITH, and some other good Democrat will be the Senators from Arizona [applause], and that our distinguished colleague, Mr. ANDREWS, and my good friend, Governor Curry, who is with us to-day, will be the first two Senators from New Mexico [applause]; provided, of course, that the Republicans control the legislature. [Laughter.] So let us all rejoice that the last two Territories are now to be made in all respects sister States, with all the rights that it implies, and in this connection I desire to say there is one other right that is near and dear to my heart, and that is home rule for Alaska, local self-government for Alaska—the grandest country on earth, the wonderland of the world, the richest asset in Uncle Sam's domains—and I hope the next Congress will grant Alaska territorial government, with all the rights ever possessed by any Territory. [Applause.]

Mr. HAMILTON of Michigan. Mr. Speaker, while I have the highest regard for the Delegate from Arizona, I feel it my duty to express the hope that the proposed State of Arizona will be strongly a Republican State and will elect a Republican Representative and two Republican Senators to the Congress of the United States. [Applause.]

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that gentlemen may have permission to print remarks on this subject for five days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON of Michigan. Mr. Speaker, I desire to yield two minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I want to state one or two facts. I do not raise any political question. If this bill becomes a law it will incorporate into statehood all the remaining territory acquired from Mexico in 1848 and 1853. Now, the other fact is that when the commissioner on behalf of the United States met the commissioners on behalf of Mexico to form the treaty of Guadalupe Hidalgo in 1848, the commissioners of Mexico said that all Mexican territory, including the Territories of New Mexico and Upper California, had been dedicated to freedom, and they asked to have written into the treaty a provision that it should forever remain free. Thereupon it was refused, and Mr. N. P. Trist, a treaty commissioner for the United States, wrote a short letter to James Buchanan, then Secretary of State, saying that he had received such a proposition from the Mexican commissioners and that he had spurned and rejected it, saying that if the territory to be ceded was covered over 1 foot thick with solid gold he would not consent that it should be forever free. [Applause.] Now it is free and ever to remain so. [Applause.]

It is a source of extreme congratulation to know that not one foot of the territory acquired by conquest and purchase from our sister Republic of Mexico became slave territory, as was originally intended. Texas, a province of Mexico when the latter seceded from Spain (February 24, 1821), through the connivance of citizens of the United States—Sam Houston, of Tennessee, and others—on March 2, 1836, issued a "declaration of independence" from Mexico, and after the decisive battle of San Jacinto, fought on Texas soil on April 21, 1836, the United States recognized Texas as an independent Republic, under a constitution authorizing the existence of slavery therein. This was after President Jackson (1830) had offered $5,000,000 to Mexico for Texas.

On March 1, 1845, by resolution of Congress, consent was given to erect Texas into a State, with a view to her admission into the Union. In August following Texas framed a constitution in pursuance of the resolution, which prohibited the emancipation of slaves and authorized their importation into Texas. Under this constitution Congress formally admitted Texas into the Union of States—the last slave State admitted into the Union.

By the terms and conditions of her admission four other States, with her consent, might be formed out of her territory, those lying south of 36° 30′ north latitude should be admitted as slave States, and those north of that line should be admitted

without slavery. It was then ascertained that no part of Texas was within 200 miles of 36° 30′.

Soon (May 13, 1846) war was, on a miserable pretense, declared by the United States against Mexico, the object being to acquire more territory to dedicate to slavery. By September, 1847, the conquest of Mexico was complete, and it only remained to by treaty and purchase secure sovereignty and title to the coveted region.

This acquisition thus sought was, according to Thomas Benton, himself a slaveholder, to answer the cry for more room for slaves. Benton, in his Thirty Years' View (Vol. II, p. 680), says of the real character of the war with Mexico that:

> The truth was an intrigue was laid for peace before war was declared! And this intrigue was even part of the scheme for making war. It is impossible to conceive of an administration less warlike, or more intriguing, than that of Mr. Polk. They were men of peace, with objects to be accomplished by means of war. * * * They wanted a small war, just large enough to require a treaty of peace and not large enough to make military reputations dangerous for the Presidency.

It is now conceded history that the design and purpose of declaring war against Mexico was not to redress an international grievance but to acquire territory.

Even the great Clay, of Kentucky, had declared that it was cruel to limit slavery extension and thus starve it to death. Senator Cass justified the acquisition of more slave territory on the proclaimed doctrine of "manifest destiny."

Senator Corwin, in his great Mexican war speech, responded:

> But you still say you want room for your people. This has been the plea of every robber chief from Nimrod to the present hour. I dare say, when Tamerlane descended from his throne, built of 70,000 human skulls, and marched his ferocious battalions to further slaughter, I dare say he said, "I want room."

Interesting as this line of talk may be historically, I can not pursue it at length here.

The commissioners, on behalf of the two nations, met at Guadalupe Hidalgo, and a treaty was signed there February 2, 1848, almost exactly sixty-one years ago.

By this treaty, for $15,000,000, to be paid by the United States to Mexico, New Mexico and Upper California were ceded by Mexico to the United States, and the Rio Grande, from El Paso to its mouth, became the boundary line between the two countries.

Upper California is now the State of California; and the New Mexico territory, as bounded at the date of the cession and as acquired, included much of the present New Mexico, nearly all of Arizona, substantially all of Utah and Nevada, and the western portion of Colorado; in all, about 545,000 square miles.

By further treaty with Mexico (December 30, 1853), for $10,000,000, a large slice more of territory was acquired by the United States, which now constitutes the southern part of Arizona Territory and the southwest corner of the Territory of New Mexico. All the vast region so acquired was to be dedicated to human slavery, and slave States were promptly sought to be created out of it. A great contest arose, which precipitated or hastened the civil war. It was proposed by act of Congress to extend the Constitution of the United States over all the territory acquired from Mexico.

This was the Calhoun theory. He maintained that the Constitution did not of itself extend over acquired territory, and that when it did so extend it carried or protected slavery therein. This attempt failed. The friends of freedom sought to attach to bills in Congress to provide for territorial organizations out of parts of the Territories of New Mexico and Upper California the famous Wilmot proviso, which read:

> That no part of the territory acquired should be open to the introduction of slavery.

This, too, failed. It never became a part of any law of Congress, though agreed to by this House frequently.

The discovery of gold in California hastened its admission as a State. The bill passed Congress for the admission of California as a State in the Union August 13, 1850. It is, however, now enough to say that no part of the territory ceded to the United States by Mexico ever became slave.

If, as already stated, this bill becomes a law, the last of our Mexican-acquired territory will have been organized into States, and two more stars will be emblazoned on our flag. This happy event has come after a period of nearly two-thirds of a century's waiting, and when all, I believe, of those great statesmen and soldiers who were active in acquiring the coveted territory are in their graves, and after this country had been shaken to its foundation by war to preserve it.

Mr. HAMILTON of Michigan. Mr. Speaker, I call for a vote.

The question was taken, and, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed. [Applause.]

LEAVE OF ABSENCE.

Mr. BENNET of New York, by unanimous consent, was granted leave of absence for three days, on account of death in his family.

Mr. BARNHART, by unanimous consent, was granted leave of absence for one week, on account of illness of secretary.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 27971) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior, was changed from the Committee on the Judiciary to the Committee on Territories.

SCHOOL-TEACHERS' RETIREMENT FUND.

By unanimous consent, the bill (H. R. 19311) to provide for the formation and disbursement of a public-school teachers' retirement fund in the District of Columbia, was changed from the House to the Union Calendar.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCLACHLAN of California was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mary A. Bean, Fifty-sixth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. MCLACHLAN of California was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Charles R. Stevens, Fifty-sixth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. PARSONS was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Harding Weston (H. R. 19294), no adverse report having been made thereon.

ALASKA PACIFIC RAILWAY AND TERMINAL COMPANY.

Mr. WATSON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 25553) for the relief of the Alaska Pacific Railway and Terminal Company, and to recommit the same to the Committee on Territories.

The SPEAKER. Is there objection?

There was no objection.

LATE REPRESENTATIVE DANIEL L. D. GRANGER.

Mr. CAPRON. Mr. Speaker, I desire to present the following resolutions on the death of my colleague [Mr. GRANGER].

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island.

Resolved, That a committee of 15 Members of the House be appointed by the Speaker to take order superintending the funeral of Mr. GRANGER at Providence, R. I., and to attend the same, with such Members of the Senate as may be appointed by the Senate.

Resolved, That the Sergeant-at-Arms of the House be, and he is hereby, authorized and directed to take such steps as may be necessary to carry out these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were unanimously agreed to.

The SPEAKER announced the following committee: Mr. CAPRON of Rhode Island, Mr. HOWARD of Georgia, Mr. BOUTELL of Illinois, Mr. UNDERWOOD of Alabama, Mr. HILL of Connecticut, Mr. SLAYDEN of Texas, Mr. HUGHES of New Jersey, Mr. WASHBURN of Massachusetts, Mr. WILLIAMS of Mississippi, Mr. PARSONS of New York, Mr. SHERLEY of Kentucky, Mr. GAINES of Tennessee, Mr. RYAN of New York, Mr. O'CONNELL of Massachusetts, and Mr. MARCUS A. SMITH of Arizona.

RECESS.

Mr. CAPRON. Mr. Speaker, I also desire to submit the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the deceased the House do now stand in recess until 11 a. m. to-morrow.

The resolution was agreed to.

Accordingly (at 5 o'clock and 38 minutes p. m.), the House took a recess until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for refunding $36 to the Southern Pacific Company (H. Doc. No. 1450)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting supplemental estimates of appropriations for deficiencies (H. Doc. No. 1451)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for elevators in the Patent Office (H. Doc. No. 1452)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 114) authorizing the Secretary of War to dispose of certain bronze or brass cannon, reported the same with amendments, accompanied by a report (No. 2158), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8708) authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association, reported the same without amendment, accompanied by a report (No. 2159), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REYNOLDS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21492) to authorize the sale of certain public lands, reported the same with amendments, accompanied by a report (No. 2160), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8265) to regulate examinations for promotion in the Medical Corps of the Army, reported the same with amendment, accompanied by a report (No. 2157), which said bill and report were referred to the House Calendar.

Mr. LINDBERGH, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 53) to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota, reported the same without amendment, accompanied by a report (No. 2161), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians," reported the same without amendment, accompanied by a report (No. 2162), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 27136) to correct the military history of Owen Smith, reported the same adversely, accompanied by a report (No. 2156), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 28073) granting a pension to Eliza T. Henderson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOLLIDAY: A bill (H. R. 28136) authorizing the Secretary of War to donate two brass or bronze cannon to the city of Brazil, Ind.—to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 28137) to amend an act entitled "An act to promote the safety of employees and travelers on railroads by limiting the hours of service of employees thereon"—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: A bill (H. R. 28138) providing for the raising and removal of the wreck of the U. S. S. *Maine* in Habana Harbor and have the remains found therein brought to Washington for interment in the national cemetery at Arlington, Va.—to the Committee on Appropriations.

By Mr. MURPHY: A bill (H. R. 28139) authorizing the Secretary of War to furnish one condemned brass or bronze gun, with carriage and cannon balls, to the city of Boscobel, in the State of Wisconsin—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 28140) to authorize the Secretary of War to donate two condemned bronze fieldpieces and cannon balls to the county of Orange, State of New York—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 28141) for the erection of a public building at Union Springs, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Vermont: Joint resolution (H. J. Res. 257) to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURLESON: A bill (H. R. 28142) granting an increase of pension to Cullen C. Ratliff—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 28143) granting a pension to Rachel R. Gwyn—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 28144) granting an increase of pension to Frederick Hortin—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 28145) granting a pension to James Lowery—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 28146) for the relief of A. L. H. Crenshaw—to the Committee on War Claims.

By Mr. GOEBEL: A bill (H. R. 28147) for the relief of the owners of the steamboat *Henry M. Stanley*—to the Committee on Claims.

Also, a bill (H. R. 28148) for the relief of the owners of the steamboat *Henry M. Stanley*—to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 28149) for the relief of Earl Hoisington—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 28150) granting an increase of pension to Samuel Gideon—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 28151) granting an increase of pension to Martha J. McDuffy—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 28152) for the relief of the estates of M. F. de Graffenried and T. D. de Graffenried, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28153) granting an increase of pension to Isaac Adkins—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 28154) granting an increase of pension to George E. Skillings—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28155) granting a pension to Jacob Kelchner—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 28156) granting an increase of pension to Joseph Roughton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28157) granting a pension to Tena Simmons—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 28158) granting an increase of pension to David Crum—to the Committee on Pensions.

Also, a bill (H. R. 28159) granting an increase of pension to Duncan McCraney—to the Committee on Pensions.

Also, a bill (H. R. 28160) for the relief of John H. Layne—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 28161) granting a pension to Hannah Edgerly—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of the Board of Trade of Lockport, N. Y., favoring an increase of duty on ferrosilicon—to the Committee on Ways and Means.

Also, petition of German Alliance of Buffalo, N. Y., against increase of duty on books and removal from the free list of the classes of books now included therein—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Central Trades and Labor Council of Coshocton, Ohio, protesting the decision of Judge Wright—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of Manufacturers and Merchants' Association of Kansas City, favoring a national bond issue for improvement of internal waterways—to the Committee on Rivers and Harbors.

By Mr. BROUSSARD: Paper to accompany bill for relief of estate of Simon Mathew—to the Committee on War Claims.

By Mr. BRUNDIDGE: Papers to accompany H. R. 12468, for the removal of charge of desertion against C. W. Fowler—to the Committee on Military Affairs.

By Mr. BURKE: Petition of the Civic Club, favoring H. R. 24148, for establishment of a children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

Also, petition of Pittsburg Typographical Union, No. 7, favoring census printing by the Government Printing Office—to the Committee on the Census.

Also, petition of J. F. Shafer, against bill regulating transportation of drugs between States—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of American National Live Stock Association of Los Angeles, Cal., favoring enlarged powers of the Interstate Commerce Commission in matters of rate raising—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Civil Service Reform Association of New York and Columbia Typographical Union, No. 101, of Washington, D. C., against the Crumpacker census bill (H. R. 16954) and favoring census printing by the Government Printing Office—to the Committee on the Census.

Also, petition of Alaska road commission, for an appropriation of $1,000,000 for aid in road construction—to the Committee on Agriculture.

By Mr. CAPRON: Paper to accompany bill for relief of John J. Coughlin (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CARY: Petition of National Shoe Wholesalers' Association of the United States, against a duty on hides—to the Committee on Ways and Means.

Also, petition of the National Soldiers' Home, Milwaukee, Wis., against amendment to volunteer officers' retirement bill giving veterans of 70 years and over $25 per month—to the Committee on Military Affairs.

Also, petition of W. S. H. S. annual convention, Madison, Wis., favoring H. R. 21318, regulating sale and manufacture of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of E. B. Lunt, of Milwaukee, Wis., against removal of duty on farm products—to the Committee on Ways and Means.

Also, appeal of Herman N. Medtbo, of North Dakota, before the Secretary of the Interior, involving homestead entry No. 18431—to the Committee on the Public Lands.

By Mr. CHANEY: Petition of Benevolent and Protective Order of Elks of Vincennes and Washington, Ind., favoring a reservation in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. COOPER of Texas: Petition of H. C. La Grone and others, favoring removal of duty on hides—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of John F. Kelly & Co., of Davenport, Iowa, asking reduction of the duty on sugar—to the Committee on Ways and Means.

Also, petition of citizens of Clinton County, Iowa, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Army and Navy Union, asking retirement of petty officers and enlisted men after twenty-five years' service—to the Committee on Naval Affairs.

By Mr. DE ARMOND: Paper to accompany bill for relief of Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Benevolent and Protective Order of Elks, for a reservation in Wyoming for care of the American elk—to the Committee on the Public Lands.

Also, petition of National Shoe Wholesalers' Association of the United States, against a duty on hides—to the Committee on Ways and Means.

Also, petition of the Presbyterian Church of Rensselaer, N. Y., favoring the Burkett-Foelker bill, to prohibit telegraphing of gambling debts—to the Committee on Interstate and Foreign Commerce.

By Mr. DUREY: Petition of Glens Falls (N. Y.) Order of Elks, favoring creating a reservation in the State of Wyoming for care and maintenance of the American elk—to the Committee on Appropriations.

By Mr. ELLIS of Oregon: Petition of F. M. Shannon and 120 others, of Gilliam County, Oreg., favoring removal of duty from jute grain bags and burlap cloth used in making the same—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of National Shoe Wholesalers' Association of the United States, for removal of tariff from hides—to the Committee on Ways and Means.

Also, petition of U. S. Grant Post, No. 327, Grand Army of the Republic, for legislation to bestow medal of honor upon Charles Rapp for gallantry at Fort Pickens in 1861—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, favoring an appropriation of $300,000 to enable the United States to participate in the Brussels Exposition in 1910—to the Committee on Industrial Arts and Expositions.

By Mr. FULLER: Petition of the Hartman Trunk Company, of Chicago, favoring the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

Also, petition of the Edwards Hardware Company and many citizens of Mendota, Ill., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Lumberman, of Chicago, Ill., against reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of the Western Clock Manufacturing Company, of La Salle, Ill., against reduction of tariff on cheap nickel alarm clocks and dollar watches—to the Committee on Ways and Means.

Also, petition of Wilmington (N. C.) Chamber of Commerce, favoring removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of National Association of Manufacturers, of St. Louis, Mo., favoring a permanent tariff commission—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of William Stonebridge, for legislation to establish a parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Pittsburg Typographical Union, No. 7, favoring census printing by the Government Printing Office—to the Committee on the Census.

Also, petition of Civic Club of Allegheny County, favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Education.

By Mr. GRONNA: Petition of Woman's Christian Temperance Union and 76 citizens of Northwood, N. Dak., favoring passage of the Littlefield-Bacon bill, to regulate interstate commerce in intoxicants—to the Committee on the Judiciary.

Also, petition of citizens of Sarles and Plaza, N. Dak., against import duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of citizens of Van Buren County, Mich., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Allegan, Mich., favoring H. R. 18204, providing for federal cooperation in technical education—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of Rothe Brothers and 5 others, of Delavan, Minn., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, protest of B. C. Preugrey and 16 others, against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. E. Fredricksen and 32 others, of Elmore, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of the Congregational Church Society of Newfane, Vt., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the Congregational Church of Newfane, Vt., favoring enactment of the so-called "Littlefield-Bacon bill"—to the Committee on the Judiciary.

Also, petition of the Congregational Church Society of Newfane, Vt., favoring amendment to Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HAYES: Petitions of Arthur Duckworth and 47 others, of Syracuse, Ohio; Walter O. Webster and 32 others, of Philadelphia, Pa.; and H. H. Smith and 47 others, of Tallahousa, Tenn., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HILL of Connecticut: Petition of citizens of Waterbury, Conn., against water rights of San Francisco in the Hetch Hetchy Valley, California—to the Committee on the Public Lands.

Also, petition of citizens of Stratford, Conn., favoring the Burkett-Foelker bill (S. 8703) preventing telegraphing of gambling bets, etc.—to the Committee on the Judiciary.

Also, petition of Rippowan Grange, No. 145, of Stamford, Conn., favoring the establishment of the parcels-post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lodge No. 709, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming—to the Committee on Agriculture.

By Mr. HINSHAW: Petition of business men of Aurora, Gresham, Ulysses, Bradshaw, Garrison, David City, Rising City, Surprise, Shelby, Osceola, and Stromsburg, all in the State of Nebraska, against parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL of Iowa: Petition of Sunshine Camp, No. 5533, Modern Woodmen of America, of Dallas, Iowa, against the so-called "uniform or minimum rate bill," proposed by the National Fraternal Congress and the Associated Fraternities—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petitions of A. L. Burgess and 48 other residents of Stockdale, Ohio; G. E. Martin and 47 other residents of Vaughn, W. Va.; W. H. McCoy and 18 other residents of Gem, W. Va.; F. C. Thompson and 27 other residents of Coatesville, Pa.; J. J. Kemp and 29 other residents of Middlesex, N. C.; Robert J. Rhein and 32 other residents of Cincinnati, Ohio; and William E. Eaton and 95 other residents of Seattle, Wash., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KENNEDY of Iowa: Petition of John Blants Sons Company, of Burlington, Iowa, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. KIMBALL: Petition of Lizzie R. Ashurst, administratrix of the estate of William Ashurst, asking reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of S. S. Ardery, administrator of the estate of Lafayette Ardery, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of citizens of Little Falls, Minn., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of National Shoe Dealers' Association of the United States, opposing duty on hides—to the Committee on Ways and Means.

Also, petition of the Orange Judd Company, favoring passage of the White Mountains and Appalachian Mountains bill with the Weeks amendment—to the Committee on Agriculture.

Also, petition of H. R. Fuller, protesting against passage of H. R. 26725—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Windmill Manufacturers' Club of Chicago, favoring a reduction of duty on iron and steel—to the Committee on Ways and Means.

Also, petition of Francis W. Johnston, favoring passage of H. R. 24148, for creation of child-labor bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Kansas State Retail Merchants' Association, favoring ocean mail subsidy—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Merchants' Association of New York, asking an appropriation for international exhibition to be held at Brussels—to the Committee on Industrial Arts and Expositions.

By Mr. LORIMER: Petition of T. J. Akins, favoring increase of duty on bagging for cotton bales—to the Committee on Ways and Means.

By Mr. LOUD: Petition of citizens of Montmorency County, Mich., favoring the parcels-post and postal savings bank bills (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. McMILLAN: Petition of citizens of Hudson, N. Y., against Sunday-closing bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. McMORRAN: Petition of dealers and growers of beans, favoring retention of duty on beans—to the Committee on Ways and Means.

By Mr. MALBY: Petition of the Brotherhood of the Presbyterian Church of Canton, N. Y., favoring H. R. 24148, to establish in the Department of the Interior a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of residents of the Twenty-sixth Congressional District of New York, favoring a national highways commission—to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of the Benevolent and Patriotic Order of Elks, asking for the creation of a reserve in the State of Wyoming—to the Committee on the Public Lands.

Also, petition of citizens of California, favoring Senate bill 5615, concerning importation of injurious insects, etc.—to the Committee on Agriculture.

By Mr. PAGE: Petition of citizens of Randolph County, N. C., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. PARSONS: Petition of residents of Oak Park, Cook County, Ill., favoring the Parsons bill (H. R. 24148), establishing a children's bureau in the Department of the Interior—to the Committee on Expenditures in the Interior Department.

By Mr. PERKINS: Petition of T. W. Grant and others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. PETERS: Petition of the Boston Surgical Trade Association, against removal of duty on surgical instruments—to the Committee on Ways and Means.

By Mr. PORTER: Petition of Oakfield (N. Y.) Grange, for retention of duty on beans—to the Committee on Ways and Means.

By Mr. REEDER: Petition of citizens of Kansas, asking passage of so-called "Littlefield bill"—to the Committee on the Judiciary.

By Mr. ROBINSON: Papers to accompany bill granting a pension to W. C. Whitthorne (H. R. 27463)—to the Committee on Pensions.

By Mr. RYAN: Petition of manufacturers and shippers of Rockford, Ill., approving the Townsend bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Shenandoah Valley Fruit Growers' Association in favor of H. R. 21318, relating to fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Illinois Manufacturers' Association, favoring the ocean mail subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: Petition of M. V. Nowlin and 17 others, of the District of Columbia, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. SWASEY: Petition of sundry citizens of North Jay, Me., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. TOU VELLE: Petition of Henry Callett and 20 soldiers of Ansonia, Ohio, opposing 70 years of age as limit in H. R. 23244—to the Committee on Military Affairs.

By Mr. VREELAND: Petition of residents of Conewango Valley, Cattaraugus County, N. Y., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of oil producers of Allegany County, N. Y., against any change in tariff on crude oil—to the Committee on Ways and Means.

SENATE.

TUESDAY, *February 16, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

INTERSTATE BUSINESS BY TELEGRAPHERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, by direction of the President and in response to a resolution of May 28, 1908, a report showing the results of an investigation made by the Bureau of Labor into the Western Union and Postal Telegraph companies (S. Doc. No. 725), which on motion of Mr. KEAN, was, with the accompanying paper, referred to the Committee on Interstate Commerce and ordered to be printed.

IRON ORE AND PIG IRON.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, stating, in response to a resolution of the 10th instant calling for information in respect to the total amount of iron ore and pig iron manufactured in the United States in any twelve successive months ending not earlier than June 30, 1908, that no statistics on the subject have been collected since 1905, and suggesting that the Geological Survey may be able to furnish the information desired. The Chair calls the attention of the junior Senator from Iowa to the communication.

Mr. CUMMINS. I shall prepare a resolution directed to the Director of the Geological Survey of the Department of the Interior, that we may get the information without additional expense.

The VICE-PRESIDENT. The communication will lie on the table and be printed (S. Doc. No. 722).

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Masonic Hall Trustees of Atlanta, Ga., *v.* United States (S. Doc. No. 723); and

In the cause of Magloire G. Blain *v.* United States (S. Doc. No. 724).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 9295) in relation to the salary of the Secretary of State.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 26725. An act to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads;" and

H. R. 27891. An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 3969. An act to amend the laws of the United States relating to the registration of trade-marks;

S. 8422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors;

S. 8628. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 8629. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, N. C.;

H. R. 21560. An act to provide for circuit and district courts of the United States at Gadsden, Ala.;

H. R. 23473. An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming;

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 234. Joint resolution to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Board of Trade and the citizens' statehood committee of Benson, Ariz., praying for the admission of that Territory into the Union as a State, which was referred to the Committee on Territories.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Naperville, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquor, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Civil Service Reform Association of Chicago, Ill., and a memorial of the Men's Sunday Evening Club of Peoria, Ill., remonstrating against any effort being made to pass the so-called "Crumpacker census bill" over the President's veto, which were referred to the Committee on the Census.

He also presented a memorial of Grand Army Post No. 141, Department of Illinois, Grand Army of the Republic, of Decatur, Ill., remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the George Rogers Chapter, Daughters of the American Revolution, of Oak Park, Ill., and a petition of the Illinois Chapter, American Institute of Architects, of Chicago, Ill., praying for the enactment of legislation providing for the erection of the Lincoln memorial in Washington, D. C., on the site selected by the Park Commission, which were referred to the Committee on the Library.

Mr. SCOTT presented a petition of the Ohio Valley Trades and Labor Assembly of Wheeling, W. Va., praying for the enactment of legislation authorizing the census printing to be done at the Government Printing Office, which was referred to the Committee on the Census.

He also presented a petition of sundry citizens of Wheeling, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented a petition of the Granite State Dairymen's Association, of Contocook, N. H., praying that an appropriation be made for the establishment and improvement of rural schools, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Garfield Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation to regulate the construction of buildings in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PERKINS presented petitions of sundry citizens of San Jose, Cal., praying for the enactment of legislation to prohibit the immigration of all Asiatics except merchants, students, and travelers, and remonstrating against the extension of the right of naturalization, which were referred to the Committee on Immigration.

Mr. CURTIS presented a resolution of the legislature of Kansas, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

House concurrent resolution 25, relating to tariff on zinc ores. By Mr. Wescott.

Whereas a large amount of the spelter manufactured in the United States is produced from ores mined in the State of Kansas; and

Whereas no zinc ore was imported prior to the year 1905, and during the last four years over 300,000 tons of Mexican zinc ores have been imported, which ores are produced by peon labor at one-third the cost of producing ores in the State of Kansas; and

Whereas the result of said importation of foreign ores is the curtailment of development and operation of zinc mines in the State of Kansas, and has resulted recently in the material reduction of wages, throwing out of employment a large number of wage-earners and the closing of many zinc mines in this State; and

Whereas no tariff, up to the present time, has been asked on zinc ores owing to the fact that no foreign ores have been imported until recently; and

Whereas for the last forty years lead ore has been subject to an adequate tariff duty, the result of which is that the State of Kansas is to-day one of the largest lead-producing States in the Union, and since the cost of producing lead ore and zinc ore in the State of Kansas is the same: Now, therefore, be it

Resolved by the house of representatives (the senate concurring therein), That we favor a just and equitable import duty on all zinc ores, and that we request our Senators in the Senate of the United States and our Members of Congress to work and vote for such legislation as will save this important industry from destruction and produce a substantial revenue to the Government.

The above consurent resolution was offered in the house, rules suspended, emergency declared, read second time, and adopted February 11, 1909. Messaged to senate, read first time, rules suspended, emergency declared, read second time, and adopted February 11, 1909.

J. N. DOLLEY,
Speaker of House.

Attest:
W. T. BECK,
Chief Clerk of House.

W. J. FITZGERALD,
President of Senate.

Attest:
Z. E. WYANT,
Secretary of Senate.

Mr. CURTIS presented a concurrent resolution of the legislature of the State of Kansas, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 16, relating to the placing on the retired list ex-Union officers of the civil war.

Whereas the Congress of the United States some forty years after the Revolutionary war, with a desire of expressing, in a measure, their gratitude to the surviving officers who had conducted that long, perilous but successful war, enacted a law placing the old patriots on the retired list, thereby enabling them to spend a few years freed from the cares and labor of providing the necessities of life; and

Whereas the same course was pursued with the survivors of the war of 1812, thus showing to the world that republics are not ungrateful, but, on the contrary, are ever mindful of the interests of their most humble citizens and regard with the most tender care their aged and decrepit patriots; and

Whereas nearly forty-four years have passed since the surrender at Appomattox and the number of these veterans of cherished memories is being rapidly reduced: Now, therefore, be it

Resolved by the senate (the house concurring), That we instruct our Senators and earnestly request our Representatives in Congress to give all assistance in their power to the enactment of a law that will place the surviving officers of the war of the rebellion on an equal footing in regard to the retired list as are officers of the Regular Army.

Resolved, That certified copies of these resolutions be forwarded to each of our Senators and Representatives in Congress.

I hereby certify that the above concurrent resolution originated in the senate and passed that body February 4, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Passed the house February 5, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Approved February 9, 1909.

W. R. STUBBS,
Governor.

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 10th day of February, 1909.

[SEAL.]

C. E. DENTON,
Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. CURTIS presented a petition of sundry citizens of Manhattan, Kans., praying for the submission to the legislatures of the several States for ratification of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Board of Trade of Wichita, Kans., praying for an extension of further powers to the Interstate Commerce Commission relative to the business interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. BURKETT presented a petition of sundry citizens of Nebraska City, Nebr., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. LODGE presented a petition of Local Lodge No. 87, Benevolent and Protective Order of Elks, of Lowell, Mass, and a petition of Local Lodge No. 917, Benevolent and Protective Order of Elks, of Somerville, Mass., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PENROSE presented petitions of sundry citizens of Philadelphia, New Wilmington, West Middlesex, Scranton, Wayne, Germantown, Olney, Pittsburg, and Frankford, all in the State of Pennsylvania, and of Camden, N. J., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

Mr. LONG presented a joint resolution of the legislature of Kansas, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

House concurrent resolution 25, relating to tariff on zinc ores. By Mr. Wescott.

Whereas a large amount of the spelter manufactured in the United States is produced from ores mined in the State of Kansas; and

Whereas no zinc ore was imported prior to the year 1905, and during the last four years over 300,000 tons of Mexican zinc ores have been imported, which ores are produced by peon labor at one-third the cost of producing ores in the State of Kansas; and

Whereas the result of said importation of foreign ores is the curtailment of development and operation of zinc mines in the State of Kansas, and has resulted recently in the material reduction of wages, throwing out of employment a large number of wage-earners and the closing of many zinc mines in this State; and

Whereas no tariff up to the present time has been asked on zinc ores, owing to the fact that no foreign ores have been imported until recently; and

Whereas for the last forty years lead ore has been subject to an adequate tariff duty, the result of which is that the State of Kansas is to-day one of the largest lead-producing States in the Union, and since the cost of producing lead ore and zinc ore in the State of Kansas is the same: Now, therefore, be it

Resolved by the house of representatives (the senate concurring therein), That we favor a just and equitable import duty on all zinc ores, and that we request our Senators in the Senate of the United States and our Members of Congress to work and vote for such legislation as will save this important industry from destruction and produce a substantial revenue to the Government.

The above concurrent resolution was offered in the house, rules suspended, emergency declared, read second time, and adopted February 11, 1909. Messaged to senate, read first time, rules suspended, emergency declared, read second time, and adopted February 11, 1909.

J. N. DOLLEY,
Speaker of House.

Attest:
W. T. BECK,
Chief Clerk of House.

W. J. FITZGERALD,
President of Senate.

Attest:
Z. E. WYANT,
Secretary of Senate.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 9182) to increase the limit of cost for the acquisition of additional land for the site of the new post-office and court-house at Duluth, Minn., reported it without amendment and submitted a report (No. 1003) thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PILES on the 10th instant, proposing to extend the limit of cost of the court-house, custom-house, and post-office building at Seattle, Wash., to $12,000, etc., intended to be proposed to the sundry civil appropriation bill, submitted a favorable report (No. 1006) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. NELSON on the 8th instant, proposing to appropriate $80,000 for the acquirement by purchase, condemnation, or otherwise of land desirable for a new site for the post-office and court-house at Duluth, Minn., etc., intended

to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. SIMMONS, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 21019) to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance (Report No. 1004); and

A bill (H. R. 3844) for the relief of E. L. Simpson (Report No. 1005).

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn., reported it without amendment.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, reported it without amendment and submitted a report (No. 1007) thereon.

IMPROVEMENT OF FERNANDINA HARBOR, FLORIDA.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 90, submitted yesterday by Mr. TALIAFERRO, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey with the view to obtaining a uniform depth of 10 feet in the inland waterway between Fernandina (Fla.) Harbor and the St. Johns River, and to report, together with an estimate of the cost of the project.

IMPROVEMENT OF ST. JOHNS RIVER, FLORIDA.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 91, submitted yesterday by Mr. TALIAFERRO, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the St. Johns River, between Jacksonville and the ocean, with a view to obtaining a depth of 30 feet at mean low water.

IMPROVEMENT OF SMITHS CREEK, NORTH CAROLINA.

Mr. SIMMONS. From the Committee on Commerce I report a concurrent resolution as a substitute for Senate bill 9334, and I ask for its present consideration.

Mr. KEAN. I shall not object to the consideration of the resolution, but after it is disposed of I shall ask for the regular order.

The concurrent resolution (S. C. Res. 93) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Smiths Creek, North Carolina, with a view to the removal of obstructions and deepening the channel thereof from its confluence with the Neuse River to the head of navigation on said Smiths Creek.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the bill (S. 9334) authorizing a survey and estimate for removing obstructions and deepening the channel of Smiths Creek, North Carolina, reported adversely thereon, and moved that the bill be indefinitely postponed, which was agreed to.

IMPROVEMENT OF SWIFT CREEK, NORTH CAROLINA.

Mr. SIMMONS. From the Committee on Commerce I report a concurrent resolution as a substitute for Senate bill 9335, and I ask for its present consideration.

The concurrent resolution (S. C. Res. 94) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Swift Creek, North Carolina, with a view to removing obstructions and deepening the channel thereof from its confluence with the Neuse River to the head of navigation on said Swift Creek.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the bill (S. 9335) authorizing a survey and estimate for removing obstructions and deepening the channel of Swift Creek, North Carolina, reported adversely thereon, and moved that it be postponed indefinitely, which was agreed to.

ADOLPHUS ERWIN WELLS.

Mr. OVERMAN. I report a bill from the Committee on Military Affairs and ask for its present consideration. I will state that this bill has once passed both Houses of Congress and it was sent to the President. There was a mistake in it and I want to get it through. It is recommended by the Committee on Military Affairs.

The bill (S. 9355) for the relief of Adolphus Erwin Wells was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in the administration of the pension laws Adolphus Erwin Wells, of North Carolina, shall be held and considered to have been mustered into the military service of the United States as a private of Company E, Ninth Regiment Tennessee Cavalry, on the 16th day of June, 1864; to have served continuously as such to the date of the muster out of said company and regiment; and to have been honorably discharged from the military service of the United States on the date of the muster out of said company and regiment.

Mr. KEAN. I ask for the regular order.

Mr. OVERMAN. I will state that I am authorized to report this bill from the Committee on Military Affairs.

Mr. KEAN. I have no objection to the bill, but I ask for the regular order.

Mr. OVERMAN. The Senator can not have any objection to the bill. It is reported by the committee and is not open to objection. He can object to its consideration, but he can not object to the bill.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order. The bill will be placed on the calendar.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 9356) granting certain land to the town of Yuma, in the Territory of Arizona, which was read twice by its title and referred to the Committee on Public Lands.

Mr. LODGE introduced a bill (S. 9357) to restore to the active list of the United States Navy the name of Commodore Charles Plummer Perkins, U. S. Navy, retired, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 9358) authorizing the President to transfer First Lieut. George G. Craig, Medical Reserve Corps, U. S. Army, to the Medical Corps, U. S. Army, and place him on the retired list, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 9359) granting an increase of pension to Robert H. Church, which was read twice by its title and referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 9360) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Company and to permit the relinquishment of lands in certain Choctaw and Chickasaw coal leases and the substitution of other lands therefor, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. PAYNTER (by request) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9361) for the relief of George W. Lackey, surviving partner of the firm of William Lackey & Sons; and

A bill (S. 9362) for the relief of Joseph E. Lindsey, surviving partner of John Lindsey & Son.

Mr. PAYNTER (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9363) for the relief of the estates of M. F. de Graffenried and T. D. de Graffenried, deceased; and

A bill (S. 9364) for the relief of Brown & Co. or Brown & Bryant.

Mr. McCREARY introduced a bill (S. 9365) for the relief of the county court of Graves County, Ky., which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 9366) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. MONEY introduced a bill (S. 9367) for the relief of the Methodist Episcopal Church of Friars Point, Miss., which was read twice by its title and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 9368) for the relief of Sadie A. Lewis, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a joint resolution (S. R. 132) authorizing the Secretary of War to donate two condemned cannon to the city of Wheeling, W. Va., which was read twice by its title and referred to the Committee on Military Affairs.

Mr. TILLMAN introduced a joint resolution (S. R. 133) authorizing the Director of the Census to collect and publish additional statistics, which was read twice by its title and referred to the Committee on the Census.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to create a commission to be known as the "Commission on the Alcoholic Liquor Traffic," etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $250,000 for the extermination of the boll weevil, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MAJ. G. S. BINGHAM.

Mr. TALIAFERRO submitted the following concurrent resolution (S. C. Res. 92), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6891) for the relief of Maj. G. S. Bingham.

ROAD IMPROVEMENT IN ALASKA.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 96), which was referred to the Committee on Military Affairs:

Whereas petitions have been received from the legislatures of the States of Oregon and Washington and from numerous commercial bodies on the Pacific coast and in Alaska for increased appropriations for the construction of wagon roads, bridges, and trails in the Territory of Alaska; and

Whereas several bills have been previously introduced in Congress providing for aid in railroad construction in the said Territory: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That, for a better understanding of the requirements of Alaska in these respects, and to the end that a more systematic plan may be adopted, if found necessary, for the development of its resources, the Secretary of War be, and he is hereby, authorized to cause an examination to be made of the need for further road improvement in Alaska, in connection with the military and post roads, bridges, and trails now being constructed under War Department supervision, and of the needs and advantages from a military standpoint and to the Government of aid to railroad construction in that Territory; and to report thereupon, with recommendations, at the earliest practicable date.

OWNERS OF PRIVATE DIES.

Mr. LODGE submitted the following resolution (S. Res. 290), which was read:

Resolved, That the Secretary of the Treasury is hereby directed to report at his earliest convenience to the Senate if the following amounts opposite the respective names—or, if not these, what amounts, if any—were wrongfully collected under the acts of Congress approved July 1, 1862, and June 30, 1864, for commissions due owners of private dies, viz:

Alligator Match Company	$105.00
A. Beecher & Sons	1,407.00
W. T. Brown & Co	830.00
John I. Brown & Son	2,535.00
John Bull (estate)	1,278.00
Jeremiah Curtis & Sons	4,010.00
Curtis & Brown Manufacturing Company	49.50
Andrew Dougherty	5,645.00
Henry Dalley, jr	220.13
P. H. Drake & Co	990.00
A. Eichele & Co	3,527.00
Griggs & Scott	380.00
William Gates' Sons	203.98
L. G. Hunt	155.00
Holman Liver Pad Company	21.04
S. B. Hartman & Co	345.68
Joseph Loehr	2,961.44
R. H. McDonald & Co	2,436.00
National Match Company	1,040.00
D. Ransom & Co	400.00
H. R. Stevens	348.00
Swift, Courtney & Beecher Company	7,000.00
Trenton Match Company	755.20
John Loehr	4,521.44
Demas Barnes & Co	1,890.00

Mr. LODGE. I should like to have present consideration of this resolution of inquiry. It is a repetition of one passed last week, which was in wrong form, I was informed by the department.

The resolution was considered by unanimous consent and agreed to.

MAJ. C. DE W. WILCOX.

Mr. BACON. I submit a concurrent resolution for which I ask present consideration.

The concurrent resolution (S. C. Res. 95) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France.

Mr. BACON. I desire to state that there is a name misspelled in the bill, and it is necessary to recall it in order to have the error corrected.

The concurrent resolution was considered by unanimous consent and agreed to.

IRON ORE AND PIG IRON.

Mr. CUMMINS submitted the following resolution (S. Res. 289), which was read:

Resolved, That the Director of the Geological Survey of the Department of the Interior be, and he is hereby, directed to furnish the Senate, as soon as practicable, a report showing the total amount of iron ore and pig iron produced and manufactured in the United States in any twelve successive months ending not earlier than June 30, 1908; and also showing the names of all persons, partnerships, or corporations producing iron ore or manufacturing pig iron and the amount produced or manufactured by each thereof.

Mr. CUMMINS. This is an exact duplicate of the resolution submitted the other day and adopted, directing the Secretary of Commerce and Labor to furnish the information. That officer suggests that the information can be furnished without any cost by the Geological Survey of the Department of the Interior. The resolution simply changes the direction.

The resolution was considered by unanimous consent and agreed to.

THE IMMIGRATION COMMISSION.

Mr. GARY. I desire to give notice that on Thursday next, after the routine morning business, I shall call up Senate resolution 279, directing the Immigration Commission to report a summary of its acts, doings, and present work, and so forth, for the purpose of submitting some remarks thereon.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had, on February 15, 1909, approved and signed the following acts and joint resolution:

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes;

S. 7390. An act for the relief of Christina Rockwell;

S. 4535. An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States; and

S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1909.

HOUSE BILLS REFERRED.

H. R. 26725. An act to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads" was read twice by its title and referred to the Committee on Interstate Commerce.

H. R. 27891. An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States, was read twice by its title and referred to the Committee on Territories.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the Senate resume the consideration of the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill on page 25, line 18.

The next amendment of the Committee on Naval Affairs was, on page 25, line 23, before the word "thousand," to insert the words "and fifty," so as to make the paragraph read:

Navy-yard, Portsmouth, N. H.: Rebuilding and fireproofing building No. 20, $43,500; electric capstan for quay wall, $3,000; foundry building (to cost $250,000), $50,000; in all, $96,500.

Mr. DIXON. Mr. President, I should like to ask the chairman of the Committee on Naval Affairs what character of work is done at the Portsmouth Navy-Yard that would require the immediate construction of a quarter-million-dollar foundry plant.

Mr. HALE. That, Mr. President, is one of the necessities developed by the present management in the department in cutting out things not needed and providing for essential things. A foundry, as the Senator well knows, is one of the essential things. One foundry to be used for the entire yard is one of the essential things, indeed, if you keep up the yard.

This provision does not make any appropriation, but under the recommendations of the Secretary, duly estimated for and asked for, the limit fixed of appropriations to be made by Congress whenever it chooses has been extended so that it may be a complete building.

While I think I have shown very clearly that the proportion of appropriations for public works at all the yards is very small, I do not mean in any way to be taken as agreeing to any proposition that while we maintain these yards there will not be necessary some buildings for the concentrated work of the yard, as the Secretary prescribes it. There will be no yards that will not need certain buildings—a power plant, a foundry, and certain other things. The estimate of the department is intended to meet that necessity.

Mr. DIXON. What I wanted specially to know is what special thing is being manufactured at the Portsmouth Navy-Yard that would call for the expenditure of a quarter million dollars for a foundry building alone.

Mr. HALE. The main work that is done at the Portsmouth Navy-Yard, and it is in a measure true of other yards, is in the way of repairs. Another thing done there, which always has been done to great advantage, is the building of boats. They have a very competent and expert force of men there, and the yard heretofore has been utilized for the building of boats.

There is another thing that is being done at this yard which is required. I do not know how it would compare with the Puget Sound yard, but next to that, and on the Atlantic coast, it is the great sanitary resort. If a ship, as frequently happens, comes in from a southern cruise and needs every kind of fumigation, every kind of cleaning out, and cool weather, it is sent to this yard. That work can not be done without a proper force and without proper buildings.

The Senator may remember that after the battles off the coast of Cuba the ships needed to be overhauled, and they and the captured prisoners themselves, were sent to this yard, because of its great value in the way of sanitation.

While I can not give the Senator the details, I can assure him that the Portsmouth Navy-Yard is a busy place; that it has a very competent and expert set of workmen at its control; and that the appropriations are small.

Mr. DIXON. I still believe the chairman of the Naval Affairs Committee has not answered the query which I propounded. For what purpose is a foundry building costing a quarter of a million dollars needed at the Portsmouth yard at this time? I know they manufacture boats there, but the manufacture of wooden boats would not call for a quarter-million-dollar foundry.

Mr. HALE. It does not.

Mr. DIXON. Neither would the sanitation of ships call for a quarter-million-dollar foundry.

Mr. HALE. It is no use to have a foundry unless you have a good one. The department say they can not get such a foundry as they require without the amount named in this limitation. There is no appropriation in the provision.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. DIXON. I do.

Mr. TILLMAN. I was going to suggest to the Senator from Maine that from my little observation a foundry embraces a machine shop to handle the castings afterwards, and the two works always go together—a foundry and a machine shop. The mere casting of iron for use in cranks, shafts, and propellers, and various other large castings, such as are used on ships, is only a primary object as compared with the machinery for turning those and smoothing them up and putting them in a condition to be used. I do not know about this particular building or anything connected with it, but it just occurred to me that that might be the meaning of this structure.

Mr. DIXON. Here is an item carrying a quarter million dollars for some specific object. All this general discussion of the needs of the navy is not pertinent to the simple question I asked, What is the immediate occasion of a quarter-million-dollar foundry building at the Portsmouth Navy-Yard? That is what I have asked, and I think it is a perefctly competent question and should be answered.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. DIXON. Certainly.

Mr. GALLINGER. The Senator's question is one somewhat difficult possibly to answer, yet the fact remains——

Mr. DIXON. It should not be.

Mr. GALLINGER. I think it will be answered. Yet the fact remains that a foundry at a navy-yard is just as necessary as a machine shop or any other instrumentality for carrying on the work.

In the Portsmouth Navy-Yard there is an old foundry, built sixty years ago, I think. It is a menace every hour of every day to certain other valuable buildings that are in the immediate vicinity of it. It ought to be torn down to-morrow or to-day.

The need of a new foundry has been recognized by the technical men of the navy. It was recognized by the Navy Department itself, and after very careful consideration an estimate was forwarded here that a foundry should be built at a cost of $250,000. It is not a very large amount for a building of that kind.

The Senator asks what is being done; what have been the castings at the navy-yard.

Mr. DIXON. Yes; that is what I wanted to know.

Mr. GALLINGER. The Senator possibly is not aware of the fact that since the dry dock was built at Portsmouth, which was only four years ago, 41 vessels have been in that dock for repairs.

Mr. DIXON. What kind of vessels have those been?

Mr. GALLINGER. All kinds, large and small.

Mr. DIXON. As a matter of fact there has been but one battle ship docked there.

Mr. GALLINGER. But one battle ship very probably, but this was because we were not prepared to have battle ships go to the navy-yard until very recently. They could have sent them there, but the department did not think it was wise to do so until the channel was widened. I say 41 vessels have been in that dock. The dock has been used one day out of two since it was built.

I want to read very briefly what a naval officer says about this foundry. Speaking of the old foundry he says:

> The size of this foundry is exceedingly small, taking into consideration the fact that in a modern foundry plant it is now essential to provide core furnaces, core-making rooms, sand-preparing rooms, cleaning rooms, lavatories, and other important compartments. It is likewise absolutely necessary to provide storage room for flasks, sand, clay, pig iron, and other bulky supplies that are used in great quantities for foundry purposes.

Then he goes on to say:

> It is an absolutely dangerous menace to the coppersmith and forge shops of the Steam Engineering Department, as well as to the old boiler shop.

That is the present foundry.

> In order to provide a foundry which will possess sufficient floor and head room, that will be installed with suitable cranes, and which will possess facilities for the storage of bulky foundry supplies, and where there can be installed adequate railroad track facilities, an appropriation of at least $300,000 is required, $50,000 of which should be used for the building of storage bins. It is only necessary to state that if a reasonable amount of foundry work should be assigned this yard it would not be found possible to efficiently store more than two or three months' supply of all the bulky articles entering into foundry work.

Then, following that, the Secretary of the Navy made an estimate, which was sent here, asking for $250,000 for the construction of this building.

This naval officer further says, and it is a fact—

> In the consideration of the foundry problem, particular attention is invited to the fact that on board the modern battle ship there are installed heavy power tools, such as lathes, shapers, and drills. If the battle ships can only be furnished in an expeditious manner with castings, it is within the capabilities of the vessels to do the necessary machine work required upon the castings.

If the Senator would visit the Portsmouth Navy-Yard some time, and I hope he will, because I am sure that he is speaking through inadequate information on many of these points, he will discover that that is a very busy yard, that a very high type of skilled workmen are employed there, and that there is no idleness, but, on the contrary, the Government is getting a good return for all the money it is investing at Portsmouth.

I will appeal to the Senator because he is a reasonable man. If we are to have a new foundry at Portsmouth—it is very much needed, it is an absolute and immediate need—we ought to have a good one, and there is no particular reason why we should stick in the bark about an appropriation of $250,000 when the men who are best qualified to judge of the matter say

that that amount is very much needed, and the naval officer from whom I have read says the amount ought to be $300,000.

But the Secretary of the Navy has sent his estimate here for $250,000, and there certainly is no reasonable excuse for not allowing it.

Mr. DIXON. I perfectly agree with what the Senator from New Hampshire says. If we are going to construct a navy-yard and build battle ships and repair battle ships, the foundry ought to be a good one; but, as a matter of fact, is it not a new departure for the Portsmouth Navy-Yard to do that heavy kind of casting called for in a $250,000 foundry building over the work that has been done there heretofore?

Mr. GALLINGER. Of course, it is conceded that in the present foundry they are not capable of doing the particular work that under modern conditions will be demanded. The Portsmouth yard is now equipped to do any kind of work practically; the only weak point there is in the yard to-day is the foundry; and that want ought to be supplied.

Mr. DIXON. I want to say to the Senator from New Hampshire that I have no prejudice for one navy-yard over another. I am thoroughly convinced that we have duplicated this work up and down the Atlantic coast, and in many places at a vast expenditure of money we have equipped yards for which there is no present need.

Mr. GALLINGER. If the Senator is making war on the navy-yards on the Atlantic coast, I hope he will not select Portsmouth, for the reason that that yard is located where we have an abundance of land, of cheap land. There are hundreds and hundreds of acres of land there owned by the Government, and the yard is equipped in every possible way to meet all the modern requirements of the navy. But because it happens to be farther north than any other navy-yard and not a very great distance from Boston, I hope the Senator will not direct all his attention to this yard, with a view of undertaking to prove that it is unnecessary, because I will say to the Senator that when the navy-yards are decreased, if they are ever decreased, in my judgment the Portsmouth yard will remain a monument to the wisdom of the men who established it in 1800, and in view of the most excellent work that it has done from that time to the present.

Mr. President, the Senator's question is a proper one as to whether we need $250,000 to build a foundry, but if the Senator thinks we do not need that amount he is putting his judgment, which in the nature of things can not be very technical, against the judgment of the officers stationed at that yard and the Secretary of the Navy, who has visited the yard to my knowledge twice, and who has carefully looked into the needs of the yard.

Mr. DIXON. From all my observations of the Senator from New Hampshire, I think everyone will agree that his whole mental attitude is that of fairness. Certainly I have no prejudice against the Portsmouth Navy-Yard or the Boston Navy-Yard or the Charleston Navy-Yard. I believe a majority of the Senate does believe that the work is duplicated many times over at the various little navy-yards that this country now possesses. We equip a plant at Portsmouth to do certain work. We equip the same plant at Boston, 65 miles distant. If this was a private proposition, no great corporation on earth would duplicate plants within 65 miles of each other. I have no prejudice against the Charleston Navy-Yard, the navy-yard at Philadelphia or Key West, or anywhere; but undoubtedly we are spending vast sums of money in equipping these various yards about which there is a great question. Some one stated yesterday on the floor that Admiral Goodrich of the navy only three or four months ago recommended the abandonment of the Portsmouth Navy-Yard.

Mr. GALLINGER. Yes; and other admirals have testified that it is quite as necessary, if not more necessary, than any other yard on the Atlantic coast; and I can read the testimony of those admirals, if the Senator wishes to hear it.

Mr. DIXON. I do not question that statement in the least. I wish to ask the Senator from New Hampshire whether, as a matter of good business policy, based on the economical expenditure of this Nation's money, he does not believe that there are more navy-yards on the Atlantic coast under present conditions than there should be?

Mr. GALLINGER. I will say frankly, no; I do not think there are. I will say, furthermore, I think the Senator's contention that this work ought to be consolidated in one yard is very likely not well taken.

Mr. DIXON. I will say three yards.

Mr. GALLINGER. I know of no reason why a battle ship going into the Portsmouth yard for repairs, as three battle ships have been required to go there for that purpose, should be compelled to send to Boston, New York, or Philadelphia for castings. I know of no reason why they should not have a foundry making whatever is necessary to make those repairs.

Mr. DIXON. That is exactly what I am contending for. The trouble with the navy-yards, as I understand the situation, is this: On the Atlantic coast you can not take care of over two battle ships in any single one of them. If we had a naval engagement on the Atlantic Ocean and the battle fleet should be crippled, they would have to go one to Portsmouth, another to Boston, another to Philadelphia, another to Key West, another to Portsmouth, Va., for repairs.

Mr. GALLINGER. Where would the Senator establish this great establishment he has in mind?

Mr. DIXON. I do not know. I am not a naval expert.

Mr. GALLINGER. That is it. The Senator could not establish it in Boston; he could not establish it in New York; because there is no land there for that purpose.

Mr. DIXON. Possibly Portsmouth is one of the great naval bases. I am not arguing that part of it. I am arguing against the present method of dissipating the resources of the country in keeping up a dozen one-horse navy-yards that can not accommodate over one or two battle ships.

Mr. GALLINGER. I know a great manufacturing concern in New England that has a mill in five or six different cities, and they think it economy.

Mr. DIXON. That is probably true of our navy-yards for the purpose of peace.

Mr. GALLINGER. So are our mills.

Mr. DIXON. And our navy-yards for the purpose of peace are all right.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. DIXON. Certainly.

Mr. TILLMAN. I should like to call the Senator's attention to this phase of the subject: He speaks of the necessity of having some one great naval base where we can repair a half a dozen or a dozen battle ships at one yard.

Mr. DIXON. I say three or four yards.

Mr. TILLMAN. You mentioned one yard.

Mr. DIXON. No; three or four.

Mr. TILLMAN. The magazine article which the Senator has been reading, which undoubtedly has fired his zeal, embraces one on the Pacific coast, one in the Gulf perhaps, and one on the Atlantic coast. But what I want to call his attention to is this: Suppose a naval engagement occurred somewhere in the Atlantic and our battle-ship fleet of 20 or 30 ships came in conflict with the British fleet of 50 ships, and we get licked. Then suppose the British fleet should have ships enough that were not harmed to beat our crippled ships to this one yard or naval base and blockade it. Where would our ships go then? Unless they could speed up and down the coast and go into this dock and that, they would be absolutely blocked out, and when they got where there was no navy-yard they could not be repaired at all, and all the other fleet would have to do would be to blockade our ports, and you have no navy.

Mr. DIXON. That is exactly what——

Mr. TILLMAN. It is a good thing to sit on the pinnacle of the Rocky Mountains and think of these things and read magazine articles and come here and teach men these things, and it is a good thing to have a man from the Rocky Mountains come into the Senate and tell us all this. [Laughter.]

Mr. DIXON. The Senator from the Rocky Mountains is just as patriotic——

Mr. TILLMAN. I do not question the Senator's patriotism; but I question his knowledge in this matter. I believe he is actuated by good motives; but his zeal outruns his discretion, because he has been reading some magazine articles which are full of lies.

Mr. DIXON. All right. As to whether they are full of lies or not is what I am trying to find out this morning, and plain answers to the questions that I ask need not rub anybody's feelings the wrong way.

Mr. TILLMAN. You are not rubbing my feelings the wrong way. I am just earnest about this; that is all.

Mr. DIXON. I am just as patriotic as the Senator from South Carolina ever dared to be; I am just as much interested in maintaining a fitting navy as the Senator from South Carolina ever dared to be; but I do believe, and I believe that the Senator believes, that we are annually wasting millions of dollars in the duplication of exactly the same plants at seven or eight places up and down this coast where we do not need them.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. DIXON. I do.

Mr. GALLINGER. How can we be spending several million dollars a year when the appropriation for all the navy-yards in the country in this bill is only about $4,000,000 for all purposes?

Mr. DIXON. The Senator from New Hampshire knows perfectly well that the bagatelle of $4,000,000 in this bill for repairs and construction in these navy-yards is not a drop in the bucket to what is actually expended at each one of these navy-yards. The pay roll at Portsmouth is how much a year?

Mr. GALLINGER. I do not know how much.

Mr. DIXON. How much, approximately?

Mr. GALLINGER. I do not know; but if the work was all done in one navy-yard, they would have to have these clerks employed in that navy-yard. I have never discovered that any consolidation of work in Washington has resulted in diminishing the number of clerks, nor has the Senator.

Mr. DIXON. How much is the annual pay roll of the Portsmouth Navy-Yard?

Mr. GALLINGER. I have not looked it up.

Mr. DIXON. How much is it approximately?

Mr. GALLINGER. I should not care to make a guess, but it is not very large.

Mr. DIXON. Does it reach a million dollars?

Mr. GALLINGER. Does the Senator mean for the workmen?

Mr. DIXON. Yes.

Mr. GALLINGER. I do not know how much it is; but supposing we admit that it is a million dollars, what then?

Mr. DIXON. How many workmen are there?

Mr. GALLINGER. I can not tell the Senator.

Mr. DIXON. How many approximately?

Mr. GALLINGER. I should say probably 300.

Mr. DIXON. How much is the land force, with a rear-admiral in command? You have got more clerks and rear-admirals and captains on land in charge of these workmen than you have at sea. That is what I am complaining of.

Mr. GALLINGER. Supposing that this great naval station, which the Senator from South Carolina has very well pointed out as probable, should be blockaded by a foreign fleet if we had a war and lost a battle; we would still have to employ those workmen there, and we should not save anything from the pay roll in that direction. We might cut off a few clerks possibly, but the saving would be inconsequential.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. DIXON. Gladly.

Mr. LODGE. I simply call attention to the civil establishment to which the Senator from Montana [Mr. DIXON] has referred, as the Senator from New Hampshire [Mr. GALLINGER] did not happen to have the figures. The average expenditure for the civil establishment at the Portsmouth Navy-Yard for ten years has been $9,500 a year.

Mr. DIXON. What does that include?

Mr. LODGE. That includes all of the civil establishment.

Mr. DIXON. How much per year?

Mr. LODGE. About $9,534.

Mr. DIXON. What percentage of men employed on shore are on the civil list? You have a rear-admiral in command. Does the amount given by the Senator include the pay of the naval officers?

Mr. LODGE. Oh, no; of course that does not include naval officers. They are paid anyway.

Mr. DIXON. But you would not need this great number of naval officers if you did not have these navy-yards duplicated.

Mr. LODGE. I think the Senator will find that we shall need naval officers.

Mr. DIXON. I am going to ask one or two pointed questions, and I want to say——

Mr. ALDRICH. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Rhode Island?

Mr. DIXON. Gladly.

Mr. ALDRICH. Mr. President, the Senator from Montana evidently has definite ideas with regard to these navy-yards, and he has expressed them with great clearness. I should like to ask him a question. He has alluded to the navy-yard at New Orleans, or the one at the mouth of the Mississippi River, and stated that no work had been done there. Now, does the Senator think because no work has been done there that there should be no navy-yard on the great Gulf of Mexico?

Mr. DIXON. I think there ought to be.

Mr. ALDRICH. In view of the possibility that war may happen after the construction of the Panama Canal, are we not to have any navy-yard on the Gulf and no place where one ship or a dozen ships in turn can go for repairs in case of difficulty? Does the Senator think that we should have no navy-yards on the south Atlantic coast? Charleston may not be the best place, but is it possible because perhaps no work is being done at Charleston to-day that we should not have, in view of the great national interests involved, a navy-yard on the south Atlantic coast?

Mr. TILLMAN. I will say for the benefit of the Senator from Rhode Island that the naval board appointed to consider that question reported that Charleston had the best harbor on the Atlantic coast south of Norfolk—that of Hampton Roads.

Mr. ALDRICH. My own judgment is that there ought to be a concentration of naval work in Narragansett Bay; which I think is the best place on the whole coast.

Mr. DIXON. I am rather inclined to agree with the Senator from Rhode Island, from what I have heard of it.

Mr. ALDRICH. But we are not ready for that, and it will take several years to complete the work of concentration. In the meantime, what does the Senator from Montana propose? Does he propose to abolish all these navy-yards, to dismantle them, and have no place whatever where the ships of the United States can go for repairs?

I suggest to the Senator that criticism and construction are two different things; and I hope that in the course of his remarks he will submit some plan and say what he favors, so that the Senate may know whether or not his suggestions are wise.

Mr. DIXON. That is exactly what I am leading up to. I want to say to the Senator from Rhode Island that certainly the south Atlantic and the Gulf of Mexico ought each to have a naval base; but in this same bill that is reported a commission is provided for to look into the reorganization of the navy. Would it not be a good thing at this time to add a provision giving that commission, which should be composed of disinterested men, authority to recommend where the great naval bases should be, instead of year after year spending millions and millions of dollars in equipping navy-yards? I will ask the Senator from Rhode Island that question.

Mr. ALDRICH. I am not on the Committee on Naval Affairs and am not responsible for the details of this bill; but I understand that the commission to which the Senator refers is to be given absolute power to recommend whatever they see fit as to the reorganization of the navy, including the location of naval stations and naval bases.

Mr. DIXON. Is that the understanding of the Senator from Rhode Island?

Mr. ALDRICH. That is my understanding about it.

Mr. DIXON. Is that the understanding of the chairman of the Naval Affairs Committee?

Mr. HALE. The Senator from Montana has made a suggestion of value in the way of the dispatch of the public business when he says that he believes the Senate is tired of the present system and wants a change.

Mr. DIXON. I did not say anything like that. I did not say that.

Mr. HALE. What did the Senator say; that he thought the Senate——

Mr. DIXON. I said I believed that a majority of the Senate believe that millions of dollars of money are annually wasted in maintaining these navy-yards that have come down from a former generation, rather than expending the money in the maintenance of some great modern naval base. That is what I said.

Mr. HALE. That is what I supposed the Senator said. The only way that that can be tested is by a vote of the Senate. The only way that it can be tested is, as we come to the clauses that arouse the interest and criticism of the Senator, to let the Senate pass upon them. You can not pass upon them all together. If the Senator wants a vote on this proposition in relation to the Portsmouth Navy-Yard, the sooner we get that the better in the dispatch of business. I have a great many figures and statements in relation to that yard, but I am so desirous of pushing this bill along and letting the Senate vote upon it, clause by clause, as we reach them, that I am entirely willing now that the Senate vote on the proposition in this amendment. If it votes it out on the criticisms the Senator from Montana has made and believes with him that we have got an entirely wrong system as to navy-yards, the Senate will show that very quickly by its vote. Then we shall proceed to the next item and take the vote of the Senate on that, but I appeal to the Senator that, while

it is not for me to say what length of time shall be spent by him in criticising generally, when he says that the Senate is in sympathy with him, the best way to test that is to have a vote. I would be willing now, without putting in the great bulk of papers that I have on this proposition, to let the Senate vote on this amendment. If it votes it out, that ends it.

Mr. DIXON. Does the Senator from Maine make the candid statement to this Senate that a vote on this item would honestly determine whether or not a majority of the Senate believes that millions of dollars are not being wasted annually?

Mr. HALE. It is one of the items. Every navy-yard here has an item, and when the Senate votes them all out it will show that they do not want to spend any more money on navy-yards. You can not get at it in any better way than that. How does the Senator expect to get an expression of the Senate unless it is by a vote on the amendments as they appear?

Mr. DIXON. Of course every navy-yard has an amendment in this bill; there is no doubt about that; but I want to say, in candor and without any captious criticism of this bill, that the trouble with the naval bill, I think, is just this, and I am going to be perfectly candid about it. Of the 12 Senators who constitute the Naval Committee, I think 10 have navy-yards in their States.

Mr. GALLINGER. Oh, no.

Mr. DIXON. Am I wrong?

Mr. TILLMAN. There are 92 Senators. That would only leave 12 against 80.

Mr. DIXON. Suppose "the Senators from the Rocky Mountains," who have been referred to by the Senator from South Carolina, had charge of the great Reclamation Service, and a committee which reported annually an appropriation bill to carry on the construction of new reclamation work in the Far West was composed in the ratio of 9 to 11 of men from the districts immediately interested in the great expenditure of this money, does any Senator on this floor question that that committee would be very unanimous for that appropriation bill?

Mr. TILLMAN. They have been unanimous for it.

Mr. DIXON. We have never had a single dollar in appropriation bills for this purpose.

Mr. TILLMAN. I am speaking of the Senators here who have been in favor of the reclamation project. The entire Senate agreed as to that being a wise and patriotic thing to do; and it comes with bad grace from men on that side, who have been getting their share of chicks and eggs from the National Government, to get up and captiously criticise the rest of us, who are only doing the same thing. [Laughter.]

Mr. HALE. Mr. President, we have in the reclamation work done precisely what the Senator is opposing in the naval bill. We have been leaving the reclamation matter almost entirely to the western Senators and we have stood by them every time.

Mr. TILLMAN. And Indian matters and public-land matters are also left to those Senators.

Mr. HALE. Almost entirely.

Mr. GALLINGER. And we all vote for the bills.

Mr. HALE. And we all vote for them. Here in the East we say those Senators know more about such matters than we do. If the Senator will look up the RECORD he will find before he became a Member of the Senate, that the Reclamation Service—and I am glad he has named it—has been in control, as it should be, of the Senators who are most interested; but the Senate, with the entire assent of this side of the House and of all the eastern Senators has stood up and voted for everything that has been asked by the Reclamation Service.

Mr. DIXON. Not a single Senator in this Senate——

Mr. ALDRICH. I am sure the Senator from Maine does not desire to make a statement that might create a false impression. I do not understand that the Senator from Montana undertakes to speak for western Senators, or anybody but himself.

Mr. HALE. I do not know.

Mr. ALDRICH. I do not understand that he is claiming to speak for any section.

Mr. DIXON. No; I am only speaking for the Senator from Montana.

Mr. ALDRICH. This is not a sectional question. He is simply speaking for himself; and whatever criticism there is one way or the other should be confined to the distinguished Senator from Montana.

Mr. HALE. Undoubtedly; but the Senator referred—and I am glad he did—to the Reclamation Service. Now, Mr. President, I can only say that I am very desirous of proceeding with this bill. I should like, if we could, to escape a night session and still finish the bill; but the only way we can do it is, as we reach the amendments, to take a vote upon them. I am entirely willing to take a vote upon this proposition now.

Mr. DIXON. When I have completed my remarks, I am perfectly willing to have a vote taken. I do not intend to be taken off the floor until I have finished saying what is on my mind to say at this time.

I want the chairman of the Naval Committee to listen to what I am now trying to say, pursuing my argument, that the duplication of plants and power shops at various navy-yards leads to a first cost of articles produced many times in excess of what it should be. I am going to read from this article—not the whole article, for there are personalities in it that I would not think of putting into the RECORD—but some things that I want to know whether or not they be true. The first thing on the list that my eye falls on is an item in which the Senator from South Carolina is interested. The article says:

> Mr. TILLMAN is a forceful and aggressive man; he has been for years a fellow-member with Mr. HALE on both the Naval and Appropriation committees. He received his plant for a first-class navy-yard, in spite of the reluctant report of the board of naval experts considering the matter that neither Port Royal nor Charleston could be made a first-class naval station.

Is that charge true, or not?

Mr. TILLMAN. Here is the report. I suppose I can have it printed in the RECORD, or I will let the Senator examine it privately and see whether the report is "reluctant" or not. I will leave it to his judgment.

Mr. DIXON. Is it a matter of fact that the experts of the board reported adversely against the establishment of the Charleston yard?

Mr. TILLMAN. No, indeed, they did not. I think there were seven members of the board. I have their names here, and I think all of them but one reported in favor of the Charleston yard.

Mr. DIXON. That is what I want to know.

Mr. TILLMAN. The Senator ought to have found that out before he brought that magazine article in here.

Mr. DIXON. I have not had time to find out all I should like to know regarding these matters.

Mr. TILLMAN. The Senator has got more time than some of the rest of us who have been here longer.

Mr. DIXON. And the Senator from South Carolina can answer it himself. He does answer it, and says it is not true.

Mr. TILLMAN. Frederick Rodgers, rear-admiral, United States Navy, president of the board; George A. Converse, captain, United States Navy; Peter C. Asserson, civil engineer, United States Navy; J. H. Linnard, naval constructor; E. H. C. Leutze, commander; and Sidney A. Staunton, lieutenant-commander. Those are the men who reported in favor of the Charleston yard.

Mr. DIXON. I should like to have that go into the RECORD.

Mr. TILLMAN. I will put it into the RECORD.

Mr. DIXON. I think it is due the Senator from South Carolina and the Senate, if this article is untrue in that particular, that the American people should know that it is untrue.

Mr. TILLMAN. We are very glad to have the Senator bring it in here and file it or indorse it to the extent of reading it as authority.

Mr. DIXON. I have not indorsed a thing. I do not know.

Mr. TILLMAN. If the Senator is going to look about in the newspapers and magazines for muck rakers to bring trash in here, we will be certainly overwhelmed.

Mr. DIXON. Oh, if this were the only muck-raking proposition brought into the Senate it would interfere with the dispatch of public business but very little. The article continues:

> The plant of a first-class navy-yard (according to present American standards) is now nearly finished at Charleston. It has cost up to date some $3,000,000. The department, realizing the futility of trying to use it for the purpose for which it was designed, has now turned it into a station for torpedo boats.

Mr. TILLMAN. Let me say right here to the Senator for his benefit that I have the same opinion in regard to the feeling of the Navy Department that the Senator from Louisiana [Mr. MCENERY] has in regard to New Orleans—that is, that there is a clique of naval officers up there who are under the influences, in New York and elsewhere, who have decided that the Charleston yard was unnecessary and undesirable, and therefore they are going to flyblow and smother it. What constitutes a good navy-yard—plenty of water?

Mr. DIXON. I should think that would be the first requisite.

Mr. TILLMAN. Very well. We have at Charleston as much water as will float without any trouble any battle ship in the fleet now constructed. The other day, when President-elect Taft started to Cuba, the Navy Department made haste to telegraph him at Augusta that they were afraid to send the *North Carolina* into Charleston. The naval officers who had informed the President-elect of the depth of water there and about the conditions had arranged before he left Washington

that he should take ship at Charleston, but this influence which I have mentioned went to work to have him change his plans. Mr. Taft finally notified me by telegraph, "I will go out of Charleston if I have to go on a raft." With what result? The *North Carolina* went into Charleston without the slightest trouble and anchored alongside the custom-house. Any other battle ship we have can do the same thing when the Navy Department will permit it to go there.

Mr. DIXON. Then probably Charleston should be one of the great naval bases.

Mr. TILLMAN. Probably so. We have got anchorage room in Rebellion Roads, as they call them, inside the jetties, for a hundred battle ships, and there is deep water clear up to the yard—35 feet of water. What more do you want?

Mr. DIXON. That would seem to me to be the principal requisite.

Mr. TILLMAN. You want to get the prejudice against the South and southern yards out of your heart, sir.

Mr. DIXON. The Senator from South Carolina now says that which is not true. I am a southerner. I was born in the South.

Mr. TILLMAN. I beg your pardon if I have misjudged you. There are some people around Washington who think that anything south of the Potomac is unworthy of consideration. The next President himself, in his speech at Atlanta, recognized that by saying that he wanted the South hereafter to feel that we were not aliens governed by aliens.

Mr. DIXON. If I had any prejudice in this case, I would be wholly in favor, from a personal standpoint, of a yard on the South Atlantic coast and on the Gulf.

Mr. TILLMAN. Here we have from Norfolk to the Florida cape eight hundred or a thousand miles, and we have from Florida to the Rio Grande about 1,500 miles of coast, all fronting on the Panama Canal, in a way.

Mr. DIXON. There ought to be a great naval base in that territory.

Mr. TILLMAN. But the Senator from Montana objects to having one yard on the South Atlantic coast, and he does not want any on the Gulf.

Mr. DIXON. I refuse to be put in any such position.

Mr. TILLMAN. Well, then, what is the Senator's wish and purpose?

Mr. DIXON. I said that a great navy-yard should be on the South Atlantic coast.

Mr. TILLMAN. What is the Senator's purpose in bringing this muck-raking magazine article here and trying to back up the clique in the Navy Department that wants to destroy the Charleston yard? Why is he lending his great influence and the weight of his intellect to any such crusade as that?

Mr. DIXON. The Senator from Montana is not lending what intellect he has to the destruction of the Charleston Navy-Yard or any other navy-yard; but I say they ought to be consolidated.

Mr. TILLMAN. For instance, the Senator speaks of Boston and Portsmouth being 65 miles apart.

Mr. DIXON. Yes.

Mr. TILLMAN. And then Boston and New York a little over 300 miles apart, and then Philadelphia, only about 80 miles down from New York. Here are Norfolk, League Island, New York, Boston, and Portsmouth—five great yards on the North Atlantic. Do you want none on the South Atlantic, when we have got as good a port as any of them?

Mr. DIXON. I have expressly stated to the Senator from South Carolina that my judgment is that there should be a great naval base in the South Atlantic. Will the Senator from South Carolina now answer a question that I want to ask him?

Mr. TILLMAN. I will try to.

Mr. DIXON. Does the Senator believe it is a matter of economy and public policy to maintain two great navy-yards within 65 miles of each other?

Mr. TILLMAN. What did the Senator say? I could not hear.

Mr. DIXON. Does the Senator from South Carolina believe it is a matter of economy or public policy to maintain great navy-yards within 65 or 80 miles of each other?

Mr. TILLMAN. Mr. President, it is not for me to set up my judgment against the judgment of the great naval experts who have established these yards. I will recall the Senator's attention to the fact that some eighteen or twenty years ago it was proposed to abandon the navy-yards at Boston and Portsmouth and Sacketts Harbor, and for several years they were in a way abandoned, and nothing was done except to have a caretaker remain there. But since the Spanish war turned our people crazy on naval glory, and we have become a "world power," and the process of building up a great navy has set in, there has been a restitution of the old yards, except those at Sacketts Harbor and at New London, which are practically abandoned, and the navy-yards at Boston and Portsmouth and New York and League Island and Norfolk and Charleston were inaugurated as being first-class yards that should be established on the Atlantic coast. We go first backward and then forward. Now we have got a board in the Navy Department that wants to go back down hill again after we have nearly gotten on top. Portsmouth and Charleston are both attacked.

Mr. SMITH of Maryland. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maryland?

Mr. DIXON. Certainly.

Mr. SMITH of Maryland. Mr. President, I am a member of the Naval Committee. From the remarks of the Senator from Montana [Mr. DIXON] it might appear that probably the members of the committee were influenced by their interest in their States in voting upon this bill. I want to say that I voted for this bill. It is true that I am but a young Member here and know very little about the navy, but I have no state interest here so far as navy-yards are concerned. We have no navy-yards in the State of Maryland. But I took great pains to ascertain, as a member of that committee, from those who were present the facts connected with this bill; and I want to say, as a member of the committee, that there was great interest manifested, and that there was a great deal of talk in regard to this bill. I want to say for the other members of the committee that I believe they have acted without any consideration for any state interest or personal interest, and that they are endeavoring to act in the interest of the whole country.

I was very much impressed, for I asked a great many questions in regard to this bill, with the manner in which this subject was treated. I do not think it is fair that the motives of the committee should be impugned simply because some members of the committee may have naval stations in their States. I have none in mine, and I voted upon this bill because I believed those who had charge of it were endeavoring to discharge a conscientious duty.

I have felt it my duty to make this statement to the Senate inasmuch as I am a member of the committee and a Democrat and have no state interest in it.

Mr. HALE. Now, Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. DIXON. I do.

Mr. HALE. I rise for the purpose of appealing to the Senator from South Carolina, and I will say any other Senator who is anxious for the progress of the public business, to allow the Senator from Montana to complete his criticisms or his speech, in order that we may have a vote. I am content to sit still under what the Senator says, and when he gets through let us see whether the Senate is disaffected to this bill. The Senator will do nothing by answering fully or answering portions of what the Senator from Montana may say, except to renew and repeat an extended discussion. It is much more in the interest of the public business that we get a vote. The Senator from South Carolina has demonstrated the value of the Charleston yard, and the committee stands by him, and I think he need not be sensitive at what the Senator from Montana says. I appeal to him, if he can, to join with me in holding fast to our seats while the Senator from Montana goes on and completes his remarks. [Laughter.]

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. TILLMAN. I take in good part the admonition of the Senator from Maine.

Mr. DIXON. I have the floor——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. DIXON. If he is going to follow the advice of the Senator from Maine, I should not think he would want the floor.

Mr. TILLMAN. But I want one question answered by the Senator from Montana.

Mr. DIXON. I will gladly yield to the Senator.

Mr. TILLMAN. I want to know if it is the Senator's desire and purpose to abandon the South Atlantic and Gulf coasts, and go to Guantanamo and build up a great naval base there?

Mr. DIXON. Mr. President, I know nothing about Guantanamo.

Mr. TILLMAN. But the scheme which the Senator backs, and which he has exploited here and brought into the Senate, and of which that McClure Magazine article is one of the forerunners, which is now in full feather flying as far as it can go from the Navy Department, is to have all the South Atlantic and the Gulf coasts abandoned and go to a foreign country to

build up a naval base which can be shelled from the open sea, whereas the navy-yard at Charleston is 7 miles from the ocean and can not be shelled, because the forts are right at the jetties on Sullivans Island, and would sink any fleet that came within reach of the navy-yard. This can not be said of all the navy-yards we have.

Mr. DIXON. What the Senator from South Carolina says, I think, describes a typical naval base as it impresses itself on my mind.

Mr. TILLMAN. If the Senator will just simply move some amendment and let the Senator from Maine get his vote, I shall be content; or, if he wants to talk on, let him talk.

Mr. DIXON. The Senator from Montana is not going to be put in the attitude by the Senator of talking for no purpose or of attempting any filibuster. Let us have that understood. I have not impeached any man's integrity or motive. I simply say that the members of the great Naval Affairs Committee are doing what every other man in the Senate would do. They are influenced by public opinion in their own States. I have not impeached the purpose of the Senator from Maryland [Mr. SMITH]. He has no navy-yard in his State; nor have I impeached the motive of any other man in the Senate. Still I notice on page 33 of the bill a Senate committee amendment which reads as follows:

Toward the construction of two concrete piers at the Naval Academy, Annapolis, Md. (to cost $250,000), $100,000; in all, $100,000.

Perfectly legitimate, I apprehend.

Mr. SMITH of Maryland. I beg pardon.

Mr. DIXON. I say I notice a Senate amendment on page 33:

Toward the construction of two concrete piers at the Naval Academy, Annapolis, Md. (to cost $250,000), $100,000; in all, $100,000.

Perfectly legitimate. I am not questioning the item or questioning any man's motive, except I say we are all human. The chairman of the Naval Affairs Committee made the statement in the Senate yesterday that last year the appropriations were $122,000,000; this year $137,000,000; next year he estimated they would be $160,000,000, and in 1911, $200,000,000. I did not hear the Senator from Maine make that statement, but in the paper this morning it is said the Senator made that statement yesterday. It was news to me. I did not hear it. At this time, when we are facing a deficit of $150,000,000, as I understand, this year, something ought to be done, and instead of increasing the naval appropriations by $16,000,000 over last year, we at least ought to go slowly. Why put in these appropriations for these various navy-yards at a time like this, when the bill already provides for a commission to examine into the general affairs of the navy; and I hope it will contain a provision to report what are the navy-yards that should be continued and enlarged. I think it is a mistake to increase the deficit by many million dollars.

The Senator from Maine said yesterday that the bill had grown from $13,000,000, as I remember, twenty-five years ago to $137,000,000 at this time, and he conveyed the intimation that Congress could not be stopped from making these great appropriations. Personally I took no censure to myself. A year ago I voted for two battle ships and against the four battle ship programme.

I want to read a little more to find out whether these statements which have been scattered all over the country are true or false. If I stood indicted by an article like this I would answer it on the floor of the Senate. The great American public believe these magazine articles, whether true or false. They are largely inclined to. I believe, as a matter of self-respect for the Senate and for Congress and for the administration, we ought to answer charges made openly and scattered in hundreds of thousands of copies all over this country. I was glad to hear what the Senator from South Carolina said with respect to the insinuation against the Charleston Navy-Yard. I do not believe the Senator from South Carolina would make a statement on the floor of the Senate that is not true. I will take his word against any magazine article. I want to continue the reading, and let us find out whether or not these things are true.

Continuing, regarding the Charleston Navy-Yard, the article says:

The department, realizing the futility of trying to use it for the purpose for which it was designed, has now turned it into a station for torpedo boats. It contains a dry dock intended to take in the largest battle ships. A machine shop, costing nearly $300,000—perhaps the handsomest in the navy—has been turned into a storehouse, without ever being used for the purpose it was built for.

Mr. TILLMAN. Does the Senator want an answer?

Mr. DIXON. I should really like to be enlightened.

Mr. TILLMAN. I will have to be very brief, because the Senator from Maine I know is impatient, and I do not want to retard the progress of the bill.

I will say for the Senator's benefit, once for all, that the ground for the Charleston Navy-Yard was broken about eight years ago. The dry dock has been under consideration, and work on the shops and the caissons for the opening of the dock and the dredging into the dock, so that ships could enter through the channel, has been going on. It is in a condition like a manufacturing establishment; for instance, a steel plant. The steel trust is constructing a great steel plant somewhere out West, at a cost of $10,000,000, and it is not doing a dollar's worth of work there yet, and it will not until it gets through with its construction.

Mr. DIXON. How long has this machine shop been built?

Mr. TILLMAN. I do not know; two or three years. It is ready to do the work, though, if you can get some one to send a battle ship there. Will the Senator undertake to go to his friends in the navy who arm him with this stuff and get a battle ship sent there?

Mr. DIXON. I am not on the Naval Affairs Committee.

Mr. TILLMAN. It is not a question of being on the Naval Affairs Committee. I am on the Naval Affairs Committee, and I can not get one sent there.

Mr. DIXON. I am as innocent as an unborn child in a matter of this kind.

The VICE-PRESIDENT. The Chair will suggest that Senators must not take the floor except by first addressing the Chair. Securing the right to the floor once does not entitle the Senator to continue resumptions of the floor. The Chair will feel that, in the interest of the expedition of public business, it will be necessary to enforce this rule.

Mr. DIXON. Now, continuing, he says:

Some $3,000,000—

This is the navy-yard at New Orleans, and this article charges:

Some $3,000,000 has now been spent here, and $10,000 worth of work turned out. This is not because it has been unprepared to do work; it has been equipped sufficiently for some years. But as it is 75 miles up the swift current of the Mississippi from a part of the Gulf coast where our battle ships seldom go, there is small demand for its services. It, however, continues to grow. The Secretary of the Navy, in last winter's hearings before the House Committee on Naval Affairs, recommended that no more money be spent here. Congress then appropriated $76,000 for extending the plant, this sum including, in the minor items of sewers and conduits, more money than all of the work ever done in the plant.

Mr. McENERY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. DIXON. Gladly.

Mr. McENERY. In regard to the naval station at New Orleans, I will say to the Senator from Montana that it is a new station, having been established quite recently, since the commencement of what is called the "new navy." The Congress of the United States, supposed to be on the recommendation of the Navy Department, passed an act establishing a naval station on the Gulf. A commission of naval officers was sent on the Gulf coast to select a site for a naval station. The last chairman of the commission was Admiral Bunce, who was one of the ablest officers at that time in the navy, or probably one of the ablest ever in the navy. He examined this site and located the naval station at New Orleans.

That station is prepared to repair any battle ship in the navy. It has all of the machinery, all of the appliances, and that no ships are sent there is the fault of the Navy Department. It will take those little cruisers, gunboats, serving on the South American coast that need repairs and send them to its favorite navy-yards at Norfolk and at Brooklyn. The station at New Orleans is ready to receive these ships and repair them, but in the hostility of the Navy Department against this station, recently developed, they refuse to send any vessels there. Not only that, but they absolutely refuse and decline to use the appropriation passed by Congress for the yard.

Now, as to the harbor, a ship drawing 25 feet can go as easily into New Orleans as a skiff. There is no trouble whatever. They are improving the harbor by making jetties at the Southwest Pass, and in a few months ships drawing 35 feet will be able to go to New Orleans. From the Head of the Passes to New Orleans there is no lack of water from 100 to 200 feet deep. The largest ships that go to New Orleans, some of them carrying 20,000 bales of cotton, go right to the wharf and receive their cargoes.

I desire to say one word about the usurpation of authority by the executive department. They want to abolish these navy-yards. They do not desire an act of Congress to do it. They think they can do it in spite of any action of Congress simply by withholding appropriations made to those navy-yards and declining to make estimate for future appropriations, in direct antagonism to Congress. They have no more authority to

abolish those navy-yards than I would have by my simple ipse dixit to say they shall be abolished. If they want to abolish them, they ought to come to Congress and get an act and not withhold appropriations and render the yards useless and then say they are not fit for the purposes for which they were established and ask for their abolishment.

Mr. DIXON. That carries out exactly the line of my at least intended argument that we have twice as many naval stations at this time as the navy needs. The Senator from Louisiana, whose word is as good as that of any living man, says he has a navy-yard fully equipped, at a cost of several million dollars, with a 35-foot channel, and only $10,000 worth of work has ever been done in the $3,000,000 yard. I ask the Senator——

Mr. McENERY. That is the fault of the Navy Department in not sending ships there——

Mr. DIXON. That is what I say.

Mr. McENERY (continuing). In pursuance of their policy to finally get rid of it.

Mr. DIXON. I want to ask the chairman of the Naval Affairs Committee if he believes it is good policy to establish a $3,000,000 navy-yard and then do only $10,000 worth of work in the $3,000,000 plant, taking into consideration the force of mechanics naturally there, the great yard equipment maintained, the marine barracks? Is it good business policy to put a $3,000,000 plant in operation to produce $10,000 worth of repairs?

Mr. HALE. It may be.

Mr. DIXON. I did not understand.

Mr. HALE. It may be.

Mr. DIXON. It may be good policy?

Mr. MONEY. Will the Senator from Montana permit me to say a word?

Mr. DIXON. Gladly.

Mr. MONEY. Mr. President, a good many years ago, when I was a Member of the other House, I was on the Naval Committee. I was one of the gentlemen who inaugurated the plant at New Orleans. I took an active part in it, for many good reasons, as I thought.

In the first place, the current of the Mississippi does run about 4 miles an hour, but any steamship can get up there any afternoon by its own propulsion, without a tow. There is nothing in that. The tremendous advantage that a ship has in being docked there is the fresh water. The toredo is the enemy of vessels in tropical seas, and the toredo can not live in fresh water. Consequently there is a tremendous advantage in having a fresh-water dock and a navy-yard in which seagoing vessels can be placed for repairs, because it is the death of the worm and also of the barnacles which rapidly accumulate upon the bottom of the ship. There are two reasons.

Now, as to the cost. It is true that there is no work done there, because there is none there to be done; but I will ask the Senator to think for a moment of this situation: We might have a scene of active naval hostilities in either the Caribbean or the Gulf of Mexico. Suppose after a naval battle we wanted immediate repairs to prepare the ships for another battle. We might have needed it after Santiago, except that the happy results of that conflict made it totally unnecessary. Then, we would find it very convenient to have a port so secure from the enemy as the one 75 or 100 miles inland and defended by two forts below it on the river; a navy-yard that would clean the ship's bottom of barnacles and also kill the toredo and where ample work could be done.

A further great reason, as I recollect, for locating the navy-yard at that place was that New Orleans, being a large commercial port, had a great body of skilled artisans accustomed to ship work, accustomed every day to do work for ships that came there upon peaceful missions, and they could be immediately transferred across the river to the dockyard at Algiers and made available, without maintaining there a great army of laborers in time when no repairs were needed.

In my opinion, if there is a dockyard in the South which ought to be maintained it is this one, because, as I have said, it is the dockyard to which ships from the Mexican Gulf and the Caribbean can go if they need repairs.

I did not intend to interrupt the Senator, but that was information which I wanted to give.

Mr. DIXON. I am glad to hear the statement. As I understand, there is one dock at New Orleans. Suppose a battle fleet, having been in battle in the Gulf, with half a dozen or eight or ten ships injured, seeking a port where the ships could get into dock and be repaired. Suppose they sought the navy-yard at New Orleans. There is one dock there. It carries out exactly my argument that you have dissipated your means—one dock at New Orleans, one at Portsmouth, one at Charleston. There ought to be three or four great naval bases with half a dozen docks. I think New Orleans on the coast ought to present a good place for a naval base.

Mr. MONEY. Will the Senator permit me?

Mr. DIXON. Gladly.

Mr. MONEY. The gravamen of the Senator's complaint, as I understand, is that so much money has been expended and no work done. If you want, say, three docks instead of one, then there will be a very much greater amount of money expended in the plant and no work would be done, because there is none to do. So his charge grows graver instead of lighter; and if his plan is pursued, we will be expending an enormous sum of money with no more results in the way of repairs than we have to-day. Of course it is a very fortunate thing for this country if there are no naval conflicts with such damage to our ships as to require the expenditure of money for repairs, and it is very lucky that we have not expended a hundred thousand instead of $10,000 at New Orleans.

Mr. DIXON. It is lucky it has not been any larger at any of these places.

Mr. MONEY. Yes.

Mr. DIXON. I am glad to hear the statement as to this channel. I understand this dock has been there eight years, and that but one battle ship has been docked in that time. A naval officer has made the statement that a ship waited three weeks for high water to get into the dock. If those things are not true, the Senate ought to know it and the country ought to know it.

Mr. McENERY. I was there when that ship was docked. She never had to wait any length of time.

Mr. DIXON. I am glad to hear that statement.

Mr. McENERY. She was docked right off the bank where, I presume, within 2 feet of it was 40 feet of water.

Mr. DIXON. The article continues:

New Orleans, for example, was so unfortunate as to secure but $1,040.01 worth of work in the naval year of 1907. The cost of maintaining this station during that year was $97,178.49, while $308,332.35 more was expended, with rare optimism, on improvements. There were $41,644.37 worth of naval officers and enlisted men stationed about this establishment during that uneventful year, while $20,000 worth of marines guarded it day and night.

Key West in 1907 had an unusually busy year. It did $7,126.18 worth of work, against $3,109.94 the year before. Its maintenance charges amounted to $139,908.32, but it secured only $40,109.75 for improvements. It was, however, cared for by $48,882.36 worth of naval officers and sailors and guarded by $12,000 worth of marines.

I wish again to ask the chairman of the Naval Affairs Committee if he thinks that is an economical, businesslike expenditure of money? [A pause.] I say I want to ask the chairman of the Naval Affairs Committee if he thinks that is a businesslike, economical expenditure of money?

Mr. HALE. I am not going to be drawn into a discussion with the Senator. All this has been gone over; and if I have not made an answer covering the comprehensive policy of the navy-yards, I can not make it now. I am not going to be drawn into a discussion by the Senator.

Mr. DIXON. I understand the chairman of the Naval Affairs Committee declines to discuss the proposition——

Mr. HALE. I have already discussed it.

Mr. DIXON. Whether or not the expenditure of over $200,000 in one year at Key West, which did $7,000 worth of work, is a wise and economical expenditure of public money.

Charleston, established in 1901, was not prepared to work in 1907. It cost $113,671.82 to maintain it in the latter year and $323,773.74 to improve it. There were $36,493.46 worth of officers and $25,000 worth of marines on the grounds.

I will ask the Senator from South Carolina if that is approximately the amount of money expended in the Charleston Navy-Yard during the last two years? [A pause.] The Senator from South Carolina evidently did not hear my question, and I will ask him whether or not that is approximately the correct situation at the Charleston Navy-Yard?

Mr. TILLMAN. You will have to repeat the statement.

Mr. DIXON (reading):

Charleston, established in 1901, was not prepared to work in 1907. It cost $113,671.82 to maintain it in the latter year and $323,773.74 to improve it. There were $36,493.46 worth of officers and $25,000 worth of marines on the grounds.

Was there any work done at the Charleston Navy-Yard?

Mr. TILLMAN. I will take it for granted there was none, because, as I told the Senator a little while ago, the yard is only about ready to do work. But I call his attention to the fact—suppose those officers and marines had not been there? They would be on the pay roll. They had to be kept up. It would not have saved a dollar whether they were there or wherever they might be.

Take the Capitol building. We have $25,000,000 invested in the building. We have a force of employees to take care of it. We use it only three or four months during the short session

and five or six during the long session. In other words, half the time nobody is here; but it is here for our business, and that yard is there for public business. What is the Senator going to do with the army? We spend sixty or seventy million dollars to maintain the army. They are not fighting. What are they doing? They are no account, because the Senator has not got the army shooting somebody.

Mr. DIXON. But we do not spend $25,000,000 a year in building machine shops and arsenals for which——

Mr. TILLMAN. Yes; we have already. It is a dead plant six months in the year, and so the Senator wants to abandon it because we can not use it twelve months.

Mr. DIXON. All right; I will read again:

> The fifth southern yard made a much handsomer showing. In 1907 it accomplished $214,126.32 worth of work; while it cost only $488,946.71 extra to maintain it, with $128,709.94 more for improvement. About $112,000 worth of officers, sailors, and marines looked after it. This yard, it will be seen, was the only one which produced more than a dollar's worth of work for every $25 spent upon it.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. DIXON. Gladly.

Mr. PILES. I think the fallacy in that portion of the article which the Senator has just read consists in this, that the author of the article undertakes to show, as I understood from the Senator's reading of it, that it costs something like $100,000 for the officers and men to look after the yards. This on its face would appear to be a fair statement, but when analyzed it is, I think, altogether erroneous. It is not necessary for all of the officers and marines who are frequently at the yards to be there for the purpose of looking after or protecting the yards.

When the ships go into the yards to be docked and repaired, the marines and officers go on shore, to a very large extent, until their vessels are ready to go to sea. The expense of the officers and men to the Government is practically the same when on shore as it is when they are at sea; their pay and other expenses go on whether on shore or at sea. If the men are not at the yards, they are somewhere else at the expense of the Government.

Mr. DIXON. Oh, no; the Senator is certainly mistaken.

Mr. PILES. No; I am not mistaken. I beg the Senator's pardon.

Mr. DIXON. There would not be the same necessity for maintaining the same immense number of officers and marines.

Mr. PILES. Let me ask the Senator a question: We have so many officers and so many marines in the service, have we not?

Mr. DIXON. We have whatever the exigency of the service demands. If we did not have 13 naval stations and yards, we would not need this number.

Mr. PILES. We can not get enough enlistments in the Marine Corps. If the Senator lived on the coast, he would recognize that fact. On the coast they are advertising for marines all the time. We can not get men enough there. We are always short of men. The fact is we have a certain number of men in the navy. We have officers and marines. What are you going to do with those officers and marines?

Mr. DIXON. You would have no need for many of them, if all of these unnecessary navy-yards were not maintained.

Mr. PILES. That is not the fault of the navy-yards. Are you in favor of reducing the navy—the officers and the enlisted men and the marines in the navy? Are you in favor of that? Is that the Senator's idea?

Mr. DIXON. Not at all. I am in favor of retaining every officer and every man who is necessary to man the navy.

Mr. PILES. Let me make the point plain. There are so many officers and marines in the navy. We must have them. We try to get more all the time. We are trying to get a fleet on the Pacific coast. When the fleet was around there every commercial body on the Pacific coast petitioned the Secretary of the Navy to retain part of the fleet there, but it was said that could not be done, because the navy-yards on the Pacific coast were inadequate to take care of the fleet.

I hope to see navy-yards on the Pacific coast sufficiently equipped to take care of a fleet which will be adequate to protect the rights of the people who live on that coast.

Mr. DIXON. The Senator from Washington is no more anxious for the accomplishment of that purpose than I am, but we are never going to get it as long as we maintain all these little one-horse yards up and down the Atlantic coast from 50 to 65 miles apart.

Mr. PILES. On the Pacific coast they are 800 miles apart.

Mr. DIXON. I am surprised at the Senator from Washington apparently sympathizing with the present purpose and policy of the maintenance of these little yards, which are certainly not necessary.

Mr. PILES. I will say to the Senator from Montana that I do not know anything about the navy-yards on the Atlantic coast, from a practical standpoint, because I have not investigated them; but I do know that the argument the Senator is making in respect to the expense of keeping officers and marines at the navy-yards applies with as much force to the Pacific-coast yards as to the Atlantic-coast yards.

Mr. DIXON. Certainly, it does.

Mr. PILES. I want, if I can, to impress the Senator with the fact that that expense would be incurred any way.

Mr. DIXON. It is beyond my mathematical comprehension that it takes as many men and officers to have charge of 6 or 8 navy-yards as to have charge of 15, and I do not think anybody else can have a comprehension of that argument. There is a rear-admiral in charge of every one, with a staff of officers.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. DIXON. Gladly.

Mr. PERKINS. I wish to say to the Senator from Montana that we have on the pay roll 43,589 sailors and 9,305 marines. They have to remain somewhere. Where is there a better place for them than in the navy-yards?

Mr. DIXON. What per cent of naval officers are detailed to the navy-yards at this time?

Mr. PERKINS. I am unable to state the number.

Mr. DIXON. I ask the chairman of the Committee on Naval Affairs; he is acquainted with that matter.

Mr. HALE. I wish the Senator could see that the building up of the navy, the immense increase in officers and men and marines, has not the least thing to do with the navy-yards. It is the tremendous development of the ships and the fleets that has called for these expenditures. The navy-yards have not figured in it. When you have this establishment, enormous as it is, you have to take care of the officers and men, and they will be assigned to navy-yards and naval stations, and their pay will go on just the same.

It is entirely an unfair statement to arraign a navy-yard because of this immense force. We have certain marines and certain men and certain officers who are sent to the navy-yards. If you reduced the number of navy-yards and had only two or three, you would find the result just as I showed yesterday in Great Britain. Instead of being decreased the expense would be enlarged. The expense of England for her three navy-yards and everything upon them is more than twice what ours is for all our yards. The Senator has got on the wrong tack about this.

Mr. DIXON. Then, I want to be enlightened, if I can.

Mr. HALE. I am afraid——

Mr. DIXON. I am sure the chairman of the Committee on Naval Affairs can do it. I have no other purpose in view than to have some enlightenment on this proposition.

Mr. President, I have nearly concluded. I am not filibustering here to try to defeat the naval appropriation bill.

Mr. FLINT. I should like to ask the Senator from Montana for what purpose he is filibustering, if not with the purpose to beat the naval appropriation bill?

Mr. DIXON. The Senator from Montana is not filibustering at all.

Mr. HALE. He certainly is not ready to come to a vote.

Mr. DIXON. Here is a bill carrying $138,000,000, and we have had one day and a quarter to consider it. Is that filibustering?

Mr. HALE. We have not reached a vote.

Mr. DIXON. Has it reached such a point in the Senate that a Senator has not a right to ask a question upon a bill carrying $138,000,000?

Mr. HALE. Undoubtedly he has, and there is not any effort to suppress that. The only thing I have sought in charge of the bill is to take the sense of the Senate. The Senator is not the only Senator who has responsibility here and who is, to a degree, accountable for the passage of this enormous bill. There are a great many other Senators who are just as patriotic as he is and who are presumed to be as much interested in this great bill as he.

I am willing, as we reach the portions of the bill that are pertinent and practical, to submit the whole thing to the Senate for its action. I am bearing in mind the fact that the time is waning, and if we have undue delay upon this bill—the repetition of questions, quoting from magazines, and all that—we will be in great trouble with the other appropriation bills. I am hoping to get this bill through to-day, so that we shall not be compelled to have a night session. If we do not, I shall

submit to it—and all the rest of us; but I do not want the Senator to assume, as he seems to do, that he is the only person here. Here, sitting around him, are 80 or 90 Senators.

Mr. DIXON. I am willing to acknowledge the leadership of the Senator from Maine on this floor. I am willing to acknowledge his great control of naval affairs here; but when he makes that insinuation, I say that I am just as patriotic as the chairman of the Committee on Naval Affairs. I know there are 91 other Senators here; and I have the same right to ask these questions as the other 91.

Mr. HALE. Precisely.

Mr. DIXON. I do not demand anything more nor will I accept anything less.

Mr. HALE. All that I ask is that when a Senator has taken what he thinks a reasonable time we may be allowed to come to a vote. We will never pass bills if that is not done.

Mr. DIXON. There is no purpose on earth in my mind to try to prevent this bill from coming to a vote, nor has there been.

Mr. HALE. I am ready for a vote at any time.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. DIXON. Gladly.

Mr. HEYBURN. I have listened practically to all of the argument of the Senator from Montana, and I have been much interested in the development of his ideas; but it has occurred to me frequently, as I listened to him, to ask What money is he seeking to protect against this appropriation bill?

Mr. DIXON. What I am trying to do is to call the attention of the Senate, and I hope of the thinking men of the country, that these great appropriation bills ought not to be snapped in shotgun fire, as they are at this time, but ought to be concentrated on some definite line of future action with regard to great naval bases and navy-yards.

Mr. HEYBURN. It was in my mind to ask the Senator, as I suggested, What money of the people is he seeking to protect against expenditure?

Mr. DIXON. The only money of the people that I know anything about is that in the vaults of the United States Treasury.

Mr. HEYBURN. It is to be paid to the American people, is it not?

Mr. DIXON. I presume it is.

Mr. HEYBURN. Is there anything that enters into the construction of these battle ships and these navy-yards, or the things pertaining to them, that is not of American product?

Mr. DIXON. I hope not. I think not.

Mr. HEYBURN. Does not this expenditure simply stimulate productive industry in almost all its branches in the United States?

Mr. DIXON. Now, carrying that theory to its ultimate conclusion, you can ask the Treasury at any time to put men to work throwing dirt into one pile and throwing it back again. I think that is not fair.

Mr. HEYBURN. I do not think the Senator from Montana would like to read that answer in cold print, because it is merely an evasion. I was speaking of a practical proposition to expend about $140,000,000 of the people's money by paying it to the people and receiving something for it.

Mr. DIXON. That is the reason I want to say what I am going to say at this time, and I want the Senator from Idaho to listen to it.

On May 9, 1906, GEORGE A. LOUD, of the House Naval Committee, presented to Congress a report showing that at the Boston Navy-Yard out of its total product of $925,000 there was a loss of $325,000 over the cost of the same articles at ruling commercial prices.

Getting back to the manufacture of boats, which, they tell me, goes on upon an extensive scale at the Portsmouth Navy-Yard, they say:

> Almost all navy-yards now manufacture small boats of some kind. In one of the yards examined by Mr. Mudd a simple 14-foot punt cost $63.73; in another yard the same article cost $95.12. A 16-foot dingey cost $104.17 at one yard and $196.34 at another. And a 30-foot steam cutter varied from $1,890.63 to $2,684.62. Common boat rudders ran from $6 to $10; plain chopping blocks from $3 at one yard to $25 at another.

I am trying to convince the Members of the Senate as to the ultimate wastefulness of this kind of appropriations.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. DIXON. Certainly.

Mr. HEYBURN. Does not that amount only to an impeachment of the efficiency of the judgment of the executive officers of the Government? How does it enter into the question now under consideration?

Mr. DIXON. Simply in this way: We build great plants costing millions of dollars to produce a minimum of work, where if it was all done in four or five or six places it would be done for a half or a third of the cost.

Mr. President, I have said about all I intend to say about this bill. In conclusion, I want to say this to the Senate, and I think it is worth listening to, gentlemen.

The naval appropriation bill, which carries $137,000,000 this year, has grown from $13,000,000 in a little over twenty years, and the only way you can comprehend the figure is to use a yardstick of some kind. I started to try yesterday to get some kind of a yardstick that will impress upon our minds the enormous and overwhelming appropriations that we are putting into this naval bill every year.

Take the great State of Maine. I tried to get the total value of the assessed property, but could not get it. The total value of all her farm lands, with improvements, buildings, implements, machinery, and live stock, according to the last census, was $122,000,000—$15,000,000 less than we vote in this one year's naval appropriation bill.

Take the great State of Alabama. Her farm land, with improvements, buildings, implements, and machinery, and live stock together, amounted to $179,000,000—$12,000,000 less than the newspaper reports of what the chairman of the committee stated would be the amount of the naval appropriation bill within less than three years.

Take the great State of Florida. The total value of her farm lands and improvements and implements and machinery and live stock was $53,000,000—a little over a third of what we are pouring into the capacious hopper of the naval appropriations every year.

Take the great State of New Hampshire. The whole value of her farm lands and improvements and implements and machinery and live stock was $85,000,000—$50,000,000 less than this one naval appropriation bill.

Mr. GALLINGER. Mr. President, will the Senator state the value of her manufactured products and make the comparison in that way?

Mr. DIXON. I do not have it here. I sent to the Library to get the total assessed value of States, and they said this is the only thing they could find.

Take the great State of North Carolina—I am reading from the Statistical Abstract of 1905, the last report. It shows that her entire farm lands with improvements, buildings, machinery, and live stock amounted to only $233,000,000, less than two years' naval appropriations, and within three years one naval appropriation bill would practically swallow the entire assessed valuation of North Carolina's farms, live stock, and machinery.

One hundred and fifty-three million dollars is the total assessment of farms, live stock, and machinery in South Carolina.

Mr. President, I am perfectly aware that this bill is going to pass, probably letter for letter and item for item. Of course when the chairman of the Naval Committee says he will test the feeling of the Senate on this matter, I think the chairman in all fairness knows we do not test the feeling of the Senate on these naval appropriations when you say they are going to pass.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. HALE. In the absence of the Senator from Montana [Mr. CARTER] I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Montana will proceed.

Mr. DIXON. Mr. President, I have concluded all that I wanted to say about this matter. I repeat that it has not been done in any filibustering spirit. It has been done because I do not believe we stop to see where we are drifting, and God knows there ought to be some plan of some kind somewhere to put some possible check on this geometric progression, this ratio of increase in the appropriations for the naval establishment, and especially at a time, as I said, when we are confronted by $150,000,000 of deficit for the present year.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Naval Affairs was, on page 26, line 13, before the word "dollars," to strike out "fifty thousand" and insert "seventy-six thousand three hun-

dred and thirty;" and in line 15, before the word "dollars," to strike out "sixty-six thousand" and insert "ninety-two thousand three hundred and thirty," so as to make the clause read:

Navy-yard, New York, N. Y.: Central power plant, to complete, $116,000; granite and concrete dry dock, to continue, $200,000; toward improvement of water-front facilities, $76,330; in all, navy-yard, New York, N. Y., $392,330.

The amendment was agreed to.

The next amendment was, on page 26, line 21, after the word "dollars," to insert "paving around piers, $50,000;" and in line 23, before the word "thousand," to strike out "seventeen" and insert "sixty-seven," so as to make the clause read:

Navy-yard, Philadelphia, Pa.: Central power plant, to complete, $172,600; dredging, cost not to exceed $430,000, $215,000; crane track, extensions, $30,000; paving around piers, $50,000; in all, navy-yard, Philadelphia, $467,600.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "dollars," to insert:

Provided, That hereafter the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and required to maintain its track connection with the United States Navy-Yard in the city of Washington, D. C., by means of a single track on K street and Canal street SE., either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, and to continue the operation thereof, anything contained in any prior act or acts of Congress to the contrary notwithstanding.

So as to make the clause read:

Navy-yard, Washington, D. C.: Improvements to storehouse for guns and mounts, $7,000; concrete roof for foundry building, $15,000; improvements to building 118, $3,000; improvements to building 41, $20,000; fireproof storehouse for fuses, acids, and oils, $15,000; in all, $60,000: *Provided*, That hereafter the Philadelphia, Baltimore and Washington Railroad Company be, etc.

Mr. BURKETT. Mr. President, I want to make a point of order against this amendment. It is general legislation.

Mr. HALE. It is undoubtedly subject to the point of order.

The VICE-PRESIDENT. The Chair is of the opinion that it is clearly in contravention of the rule, and sustains the point of order that it is general legislation.

The next amendment was, on page 28, after line 2, to insert:

The Secretary of the Navy is authorized and directed to investigate the question of acquiring all or a part of the land of the Jamestown Exposition Company near the Norfolk Navy-Yard, with the view to establishing thereon a naval training station, said investigation to include the question of value, adaptability, desirability, or necessity for the efficiency of the naval service and the terms on which the property can be acquired, and report to Congress with such recommendations as to him may seem best.

Mr. BURKETT. I want to make a point of order against that amendment.

The VICE-PRESIDENT. What is the ground of the point of order?

Mr. BURKETT. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken and sustains the point of order.

Mr. MARTIN. Mr. President, the bill is full of provisions of this sort. I do not want to make points of order against like provisions, but I hope the Senator will not insist on the point of order. If he had investigated this matter I am sure he would not pick out this item and discriminate against it. The bill is full of such provisions all through, and I have not made the point of order against them, and it is not customary in the consideration of the appropriation bills. It is the custom and, perhaps, absolutely necessary that these provisions shall be inserted.

This is an exceedingly important provision. It is simply for an investigation, and I hope very much that the Senator will not insist upon the point of order.

I do not wish to take time to go into an explanation of the amendment. The time is very precious, and yet I am sure if the Senator understood it he would not object to an investigation of a matter of vital importance to the naval service. I hope very much that the Senator will withdraw the point of order.

Mr. BURKETT. Mr. President, I will say to the Senator I regret always to make any point of order, and I have not taken it upon myself to make points of order against anything for any other purpose than when I thought it was really for the welfare of legislation.

I raised one point of order on the page before because it was legislation that the committee of which I am a member had spent considerable time in thrashing out at several hearings and had decided on a certain kind of legislation. I thought I understood something about that matter, and I raised a point of order on it, thinking that it was not proper in this bill.

This immediate item, I will say, I think we all know sufficiently about to warrant the raising of a point of order. I have my own opinion with reference to the taking over of this exposition land. If the Senate, at a proper time and on a proper bill, should come in and do it, I could certainly have nothing to say. I should vote against it if it did not present itself favorably to my mind. But here it is proposed to put it on an appropriation bill at a time when we do not want to discuss it. I am sure the committee does not want to have time taken in the discussion of the merits pro and con, and it seemed to me the best way out and the proper thing to do was to raise the point of order and keep out the discussion rather than to discuss it here.

I do not want to sit still as a Member and not have the matter discussed at some length. I should not want to see it go through without its being discussed at some length. I do not want to see it get started. I know it is just an investigation, but all these great propositions start with simply investigating a little something or other and then it goes along.

I do not want to take up time. I think this kind of legislation ought to come in on a bill at a time when we can discuss it, when there will be full opportunity to debate it.

Therefore, Mr. President, I do not feel like withdrawing the point of order.

Mr. MARTIN. Mr. President, this is a peculiar situation. This property is in the hands of receivers and the assets of the exposition company are being administered. The Government has erected at this property a permanent pier at a cost of half a million dollars. The Government loaned the company a million dollars. This is simply giving an opportunity for an investigation to see if anything can be saved to the Government as well as to see whether this will not be an important acquisition to the efficiency of the naval service.

It is simply an investigation. As I said, I dislike to take time to go at any length into it; but it is a peculiar case. If anything is done, it can be done in the immediate future, because this property will go on the market under a decree of the United States court for the eastern district of Virginia. The company is insolvent and its assets are in the course of administration. The amendment simply proposes an investigation to see what can be done to save the Government something in connection with the exposition there. As I said, among other things, it has expended half a million dollars on a permanent pier. That will be entirely lost to the Government unless it acquires this property.

It does seem to me the Senator from Nebraska might withdraw his point of order, as the amendment is simply for the purpose of an investigation. The merits of the question can be discussed when it comes before the Senate with the light thrown on it by a report from the Navy Department.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from South Carolina?

Mr. MARTIN. Certainly.

Mr. TILLMAN. I was going to ask the Senator a question. I thought I understood it, but I may not. There is no appropriation in this proposed investigation; no money is to be spent? The Navy Department does it with its own instrumentality?

Mr. MARTIN. There is not one single dollar of expenditure contemplated in it.

Mr. TILLMAN. It does not commit Congress to the purchase of this land; it is merely to get information?

Mr. MARTIN. That is all; nothing else whatever.

Mr. BURKETT. Mr. President, there is not anything required in this amendment that the Senator does not know all about now, that the Navy Department does not know all about, that the Treasury Department does not know all about. It simply starts out to commit the Senate to a certain proposition. For one I am not going to sit here and permit it.

Mr. MARTIN. The Senator is very much mistaken. There is a great deal that I do not know about it. I am not in a position to know as to its adaptability and as to its necessity for the efficiency of the service, nor am I informed as to its value. I do not know what price the Government can afford to pay for it. It needs investigation, careful business investigation, and that is all that is provided for here. Congress is absolutely free to do as it may see fit when the report comes in. If an adverse report comes in that of necessity would end the whole matter, but if the Navy Department makes a favorable report it would still remain for Congress after a discussion of the matter to determine whether it would adopt any recommendation made by the Navy Department.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. MARTIN. Mr. President, for the present I will have to accept the situation, though I shall look over the bill. If this rule is to apply, I want it to be applied throughout the bill. I am not disposed to let the bill stand bristling full of new legislation and have this most meritorious and harmless provision go

out on a point of order. If such a rule is to be enforced here, I will not act hastily, but I will look over the bill. I will not say positively that I will call into requisition the same rule throughout the bill, though I am strongly inclined to think the bill is full of legislative enactments from one end of it to the other, and if this rule is to be applied let the bill be cleansed in every part of it.

Mr. HALE. Mr. President, I sympathize very much with the Senator from Virginia on this amendment, but I wish to say to him that I think he is wrong in saying that the bill is full of legislative propositions. There are a few, but not many. I hope the Senator will consider each one as it is reached on its own merits. Two or three matters have come up already where the point of order was clear and plain, and I have not asked to consume any time. I have said I agreed that the point of order was well taken, and I propose to do that hereafter. I am not going to take up the time of the Senate in debating or defending provisions that are clearly subject to the point of order. I hope the Senator will let all those stand until they are reached, and will let each one stand on its own merits.

Mr. MARTIN. As I understand, Mr. President, this point of order can be made when the bill is in the Senate as well as when it is in Committee of the Whole?

The VICE-PRESIDENT. That is correct.

Mr. MARTIN. I will examine the bill. I have no desire—therefore I spoke with as much caution as I did—to antagonize a useful provision because of what I consider a very great injustice to my State in this matter; yet I feel very reluctant to see a rule applied in one case which is not applied generally. I said the bill was bristling with such instances. I have seen a number of cases. There was one just passed over in relation to the Philadelphia, Baltimore and Washington Railway Company, which required them to keep a track to the navy-yard.

Mr. CLAY. That went out.

Mr. TILLMAN. It ought not to have gone out.

Mr. MARTIN. It ought not to have gone out. It is a meritorious provision, and it ought to be in the bill. I knew it was subject to the same point of order as this, but I did not know that this point of order had been made.

Mr. HALE. Yes; a point of order was made, and it went out.

Mr. MARTIN. There are a great number of others, but, as I just now said, for the present I will waive the point of order. I will simply throw out the suggestion, for I am going to examine the bill in that connection.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 28, line 13, before the word "paving," to strike out "Sewer system, extension, $5,000;" in line 14, before the word "thousand," to strike out "ten" and insert "twenty;" in line 15, before the word "thousand," to strike out "ten" and insert "five;" in line 17, before the word "dollars," to strike out "ten thousand" and insert "thirty thousand five hundred;" in the same line, before the word "thousand," to strike out "ten" and insert "five;" in line 18, after the word "dollars," to insert "increasing and improving torpedo-boat slips, $50,000;" in line 20, after the word "dollars," to strike out "crane track, extension, $25,000;" and in line 23, before the word "dollars," to strike out "ninety-five thousand" and insert "one hundred and thirty-five thousand five hundred," so as to make the clause read:

Navy-yard, Charleston, S. C.: Paving and grading (to continue), $20,000; underground conduit system, extension, $5,000; intercepting drain, $30,500; pneumatic system, extension, $5,000; dredging, to continue, $25,000; increasing and improving torpedo-boat slips, $50,000; in all, navy-yard, Charleston, S. C., $135,500.

The amendment was agreed to.

The next amendment was, on page 28, line 25, after the word "dollars," to insert "to repair rifle range and wharf, $5,000;" and on page 29, line 2, before the word "thousand," to strike out "fifteen" and insert "twenty," so as to make the clause read:

Navy-yard, Pensacola, Fla.: Remodeling building No. 29, $15,000; to repair rifle range and wharf, $5,000; in all, navy-yard, Pensacola, $20,000.

The amendment was agreed to.

The next amendment was, on page 29, line 5, after the word "dollars," to insert "to complete marine railway, $15,000;" and in line 6, before the word "thousand," to strike out "thirty" and insert "forty-five," so as to make the clause read:

Naval station, Key West, Fla.: Latrines, $5,000; concrete cistern, $25,000; to complete marine railway, $15,000; in all, $45,000.

The amendment was agreed to.

The next amendment was, on page 29, line 15, after the word "doliars," to insert "to continue improvement of channel, $100,000; ordnance stores, $100,000; improvements to building No. 69, $4,000; railroad system, extension, $20,000;" and in line 21, before the word "five," to strike out "three hundred and forty-eight thousand" and insert "five hundred and seventy-two thousand," so as to make the clause read:

Navy-yard, Mare Island, Cal.: Central power plant at Mare Island Navy-Yard, Cal., to complete, $255,000; new elevators in buildings Nos. 69 and 71, $5,000; sewer system, extension, $10,000; repairs to building No. 116, $3,500; crane track, extension, $75,000; to continue improvement of channel, $100,000; ordnance stores, $100,000; improvements to building No. 69, $4,000; railroad system, extension, $20,000; in all, navy-yard, Mare Island, $572,500.

Mr. PERKINS. Mr. President, in view of the article that has been read by the Senator from Montana [Mr. DIXON] relating to Mare Island and various other navy-yards, I desire to have printed in the RECORD statements compiled from reports of the Secretary of the Navy, the Chief of the Bureau of Construction and Repair, the Chief of the Bureau of Yards and Docks, the Chief of the Bureau of Ordnance, and the chiefs of other bureaus. To save the time of the Senate, and as bearing on the question, I ask to have the papers which I send to the desk inserted in the RECORD without reading.

The VICE-PRESIDENT. Without objection, it is so ordered.

The papers referred to are as follows:

August 31, 1852, Congress appropriated $100,000 for the purpose of a navy-yard in the Bay of San Francisco or neighboring waters, and the Secretary of the Navy was directed to select a site. Secretary of the Navy Graham, January 15, 1852, ordered the appointment of a board to select the site for this yard, and Commodore Sloat, Commander Ringgold, and Lieutenant Blunt were designated. The orders were to keep in view, in making the selection, security from attack and facilities for defense; security from violent winds and sea and safe anchorage in adjacent waters; adaptation for the construction of permanent stone docks; facilities for procuring, housing, and boarding workmen of various classes; for procuring materials and stores; and for the erection of the necessary buildings. The board was also directed to ascertain to what extent the *Toredo limnoria* injures piling or other wood structures beneath low water. Unfortunately, the report of the Sloat board can not be found in the archives of the Navy Department, but Secretary Thompson refers to it in a communication to Congress, stating that the board made a very careful examination of the points supposed to possess the requisite advantages for a naval station, and after mature deliberation came to the conclusion that Mare Island has the most eligible and advantageous position that could be found in the waters of the Bay of San Francisco and its adjacent waters for naval purposes, and thus reported accordingly: "Commodore Sloat, in a letter written from Mare Island Straits in 1852, states that the board had, after careful consideration, come to the conclusion that Mare Island is by far the most eligible location for that purpose in these waters."

The Commission on Navy-Yards reported, on December 1, 1883, regarding the advantages of the Mare Island Navy-Yard, that "its approaches may be successfully defended against the attacks of a powerful enemy. It is far enough removed from the sea to be beyond the reach of guns of the longest range or any possibility of being captured by a coup de main, and yet not so far as to make it difficult of access. The adjacent harbor is good and perfectly secure in all weathers. Its channel is deep and never obstructed by ice. The climate is even and salubrious the year round and suitable for outdoor work. The yard is convenient to the railroad communications which center on the opposite shore of Napa Straits and on the shores of the Strait of Karquines, about a mile distant. The depth of water abreast the yard front averages 28 feet at mean low tide and abreast commission rock, an obstruction that can be easily removed at small expense.

Thus was the Mare Island Navy-Yard established after an impartial investigation and study of all the conditions to be taken into account in the location of a navy-yard on the Pacific coast, and in the years since then a great repair and construction plant has been installed and dry docks built—one of the largest in the entire country now about completed. As the work of the yard increased and the draft of vessels became greater more attention was paid to the depth of water from San Francisco to the yard.

The depth of the water at the entrance of San Francisco Bay is 33 feet over the bar by main channel at low tide, while by the Bonita channel it is very much deeper. The area of the waters of the bay, including San Pablo Bay, is 399 square miles. Its length from Dumbarton Point, near the southern extremity, to Napa Slough, the northern extremity, is 47⅛ miles, and to Karquines Strait 52¼ miles. Its greatest width is 12⅛ miles, and its narrowest place, from Point San Pablo, 1⅛ miles.

The extreme length of Mare Island, including a large tract of tule land on the northern side and extending toward Napa and Sonoma, is about 10 miles, and its average width, including tule land, about three-quarters of a mile.

The area of upland is 741 acres, and of the tule lands on the east side, which will be available for yard purposes, is 135 acres.

No accurate measurement has been made of the area of the tule on the northern side, but an approximate area is 3,973 acres. Its shore at the southern end is precipitous and the land high, the highest point being about 300 feet above high tide.

Between San Francisco and Mare Island is Pinole Shoal. It begins about 2½ miles south of Mare Island Strait, and between this northern extremity of the shoal and Mare Island there is naturally 30 feet of water or over. This depth is carried to Carquinez Strait, which has from 48 to 60 feet of water. Along both sides of Carquinez Strait are grain warehouses, where is stored and whence is shipped all the grain from the great Sacramento and San Joaquin valleys, which require a large fleet of the largest deep-water ships each year to transport it to foreign countries. There are also smelting works, sugar refineries, lumber yards, oil-distribution tanks that have many hundred miles of pipe line, depots for produce of all kinds, and many manufactories, all of which selected this point because of the facilities offered for shipment by sea to all ports of the world by the largest steam and sail vessels which ply in foreign trade. The vessels employed in the carrying trade, provided by these great industries, are of draft equal to that of our greatest battle ships, and the channel across the shoals must be kept open for them without reference to the needs of the Mare Island yard. There is an immense carrying trade by water with points on the Sacramento and San Joaquin rivers, averaging 425,000 tons of freight

for the former and 736,000 for the latter for 1907, valued at $25,000,000. All this must be carried to San Francisco or to sea by way of Pinole Shoal, and its channel must therefore be kept at a proper depth for the water-borne commerce of the great valleys of the State. Pinole Shoal extends about 27,000 feet south from the northern extremity referred to above. It is formed undoubtedly from the débris brought down from the mines in the days of hydraulic mining, and is kept up at present from the wash of cultivated fields in the Sacramento and San Joaquin valleys. But this present wash from cultivated lands is by far less than that which came from the mines, and the shoaling caused by it is by no means that which gave rise to the shoal in the first place.

The Government will keep open the channel across this shoal for the use of the seagoing ships of the merchant service, and need not be considered in connection with the cost of improving the navigation of Mare Island and maintain the depth of water there and in the yard basin. The board recently appointed to study the hydraulics of Mare Island Navy-Yard states that the natural channel from the entrance of San Francisco Bay to the shoal has not practically changed since 1863, but that it is evident that the dredged channel across the shoal must be redredged and a protecting dike built, or periodical redredging resorted to. The estimated cost of a dike is about $1,000,000. But the board does not favor the construction of a dike at once, believing that there is a chance that the redredging of the channel will so remove the soft material in the vicinity that the depth may be maintained with a comparatively small amount of dredging, which would be inexpensive if the Government should build and operate a first-class dredging machine. Moreover, the dike which it suggested be built southerly from the southern extremity of Mare Island will, it is hoped, so influence the current as to contribute to the scouring and thus to the maintenance of the required depth in the channel across the shoal.

Even with the present depth of water, which the board which examined the question last year states is about 23 feet over Pinole Shoal at low water with 6 or 8 feet tide, the navy-yard at Mare Island could undoubtedly be now used by every vessel of the navy now afloat. During the past year two armored cruisers, each drawing 25 feet of water, went up through San Pablo Bay to Mare Island. Of the 31 battle ships constructed or authorized, only four have as great a draft as the *Tennessee* and *Washington*, referred to. Only two draw 24 feet 8 inches; eight, 24 feet 6 inches; four, 24 feet; one, 23 feet 11 inches; one, 23 feet 10 inches; five, 23 feet 9 inches; one, 23 feet 7 inches; five, 23 feet 6 inches. The four big-gun battle ships of 20,000 and 22,000 tons will draw when in commission 26 feet 11 inches and 28 feet 6 inches, respectively. It appears, therefore, that of the battle ships built or building only these last four have a greater draft than the two armored cruisers which went up to Mare Island last summer. Three battle ships visited the yard last year, namely, the *Alabama*, drawing 23 feet 6 inches; the *Maine*, 23 feet 10 inches; and the *Missouri*, 23 feet 11 inches.

There also went to the yard the armored cruisers *Maryland, Colorado, California, South Dakota, West Virginia*, and *Pennsylvania*, drawing 24 feet 1 inch, each of these drawing more water than seventeen of our first-class battle ships. Besides this, there were four protected cruisers that went to the yard, the *Charleston, Chicago, Milwaukee*, and *St. Louis;* four third-class cruisers, besides three supply ships, hospital ships, and smaller craft, such as coast-defense vessels, gunboats, etc. It is worthy of note, too, that the supply ship *Glacier* draws 25 feet 4 inches. There is no doubt whatever that if there had been a large enough force at the Mare Island yard most, if not all of the battle ships of the Atlantic Fleet which needed repairs could have had these repairs made at that yard, and that they would have found no difficulty in getting there, for the largest vessels of this fleet draw 6 inches less water than the *Tennessee* and *Washington*, which found no difficulty in passing Pinole Shoal.

That the Mare Island yard is efficient and is doing good work is evidenced from the reports of the different bureaus. In the Department of Construction and Repair there were employed in the fiscal year ending June 30, 1908, a maximum of 1,623 men, the minimum being 831. Vessels receiving minor repairs number 48; important repairs, 16; craft built or building, 37, including a collier of 12,585 tons, drawing 26 feet, and another of a higher class of capacity and speed is authorized; there were 50 vessels dry-docked during the year, and the expenditure for labor on this account was $625,152.

In the Steam Engineering Department 63 vessels had their machinery repaired at a cost of $358,059, and new machinery installed at a cost of $136,504. The cost of making stores for issue to ships was $112,468. The total cost of labor for this department of the yard was $537,022, and of material, $388,642. Over $100,000 was expended in improvement to the plant.

The Equipment Department expended $196,136 for labor and $143,464 for material.

The Department of Yards and Docks spent $563,381 for public works of a permanent character, $41,914 for repairs and preservation, $126,601 for maintenance, $16,820 for contingent expenses, and $15,177 for the civil establishment, a total of $763,894. The present value of permanent structures is $4,358,350.

The Ordnance Department prosecuted work on 47 vessels, completing the outfits of the *California* and *South Dakota*, and doing much work on the *New Orleans* and *Wyoming*. Fire-control instruments were installed on 4 vessels, and a complete target plant was made for the Pacific and Atlantic fleets. Ammunition was prepared for 47 war vessels.

There is at Mare Island a granite dock 27 feet 5 inches over the sills, capable of docking any vessel we now have afloat, and another granite dock is nearing completion having a depth of 31 feet 5 inches on the sills.

It is thus demonstrated that we have at Mare Island a navy-yard very efficient in character, capable of not only repairing and equipping battle ships and all other naval vessels, but able to do construction work of the highest character, and that even as the channels exists today, it is undoubtedly capable of taking care of any of our naval vessels now afloat.

As to its situation, Read-Admiral Hollyday said before the House Committee on Naval Affairs:

"It could not be better located. The enemy could take San Francisco, and still they would not get Mare Island Navy-Yard; and the climate is superb, a great deal better than San Francisco. It is out of the trade winds, and you can work there every day in the year. It is never very hot and never very cold, and there is a fine labor market—a navy-yard town of almost 6,000 inhabitants. Almost every man is interested in the navy-yard one way or another, and they are fine mechanics. They draw from San Francisco in addition, and they have a boat train service almost every hour."

The matter of climate is an important one, for it is a complete offset, as has been acknowledged by naval observers, against the longer hours and fewer holidays of workmen in private yards in the East, making the Mare Island workmen as cheap as any to be found in the United States. And construction in the yard should be continued, to carry out the idea of the head of the Bureau of Construction and Repair, who in his report in 1906 said:

"As stated in previous communications, it is believed that at least one yard on the Atlantic coast and one yard on the Pacific coast should, when practicable, be given a reasonable proportion of new construction work, in order that such yards, one of which on each coast is now suitably equipped, may always be available for any work the Government may desire undertaken therein.

"One of the specially advantageous features of such new construction is the availability at any time of men employed in such work for service in connection with emergency or periodical repairs to the fleet."

One of the peculiar advantages of the yard is that the water there has such an admixture of fresh water that it kills the barnacles on the vessels' bottoms, which are cleaned by simply anchoring them in the basin. The toredo and limoria also can not exist in these waters, and pile construction is therefore protected against their attack. There are piles standing at the yard that are still sound, though they were driven thirty or forty years ago.

Such being the character of the Mare Island Navy-Yard and its approaches, it is evident that the Government should spare no pains to make it the principal naval base of the Pacific. It is also evident that comparatively little work would deepen the channels so that the large battle ships that we are now constructing can enter there. The Navy Department has therefore given this latter subject its attention.

In March, 1908, the Secretary of the Navy recommended that a board be appointed to consider the question of hydraulics at the Mare Island Navy-Yard, with the view to recommend a system of works which would secure and maintain a depth of water in the approaches to the yard and in the yard itself sufficient for the passage and handling of the largest battle ships built or contemplated. The board appointed consisted of Lieut. Col. John Biddle, Engineer Corps, U. S. Army; F. T. Chambers, civil engineer, U. S. Navy; Capt. Thomas H. Jackson, Engineer Corps, U. S. Army; J. V. Rockwell, civil engineer, U. S. Navy.

In considering the problem the board assumed 30 feet at mean low water from the entrance of San Francisco Bay to the end of the present sea wall at the upper end of Mare Island as the least depth which would provide a proper channel for the largest naval vessels. This would give at high tide from 36 to 38 feet, providing for any probable case of damaged ships. The new dock at the navy-yard will have a depth over sill of 31½ feet at mean high water. Thus the conditions would be perfect for the handling of the largest vessels we are ever likely to build.

The board found that this minimum depth of 30 feet at low water now exists naturally from San Francisco to the navy-yard, with the exception of a short stretch over Pinole Shoals in San Pablo Bay and in Mare Island Strait. In 1851, when the first survey was made, the least depth of water in Mare Island Strait was 27 feet at mean low water, and there was no sign of a bar at the entrance. In 1876 a bar had appeared at the entrance, due, probably, to the débris coming down from the hydraulic mines and to the wash from cultivated lands, and in 1896–1898 the depth of water had diminished to 21 feet over the bar and 15 feet for the inner channel. Dredging was then begun, and the inner channel was given a depth of 28 feet, and in 1899 the bar was dredged to 30 feet at mean low water. From that time there was some filling in from sediment deposited, in some sections very slight and in others as much as 2 feet per year. A system of dikes was then proposed and works constructed, which began to take effect in 1905, since which time they have contributed to regulate the channel, whose depth has been maintained since that date. Additions to the dike system are, however, necessary in order to secure the full effect designed. The typical sections have not only maintained themselves, but there has been a scouring of the channel, especially at its shallowest parts. The shallowest water is over the bar, but even here the depth has increased several inches; and when one of the dikes is extended, as contemplated in the original plans, the conditions will be still further improved. It is believed that the present tendency to shoal is due to the wash from cultivated lands, carried down the Sacramento and San Joaquin rivers, but that the principal cause is the silt stirred up by the waves in San Pablo Bay and carried north by the tides, to be deposited in the strait and channel at slack water; also from the silt coming down the Napa River, which flows by the yard. The mud from San Pablo Bay, however, is believed to be the source of shoaling that will have to be particularly guarded against.

The board discusses seven methods of dealing with the conditions at the yard.

The first is constant dredging to maintain the depths.

The second is the extension of the dike system, with the expectation that the dikes will render still further service to scour the channel, though it is not thought that this means would alone secure the desired depth.

The third is dredging the channel to 30 feet and extending the dikes within the strait and from the southern part of Mare Island 8,000 feet to prevent silt being carried into the strait from San Pablo Bay. It is expected that the scour will maintain the depths in this 400 and 600 foot channel with very little dredging; but in the 1,000-foot basin periodic dredging will be necessary, which would cost comparatively little with a dredge owned by the Government. The estimated expense of this improvement is $1,007,000, with an annual expenditure of $70,000 for maintenance of dikes and dredging. If Commission Rock is not removed, the cost will be $112,000 less, or $895,000.

The fourth plan is the diversion of Napa River to the west of Mare Island and the construction of a dam across the strait at the upper end, making an open tidal basin at the yard. The advantage of this plan would be to have a basin with no current, which would facilitate handling vessels. The disadvantages are the probable greater silting of the basin and approaches and greater cost, which is placed at $1,553,000, with $134,000 annual cost of maintenance.

The fifth plan is to construct a dam, with lock and sluice gates, across the upper limit of the yard, to confine the waters of the Napa River until low tide, when the sluice could be opened and the outgoing water scour the channel. This would expose shipping to great danger and is not considered advisable.

The sixth plan is to construct a dam and sluice gates across the mouth of Mare Island strait. This, also, is not viewed favorably.

The seventh plan is to construct a dam at the upper limit of the yard and another at the entrance to the strait, with sluices and locks for the passage of vessels. This involves the inconvenience to Vallejo business

involved in the former plan, but keeps out the silt coming from Napa River. A large gate could be substituted for locks in the dam at the entrance of the strait, to be operated at slack water, but the board prefers two locks. The estimates for this plan are $5,247,000, with $25,000 per year for maintenance.

Should the third or fourth plan prove unsatisfactory after trial, this last plan would still be open for adoption.

In San Pablo Bay there has been practically no shoaling in the deeper parts since 1863. In 1905 a channel 300 feet wide and 30 feet deep was dredged across Pinole Shoal, but this gradually filled in so that the board's soundings showed available depth at low water of about 23 feet. Observation showed that the currents in San Pablo Bay were not parallel to the channel, and, moreover, vary with tide and wind. The material of the bottom is soft mud, easily dredged. This channel must be redredged, and there must be a protecting dike or periodical redredging. A dike along the dredged portion would be about 30,000 feet long and would cost about $1,500,000. The objection would be, besides its cost, uncertainty as to what locations a channel would assume with reference to the dike and the interference with the tidal basin. Its advantage would be protection from cross currents, production of additional scour, and further protection of Mare Island Strait from silt.

The board believes that at some future time a dike on one or both sides of the channel will be necessary, but at present does not deem construction advisable, for the reasons that the possibility of keeping the channel open by dredging is worth a trial.

The board, therefore, recommends as follows:

"That Mare Island Strait be dredged to a 30-foot depth with a width of 600 feet over the bar and up to the turn, a width of 400 feet from the turn to the receiving wharf, and 1,000 feet from that point to the north end of the quay wall; that the dikes within the strait and at the lower end of Mare Island be extended as shown in plan, and that the channel in San Pablo Bay be dredged to a width of 500 feet and depth of 30 feet, all depths being at mean low water.

"The board strongly recommends the immediate construction by the United States of a self-contained and self-propelling dredge. This would be used for maintenance and would soon pay for itself. The main objects are to have one immediately available for dredging shoal places and to decrease the cost of maintenance. The board's estimate, including the cost of this dredge, is $1,767,000, and of maintenance, $125,000 per annum. This estimate for maintenance is based on the assumption of a dredge constructed and operated by the Government and is therefore less (by $50,000) than the estimates for maintenance in the main body of the report. The expenditure for maintenance is, in the opinion of the board, absolutely necessary to preserve the approaches so as to permit naval vessels of deepest draft to reach Mare Island."

COMMANDANT'S OFFICE, MARE ISLAND NAVY-YARD,
November 25, 1908.

Hon. GEORGE C. PERKINS,
24 Market street, San Francisco.

MY DEAR SENATOR: Replying to your letter of the 23d instant, requesting the draft of the largest naval vessel that has been to the yard since I have been commandant, the following vessels have come and left here without trouble:

U. S. S. *Hancock* left December 14, 1902; draft, 23 feet 3 inches forward; 26 feet 9 inches aft. U. S. S. *Milwaukee* left February 2, 1908; draft, 25 feet 6 inches forward; 26 feet 6 inches aft. U. S. S. *South Dakota* arrived July 2, 1908; draft 26 feet 2 inches forward; 26 feet 6 inches aft. U. S. S. *California* arrived July 13, 1908; draft, 25 feet forward; 26 feet 4 inches aft. The battle ship *Missouri* arrived July 13, 1908, draft being only 23 feet 11 inches forward; 24 feet 3 inches aft.

Very truly, yours,
T. S. PHELPS, Jr.,
Captain, United States Navy, Commandant.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 29, after line 21, to insert:

The Secretary of the Navy is directed, by suitable board, to investigate and report to Congress the advisability and necessity of establishing a naval base, including a navy-yard and repair station, on the coast of the State of California, south of San Francisco; and if the establishment of such naval base is deemed necessary and advisable, at what place on said coast said naval base should be located, and an estimate of the cost of same.

The amendment was agreed to.

The next amendment was, on page 30, line 9, after the word "dollars," to insert "general storehouse (to cost $260,000), $100,000; pier No. 8, $75,000; pattern shop, $40,000; two officers' quarters, $18,000; warrant officers' quarters, $4,000;" and in line 15, before the word "thousand," to strike out "four hundred and eighteen" and insert "six hundred and fifty-five," so as to make the clause read:

Navy-yard, Puget Sound, Washington: Stone and concrete dry dock, to continue (to cost $2,000,000), $400,000; sewer system, extensions, $8,000; railroad and equipment, extensions, $10,000; general storehouse (to cost $260,000), $100,000; pier No. 8, $75,000; pattern shop, $40,000; two officers' quarters, $18,000; warrant officers' quarters, $4,000; in all, navy-yard, Puget Sound, Washington, $655,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 10, to insert:

Naval station, New Orleans, La.: Levee improvements and grading, $45,000; in all, $45,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to insert:

The Secretary or the Navy, in order to increase efficiency and economy in the work at navy-yards, is hereby authorized and directed to consolidate into one department at each yard and station all manufacture and repair work, except the work involved in the handling of stores, the manufacture of clothing, and the preparation and handling of provisions; and he is hereby authorized to incorporate such portions of the appropriations herein or previously made which are chargeable with labor and material into a single account, to be called "The Manufacture and Repair Account," and he may pay from the sum so segregated for all labor at the yards and stations and for all material used in manufactures and repairs: *Provided*, That nothing in this act shall be construed as altering or suspending the specific objects for which the appropriations in question are made: *Provided further*, That all expenditures under "The Manufacture and Repair Account" shall be reported in detail to Congress on or before January 1, 1911.

Mr. TILLMAN. Mr. President, there are a good many reasons why this provision ought not to go into the bill; but rather than take time to explain my objections to it, I simply make the point of order that it is new legislation.

The VICE-PRESIDENT. What is the point of order?

Mr. ALDRICH. General legislation.

Mr. TILLMAN. General legislation.

The VICE-PRESIDENT. The Chair is of opinion that the provision proposes general legislation, and he therefore sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Public Works under the Secretary of the Navy," on page 33, after line 2, to insert:

Toward the construction of two concrete piers at the Naval Academy, Annapolis, Md. (to cost $250,000), $100,000; in all, $100,000.

Mr. HALE. I offer as a substitute for that amendment what I send to the desk. It perfects the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine to the committee amendment will be stated.

The SECRETARY. In lieu of the amendment just read it is proposed to insert:

Toward the preparation of plans and the construction of two concrete piers at the Naval Academy, Annapolis, Md., and including the pay of the necessary draftsmen and inspectors (to cost not more than $250,000), $100,000; in all, $100,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 33, line 12, before the word "eighty-nine," to insert "one hundred and," so as to make the clause read:

Total, public works under Secretary's office, $189,000.

The amendment was agreed to.

The next amendment was, on page 33, line 23, after the word "buildings," to strike out:

Improving and grading grounds and roads, $2,000; dredging channel and basin, $3,000; increase of heating and lighting plant, to complete, $16,000; walks at detention barracks, $2,000; water-closets, $1,500; for bakery and cold-storage plant, to complete, $25,000; repairs to Barracks "C," $3,500; improvements in rifle galleries and ranges, $1,800; paving and grading peninsula, $5,000; enlarging boathouse, $8,000; improvements to assembly, lecture, and reading room, $13,600; fire-alarm system, $3,500—

And insert:

Improving and grading grounds and roads, $1,900; dredging channel and basin, $2,816.72; increase of heating and lighting plant, to complete, $14,500; walks at detention barracks, $2,000; water-closets, $1,500; for bakery and cold-storage plant, to complete, $23,500; repairs to Barracks "C," $3,400; improvements in rifle galleries and ranges, $1,550; paving and grading peninsula, $4,500; enlarging boathouse, $7,450; improvements to assembly, lecture, and reading room, $13,100; fire-alarm system, $3,500.

The amendment was agreed to.

The next amendment was, under the subhead "Public Works, Marine Corps," on page 40, after line 2, insert:

For the purchase of land adjoining the navy-yard, Charleston, S. C., as a reservation for the Marine Corps, $6,500; in all, $6,500.

The amendment was agreed to.

The next amendment was, on page 40, line 8, before the word "dollars," to strike out "sixty-six thousand," and insert "sixty-six thousand five hundred," so as to make the clause read:

In all public works, Marine Corps, $366,500.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 42, after line 5, insert:

The Surgeon-General of the Navy, with the approval of the Secretary of the Navy, is hereby authorized to employ dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed 15 in all; they shall be employed as contract dental surgeons, and shall be graduates of standard dental colleges, trained in the several branches of dentistry, within the age limits of 24 and 35 years; they shall be of good moral and professional character, and shall pass a satisfactory physical and professional examination, and shall receive the same compensation as acting assistant surgeons in the navy: *Provided*, That two of the number of dental surgeons to be appointed shall be first appointed by the Surgeon-General, with the approval of the Secretary of the Navy, with reference to their fitness for assignment, under the direction of the Surgeon-General, to the special service of conducting the examinations and supervising the operations of the others, and for such special service an extra compensation of $60 a month will be allowed: *Provided further*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. LODGE. Mr. President, bills are pending in regard to a dental corps both for the army and the navy. There is a House

bill in reference to the navy, and there is a bill before the Committee on Military Affairs in regard to dentists for the army. It is an important question, and there is considerable difference of opinion as to the proper method to take in dealing with this corps. It seems to me that it is rather too large a subject to handle in an amendment to an appropriation bill. I do not want to delay the bill a moment by debating the subject, so I make the point of order that the amendment proposes general legislation.

The VICE-PRESIDENT. The Chair is clearly of the opinion that the point is well taken, and sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Supplies and Accounts," on page 44, line 17, after the word "all," to strike out "six million eight hundred and one thousand five hundred and twenty-three dollars and fifty-one" and insert "seven million one hundred and ten thousand two hundred and eighty-four dollars and thirty-one," so as to make the clause read:

In all, $7,110,284.31.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read to the end of line 6, on page 45.

Mr. LA FOLLETTE. Mr. President, I find it impossible to follow the Secretary's reading, because of his omissions. I do not make this suggestion to delay the consideration of the bill, but I want an opportunity to follow it.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, and read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the navy in the line of construction and repair; incidental expenses for vessels and navy-yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, $8,979,144: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named in an amount not to exceed the sum specified for each vessel, respectively, as follows: Maine (in addition to the $200,000 authorized by the naval appropriation act approved May 13, 1908), $520,000; Missouri, $540,000; Ohio, $540,000; Wisconsin, $380,000; Chattanooga, $210,000; Cleveland, $210,000; Denver, $210,000; Des Moines, $210,000; Galveston, $210,000; Tacoma, $210,000; Concord, $152,000; Yorktown, $152,000; Elcano, $35,000; Paragua, $20,000; Quiros, $30,500; Rodgers, $42,000; Rainbow, $140,000; Supply, $130,000; Yankee, $195,000; Apache, $21,500; Lincoln, $6,000; in all, $4,164,000, as per the letters of the Secretary of the Navy, House Documents Nos. 1152 and 1306, Sixtieth Congress, concerning repairs of certain naval vessels.

Mr. CLAY. Mr. President, I notice this bill carries a little over $4,000,000 for repairs of our vessels. If I remember correctly, during the last session of Congress we appropriated $5,000,000 or a little over $5,000,000 for this purpose, naming the vessels that were to be repaired. I see that for the *Brooklyn* we appropriated $453,500. The report of the Secretary of the Navy shows that only $740.37 of that sum has been spent thus far in repairing that ship. For the *San Francisco* we appropriated $600,250, and the report of the Secretary shows that $3,565.17 has been spent for repairing that ship, which is only a small amount of the large appropriation we made. For the *Baltimore* we appropriated $653,300, and of that sum but $71,832.42 has been used. For the *Alabama* we appropriated $660,500, and only $1,165.68 of that sum has been used. We appropriated for the repair of the *Iowa* $559,500, and only $18,277.31 of that amount has been used. I will not go over all of these various amounts, because it would take time, and I know time is precious.

It appears that of the $5,000,000 we appropriated to repair these vessels last year only about one-twentieth of the amount has been utilized for that purpose. I see that the Secretary of the Navy reports as follows in answer to a resolution which I introduced:

The amount required to keep a first-class battle ship in repair and good condition for one year is $109,856.09.

If we had 30 battle ships, at that rate it would not require over $3,000,000 per year to keep them in repair, if the Secretary of the Navy is correct. I had an idea from the appropriations we made at the last session that it took from four to six hundred thousand dollars per year to keep a battle ship in repair. I should like to know what will be done with the $4,000,000 appropriated last year for the repair of these battle ships that has not been utilized. The Senator from Maine of course knows. It may be possible that this sum will be used between now and the 30th day of June. That appropriation bill passed last May, but the appropriations were not available until the 30th day of June. If the Secretary of the Navy is correct, and $109,856.09 will keep in repair and in good condition a battle ship for a year, I can not see why we appropriate five and six hundred thousand dollars per year to keep up a battle ship.

Mr. HALE. Of course, the money that we appropriate for repairs in such large sums can only be spent for repairs on those ships. It can not be diverted to any other purpose. It is for a specific purpose and does not lapse and return to the Treasury. The Senator will bear in mind, and we may as well realize, that the repairs upon all these ships appropriated for last year and this year and for next year will never be fully known until the fleet returns and is sent to the different navy-yards, and boards of examination and survey are called. Then the amounts of repairs and overhauling, in some cases amounting almost to rebuilding, will be known in the aggregate.

Some of these ships, repairs on which we appropriated for, were taken and sent off around the world. The money could not be expended upon them and will not be until they get back. In some cases there have been small repairs, but that does not in any way indicate that a big ship can be kept in commission for the small sums mentioned by the Senator as set forth in the letter of the Secretary of the Navy. The increase we will never know until the ships to be repaired under last year's and this year's appropriations get in and go to the navy-yards. We shall know better then what the entire bill is to be; but the department is not obliged to expend the appropriation in the year in which it is made.

Mr. CLAY. The Senator expects, then, that this balance of nearly $4,000,000, which has not been utilized, will be probably applied to repairing the battle ships when they return from the cruise around the world?

Mr. HALE. Undoubtedly; and a great deal more.

Mr. CLAY. Does the Senator think that in the next four months we could spend that much money in repairing these ships?

Mr. HALE. I do not know. They can expend a great deal in four or five months. They go right to work as soon as the ships come in. How much they will spend the rest of the year, I do not know. It will go over into next year.

Mr. CLAY. Does the Senator understand that a first-class battle ship can be kept in good condition and repair for $109,000, on an average, a year? I see the Secretary says so in his statement.

The amount required to keep a first-class battle ship in repair and good condition for one year is $109,856.09.

He goes on to say that he has made a calculation of the amount used heretofore, and considering the number of battle ships we have in use, I had an idea that in ten years it would take as much to repair and keep in good condition a battle ship as it would to construct it, and I was surprised when I found that it takes only $109,000 to keep it in good repair.

Mr. HALE. That is not in any way complete. That is all they have expended, but the rest of it will all go.

Mr. TILLMAN. The Senator from Maine can *enlighten* me and perhaps others on that point. I understand that the report of the Secretary simply means that if a ship is tied up in a yard, not used, no expenditure for fuel or anything except to maintain it in its condition, and possibly clean it if it needs cleaning during the year, by putting it in the dock, the ship can be maintained for that sum. A ship in commission can not be maintained for that sum; in other words, a ship that is running, that is being used, that is being worn out. It is simply a ship that is lying—

As a painted ship
Upon a painted ocean—

as was illustrated twice yesterday and which we read long ago in Coleridge—a toy ship, not a usable ship.

Mr. HALE. I do not know that I quite get the inquiry. All this money is going to be spent in the navy-yards.

Mr. TILLMAN. I know, but I was speaking of the report of the Secretary of the Navy, made in reply to the resolution of the Senator from Georgia, which was that a first-class battle ship could be maintained without deterioration at $109,000, was it not?

Mr. CLAY. One hundred and nine thousand dollars.

Mr. TILLMAN. I say that must be for a ship that is not being used.

Mr. HALE. Undoubtedly. I have here from the department a memorandum of what it costs to keep a ship afloat, one of these biggest ships, and it is $1,090,000.

Mr. TILLMAN. That is the full complement of officers and men——

Mr. HALE. Everything.

Mr. TILLMAN. And fuel and food and supplies and powder and everything.

Mr. CLAY. That is not for the repairs of the ship. It includes much more than that.

Mr. HALE. That is the whole thing.

Mr. CLAY. The Secretary says he reaches this conclusion by taking the total amount that it cost to repair battle ships last year and dividing it by the number of battle ships we had on hand, and that the average was $109,856.09. Surely he did not mean ships at sea.

Mr. HALE. Undoubtedly not.

The PRESIDING OFFICER (Mr. DICK in the chair). The reading of the bill will be proceeded with.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 47, line 17, after the word "vessels," to strike out the following proviso:

And provided further, That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of $200,000 in any one fiscal year.

The amendment was agreed to.

The next amendment was, on page 51, line 24, before the word "dollars," to strike out "eleven thousand nine hundred and sixty-eight" and insert "seventeen thousand four hundred and eighty-eight," so as to make the clause read:

Engineering experiment station, United States Naval Academy, Annapolis, Md.—Experimental and research work: For original investigation and extended experimentation of naval appliances, and for the purchase of such machines and auxiliaries considered applicable for test and use in the naval service, $17,488.

The amendment was agreed to.

The next amendment was, on page 52, after line 7, to insert:

The title of warrant machinist is hereby changed to machinist; and all machinists shall, after six years from date of warrant, be commissioned chief machinists, to rank with, but after, ensign, and shall, on promotion, have the same pay and allowances as are allowed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, and no machinist shall be promoted until he shall have passed such examination before a board as the Secretary of the Navy may prescribe, and no warrant officer, heretofore or hereafter promoted six years from date of warrant, shall suffer a reduction in pay which, but for such promotion, would have been received by him: *Provided,* That chief boatswains, chief gunners, and chief machinists shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, and warrant machinists to that grade.

The amendment was agreed to.

The next amendment was, on page 58, after line 15, to insert:

The crypt and window spaces of the United States Naval Academy chapel are to be used only for memorials to United States naval officers who have successfully commanded a fleet or squadron in battle, or who have received or may receive the thanks of the Congress of the United States for conspicuously distinguished services in time of war, and no memorial shall be accepted for or installed in said crypt or window spaces until at least five years after the death of the officer in question: *Provided,* That nothing in this provision shall be considered as invalidating any agreement made by the present or any former superintendent of the Naval Academy, authorizing a memorial window in the old Naval Academy shapel to be transferred to the new Naval Academy chapel.

The amendment was agreed to.

The next amendment was, on page 60, line 6, after the word "dollars," to insert the following proviso:

Provided, That no part of the appropriations herein made for the Marine Corps shall be expended for the purposes for which said appropriations are made unless officers and enlisted men shall serve as heretofore on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels.

Mr. LODGE. Mr. President, in my opinion this amendment is general legislation and is clearly subject to the point of order. But it is a very important matter, and I believe the Senator from Maine would like it discussed on its merits. So I shall not make any point of order, and will try to discuss it solely on its merits.

It is a very important change. It reverses the policy of the Government, as expressed in the statutes, from the beginning of the Government. The Revised Statutes, section 1611, provide:

The Marine Corps may be formed into as many companies or detachments as the President may direct, with a proper distribution of commissioned and noncommissioned officers and musicians to each company or detachment.

SEC. 1616. Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint for service on said vessels such of the officers of the corps as he may deem necessary.

SEC. 1619. The Marine Corps shall be liable to do duty in the forts and garrisons of the United States.

It has been the uniform policy, therefore, of the Government to compel the employment of marines on shore in such detachments and at such places as the President may direct, but it has been left always within the discretion of the President whether they should be sent to sea at all, or in what number. Now, it is proposed by this amendment to take that power from the President, and to compel him to keep at least as many marines on the ships as are now serving in that capacity.

This proposed law will apply, of course, to the incoming President and not to the outgoing President. It will take from him the power which I think properly belongs to him as the Commander in Chief to send the marines to sea or to keep them on shore duty, and for the first time the President will be fettered in that direction. I think that is enough to indicate what a serious change is here involved.

Mr. President, we borrowed the Marine Corps from the English navy. The English navy is the only navy that employs marines afloat, and the number of marines in the English navy is proportionately about the same as in our own. But the English marines on their ships are, many of them, the servants of the officers and perform duties of that kind which are not demanded of our marines and would be resented if they were demanded. In the German navy there are three battalions of marines, but they are not employed afloat, the statement of the German officers being that their presence would injure the morale and the military efficiency of the blue jackets. The French also have a force of marine infantry, which is employed at naval stations and for expeditionary purposes under the control of the navy. There are no marines afloat in the French navy. There are no marines at all in the Russian or Japanese navy, and I think that in the other navies the same is true.

In our navy there are at sea only 22 per cent of the enlisted marines; only one-sixth of the officers were at sea—54 out of 333. There are 41 marine officers of and above the grade of major, and only 2 were at sea—5 per cent—1 major in each fleet. The great body of the Marine Corps, all the higher officers, are employed on shore duty. Of the 10,000 men, roughly speaking, 8,000 are employed on shore duty and are used for expeditionary purposes, and 2,000 are now on the ships.

The character of the seamen on the United States ships of war has greatly changed and improved in the last comparatively few years. Some years ago the seamen on board our men of war were largely foreigners. They were recruited in the great ports, and the navy took what it could get. It often got very poor material—men who were ready to take service on such a ship because they could not get good service in the merchant marine. They were picked up everywhere. I think—I am recalling the old debates—we had nearly 75 per cent foreigners. That has completely changed. The seamen of the navy to-day are Americans. A very large proportion of them are native born, but they are practically all American citizens. The recruiting has been extended from the sea ports to all parts of the country, with the result that they are now drawing many of their seamen from the interior of the United States, from the region of the Lakes, and from other States, and are getting a fine class of men.

The seamen resent the use of a police force. They believe, and I think with some reason, that they are just as able to maintain discipline as soldiers are able to maintain discipline in the army. I think it would be the testimony of every officer of the army that no greater mistake could be made than to have a privileged and differently uniformed corps that should act as the policemen of each regiment. The marine corps of England, which we have borrowed, is a relic of the days of the press gang, when the unwilling men were seized in the streets, delivered by the crimps, and thrust unwillingly and almost in a condition of mutiny into the ships. Conditions have completely changed from the days when a corps of marines on board ship to act as police was necessary.

I shall call attention in a moment to the testimony of the officers of the navy in that respect. I believe it makes against good discipline to keep them longer on the ships, in view of

the great improvements that have occurred in the character of the American blue jackets.

Mr. President, this order was made by the President, who of course had to make the order, on the recommendation of the Navy Department. It did not originate with him. It was recommended two years ago by Admiral Converse, at that time head of the Bureau of Navigation, the bureau charged with the care of the personnel of the navy. It was repeated by the present head of the Bureau of Navigation, Admiral Pillsbury. I have here his letter recommending it. It was approved by the Secretary of the Navy, Mr. Metcalf. It was submitted to the President, and he made the order advised by the department.

I will read the letter of Admiral Pillsbury to the President. He says:

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
Washington, D. C., October 16, 1908.

SIR: The bureau is of the opinion *that the time has arrived when all marine detachments should be removed from United States naval vessels*, substituting blue jackets in their stead.

The marines thus removed should be organized into regiments, battalions, and companies, and should be embarked or ready to embark in a suitable vessel, and should be attached to the fleets, thus forming part of the fighting force of the fleets directly under the control of the Commander in Chief.

Attention is invited to the fact that both blue jackets and marines are recruited with the same degree of care and from the same class of people. If anything, it may be said that the degree of intelligence, superiority of intellect, etc., is in favor of the blue jacket, for a large number of ratings in the navy are filled by skilled laborers. Under these circumstances it is apparent that one possesses no virtue or military qualification that is not possessed by the other.

The *blue jackets of to-day are self-respecting, reliable, and trustworthy*, and it is believed that no reason at the present time exists for having men from two separate, distinct corps wearing different uniforms in the organization of a ship.

Under the navy regulations the marine detachment is a distinct part of the complement of a ship and forms a division in the detail of the whole force for battle. They are drilled at and man a certain number of guns, but if called upon at any time to land as an expeditionary force they abandon the guns aboard ship and break up the organization, leaving a certain number of guns without crews.

While under the regulations the Bureau of Navigation fixes the complements of vessels in commission, the removal of marine guards involves a change of policy, and the bureau therefore recommends that authority be granted to change the complements of all ships on board of which marines are now stationed, substituting for them an equal number of blue jackets as soon as the latter may be enlisted in sufficient numbers to make this substitution.

On July 1 last there were 2,022 on board ships of the fleet. This does not include receiving ships and prison ships. Should the bureau's recommendation meet the department's approval, it is proposed that the marines shall be withdrawn from the ships of the fleet gradually. The bureau is prepared at the present time to relieve the detachments of eight ships, and by the 1st of next July it is probable that they could be relieved from all cruising ships.

Very respectfully,
J. E. PILLSBURY,
Chief of Bureau.

THE SECRETARY OF THE NAVY.

I have here letters from some other naval officers. I have shown it has met with the approval of the Chief of the Bureau of Navigation, the Secretary of the Navy, and the President of the United States. I have extracts from the testimony of officers. Admiral Dewey says, January 11, 1909:

NAVY DEPARTMENT,
OFFICE OF THE ADMIRAL OF THE NAVY, MILLS BUILDING,
Washington, January 11, 1909.

MY DEAR FULLAM:—

Commander Fullam—

I have received your letter of 7th instant setting forth reasons why the President's recent order withdrawing marines from ships should not be nullified; and having read with much interest, find your arguments unanswerable.

I was recently requested to appear before the House Naval Committee in connection with this subject, but was unable to attend owing to my having been laid up for some time with sciatica.

I may, however, be given a chance to appear at some future date, when I hope to be able to make use of your excellent arguments.

Thanking you for your letter and with regards for Mrs. Fullam and yourself, I remain,

Sincerely, yours,
GEORGE DEWEY.

Commander W. F. FULLAM, U. S. Navy,
Naval Training Station, Newport, R. I.

Rear-Admiral Converse I have already quoted. It appears in his official report for 1906. Rear-Admiral Evans takes the same view. So does Rear-Admiral Sperry, the present commander in chief of the Atlantic Fleet; Rear-Admiral Swinburne, commander in chief of the Pacific Fleet; Rear-Admiral Frederick Rogers, commander in chief of the Pacific Fleet; and Rear-Admiral Ingersoll, representing the General Board of the Navy. Then come the captains of the ships which have been on the trip around the world. I have here somewhere extracts from their testimony, but I can not put my hands upon it. They all speak in the highest terms of the conduct of our sailors upon the cruise which has just been concluded.

Mr. FRYE. Do the captains agree?

Mr. LODGE. They all agree.

Secretary Metcalf, in his report for 1908, says:

Too much can not be said of the magnificent conduct of the enlisted personnel throughout the history of this voyage and in the presence of an unprecedented succession of entertainments and shore hospitalities.

The occasion has brought to the front that element of greatest strength in our navy—the personal characteristics of the enlisted force.

Telegram from the commander in chief United States Atlantic Fleet:

NAPLES, *January 13, 1909.*

Efficiency of ships having no marines has been increased. Commander in chief and captains of *Vermont* and *Connecticut* consider that marines should be removed from all ships.

REAR-ADMIRAL SPERRY,
Commander in Chief Atlantic Fleet.

Telegram from the commander in chief United States Pacific Fleet:

TALACAHUANO, *January 12, 1909.*

Rear-Admiral Sebree and commanding officers, excepting Captain Smith, who joined at Panama, report efficiency of ships improved by removal of marines. They request continuance present arrangements, recommending removal marines from all ships. I concur with recommendation, but earnestly recommend marines remain under naval authority.

REAR-ADMIRAL SWINBURNE,
Commander in Chief Pacific Fleet.

Then extracts follow showing the good conduct of our men otherwise, which it is not necessary, probably, for me to read. The excellent conduct of the men has been very remarkable.

It is in the interest, in my judgment, of the good discipline of the ships and in the best interests of the seamen—it is the belief of all the younger officers, certainly, who are brought into close contact with the men—that discipline will be improved by the gradual removal of the marines and their practical confinement to shore duty and expeditionary duty.

As for the matter of expense, that we must replace the marines with a corresponding number of seamen, it is quite true that that will have to be done; but the Marine Corps is bound to be increased for the increased shore duty for the increased fleet in any event, and it is only a question whether we shall make the increase in the blue jackets or whether we shall make the increase in the Marine Corps.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly.

Mr. DIXON. The Senator from Massachusetts is one of the members of the Committee on Naval Affairs, is he not?

Mr. LODGE. I am not.

Mr. DIXON. Was there any hearing before the Committee on Naval Affairs on this question of the marines?

Mr. LODGE. That I do not know.

Mr. HALE. There was a very full and exhaustive hearing on this whole question before the House committee, taken down in full and made a part of their report. The Committee on Naval Affairs in the House upon that hearing unanimously reported the provision the Senate committee has now put upon the bill, and when it reached the Senate the Committee on Naval Affairs of the Senate had before it all the testimony taken in the House, which was followed by their report of this amendment. Instead of going over the same testimony, the committee of the Senate adopted the conclusions which the House committee had adopted.

Mr. LODGE. I have looked over that hearing, Mr. President, and I am bound to say it did not convince me. The principal witnesses seemed to be marine officers who never go to sea. They seemed to be the principal opponents of leaving with the President the discretion of withdrawing the marines.

Mr. HALE. If the Senator will examine the hearings of the committee fully, the committee heard not only marine officers, but distinguished line officers, the Secretary of the Navy, and Admiral Pillsbury, and had the whole case before them.

Mr. LODGE. Certainly they did, but I mean that most of the witnesses who argued for the retention of the marines, as I gathered, were marine officers of higher grades who never go to sea.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. Certainly.

Mr. CUMMINS. It is only fair to say at this point, while I have no disposition to limit this discussion, I supposed the Senator from Massachusetts rose to make a point of order against the amendment. Not having done so, I think it just to say that I intend at the proper time to make the point of order which the Senator from Massachusetts declared would be well taken. I do not believe that we should enact any such important legislation curtailing or interfering with what I believe to be the constitutional power of the Commander in Chief in

an appropriation bill. We have enough of those in this appropriation bill without importing any unnecessary ones.

Mr. LODGE. In this connection I am reminded to say that if we leave it where it is we do not compel the President to withdraw the marines; it is left discretionary with him, as it has been from the beginning of the navy. If it is a mistake to withdraw the marines, it is perfectly possible for the next President to put them back. There is nothing final about the order. He can put them back or keep them off the ships, as he pleases. But this amendment proposes to compel him to keep a certain number of marines on the ships whether it proves wise or unwise. He is to have no choice at all. He is to have no discretion. The Navy Department is to have no discretion. It is to be decided here that so many marines, one-fifth, shall go to sea, not that all ships shall have them, but that some of the ships shall have them, leaving him discretion to send more if he chooses, but no other discretion is left with him at all.

Mr. RAYNER. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. RAYNER. Does the Senator from Massachusetts agree with the Senator from Iowa that the President has a constitutional power that is not subject to the laws of Congress? The Senator from Iowa has just said that what the President did was the exercise of a constitutional power. I ask the Senator from Massachusetts the question whether the President has any constitutional power in regard to this subject, except the power that can be regulated by an act of Congress?

Mr. LODGE. I think that unquestionably it can be regulated by an act of Congress. I think this is a normal and proper duty of the Commander in Chief, and that it should be left with him, but if Congress chooses to provide that we shall have a corps of 10,000 marines and they shall all go to sea, Congress has, in my opinion, undoubtedly the right so to provide by law. Congress has power under the Constitution, as I understand, to make rules and regulations for the government of the force—not to govern the force, but to make rules and regulations for its government.

Mr. RAYNER. The Senator from Iowa has asserted a proposition that the President has frequently asserted, that as Commander in Chief of the Army and Navy he is not subject to the laws of Congress. I am glad to see that the Senator from Massachusetts does not agree with the Senator from Iowa on that proposition.

Mr. LODGE. I have no desire to discuss the constitutional question.

Mr. CUMMINS. Did the Senator from Maryland understand me to say that the President of the United States is not subject to the laws of Congress in any respect?

Mr. RAYNER. I did not understand you to say that. I understood you to say that the President, as Commander in Chief of the Army and Navy, has a constitutional right to do whatever he wants with reference to the marines. If I was mistaken about that, I will be glad to be corrected.

Mr. CUMMINS. I asserted, and I reassert, that, in my opinion, the President of the United States has the right to determine whether the Marine Corps shall be employed upon ships or employed upon the shore and that Congress has no authority to interfere with that discretion. Congress has the authority to say that there shall be no Marine Corps or no seamen, if you please, but Congress has, in my opinion, no greater authority to declare what is the declaration in this amendment that it would have to say during the progress of a war that no infantry regiments should approach within a mile of any battery.

Mr. RAYNER. Mr. President, I understood the Senator from Iowa to say that, and I say the Senator from Iowa is wrong. Is the President, in reference to the marines or in reference to the land and naval forces, subject to any laws that Congress may pass? This is a very important matter, which has been discussed before in the Senate, and the President has always asserted that, as the constitutional Commander in Chief of the Army and Navy, he is not subject to the laws of Congress.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. RAYNER. I have not quite finished yet, but still I will yield.

Mr. BORAH. I will wait until the Senator from Maryland concludes.

Mr. RAYNER. I should like to hear the question.

Mr. BORAH. I was going to ask if the Senator from Maryland contends that the President, as the Commander in Chief, has no constitutional powers which are not subject to the control of Congress?

Mr. RAYNER. I contend that Congress has the right to make all rules and regulations for the government of the army and navy, and that the President is absolutely subject to any rules and regulations that Congress may make. I am without the authorities now, but I discussed this question once before in the Senate. I am perfectly satisfied that this is an absolutely constitutional measure, and when Congress passes a law making regulations for the government of the land and naval forces the President himself must obey those regulations, and he has no power as the constitutional commander of the army and navy paramount to the power that is resident here in Congress to regulate the land and naval forces.

Mr. LODGE. Mr. President, the discussion of the Constitution is always most interesting, but I am not making even indirectly an assault upon the Constitution.

Mr. BACON rose.

Mr. RAYNER. The Senator understands that. He entirely understands that, but the Senator from Iowa was making a most serious——

Mr. LODGE. I saw the Senator from Georgia get up, and I knew the Constitution was in peril.

Mr. BACON. I do not wish to take up the time of the Senate, but I will say that in the keeping of the Senator from Massachusetts it would always be in peril.

Mr. RAYNER. The Senator from Iowa has made a most serious assault upon the Constitution; an assault that ought to be answered. We ought once and for all time to understand that if we pass an act of Congress providing for the regulation of the land and naval forces, the President of the United States is bound to obey that act.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho.

Mr. LODGE. I do.

Mr. BORAH. I only want to say, not for the purpose of discussing it at this time, that under the Constitution the President of the United States is made Commander in Chief of the Army and Navy of the United States. As such Commander in Chief he has certain constitutional powers which he may exercise and which Congress can not control, and that question has been settled, in my opinion, by our Supreme Court in numerous cases.

Mr. RAYNER. I would be very much obliged——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. I yield to the Senator from Maryland.

Mr. RAYNER. I should like to have authorities upon that point. I should like to have one single authority of the Supreme Court that the President of the United States can exercise constitutional powers in reference to the land and naval forces that are not subject to an act of Congress. I should like to see a case on that point.

Mr. BORAH. I have not the authorities at hand, but I have them collated. I have them so that I can, if necessary, furnish them to the Senator, which I will be glad to do without charge.

Mr. RAYNER. I do not think they will be worth anything. Therefore I would not pay anything for them. [Laughter.]

Mr. BORAH. Mr. President, furthermore, I will say that I have collated a statement of a number of leading lawyers of this body upon this same subject, and I do not stand alone in this matter. If I did, I would have some temerity in contradicting the Senator from Maryland.

Mr. RAYNER. Some time ago, at the kind suggestion of the Senator from Maine, the chairman of the Naval Committee, I undertook to furnish him with authorities the other way, and I venture to say that the authorities are all one way, that while the President of the United States is the Commander in Chief of the Army and Navy, when the Constitution provides that Congress can "raise and support armies," that it can "provide and maintain a navy," that it can "make rules for the government and regulation of the land and naval forces," if Congress passes a bill providing and maintaining a navy, raising and supporting armies, the making of rules for the government and regulation of the land and naval forces, the President is subject to the act of Congress. All the writers upon military law are in accord upon that subject, and I know of no case at all that conflicts with that position.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I did not intend by my suggestion to provoke a discussion upon any constitutional ques-

tion. The very fact, however, that my suggestion has created this difference of opinion is a conclusive reason in support of the point of order which I intend to make. We can not afford to settle these grave constitutional powers in an amendment to an appropriation bill. When that question shall come properly before the Senate I will be very glad to submit my views with regard to the constitutional power of the President in such an instance. I make the point of order that this is general legislation.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. The point of order is not debatable.

Mr. LODGE. The point of order is debatable if it is to be submitted.

Mr. HALE. I suggest that as Senators are discussing the merits of the measure the Senator from Iowa withhold his point of order.

Mr. CUMMINS. I did not intend to insist upon it at the present moment. I simply intended to give notice that I would insist upon the point of order at the proper time.

Mr. LODGE. I yield to the Senator from Idaho.

Mr. BORAH. I do not desire to prolong the debate by a discussion of the constitutional question at this time. I only want it understood that, so far as my view of the matter goes, the position which I took is a correct one. The Senator from Maryland says that the writers upon military law have decided otherwise. The Supreme Court of the United States has decided otherwise than that. I have not any doubt about the matter and, if it becomes necessary, I will try to get the authority for it.

Mr. LODGE. Mr. President, I did not intend to say anything that would arouse the most sensitive friend of the Constitution. I started out by reading the statute under which it was plain that the President had the power to direct whether the marines should be employed on board ship or not. The statute was permissive and gave him authority to send them there in his discretion. So his action was both legal and constitutional when this order was issued, and I do not suppose that is contested by anybody.

My objection was that it was a sudden change of a well-settled policy of this Government, which, from the beginning of the navy, had left it within the discretion of the Commander in Chief, and the proper place, I think, to leave it, whether there should be marines sent on board ship, and how many should be sent, if any. That has been the universal practice.

Now, Congress comes in for the purpose of revoking an executive order properly, legally, and constitutionally issued; not with a view of curbing the present President. This bill will not become a law until he shall have been for months out of office, but it will put fetters upon the hands of the next President without giving him the slighest chance to consider whether it is wise to have marines on board ship or whether it is not. Under the old law he can replace them if he does not think it best to keep them there, but all discretion is taken from him by this bill, and we have an ironclad system which takes over certainly what I believe is a normal and reasonable function of a Commander in Chief and prevents him from exercising it.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I do.

Mr. DIXON. I merely want to ask one question for enlightenment. The amendment provides that not less than 8 per cent of the enlisted men on the battle ships shall be from the Marine Corps, and that the appropriation shall lapse if 8 per cent are not serving. I want to ask the Senator what would be the effect of this provision provided the battle ships were sent out from port with 8 per cent of Marine Corps men on board and of that 8 per cent one-third should desert or die of cholera.

Mr. LODGE. The Senator means assuming that this amendment becomes a law?

Mr. DIXON. Yes, sir; if the appropriation stands.

Mr. LODGE. I suppose it would lapse unless the full 8 per cent is kept up.

Mr. RAYNER. Will the Senator from Massachusetts allow me to finish the sentence, which I desire to do?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. RAYNER. I have just sent for one among a number of volumes upon military law, and it is the best statement from any writer upon the subject that I know of and is the best book, in my judgment, which has been written upon military law. I only want to read a few lines, to show the Senator from Idaho how greatly he is mistaken upon the proposition which he has announced to the Senate.

I read from O'Brien's Courts-Martial, on page 1:

> According to the Constitution, Congress has absolute power over the army. It can create, organize, increase, or disband it at its mere will and pleasure. It has the exclusive power of making rules and articles of war and of legislating for the public force. The military laws which it may be pleased to enact in pursuance of the Constitution are as binding on the President as on the private soldier, and there is no power in the Commonwealth which dare disregard or deviate from the slightest of its ordinances.

I say that is the law and the Supreme Court has never decided otherwise.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I do.

Mr. DIXON. I do not disagree at all with the proposition of law which has just been stated by the Senator from Maryland [Mr. RAYNER]. The difficulty is, he does not distinguish between creating, regulating, controlling, and bringing into existence an army and commanding it. I say that the President as Commander in Chief of the Army has the powers which belong to a commander in chief—that is, to command the army—and when he issues an order which has been made under the authority intrusted to him by Congress, that order is conclusive, and Congress has no power to annul it or set it aside. He may dispose of the army; he may send the fleet here and there, because that is a part of the powers of the Commander in Chief. To raise the army, to regulate it, to feed it, and provide rules and regulations for its government belongs to Congress.

Mr. LODGE. On the question of expense, it is stated by the Bureau of Navigation, from which I get my information, that to replace 2,000 marines and marine officers with blue jackets on board ship will result in an actual saving to the Government of $122,000 annually. The reason for this saving is that the expense of providing marine officers is considerable, whereas the total number of midshipmen and line officers need not be and will not be increased and no expense will be entailed if more line officers are assigned to ships to replace the marine officers.

That is the figuring of the department as to the actual expense. I do not know whether it is correct or not, but it is perfectly clear that no additional expense will be incurred by replacing with blue jackets the 2,000 marines now on board ship.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. I do.

Mr. HALE. I would say that the Committee on Naval Affairs looked into that matter, and, I think, unanimously came to the conclusion, which, it seems to me, must be apparent to everybody, that if you take 2,000 marines from the ships where they are doing duty, thereby reducing the force upon the ships, and send the marines somewhere else, you have got to replace them by additional men. The committee believed that we should be called upon at once to fill those places by additional men in the navy and that the expenses would be anywhere from four or five to six hundred thousand dollars.

The proposition seems to be as plain as possible. You are putting your marines somewhere else and taking them away from the ships. We have not too many men now, and you have got to increase the naval force.

Moreover, the committee realize that it is not intended that this shall stop. The purpose—I will not say of everybody, but the underlying purpose—is to take these people away from the navy and in the end turn them over to the army. To that the committee is decidedly opposed, and I think the naval officers are opposed to it, but that is what we shall be confronted with if we take them away from the ships.

Mr. LODGE. Mr. President, I am as much opposed to taking the marines away from the naval authorities as is the Senator from Maine, but I see no more reason why withdrawing them from the ships shall force them into the army than it forces them into the army of Germany or of France, where they are not used on ships.

Moreover, as to expense, I do not think it is quite so plain as the Senator from Maine makes it. Of course it is perfectly obvious that if you take 2,000 marines off the ships and replace them with 2,000 blue jackets you will have the additional expense of the blue jackets; but if you keep the 2,000 marines on the ships, you will have to increase your Marine Corps in order to meet the demands made upon that corps by the increased

labor for which they are required at home. The department asked for an increased Marine Corps last year, and got it. They are asking for another increase this year. They have not got it, but they are demanding an increase.

I have seen that corps rise from 3,000 men to 10,000 men in the short time I have been here. If you leave the marines on board ship, you are going to increase the Marine Corps. If you take them off the ships, you will not need to increase your Marine Corps probably for a good many years to come, but you will have to increase your blue jackets. It is six of one and half a dozen of the other so far as the change of men goes.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. Supposing the marines are kept off the ships, what are we going to do with them? What is the purpose?

Mr. LODGE. I suppose we shall use them. We use 8,000 of them now. We have got them at the navy-yards; we have got them at the naval stations; and we use them as they have been used at all the distant points where we have had to send them on expeditions, to keep them as an expeditionary force. We must have a guard for our navy-yards. We must have a guard for our naval stations. We must have marines at Guantanamo. We must have marines in the Philippines. We must have marines in Guam. Tutuila is in the hands of the navy, and you must have marines there.

Mr. TILLMAN. As I understand, the marines are the military branch of the service, and in a way take the place of soldiers.

Mr. LODGE. That is true, and I am not trying to interfere with that.

Mr. TILLMAN. At the same time they are on shipboard and are trained as sailors to manipulate the great guns and to do a part of the fighting when any fighting is to be done.

Mr. LODGE. I want to retain them as soldiers and not have them do the duties of seamen. They are now used as gun crews. They man some of the guns, but their gunnery record is inferior to that of the blue jackets. They are not good gunners.

Mr. TILLMAN. Then it is a question of practice. If you give them as long a time and enough powder, they certainly will hit as many targets as the blue jackets, when they are all recruited from the same source.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. Certainly.

Mr. du PONT. I should like to ask the Senator from Massachusetts, so far as this question of additional expense is concerned, whether, in the last analysis, it does not come down to whether the cost of 2,000 marines is or is not less than the cost of 2,000 sailors?

Mr. LODGE. I can not answer that without a comparison of the tables. I am not sure, but I think their pay is the same.

Mr. du PONT. That is the whole question, if there is any question of economy.

Mr. LODGE. It is admitted by everybody, I think, that there is economy in the matter of officers; that is, if you have sailors instead of marines on the ships, and the sailors perform the same duties as the marines, they come under the command of the existing naval officers, whose number will not have to be increased at all.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. HEYBURN. I should like to ask a question there. Would it not be necessary, then, to increase our naval officers? Have we a surplus of them?

Mr. LODGE. No. I am told there will not be slightest need of it. You carry so many officers on board a battle ship. If you substitute blue jackets for marines, the same officers will take charge of the additional men. They will all be one body.

Mr. HEYBURN. If you increase the number of blue jackets, then you will not be compelled to increase the number of officers over the blue jackets?

Mr. LODGE. Not at all.

Mr. HEYBURN. But you would substitute naval officers for marine corps officers?

Mr. LODGE. The marines bring their officers with them.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. I do.

Mr. HALE. I do not want that conclusion of the Senator from Massachusetts to be taken as admitted. I have no doubt, if you expel the marines from this service—which nobody has disturbed for a hundred years until now—and supply their places by enlisted seamen, that on every ship you will increase the number of officers of the navy correspondent with the increase on the part of the seamen. I have no doubt that that will result, and I therefore do not agree with the conclusions of the Senator from Massachusetts.

Mr. LODGE. I differ with great hesitation from the Senator from Maine, but I do not think that the officers on board a ship are detailed in proportion to the number of men. I think very largely the governing thing on board ship is the duty to which the officers are assigned, and I am assured by the Bureau of Navigation that that would involve no increase whatever in the number of officers. I have no other authority than that.

Mr. HALE. I do not think that is true—that is, I do not think in operation that it will so work out. I think the number of officers largely is correspondent to the number of men. If a battle ship has 600 seamen and 200 marines, making 800, the number of officers that will be put upon the ship for 800 men will be increased over what it was when there were only 600 men, just as a battle ship which calls for 800 men has more officers, as the Register will show, than the 600-man battle ship.

Mr. LODGE. Unquestionably.

Mr. HALE. And the 600-men ship will have more officers than the 400-men ship. The measure of the number of officers, I think, is as much the number of men as any other one thing. It is not absolutely controlling, but it controls as much as anything.

Mr. LODGE. Mr. President, on every ship there are a certain number of watch officers. On the smaller ships there may not be more than four. If you add to the number of men under command it will not change the number of watch officers. I do not mean to say that the size of the ship and the number of the crew has no effect; but I do say it is not the only element. In the mere matter of standing watch they must have a certain number of officers on every ship in order to have enough to stand the watches and give the proper relief.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. I do.

Mr. PERKINS. I want to correct the statement of the Senator as to the pay of the blue jackets and marines. The Senator stated it was the same.

Mr. LODGE. I stated that I thought it was; but I was not sure.

Mr. PERKINS. The pay per annum of the sailor is $483.33 and of the marine $263.07. At least that is the testimony of Colonel Richards in the hearings before the House committee.

Mr. LODGE. That leaves out of consideration the fact that the uniforms of the marines are more expensive; that the marines are obliged to have barracks built for them; that they must have extensive quarters on shore, while the seaman lives on his ship or on a receiving ship at the navy-yard. I was speaking from memory of the pay bill last year when we equalized the pay. I understood the pay of the soldier, marine, and sailor was equalized so far as possible.

The marine, except in gunnery, performs none of the duties of the seaman. His duties are those simply of a police force of the ship. The marines do have guns, but the results attained by marine gun crews are not as good as those attained by gun crews of blue jackets.

Mr. President, I have taken more time than I intended. It seems to me that this is a question that may be very wisely left where it is has always been left by the statute—with the Commander in Chief of the military forces. I think that is the natural place to leave it. I think it is a very risky thing to attempt here to lay down a hard and fast rule as to how many marines shall go to sea and provide it in such a way that with the growth of the navy you must have a continual growth of the Marine Corps.

I do not believe that it is a good thing for the discipline of the ship to have marines aboard. I believe that the present class of seamen in our navy will be infinitely better off, just as our soldiers are better off, maintaining their own discipline. I myself hope that if this great change is to be made, it will not be made by an amendment to an appropriation bill which we have got to consider in a few minutes in the closing hours of a dying Congress.

Mr. RAYNER. Mr. President, I shall only take a few moments. I do not intend to discuss at all the policy of this pro-

vision. I am satisfied that under the statutes as they exist now the President has an arbitrary and almost unlimited discretion; but, in my judgment, as is usual with him, he has exercised a most tyrannical and despotic power. However, I do not propose to discuss that branch of the subject. I only want to supplement what I said by adding that so far as his constitutional power goes, he is subject to any law that we may pass. In addition to the reference that I gave, I want to give one or two more references from the same author. I quote from page 31:

> The command of the President is, indeed, absolute within its sphere, but its sphere is bounded on all sides by law. The moment the Executive oversteps the boundaries prescribed, he becomes powerless, and his commands are of no force.
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> * * * * * * *
>
> So contracted is the actual authority of the President that, but for the protective power of his qualified veto, his command might be so restricted by legislation as to destroy its utility.
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> * * * * * * *
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> As the Executive has no legislative power, it is plain that the regulations issued by him to the army are not law; and as he is as much bound by law as any other citizen, it follows that if any of them conflict with law they are so far null and void; otherwise they are constitutionally binding as military commands.
>
> * * * * * * *
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> In all that relates to the raising of an army, to its strength, to its organization, to its criminal code, Congress is omnipotent, the President powerless.

If there is any authority that contradicts that, I shall be glad to hear it.

Mr. HALE. Mr. President, the Senator from Massachusetts has said that all that is wanted or needful is to leave things as they are. The amendment reported by the Committee on Naval Affairs, being like the one reported in the House of Representatives, is on the basis of not disturbing a condition that has existed for a hundred years. During that time the Marine Corps has been an important and accepted and useful part of the naval establishment, and no Executive, in that time, has ever thought of interposing a presidential order and disrupting this old, harmonious condition that has existed for a century. All that the committee seeks to accomplish now by this provision, as a limitation on the expenditure, put upon an appropriation bill as practically the only place where it could be put, is to retain the old status of the Marine Corps.

I have known something of the services the Marine Corps has rendered to the Navy, to the Government, and to the people in years past. They have been an essential and invaluable part of the naval establishment; they have gone with the ships into every place where there was an emergency or peril or danger, and they have not only never been found wanting, but have never failed to perform the most important part of the duties of a naval expeditionary force. The part that they performed in China is well known to everybody.

I know something about—and this is very important, Senators—the services that were rendered by the Marine Corps at the most critical period on the Isthmus of Panama, when there was imminent danger of an outbreak, a conflict, and a war. The army demanded the privilege of sending two regiments to Panama to meet the forces of the Republic of Colombia. Under the dispensation, which the President has disturbed and destroyed, there were at that time, as there have always been at important emergencies and junctures in our affairs, four or five hundred marine-corps men, a disciplined, active, efficient military force, that would not have been there had they not been carried there upon the ship.

I remember very well that the then Secretary of the Navy opposed the sending of the troops of the army down there. He insisted that the Marine Corps was ample for every emergency, and gave his instructions to the marine-corps contingent that was upon the Isthmus not to provoke war, not to advance war, but to avoid war, and, if necessary, for the moment to retreat to save war. Those men, a part of the expeditionary force of the United States, carried there upon ships of the navy, followed the instructions of the Secretary of the Navy; and I say, Mr. President, to the Senate, from my knowledge of that situation—and the Secretary of the Navy agreed with me in that—that if the army had sent down two regiments of men to be put into the service we should have had a war with Colombia in twenty-four hours; and, while we would have overwhelmed Colombia, it would have cost us fifty or a hundred million dollars. That instance alone of itself demonstrates the essential need of this valuable, brave, and accomplished corps of men, whose services in order to be of any use should be upon the ships.

Mr. MONEY. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. Certainly.

Mr. MONEY. I wish to ask the Senator from Maine—he has been very instructive in his remarks—of which one of the expeditions he is speaking? Was it the one of which Admiral Jouett had command—the last one?

Mr. HALE. It was at the most critical time, when the government was being established down there. I do not remember who was in command of the fleet. The Senator can easily identify it historically.

Mr. MONEY. There were two expeditions, the Senator will recollect, and I supposed he was alluding to the last one from the fact that he mentioned that the army insisted upon sending two regiments down there.

Mr. HALE. I mean the one which established the Isthmian government.

Mr. MONEY. That was Admiral Jouett's.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Oregon?

Mr. HALE. Certainly.

Mr. FULTON. I should like to ask the Senator how many enlisted men there are now in the Marine Corps?

Mr. HALE. Ten thousand—I will not say "ten thousand," because the corps is not recruited up to the maximum, but there are perhaps actually between eight and nine thousand.

Mr. FULTON. What especial service can they perform for the navy on shore?

Mr. HALE. That naturally opens the entire question. It is not intended that they all shall be upon the ships. Part of their duty is guarding and caring for the navy-yards and naval stations.

Mr. FULTON. To promote their highest and best efficiency, ought they not to have training at sea?

Mr. HALE. Undoubtedly.

Mr. LODGE. May I ask the Senator from Maine a question?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. Certainly.

Mr. LODGE. I have here a statement from the Navy Department. There are only 1,300 marines now afloat.

Mr. HALE. I did not know there were so many as that, because they have been taken off the ships.

Mr. LODGE. I mean there are 1,300 now afloat. At the time of the order there were 2,000.

Mr. HALE. Just about 2,000, or about a quarter of the enlisted force of the Marine Corps.

Mr. LODGE. Then 8,000 were employed on shore, were they not?

Mr. HALE. No; the 8,000 included the 2,000.

Mr. LODGE. But the remainder, 6,000, were all employed on shore?

Mr. HALE. They were all employed on shore.

Mr. LODGE. If the Senator will permit me just one word, I agree with all he says about the Marine Corps and its use; but I never understood that the President's order affected their employment as an expeditionary force at all. On the contrary, they would be used for that.

Mr. HALE. I want to come to that. The pride that these men naturally have in the service that they have performed, their discipline and value upon the ships, is the one thing that lies nearest to their hearts and their ambitions. It is another thing, Mr. President, to dump these men onto transports and to herd them together upon outlying and auxiliary ships of the navy and trail them along by themselves, herded in that way, only to be called upon when an emergency arises. Upon every expeditionary fleet that this country shall ever send forth—and I hope they will be few—there should be this valuable corps as a part of the ship's equipment, so that, instead of depending upon a corps that is exiled from the ship and put into auxiliary ships, the colliers, or whatever they may be, you will have them at the moment when needed ready for service. One of the best things the Marine Corps has accomplished in its history has been in instances like that which I have cited. It has prevented war, when the army would have stimulated war, that being the business of the army.

Mr. President, this subject has been thoroughly thrashed out——

Mr. MONEY. I should like to make a few remarks.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. MONEY. If the Senator is about to yield the floor, I should like to occupy it for a few moments only. I do not want to delay the bill.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. Does the Senator from Mississippi desire to ask me a question, or will he wait until I shall have concluded?

Mr. MONEY. No; I thought the Senator was about to conclude.

Mr. HALE. I was, because I do not want to take up time. It is not necessary. The provision in the appropriation bill is precisely the provision that comes within the constitutional point so well made by the Senator from Maryland. It takes upon Congress the responsibility under the provision which gives the conduct and regulation of the military establishment to Congress. It gives that force here in the appropriation bill.

Mr. HEYBURN. I should like to ask the Senator if he has the order of the President at hand, in order that we may compare it——

Mr. HALE. It is in the papers. It is very distinct.

Mr. HEYBURN. I do not recall it so distinctly as I should like to.

Mr. HALE. Mr. President, it is easy to see that the proposition submitted by the Senator from Maryland must be the true, fundamental, profound proposition on which shall be rested the conduct and regulation of the military forces of the Government. The President undoubtedly had the right to issue the order, which no President had ever attempted to do in a hundred years, and Congress has upon itself the responsibility of restoring that condition.

What would Senators think if, at a time of emergency, the President, a President who was more for peace than for war and ignominiously for peace instead of honorable war, should order, upon the proposition that there was no danger of war, every ship of the navy into a navy-yard, to be laid up? If the President has the power, and Congress can not overrule him, upon the personnel of the navy, he has the same power over the ships themselves. Does anybody believe that in a condition like that Congress for a moment would hesitate to take upon itself the conduct and regulation, under the Constitution, of the navy of the United States and order those ships out against the presidential mandate? I am only giving that as an illustration. And that is all that is attempted to be done here, under the undoubted authority that Congress has, not to abandon everything in the conduct and regulation of the army and the navy to the President, but to establish a rule that shall for the time override it may be a presidential order.

I am not going to discuss the question of the point of order. The Senator from Massachusetts [Mr. LODGE] did not make it, but the Senator from Iowa has indicated that he would. I am not going to argue it, although I have plenty of citations here. The discussion that has already arisen has shown that it is a very debatable question—it is a very serious question, where the line is drawn—whether the Senator from Maryland is right, as I think he is, or the Senator from Idaho is right, as I think he is wrong; and being of that mind, for one I am entirely willing that it shall be submitted to the action of the Senate.

Mr. FULTON. Mr. President, I do not possess enough knowledge on the subject of the Marine Corps to determine for myself what disposition should be made of the proposed amendment, but I can not escape the feeling that the Marine Corps should have sea training, and a very considerable amount of it. I am disposed, so far as I am concerned, to accept the judgment of the committee as to the policy of this amendment.

I simply wish to say a word on the question suggested by the junior Senator from Iowa [Mr. CUMMINS], in which he contends that it is not competent for Congress to make this regulation. It seems to me, with all deference to the distinguished Senator from Iowa, that that is a most astounding statement and discloses a very deplorable situation, if true. I quite agree with the Senator from Idaho [Mr. BORAH] that the power of the President as Commander in Chief of the Army and Navy is distinct and separate from the power of Congress to raise and support armies and navies and to make rules for the regulation of the army and navy within a certain sphere.

I concede that Congress can not absolutely control and fetter the President, but that is simply when and while he acts as commander in the field and has charge of the movements of military forces and matters of that character that pertain distinctly and peculiarly to the duties of a commander in chief. In those matters he is supreme, but after all he is subordinate in all cases to such rules and regulations as Congress shall make. Congress can not deprive him of the position of commander in chief. It can not substitute some other official or person in his stead. He is by the Constitution Commander in Chief of the Army and Navy, but he must exercise his authority subject to the rules and regulations made and to be made by Congress.

Mr. Hamilton, in his Federalist, very clearly stated what his duties were supposed to be by the framers of the Constitution. He said:

> The President is to be the Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy—

That is, he is nothing more than any other commander in point of power, except that he is the supreme commander—

> while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies.

All of which, namely, the raising and regulating of fleets and armies, pertains to Congress.

Is this proposed amendment anything more than a regulation? It is a regulation of the navy and provision as to in what manner the Marine Corps shall serve the Nation, where it shall be placed, how long it shall remain at sea, or whether it shall go at all or not. Is not that a regulation of the naval forces? It seems to me that the contrary can not be reasonably contended for. To say that Congress can not make such a regulation as that is to strip Congress absolutely of all power in the matter of making rules and regulations for the army and navy.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. HEYBURN. Does the Senator from Oregon think that the Constitution does more than to designate the rank?

Mr. FULTON. That is all; nothing more. He is Commander in Chief of the Army and Navy by the Constitution, and therefore no other person can be appointed to that office.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. BORAH. Does the Senator from Oregon contend that he has no power as Commander in Chief except nominal, titular power?

Mr. FULTON. Oh, no; he has the powers of Commander in Chief. There must be a commander in chief. Were the President not named by the Constitution it would be incumbent, of course, upon Congress to provide for one. But the commander in chief would be subject to the regulations and rules laid down by Congress, as is the President. Of course he would have something to do. It is not to be supposed that a commander in chief will not have anything to do; that he will not command. He executes the rules and regulations laid down by Congress for the government of the army.

Mr. BORAH. Exactly.

Mr. FULTON. That is what he does, so far as the army in the field is concerned. Of course we understand the scope and extent of the authority of a commander in chief in the field when he is maneuvering forces.

I agree with the statement the Senator from Idaho made a while ago that the functions of Congress and those of the Commander in Chief are distinct and separate. In some respects Congress could not interfere with him. It could not substitute somebody else. Congress could not say how he should maneuver a certain army in the field.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. FULTON. Certainly.

Mr. CUMMINS. I put the same question to the Senator from Oregon that I did a few moments ago. Suppose Congress were to enact a regulation declaring that in the event of war the Commander in Chief should not allow any company of infantry to approach within one-half mile of any battery. Would that be a valid regulation put upon the Commander in Chief.

Mr. FULTON. Of course such a thing is impossible to assume. In the first place, Congress would never undertake to make any such regulation.

Mr. CUMMINS. I assume that is so, but I ask for the purpose of testing your rule.

Mr. FULTON. In the second place, that would be purely a matter of military tactics, which would have to be determined by the Commander in Chief in the field. It is possible Congress would not have power to do that. I would not undertake to say. It might be trenching upon the matter of commanding the army in the field, and I am not prepared to say.

Mr. BACON. Will the Senator from Oregon permit me to ask a question of the Senator from Iowa?

Mr. FULTON. I yield.

Mr. BACON. I should like to ask the Senator from Iowa whether or not, if Congress deemed it important that Congress should legislate without the overawing influence of an army, it would be within its power to direct the President of the United States not to permit any armed forces within the District of Columbia?

Mr. CUMMINS. I think it has that power.

Mr. BACON. Of course; and it has the power in any other way to direct that an army shall be at a certain place or shall not.

Mr. CUMMINS. I have no doubt of that.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I yield to the Senator from Idaho.

Mr. BORAH. That, in my judgment, is the dividing line upon this question. Congress has not the power to say that an army shall be at a particular place at a particular time or shall maneuver in a particular instance. That belongs exclusively to the Commander in Chief of the Army. The dividing line is between the question of raising, supporting, and regulating an army, and commanding it. It is difficult to define, for the reason that it is difficult to tell where the dividing line is. But when it is ascertained, there is no question about the constitutional provision covering it.

Mr. BACON. Will the Senator permit me to ask him the same question that I asked the Senator from Iowa? Does the Senator doubt the power of Congress, whenever it deems it important so to legislate, to say that the President shall not keep in the city of Washington any part of the army?

Mr. BORAH. Oh, yes; I think Congress would have that power; but that is a different proposition.

Mr. BACON. I do not think it is.

Mr. BORAH. That is a difference of opinion, upon which we are not likely to agree this afternoon.

Mr. FULTON. After all——

Mr. BRIGGS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. FULTON. Certainly.

Mr. BRIGGS. I wish to ask the Senator from Idaho if he thinks it would be a proper provision in an appropriation bill to provide that no part of the item for pay should be used to pay the navy if they were stationed at certain points? Would that be an interference with the executive power or the power of the Commander in Chief?

Mr. BORAH. My opinion is, it would be.

Mr. FULTON. I think it would be perfectly competent for Congress to make such a regulation. If the Senator means whether it is proper in an appropriation bill, of course that simply raises the parliamentary question. Speaking of the power of Congress, I have no doubt that Congress has power to say that the money shall not be expended in the payment of a particular corps of the army if it shall be stationed at a particular place.

Mr. BRIGGS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield further to the Senator from New Jersey?

Mr. FULTON. Certainly.

Mr. BRIGGS. I should like to ask the Senator from Oregon if that was not done in the appropriation bills of 1876 and 1877?

Mr. FULTON. I do not know.

Mr. BRIGGS. Was it not provided that no part of the appropriation for the army should be used to pay troops stationed in the South?

Mr. FULTON. I have no doubt of the power of Congress to make all rules and regulations for the army; and, of course, it could make rules that would operate, if carried out, to destroy the Nation. But it is not going to make such rules. But the power to make all rules for the regulation of the army is vested absolutely in Congress, and in that field it is supreme.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I do.

Mr. BORAH. I ask the Senator from Oregon if the Commander in Chief should make an order to the effect that the navy should maneuver at New Orleans, could Congress by legislation cancel or set aside or annul that order?

Mr. FULTON. I have no doubt of it.

Mr. BORAH. It could?

Mr. FULTON. I have no doubt Congress can require the army to be kept in a certain section. It can require the army to be removed from one section, if it deems it incompatible with the public welfare that it should be stationed there. I have no doubt of that. It seems to me there can be no question about it.

Mr. BORAH. That was not the question which I presented to the Senator. Congress could undoubtedly previously establish a rule and regulation by which the President would be controlled in these matters.

Mr. FULTON. Yes. And the simple fact that the President in advance had sent the army there would not preclude Congress from still exercising its constitutional function of ordering it removed from there.

Mr. BORAH. That is where we differ.

Mr. FULTON. That is where the Senator differs not with me so much as he does with the Constitution.

Mr. BORAH. I do not differ with the Constitution so much as I do with the Senator's interpretation of it. Mr. Pomeroy calls attention to that specific fact as an instance——

Mr. FULTON. I am aware of that.

Mr. BORAH. In which Congress can not interfere with the President's power; and Pomeroy is reasonably acceptable as a commentator of the Constitution.

Mr. BACON. Will the Senator from Oregon permit me to ask the Senator from Idaho a question?

Mr. FULTON. Certainly.

Mr. BACON. Extreme examples sometimes prove the law. Suppose that upon the occasion of a doubtful presidential election, in which the incumbent was a candidate, he saw fit to order 50,000 men to the capital; does the Senator doubt the power of Congress by law to say that they should be ordered elsewhere? If so, we have very little barrier between ourselves and despotism whenever a bad man happens to be President.

Mr. BORAH. The fathers who framed the Constitution did not seem to know whether the bad men would be in Congress or in the presidential chair. So they lodged certain powers with both of them, and lodged elsewhere the power to remedy either one of the evils when they should exercise their powers not in accordance with the Constitution. If the President should make such an order, and it should be deemed in violation of his prerogative as President or Commander in Chief, there is a way to reach it, and a provision made by which it can be reached. But I call the Senator's attention to the fact——

Mr. BACON. I hope the Senator, before he goes further, will answer the question. He says there is a way to reach it. If, in an emergency such as I have mentioned, the President should order 50,000 troops to the capital (Congress being in session, and believing it to be dangerous to the liberties of the country that they should come here), in what way, if it were not to be done by act of Congress, would the evil be averted?

Mr. BORAH. I undertake to say that if the President should make an order directing the army to a particular place, that particular order could not be canceled by the act of Congress, and I have not any doubt about the rule.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. FULTON. I do.

Mr. TELLER. I should like to say to the Senator from Idaho that that has been done on more than one occasion by statutes since I have been in the Senate. In the early stages after the war, when there was complaint of the army in the South, Congress exercised that power over and over—at least three or four times.

Mr. BORAH. Of course, I do not know what particular statutes have been passed and referred to by the Senator. I know some which have been passed upon by the courts. Undoubtedly, however, the Senator is correct.

But I want to call attention to the fact that Senator Spooner in discussing the question of the order of the President discharging the members of the Brownsville companies, stated upon the floor of the Senate that it was not within the power of Congress to cancel that order. He stated that it was an order made by the President in the discharge of his duty as Commander in Chief, and that it was beyond the power of Congress to remedy it by passing an act nullifying it or setting it aside. That is the point I am undertaking to bring to the attention of those who are discussing this question.

Mr. FULTON. Mr. President, I do not care to take up the time of the Senate further. My recollection of the contention of Senator Spooner differs somewhat from that of the Senator from Idaho. I heard Senator Spooner make his argument. I do not think that he absolutely contended that Congress was without power to vacate the order made by the President in the Brownsville matter.

That is what he was discussing. But he suggested, as I recall, that Congress was confined to making rules, and that it

could not make a special mandate in a special or particular case.

I have the most profound regard for Senator Spooner. I think he is one of the greatest lawyers this country has ever produced. But I do not think he had given that question the careful consideration its importance required. I have investigated it a great deal since then, and I have reached the conclusion that wherever Congress can act at all, it can act by either a general or a special rule, because there is no inhibition against Congress making special laws or special rules. It is purely a question whether it is within its province to act at all. If it is, Congress can make a special rule as well as it can make a general rule. The power to make a rule does not necessarily imply that it must be one of general application. We have special rules as well as general rules—rules for a special and particular purpose. I have no doubt about Congress having power, within the scope of its constitutional authority, to make a special as well as a general rule. But that does not apply to this case. What is sought to be accomplished here is to make a general regulation. The power to do that, it seems to me, can not be denied Congress.

Mr. LODGE. Mr. President, I desire to put into the RECORD the executive order which I think I have heard called "violent" and "tyrannical" this afternoon. I will read it:

EXECUTIVE ORDER DEFINING THE DUTIES OF THE UNITED STATES MARINE CORPS.

In accordance with the power vested in me by section 1619, Revised Statutes of the United States, the following duties are assigned to the United States Marine Corps:

(1) To garrison the different navy-yards and naval stations, both within and beyond the continental limits of the United States.

(2) To furnish the first line of the mobile defense of naval bases and naval stations beyond the continental limits of the United States.

(3) To man such naval defenses, and to aid in manning, if necessary, such other defenses as may be erected for the defense of naval bases and naval stations beyond the continental limits of the United States.

(4) To garrison the Isthmian Canal Zone, Panama.

(5) To furnish such garrisons and expeditionary forces for duties beyond the seas as may be necessary in time of peace.

That is the whole of the "violent" and "tyrannical" order.

Mr. RAYNER. "Despotic;" not "violent."

Mr. LODGE. The "despotic order," then.

Mr. RAYNER. That is what I said.

Mr. LODGE. Does the Senator deny that the President had the right, under the Constitution, to make the order?

Mr. RAYNER. I repeat that that is a despotic and tyrannical order, although he has the right to do it. A man can exercise a right and still exercise it as a despot and a tyrant.

Mr. LODGE. If it is despotic for the President, in the exercise of his statutory authority, to order marines to garrison the Isthmus of Panama, I hardly know what despotism is.

Mr. RAYNER. He intends to make policemen and patrolmen and janitors out of these men. That is his idea.

Mr. HALE. The order excludes them from the ships, too.

Mr. LODGE. I understand that, of course. I was merely commenting on its "violence;" that is all.

Mr. President, I have as high an opinion of the Marine Corps as has the Senator from Maine, and appreciation of the admirable work they have done; and I should resist in any way their absorption into the army. But this is a proposition to make them, not what they have been before on the ships—not at all. Hitherto they have been on the ships, under the common direction of the Commander in Chief, just like everybody else. This is an attempt to make them, by law, a privileged class on the ships—a very different thing. It is an attempt to raise them above the seamen, and to say to the men whom you want to recruit on your ships: "We can not trust you on the ships. We must have, by law, a privileged class of policemen in a different uniform, to watch over you." It is not an encouragement to your seamen. It is your seamen who principally fight your ships. It is your seamen on whom you must principally depend; and this is an attempt to do, by law, what never was done before—to make a privileged class in the navy of the United States.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. I yield.

Mr. HALE. Does the Senator realize that we have raised the enlisted force of the navy, by voluntary enlistment, from 8,000 to 43,000 at least?

Mr. LODGE. I am aware of that.

Mr. HALE. We have had no trouble in getting enlistments, and nobody has thought that the marines were a special class, nor has any sailor or landsman proposing to enlist in the navy ever been dissuaded because the marines were a police force or interfered in any way with the seamen.

Mr. LODGE. Precisely.

Mr. HALE. By this amendment we only put the marines back where they have been for a hundred years.

Mr. LODGE. No, Mr. President——

Mr. HALE. We do not give them any additional duties. We only keep them where they have been, under conservative government, heretofore.

Mr. LODGE. But you give them, by law, what they never have had by law before. That is the precise point; it is doing by law what never was done before. It is making them a class by law. Hitherto they have been under a common order and a common control. Now they are made a privileged class.

Mr. HALE. It was never needed to be done until now. We did not disturb this condition. The Marine Corps did not disturb this condition. It gave rise to no friction.

It worked admirably. The only thing that is asked now is to put the Marine Corps back where it has been for a hundred years.

Mr. LODGE. It was recommended, as I have said—and I again call attention to the fact—by Admiral Converse two years ago, and no action was then taken. It was recommended then by the present Chief of the Bureau of Navigation and by the Secretary of the Navy, and an order was drawn by the Commandant of the Marine Corps.

Mr. HALE. When it went to the other legislative body it was instantaneously taken out.

Mr. BRIGGS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. I do.

Mr. BRIGGS. I understood the Senator from Massachusetts to say that the seamen were the fighting men on the ships.

Mr. LODGE. I said they were the principal fighting force.

Mr. BRIGGS. I did not catch the word "principal." I was going to ask the Senator whether a soldier or a sailor who manned a 5-inch gun was any less a fighter than one who manned a 10-inch gun?

Mr. LODGE. Not at all; and I did not mean anything of that sort. I meant that they are the great body of the fighting force. The marines are very few in number compared with the total number of men on a battle ship.

Mr. BRIGGS. I understand the marines man the 5-inch guns and the guns of less caliber.

Mr. LODGE. They man the small guns.

Mr. BRIGGS. Yes.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. HEYBURN. It may throw some light upon this matter to refer to the statutes under which these powers are exercised. Section 1616 of the Revised Statutes was enacted in 1797, and it provides as follows:

Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint, for service on said vessels, such of the officers of said corps as he may deem necessary.

That is the oldest law on the subject. The law under which the President has recently acted was not enacted until 1849, fifty years later. So the primary service of this class of troops was on vessels.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Delaware?

Mr. HEYBURN. I do.

Mr. du PONT. I will ask the Senator from Idaho if the statute does not use the word "may," not "shall?"

Mr. HEYBURN. I so read it.

Mr. du PONT. Therefore it was simply permissory, within the discretion of the President, in the original act to which the Senator referred.

Mr. HEYBURN. I so read it.

Mr. du PONT. Whereas their duty on shore was mandatory, and the word "shall" is used.

Mr. HEYBURN. That is section 1619, referred to in the order of the Chief Executive as Commander in Chief, which reads:

The Marine Corps shall be liable to do duty in the forts and garrisons of the United States, on the seacoast, or any other duty on shore, as the President, at his discretion, may direct.

That power came from Congress and not from the President. Congress gave the President the power to change the nature of

the service of the marines from the condition that had existed for more than fifty years.

Mr. LODGE. He cites the section in his order.

Mr. HEYBURN. Yes. It may aid us somewhat to know the original intent of the creation of this peculiar branch of the service. I read from the executive order under consideration, as follows:

In accordance with the power vested in me by section 1619, Revised Statutes of the United States, the following duties are assigned to the United States Marine Corps.

Of course he does not claim to be exercising this right by virtue of being Commander in Chief of the Army and Navy of the United States. He professes, on the face of the order, to be acting with the consent of Congress, as provided in section 1619. So, it seems to me, that for the consideration of this question we are not called upon to go into the question of the power of the President as Commander in Chief under the constitutional provision.

Mr. RAYNER. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. I do.

Mr. RAYNER. The very power the President has exercised is under an act of Congress.

Mr. HEYBURN. He recites so.

Mr. RAYNER. Yes.

Mr. HEYBURN. And that is a comparatively recent act of Congress. Prior to that time, for the first fifty years of the Government's existence, he did not have that power.

Mr. HALE. It has never been exercised since that time until now.

Mr. HEYBURN. No. This order does not refer at all, either in language or in spirit, to section 1616, which is the original law and the controlling law, nor has Congress repealed it.

Mr. du PONT. Will the Senator from Idaho be good enough to read the original law again?

Mr. HEYBURN. Yes; I will read it again. This is section 1616—the act of July, 1797:

Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint for service on said vessels such of the officers of said corps as he may deem necessary.

Mr. du PONT. It is permissory. It says "may." Is not the language of that statute identical with the later statute of 1849 as far as concerns the permissory features, the features that are discretionary with the President? I think it is.

Mr. HEYBURN. I am not raising that question against it. Congress gave the power, and it may control the exercise of the power.

Mr. du PONT. I understood the Senator from Idaho otherwise. I understood him to say that during the first fifty years he had not that permissory power.

Mr. HEYBURN. I said they did not so serve. I did not refer to the power of the President. I stated the service.

Mr. HALE. Mr. President, while I have something more to say, I shall not take any further time on this subject. I hope we may get at this matter and get it out of the way.

Mr. CUMMINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Iowa?

Mr. HALE. Certainly.

Mr. CUMMINS. Mr. President, the question relating to the power of Congress to enact this legislation is a very interesting one; and if the paragraph remains in the bill, I shall desire at a little later time to submit at some length my views upon this subject. But I now make the point of order which I suggested originally, that the amendment is general legislation, and therefore not appropriate in an appropriation bill.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the amendment in order? [Putting the question.] By the sound the "ayes" seem to have it. The "ayes" have it, and the amendment is in order. The question is on agreeing to the amendment.

The amendment was agreed to.

RECESS.

Mr. HALE. Mr. President, as it is now nearly 5 o'clock, I will move that the Senate take a recess until 8 o'clock. I would give a good deal to avoid coming here this evening, but I hope we may thereby finish the bill. I ask the Senators to make some sacrifice of personal comfort in order that we may have a clear quorum for the transaction of business. I move that the Senate take a recess until 8 o'clock.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

The reading of the bill was resumed, beginning in line 14, on page 60, and continued to the end of line 24, on page 68, under the subhead "Increase of the navy."

Mr. CLAY. I hope the Senator in charge of the bill will allow this to be the last item in the bill to be considered.

Mr. HALE. I want to adapt the progress of the bill to the convenience of Senators. The Senator from Nevada [Mr. NEWLANDS] has the first amendment, striking out these ships and substituting an auxiliary force of colliers, supply ships, and so forth. He told me he would be here in order to present his amendment and urge its adoption. Of course all the rest of the bill largely depends upon this clause for the new ships. I am entirely willing that this part of the bill shall remain open.

Mr. CLAPP. I should like at the proper time to say something, and I should prefer that it remain open until the Senator from Nevada offers his amendment.

Mr. HALE. I think that is fair.

Mr. CLAY. If I understand the situation correctly, the amendment is not now in order anyway, inasmuch as we are simply considering the committee amendments.

The VICE-PRESIDENT. The whole matter will be left open to amendment until the reading is concluded.

Mr. McCREARY. I could not hear the Senator from Maine distinctly. Did he state that this clause about the increase of the navy would be left open until we finished the reading of the bill?

Mr. HALE. Yes; undoubtedly.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Increase of the navy," on page 70, after line 15, to insert:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer whose vitals are located below the normal load water line, such vessel to cost not to exceed $400,000 and to have a speed not less than 22 knots; also two small vessels of similar construction having a speed of not less than 16 knots and to cost not to exceed $22,500 each: *Provided*, That before any vessel provided for in this paragraph shall be purchased or contracted for a vessel of similar construction shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for such a vessel.

The amendment was agreed to.

The next amendment was, on page 71, line 10, after the word "dollars," to strike out "*Provided*, That no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed $900,000," so as to make the clause read:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore authorized, $22,766,823.

The amendment was agreed to.

The next amendment was, on page 72, after line 23, to insert as a new section the following:

SEC. 2. That a commission is hereby created, to be called "The Commission for Examination into the Business Methods of the Navy Department," to be composed of three Members of the Senate, to be appointed by the presiding officer thereof; three Members of the House of Representatives, to be appointed by the Speaker thereof, three rear-admirals in the United States Navy, not more than two of whom shall be either on the active or retired list of the navy, to be designated by the President; and three civilians, eminent in civil life, to be appointed by the President. Vacancies on the commission shall be filled in the same manner as the original appointment. It shall be the duty of this commission to inquire into and report to Congress, during its next regular session, what changes, if any, are necessary or desirable in the methods of conducting the business of the department, with a view to ascertain what, if any, improvements can be made in the organization and system of said department to secure the best and most economical conditions, and to insure the best preparation, on the part of the Navy of the United States, for any service or emergency that may arise requiring its use and employment. For these purposes they are authorized to sit during the sessions or recess of Congress at such times as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ such clerical, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said commission is created. The commission may, through subcommittees or otherwise, conduct their work, or any part of it. A sum sufficient to carry out the purposes of this section and to pay the necessary expenses of the commission and its members is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the chairman of said commission by any clerk appointed for that purpose by the commission. And hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, or any members thereof, unless the creation of such commisison shall have been authorized by Congress.

Mr. CLAY. Mr. President, my observation teaches me that very little is accomplished by commissions, and they are generally very expensive. I believe that the work set forth here ought to be done by Congress and by the Navy Department. It is the duty of the Navy Department to examine such questions and make such reports to Congress as may be necessary for the purpose of making these improvements. I make the point of order against the amendment that it is general legislation.

The VICE-PRESIDENT. The Chair is clearly of the opinion that the proposed amendment is subject to the point of order.

Mr. HALE. I am very sorry, Mr. President, that the point has been raised, but the amendment is undoubtedly subject to the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. HALE. Mr. President, that is the end of the bill. There are one or two minor amendments from the committee.

Mr. FLINT. Mr. President, I wish to inquire whether or not the entire section which provides for the commission was stricken from the bill on the point of order?

Mr. HALE. The whole section has gone out on the point of order. I offer the amendment I send to the desk.

The SECRETARY. On page 17, in line 22, strike out "an emergency" and insert the word "war."

The amendment was agreed to.

Mr. HALE. After line 13, on page 20, I move to insert what I send to the desk.

The SECRETARY. On page 20, after line 13, it is proposed to insert:

Provided, That no part of this amount shall be expended for the purchase of torpedoes or appliances or rights pertaining thereto where the rights to such torpedoes or appliances are the subject of pending legal controversy.

The amendment was agreed to.

Mr. HALE. I think those are the only committee amendments.

Mr. MARTIN. Mr. President, I desire to call to the attention of the chairman of the committee the fact that on page 6, in dealing with the clerical, drafting, inspection, and messenger force at navy-yards, it is provided that those employees shall have a leave of absence of fifteen days. The clause giving them the peremptory right to leave of absence of fifteen days reads as follows:

And that such per diem employees—

Meaning the clerical, drafting, inspection, and messenger force at navy-yards—

may hereafter, in the discretion of the Secretary of the Navy, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases, where such an employee is ill, be extended, in the discretion of the Secretary of the Navy, not to exceed fifteen days additional in any one year.

The point to which I desire to direct the attention of the chairman of the committee is that I see no reason why the additional leave of fifteen days, in the discretion of the Secretary, because of sickness, to the employees in the clerical, drafting, inspection, and messenger force should be limited to the employees in those special departments. I think if there is to be an additional leave of fifteen days because of sickness, it ought to embrace all, and should not be limited to those in these particular departments.

Mr. HALE. Has the Senator an amendment?

Mr. MARTIN. I have an amendment.

Mr. HALE. Will not the Senator offer it?

Mr. MARTIN. I was explaining what I had in mind. Now I will present the amendment. On page 6, line 21, after the word "year," I move to insert:

And that all other employees of navy-yards, gun factories, and naval stations, in addition to the fifteen days' leave of absence now provided for by existing law, may hereafter, in exceptional and meritorious cases, where such employees are ill, be granted sick leaves of absence with pay, in the discretion of the Secretary of the Navy, not to exceed fifteen days in any one year.

Mr. HALE. I think, if the Senator will allow me, that perhaps he could get at it by less words.

Mr. MARTIN. I suggest in this connection, if it is agreeable to the chairman, that I realize the amendment was hastily prepared and perhaps is not well expressed, but it can easily be straightened out in conference.

Mr. HALE. Yes; that is true. An amendment saying that the like privilege and leave shall be extended to all employees besides those already provided for would cover it.

Mr. MARTIN. I will say to the chairman that I was afraid I might include some who ought not to be included—some temporary employees—so I only gave it to those who already have the fifteen days' leave. I simply add to those having that the fifteen days' sick leave.

Mr. HALE. There is no objection. The Senator is right in his proposition, and the whole matter can be adjusted in conference.

Mr. MARTIN. If the phraseology is not apt it can be corrected in conference.

Mr. HALE. It can be fixed in conference.

The VICE-PRESIDENT. The Senator from Virginia offers an amendment, which will be stated.

The SECRETARY. On page 6, line 21, after the word "year," it is proposed to insert:

And that all other employees of navy-yards, gun factories, and naval stations, in addition to the fifteen days' leave of absence now provided for by existing law, may hereafter in exceptional and meritorious cases, where such employees are ill, be granted sick leaves of absence with pay, in the discretion of the Secretary of the Navy, not to exceed fifteen days in any one year.

The amendment was agreed to.

Mr. FLINT. I submit the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 2. That there shall be kept, as far as practicable, one-half of the Navy of the United States on the Pacific coast at all times.

Mr. FLINT. Mr. President, I desire to say a word in reference to the amendment.

When the fleet reached the Pacific coast there was a general demand from the people on the coast that at least a part of the navy should remain there at that time. But it was decided best that the fleet should make the tour of the world, and it will shortly arrive at Hampton Roads. There is now a general demand, not only on the Pacific coast but throughout the Nation, I believe, that a part of the fleet, at least, should be kept on the Pacific coast—a much larger part than has been kept there in past years.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Maine?

Mr. FLINT. Certainly.

Mr. HALE. The Senator from California means to say that the people on the Pacific coast who want these ships are in favor of this amendment, and the people elsewhere who want to get rid of them are in favor of it?

Mr. FLINT. I think so. I think from what I can understand from talking with people and with Members of both Houses that there is no great desire that the fleet should remain on the Atlantic coast. There is a great desire that the fleet should be on the Pacific coast. I hope the amendment will be adopted.

Mr. HALE. Why not make it two-thirds?

Mr. FLINT. I would be very glad if the Senator would make it two-thirds. The people on the coast would be delighted with it. I am sure the people on the Atlantic coast would not suffer. They have had the entire fleet for so many years and we have had so few of the vessels that I think it would be only fair that we should have two-thirds of the fleet there.

Mr. NELSON. Will the Senator from California allow me to ask him a question?

Mr. FLINT. Certainly.

Mr. NELSON. Would half of the fleet on the Pacific coast keep the Japanese out of California?

Mr. FLINT. I think so.

Mr. HALE. I suppose I shall have to make the point of order against the amendment.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Oregon?

Mr. HALE. Certainly.

Mr. FULTON. I hope the Senator from Maine will not insist upon the point of order. I submit that the Senator from Maine made a very broad, able, statesmanlike speech this afternoon, in which he conceded that every part of this country should be considered in legislation. He always does that. But I thought he did himself especial credit this afternoon, and I was very much encouraged by what he said. I had hoped that when this amendment should be presented by the Senator from California, as I knew it would be, that the Senator from Maine would accept it.

Mr. President, since the organization of this Government the navy of this country has been once in Pacific waters, and yet we have a great coast line there, greater than the coast line on the Atlantic. We have interests there that are to be conserved and protected which are equally as great as those on the Atlantic coast. Why should not one-half of the fleet, as near as may be, be stationed in Pacific waters? I take it that none of us care to discuss questions that may possibly arise in the future, but I assume equally that everyone knows that if any complica-

tion shall possibly arise in the future between this Nation and another it is more likely to grow out of the situation and our relations on the Pacific coast than elsewhere.

It seems to me that this is a very wise suggestion made by the Senator from California, and I hope the Senator from Maine will not insist on his point of order, but will submit it to the Senate. I should like to have the judgment of the Senate on this question. I hope it will be submitted to it, for I should like to know what the judgment of the Senate is as to whether or not the Pacific coast is entitled to the protection of the navy equally with the Atlantic coast. I do not say that, I hope, in any narrow sense; I say it simply from my knowledge of the situation there, and what I believe the necessities require.

Mr. HALE. Mr. President, I am very much in favor of a very large portion of our great navy being stationed and maintained on the Pacific coast. I should advise as a matter of administration at any time, now and hereafter, that, as I have said, a large portion—I am not quite ready to say that half of the fleet; I should want to leave some of that in the discretion of the Secretary of the Navy—but building up, as we have, so great a navy of so many ships, I have always been in favor of keeping a very considerable portion of the navy on the Pacific coast; but it is not a question that we can deal with as easily as we did this afternoon with another question.

Mr. FULTON. I admit that.

Mr. HALE. The Senator sees that. To say that with the present accommodations, the present navy-yards, to conduct repairs and all of the incidents that arise in a great naval establishment, we should fix a limit of half of the navy is, I think, going too far. I doubt whether the Senator himself, on reflection, would believe that we ought now to say that in terms. I think that ought to be left largely in the discretion of the Secretary of the Navy.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from California?

Mr. HALE. Certainly.

Mr. FLINT. The Senator from Maine will notice that the amendment provides "as far as practicable."

I desire to further say at this time that a great deal of the discussion to-day in reference to navy-yards has made very clear, by the offering of this amendment, the necessity for them on the Pacific coast. The very statement of the Senator from Maine, the chairman of the Committee on Naval Affairs, that one of the reasons why one-half of the navy could not be maintained upon the Pacific coast is because we lack navy-yards on the Pacific coast, and that a fleet can be maintained on the Atlantic coast, because they have sufficient navy-yards.

Mr. HALE. I will say to the Senator, why not put it in the discretion of the Secretary of the Navy, so that he may see that it is the expression of Congress, in which I will join the Senator?

Mr. FLINT. That is satisfactory. I shall be very glad to accept that modification of the amendment.

Mr. HALE. Now let the amendment be read as proposed to be modified.

The VICE-PRESIDENT. The Secretary will read the amendment as modified.

Mr. BACON. I would inquire of the Senator from Maine whether it ought not to be in the discretion of the President rather than in the discretion of the Secretary of the Navy? It seems to me it would be a suggestion of a purpose to pass by the discretion, which properly vests, if there is discretion at all, in the Commander in Chief of the Navy.

Mr. HALE. I have no objection to that. It did not occur to me. We generally leave these things to the heads of the departments.

Mr. BACON. I suggest it as a matter which I think is of some importance.

Mr. FULTON. I will say——

Mr. BACON. If the Senator from Oregon will pardon me for just a moment, I think it is a matter of some importance, while we fully recognize the principle, as was stated by me this afternoon, of our right to direct, whenever we see proper, the disposition of the navy, or any part of it, certainly in time of peace, at the same time I think that where we give a direction and place it within the discretion of an officer, it ought to be the discretion of the Commander in Chief.

Mr. HALE. I see no objection to that. I did not think of that. Let the amendment be read with the insertion of the words "in the discretion of the President."

The VICE-PRESIDENT. The Secretary will state the amendment as proposed to be modified.

The SECRETARY. It is proposed to add at the end of the bill the following section:

SEC. 2. That there shall be kept, as far as practicable, in the discretion of the President, one-half of the Navy of the United States on the Pacific coast at all times.

Mr. BACON. I think the words "in the discretion of the President" ought to be transposed. They ought to precede the words "as far as practicable" and not follow them. Otherwise it might be considered that the discretion was simply as to that limitation, and not a broad discretion, which places all within his power.

Mr. HALE. I do not think that is very essential; but let the words be transposed.

Mr. BACON. I think they should be transposed.

The VICE-PRESIDENT. The Secretary will read the amendment as modified.

The Secretary read as follows:

SEC. 2. That there shall be kept, in the discretion of the President, as far as practicable, one-half of the Navy of the United States on the Pacific coast at all times.

Mr. CLAY. Is not that simply enacting what is the present law? Are we not simply putting into the statute now what is the present law? The President at this time, if I understand it, can keep one-half of the navy on the Pacific coast. He has had practically all of the navy on the Pacific coast during the last six or eight months; and, as I understand the general law, the President of the United States can locate the navy anywhere he wants to.

Mr. HALE. Unless Congress——

Mr. CLAY. Unless Congress has directed otherwise.

Mr. HALE. I take it the object of the Senator from California is that there shall be this—I will not say "mandate"——

Mr. FULTON. Expression.

Mr. HALE. But this expression from Congress that the President in his discretion shall maintain half of the fleet on the Pacific.

Mr. CLAY. You leave it to him if you pass this amendment, but it is left to him now, and it ought to be left to him.

Mr. HALE. This leaves it to him.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Idaho?

Mr. HALE. Certainly.

Mr. FULTON. I supposed I had the floor, Mr. President.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. BORAH. Mr. President, I was simply going to ask, if we do not legislate upon this subject at all, can there be any doubt as to its being in the discretion of the President to send a part of the fleet to the Pacific coast?

Mr. HALE. I should say, if the Senator from Oregon will allow me, that the President could do so; but I should rather say that it would strengthen his hands very much if Congress should pass this provision, indicating its approval, and yet leaving it in the discretion of the President. I think it is a good and prudent provision.

Mr. FULTON. I understand the Senator from Maine is willing to accept the amendment as it now stands.

Mr. HALE. Yes; I will not object to it.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from California [Mr. FLINT], as modified, is agreed to.

Mr. CLAPP. Mr. President, I desire to make an explanation——

Mr. BACON. Mr. President, I have an amendment which I wish to offer.

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia later.

Mr. BACON. I understood the Senator from Minnesota [Mr. CLAPP] to say that he did not have an amendment to offer.

Mr. CLAPP. I desire to make a statement with reference to an amendment. I have an amendment providing for two ships of the same type as those in the last bill instead of the two provided for in this bill, but the Senator from Nevada [Mr. NEWLANDS], I understand, has an amendment to strike out entirely the ships in this bill and substitute "colliers," as they are called. The proper disposition of the matter would be, of course, to take up his amendment first, but he not being here, I shall hold my amendment a little while in the hope that he may come in later.

Mr. BACON. I offer an amendment, and I desire to state briefly the reason for it.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

Mr. BACON. Mr. President, I offer the amendment, to come in at the end of page 42, as an amendment to the committee amendment at that point.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. On page 42, line 26, after the word "act," the last word in the committee amendment, it is proposed to insert:

Provided further, That the rank of acting assistant surgeon shall carry the like pay and allowances of the rank——

Mr. HALE. Mr. President, the amendment which appears on page 42 went out on a point of order. The whole amendment has gone out.

Mr. BACON. Then, Mr. President, I should like to offer it as a substitute amendment.

Mr. HALE. Of course, as the amendment itself to which the amendment of the Senator from Georgia is intended as an amendment has gone out, to carry out the action of the Senate I should be obliged to make the point of order upon it.

Mr. BACON. I should like for enough of the amendment, or something kindred, to be put in in order that it may go into conference. It is a matter of very considerable importance. I will state the amendment which I have sent to the desk comes from the Navy Department. It comes from the Surgeon-General, at my request that he give the view of the department and the frame of an amendment, if he approved of it. It was not a voluntary communication from him, but in response to a letter which I wrote to him.

Now, if the Senator will permit me to explain it and give the history of it and the reasons for it, then, of course, if the point of order is insisted upon and it is recognized as being under the same liability to exclusion under the point of order as the original amendment, of course I shall not press it.

Mr. GALLINGER. Let the amendment be read.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add at the bottom of page 42 the following:

Provided further, That the rank of acting assistant surgeon shall carry the like pay and allowances of the rank of assistant surgeon; and all dental surgeons shall, after three years' service from the date of their first appointment, if morally, mentally, professionally, and physically qualified, be eligible for permanent appointments as dental surgeons in the United States Navy with the rank of assistant surgeon.

Mr. BACON. I did not know that the amendment to which this is intended as an amendment had been excluded on the point of order, or I should have recast it.

Mr. HALE. I do not think the Senator could recast it.

Mr. BACON. I could not recast it so as to save it from the point of order, but I could have recast it so that it could have stood by itself in case it was permitted to become a part of the bill.

Mr. HALE. I do not object to the Senator explaining the amendment, but I think he sees that, after the action of the Senate in striking out the original provision of the bill, I should be constrained to make the point of order, which, of course, would be fatal. I do not object to the Senator stating, if he chooses, any reasons for the amendment.

Mr. BACON. Of course I do not want to go into an absolutely useless discussion, but my suggestion was that if, without final action by the Senate, there could be enough of an amendment engrafted on the bill for the conference committee to consider it, it might suggest itself to their approval. That is the only suggestion which I now make. Of course, if the Senator does not recognize that, it is useless for me to consume time simply for the purpose of stating that which can produce no result.

Mr. HALE. I think, Mr. President, that as the original provision has gone out, I should have to object to any provision on the same subject coming in now.

Mr. BACON. I should like to inquire of the Senator from Maine—because I am not familiar with the subject—whether or not there is now under the existing law a provision for dental surgeons in the navy?

Mr. HALE. No.

Mr. BACON. None whatever? I very much regret that.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. Certainly.

Mr. GALLINGER. If the Senator will permit me, I was absent from the Chamber this afternoon, attending to public duty, when the amendment providing for a corps of dental surgeons went out. I did not know it had gone out of the bill, and I want to express my profound regret that the point of order was made against the amendment.

When our fleet reached Sydney, Australia, the dentists of that great city gave a banquet to the dentists of the fleet. One lone dentist appeared. That man is a sailor who has taken care of the teeth of the men who have manned that great fleet that has gone around the world. So far as I know, that man—an enlisted man—is the only dentist in the navy, with the exception of one man who is employed at Annapolis.

It is a reproach that we are in that situation, and it is greatly to the credit of the chairman of the Committee on Naval Affairs that he has attempted in this bill to provide a dental corps. It was not as much of a corps as I would have made it, but it would have consisted of 15 dentists.

As I said before, it is a matter of profound regret to me, knowing something about the profession, that the point of order was made against the amendment, and I hope now, if it is offered when the bill gets into the Senate, that the point of order will not be insisted upon.

Mr. BACON. Mr. President, I entirely agree with the honorable Senator from New Hampshire, and I wish to echo the wish expressed by him. I think, in the interest of humanity and common comfort to the thousands and tens of thousands of men who as officers and men are now in the American Navy, that there should be a provision under which dental surgeons could be a part of the necessary provision for such purposes in the navy. It can not be anything else but a reproach, and a most serious reproach, that the navy is without such service.

Why, Mr. President, suppose that we who are not in the navy, or suppose that any community was in this day debarred of the services of dentists, what would become of them? Where would be the possible excuse for any such condition of affairs?

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. Let me say to the Senator that the underlying purpose of this whole agitation about dentists is to have another corps in the navy, with rank and pay and retired pay. The navy has gone on very well in the years past. Every naval ship has a surgeon who knows generally about the health, the digestion, the teeth, and everything else that is likely to come up with reference to the care of the men. The navy has never suffered because there has not been a dental corps. It is the agitation for another corps. It is urged by the Surgeon-General of the Navy, who is perhaps the most persistent man in drumming at Congress early and late for things in his bureau of any man in the Navy Department. I am not content to let it pass that here is a reproach to the navy, and that we are not caring for the men of the navy, when for years and years we have built up the navy, and it has gone on well without a dental corps.

By and by some other branch of practice will want a corps in the navy. I state very plainly and clearly that I am opposed to anything of that kind. We have got now too many corps in the navy, and they only add to the expense of the naval establishment.

Mr. BACON. It seems to me, Mr. President, that the suggestion of the Senator from New Hampshire complimentary to the Senator from Maine was based upon a misconception of his attitude.

Mr. GALLINGER. No; I think not, Mr. President. If the Senator from Georgia will permit me, the Senator from Maine, who, I think, drafted this amendment, avoided creating a corps, but he did provide that 15 contract dentists should be employed in the navy. I complimented him upon that.

Mr. BACON. Yes. I think, so far as this amendment is concerned, Mr. President, that it is of infinitely less importance than the original amendment, and my remark was directed, not to the importance of the amendment which I was proposing to offer, so much as it was to the amendment which the committee had offered. Of course, if any provision is made for proper attention to the officers and men of the fleet or of the navy in taking care of the teeth, even though we might not all agree as to whether it was the best provision or not, still it would be a provision which would relieve it from the criticism which I made when I used the expression that we ought to do it in the interest of humanity. But I think that if there is no such provision whatever, it is a reproach to the navy.

The argument of the Senator from Maine, Mr. President, would apply to any reform that has been introduced into the navy, because the time has never been that the American Navy did not, prior to that time, get along very well and acquit itself well in all cases and under all exigencies. I do not think that is any argument, and it does look as a matter lying on the very surface that the reform, if we may so call it, which proposes to care for that essential part of the anatomy of the officers and men of the navy is not to be decried as something

which is simply to be regarded as an innovation in the interest of the creation of some particular corps.

I am very much more interested in the accomplishment of the end than I am in the means which may be adopted for such accomplishment. If the Senator from New Hampshire is correct in his understanding of the attitude of the Senator from Maine, that the Senator from Maine is in favor of the amendment offered by the committee, but not in favor of the amendment which I propose, then I would appeal to the Senator to reoffer his amendment or the amendment of the committee and let the navy have at least that much, even if it can not get the amendment which I propose.

Mr. HALE. I can not do that. The amendment has been stricken out on the point of order. I can not reoffer it.

Mr. BACON. Of course the Senator can not do that unless the Senator who made the point of order would forbear to press it. There will be an opportunity when we get into the Senate to again offer that amendment, and while, of course, I think very strong reasons can be urged in favor of the amendment which I propose, I would, in view of the attitude of the Senator from Maine, be willing to withhold that if the committee amendment could again be offered and be adopted.

The suggestion of the Senator from Maine that there are physicians upon ships who care for the health and comfort of the officers and men does not seem to me to meet the requirements. I presume the Senator from New Hampshire, who is himself a physician, will bear testimony to the fact that physicians in the regular practice, those who do not take on the extra profession of dental surgeons, are not themselves in a position to care for the dental requirements of a fleet, and it looks to me as if it amounts almost to a cruelty.

I have forgotten, though it has been stated in the course of this debate, how many officers and men we have now in the navy, but several tens of thousands. It seems to me to be a cruelty to deny in this age to those officers and men the opportunity to have themselves ministered to in this essential particular. Of course, it is not necessary for me to offer the amendment if even the original amendment is not permitted to be considered as part of the bill or accepted as such.

Mr. PENROSE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 69, after the word "parties," in line 25, it is proposed to insert:

And on the two first-class battle ships provided for in this act not more than one shall be built by one contracting party.

Mr. HALE. Is not that in the bill?

Mr. PENROSE. Mr. President, that is not in the bill, although it has always been, as I understand, in previous naval appropriation bills.

Mr. HALE. I certainly have no objection to it. Such a provision has always been in the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PILES. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 40, after line 6, it is proposed to insert:

To complete the marine garrison, navy-yard, Bremerton, Wash., one marine barracks, $150,000, and for officers' quarters, $60,000; in all $210,000.

Mr. HALE. Mr. President, is that estimated for by the department?

Mr. PILES. It is the matter about which I spoke to the Senator. It has all been estimated for, and the $150,000 for the barracks was in the bill as reported to the House, but was there stricken out on a technicality.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. HALE. I should like here to have an order entered for the totals in the bill to be corrected by the Secretary before it is sent to the House.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GUGGENHEIM. I offer the amendment which I send to the desk, to come in on page 40.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 40, after the amendment last agreed to, it is proposed to insert the following:

To construct a road from the city of Las Animas, Colo., to the United States Naval Hospital, near said city of Las Animas, $15,000, or so much thereof as may be necessary.

Mr. HALE. I shall have to raise the point of order on that amendment.

The VICE-PRESIDENT. On what ground?

Mr. HALE. It is clearly a piece of new legislation not reported by any committee and an addition to the bill.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. OVERMAN. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 59, line 3, in the committee amendment already agreed to, after the word "chapel," insert:

Provided further, That a memorial window may be erected in the Naval Academy chapel by the class of 1895 to the memory of their late classmates, Ensigns Bagley, Breckenridge, Merritt, and Monaghan.

Mr. OVERMAN. Mr. President, I hope the Senator from Maine will agree to let the amendment go in. Out of this class of 35, 3 lost their lives in the Spanish war. Merritt went down with the *Maine;* Bagley lost his life on board the *Winslow;* Breckenridge lost his life on the torpedo boat *Cushing;* and Monaghan lost his life in Samoa, all fighting for their country.

These boys have raised the sum of $900, and have it in hand. No appropriation by the Government has been asked for. They simply ask that in memory of these four gallant members of their class they may be allowed to erect a memorial window in the chapel; and I hope the Senator will not raise the point of order.

Mr. HALE. I think perhaps the Senator does not understand that the chapel is intended to have very few and important and significant windows, paintings, or whatever may be there; and it ought not to be subject to smaller memorials which will destroy the whole dignity of the crypt. I sympathize with the feeling of these youths who have raised a few hundred dollars; but I think I must make the point of order that it is an addition to an appropriation, not recommended by any committee. I do not think this great crypt ought to be opened to anything of the kind, however meritorious in itself.

The VICE-PRESIDENT. The proposed amendment is in contravention of the rule. The Chair sustains the point of order.

Mr. CLAPP. Mr. President, I offer the amendment I send to the desk.

The SECRETARY. On page 68, after the words "battle ships," in line 16, strike out the remainder of line 16 and all of lines 17, 18, 19, 20, and 21, and insert:

Of the size, maximum displacement, and generally of the type of the two battle ships authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, and in all respects, so far as practicable, like the battle ships Utah and Florida.

The amendment was agreed to.

Mr. HALE. To make the appropriations correspond, I move to add:

At a cost not exceeding, exclusive of armor and armament, $4,500,000.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated.

The SECRETARY. Add at the end of the amendment just referred to the words:

At a cost not exceeding, exclusive of armor and armament, $4,500,000.

Mr. MARTIN. The word "each" ought to come after that; else it would be in the aggregate for the two ships. If you omit the word "each," it would be for the two of them.

Mr. HALE. Insert the word "each," then.

The SECRETARY. It is proposed to insert the word "each" at the end of the amendment, so as to read: "Four million five hundred thousand dollars each."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. On page 71——

Mr. McCREARY. Mr. President, I should like to have——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Kentucky?

Mr. HALE. I am simply adapting the appropriations to the amendments just adopted by the Senate.

Mr. McCREARY. I desire to ask to have the paragraph in regard to the increase of the navy read as perfected after the two amendments were agreed to.

Mr. HALE. I have no objection to that.

Mr. CLAPP. It ought to be read.

Mr. McCREARY. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read the paragraph as amended.

The Secretary read as follows:

INCREASE OF THE NAVY.

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed two first-class battle ships of the size, maximum displacement, and generally of the type of the two battle ships authorized by the

act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, and in all respects, so far as practicable, like the battle ships Utah and Florida, at a cost not exceeding, exclusive of armor and armament, $4,500,000 each.

Mr. McCREARY. Will the Senator from Maine yield to me?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Kentucky?

Mr. HALE. I should like to perfect this amendment in the other clause. Then I will yield to the Senator.

Mr. McCREARY. Very well.

Mr. HALE. On page 71, line 9, strike out the word "seven" and insert the word "two." That is half a million dollars saved.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated by the Secretary.

The SECRETARY. On page 71, line 9, after the words "twenty-two million," strike out "seven" and insert "two."

The amendment was agreed to.

Mr. HALE. In the next clause, "armor and armament," in lieu of the amount "$12,452,772," insert "$11,952,772." That takes off $500,000.

The SECRETARY. On page 71, lines 15, 16, and 17, strike out "$12,452,772" and insert "$11,952,772."

The amendment was agreed to.

Mr. HALE. Now I yield to the Senator from Kentucky.

Mr. McCREARY. Mr. President, I am in favor of an adequate navy to meet conditions as they now exist, and I am in favor of authorizing the construction of two battle ships superior in every respect to the fleetest and most powerful on the seas, as provided in the naval appropriation bill now under consideration. Additional battle ships were recommended by the President and by the Secretary of the Navy and by the naval board, of which Admiral Dewey is chairman, and by the Committee on Naval Affairs of the Senate, and the bill providing for two battle ships has already passed the House of Representatives. These recommendations are certainly ample and satisfactory.

We have as a Nation great interests, and while other nations have great navies we must be prepared to protect our interests.

We have the defense of our coast line—3,000 miles on the Pacific and a larger number of miles on the Atlantic and on the Gulf. We have the defense of the great canal we are building to connect the waters of the Atlantic and the Pacific oceans, and we have the maintenance of the Monroe doctrine. We hold the Philippine Islands, which are thousands of miles away, and the distinguished Admiral of the Navy has said that we could not hold these islands six weeks if it were not for the American Navy, and we have other great interests to defend.

Mr. President, the best way to preserve peace under existing conditions is to make the force at the disposal of our Nation so formidable and powerful that the hopelessness of attacking it or its citizens will be apparent and undoubted.

UNITED STATES SECOND NAVAL POWER OF THE WORLD.

Our country now ranks as the second naval power of the world, and we should retain that position.

It is in respect of battle ships and armored cruisers that the best judgment of the comparative strength of the world's navies can be formed.

I obtained from the Navy Year Book of 1908 the following, which is the same as the report made by the Committee on Naval Affairs:

Relative strength of the principal naval powers in battle ships and armored cruisers—built, building, and provided for.

	Number.	Tonnage.
Great Britain:		
Battle ships	61	910,330
Armored cruisers	39	485,600
Total tonnage		1,395,930
United States:		
Battle ships	31	449,796
Armored cruisers	12	157,445
Total tonnage		607,241
Germany:		
Battle ships	31	414,486
Armored cruisers	11	133,768
Total tonnage		548,254
France:		
Battle ships	26	357,132
Armored cruisers	22	216,232
Total tonnage		573,364

Relative strength of the principal naval powers in battle ships and armored cruisers—built, building, and provided for—Continued.

	Number.	Tonnage.
Japan:		
Battle ships	15	233,444
Armored cruisers	15	175,001
Total tonnage		408,445
Russia:		
Battle ships	15	200,969
Armored cruisers	6	63,166
Total tonnage		264,135
Italy:		
Battle ships	15	212,846
Armored cruisers	10	78,513
Total tonnage		291,359
Austria:		
Battle ships	6	74,300
Armored cruisers	3	19,020
Total tonnage		93,320

Only battle ships of 10,000 tons and over are referred to in these comparisons.

The American vessels being built are the *Michigan* and *South Carolina*, of 16,000 tons each; the *Delaware* and *North Dakota*, of 20,000 tons each; and the *Florida* and *Utah*, of 21,825 tons each. These vessels will have from eight to ten 12-inch guns. Their speed will be high—about 21 knots in the case of the four largest vessels.

I do not advocate an appropriation to construct two battle ships in order to put the United States in line with Great Britain, or simply to exceed in battle ships Germany, France, and other nations, or for the purpose of being aggressive, but I advocate two battle ships because I believe we should be prepared for the assertion of our authority and the protection of our interests.

NO WAR CLOUD ABOVE OUR HORIZON.

I do not see any war cloud above our horizon at present, and I hope it will never be necessary again for our Congress to declare war. A great statesman said, "In time of peace prepare for war," and the way to prevent war is to be prepared for war, and the best means of preserving peace is to have such a navy as will show to all would-be assailants that not only peril but defeat will follow declaration of war against the United States.

We had four wars in the last century—in 1812, 1846, 1861, and 1898—and we did not know one year before each of these wars commenced that we would have war. It requires from two to three years to build a battle ship. In this connection I with pleasure say I believe that every American citizen should be proud of the record that has recently been made by our battle ships in the voyage around the world. That trip benefited the officers and the men, improved their discipline, and added to the fame of our navy. It was an announcement to the world that we were a leading naval power. It was a declaration to the world that we were ready and prepared to preserve our rights and protect our interests.

Nations have not yet reached a period where they find it safe to disband their armies and dispense with their navies. In addition to needing our navy for defensive purposes, the great struggle now going on among the nations of the world for supremacy of trade and commerce, in which our nation is participating, may bring contention and friction.

Problems involving racial repulsion and the struggle of two distinct races for equality or supremacy have to be solved. I do not, however, believe that there will be war with Japan. I have abiding confidence in the diplomatic wisdom of our Government and of the Government of Japan, and I believe there will be an amicable settlement of all questions which may arise between Japan and our country.

Japan has a navy about half as large as ours, and has just emerged from a war that caused exhaustion, physically and financially.

Japan has a population about one-half as great as ours. The people are compelled to live close together and cultivate farms that average in area only 3 or 4 acres, and the revenue must necessarily be small. To-day the credit of Japan, the victor, is hardly so good as that of Russia, the defeated.

On our side of the Pacific Ocean Japan has no coal or coaling station. If Japan were to send war ships to our coast on a hostile mission they would be helpless without coal. England alone could be of assistance in that crisis, and our relations with England are such that she would not take sides against us.

I do not believe Japan wants war. Her rulers are wise men. They know what war with our country would mean, and what the result would be. The relations between the United States and Japan are at present cordial and friendly. Both are great powers among the nations of the world. Acting together they can dictate the policies of the Orient and greatly promote commerce and trade. The statesmen of Japan have shown ability of the highest order, and I am not anticipating war with Japan.

THE PEOPLE ARE FOR PEACE.

Mr. President, the sentiment of the people everywhere is for peace, and the feeling in favor of the settlement of international disagreements without war and by arbitration is growing stronger every day. The greatest general movement now among civilized nations is the movement in favor of the settlement of international disagreements by a permanent international arbitration tribunal.

INTERNATIONAL ARBITRATION.

Arbitration for the settlement of international disputes has been steadily progressing throughout the civilized world. In the last two decades the progress has been wonderful, and in the last decade this progress has been most notable and encouraging. We had the Pan-American Conference held at Washington, authorized by an act of the United States Congress approved May 24, 1888, for the purpose of preserving peace and promoting arbitration for the settlement of international disputes and encouraging reciprocal commercial relations between the Republics of North, South, and Central America. Twenty nations were represented at this conference and pursuant to its authority two other conferences have been held, in the City of Mexico and in Rio de Janeiro, Brazil, and another will be held next year at Buenos Aires, in the Argentine Republic.

The Interparliamentary Union, composed of members of various national parliaments, was organized in 1889 to promote arbitration for the settlement of international disputes. This union has held 15 meetings, the last at Berlin, Germany, in September, last year. Under a resolution of this union President Roosevelt called the second Hague conference.

The International Hague Peace Conference was held in 1899 and 1907, and this conference provided for a permanent court of arbitration.

The Central American Conference was held in 1908, composed of delegates from each of the five republics of Central America; and it provided for a judicial tribunal composed of one judge from each of the Central American republics, to which tribunal all international disputes of the Central American republics are submitted.

Last, but not least, the Senate of the United States has ratified 24 arbitration treaties with the great nations of the world.

It certainly is a source of pleasure to us all that our country took the lead in the first legislation to promote arbitration, and in the first reference of an international disagreement to The Hague tribunal, being the case between the United States and Mexico. Then the United States showed the world its confidence in the great movement by ratifying at the first session of this Congress 12 arbitration treaties, and 12 this session, and both of the great political parties of our country last year in their national platforms indorsed international arbitration.

While arbitration treaties, international conferences, and arbitration courts are being perfected as rapidly as public opinion will permit, the United States should have adequate national armament.

ADEQUATE ARMAMENT AND EFFECTIVE ARBITRATION.

We should have both adequate armament and effective arbitration. In other words, adequate national armament for conditions as they exist, and effective international arbitration wherein all nations may respect each other's vital rights—independence and honor—as set forth in all the arbitration treaties that have been ratified by the Senate, and arbitrate all other differences which can not be settled by diplomacy.

We can not, however, jump immediately to the blessings of perpetual peace brought about by the settlement of international disputes by arbitration. All great achievements are the result of efforts and perseverance, and it takes time to solve important problems, but I hope for the day when Isaiah's prophecy will be fulfilled, and "nation shall not lift the sword against nation, neither shall they learn war any more." What the civilized world needs to promote arbitration is the maintenance of a court composed of able judges, who will have no other occupation, no other interest, and no other aspirations but to consider and decide international questions submitted to them.

THE HAGUE PEACE CONFERENCE.

Perhaps the greatest event of all time in respect to international arbitration was The Hague Peace Conference of 1899, at which 26 nations were represented, and the greatest achievement of that conference was the establishment of a permanent tribunal for the exercise of international functions. Special tribunals had been created before for the decision of particular questions, but a great step was taken when there was substituted a permanent organization always open for the exercise of judicial functions to settle differences between nations. At the second Hague Peace Conference, held in 1907, 44 nations were represented, thus showing the progress and popularity of international arbitration.

RESULTS OF ARBITRATION.

I know there are persons who say internationa arbitration is a captivating theory, but what about results? The results have been great, considering the brief time that international arbitration has been considered and tried.

I shall not take the time of the Senate in the closing hours of the session to enumerate at length. I have already referred to the reference of the disagreement between the United States and Mexico, which was arbitrated satisfactorily to both nations by The Hague arbitration court.

The dispute between the United States and Venezuela has recently, by arrangement made by a special commissioner authorized to represent the United States, been referred to The Hague Arbitration Court for settlement, and the United States Senate has recently ratified an agreement between the United States and Great Britain for the submission to the permanent court of arbitration at The Hague of questions relating to the fisheries on the north Atlantic coast, and according to published statements Holland and Venezuela have recently agreed to submit their disagreement, which at one time was about to result in war, to The Hague Arbitration Court.

Other nations have submitted their disagreements to The Hague Arbitration Court, but I must not take time to refer to but one other arbitration.

Peace and arbitration were appreciated in the Republics of Argentina and Chile. They warred with each other for years, but they felt the spirit of the present age and proved that peace hath victories more renowned than war, and they laid aside their arms, referring their disagreement to arbitration, and then erected a statue of Christ, the Prince of Peace, cast from part of the cannon with which they had fought, and placed the statue on the heights of the Andes on the boundary line between the two countries, as fixed by arbitral judgment, and on the statue is this inscription:

Sooner shall these mountains crumble to dust than Argentinians and Chileans break the peace, which at the feet of Christ the Redeemed they have sworn to maintain.

CIVILIZATION, PROGRESS, AND CHRISTIANITY DEMAND ARBITRATION.

Mr. President, civilization, progress, and Christianity demand the settlement of international disagreements by arbitration, without resorting to war with its more deadly and destructive guns and other arms than were ever known before. It is clear that wars are being avoided at the present time by international arbitration, and as the years roll by more and more war will be averted by arbitration and the people will bow in obedience to God's word: "On earth peace, good will toward men."

The relation between armaments and arbitration is significant. Armaments increase with disputes and danger, arbitration increases with peace and security. As the area of international arbitration is extended there will be increased peace and security which will be sure to warrant the decrease of armaments. National weakness invites war; military and naval strength advance peace and arbitration. If our country had no army and no navy and was not known to be formidable in war, we would not be an important factor in the great problem of arbitration for the settlement of international disputes.

The advocates of disarmament have only to look to China to see an object lesson which should convince them of their error. This most populous nation on the globe was about to become the prey of certain nations, and only the disinterested friendship of the United States and one other nation prepared for fighting have preserved China from dismemberment.

Mr. President, I have already consumed more time than I intended. I will close by saying I am heartily in favor of the provision in the bill for two battle ships, because I believe we should provide for adequate armament to protect us against aggressions, and at the same time strive for effective arbitration wherein all nations will respect each other's territory and sovereignty and arbitrate all other questions.

Mr. BRIGGS. I offer the amendment I send to the desk for the Senator from Delaware [Mr. du PONT].

The VICE-PRESIDENT. The Senator from New Jersey offers an amendment, which will be stated.

The SECRETARY. On page 3, after line 23, it is proposed to insert:

The pay and allowances of the secretary to the Admiral of the Navy shall be the same as those of a lieutenant on the active list having an equal length of service.

Mr. HALE. I think that is the only officer who was left out last year.

The amendment was agreed to.

Mr. BRIGGS. I offer the amendment I send to the desk.

The SECRETARY. On page 17 of the bill it is proposed to strike out, after the word "navy" in line 18 to the end of the paragraph, in the following words:

Provided, That no part of this appropriation for powder shall be paid to any trust or combination in restraint of trade nor to any corporation having a monopoly of the manufacture and supply of gunpowder in the United States, except in the event of war.

Mr. HALE. I hope that will not be done, but I do not care to debate it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

Mr. BRIGGS. Mr. President, I am not here as the defender of trusts or unlawful combinations. I offer this amendment on behalf of several thousand of my constituents, upon whom I fear Congress is unwittingly likely to perpetrate a great wrong.

This provision seems to me to be punitive in its nature, but the punishment is destined to fall upon innocent people. Proceedings are now pending in the United States court to determine whether or not the corporation commonly known as the "powder trust" is an unlawful combination and conspiracy. If the Government is successful, the corporation will be dissolved. If the defendant wins, there will be no trust.

In either case it seems to me that Congress can with great propriety await the result of the suit.

The facts, as I gather them from reading the debates in the House upon the subject, are practically:

I. The total requirements of the Government are about 3,000,000 pounds.

II. Of this amount the government factory at Indianhead can supply about 1,000,000 pounds.

III. Through the operation of the factory at Indianhead the Government is enabled to familiarize itself with all the details of manufacture, and in that way is able to prepare specifications to be used by outside manufacturers and to determine with accuracy the actual cost of manufacture in both government and private plants.

IV. Based upon this knowledge and the report of the Joint Army and Navy Board, the price to be paid by the Government has been fixed at 64 cents per pound.

It would appear from the above facts that the interests of the Government are amply protected. My interest in it, however, arises from the fact that there are in the State of New Jersey five factories for the manufacture of powder which will be affected by it.

The number of employees in the various works is approximately 2,000. Upon the basis ordinarily used, this would represent a population of 10,000, who are dependent upon these works for their livelihood. A powder factory is usually considered an undesirable neighbor, and for this reason is isolated from other factories. The villages which grow up around them are at a distance from other sources of employment, and these employees are peculiarly dependent upon this industry.

A cessation of work would be a serious blow to these communities and cause great annoyance, distress, and possibly suffering to the inhabitants. In view of the fact that it is not judicially determined that a trust or combination in restraint of trade exists, that the powder is made under government specifications and inspection, and that the price is fixed by the bill, I appeal to the Senate on behalf of these innocent people of the State of New Jersey that this injustice shall not be committed and that this amendment shall prevail.

Mr. CLAPP. I merely wish to make one observation. If the court dissolves this organization, there will be no trust; and, as the Senator says, if the court says there is no trust, then there is nothing for this prohibition to apply to. So I can not for the life of me see how we are injuring anybody by this proviso.

Mr. BRIGGS. If the court should take a year or a year and a half to determine the question, there may be in the meantime a great deal of distress.

Mr. BURKETT. Mr. President, I wish to say a word before the motion to strike out is put. I intended to offer an amendment, as I suggested yesterday, if the chairman of the committee did not. From the discussion yesterday it was obvious to me that this proviso prohibiting the purchase of powder from a trust applied to a very small part of the powder that we bought. If this is a good thing, it is a joke to have it include only 10 per cent, as I recall some one stated, of the powder that we buy. If it is a good thing, let us make it mean something and amend it in accordance with the suggestion which I made yesterday, so as to make the proviso read:

That no part of any appropriation made in this act for the purchase of powder shall be paid to any trust or combination in restraint of trade nor to any corporation, etc.

As it is, it reads, "That no part of this appropriation;" it was admitted yesterday that it would apply only to this particular $5,528,000, of which only a very small portion was spent for powder, and it does not include the appropriation made in the next paragraph and also in the paragraph on page 19.

It seems to me before we enter on a discussion on the question of striking out the whole matter, we ought at least to consider an amendment like that making it include all the powder. I suggested it yesterday in the running debate, and I thought very possibly the chairman of the committee would perfect it.

Mr. HALE. No; I expected the Senator would offer the amendment. I shall not raise any objection to it. But we might as well vote first on the amendment of the Senator from New Jersey, and then the Senator from Nebraska can move his amendment.

Mr. BURKETT. Very well. If that is the wish, I will withhold the amendment until the vote on the proviso is taken.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

Mr. DANIEL. I ask that the amendment may again be stated.

The Secretary again stated the amendment.

Mr. HALE. I do not think the Senate is prepared to strike out the proviso.

Mr. DANIEL. "In the event of an emergency" is the language here employed.

The VICE-PRESIDENT. That has been changed, upon motion of the Senator from Maine.

Mr. DANIEL. I wish to ask a question of the Senator from Maine.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Virginia?

Mr. HALE. I do.

Mr. DANIEL. It has been stated in the debate that the House added a large appropriation in this bill—I do not remember the amount——

Mr. LA FOLLETTE. Two hundred and fifty thousand dollars.

Mr. DANIEL. Two hundred and fifty thousand dollars, if I am correctly informed. I wish to ask the Senator from Maine where the amendment is in the bill, as I have been unable to identify it; and what is the amount?

Mr. HALE. If the Senator will look at the debates in the House, he will find that part of the transaction there was increasing the appropriation $250,000 and inserting the words "enlargement of;" so that $250,000 additional was appropriated for the enlargement of the government factory.

Mr. DANIEL. If we were acting on the action of the House, we would have it in this bill in that fashion.

Mr. HALE. It is in the bill.

Mr. DANIEL. All I ask is to know where it is in the bill. I do not see it.

Mr. HALE. If the Senator will look at the provision at the beginning, he will find the words to be for the "enlargement of."

Mr. DANIEL. I see that.

Mr. HALE. And the general appropriation for all of these purposes is increased $250,000. It does not show in terms the $250,000, because it was moved in addition to the general sum. But that was enlarged, as the word "enlargement" was inserted by the House.

Mr. DANIEL. I have no doubt that is the understanding of the Senator from Maine.

Mr. HALE. That is undoubtedly it.

Mr. DANIEL. It would naturally be imagined by anyone who knew the history of this provision, but the history of this provision is no part of the provision itself. I call attention to the fact that all of these items about the Bureau of Ordnance are very obscure as to their effect. I will read a little, in order that I may indicate that to the Senate.

Under the head of "Ordnance and ordnance stores," the appropriation is:

First, for procuring, producing, preserving, and handling ordnance material.

Second, for the armament of ships.

Third, for fuel, material, and labor to be used in the general work of the Ordnance Department.

Fourth, for furniture at naval magazines, torpedo stations, and proving ground.

Fifth, for the maintenance of the proving ground.

Sixth, and maintenance and enlargement of powder factory.

Seventh, and for target practice.

Eighth, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy-yards, naval stations, and naval magazines:

"*Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, draft-

ing, inspection, watchmen, and messenger service in navy-yards, naval stations, and naval magazines," etc., "shall not exceed $398,890.28."

There is a stop where I suppose there should be a semicolon.

Then come the words:

"In all, $5,528,171.99."

I now call the attention of the Senator from Maine, and of the Senate, too, to the fact that this appropriation has but one specific limitation. That is that the appropriation for chemists, clerical, drafting, inspection, watchmen, and messenger service shall not exceed $398,890.28. All the balance, which means all above the sum of $398,890.28 up to $5,528,171.99, is to be distributed, under the direction of the Secretary of the Navy, for these eight different items of appropriation; so, when the Senate shall pass the bill, they will not know, nor can any man tell, what they have done with respect to an appropriation in aid of the powder factory which they propose to promote and to build and complete.

I shall not speak on this subject, Mr. President, except for two or three minutes. But I wish to impress, if I may, in some degree upon the Senate the importance of vigorous, clear, distinct, and aggressive action against the enormous trust in this country which, according to the testimony laid before both the House and the Senate, is drawing money out of the Treasury of the United States in large amounts for powder. It is an absolutely indispensable necessity to this country, if it intends to be ready to defend itself, to provide ample powder magazines, and not to permit an open, notorious, and well-advertised monopoly, which is not only continental, but cosmopolitan and almost world-wide in its operations, to keep its hand in the Treasury of the United States and to mulct the people of this country for the munitions of defense.

In order to avoid loss of time I shall ask permission to insert a letter addressed to the Ways and Means Committee of the House, which has been printed and circulated, from Mr. R. S. Waddell, who has been largely engaged in the manufacture of powder in Peoria, Ill. I heard the testimony of this gentleman before the Appropriations Committee of the Senate nearly three years ago. It was clear; he was fully examined; and he made good his assertions. It was as the result of his testimony that an amendment relative to powder for the army was put on an appropriation bill in this body, which was increased to $165,000 by the House, and which started this reform which is now moving on, to consummate something in preparing this country to equip itself for defense.

There is under this bill a limit of 64 cents that we may pay for powder. According to testimony which I think has been put before both bodies, powder can be produced for a much less amount than that. It is said that the department here can fix the price of powder. It is shown in this paper that by an agreement between the American end of the trust and the European end of the trust the American trust has the power reposed in it to fix the price of powder; and in so far it has been, if not quite, at all events getting nearly exactly the price that it fixes upon the powder.

I do not think this provision is aggressive enough, is full enough, or is clear enough in its operation.

I do not know that we can do better. We never will do better until this matter is thoroughly understood, and until every element of the public service in this country, both administrative and legislative, is roused up to make as liberal appropriations as possible to build and complete powder factories for both army and navy which will rest our defense upon a firm and secure foundation.

I will not read the different items of testimony which are brought forth in this paper; but I ask that it may be printed with my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The paper referred to is as follows:

The honorable the WAYS AND MEANS COMMITTEE,
House of Representatives,
Washington, D. C.

GENTLEMEN: In the matter of the tariff schedules on explosives, I desire to submit a few reasons why explosives should be placed upon the free list.

First. Because a protective tariff is wholly unnecessary.

Second. For the reason that it is harmful to the people and the Government and is of no benefit to the American manufacturers.

Third. The American Powder and Dynamite Trust by its unlawful acts against the Government has forfeited all right to federal protection.

Waiving all discussion of the willful violation by the Powder Trust, of state and national laws prohibiting monopolies in restraint of trade within the United States. I invite your attention to a few extracts copied from the "World Agreement" fixing prices, restraining trade and dividing the markets of the world between the American and European explosives trusts, with our comments thereon. The extracts from the international contract are in black-face type and our comments follow each quotation.

This agreement was made in October, 1897, for a long term of years and to continue indefinitely thereafter from year to year until six months' notice of intended termination is given.

The "common (or slush) fund" is now on hand, undivided, and available for use.

Agreement made this 26th day of October, 1897, between:
Messrs. E. I. Du Pont de Nemours & Co., of Wilmington, Del.;
Laflin & Rand Powder Company, of New York City;
Eastern Dynamite Company, of Wilmington, Del.;
The Miami Powder Company, of Xenia, Ohio;
The American Powder Mills, of Boston, Mass.;
The Aetna Powder Company, Chicago, Ill.;
The California Powder Works, of San Francisco, Cal.;
The Giant Powder Company (Consolidated), of San Francisco, Cal.;
The Judson Dynamite and Powder Company, of San Francisco, Cal.
(Hereinafter collectively referred to as the "American factories" of the one part), and
The Vereinigte Koln-Rottweiler Pulverfabriken, of Cologne;
The Nobel-Dynamite Trust Company (Limited), of London.
(Hereinafter collectively referred to as "the European factories") of the other part.

Whereas the parties hereto own or control a large number of companies and works engaged in the manufacture and trade of explosives, and

Whereas it has been deemed advisable to make arrangement so as to avoid anything being done which would affect injuriously the common interest.

It has therefore been agreed as follows:

The word "explosives" in this agreement is to be understood as including detonators, black powder, smokeless sporting powder, smokeless military powder, and high explosives of all kinds.

A list of all the companies and factories controlled by the American factories, directly or indirectly, is to be prepared and handled by Messrs E. I. du Pont de Nemours & Co., in duplicate to the European factories at the time of the execution of this agreement, and the European factories are to hand to Messrs. E. I. du Pont de Nemours & Co. a complete list of the companies controlled by them, directly or indirectly, when executing this agreement.

The lists exchanged show dozens of manufacturing corporations, both American and European, not mentioned in the agreement, but all parties in the world trust.

It embraces a complete monopoly in the United States of black sporting and rifle powders; black military, ordnance, and saluting powders; smokeless ordnance and military powders; more than 99 per cent of smokeless sporting powders; all fuse powders; more than 95 per cent of dynamite and other high explosives; all detonators for firing high explosives; and more than 95 per cent of the blasting and mining powders manufactured and consumed in the United States. The chief exception is the trivial amount of smokeless ordnance powder made by the navy at Indianhead plant and by the army at its miniature plant, Dover, N. J., scarcely enough for current target practice.

Of nearly a million pounds black military and sporting powders made per year in the United States, this Du Pont trust produces all and fixes the price, with a net profit of 150 per cent.

Foreign competition is prohibited. Domestic competition impossible.

The American factories bind themselves not to erect factories in Europe, and the European factories undertake not to erect any factory in the United States of America.

Whenever the American factories receive an inquiry from any Government other than their own, either directly or indirectly, they are to communicate with the European factories, through the chairman appointed, as hereinafter set forth, and by that means to ascertain the price at which the European factories are quoting or have fixed, and they shall be bound not to quote or sell at any lower figure than the price at which the European factories are quoting or have fixed. Should the European factories receive an inquiry from the Government of the United States of North America, or decide to quote for delivery for that Government, either directly or indirectly, they shall first in the like manner ascertain the price quoted or fixed by the American factories and shall be bound not to quote or sell below that figure.

The American powder and dynamite trust is hereby authorized and empowered to fix the price to be charged the Federal Government for smokeless ordnance and military powders and for dynamite and other high explosives for the Panama Canal. Competition is eliminated and the power of the Du Pont trust is supreme.

Should independent competition develop in this country, two-thirds of an enormous common fund, contributed by the wealthiest monopoly in the world, is available for its destruction.

The Du Pont trust has claimed that the joint army and navy board fixed the price of ordnance smokeless powder. By this agreement the Du Pont trust fixes the price. This caused the Government to pay 75 cents, and it now pays 69 cents per pound for powder that costs 32 cents to manufacture.

From this execution of this world agreement in 1897 up to date the president of the Du Pont trust has continuously served as the "American chairman." His duties and powers are later defined.

Here follows the division of the markets of the world, including all this side of Mars and other celestial bodies:

"It is agreed that the United States of North America, with their present or future Territories, possessions, colonies, or dependencies, the Republics of Mexico, Guatemala, Honduras, Nicaragua, and Costa Rica, as well as the Republics of the United States of Colombia and Venezuela, are to be deemed the exclusive territories of the American factories and are hereafter referred to as 'American territory.' All the countries in South America not above mentioned, as well as British Honduras and the islands in the Caribbean Sea, which are not Spanish possessions, are to be deemed common territory, hereinafter referred to as 'syndicated territory;' the rest of the world is to be the exclusive territory of the European factories, hereinafter referred to as 'European territory.'

"The American factories are to abstain from manufacturing, selling, or quoting, directly or indirectly, in or for consumption in any of the countries of the European territory, and the Europeans are to abstain in like manner from manufacturing, selling, or quoting, directly or indirectly, in or for consumption in any of the countries of the American territory. With regard to the syndicated territory neither party are to erect works there, except by a mutual understanding, and the trade there is to be carried on for joint account in the manner hereinafter defined.

"The American factories shall forthwith designate in writing a chairman and vice-chairman, who shall hold office as such until their respective successors shall be appointed by the party of the first part, and such chairman, or in his absence such vice-chairman, shall be the authorized representative of the American factories, to whom and through whom all communications, acts, and transactions in respect to

this agreement, unless otherwise stipulated, shall be had; and the European factories shall likewise forthwith designate in writing a chairman and vice-chairman, to whom shall be referred all matters which by terms of this contract are made referable to the chairman representing the European factories. The said chairmen or vice-chairmen shall jointly establish rules for the carrying out of the syndicate arrangements hereinafter referred to.

"The chairmen shall, from time to time, mutually agree upon a basis price for each market in the syndicated territory, such basis price to include cost of manufacture, freight, insurance, landing charges, magazine charges, and all other charges until delivery, including agency commission and the contribution toward the common fund hereinafter stipulated.

"The chairmen shall likewise fix a selling price for each market, which is to be deemed a convention price, below which no sales are to be effected, and the difference between the basis price and the selling price is to be deemed the syndicate profit and to be divided in equal shares between the American factories and the European factories."

After deducting the American territory and the syndicated, or pooled, territory, the "rest of the world" is the exclusive territory of the European factories.

Please note the American factories are to abstain from manufacturing, selling, or quoting in the "European territory," and the Europeans are to abstain in like manner from manufacturing, selling, or quoting, directly or indirectly, in or for consumption in any of the countries of the "American territory." This portion of the agreement is strictly enforced at the present time.

It is wholly unnecessary to protect the American manufacturers with a tariff when they have so completely protected themselves by contract. The Du Pont trust is superior to the tariff, as well as all other laws.

Should independent factories develop in Europe and desire business in this country, why should Congress deny the American consumers the privilege of protecting themselves against the greed of the Du Pont trust by purchasing abroad and without the payment of tariff charges?

The American powder trust has ample protection in the enormous "common fund" contributed by the foreign and domestic trusts, two-thirds of which is available for the destruction of American commerce that comes in competition with this world monopoly.

Please note the "syndicated territory" and the method of fixing prices, restricting trade, and the division of profits between the American and foreign powder trusts. This method is in effective operation to-day, regardless of the expiration date of written contracts. The world trade was divided and the contract results remain in statu quo.

THE COMMON SYNDICATE OR SLUSH FUND.

"A common syndicate fund is to be constituted by a payment of $1 per case of 75 per cent dynamite, or per case gelignite, gelatin dynamite, or blasting gelatin, and a payment of such portion of $1 as the percentage of nitroglycerin in lower grade dynamites bears to 75 per cent until such fund reaches the amount of $50,000, when the contribution is to be reduced to one-half the above-mentioned rates.

"The syndicate accounts, according to clause 10, made up to 31st December in each calendar year, are to be handed in by both parties, so as to reach the chairman of the other party by the 15th April next ensuing, and the payments for the balance are to be made by the 30th June following, when the amount contributed to the common fund shall likewise be paid.

"The common fund shall, as the chairmen may decide, be invested in government securities, and it is from this fund that any fine or fines hereinafter stipulated, not recovered from the parties, shall be taken. It shall likewise be admissible for the chairmen to dispose of two-thirds of the common fund for the purpose of protecting the common interest against outside competition.

"Any breach of this agreement shall be adjudicated upon by the chairmen, and if they can not agree they shall appoint an umpire. For the guidance of the chairmen and umpire it is agreed that, should either of the parties erect factories in a country reserved to the other, the liquidated damages shall not be fixed lower than £10,000.

"Should either party trade in the territory of the other, it shall be admissible for the chairmen to absolve them of any accidental breach, but if an intentional breach shall be proved, the fine shall be the invoice value of the goods supplied. No restriction is placed on the decision of the chairmen as to the penalty to be imposed for intentional underselling in one of the markets of the syndicate territory."

There has not been a single independent competitor of this American powder trust within the United States during the past ten years that has not felt the blighting force, directly or indirectly, of this common fund. All have been its victims. The destructive methods of the American trust have been sufficient to blight competition in this country, but when to this is added the contributions of the wealthy European factories, through the common fund, for the elimination of competition, it is a marvel how any competitor has survived.

The enormous proportions of this common fund may be judged by two items:

The United States Government places orders frequently for lots of eight and ten million pounds of 75 per cent nitroglycerin dynamite for the Panama Canal. Ten million pounds means 200,000 cases. At $1 per case this would net $200,000. At 50 cents, the minimum per case, the contribution on this sigle order would net a payment of $100,000 into the common fund. A single shipment, oft repeated, from European factories to South Africa would contribute a larger sum to the common fund; yet these are only two points of activity in the great markets of the world.

An independent manufacturer of explosives in the United States with this great organized combination of foreign and American monetary interests against him has about as much chance to survive as a snowball in—the Tropics.

Why should the patriotic representatives of the American people protect this gigantic powder monopoly with a tariff at the expense of their constituents?

The present tariff on blasting powder is 4 cents per pound, or $1 per keg. In Pennsylvania, West Virginia, and throughout the Middle West the powder trust now fixes the delivered price of this article at $1.10 per keg and supplies most of the trade at $1.

The freight rate from the seaboard will average 20 cents per keg. The manufacturing cost varies from 80 to 90 cents per keg at mills.

Think of a protective tariff of a dollar per keg on an article that sells inland for a dollar; which costs at the seaboard 90 cents to import and 20 cents freight cost to deliver. This powder for the past five years has all been sold at from 90 to 95 cents, until the larger independent companies were ruined and absorbed (my own company among others), when the present list was established.

Please note that if the European trust should sell in this country at any price the offending company is fined the full "invoice value of the goods supplied" and if it fails to pay the fine, it is paid out of the "common fund." Free trade would be futile in securing competition. A protective tariff is ridiculous.

"With regard to the markets in the European territory in which the American factories have already done business, and from which, in accordance with the stipulations of this agreement, they are to retire, as well as the markets of the American territory in which the European factories have already done business, and from which they are, according to the stipulations of this agreement, to retire, the following is agreed:

"Agents are as far as possible to be retained by the party who is henceforward to do the business in the market in question.

"Magazines are in a like manner to be taken over at their present value, to be determined by mutual agreement or arbitration.

"Stocks, if in good merchantable condition, are to be taken over at full cost, i. e., the amount which the goods at present cost with accumulated charges.

This agreement is to be in force for ten years, beginning from the 15th of July, 1897, subject to written notice being given six months prior to the 15th of July, 1907. In the absence of notice this agreement is to continue thereafter from year to year until such six months' notice of intended termination is given.

Settlements have been made annually for many years between the American and European chairmen under this world agreement. It is still in full force and effect and will remain so for years, with some variations made by the chairmen, to avoid technical complaints and proofs; the trade of the districted territories is restrained, and the common fund is undistributed.

Was not this world agreement a willful violation of both the civil and criminal laws of our country, prohibiting monopolies, the fixing of prices, and the restraint of trade?

Courts may dissolve and enjoin the present form of this world monopoly; it will only change its chameleon hue and continue in efficient operation.

"You may break, you may shatter the vase if you will,
But the scent of the roses will hang round it still."

No independent powder manufacturer, possessing a full knowledge of the situation, would desire a protective tariff on explosives.

Their production is limited to blasting powder and dynamite, and the powder trust fixes a ruinously low price on these, depending for its rich revenues on the support of the United States Government, through its excessive price and liberal and exclusive purchases of ordnance and military smokeless powders, and dynamite for the Panama Canal.

A protective tariff is not necessary either on blasting powder or dynamite. There is no competition in the United States with the Du Pont trust on black rifle, sporting, and military powders, nor on smokeless sporting, ordnance, and military powders. On these the American trust enjoys a complete monopoly and is amply protected from foreign competition by its world agreement.

We therefore respectfully protest against any protective tariff on explosives and request, in behalf of the consumers of this country, that explosives be placed upon the free list.

The Congress and the President will need no interpreter to point with pride to the glowing patriotism and scrupulous fidelity of the du Pont trust, as exemplified in its compact with foreign trusts to corner the markets of the world against the United States Government.

Its successful efforts in fixing an extortionate price and the elimination of all competition, foreign and domestic, in the supply of ordnance smokeless powder for national defense, are earnestly commended for the thoughtful consideration of those in Washington who have been the stalwart friends of the powder trust.

A careful perusal of this "world agreement" will disclose why our navy powder was tested in the guns of foreign nations, disclosing its quality and ballistic properties, and why the du Pont trust built the factory in Brazil to manufacture American navy powder for use in foreign guns.

It is a matter of regret that the War and Navy departments and the Congress have not taken concerted action to break this unholy alliance with the du Pont powder trust and establish government plants of adequate capacity to conserve the public welfare.

Our patriotism should be broad enough and of a quality to freely grant protection to all American industries that need it. It should be vital enough to resent every successful combination with foreigners to "hold up" the United States Government for private mercenary purposes.

For the edification of the Congress I will be pleased to furnish a certified copy of this "world powder trust agreement," if it is desired.

Respectfully submitted.

ROBERT S. WADDELL,
President Buckeye Powder Company.

PEORIA, ILL., *January 13, 1909.*

Mr. DANIEL. Of course I do not mean to prejudge any case that is now pending in court, but people who are in suit have the right to be judged according to the charges and the testimony produced in that suit. Nearly every assertion that I have made here rests on testimony independent of that suit, and has proceeded from the mouths of witnesses before the Ways and Means Committee of the House and from the testimony of witnesses (Mr. Waddell being the chief one on the side I am now advocating) before the Appropriations Committee, before which General Crozier also appeared. But if anyone wishes to look at a more minute statement of the constituent elements of this trust he will find it in the CONGRESSIONAL RECORD of this year, page 1252, in the proceedings of the House, to which I refer.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

The amendment was rejected.

Mr. BURKETT. I move to amend the bill on page 17, line 19, by striking out the word "this" and inserting "any;" by striking out the word "for" after the word "appropriation" and inserting the words "made in this act for the purchase of."

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment, which will be stated.

The SECRETARY. On page 17, in line 19, strike out the word "this" and insert the word "any," and after the word "appro-

priation" strike out the word "for" and insert "made in this act for the purchase of."

The amendment was agreed to.

The VICE-PRESIDENT. The bill is in Committee of the Whole and open to amendment. If no amendment is proposed, the bill will be reported to the Senate as amended.

Mr. BACON. I propose, when the bill gets in the Senate, to offer an amendment. I do not understand that I have to make any special reservation for that purpose.

Mr. HALE. It has not yet gone to the Senate.

Mr. BACON. I did not misunderstand that. I do not understand that I have to make any special reservation in order to do that.

Mr. DANIEL. I should like to offer an amendment. After the words "ninety-nine cents" on page 17, line 8, I move to insert "of which not less than $250,000 shall be expended for the enlargement of the Government powder factory."

Mr. HALE. There is no objection to that, but it is not needed at all. However, it is all right. It does not change the situation. Let us have a vote, Mr. President.

The amendment was agreed to.

Mr. NEWLANDS. Mr. President, I understand that under the head "Increase of the navy" an amendment offered by the Senator from Minnesota [Mr. CLAPP] was adopted, restricting the appropriation to two first-class battle ships, at a cost not exceeding, exclusive of armor and armament, $4,500,000 each. I now offer the amendment I send to the desk, to strike out the entire paragraph regarding the battle ships, including the amendment of the Senator from Minnesota, and to insert.

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment, which will be stated.

The SECRETARY. On page 68, under the heading "Increase of the navy," strike out all of the paragraph as amended and insert:

That for the purpose of increasing the efficiency of the naval establishment of the United States, the President is authorized to have constructed such auxiliary ships, including transports, colliers, dispatch-boats, cruisers, and scouts as will be necessary in case of war to support the fighting ships, at a total cost not exceeding $9,000,000; and that the President make such recommendation to Congress as to him seems advisable regarding the manning of vessels belonging to such auxiliary navy, in whole or part, by the naval reserve and the leasing of them so manned in times of peace to shipping companies for the purpose of promoting foreign trade and commerce.

Mr. NEWLANDS. Mr. President, under the amendment offered by the Senator from Minnesota [Mr. CLAPP] I understand the appropriation in this bill is reduced about $3,000,000.

Mr. CLAPP. I will say to the Senator from Nevada it is reduced about $5,000,000.

Mr. NEWLANDS. About $5,000,000?

Mr. CLAPP. I think it will amount to about $5,000,000.

Mr. NEWLANDS. The total amount under the bill is reduced only $3,000,000. The appropriation called for by the bill was $12,000,000, and the Senator's amendment reduces it to $9,000,000.

Mr. CLAPP. Yes; but in the additional appropriation necessary to equip the ships I think the Senator will find there is a difference of about $5,000,000.

Mr. NEWLANDS. I understand, then, that the Senator refers to the future armor and armament of these ships, which, of course, would be very much less expensive than the ships provided for by the bill as it came from the committee.

As to that, I understand that the preliminary appropriation made for these battle ships is about 50 or 60 per cent of the total cost after the armor and armament are added, and that if this appropriation as reported by the committee should stand at $12,000,000, it would mean that subsequently we should be compelled to appropriate $10,000,000 or $12,000,000 more for the armament necessary to make them complete. And so, with reference to the appropriation of $9,000,000, I assume that if these battle ships stand in the bill we will be called upon to appropriate in the future nearly $9,000,000 more for their armor and armament.

Mr. President, my amendment provides, as a substitute for these battle ships, for the construction of ships of the auxiliary navy—scouts, transports, colliers, and dispatch boats, which, according to the report of the Navy Department, are absolutely essential to maintain the fighting ships and support them in case of war. Some years ago the War Board of the Navy Department was called upon to state what auxiliary ships would be necessary in case our colonial possessions were threatened; and the War Board made an elaborate report, showing that about 232 ships, of an average capacity of 6,500 tons, would be required for this purpose. These ships, I imagine, would cost about $1,000,000 each. It is admitted that our merchant marine will not furnish these ships; that our merchant marine is entirely inadequate; that whilst the main purpose of a navy is really to protect a merchant marine, we have practically none, and the main purpose of our navy seems to be to protect the phantom ships of a nonexistent navy.

We have, therefore, no merchant marine to protect; but we have a coast to defend, and we have insular possessions to protect. The War Board tells us that it will be necessary for us to have 232 auxiliary ships of various forms for this purpose. It seems to be admitted that in case war broke out the laws of neutrality would prevent foreign countries from supplying us with such ships. It therefore seems absolutely essential that we should provide such ships as a part of the auxiliary navy.

For some years I have been calling attention to this matter. I first called attention to it upon this floor in 1906, again in 1907, and again in 1908. Then I was fortunate enough to arrest the attention of the Senator from Maine. I do not propose to repeat at length the arguments which I indulged myself in upon those various occasions. I propose to quote mainly from the Senator from Maine [Mr. HALE], whose knowledge of the navy and its requirements no man can question.

In the debate of 1908 upon the ship-subsidy bill, whilst I was addressing the Senate on that subject and insisting that, instead of entering upon this vast scheme of ship subsidy, which would fill our corridors with importunate companies demanding subsidy and continually demanding increases, it would be wise for us to build a portion of this auxiliary navy and utilize it during the period of peace as training ships for our naval reserve, manned by the naval reserves, to use these ships under lease to private companies in advancing the trade of this country and the transporting of American products and American mails to ports in Africa, South America, Australasia, and Asia, to which we had at that time no access.

Whilst I was indulging in that course of argument, that such ships would be useful as a part of the navy itself, and the expenditure would be justified in making them a part of the navy, and would also aid us in the promotion of trade and commerce with foreign countries, the Senator from Maine interrupted me, and I will quote what he said:

Mr. HALE. I do not want to interfere with the line of the Senator's argument, but I am very largely in sympathy with him, for he has struck what is the weak point in our entire naval establishment, so far as ships are concerned. We are deplorably lacking in the essentials that make a great fleet not only formidable, but seaworthy.

The Senator said the other day, and the metaphor was not too strong, that without certain auxiliary ships the great battle ships of the United States fleet upon any waters outside of our own waters, in case of any emergency, with war threatened, would be derelicts, and it is too true.

In another place the Senator said:

Mr. President, it is a melancholy spectacle that this great fleet of ours in this regard presents to-day. It is the greatest fleet of great and formidable ships that the whole world has ever seen. It is completely manned. It is in every respect except one the most magnificent and formidable fleet of ships that any nation has ever put upon the waters of the globe.

Admiral Converse, who knows it, root and branch, has so told us, and he is right. But this great fleet, which has been sent upon its voyage around the globe, is to-day absolutely dependent upon its motion, upon its existence as a moving fleet, on the indulgence of foreign powers.

The Senator then went on to show the number of foreign colliers which we had been compelled to employ on that famous cruise in order to furnish the ships with transports that were required; which numbered some 27, with tonnage varying from 4,500 to 6,000 tons. The Senator then added:

Mr. HALE. Mr. President, if when that fleet was ordered on this tour about the globe there had been the least menace of war from any power, no government owning one of these foreign colliers would have allowed a single ship to be employed by us, and our fleet, magnificent as it is, with any menace of war upon the sky, without these foreign colliers would be as useless and—

"As idle as a painted ship
Upon a painted ocean."

We do not realize this, Mr. President. I go further. If any complication should arise in the voyage of the ships, any danger, any menace of war in a foreign power, I do not know but that every foreign power represented in the ships which we have hired would feel compelled to withdraw them from the association of the fleet, and we would be hung up.

It is not, Mr. President, an agreeable thing to contemplate. We go on year after year building up and accumulating these immense ships at an enormous expenditure, and find ourselves, as we would in any emergency for which the ships are built, without a thing being done that makes the ships formidable as a fleet at sea. The Senator is right in his theories. There ought not to be another ship added to the American Navy until we add something that every other power has done to make the ships formidable in case of an emergency.

My colleague is right; the Senator from New Hampshire is right; we can not do it here. I do not think the Senator from Nevada wants to embarrass this bill—

That was the ship subsidy bill—

but when we come to the consideration of the naval appropriation bill I hope the Senator from Nevada and the Senator from New Hampshire and the Senator from Maine, my colleague, and every thoughtful, patriotic Senator will join me to try and see that something is done in this entirely neglected field that we have rashly and in the most foolhardy way neglected and abandoned in the past. Otherwise, Mr. President, if there is any call for the big ships, and they are to protect us in case of possible war, they are absolutely worthless unless we

have something with which to build up an auxiliary fleet and to supply the ships that will enable them to move in the waters of the globe. Without these foreign ships, these colliers, Mr. President, we not only could not have gotten around Cape Horn, but we could not have gotten beyond the Caribbean Sea. Nobody has seemed to realize that. But when we come to the naval appropriation bill this matter will be laid before the Senate, and we will be made to consider what are the actual needs of the American Navy.

Mr. President, later on the naval appropriation bill was reported to the Senate. The bill as received from the House contained, if I recollect aright, an appropriation for two colliers. To this the Senate amendment added three colliers, making five in all. When that bill came before the Senate, I referred in my remarks upon the subject to this result as a very lame and impotent conclusion; and I read, as I have read to-night, certain extracts from the speech of the Senator from Maine, in which he most clearly and most forcibly pointed out the needs of our country for this auxiliary navy. To my criticism the Senator from Maine replied:

So far as concerns the equipment of our fleet with colliers, the most important subject—

As I understand it, the Senator regarded it as the most important subject then under consideration—

the bill as reported by the committee will not satisfy the Senator. It is not a large programme, but it is something in the right direction. The bill provides five good serviceable colliers at a very considerable expense, and I should hope that it would be a permanent feature of naval bills for the future, and that in considering the continued appropriations for the navy—and I expect so long as I am a member of this body to see appropriations for maintaining a strong, serviceable navy—we should go on each year and make as a part of that programme provision for colliers that may accompany the fleet in any emergency and which will always be a desirable and necessary part of the establishment.

* * * * * * *

The Senator is right in his general view of what we ought to do. But we have gone on devoting ourselves mainly, as the Senator and all Senators know, to the increase of the navy proper, the ships of the navy, and have not given great attention to these other very essential accessories to that part of the establishment. I do not believe that this year we are justified in doing more than what the bill provides in that respect.

So I would be glad if I could join with the Senator, and I am indebted to him for the early and valuable suggestions that he made, which certainly attracted my attention and which have led, I think, and the Senator is entitled to credit for that, to some development in this direction.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. I do.

Mr. ALDRICH. Would the Senator from Nevada be willing to have that speech of the Senator from Maine printed in the RECORD without reading?

Mr. NEWLANDS. No; I prefer to read it for the information of the Senator from Rhode Island. [Laughter.] I regard it as very instructive.

Now, I wish to quote a few words, and a few words only, from my own remarks, for the Senator from Maine has made the argument so much stronger than I could possibly make it that I am very glad to substitute his language for my own at all times.

Mr. NEWLANDS. Mr. President, I am very glad to learn that this is but the commencement of a continuous policy.

That was the assurance of the Senator from Maine, representing this great committee.

The Senator from Maine will not think me too critical in saying that the action of the committee was hardly a realization of the hope which he indulged in his former speech in the Senate, for at that time his utterance was emphatic that there should not be another ship in the navy built until this needed want was filled. I agree with the Senator from Maine that there should be a limit to naval expenditures. I would gladly see all military expenditures reduced. I would not willingly favor any large increase in the present measure of expenditures. What I hoped for was that the commitee would refuse to report in favor of more fighting ships until the auxiliary navy was brought up to a certain standard.

Such a policy would not mean larger annual expenditures on the part of the Government, but it would mean a usable navy, a proportioned navy—a navy in which each part was adjusted in operation to every other part—not a great mechine of war, with essential parts absolutely lacking to such a degree that the machine would break down in case of war.

Mr. President, what conclusion have we reached at this session? The Senator from Maine, speaking, I suppose, for the committee as well as for himself, stated that the policy of adding this auxiliary navy would be a continuous policy. I looked, therefore, in this bill for an appropriation for auxiliary ships to at least an equal number with that in the appropriation of last year, and I found to my surprise that, whilst the total appropriation in this bill was raised about $12,000,000 above what it had been a year ago, there was an appropriation for only one dollar, as against five a year ago costing less than a million dollars.

Mr. President, I can only assume that the Senator from Maine has been overruled in his committee, that he has given the force of his great ability and influence to the building up of an auxiliary navy, and has doubtless been defeated in his own committee, overruled by a majority there, and I appeal to the Senate to stand by the Senator from Maine in the valiant fight that he is making for a well-proportioned, symmetrical navy, one that will not make simply a great parade of fighting ships to the world without the ability to sustain their operations in case of war.

Hence, I ask the Senate to strike out this appropriation for two battle ships, aggregating $9,000,000, and to substitute for that an appropriation of a similar amount for an auxiliary navy or the construction of such transports, colliers, dispatch boats, and scouts as the Executive of the Nation shall deem essential to a well-proportioned and symmetrical navy, for we must recollect that the War Board has called our attention not only to the need of colliers, but to the need of transports, dispatch boats, and scouts, and thus far the meager appropriations provided by the Naval Committee cover only the one item of colliers, probably the most essential item, it is true, for without coal in case of war our ships would, of course, be derelicts on the ocean.

Mr. President, the question may arise as to what use these ships can be put to during times of peace. My answer is that, so far as the limited number of auxiliary ships heretofore constructed is concerned, and adding to that number those called for by the amendment which I have proposed, there certainly will be absolute use for them in the navy itself, and continuous use, particularly if we indulge in such cruises as we have engaged in during the past year. I am inclined to think that that cruise has vastly improved the efficiency of the navy; and while such extensive cruises may not hereafter be indulged in, that programme will be partially, at least, carried out in the future. It seems that as in that cruise it was necessary to employ 27 foreign ships to aid the navy as auxiliary ships, certainly the 8 or 9 ships covered in this amendment will be needed.

But I do not urge that this auxiliary navy should be supplied simply for use in case of war. I contend that in building up our navy the Government should act in a businesslike way, and see to it that these auxiliary ships do not remain idle during times of peace, when there is no occasion for their use in connection with the navy. What use can they be put to? Well, in the first place, they can be used as training ships for the naval reserve. The Navy Department has called our attention again and again to the necessity of establishing a naval reserve of at least 10,000 men. I do not know whether the creation of that reserve has even as yet been commenced. It certainly has not reached much proportion. In case of war we can not recruit our fighting ships from our merchant marine, for the merchant marine is nonexistent. It is therefore necessary for us to train men for this purpose. We have, I believe, training schools at one or two places in this country. It strikes me that no better training school could be devised than a ship itself; that if you were to construct a building for a training school, the very best building you could construct is a ship; and a ship will cost no more than buildings upon the land.

The next question comes as to how you can use these ships when they are not needed by the navy for an actual cruise, and what useful purpose they can be put to; to what profitable use can they be put? Well, Mr. President, as these ships are to be manned in whole or in part by a naval reserve, consisting of young men who are being trained for the navy, if they are officered by naval officers they are certainly in a condition for foreign trade.

There is no reason why these great lines of development, for which a ship subsidy bill was sought to be passed at the last session, opening up about twelve or thirteen lines of travel not heretofore occupied by United States ships—lines of travel to South America, to Africa, to Australasia, and to Asia—could not be taken up by these ships. They could be leased, manned as they are, to some mercantile company, and be used in carrying our mail, and carrying our products to foreign ports. The moneys received from private companies for this kind of carriage would go a great way toward paying the interest upon the investment and reimbursing the large expenditures necessary in the establishment of this naval reserve.

These are the uses to which these ships can be put in case there may not be such an emergency as will require their use by the navy. I submit, therefore, that not only the necessities of war, but the necessities of peace, may be invoked for support of this amendment, and that it should pass as a substitute for the item providing for the fighting ships, which, under this appropriation, will cost $9,000,000 simply for the hulls and an additional $9,000,000, or nearly that, for the armor and equipment.

Mr. HALE. Mr. President, I have in a large degree recovered from the anxiety and almost panic which I felt a year ago with reference to the necessity for colliers and auxiliary ships. Since then the fleet has safely returned, will soon be moored in our own waters on the coast, and will be soon on its way to retirement, dismantled for overhauling and repairs in the navy-yards. The country and Congress, when they see the great extent of the bills that will have to be paid for this voyage in order to recuperate the navy, will be rid, I hope, of any danger in the future of any experiment like such a trip around the world and will realize that we shall pass into a condition of security and tranquillity and that there will be no need of the proposed colliers in time of peace. They are very expensive.

It is one of the consolations that come to us with the march of time that we learn to become accustomed and reconciled to present conditions. I look for a condition much better, with regard to the navy in the future, and to an opportunity of restricting naval appropriations. As I have said, I have recovered from my feeling of the necessity and the pinch for building these colliers. In order to expedite public business, as there seems to be no disposition to further debate this matter——

Mr. NEWLANDS. Will the Senator permit me to ask him one question?

Mr. HALE. Yes.

Mr. NEWLANDS. The Senator has just remarked that there will be no need of these colliers in times of peace. I will ask him whether there is any need of fighting ships in times of peace?

Mr. HALE. No; not much.

Mr. NEWLANDS. But there is need of fighting ships in time of war, and I presume they are built for that emergency. As I understand the Senator, according to his statements of last year, in case of war the fighting ships would, without adequate colliers, be—

As idle as a painted ship
Upon a painted ocean.

Mr. HALE. I do not suppose, Mr. President, they will ever be fighting ships. In order to expedite business, I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

The bill was reported to the Senate as amended.

Mr. LODGE. Mr. President, I desire to reserve two amendments—the amendment relating to the Marine Corps and the amendment relating to the battle ships.

The VICE-PRESIDENT. Does any other Senator desire to reserve amendments?

Mr. BACON. I have an amendment to offer, but not to reserve.

The VICE-PRESIDENT. The question is, Shall the amendments, excepting the two mentioned, which have been reserved by the Senator from Massachusetts [Mr. LODGE], be concurred in? Without objection, they will be considered as concurred in. The question is on the first amendment reserved by the Senator from Massachusetts.

Mr. MARTIN. I will ask the chairman of the committee if he expects to finish the bill to-night?

Mr. HALE. If we can get a speedy vote on the two propositions that have been reserved, we can easily dispose of the bill. I do not know whether any Senator desires to debate any of the provisions of the bill.

Mr. LODGE. I do not care, Mr. President, to debate further the question of the Marine Corps. I only reserved the amendment in order to have a vote upon it.

Mr. CUMMINS. Mr. President, I desire to debate for a few moments the amendment relating to the Marine Corps.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. Certainly.

Mr. LA FOLLETTE. I have an amendment which I desire to offer, on which I desire to submit some observations.

Mr. HALE. Has the amendment of the Senator been offered?

Mr. LA FOLLETTE. It has not. I expect to offer it in the Senate.

Mr. HALE. If the Senator has it prepared——

Mr. LA FOLLETTE. I have it prepared.

Mr. HALE. And is willing to offer it now and let it be printed——

Mr. LA FOLLETTE. I shall be very glad to do so.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

Mr. HALE. If it goes over, we will all see it in print.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add as a new section the following:

SEC. 3. That the President of the United States is hereby authorized to appoint a commission to be called the Commission on Naval Bases, to be composed of officers of the Engineer Corps of the Army and officers of the Navy. It shall be the duty of this commission to inquire into and report to Congress during its next regular session the number, location, and capacity for rapid repairs of the naval bases which are required by strategic considerations for the successful conduct of the fleet in time of war and for maintaining the fleet continuously in a state of readiness for war in time of peace, the report to include recommendations as to what existing navy-yards and naval stations can be expanded to the capacity required for an efficient military base for a large fleet, and the location and capacity of such new bases as should be constructed, and a further recommendation as to what existing navy-yards and naval stations should be wholly or partially abandoned. For these purposes the commission is authorized to sit during the session or recess of Congress, at such times as it may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ such clerical experts, stenographers, and messengers necessary, and other assistants as shall be necessary to carry out the purposes for which said commission is created. The commission may, through subcommittees or otherwise, conduct their work or any part of it. A sum sufficient to carry out the purposes of this section and to pay the necessary expenses of the commission and its members is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman of said commission by any clerk appointed for that purpose by the commission; and hereafter no part of the public moneys or of any appropriation heretofore or hereafter made by Congress shall be used for the payment of compensation or expenses of any commission, or any members thereof, unless the creation of such commission shall have been authorized by Congress.

Mr. HALE. Mr. President, Senators have indicated a desire to debate these propositions, and it is so late that I do not feel constrained, although I hoped to dispose of the bill to-day, to ask the Senate further to continue in session to-night. But I want to utilize to-morrow to the very best extent, because another appropriation bill is ready, and there are other matters pending, so that I will move that when the Senate adjourns to-night it be to meet at 11 o'clock to-morrow morning.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that when the Senate adjourns to-night it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

Mr. HALE. Now, Mr. President, I will also give notice that, in order to gain time to-morrow morning, I shall ask that the bill be taken up directly after the Journal has been read, so that we may have the entire day. I do not suppose it will take that long, but we shall try to get the bill out of the way by 12 or 1 o'clock. I give that notice, and I will now——

Mr. LODGE. Before the Senator moves that the Senate adjourn——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. Certainly.

Mr. LODGE. If the Senator will yield to me for a moment, I merely want to make an inquiry. The Secretary in reading stated that the amendment of the Senator from Wisconsin would come in as section 3. I understood that section 2 went out on a point of order.

Mr. GALLINGER. Another section was substituted for it.

The VICE-PRESIDENT. Another section was substituted for section 2.

Mr. LODGE. I understand now. It is all right.

Mr. HALE. Mr. President, I ask that I may have permission to have inserted in the RECORD reports, statements, and figures compiled by the department. I will furnish them later.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter was subsequently submitted as follows:

UNITED STATES NAVY.

Letter from Mr. Truman H. Newberry, Secretary of the Navy, to Mr. William S. Woods, editor Literary Digest.

JANUARY 28, 1909.

SIR: In reply to your letter of January 25, in which you say that you are desirous of taking up for treatment an article in the current number of McClure's Magazine by Mr. G. K. Turner, it should be made entirely clear, in any impartial discussion of this article, that Mr. Turner has premised his statement concerning the saving in expenditure which might be made in the Navy Department on an imaginary and impossible set of conditions. It is this which constitutes the essential fallacy of his deductions and makes his figures more startling than accurate. It is as though he asserted that the United States Steel Corporation might effect a great saving (as doubtless it could) if its present plant could be immediately discarded without loss and instantly rebuilt in accord with the latest developments of the art.

Mr. Turner has imagined a navy consisting of what he considers the proper number of ships, built and equipped overnight, so that the very latest ideas are expressed in their construction, together with a supporting establishment consisting of what he considers the necessary number of repair plants to take care of this ideal fleet. It is impossible to discuss statements put upon this basis or to make any detailed comment on them. It may be well, however, to point out the possibilities of inaccuracy in his figures in several instances. He states that the navy cost $122,000,000 for the past year. In reality it cost about $117,000,000—an error on his part of $5,000,000. He calculates that for 20 *Dreadnoughts* it would cost $15,000,000 yearly for maintenance

and repairs. By all figures known to the department they would cost at least $20,000,000—another error of $5,000,000.

Mr. Turner states that all but three stations on the Atlantic and one on the Pacific coast could be dispensed with, and that the yard force could be cut to less than 10 per cent of the present strength, or about 3,000 men. He forgets, apparently, that Cavite, in the Philippines, as well as a west-coast repair plant, must be maintained on the Pacific, and that the Washington Gun Factory, employing about 4,000 men, and which must be kept up, would more than absorb the number of men he allows for the whole establishment. In his reference to certain small southern yards, he speaks of the large cost for the marine force stationed at such places to guard government propery, overlooking entirely the fact that the marine force is maintained for its service in the event of war, and that it is employed at these yards, not merely in the capacity of watchmen, but as affording a means of keeping the officers and men in a proper state of training and discipline. He might as well speak of the entire appropriation for the army as a waste, in view of the fact that the whole purpose of the army in time of peace is to maintain a nucleus of a proper military force to be used in the event of war.

As a matter of fact, the Navy Department has a real and not an imaginary set of conditions to work with. It has a certain number of vessels which have been determined on from time to time as then seemed wisest to the department and to Congress. It also has a certain number of stations similarly bequeathed to it, chosen with an eye to their military and strategic value as well as to their economical possibilities as industrial plants. Both ships and stations at the time of their authorization were the subject of careful investigation by the department and full discussion by Congress. To this method of determining on a proper establishment, arrived at through years of discussion and development, Mr. Turner opposes his individual view, based on such brief study of naval conditions as afforded by his occupation as a special investigator for his magazine.

The question for the country, therefore, and for its representative, the head of the department, is not what might be done if a magician's wand could summon a complete organization, but what may best be done with that which has developed coincidently with the art of making war. It must not be forgotten that naval warfare and the implements for waging it have absolutely changed during the period of less than two decades. It is common knowledge that ships have developed in size beyond the wildest forecasts of even a few years ago. The *Indiana*, 348 feet long and 10,000 tons displacement, was a big ship in 1890, when she was authorized. Battle ships now being talked of are 535 feet long and of 26,000 tons displacement. Docks that were thought ample for the needs of all time and harbors with a corresponding depth of approach have become inadequate. There are still docks and approaches able to take our heaviest vessels when needed, though Mr. Turner does not emphasize this fact, and larger docks are building. If our naturally shallow harbors must be dredged for men-of-war of the future, the work will be demanded by our merchantmen sooner than by the battle ships, for the former are outstripping even their protectors in increased size and draft.

With the size of ships has increased their complexity. Therefore repair shops have become cramped and have had to be extended.

As with ships and with our plants, methods suitable to past years have proved unsuitable for modern conditions. In former times the work of the various departments at the navy-yard was differentiated to a greater extent than at present. For that reason and because the yard was primarily a military and not a manufacturing plant, and partly as a concession to conflicting opinions and interests, separate establishments grew up at each yard. Many of these manufacturing plants, like the gun factory at Washington and the powder factory, was instituted as necessary to escape the exactions of trusts in the specialized classes of material called for by the navy, as well as to secure the performance of such work under the immediate supervision of trained ordnance experts. Modern conditions and improved shop methods have made consolidation of work imperative, both from the view point of military efficiency and of economy. There has been for many years past a gradual consolidation of work to meet changing conditions. A very radical consolidation at the navy-yards was determined on some months ago and has already been effected. It merges all the manufacturing functions of the yard into one organization along similar lines to that common among commercial industrial plants. The consolidation of various bureaus in the department will follow as a natural corrollary to these changes.

The same money-absorbing cycle of change has been going on in foreign countries. Millions could undoubtedly have been saved by each in the past if the developments in battle-ship building of the last few years could have been foretold; but each has constantly had to keep pace with the times and pay the penalty exacted by the new inventions and more daring achievements which have rendered obsolescent the work of the year before.

The United States has always been abreast of the best current practice in naval development with the material provided it, as its record afloat in peace and war abundantly testifies, as well as a comparison of the efficiency of its fleet at the present time with those of other powers. Ship for ship, it stands second to none. If this result has been achieved by the naval establishment as a whole (for the fighting ship is the final expression of its concerted effort), is it not logical to assume, as I have proved to my own critical satisfaction, that, aside from the relatively small defects in administration which crop up and have to be eradicated with changing times in all great concerns alike, the navy is provided for by Congress and administered by its subordinate officials with conscientious regard for the public interest.

I inclose herewith, for your information, a statement taken from the annual report of the Paymaster-General for the fiscal year ending June 30, 1908, giving an analysis of the cost of the naval establishment during that period.

Respectfully,

TRUMAN H. NEWBERRY,
Secretary.

Mr. WILLIAM S. WOODS,
Editor Literary Digest,
44 East Twenty-third Street, New York City.

BRIEF ANALYSIS OF TOTAL APPROPRIATIONS MADE FOR THE NAVAL SERVICE DURING THE TEN-YEAR PERIOD 1899–1908.

There has been appropriated for the naval service, for all purposes, during the past ten years, $921,562,373. Of this amount there has been turned back into the Treasury, from unexpended balances of current appropriations, $13,014,015.

In order to indicate the purposes for which the above appropriations were made, this total may be classified as follows:

	Amount.	Percentage of total appropriation.
1. For increase of the navy, including construction and machinery and armor and armament	$285,558,186.67	31.0
2. For pay and allowances of officers, and pay, allowances, clothing, and subsistence of enlisted men of the Navy and Marine Corps	272,343,075.27	29.6
3. For indirect charges relating to personnel, such as hospitals and other expenditures under the Bureau of Medicine and Surgery, training stations and barracks for officers of the Navy and Marine Corps; all expenditures at the Naval Academy and in connection with the Naval Militia; miscellaneous expenditures under the Bureau of Navigation and the Marine Corps in connection with personnel; incidental charges under the Bureau of Navigation connected with personnel and maintenance of colliers and the payment of their merchant crews	48,721,773.87	5.3
4. Coal and coaling stations	34,888,494.45	3.8
5. Maintenance and repair of matériel of the fleet, including all ammunition, stores, oil, and other consumable supplies, except coal (This item includes maintenance charges under ordnance, equipment, construction and repair, steam engineering, and supplies and accounts which are directly chargeable to cost of operation of industrial plants, but which are not readily separated therefrom).	201,588,805.92	21.9
6. Cost of improvements at dockyards, including lands, buildings, dry docks, wharves, dredging, major part of machinery plants; repairs, preservation and maintenance of all public works, including operation of central power plants; cost of buildings, machinery, etc., at all ordnance establishments, including proving ground, powder factory, gun factory, magazines, etc	73,489,271.27	7.9
7. Appropriations not classified, including Naval Observatory, relief appropriations, damage claims, bounties, prize money, etc	4,972,765.74	.5
Total	921,562,373.19	

From the above it will appear that the appropriations on account of the increase of the navy, including "Increase of the navy—Construction and machinery" and "Increase of the navy—Armor and armament," amounted to 31 per cent of the total appropriations. That the expenditures by the Navy Department for new construction have been well and economically made is obvious by reference to the tabular statements of cost of battle ships and armored cruisers built for our own and the British navy. The tables which are attached to memoranda herewith submitted show conclusively that the present cost of our battle ships and armored cruisers, per ton of displacement, is considerably less than that of British battle ships and armored cruisers of similar type and date of contract.

It is also apparent that the appropriations for personnel (items 2 and 3) amount to 34.9 per cent of the total appropriation. The expenditures under these appropriations are practically beyond the economic control of the Navy Department, since they are payments on account of services specifically authorized by Congress, at definite or specified rates of pay, and do not admit of more than nominal control by the Navy Department, except in so far as the personnel may be below its maximum number or where various services directly connected with the personnel may be temporarily on a basis involving reduced cost of maintenance.

It is also obvious that appropriations for coal and coaling stations, amounting to 3.8 per cent of the naval appropriations, can not well be reduced without limiting the efficiency of the fleet.

It also appears from item 5 that the amounts appropriated for the maintenance of the matériel of the fleet, ashore and afloat, including all ammunition, stores, supplies, and so forth, representing 21.9 per cent of the total appropriation. It may be stated in this connection that practically half of the expenditures under these appropriations which are devoted to the maintenance of the matériel of the fleet are made on account of the purchase of ammunition, stores, supplies of all kinds, material, shop machinery, and work done under contract or subject to direct purchase, leaving only about 50 per cent of the appropriations of this character, or less than 11 per cent of the total appropriations for the navy, to be expended on account of direct labor charges. Inasmuch as it is largely in a reduction of the labor charges that economies can be expected by good administration, it should be obvious that, with an average expenditure for labor of $10,000,000 during the past ten years, it would

be exceedingly difficult to effect the reduction of "many millions" so noted by sensational writers as having been wastefully spent.

It also appears from item 6 that the development of dockyards and other naval stations, including ordnance establishment and including lands, buildings, improvements, dry docks, wharves, dredging, machinery plants, and the care and preservation of public works, accounts for 7.9 per cent of the total appropriation for the ten-year period under consideration.

The above-noted percentages, taken in connection with other memoranda herewith submitted, show most conclusively that there can not possibly be such great waste in connection with the administration of dockyards, maintenance of the fleet, etc., as has been recently alleged by sensational writers. On the contrary, considering the results obtained and the necessity of maintaining a large number of stations for military and strategic reasons in time of war, also taking into consideration the comparative expenditures of the United States Navy and the British navy for the maintenance of the fleet and for other purposes connected with the naval establishment, it is obvious that the administration of the United States Navy Department has been very creditable indeed. The recent changes in the method of carrying on work at navy-yards, some of which changes were inaugurated nearly a year ago, will greatly increase the efficiency and economy of navy-yard work, as will undoubtedly appear from reports which will be submitted during the next fiscal year.

COMPARISON OF APPROPRIATIONS FOR NAVAL PUBLIC WORKS IN GREAT BRITAIN AND THE UNITED STATES DURING THE FISCAL YEARS 1896–1909, INCLUSIVE.

The accompanying tabular statement gives a comparison of appropriations for naval public works in Great Britain and the United States during the fiscal years 1896 to 1909, inclusive.

In 1895 the British naval authorities began to take serious measures to put the British dockyards in such condition as to permit them to fully meet the requirements of the fleet. In order to provide for the large expenditures which would be involved, a "naval works act" was passed by Parliament in that year (1895), and supplementary acts in subsequent years, these naval works acts authorizing certain large expenditures which were to be spread over a term of years. These expenditures under the naval works acts were covered by a special loan, repayable in installments from funds appropriated in the naval votes; but the final payments have not yet been made, and will not be made for several years to come, so that the British navy estimates only include a portion of the total amounts actually expended on dockyard extensions under the naval works acts.

In addition to expenditures under the naval works acts there were other dockyard improvements provided for in the naval estimates themselves.

The accompanying table shows, as far as possible from comparison of British and American official documents, the amounts appropriated in each country for naval public works. Excluding from consideration hospitals, naval homes, barracks, training stations, coaling stations, and ordnance establishments, the tabular statement indicates clearly that the appropriations for dockyards, supply stations, harbors of refuge, and naval bases, including buildings, dry docks, improvements, extensions, and so forth, were two and one-half times greater in Great Britain than in the United States—the figures for Great Britain being $128,987,560 and for the United States $51,015,864—for the fourteen years under consideration.

Comparison of appropriations for naval public works in Great Britain and the United States during fiscal years 1896–1909, inclusive.

Nation.	Hospitals, naval homes, barracks, and training stations for officers and men.	Coaling stations.	Ordnance establishments, magazines, and target ranges.	Dockyards, supply stations, harbors of refuge, and naval bases, including buildings, dredging, dry docks, improvements, and extensions.
Great Britain	$19,475,071	$4,403,968	$8,415,998	$128,987,560
United States	[a] 17,710,274	6,542,500	5,924,810	51,015,864

[a] Includes $9,950,000 for the Naval Academy.

COMPARATIVE NUMBER OF WORKMEN EMPLOYED IN BRITISH DOCKYARDS AND UNITED STATES NAVY-YARDS AT HOME.

The average number of workmen employed in the dockyards in Great Britain during the fiscal year 1908 was 27,315.

The corresponding number employed in the general building and repair navy-yards and stations in the United States during the same period was 14,000.

The stations included for the United States are Portsmouth, N. H.; Boston, Mass.; New York, N. Y.; Philadelphia, Pa.; Norfolk, Va.; Mare Island, Cal.; Puget Sound, Wash.; Charleston, S. C.; Key West, Fla.; Pensacola, Fla.; and New Orleans, La.

The navy-yard, Washington, D. C., is omitted, as it is purely an ordnance establishment, corresponding to the British establishment at Woolwich. The number of employees at Woolwich is not known and is not included in the total given above for the British dockyards.

Comparison of naval appropriations in the United States and Great Britain for new construction, repairs, alterations, and maintenance of ships, public works, and pay of officers and men.

[Taken from the United States Digest of Appropriations, British Naval Estimates, and other official sources.]

Subdivisions.	Amount appropriated during 10 years, 1900 to 1909, inclusive.				Amount appropriated for fiscal year 1909.			
	Great Britain.		United States.		Great Britain.		United States.	
	Amount.	Percentage of total appropriations.	Amount.	Percentage of total appropriations.	Amount.	Percentage of appropriations.	Amount.	Percentage of appropriations.
New construction, increase of the navy, including armor and armament	$518,214,703	Per cent. 32.5	$287,051,535	Per cent. 30.9	$42,193,236	Per cent. 26.8	$32,457,962	Per cent. 24.8
Reconstruction, alterations, repairs, and maintenance of ships, including sea stores and coal. For both direct and indirect expenditures	345,273,319	21.7	230,623,799	24.8	34,872,604	22.2	35,779,319	27.4
Public works	[a] 116,292,706	7.3	73,444,617	7.9	9,976,602	6.3	6,564,534	5.0
Pay, allowances, provisions, and clothing for officers and men	452,502,426	28.4	272,343,075	29.6	50,800,542	32.3	47,453,064	36.3
Miscellaneous, unclassed	161,755,849	10.1	[b] 64,522,854	6.8	19,439,833	12.4	8,525,522	6.5
Total	1,594,039,003		[b] 927,985,880		157,282,847		130,780,401	

[a] Includes 66 per cent of appropriations in naval works acts, 1895 to 1907.
[b] Includes $6,423,507 carried in the legislative, executive, and judicial bills for certain civil employees in the Navy Department.

Public Works, Bureau of Yards and Docks.

Stations, etc.	As reported to and as passed House.	Increases made by Senate committee.	Total.	Estimates for 1910, under these stations only.
Portsmouth	$96,500		$96,500	$346,500
Boston	210,000		210,000	267,500
New York	366,000	$26,330	392,330	693,830
Philadelphia	417,600	50,000	467,600	721,500
Washington, D. C.	60,000		60,000	341,000
Norfolk	300,000		300,000	811,000
Charleston	95,000	40,500	135,500	442,500
Pensacola	15,000	5,000	20,000	35,000
Key West	30,000	15,000	45,000	30,000
Mare Island	348,500	224,000	572,500	1,776,500
Puget Sound	418,000	237,000	655,000	1,391,000
Guam	44,000		44,000	44,000
Pearl Harbor	900,000		900,000	1,300,000
Cavite	15,900		15,900	15,900
Tutuila	5,500		5,500	5,500
Plans and specifications	30,000		30,000	40,000
Repairs and preservations	700,000		700,000	750,000
Floating derricks	150,000		150,000	150,000
New Orleans		45,000	45,000	
Total	4,202,000	642,830	4,844,830	9,161,730

The naval bill, as reported to the Senate, provides the following amounts for the pay of clerks, draftsmen, inspectors, messengers, and other classified employees at navy-yards:

Number of classified employees in the naval establishment and in the department at Washington.

	Amount.	Number of classified employees now paid from lump appropriations.	Number of classified employees now paid from "Civil establishment."
Pay, miscellaneous	$249,054.25	144	28
Naval Training Station, Newport, R. I.	5,701.60	4	
Naval Training Station, Great Lakes	48,139.36	18	
Naval War College	6,375.76	6	
Ordnance and ordnance stores	398,890.28	322	28
Equipment of vessels	226,193.60	162	24
Maintenance	425,000.00	253	72
Provisions, navy	447,544.88	315	88
Construction and repair	808,039.00	426	36
Steam machinery	350,063.02	271	17
Total	2,965,001.75	1,921	293
Grand total			2,214

Under the provisions of an executive order issued May 6, 1896, all employees of this character paid from lump appropriations, as well as those paid from "Civil establishment," were placed in the classified civil service, subject to appointment after competitive examination.

In the Navy Department proper at Washington there are 566 classified employees provided for in the legislative, executive, and judicial act.

Total number of employees in both classes, 2,780.

Mr. HALE. Now, I wish further to say, as a personal matter, that I think yesterday I did an injustice to the powder-manufacturing concerns in stating what I heard and believed to be true that they had heretofore in emergencies put up the price of their product and had made the Government pay undue prices. I have reason to believe that the statement which I made was incorrect. I regret that I made it, and I make this statement now in order to show that I do not now believe the statement which I made was justified by the facts.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. Certainly.

NAVY-YARDS AND NAVAL STATIONS.

Mr. GALLINGER. A few days ago I was given permission to print hydrographic data relating to United States navy-yards and naval stations. There were some mistakes in it, and I now ask unanimous consent to have a reprint, with corrections, of the document, and that 1,000 additional copies be printed for the use of the document room.

The VICE-PRESIDENT. Without objection, it is so ordered.

PAROLE OF UNITED STATES PRISONERS.

Mr. BACON. Mr. President, I desire to ask for a reprint of the bill (S. 4027) to parole United States prisoners, and for other purposes. This bill was partially considered by the Senate and certain amendments were agreed to. Pending that it passed from the consideration of the Senate. I now ask that the bill may be reprinted as it has been amended in the Senate.

The VICE-PRESIDENT. Does the Senator want the amendments to be printed in the same lettering as the body of the bill?

Mr. BACON. I presume so. Certain sections have been stricken out and others have been amended. I wish the bill to be reprinted, so that we may see it as it is.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 17, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 16, 1909.*

[*Continuation of legislative day of Monday, February 15, 1909.*]

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

ADDITIONAL JUDGE FOR WESTERN DISTRICT OF PENNSYLVANIA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill H. R. 26068, and consider the same at this time.

The bill was read, as follows:

A bill (H. R. 26068) providing for an additional judge for the western district of Pennsylvania, and for other purposes.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the western district of Pennsylvania, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of said district.

Mr. CLARK of Missouri. I reserve the right to object, and would like to interrogate the gentleman from Pennsylvania.

Mr. DALZELL. I will explain the bill. This bill is unanimously reported by the Committee on the Judiciary. I was told by three or four members of the committee, gentlemen of long service, that the case made out for this bill was the best case that had been made in years before the committee. The western district of Pennsylvania includes something over 20 counties in Pennsylvania, reaching to both sides of the Allegheny Mountains. As the gentleman from Missouri knows, it is full of industries of varied and very important character—manufactories of iron and steel, glass, coal, petroleum, lumber, and all the industries that pertain both to rail and river transportation. We only have one district judge in that district, and the figures presented to the committee show that during the last nine years the increase in civil cases in the district has amounted to 906 per cent, the increase in equity cases amounted to 29 per cent, and the increase in the cases on the trial list amounted to 350 per cent; in other words, there was an average increase in all branches of the business of the circuit court from the year 1899 to 1908 of 428 per cent. The circuit court was in session and transacted business during three hundred and four days of last year. Our circuit judge, who constitutes one-third of the court of appeals, Judge Buffington, was delayed in Philadelphia by the business of that court over four months of the year. We had four judges from outside districts to aid the local judges: Judge Dayton, of West Virginia; Judge Archbald, of the middle district; Judge Lanning, from New Jersey; and Judge Bradford, who came in and held court. The district court was open every day in the year, except Sundays and holidays, and transacted business.

Mr. CLARK of Missouri. How many district judges are there in Pennsylvania?

Mr. DALZELL. There are four district judges—two judges in Philadelphia, a district judge of the middle district, and one district judge in western Pennsylvania. I want to call attention to this fact: In Philadelphia, where they have two district judges and a circuit judge, their record of cases last year was 806 cases, as against 1,044 cases in the western district. I want to say to the gentleman from Missouri that a refusal to create an additional judge in this district means, in my judgment, a substantial denial of justice, and I trust there will be no objection.

Mr. CLARK of Missouri. Why not detail one of the Philadelphia judges to go down there and hold court?

Mr. DALZELL. We have detailed at times four different judges from outside. The Philadelphia people have enough to do to take care of themselves. We have had Judge Dayton, of West Virginia, Judge Archbald, of the middle district, Judge Bradford and Judge Lanning, from New Jersey.

Mr. CLARK of Missouri. While we are at this thing, I

would like to ask the gentleman's opinion about this proposition: What is the reason we could not remodel the whole judicial system and abolish the district judges, and have them all circuit judges?

Mr. DALZELL. I think you are dead right about that.

Mr. CLARK of Missouri. They are eternally acting as circuit judges.

Mr. DALZELL. I think you are right about it.

Mr. CLARK of Missouri. I do not like the number now to be increased, but I will not object.

Mr. MACON. Reserving the right to object, I desire to say that I do not think there is any greater demand in the western district of Pennsylvania for a judge than there is a demand for additional revenue in the Treasury at this time; and being in part a representative of the whole people, and interested in the revenues of the people, I must exercise for the people the power I have as their representative to protect them against an increase of expenditures, and inasmuch as the passage of this bill will take at least $6,000 out of the revenues of the country, out of the Treasury annually, I object.

The SPEAKER. The gentleman from Arkansas objects.

Mr. DALZELL. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill, to suspend the rules, and pass the bill.

The SPEAKER. The gentleman from Pennsylvania moves to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill, suspend the rules, and pass the bill. Is a second demanded? If not, the second will be considered as ordered.

A second was not demanded.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ADDITIONAL DISTRICT JUDGE FOR WESTERN DISTRICT OF WASHINGTON.

Mr. CUSHMAN. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill H. R. 27061, suspend the rules, and pass the bill.

The SPEAKER. The gentleman from Washington moves to discharge the Committee of the Whole House on the state of the Union, suspend the rules, and pass the following bill with committee amendments.

The bill was read, as follows:

A bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington.

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint a resident of the western division of the western district of Washington as an additional judge of the district court of the United States for the western district of Washington, who shall reside in said division, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That the present district judge in said district and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said district: *Provided, however*, That in case the said two district judges do not agree the senior circuit judge of the ninth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

The amendments recommended by the committee were read, as follows:

Strike out, in lines 4, 5, and 6, the following: "a resident of the western division of the western district of Washington as."

Strike out, in lines 7 and 8, the following: "who shall reside in said division."

The SPEAKER. Is a second demanded?

Mr. GAINES of Tennessee. I demand a second.

Mr. CUSHMAN. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Washington asks unanimous consent that a second may be considered as ordered. [After a pause.] The Chair hears no objection, and it is so ordered. The gentleman from Washington [Mr. CUSHMAN] is entitled to twenty minutes, and the gentleman from Tennessee [Mr. GAINES] is entitled to twenty minutes.

Mr. CUSHMAN. Mr. Speaker, this measure is the same bill I had up for consideration a few days ago in this House. I hope for favorable action on this bill by the House to-day. This bill does not provide for the creation of a new or additional judicial district in the State of Washington, but it does provide for one additional judge to serve in the existing western Washington district—making two judges in that district instead of one, as now.

This bill has been heartily recommended by the Attorney-General of the United States, as disclosed by his letter in the printed report upon this bill, and the bill has been unanimously recommended by the House Judiciary Committee. There is no judicial district in the United States that needs relief more than this district does.

With the permission of the House, I should like to call attention to and incorporate into my remarks upon this subject a statement showing in detail the necessity for the passage of this bill. This statement was prepared by my brother, Edward E. Cushman, of Tacoma, Wash., a leading member of the bar of the judicial district of western Washington:

REASONS WHY THE WESTERN DISTRICT OF WASHINGTON SHOULD EITHER BE DIVIDED INTO TWO DISTRICTS OR AN ADDITIONAL DISTRICT JUDGE CREATED THEREFOR.

The western district of Washington extends entirely across the State from north to south on the Pacific side, and is bounded on the south by the Columbia River, a great navigable highway throughout such boundary, and across which, in the State of Oregon, is the city of Portland, the metropolis of that State and the center of trade extending throughout the southern part of said district. The district is bounded on the west by the Pacific Ocean, with a shore line of more than a thousand miles with its indentations, and a great number of harbors put to important commercial uses, including those of Willapa, Grays Harbor, Port Angeles, Port Townsend, Bellingham, Everett, Seattle, Tacoma, and Olympia. A great part of the northern boundary of the district is also an ocean boundary, with harbors and ports. Immediately across the northern boundary are the largest cities of western Canada—Victoria and Vancouver. In the eastern part of the district are government reserves, large timber interests, and mines, the two latter largely controlled by foreign corporations.

It will be at once seen that all of these conditions especially tend to create business in the federal courts, both by reason of the exclusive jurisdiction of those courts over the subject-matter in admiralty cases, customs cases, and immigrant cases, and on account of the diverse citizenship of the litigants.

This district is divided into two divisions, legally the northern and western divisions, sometimes called the northern and southern divisions. The present court is held at Seattle in the northern division, and at Tacoma in the western division, there being nine counties in each of these divisions, and the railroads and other means of transportation centering at these two cities.

Another thing that adds to the burden of this litigation is the fact that almost all of the large industrial corporations engaged in business in Alaska either are located with their principal offices in these cities or have branch establishments there.

Another reason that such litigation has increased immensely recently is on account of the railroad construction and development in the limits of the district and State within the last three years, during that time being greater than any other State in the Union, and with the lines constructed during that time and those now in process of construction almost doubling its railroad mileage. While this of itself has greatly increased the business, it is only a small part of what that increase will be when these roads are operated, as they are integral parts of the Pacific railroads, sometimes called "transcontinental lines," including the Canadian Pacific, the Northern Pacific, the Great Northern, the Union Pacific, and other lines.

As showing the needs of this district as based on population alone, as compared with the eastern district of Washington, without any harbors or water frontier, or the litigation growing out of the same, probably the latest figures obtainable would be at the last national election. The First and Second Congressional districts in Washington lie within the western district, excepting one small, sparsely settled county. The Third Congressional District lies entirely within the eastern district. For Congressmen in the First and Second Congressional districts there were cast 104,336 votes at the last election, while in the third district there were cast but 62,488, showing a preponderance of population in the western district of almost two to one.

It is possible in other circuits often to relieve an overworked district judge by sending in a judge from another district to assist in the disposal of cases. This is practicable, because of the smaller sizes of the districts, consequently the lesser distances, and the fact of the other circuits having extra district judges in certain of their districts, as well as a number of resident circuit judges. The ninth circuit is differently situated. Its court of appeals has a great and varied jurisdiction, not only including the ordinary appellate jurisdiction over the districts of California, Nevada, Oregon, Idaho, Washington, and Montana in the strictly federal appellate jurisdictional sense, but also over the three courts of Alaska and that of the Hawaiian Islands, and also a general appellate jurisdiction in all controversies in Alaska, the Hawaiian Islands, and the ministerial courts of Asia. The inevitable result of this, not only occasioned by the great bulk of cases, but by their intricate diversity, is that the circuit judges of the ninth circuit can not and do not try or consider any cases in either the circuit or district courts in that circuit. They are constantly at work with the appealed cases brought before them in the court of appeals. In the entire circuit there is no district other than the northern district of California which has more than a single district judge. This fact and the great size and distance apart of the various districts render it so impracticable as to substantially prevent the judges of other districts rendering relief. They are not only retarded by the loss of time, effort, and embarrassment, but with no judge left during their absence in their own districts they are constantly haunted with the dread of the interests in their home district being neglected and prejudiced in some of those many emergency matters that are constantly arising.

A visiting judge is not fair, either to the attorneys of the district or the litigants, for in many cases there must be motions for new trials, some of which are bound to be granted, although part of the law of the case may have been settled by the first trial. This renders necessary the return of the identical visiting judge who tried such cases, and experience shows that it may be years before this can be accomplished.

There is an especial hardship being worked on the attorneys of litigants in the southern division of this district. The present judge is a resident of Seattle, and has been doing all in his power to dispose of the work in that division, which has been occupying almost his entire time, and leaving the work in the southern division largely to visiting judges, there being long intervals between their visits. During the year just past half of the court in the southern division was held by visiting judges. There have been in that division begun in the last half of the year just past 117 cases, but only terminated during the entire year 55; that is, during the entire year less than half of the number of cases begun in six months were tried—that is, less than 1 in 4 for the year—and of these the resident judge tried only about half—that is, 1 in 8.

Although it has been said that comparisons are odious, tables are herewith appended showing the volume of business done in such district and that in other districts, the bar committee intrusted with this matter feeling justified in so doing, as the same show, not the absence of necessity in other districts, but the greatness of the need in the west-

ern district. In these tables, which are compiled from the report of the Attorney-General of the United States covering all the districts of the United States for the years 1908 and 1907, the statistics regarding criminal cases and bankruptcy cases are omitted. There is a natural reluctance on the part of this committee to contest with other districts for supremacy either in criminal or bankruptcy records; but that is not the only reason they are omitted. It is felt that the volume of general civil business is a safer and surer guide to determine the amount of the work done and the needs. As is well known, the greater part of the work in bankruptcy cases is done by referees in bankruptcy, and furnishes no safe criterion as to the actual work done by a judge. In the criminal cases the different parts of the United States appear to have their favorite forms of crime, which throw the tables all out of balance in this particular. For instance, the internal-revenue cases in many of the Southern States are little more than police cases, many of which may be disposed of in a day. For example, as shown by the Attorney-General's report for 1908, page 117, in the western district of Virginia there were terminated 225 criminal cases of this class during the year, but of these it appears that 109 were terminated by pleas of guilty, 43 nolle prossed or discontinued, and only 29 tried. It has therefore been thought the surer guide would be a table showing the number of civil cases in which the United States was a party, the total amounts of the judgments therein, the number of all other cases, excluding criminal and bankruptcy cases, and the amounts of the judgments rendered therein.

In the following table where in any district the amounts are equal to or exceed those in the western district of Washington, the same are underscored.

In the following table the item in the Attorney-General's report headed "Pending cases" has been discarded as in no way tending to show the amount of work the court is doing or the rate at which the work is accumulating.

Name of district.	United States civil cases.		Amounts judgments in United States civil cases.	Suits in which United States was not a party.		Judgments in cases United States not a party.
	Commenced.	Terminated.		Commenced.	Terminated.	
Washington, western	60	51	$77,556.75	272	249	$694,752.96
Alabama, middle	11	3	737.35	12	7	[a]
Alabama, northern [b]						
Alabama, southern	18	11	2,154.64	52	50	105,731.00
Arkansas, eastern	18	18	5,722.46	119	204	689,482.31
Arkansas, western	11	21	6,125.75	41	30	160,433.19
California, northern	83	48	108,861.07	1,143	576	1,081,787.04
California, southern	20	17	746.66	105	76	572,701.22
Colorado	40	58	4,282.12	121	140	93,923.92
Connecticut	6	7	10.00	89	62	11,152.27
Delaware	5			113	111	181,564.75
Florida, southern	43	21		123	106	42,317.29
Florida, northern	5	3	541.60	42	23	2,202.89
Georgia, southern	7	5	1,400.00	63	53	525,586.29
Georgia, northern	129	58	1,972.60	70	74	36,672.89
Idaho	20	9	2,511.75	42	29	7,671.23
Illinois, northern	400	312	36,525.37	421	427	259,817.92
Illinois, eastern	41	38	24,278.42	420	362	84,754.19
Illinois, southern	16	10	1,321.14	74	97	28,916.63
Indiana	12	10	1,887.80	128	106	2,600,519.94
Iowa, northern	8	2	1,100.00	58	36	75,584.36
Iowa, southern	8	4	1,410.00	105	95	12,694.00
Kansas	53	18	567.50	194	216	584,369.66
Kentucky, eastern	36	25	40,483.39	130	128	215,755.60
Kentucky, western	32	53	3,000.00	84	101	56,572.10
Louisiana, eastern	13	25	7,170.62	148	162	713,661.29
Louisiana, western	25	10	8,547.60	34	21	[b]
Maine	5	5	642.50	62	51	19,209.65
Maryland	13	7	151,672.44	146	100	161,343.73
Massachusetts	38	38	8,884.43	325	238	186,009.87
Michigan, eastern	25	7		142	68	58,465.90
Michigan, western	15	3	4,248.00	22	46	26,302.25
Minnesota	43	34	6,714.48	217	194	114,675.43
Mississippi, northern	18	18	3,174.06	16	25	28,381.00
Mississippi, southern	31	10	6,998.68	118	75	104,022.04
Missouri, eastern	80	26	2,550.00	175	154	126,166.91
Missouri, western	70	90	7,000.00	278	259	3,565,936.23
Montana	17	11	5,113.56	55	72	32,282.20
Nebraska	26	32	800.00	160	119	114,073.32
Nevada				47	26	189,963.94
New Hampshire				26	27	87,563.33
New Jersey	32	25	2,795.73	351	298	152,415.71
New York, northern	6	3	237.25			
New York, southern	469	551	37,425.82	1,402	986	1,011,161.81
New York, eastern	86	62	1,104.81	447	297	88,345.11
New York, western	35	42	9,824.07	79	53	55,338.35
North Carolina, western	101	94	7,857.48	41	45	36,491.00
North Carolina, eastern	19	11	3,448.36	32	47	19,981.23
North Dakota	9	7	3,896.98	30	23	27,092.27
Ohio, northern	19	21	3,500.00	332	309	3,129,681.07
Ohio, southern	54	30	3,649.68	129	99	77,746.00
Oregon	55	16	14,912.80	139	60	163,956.17
Pennsylvania, eastern	163	125	73,563.20	359	378	1,806,255.75
Pennsylvania, middle	10	1	100.00			
Pennsylvania, western	27	31	2,045.38	325	218	732,518.02
Rhode Island	2	8	5,000.00	111	99	68,768.00
South Carolina	16	13	2,700.00	88	86	242,063.60
South Dakota	22	14	1,308.16	50	35	68,940.07
Tennessee, eastern	23	8	1,372.78	86	53	16,113.24
Tennessee, middle	10	9	122.60	41	36	21,971.90
Tennessee, western	9	12	1,522.63	62	76	38,559.47
Texas, northern	15	7	1,100.00	131	86	311,649.50
Texas, southern	13	15	1,621.62	21	25	12,461.98
Texas, eastern	18	10	2,015.54	102	111	62,878.57
Texas, western	51	18	4,950.98	72	84	88,926.63
Utah	15	14	2,999.60	64	79	48,891.00
Vermont	4	8	$2,229.98	11	14	$19,001.82
Virginia, eastern	19	7	3,073.67	121	92	57,173.53
Virginia, western	55	40	1,730.33	42	63	7,881.74
Washington, eastern	22	29	25,461.45	69	62	80,361.76
West Virginia, northern	4	4	500.00	80	67	149,135.06
West Virginia, southern	5	1	200.00	52	11	
Wisconsin, eastern	4	17				
Wisconsin, western	3	3	436.85	36	22	7,207.45
Wyoming	24	37	7,207.50	14	23	21,711.41

[a] No data.

[b] Not complete.

It would appear that if the number of cases in the above classes commenced and terminated were added together it would give a composite number, tending both to show the amount of work being done and that accumulating. If this is done in the first class of cases—that is, in which the United States is a party—a comparison of the western district of Washington with the other districts will show that the number is only equaled or exceeded by that in the northern district of California, the southern district of New York, the eastern district of Pennsylvania, the northern district of Illinois, the eastern district of New York, the northern district of Georgia, and the western district of North Carolina. In each of the first five districts named there are already two or more district judges. In the remaining an examination of the Attorney-General's report will show an abnormal condition, throwing those districts out of balance in this particular, as for example, in the northern district of California, out of a total number of 131 cases of the above class, as against 111 in the western district of Washington, it will be found that the chief items of that total were cases under the 28-hour law, 33 begun and 21 terminated, while in the western district of Washington the chief item making up the total consists of miscellaneous cases. It would appear from the report that the United States in the northern district of California and the northern district of Illinois were bringing a number of test cases under this statute. It will also be observed that in the great majority of districts there was not a single case of this character. In the eastern, southern, and northern districts of New York there was not a single case. Again, in the eastern district of New York, with a total of 148 cases of this class commenced and terminated, as against 111 in the western district of Washington an examination of the report will show that 94 of the cases in that district were to cancel naturalization certificates, and a very few general cases. There was not an equal number of cases to cancel naturalization certificates, excepting in one district—the northern district of Illinois—in all the other districts of the United States put together, and in the southern district of New York there was not a single case of this character. So that it will be seen on this point that the excess in number is occasioned in these districts by temporarily abnormal conditions. In the northern district of Illinois, with a total of 712 civil cases in which the United States was a party, 580 of these were of the two foregoing kinds—that is, under the 28-hour law and for the cancellation of naturalization certificates. Something of the same kind is true in the two remaining districts, in which the total number of cases equals or exceeds that in the western district of Washington—that is, in the northern district of Georgia and the western district of North Carolina—for in the former of these two districts in these cases there were only judgments recovered amounting to $1,972.60, and in the latter district to the amount of $7,857.48, as against $77,556.75 recovered in the same cases in the western district of Washington. It is submitted that under this classification the needs of the western district of Washington are shown to be more pressing than of any other district with one district judge, and greater than some with two.

Passing now to the second column in the above table—that is, the amounts of the judgments recovered—as has been stated, the total amount of judgments in the western district of Washington aggregates for that year $77,556.75. This is greater than the totals of either the southern district of New York, the eastern district of Pennsylvania, or the northern district of Illinois, and is only exceeded in two districts, the northern district of California (where there are two district judges and one resident circuit judge) and the district of Maryland. An examination of the table will show that in these two districts there were exceptional conditions to destroy the value of the figures therefrom, for in Maryland, with only three customs cases in the entire year, there were judgments therein rendered of $150,000, and in the northern district of California in six cases under the land laws there were judgments rendered to the amount of $73,025.05. In miscellaneous cases of this class the judgments recovered in the western district of Washington were more than twice as much as those in both the latter States. It is submitted that the figures under this heading show the needs of the western district to be greater than those of any other district.

Passing to the third column or heading in the above table, covering the number of cases in which the United States is not a party, excepting bankruptcy, commenced and terminated during such year, the Attorney-General's report and the above table show the total number for the western district of Washington to be 521. The only districts in which this number is exceeded are in the eastern district of Pennsylvania, the southern district of New York, the district of New Jersey, the northern district of Illinois, the northern district of California, the district of Massachusetts, the western district of Pennsylvania, the eastern district of Illinois, the northern district of Ohio, the eastern district of New York, and the western district of Missouri. The first five mentioned of the above districts have two or more district judges. Two of the remaining have not only a district judge, but a resident circuit judge, leaving only four other districts, all of which are exceeded by the western district of Washington under the other heads of such table.

Passing to the fourth column or heading of the table, covering the total amount of judgments recovered during the year in this general class of cases where the United States was not a party, excluding bankruptcy cases, it will be seen that in the western district of Washington such judgments amounted to $694,752.96. This amount was only exceeded in the following districts: The northern district of California,

the eastern district of Pennsylvania, the southern district of New York, the western district of Pennsylvania, the district of Indiana, the northern district of Ohio, and the eastern district of Louisiana. The first three named, as above stated, have two or more district judges. The two following each have a resident circuit judge in addition to a district judge, and the others are exceeded by the western district of Washington under the first two headings in the table.

It will be seen by the Attorney-General's report and the foregoing extracts therefrom that there is but one district in the entire United States which exceeds the western district of Washington on all of the foregoing heads and that is the northern district of California, where exceptional conditions have already been pointed out as concerning the first two heads. The same is true concerning that district as to the last two. The earthquake and fire in San Francisco, situated in the northern district of California, caused many suits to be recently brought against foreign insurance companies. This, under the last two heads in the above table, throws the report out of balance, as these conditions are transitory and not permanent.

At pages 185 and 186 of the Attorney-General's report will be found a summary of all the business of all the districts of the United States. In this table, under the above headings, it will be seen that the average number of cases terminated in each district during the year was 107.4, while there were terminated in the western district of Washington 249, more than twice as many as in the average of all the districts. And yet this showing is not fair to the western district of Washington, for the reason that many of the districts had more than one district judge, and many of them had resident circuit judges. The same table will show that the average number of cases begun in each district in such time was 161.21, while there was for the same time begun in the western district of Washington 272. As above pointed out, this is a showing unfair to the western district of Washington, for although there are 85 districts, including the three divisions of Alaska, yet there are about 100 judges, which would show a still greater discrepancy.

Statement showing number of cases (not including bankruptcy cases) commenced and terminated in United States circuit and district courts for the western division of the western district of Washington, holding courts at Tacoma in the half year from July 1 to December 31, 1908, and number of cases pending on the last date.

	Number commenced.	Terminated.	Number pending December 31.
United States civil	2	6	27
Criminal	11	11	
Admiralty	8	5	25
Other civil	105	36	141
Total	126	58	193
Number of cases pending July 1, 1908			126
Increase in six months			67

It will be seen from the above that in the western division of the western district of Washington in the last six months of the year just past there were considerably more than twice as many cases begun as there were terminated.

Statement showing number of cases (not including bankruptcy cases) commenced and terminated in United States circuit and district courts for the western district of Washington in the half year from July 1 to December 31, 1908, and number of cases pending on the last date.

	Number commenced.	Terminated.	Number pending December 31.
United States civil	22	32	70
Criminal	37	37	55
Admiralty	26	19	120
Other civil	142	70	363
Total	227	158	608
Number of cases pending July 1			529
Increase in six months			79

For comparison to show volume of business in other districts per Attorney-General's report for year ending June 30, 1907 (bankruptcy cases not included).

MASSACHUSETTS.

Has one resident circuit judge and one district judge.

	Number of cases commenced during the year.	Disposed of during the year.	Pending June 30, 1907.
United States civil	61	32	98
Criminal	168	98	138
Admiralty	28	31	36
Other civil	276	189	612
Total	533	350	884

SOUTHERN DISTRICT OF OHIO.

Has one resident circuit judge and two district judges.

	Number of cases commenced during the year.	Disposed of during the year.	Pending June 30, 1907.
United States civil	36	5	35
Criminal	42	40	44
Admiralty	1	2	15
Other civil	151	139	379
Total	230	186	473

EASTERN DISTRICT OF PENNSYLVANIA.

Has one resident circuit judge and two district judges.

	Number of cases commenced during the year.	Disposed of during the year.	Pending June 30, 1907.
United States civil	122	104	128
Criminal	153	136	98
Admiralty	76	78	113
Other civil	340	286	1,050
Total	691	604	1,389

INDIANA.

Has one resident circuit judge and one district judge.

	Number of cases commenced during the year.	Disposed of during the year.	Pending June 30, 1907.
United States civil	8	7	14
Criminal	49	56	28
Admiralty			3
Other civil	112	120	206
Total	169	183	251

MINNESOTA.

Has one resident circuit judge and two district judges.

	Number of cases commenced during the year.	Disposed of during the year.	Pending June 30, 1907.
United States civil	22	15	50
Criminal	88	84	42
Admiralty	7	30	24
Other civil	255	218	497
Total	372	347	613

There is one other reason that renders our needs in the foregoing particulars greater than in most other districts. With all the mass of business that is to be dispatched, the present judge is compelled to hold his court on wheels, having terms in both Tacoma and Seattle, which occupies much time going and coming, and necessarily separates the court from its records to a certain extent, greatly embarrassing the dispatch of work.

It is submitted that it is clearly shown by the foregoing that the needs of the district are imperative and urgent, and that the amount of business pending, let alone the great increase to be anticipated in the immediate future, is amply sufficient to warrant the division of the district and the creation of separate courts, and that to give the district an additional judge at this time is simply a makeshift, affording only temporary relief, to be ultimately followed by the creation of a new district.

Mr. Speaker, This House has just passed a bill providing for an additional district judge for the western district of Pennsylvania. I was impressed by the remarks of the gentleman from Pennsylvania [Mr. DALZELL], who preceded me, detailing to some extent the conditions that exist in that judicial district. I have no doubt but that relief is needed in the shape of an additional judge for that district in Pennsylvania. I know we need relief in our western district of Washington. The House having just passed a bill providing for an additional judge in the western district of Pennsylvania, I certainly trust the House will grant us similar relief in the State of Washington by passing this bill.

I am not here to impugn the figures of the gentleman from Pennsylvania [Mr. DALZELL], but his figures, as I understood them, showed the increase of business in his judicial district between the year 1889 and the present year of 1908——

Mr. DALZELL. No; the year 1899, not the year 1889.

Mr. CUSHMAN. I stand corrected, then; I did not understand the date correctly when the gentleman was speaking. I have prepared a brief table making a comparison between the amount of litigation for the fiscal year ending July 1, 1908, in the western district of Pennsylvania, and the amount of litigation in the western district of the State of Washington, as follows:

Name of district.	United States civil cases.		Amount of judgments United States civil cases.	Suits, United States not party.		Judgments in cases United States not party.
	Commenced.	Terminated.		Commenced.	Terminated.	
Western district Pennsylvania	27	31	$2,045.38	325	218	$732,518.02
Western district Washington	60	51	77,556.75	272	249	694,752.96

I submit that these figures show at least equal need for relief in the western district of Washington as in the western district of Pennsylvania.

Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Mr. Speaker, I now yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I do not know anything about the merits of this bill, nor the one relating to the Pennsylvania judge, but I do feel that it is not improper to call attention to the fact that we sit here with one-third of a quorum and pass bills by unanimous consent, to create new judges for district courts of the United States, at a salary of $6,000 each during service, and then retired on a salary of $6,000 for life, putting a charge upon the Treasury of the United States in creating these new offices without the slightest protest from Republican or Democrat.

I am not on the committee that examines the bills and can not and will not speak with reference to their merits, but I see here every day when we have up private claims that nothing except bills by unanimous consent can be considered. Claims that have been due for many years, decided favorably by the Court of Claims, unpaid for years, get absolutely no consideration, or if passed must be passed over every technical objection that can be made. I do not question the motives of the gentlemen who make the objections, because they have a right to make them. But I want to call attention to the fact that we are loading down the Treasury of the United States with salaries for district judges of $6,000 for life. We have a bill now pending proposing to increase those salaries 50 per cent; still we sit here and pass bills creating new judges without any objection whatever. I do not question the merits of the bills, because I do not know anything about them, but I am satisfied that 90 per cent of the House knows no more about them than I do. It only shows the tendency and the direction in which we are going.

Mr. MACON. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. MACON. I desire to state that I objected to unanimous consent a few moments ago to the consideration of the bill offered by the gentleman from Pennsylvania, but I was not given an opportunity to object to this bill by unanimous consent, for it was presented under a motion to suspend the rules. I am not one-third of the House, and for that reason I can not prevent the passage of bills when two-thirds only are necessary to pass them.

Mr. SIMS. But the gentleman did not demand a second, and nobody else would demand it after the gentleman from Arkansas had objected to unanimous consideration, supposing he would make the demand. I know the gentleman could not have prevented the passage of the bill, but I am calling attention to the fact that when a heavy load is to be laid upon the Treasury nobody objects. If a clerk's salary is to be raised a few dollars, or a small claim put through the House, then objection is made. I have no reference to the gentleman from Arkansas——

Mr. MACON. Will the gentleman yield?

Mr. SIMS. I will.

Mr. MACON. The gentleman must make a distinction between unanimous consent and demanding a second upon a motion to suspend the rules. The gentleman knows that it was a foregone conclusion that a second was going to be ordered by a majority, if demanded, and that the bill was going to be passed by a two-thirds vote on motion of the gentleman from Pennsylvania [Mr. DALZELL]. Therefore, does not the gentleman think it would have been an act of folly for me to ask for a second and thereby waste forty minutes' time of the House when he knows that the result was going to be the same in the end?

Mr. SIMS. I can not complain about the gentleman failing to act when he knew in advance that the action would amount to nothing. I think also that he knew when he objected to unanimous consent that it would amount to nothing because it is suspension day.

Mr. MACON. I did not know that the gentleman from Pennsylvania was going to ask for a suspension of the rules when I objected. He had asked for unanimous consent; I had a voice in that matter and I used it.

Mr. SIMS. I do not want the gentleman from Arkansas to understand that I am criticising him. I think he is a full-fledged and very useful Member of the House. I am only calling attention to the action of everybody in the House, the entire body.

Mr. GAINES of Tennessee. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Speaker, I know nothing about the conditions in the State of Washington. I desire to call the attention of this body to the fact that only a few weeks ago this House, by a very decided vote, refused to create an additional judicial district in a State that has four times the population and three times the wealth of the State of Washington. This circumstance simply emphasizes the fact that when an entire delegation of a State can get together it can have almost anything and that no State can expect to get much recognition at the hands of this House where there is a division of opinion among its Members. The people of the State of Indiana came to this House for relief, the people of a great State represented by 13 Congressmen on the floor of this House, and we were denied it on the theory that it might possibly cost thirty or forty dollars a month to pay the salary of an assistant clerk or an assistant marshal. Now we are asked, without any opportunity of investigation, to vote not merely for an assistant clerk or an assistant marshal, but to give a United States judge to a State represented by three Congressmen on the floor of this House, a State that can not possibly do the same business, either in a judicial way or in any other way, that the great Commonwealth which I have the honor in part to represent does. I am going to oppose and vote against every proposition to create a new judge of a district until this House gets ready to do justice to the State of Indiana.

Mr. GAINES of Tennessee. Mr. Speaker, I do not personally know whether this judgeship is needed or not. The gentleman who is proposing the bill says it is needed, and I have heard no one say it is not needed, nor have I heard anyone say that Judge Hanford, for whose relief it is given, is not constantly at work; but here is what I have in mind, and what I have had in mind, about creating all of these judgeships, and that is the record of the district judges as to the enforcement of the Sherman antitrust law—the records of the southern district of New York, the State of Pennsylvania, and the State of Washington, and you might say there are other States in the same fix. Section 4 of the Sherman antitrust law provides that—

> The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain the violation of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

Mr. Speaker, I have read that section for the purpose of calling the attention of this House to the fact that that is the equity proposition that this Sherman antitrust law contains. It is the equity practice; it is not the practice in the enforcement of the criminal sections of the statute. It applies to the "circuit courts." There is not a word in the Sherman antitrust law that puts the district attorney or puts the district courts at the mercy or dictation of the Attorney-General of the United States—not a word. The district court enforces the criminal sections. Yet, Mr. Speaker, the Attorney-General's report for last year shows that there was not pending in the State of Washington a single solitary suit under the Sherman antitrust law on July 1, 1907, nor was there pending in the United States court July 1, 1908, a single solitary suit in the State of Washington under that law.

Turn over now to the State of Pennsylvania, who has just been given her additional judge, and you will find that on July 1, 1907, there was one suit pending under the Sherman antitrust law, and on July 1, 1908, there was one suit pending, possibly the same suit that had not been disposed of. Mr.

Speaker, I submit, and I resubmit for the purpose of accentuating, that the federal judges of these United States are not doing their duty in charging the grand juries to investigate the violations of the Sherman antitrust law. You need not lay it all on Attorney-General Bonaparte; you need not lay it on anybody except the district judges that are required by law to obey the law and see that it is faithfully executed. You need not lay it upon the President of the United States, who has great and additional machinery given him, together with more than $750,000 extra that we have given him, and who has great assistance in the officers we have given him, for he has caused more trust suits to be begun than any President. But I say of the judiciary of the United States, in my own State as well as yours, in every State and Territory of the United States, they have not done their duty in aiding Congress and in aiding the President of the United States to enforce the criminal sections of the Sherman antitrust law. In New York—I referred to the other day—I have the record by the Attorney-General for the last year of that court, and I find practically the same delinquency in all the districts of that State as I find in Pennsylvania and Washington and, I may say, in my own State.

Mr. Speaker, I desire to place in the RECORD the tables from the Attorney-General's report, dated December 18, 1908, to which I have alluded, covering the litigation for last year pending under the Sherman antitrust law in Pennsylvania, Washington, New York, and Tennessee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GAINES of Tennessee. Mr. Speaker, I do hope, I will say to my friend from the State of Washington [Mr. CUSHMAN], and I say it candidly and without the slightest idea of partisanship, that if he gets this new judge, and I take his word for it that a new judge is needed, the first thing that judge will do in the great State that bears such a distinguished name—Washington—is to see to it that the Sherman antitrust law is faithfully executed in that great State.

The tables referred to are as follows:

Eastern district of Washington.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman antitrust law.	Miscellaneous.	Total.
Pending July 1, 1907			10		14	4	3				5	36
Commenced during fiscal year				6	3	2	4				7	22
Terminated during same period			4	6	4	3	6				6	29
Judgments for United States			4	6		3	6				5	24
Judgments against United States					2						1	3
Dismissed or discontinued					2							2
Appealed to circuit court of appeals					2						1	3
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908			6		13	3	1				6	29
Judgments obtained favor United States			$12,742.11	$6,175.61			$5,793.24				$750.49	$25,461.45
Realized from such judgments				$4,528.39			$5,519.88				$449.60	$10,497.87
Realized from old judgments, etc					$847.86	$1,228.02						$2,075.88

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907			4	2	2								2	10
Commenced during fiscal year			2	1	4	1							20	28
Terminated during same period			5	2	4								20	31
Convictions			3	1	3								16	23
Acquittals													5	5
Nol-pros, discontinued, or quashed			1	1	1									3
Pleas of guilty			1		3								12	16
Trials by jury			3										6	9
Pending July 1, 1908			1	1	2	1							2	7
Fines, etc., imposed during year			$1,408.70		$488.02								$6,272.80	$8,169.52
Realized on fines, etc				$5,000.00	$488.02								$100.00	$5,588.02

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.
Pending July 1, 1907		77	77
Commenced during fiscal year		69	69
Terminated during same period		62	62
Judgments for plaintiffs		19	19
Judgments for defendants		20	20
Dismissed or discontinued		23	23
Pending July 1, 1908		84	84
Judgments for plaintiffs		$23,783.58	$23,783.58
Judgments for defendants		$36,577.18	$36,577.18

Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	40	5
Filed during fiscal year	53	7
Closed during fiscal year	15	
Pending June 30, 1908	78	12
Total liabilities of cases closed	$2,745.00	
Total assets realized from cases closed	$1,528.98	

Western district of Washington.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907	7		1		32	3	1				26	70
Commenced during fiscal year	7		1	5	1		1	13			32	60
Terminated during same period	4		1	5	2	3	2	6			28	51
Judgments for United States	4		1	3		2	2				17	29
Judgments against United States					1	1					5	7
Dismissed or discontinued				2	1			6			3	12
Appealed to circuit court of appeals											3	3
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908	10		1		31			7			30	79
Judgments obtained in favor United States	$4,491.40		$369.94	$372.59			$174.34				$72,148.48	$77,556.75
Realized from such judgments	$2,562.40		$369.94	$372.59							$25,894.57	$29,199.50
Realized from old judgments, etc	$719.90											$719.90

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907	6	2	16										25	49
Commenced during fiscal year	9	2	15	1									39	66
Terminated during same period	5	2	16	1									39	63
Convictions	5		5	1									13	24
Acquittals			2										2	4
Nol-pros, discontinued, or quashed		2	9										24	35
Pleas of guilty	3		3										15	21
Trials by jury	3		4										4	11
Pending July 1, 1908	10	2	15										25	52
Fines, etc., imposed during year			$400.00										$3,875.59	$4,275.59
Realized on fines, etc			$142.07										$7,487.00	$7,629.07

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.
Pending July 1, 1907	110	271	381
Commenced during fiscal year	66	206	272
Terminated during same period	63	186	249
Judgments for plaintiffs	14	29	43
Judgments for defendants	1	30	31
Dismissed or discontinued	48	127	175
Pending July 1, 1908	113	291	404
Judgments for plaintiffs	$25,060.57	$89,211.00	$114,271.57
Judgments for defendants	$112.70	$580,368.69	$580,481.39

Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	86	27
Filed during fiscal year	142	68
Closed during fiscal year	71	12
Pending June 30, 1908	157	83
Total liabilities of cases closed	$770,717.09	$397,290.03
Total assets realized from cases closed	$63,244.27	$147,497.03

Eastern district of Pennsylvania.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907	65	7								1	55	128
Commenced during fiscal year	75	6	3	6				3	2		68	163
Terminated during same period	87	5		4				2			27	125
Judgments for United States	69	3		4				2			20	98
Judgments against United States	2	1									4	7
Dismissed or discontinued	16	1									3	20
Appealed to circuit court of appeals	24	3		2							12	41
Appealed to Supreme Court	5											5
Pending in the United States courts July 1, 1908	53	8	3	2				1	2	1	96	166
Judgments obtained in favor United States	$47,256.00	$7,847.20		$600.00							$17,860.00	$73,563.20
Realized from such judgments	$32,601.00	$956.30		$400.00							$12,201.00	$46,158.30
Realized from old judgments, etc	$187.00										$16,027.00	$16,234.00

Eastern district of Pennsylvania—Continued.

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907		12	28				6	12					40	98
Commenced during fiscal year	16	8	58	1			8	9					68	168
Terminated during same period	15	14	64				11	19					67	190
Convictions	12	12	48				10	14					56	152
Acquittals	2	2	9				1	2					6	22
Nol-pros, discontinued, or quashed	1		7					3					5	16
Pleas of guilty		3	16				3	6					12	40
Trials by jury	14	11	41				8	10					50	134
Pending July 1, 1908	1	6	22	1			3	2					41	76
Fines, etc., imposed during year	$1,525.00	$2,150.40	$12,872.00				$980.00	$470.00					$2,370.00	$20,367.40
Realized on fines, etc.	$800.00	$967.18	$179.28				$675.00	$285.00					$19,468.00	$22,374.46

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.
Pending July 1, 1907	113	1,050	1,163
Commenced during fiscal year	63	296	359
Terminated during same period	84	294	378
Judgments for plaintiffs	19	91	110
Judgments for defendants	11	72	83
Dismissed or discontinued	54	131	185
Pending July 1, 1908	92	1,052	1,144
Judgments for plaintiffs	$21,519.56	$1,784,736.19	$1,806,255.75
Judgments for defendants			

Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	249	281
Filed during fiscal year	138	146
Closed during fiscal year	125	110
Pending June 30, 1908	262	317
Total liabilities of cases closed	$2,615,688.90	$4,343,771.09
Total assets realized from cases closed	$420,663.56	$1,354,094.37

Western district of Pennsylvania.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907	2	5	1	3				3			60	74
Commenced during fiscal year	1	2	2	11			3	6	1		1	27
Terminated during same period			1	4			1				25	31
Judgments for United States				1							9	10
Judgments against States												
Dismissed or discontinued			1	3			1				16	21
Appealed to circuit court of appeals												
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908	3	7	2	10			2	9	1		36	70
Judgments obtained in favor United States												
Realized from such judgments												
Realized from old judgments, etc.		$62.33	$1,983.05									$2,045.38

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907		21	29	15				4					29	89
Commenced during fiscal year		6	52	7				5		20			22	112
Terminated during same period		7	63	15				4		12			27	128
Convictions		5	51	10									21	87
Acquittals		2	1	2				1		5			1	12
Nol-pros, discontinued, or quashed			11	3				3		7			5	29
Pleas of guilty		2	39	5									13	59
Trials by jury		5	13	7				1					9	35
Pending July 1, 1908		20	18	7				5		8			15	73
Fines, etc., imposed during year		$1,148.44	$5,396.61	$383.52						$263.59			$2,086.00	$9,278.16
Realized on fines, etc.		$123.44	$4,678.61	$382.52						$263.59			$1.00	$5,449.16

Western district of Pennsylvania—Continued.

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.	Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	136	767	903	Pending July 1, 1907	304	158
Commenced during fiscal year	28	297	325	Filed during fiscal year	304	276
Terminated during same period	24	194	218	Closed during fiscal year	186	98
Judgments for plaintiffs	11	72	83	Pending June 30, 1908	422	336
Judgments for defendants	1	43	44	Total liabilities of cases closed	$2,101,616.66	$1,699,002.95
Dismissed or discontinued	12	79	91	Total assets realized from cases closed	$201,058.82	$299,434.24
Pending July 1, 1908	140	870	1,010			
Judgments for plaintiffs	$2,299.16	$730,218.86	$732,518.02			
Judgments for defendants						

Middle district of Pennsylvania.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907												
Commenced during fiscal year				10								10
Terminated during same period				1								1
Judgments for United States				1								1
Judgments against United States												
Dismissed or discontinued												
Appealed to circuit court of appeals												
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908.				9								9
Judgments obtained in favor United States				$100.00								$100.00
Realized from such judgments				$100.00								$100.00
Realized from old judgments, etc												

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907			18	2									5	25
Commenced during fiscal year			28	1			5		3				5	42
Terminated during same period			36	3			5		3				8	55
Convictions			30	3			2		3				5	43
Acquittals			1				3						1	5
Nol - pros, discontinued, or quashed			5										2	7
Pleas of guilty			30	3			2		3				5	43
Trials by jury			1				3						1	5
Pending July 1, 1908			10										2	12
Fines, etc., imposed during year			$382.00	$2,500.00			$35.00		$30.00				$77.00	$3,024.00
Realized on fines, etc.			$239.00	$1,500.00			$35.00		$30.00				$75.00	$1,879.00

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.	Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907				Pending July 1, 1907	32	45
Commenced during fiscal year				Filed during fiscal year	162	90
Terminated during same period				Closed during fiscal year	105	46
Judgments for plaintiffs				Pending June 30, 1908	89	89
Judgments for defendants				Total liabilities of cases closed	$720,979.54	$310,380.04
Dismissed or discontinued				Total assets realized from cases closed	$138,570.57	$80,255.91
Pending July 1, 1908						
Judgments for plaintiffs						
Judgments for defendants						

Southern district of New York.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907	946	57	6								103	1,112
Commenced during fiscal year	424	18	4						5		18	469
Terminated during same period	515	11	3								22	551
Judgments for United States	150	1	1								10	162
Judgments against United States	329	3									4	336
Dismissed or discontinued	36	7	2								8	53
Appealed to circuit court of appeals	53	3										56
Appealed to Supreme Court											4	4
Pending in United States courts July 1, 1908	855	64	7						5		99	1,030
Judgments obtained in favor United States	$1,297.98	$219.86									$35,907.98	$37,425.82
Realized from such judgments	$1,010.98	$2,561.56									$557.22	$4,129.76
Realized from old judgments, etc	$75,942.53			$600.00							$10,809.88	$87,352.41

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907	7	6	21				1	69			8		54	166
Commenced during fiscal year	11	5	70	6			3	33			1	2	60	191
Terminated during same period	11	6	55	1			3	49			4		48	177
Convictions	3	3	47				3	24			2		28	110
Acquittals			1	1				1					1	4
Nol-pros, discontinued, or quashed	8	3	7					24			2		19	63
Pleas of guilty	6	4	48				3	22					50	133
Trials by jury	2	1	10					6					24	43
Pending July 1, 1908	7	5	36	5			1	53			5	2	66	180
Fines, etc., imposed during year	$1,500.00	$500.00	$3,180.29				$400.00	$1,075.00			$56,000.00		$2,310.00	$64,965.29
Realized on fines, etc.	$1,500.00		$1,910.00				$150.00	$725.00			$49,000.00		$300.00	$53,585.00

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.
Pending July 1, 1907	1,172	12,238	13,410
Commenced during fiscal year	734	668	1,402
Terminated during same period	431	555	986
Judgments for plaintiffs	142	130	272
Judgments for defendants	73	174	247
Dismissed or discontinued	216	83	299
Pending July 1, 1908	1,475	12,351	13,826
Judgments for plaintiffs	$386,992.00	$606,667.11	$993,659.11
Judgments for defendants	$6,398.73	$11,103.97	$17,502.70

Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	452	590
Filed during the fiscal year	466	461
Closed during fiscal year	345	205
Pending June 30, 1908	573	846
Total liabilities of cases closed	$10,333,709.63	$10,144,794.36
Total assets realized from cases closed	$334,679.13	$1,165,691.06

Northern district of New York.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	Twenty-eight-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907	3	10	1								7	21
Commenced during fiscal year	1	1		4								6
Terminated during same period	1	1		1								3
Judgments for United States	1	1		1								3
Judgments against United States												
Dismissed or discontinued												
Appealed to circuit court of appeals												1
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908	3	10	1	3							7	24
Judgments obtained favor United States		$32.70		$204.55								$237.25
Realized from such judgments		$32.70		$204.55								$237.25
Realized from old judgments, etc												

Northern district of New York—Continued.

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts).	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907..	5	2	21	3	.....	.....	8	.....	.....	.....	.....	.....	9	48
Commenced during fiscal year	6	2	12	.....	.....	.....	1	.....	.....	.....	2	4	7	34
Terminated during same period	3	4	21	2	.....	.....	8	.....	.....	.....	.....	.....	5	43
Convictions.....	3	3	9	.....	.....	.....	2	.....	.....	.....	.....	.....	4	21
Acquittals	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
Nol-pros, discontinued, or quashed	.....	1	12	2	.....	.....	6	.....	.....	.....	.....	.....	.....	21
Pleas of guilty....	3	1	6	.....	.....	.....	2	.....	.....	.....	.....	.....	4	16
Trials by jury.....	.....	2	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	6
Pending July 1, 1908..	8	.....	12	1	.....	.....	1	.....	.....	.....	2	4	11	39
Fines, etc., imposed during year.....	$125.00	$1,088.66	$631.27	.....	.....	.....	$250.00	.....	.....	.....	.....	.....	$1,700.00	$3,794.93
Realized on fines, etc.	$125.00	$838.66	$130.27	.....	.....	.....	$250.00	.....	.....	.....	.....	.....	$500.00	$1,843.93

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.
Pending July 1, 1907.....	.....	1	1
Commenced during fiscal year	.....	.....	.....
Terminated during same period	.....	1	1
Judgments for plaintiffs.....	.....	.....	.....
Judgments for defendants.....	.....	1	1
Dismissed or discontinued	.....	.....	.....
Pending July 1, 1908.....	.....	.....	.....
Judgments for plaintiffs.....	.....	.....	.....
Judgments for defendants.....	.....	.....	.....

Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	191	61
Filed during fiscal year.....	250	39
Closed during fiscal year.....	194	25
Pending June 30, 1908.....	247	75
Total liabilities of cases closed.....	$1,234,654.34	$620,406.36
Total assets realized from cases closed.....	$179,739.84	$242,887.92

Western district of New York.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907.....	1	1	2	1	.....	.....	32	.....	.....	.....	16	53
Commenced during fiscal year	2	.....	2	5	.....	.....	16	1	1	.....	8	35
Terminated during same period	2	.....	3	3	.....	.....	30	1	.....	.....	3	42
Judgments for United States.....	1	.....	2	3	.....	.....	30	1	.....	.....	3	40
Judgments against United States.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	2
Dismissed or discontinued.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Appealed to circuit court of appeals.....	.....	.....	1	.....	.....	.....	9	.....	.....	.....	1	11
Appealed to Supreme Court.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pending in the United States courts July 1, 1908.	1	1	1	3	.....	.....	18	.....	1	.....	21	46
Judgments obtained in favor United States.....	$425.00	.....	$2,924.08	$1,257.43	.....	.....	$4,109.89	.....	.....	.....	$1,107.67	$9,824.07
Realized from such judgments	$425.00	.....	$3,038.65	$1,257.43	.....	.....	$2,379.41	.....	.....	.....	$1,033.66	$8,134.15
Realized from old judgments, etc.....	$2,333.13	$100.63	.....	.....	.....	.....	.....	.....	.....	.....	$1,505.33	$3,939.09

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907..	1	5	10	1	.....	1	1	.....	.....	7	7	.....	12	45
Commenced during fiscal year	6	2	18	2	.....	.....	.....	.....	3	.....	14	.....	16	61
Terminated during same period	3	6	11	.....	.....	.....	1	.....	3	7	2	.....	14	47
Convictions	2	3	9	.....	.....	.....	1	.....	3	.....	2	.....	13	33
Acquittals.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Nol-pros, discontinued, or quashed.....	.....	3	2	.....	.....	.....	.....	.....	.....	7	.....	.....	1	13
Pleas of guilty....	2	3	6	.....	.....	.....	1	.....	3	.....	.....	.....	10	25
Trials by jury.....	1	.....	3	.....	.....	.....	.....	.....	.....	.....	2	.....	3	9
Pending July 1, 1908..	4	1	17	3	.....	1	.....	.....	.....	.....	19	.....	14	59
Fines, etc., imposed during year	$200.00	$1,250.00	$1,100.00	.....	.....	.....	.....	.....	$100.00	.....	$5,000.00	.....	$650.00	$8,300.00
Realized on fines, etc.	$200.00	$1,100.00	$350.00	.....	.....	.....	.....	.....	$100.00	.....	.....	.....	$1,250.00	$3,000.00

Western district of New York—Continued.

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.	Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	176	308	484	Pending July 1, 1907	178	5
Commenced during fiscal year	20	59	79	Filed during fiscal year	205	71
Terminated during same period	28	25	53	Closed during fiscal year	131	31
Judgments for plaintiffs	12	6	18	Pending June 30, 1908	252	45
Judgments for defendants	6	2	8	Total liabilities of cases closed	$1,608,229.21	$1,363,621.69
Dismissed or discontinued	10	17	27	Total assets realized from cases closed	$204,555.53	$340,432.66
Pending July 1, 1908	168	342	510			
Judgments for plaintiffs	$38,339.89	$16,970.86	$55,310.75			
Judgments for defendants		$27.60	$27.60			

Eastern district of New York.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907	22	4	2								15	43
Commenced during fiscal year	23	8	1					47	1		6	86
Terminated during same period	4	5	2					47			4	62
Judgments for United States	1	3	1					47				52
Judgments against United States		2									2	4
Dismissed or discontinued	3		1								2	6
Appealed to circuit court of appeals												
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908	41	7	1						1		17	67
Judgments obtained in favor United States		$61.10	$1,043.71									$1,104.81
Realized from such judgments			$1,043.71									$1,043.71
Realized from old judgments, etc	$2,867.04		$15.57									$2,832.61

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907		7	22				2						31	62
Commenced during fiscal year	19	7	31	1			1	16				1	58	134
Terminated during same period	4	6	23	1			3	5				1	33	76
Convictions	3	4	20	1			1	5				1	25	60
Acquittals	1	2	3										2	8
Nol-pros, discontinued, or quashed							2						6	8
Pleas of guilty	3	4	19	1			1	5				1	23	57
Trials by jury	1	2	4										6	13
Pending July 1, 1908	15	8	30					11					56	120
Fines, etc., imposed during year	$200.00	$1,150.00						$75.00				$100.00	$1,848.00	$3,373.00
Realized on fines, etc	$200.00	$150.00	$500.00					$75.00				$100.00	$1,495.00	$2,520.00

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.	Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	1,622	1,533	3,155	Pending July 1, 1907	219	74
Commenced during the fiscal year	304	143	447	Filed during fiscal year	184	171
Terminated during the same period	210	87	297	Closed during fiscal year	132	32
Judgments for plaintiffs	142	15	157	Pending June 30, 1908	271	213
Judgments for defendants	7	12	19	Total liabilities of cases closed	$1,082,631.84	$2,515,124.64
Dismissed or discontinued	61	60	121	Total assets realized from cases closed	$126,941.81	$213,307.51
Pending July 1, 1908	1,716	1,589	3,305			
Judgments for plaintiffs	$57,305.98	$27,986.72	$85,292.70			
Judgments for defendants	$762.28	$2,290.13	$3,052.41			

Western district of Tennessee.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907		1		3							1	5
Commenced during fiscal year			1	5				1	1		1	9
Terminated during same period		1	1	8				1	1			12
Judgments for United States		1		6				1	1			9
Judgments against United States			1									1
Dismissed or discontinued				2								2
Appealed to circuit court of appeals												
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908											2	2
Judgments obtained in favor United States		$81.83		$1,410.80					$30.00			$1,522.63
Realized from such judgments		$81.83		$1,410.80					$30.00			$1,522.63
Realized from old judgments, etc				$1,202.35								$1,202.35

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907		35	12										5	52
Commenced during fiscal year		22	9										7	38
Terminated during same period		28	9										2	39
Convictions		9	5										2	16
Acquittals		9	2											11
Nol-pros, discontinued, or quashed		10	2											12
Pleas of guilty		2	3										2	7
Trials by jury		16	4											20
Pending July 1, 1908		29	12										10	51
Fines, etc., imposed during year		$5,894.97	$1,465.49										$213.91	$7,574.37
Realized on fines, etc		$947.17	$561.50											$1,508.67

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.
Pending July 1, 1907		47	47
Commenced during fiscal year	5	57	62
Terminated during same period	3	73	76
Judgments for plaintiffs	3	24	27
Judgments for defendants		25	25
Dismissed or discontinued		24	24
Pending July 1, 1908	2	31	33
Judgments for plaintiffs	$976.35	$37,583.12	$38,559.47
Judgments for defendants			

Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	55	15
Filed during fiscal year	138	28
Closed during fiscal year	158	9
Pending June 30, 1908	35	34
Total liabilities of cases closed	$285,076.36	$231,729.13
Total assets realized from cases closed	$56,420.14	$80,147.67

Eastern district of Tennessee.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907			3								10	13
Commenced during fiscal year		3									20	23
Terminated during same period											8	8
Judgments for United States											8	8
Judgments against United States												
Dismissed or discontinued												
Appealed to circuit court of appeals												
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908		3	3								22	28
Judgments obtained in favor United States											$1,372.78	$1,372.78
Realized from such judgments											$422.78	$422.78
Realized from old judgments, etc												

Eastern district of Tennessee—Continued.

Criminal prosecutions to which United States was a party. (Incudes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907		23					4						4	31
Commenced during fiscal year		131	19				1			1			5	157
Terminated during same period		108	15				2						5	130
Convictions		97	13				2						3	115
Acquittals		9	2										2	13
Nol. pros., discontinued, or quashed		2												2
Pleas of guilty		87	11				2							100
Trials by jury		18	4										5	27
Pending July 1, 1908		46	4				3			1			4	58
Fines, etc., imposed during year		$20,911.85	$2,250.00				$100.00						$300.00	$23,561.85
Realized on fines, etc.														

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.
Pending July 1, 1907		156	156
Commenced during fiscal year		86	86
Terminated during same period		53	53
Judgments for plaintiffs		7	7
Judgments for defendants		10	10
Dismissed or discontinued		36	36
Pending July 1, 1908		189	189
Judgments for plaintiffs		$16,113.24	$16,113.24
Judgments for defendants			

Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907	59	22
Filed during fiscal year	153	26
Closed during fiscal year	155	21
Pending June 30, 1908	57	27
Total liabilities of cases closed	$493,013.55	$453,375.20
Total assets realized from cases closed	$41,659.65	$95,542.74

Middle district of Tennessee.

Civil cases to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Safety-appliance acts.	Land laws.	Timber and turpentine trespass.	28-hour law.	Cancellation naturalization certificates.	Forfeiture proceedings, food and drugs act.	Sherman anti-trust law.	Miscellaneous.	Total.
Pending July 1, 1907		1									1	2
Commenced during fiscal year		1	1						2		6	10
Terminated during same period		2	1						2		4	9
Judgments for United States									1		2	3
Judgments against United States			1								1	2
Dismissed or discontinued		2							1		1	4
Appealed to circuit court of appeals											1	1
Appealed to Supreme Court												
Pending in the United States courts July 1, 1908											3	3
Judgments obtained in favor United States											$122.60	$122.60
Realized from such judgments											$122.60	$122.60
Realized from old judgments, etc											$1,045.60	$1,045.60

Criminal prosecutions to which United States was a party. (Includes business of both the circuit and district courts.)	Customs.	Internal revenue.	Post-office.	Banking acts.	Land laws.	Timber and turpentine trespass.	Pension laws.	Naturalization laws.	Food and drugs act.	Eight-hour law.	Interstate commerce.	Meat-inspection act.	Miscellaneous.	Total.
Pending July 1, 1907		10	1										4	15
Commenced during fiscal year		60	14	1									4	79
Terminated during same period		35	14	1									6	56
Convictions		23	13	1									1	38
Acquittals		7	1											8
Nol pros, discontinued, or quashed		5											5	10
Pleas of guilty		20	13	1										34
Trials by jury		10												10
Pending July 1, 1908		35	1										2	38
Fines, etc., imposed during year		$2,809.00	$2,410.00										$150.00	$5,360.00
Realized on fines, etc.		$190.00	$639.80										$150.00	$979.80

Middle district of Tennessee—Continued.

Suits to which United States was not a party. (Includes business of both the circuit and district courts.)	Admiralty.	All other suits except bankruptcy.	Total.	Bankruptcy cases.	Voluntary.	Involuntary.
Pending July 1, 1907		97	97	Pending July 1, 1907	181	8
Commenced during fiscal year		41	41	Filed during fiscal year	225	44
Terminated during same period		36	36	Closed during fiscal year	77	4
Judgments for plaintiffs		22	22	Pending June 30, 1908	329	48
Judgments for defendants		10	10	Total liabilities of cases closed	$82,100.00	$104,000.00
Dismissed or discontinued		4	4	Total assets realized from cases closed	$25,988.29	$61,499.93
Pending July 1, 1908		102	102			
Judgments for plaintiffs		$21,921.90	$21,921.90			
Judgments for defendants		$50.00	$50.00			

Mr. CUSHMAN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. ALEXANDER] if I have that much time remaining.

Mr. ALEXANDER of New York. Mr. Speaker, it has been my fortune, or perhaps misfortune, to have been chairman of the subcommittee of the Judiciary Committee to which this bill and others of similar character have been referred for the past five or six years, and I think it due to gentlemen in the House, especially after some of the remarks that have been made, to explain why this bill is reported to the House at this time. At the last session of the last Congress the Senate passed a bill creating two additional circuit judges for the ninth circuit. It came to the House, was referred to the Committee on Judiciary and to the subcommittee of which I had the honor to be chairman.

We then declined to report it, because of insufficient evidence in the Department of Justice to warrant it, although at the time one of the circuit judges was reported ill. In order to assist the committee in its work, however, the Attorney-General agreed to make a thorough investigation of the conditions in the ninth circuit, so that the Judiciary Committee and the House itself might act intelligently if the bill again came before them. That investigation, made by one of the intelligent experts of the department, resulted in a voluminous report, many pages long, showing the absolute necessity that relief be given at least to the western district of Washington.

Mr. MANN. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Certainly.

Mr. MANN. Does the gentleman remember that last year the gentleman's committee, I think, or some other committee, reported a bill into the House to transfer Alaska cases so that they might be heard in Washington——

Mr. ALEXANDER of New York. Yes.

Mr. MANN (continuing). And not require them to go to San Francisco, and it was then stated that the judges were amply able to take care of this additional business?

Mr. HUMPHREY of Washington. May I state to the gentleman that he is talking about the wrong court?

Mr. MANN. I am talking about the same judges.

Mr. HUMPHREY of Washington. But the gentleman is not talking about the same judges. I know, because that was my bill.

Mr. MANN. The circuit court of appeals consists in part of the circuit judge of Washington——

Mr. HUMPHREY of Washington. Yes; but not the district courts.

Mr. MANN. This district judge does circuit business.

Mr. ALEXANDER of New York. The bill to which the gentleman from Illinois refers had to do with the circuit court; this deals with the district court. That bill affected the whole ninth circuit, including California and territory west of the Rocky Mountains. The pending bill has simply to do with the congested condition in the western district of Washington.

Now, then, Mr. Speaker, after the investigation and report were made, of which I was speaking, the Attorney-General addressed a letter to the chairman of the Judiciary Committee, recommending the creation of an additional district judge because of the conditions existing in that district. It ought to make no difference whether he is paid $6,000 or $9,000, or whether there are 37 circuit judges and 85 United States district judges in the country. Here is a great and growing community the business of whose courts is congested, and the question for this House to settle is, whether, after an investigation has established that fact, proper relief shall be given.

I do not recall, Mr. Speaker, that two more worthy measures have ever been presented to this House by the Judiciary Committee than the one just passed for the western district of Pennsylvania and the one now before the House, presented by the gentleman from Washington. If a new district judge was ever needed anywhere, it is in the western district of Washington.

Mr. MACON. Will the gentleman allow me to ask a question?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CUSHMAN. Does the gentleman desire to use any more time?

Mr. MACON. I desire to use a minute to ask the gentleman one question.

The SPEAKER. The gentleman from New York is recognized for one minute.

Mr. MACON. I desire to ask the gentleman from New York if he will not qualify his remarks concerning this bill by saying, "and the bill which is to be presented to the House in a few moments by the gentleman from New York [Mr. PARSONS]."

Mr. ALEXANDER of New York. Yes; I will include that because of congested conditions in the southern district of New York.

Mr. FERRIS. If the gentleman will yield, I would like to make inquiry about the necessity for the judge in the western district. Is the court occupied by the litigation affecting those timber grants, and to what extent?

Mr. CUSHMAN. In the western district of Washington we have litigation of all kinds. There has not been an exceptional number of cases regarding the timber grants. Does the gentleman refer to the railroad grants?

Mr. FERRIS. I refer more particularly to the resolution that was passed last year touching the cancellation and the forfeiture of those grants by reason of noncompliance with the terms.

Mr. CUSHMAN. There have been very few of those cases started in our State. There has been a considerable number started in Oregon and a considerable number started in California.

Mr. Speaker, I ask for a vote.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF NEW YORK.

Mr. PARSONS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the southern district of New York, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of said district.

SEC. 2. That that part of section 613 of the Revised Statutes which reads as follows: "and at every such term held by said judge of said eastern district he shall receive the sum of $300, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district," is hereby repealed.

The SPEAKER. Is a second demanded?

Mr. GAINES of Tennessee. Mr. Speaker, I demand a second.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent that the second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. PARSONS] is entitled to twenty minutes, and the gentleman from Tennessee [Mr. GAINES] to twenty minutes.

Mr. PARSONS. Mr. Speaker, I have here a comparative statement of the work done by, or rather the apportionment of it to, the district judge in the western district of Pennsylvania, for which district you have just passed a bill for an additional judge; the district judge of the western district of Washington, for which you have just passed a bill for an additional judge; and each of the three district judges of the southern district of New York. Of civil cases to which the United States was a

party there were terminated last year in the western district of Pennsylvania, 31; in the western district of Washington, 51; in the southern district of New York, 551—an average of 187 per judge; that is, for each district judge of the southern district of New York, three times as many as either of the others. There were left pending in the Pennsylvania district, 70; in the Washington district, 79; in the southern district of New York, 1,030; or an average per district judge for the southern district of New York of 343, more than three times as many per judge as in either of the other districts.

In the criminal cases in the western district of Pennsylvania there were 35 jury trials; in the western district of Washington, 11 jury trials; and in the southern district of New York, 43 jury trials—an average in the southern district of 14 per judge, less than in the western district of Pennsylvania, but more than in the western district of Washington per judge. And there were left pending in the western district of Pennsylvania 73 criminal cases; in the Washington district, 52; and in the southern district of New York, 180—an average of 60 per judge in New York.

Of suits to which the United States was not a party there were disposed of in the western district of Pennsylvania, 218; in the western district of Washington, 249; in the southern district of New York, per judge, 332.

Therefore, in both civil cases to which the United States was a party and in civil cases to which the United States was not a party more cases were disposed of per district judge in the southern district of New York than in either the western district of Pennsylvania or the western district of Washington. And of criminal cases, the southern district of New York disposed of more per district judge than the western district of Washington, although not as many as the western district of Pennsylvania. And I think these statistics prove what I think my friend from Arkansas [Mr. MACON] will agree with, that the need in the southern district of New York is greater than it is in either of the other districts. Those judges were needed——

Mr. MACON. I will agree with the gentleman. I believe his bill is the best bill of the three that have been presented here on this subject this morning.

Mr. PARSONS. It could have no higher encomium.

Mr. Speaker, I reserve the balance of my time.

Mr. GAINES of Tennessee. Mr. Speaker, somewhere this report—I have not been able to find it this morning, and I believe the gentleman from New York [Mr. PARSONS] wrote it—alludes to the burden the Sherman antitrust law imposes upon the courts up there in New York. I want to call your attention to this language. Here it is, and I believe the gentleman wrote:

> So, too, the average time for trial grows longer as the issues become more complicated, as, for instance, cases arising under the Sherman law.

Now, gentlemen, I again call your attention to the fact that the Attorney-General in his last report, dated December, 1908, showed that not a single, solitary suit under the Sherman antitrust law had been brought in the southern district of the State of New York for the past year covered by that report. Now, I want to know, is it harder to do nothing than something in the State of New York in the execution of the Sherman antitrust law?

Mr. GOLDFOGLE. Will the gentleman permit me to interrupt him?

Mr. GAINES of Tennessee. Certainly.

Mr. GOLDFOGLE. Does the gentleman from Tennessee urge that as a reason to oppose this bill?

Mr. GAINES of Tennessee. Not particularly; but I just want to remind these district judges that there is such a law on the statute books as the Sherman antitrust law.

Mr. GOLDFOGLE. But I will remind the gentleman that the judges do not bring cases before themselves.

Mr. GAINES of Tennessee. That is not what I am talking about. I want them to bring them before the grand jury. They are there to hold court, and I am trying to compel your judge to charge the grand jury about crying evils that have appealed to me and have appealed to Congress. We have given money to the Department of Justice and given additional officers; we have given everything they need and all the courts need [applause], and yet, Mr. Speaker, the district judges of this country are so far removed from the people that they can not be and are not reached by the people. [Renewed applause.]

Mr. GOLDFOGLE. Notwithstanding all the gentleman has said, we need an additional judge down there in the southern district of New York, the litigation and bankruptcy business are increasing, and I am heartily in favor of the bill.

Mr. GAINES of Tennessee. If that judge would enforce the Sherman antitrust law, you would need more than one judge where this great menagerie of trusts feeds and fattens.

The gentleman, Mr. Parsons, in this report which he told me he made, alludes to the tobacco-trust case. That was tried by "circuit" judges, and you had to bring some of them from foreign sections. They took that case after argument along in April or May last year, and they did not decide it until November last. I asked some lawyers about this delay the question, What in the world was the matter, with four circuit judges, they could not dispose of that case, with every authority of law put before their eyes and splendidly argued, where the law and the facts were plain, and yet they did not act until November?

Why, they said that the regular vacation, it is stated in the gentleman's report, was two months and two weeks. I say I asked one of the counsel in that case, as I was greatly interested for the people, what was the matter with four circuit judges that they did not decide the case from April until November, and he said one would take his vacation and another would take a vacation, then all would take a vacation, and that was what was the matter. And even when they brought in the report the last judge that they put on the bench up there decided that the tobacco trust, that everybody in the United States but that judge had decided was a monopoly under that old battered-to-death Knight case, was not a monopoly.

Mr. Speaker, what I am doing is exceedingly disagreeable. I dislike to criticise my brother lawyers or the courts. I want to say that I appeal in the interest of the people of your State and my State, who are scourged by monopoly. I appeal for the upbuild of the morale of the district courts of this country. I appeal for the mighty ocean of law and order and of justice and a righteous condemnation of monopoly that Christ himself would have denounced, and I ask it in the people's interest that monopoly shall not rest upon the people's shoulders and filch from the mouths of wife and child the bread that is their due.

Mr. GILLESPIE. Will the gentleman permit me to interrupt him?

Mr. GAINES of Tennessee. Certainly.

Mr. GILLESPIE. I want to call your attention to the report of the Commissioner of Corporations on the question of monopoly in this country:

> There is an irresistible movement toward concentration in business. We must definitely recognize this as an inevitable economic law. We must also recognize the fact that industrial concentration is already largely accomplished in spite of general statutory prohibition.

Mr. GAINES of Tennessee. Exactly. Surrender, never. Monopoly exists in New York and elsewhere and is digging under the corner stone of society and the States and the Republic. These courts do not enforce the law, but let them run over the people, and this officer says we can not help it. I say, Charge the grand juries all over the country each session of court, and we will see if we must surrender.

Ah, Mr. Speaker, the statement of the corporation commissioner reminds me of a piece of poetry I learned to parse when at school:

> Wherever God's people erect a house of prayer,
> The devil always erects one there,
> And 'twill be found on examination
> That the latter has the largest congregation.

[Applause.]

Because the devil has the biggest crowd, because he has the largest audience, because he brings about desecration of the law of your country, is it any reason why we should stop printing the Bible or reading the Lord's Prayer or teaching the Ten Commandments, or for the court to omit to enforce this law? Shall we surrender? Never. I stand, Mr. Speaker, for the laws of my country, for even and exact justice. I stand for the Sherman law, and I condemn any judge, whether in Tennessee or elsewhere, or any Member of this House who does not stand the same way and see that the laws are enforced and the people protected from these creatures that flop around in the loins of the law, and who gather that in which is not theirs, but to have which makes the people poor indeed. [Applause.]

Mr. PARSONS. I now yield three minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, just a few words in favor of this bill. And, by the way, I desire to say in reply to my friend from Tennessee [Mr. GAINES] that no one is more in favor of the strict enforcement of the antitrust laws, and for that matter of all laws, than myself; and in order that these laws may be enforced in the federal district having the largest population and doing the most business in the United States, the southern district of New York, it is absolutely necessary, in my opinion, that this bill should pass and that an additional district-court judge be appointed for the southern district of New York. Let me also say that I am in favor of what my friend from Tennessee [Mr. GAINES] has so eloquently stated, of trying to live up to the precepts of the Bible—the grandest book, as Lincoln said, ever given to man. I heartily concur in that, and I want to say to my friend from Tennessee that

there is no place in the world where there are so many Bibles printed and read as in the good city of New York; and in my judgment there is no city where the people, take them all in all, endeavor more earnestly to live up to the teachings of the Great Book than the city of New York. [Applause.]

But, Mr. Speaker, no more about that now. Suffice it for me to say in conclusion that this is an important bill, and I hope it will pass this House unanimously. The southern district of New York urgently needs an additional judge, and in the interest of the due and speedy administration of justice it ought to have it. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PARSONS. Mr. Speaker, I now yield three minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, the southern district of New York needs an additional judge. As one who has had a large experience in legal matters in that State, I want to say to this House that the judges of the southern district of New York have worked faithfully and well and the calendars are crowded. The people are entitled to have the litigation disposed of speedily and as rapidly as can be done consistent with fairness and justice. The bar of the State of New York are heartily in favor of this measure. The merchants and business men of New York who are interested in general litigation, as well as in bankrupt matters, of which there are a great many, demand that there should be an adequate and sufficient force of judges in the southern district of New York.

I would not stand upon this floor and urge the passage of the bill if I did not, through experience and observation, realize the absolute necessity for the measure, and because of such necessity I advocate the passage of the bill.

The gentleman from Tennessee [Mr. GAINES] has undertaken to treat us to a dissertation upon the Sherman antitrust law. I will say to him that if there be crime committed in the southern district of New York and such crime is brought to the attention of the grand jury in a proper way, the judges there, who are able and painstaking and willing to work, will discharge their duties to the satisfaction of the people and the country. [Applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I now yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, I take it from what he has said that the gentleman from Tennessee [Mr. GAINES] is in no way opposed to the passage of this bill. I am in hearty sympathy with much that he has stated concerning the failure of our courts to deal effectively with a certain class of crime. I do not agree with the gentleman from New York, my colleague [Mr. GOLDFOGLE], that it is the duty of a judge to wait for an accusation by or against anyone before putting the criminal law in motion. It is his business to initiate proceedings when necessary to the vindication of justice and full enforcement of law by charging the grand jury to investigate any conditions likely to show the commission of crime in the territory over which he has jurisdiction. Even though a district attorney be derelict, there is power left in the courts to force action by directing the grand jury to proceed and make investigation on its own motion where there is reason to suspect that the law of the land has been violated.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. COCKRAN. Certainly.

Mr. GOLDFOGLE. I want to say to my colleague that I do not wish to be understood as meaning that the judge should not charge the grand jury on the subject of crime. Of course it is the duty of the judge to charge the grand juries as to their duty to find indictments against violators of the law, and to point out laws said to have been violated, and to insist upon a rigid investigation into alleged commission of crime.

Mr. COCKRAN. I hope, Mr. Speaker, this is not to be taken out of my time.

Mr. GAINES of Tennessee. Why, then, do not the judges do it?

Mr. COCKRAN. Mr. Speaker, I do not differ at all from the statement of the gentleman from New York as to his own position as he defines it now, but he criticised the gentleman from Tennessee [Mr. GAINES], as I understood him, for finding grave fault with the failure of our judicial establishment to deal with a certain class of crime. In everything the gentleman from Tennessee said on that head I concur unreservedly.

Now, Mr. Speaker, it is largely because I believe there have been many failures by the courts to enforce certain provisions of law that I am perfectly ready to concede the necessity of an additional judge in the southern district of New York. Indeed, I think we want many more than one additional judge. In any political society where adjudication of controversies between its members must be delayed for years, or even for months, I do not think the condition of such a community can be considered fully civilized.

Mr. GAINES of Tennessee. Will the gentleman yield? Does the gentleman think that the district judges in the city of New York should charge the grand juries to investigate the Tennessee Coal and Iron merger?

Mr. COCKRAN. Mr. Speaker, I think they should charge the grand jury to investigate violations of every law on the statute books, including that particular law the gentleman mentions. [Applause.] I think that the first business of a court when it impanels a grand jury is to charge that grand body to investigate every violation of any criminal statute. If there be reason to suspect the existence of a crime, such as was established in the case mentioned by the gentleman from Tennessee, according to the conclusions of the circuit court itself, the grand jury should be charged to investigate those facts. If the district attorney fail to take the initiative, the grand jury should be directed to act under guidance of the court. That is a familiar principle in the administration of criminal law.

Mr. GAINES of Tennessee. Will the gentleman tell the House and the country why the judges have not charged the grand juries as to the Tennessee Coal and Iron merger?

Mr. COCKRAN. Mr. Speaker, I can not explain why the judges have failed——

Mr. GAINES of Tennessee. Did they not know it up there?

Mr. COCKRAN. I can not explain why the judges have failed to take certain action; but this much I do know, that the pressure of business might be assigned as an excuse for it, and I am anxious that this ground of excuse be reduced, even if it can not be entirely removed. Given the most industrious judges in the world they could not dispose of the business on that calendar now without a delay of many months—indeed, of many years—and that delay is, in my judgment, not merely an injury to litigants—it is a blot on our political system, a stain on our civilization. I repeat, Mr. Speaker, no country can be counted entirely civilized where the adjudication of controversies must be delayed over several years. I say there is only a very slight degree of difference between justice sold and justice long delayed. Here we have justice delayed over months and years, and the only prospect of relief in any form lies in adopting this proposal now before the House. It is not a complete remedy, it is not an adequate remedy, but I welcome it for what it is worth, and therefore I echo the hope expressed by my colleague from New York [Mr. SULZER], that this bill will pass without a single dissenting voice. At the same time I venture to express an earnest hope that this House or the next House will take effective measures to establish some form of judicial procedure which will enable every controversy begun in a court of the United States to be heard and finally determined within a specified and reasonable limit of time. [Applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I want just to make a little statement, and then I am through. It is the duty of the district judge when he knows that there is "probable cause to believe" that a violation of law has been committed to charge his grand jury to investigate it. Is there a man in this House that challenges me in that statement? It is laid down by the Supreme Court of the United States in the Licorice Trust case (201 U. S. R., p. 43, Hull *v.* Hinkle), and that has always been the law in this country. Yet they have not charged the grand jury in New York as to the tobacco trust matter, though already enjoined by the federal circuit court—three judges out of four deciding it was a violation of this law, of dangerous capacity and action. They have not charged the jury on the Tennessee Coal and Iron merger, and that occurred in November, 1907. The New York district courts have been silent in these cases—have failed to do their duty—though there is more than "probable cause to believe." The gentleman asks me if I am criticising the judge for not charging the grand jury, and I say that I am; and I now ask him, the gentleman from New York [Mr. GOLDFOGLE], why his great judges have not charged the grand jury as to the tobacco trust case and as to the Tennessee Coal and Iron merger, and I yield the gentleman one minute to tell the House why they have not done so.

Mr. SULZER. Get up and tell him they are too busy.

Mr. GAINES of Tennessee. Now, Mr. Speaker, if they had charged the jury under this law as they should have done and the federal judges all over this country, I would have been glad to have remained silent and not have brought to the attention of this country these delinquencies about which this Congress is complaining, and about which the people of this country are wondering. So far as I am concerned, Mr. Speaker, I take it that when this New York judge is

appointed he will be one of four to charge the grand jury to make these investigations, and if the district attorney and these judges do not do their duty they ought to be impeached. Why has not the grand jury itself acted? The grand jury can do so, whether the court charges it or not, and the Federal Supreme Court so held in the Henkle case I already cited. The grand juries have been silent and seem to be dominated by the district attorneys. The district attorney has been silent, and the district judges have been silent. My God, why such silence in New York City, the great hatchery of monopoly? Why silent anywhere, for unlawful trusts are in the saddle all over the land. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

REGULATION OF COMMERCE.

Mr. TOWNSEND. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 27894) amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That paragraph 7 of section 20 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, be amended so that said paragraph as so amended will read as follows:

"PAR. 7. Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000 or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents of carriers which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved."

The SPEAKER. Is a second demanded?

Mr. RYAN. Mr. Speaker, I demand a second.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. TOWNSEND. Mr. Speaker, under the interstate-commerce law the railroads are forbidden to destroy any record, paper, or memoranda of any kind whatever. It was not thought at the time of the passage of the law that there might come a time when these immaterial papers, those no longer useful to the Government, would accumulate in such large quantities as to be an actual burden to the railroads and without any possible advantage to the people. Therefore the commission have asked that they be given authority to permit the destruction of certain papers or memoranda and other records which, in their judgment, are no longer needed and prescribe a time during which the railroad companies must keep all records. I can not better illustrate the need of this measure than to ask the Clerk to read Commissioner Harlan's letter to Congressman MANN, which sets forth the case in full.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 6, 1909.

DEAR MR. MANN: I address this letter to you in the hope that you may find the matter of interest and that it may enlist your aid. It is certainly one that demands prompt attention.

The twentieth section of the act to regulate commerce contains a paragraph making it a misdemeanor for any person, among other things, to destroy any account, record, or memoranda of the facts and transactions kept by a common carrier. For your convenience I inclose a copy of the paragraph in question. The result of the provision has been to impose a very great hardship upon the railroads. As you will observe, it is both peremptory and comprehensive, and under its terms the carriers have felt that they could not destroy any of their records of any kind. We have been appealed to for relief. Railroad documents and papers accumulate in almost inconceivable numbers in short periods of time. If I am not mistaken, it was stated by an official of the Pennsylvania Railroad that its waybills accumulate to the extent of several millions a month. And it has been compelled to rent warehouses in which to store such documents in order to comply with the requirements of the paragraph to which I refer. The same is true of other carriers; all are finding it most burdensome to comply with that provision in the law.

The commission, in its last annual report, as you will see at page 87, recommends that authority be given it to issue orders from time to time prescribing the documents that may be destroyed after a given period and also prescribing the period of time during which documents shall be retained. And we very much hope that some amendatory act will give us the power to relieve the carriers of this unnecessary burden. We would, of course, act only after a very careful consideration of the matter, and would prescribe a definite period of years—in some cases as much as twenty years—for the preservation of documents that ought to be available for such periods of time. There are many documents, however, the force and effect of which is carried into books of account or otherwise recorded and become useless after one year, or even shorter periods of time. There are many duplicates that could be destroyed after a period, even, of six months.

I venture to inclose a draft of a bill covering my personal view of the amendment that should be made, and although I understand that it is not likely that any special legislation will be enacted at this session, it would, in my judgment, be a real public service if some such measure could be put through.

I shall be in conference on Monday and Tuesday, and leave on Tuesday night for the West. But should you care to have further information and will write me to that effect here, Mr. Adams or some one else who is familiar with the matter will call upon you.

Very sincerely, yours,

JAS. S. HARLAN, *Commissioner.*

Hon. JAMES R. MANN, M. C.,
House of Representatives, Washington.

Mr. TOWNSEND. Mr. Speaker, unless some one desires to ask a question, I reserve the balance of my time.

Mr. RYAN. Mr. Speaker, I do not desire to have anything to say on this bill, except this: That it is a unanimous report from the Committee on Interstate and Foreign Commerce. There is no appropriation carried with it; it is simply to permit the railroads of the country to destroy useless papers under the direction of the Interstate Commerce Commission, papers that they now are required by law to retain in their possession. The bill is entirely proper, in my opinion, and there should be no opposition to it.

Mr. TOWNSEND. Mr. Speaker, I ask for a vote.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1574) to create the Calaveras Bigtree National Forest, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 8510) to extend the time of payments on certain homestead entries in Oklahoma.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, and asked for a conference with the House on the amendments, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to the amendment of the Senate to the bill (H. R. 21926) for the reorganization of the militia in the District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;

H. R. 18487. An act for the relief of Charles H. Dunning;

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy;

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona;

H. R. 25805. An act to reenact and to amend sections 3646 and 3647 of the Revised Statutes;

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large; and

H. R. 25552. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907.

The message also announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8441. An act to authorize the Secretary of the Interior to cause to be surveyed any unsurveyed lands belonging to the Five Civilized Tribes, and for other purposes;

S. R. 127. Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.;

S. R. 128. Joint resolution authorizing the Secretary of War to donate four condemned cannon to the county of Warrick, in the State of Indiana;

S. 6971. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville prison land, in the State of Georgia; and

S. 6935. An act for the relief of the Merritt & Chapman Wrecking Company.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 8898. An act granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 8254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors; and

S. 8422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island.

Resolved, That a committee of seven Senators be appointed by the presiding officer, to join a committee appointed on the part of the House of Representatives, to attend the funeral of the deceased at Providence, R. I.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing resolutions the Vice-President had appointed Mr. ALDRICH, Mr. WETMORE, Mr. BURROWS, Mr. MONEY, Mr. CLARKE of Arkansas, Mr. TALIAFERRO, and Mr. TAYLOR members of the committee on the part of the Senate.

The message also announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

ENLARGING INTERSTATE COMMERCE COMMISSION.

Mr. STEVENS of Minnesota. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 28072, the rules be suspended, and the bill be put upon its passage.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Interstate and Foreign Commerce, moves that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the following bill and that the same do pass. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28072) to enlarge the Interstate Commerce Commission.

Be it enacted, etc., That section 24 of the act to regulate commerce, approved June 29, 1906, be, and is hereby, amended so as to read as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1915; one for a term expiring December 31, 1916. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than five commissioners shall be appointed from the same political party."

The SPEAKER. Is a second demanded?

Mr. ADAMSON. Mr. Speaker, I demand a second.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from Georgia to twenty minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, this is a bill to enlarge the Interstate Commerce Commission by adding to it two members. In the railroad rate bill which passed this House in 1906, known as the "Hepburn bill," there was a provision for 9 commissioners. The Senate insisted that the number be reduced to 7. That opinion prevailed, but the subsequent course of business before the commission has shown the wisdom of the action of the House. The report of the commission filed on the 24th day of December last showed that during the last year there was an increase of business over the year before in formal complaints of about 33 per cent; of informal complaints, over 100 per cent. That proportion of increase of business, important and unimportant, will probably continue so far as we can foresee into the future. In addition to that most important and, indeed, main business of the commission, Congress has placed upon the Interstate Commerce Commission a great deal of responsibility in addition to the administration and enforcement of the rate law, such as laws regulating traffic in interstate commerce, laws regulating the enforcement of safety appliances and the experiments upon safety appliances, the law regulating the hours of labor in transportation known as the "sixteen-hour law," the law governing the transportation of explosives, the law regulating the street-car business in the District of Columbia, and various miscellaneous matters.

Also Congress has ordered, from time to time, investigations of various sorts, and sometimes of great importance, by the Interstate Commerce Commission. Some are pending now. Many investigations are ordered by the commission itself, upon its own initiative, which are always liable to involve matters of very great importance and to require a large amount of time. In addition to these classes of public business, the commission is obliged, from time to time, to take up other matters of great importance, like that of uniform bills of lading, which involve the vast commerce of the country and where a great deal of time and attention are necessarily given by the commission. Then, the commission is seeking to bring about a uniform classification of freight and a physical valuation of all railroad property. Now, all of these things require a great deal of work by the commission, and every subject is of tremendous importance, present and future, to our people. Now, those of you who have watched the business of the commission during the last year will know that a great many of these investigations and examinations have not been able to be made by members of the commission themselves.

The commissioners have been obliged, owing to the great pressure of business, to have many of these important investigations conducted by examiners employed by the commission, who are not responsible to the Congress at all, who are mere employees and subordinates of the commission, and we deem it necessary that these investigations, that these great questions before that commission, be examined and personally determined in the proper way by the proper officials, whom we designate and who are accountable to us, and that the commission should have sufficient force to do that very work, however much may accumulate through pressure of business or may be ordered by Congress.

Now, I will yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Will the gentleman explain what an informal complaint is?

Mr. STEVENS of Minnesota. It is a complaint filed orally or by letter, and not in the form that is usually presented to the commissioner by trained lawyers, and upon forms prescribed by practice or the commission.

Mr. MADDEN. As to an overcharge in freight?

Mr. STEVENS of Minnesota. Anything of that kind.

Mr. MADDEN. Will the gentleman tell the House how many corrections have been made in the rates of freight fixed by the railroad companies on complaint to the commission during the last year?

Mr. STEVENS of Minnesota. The report shows that during the last year 4,640 were filed. There were 3,515 of these adjusted by the commission and 27 transferred to the formal docket and there are 1,288 yet pending.

Mr. MADDEN. Will the gentleman tell the House what good could come from the increase in the number of the commissioners until the commission is given sufficient power to fix the freight rates before they go into force and are obliged to wait for the complaint?

Mr. STEVENS of Minnesota. Mr. Speaker, I thought I made

that clear. The commission has this great variety of work to do that is now prescribed by law. This vast mass of complaints, concerning all sorts of subjects, is forwarded to the commission, very many every day. It is necessary for the vast business of the country to be properly transacted that these complaints be acted upon at once. The commission has done the very best it could, and is handling rapidly and satisfactorily this vast mass of business. In the meantime there is the enforcement of this great variety of other laws that must be looked after at once, in order to make them of any use to and properly protect the people. Now, this enforcement must be supervised by the commissioners themselves. It will not do to have the enforcement of a bill like the bills regulating the hours of labor, regulating safety appliances, or the carriage of explosives, by subordinates. These matters are of great importance, and people want that work done by men of character and ability, nominated by the President, confirmed by the Senate, and responsible to Congress. And for that reason the business can not be well done in the future unless this number of commissioners be increased.

Mr. MADDEN. Is it not a fact that the most important duty intended to be imposed upon the commission was the regulation of railroad freight rates, in which every citizen of the country is interested?

Mr. STEVENS of Minnesota. Yes, Mr. Speaker, that is the bulk of their work.

Mr. MADDEN. Do they regulate the freight rates?

Mr. STEVENS of Minnesota. Why, yes. They regulate them as well as they can.

Mr. MADDEN. Can they regulate them?

Mr. STEVENS of Minnesota. Yes. They are giving very good satisfaction within the scope of the duties that they have impressed upon them.

Mr. MADDEN. Have they any power to regulate them under the law?

Mr. STEVENS of Minnesota. Why, yes.

Mr. MADDEN. What are the powers?

Mr. STEVENS of Minnesota. Mr. Speaker, that does not come within the scope of this bill, but I will be glad to tell the gentleman. When a complaint comes before the commission involving the reasonableness of the rate, they have a right to fix the rate. That was the essence of the Hepburn bill passed by Congress in 1906.

Mr. MADDEN. Have they any power except when a complaint is filed?

Mr. STEVENS of Minnesota. Certainly. Complaint must be filed preliminary to a hearing.

Mr. MADDEN. It takes generally about a year or two before the case is tried, and conditions have all changed before the case is heard.

Mr. STEVENS of Minnesota. The report of the commission does not show that, but just the contrary stated by the gentleman. The commission is doing the best it can with the facilities at hand, and it has heard the cases and has decided the great bulk of them.

Mr. SIMS rose.

Mr. STEVENS of Minnesota. I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Is there any limit as to the age of gentlemen who may be appointed on this commission?

Mr. STEVENS of Minnesota. No; not in the law.

Mr. SIMS. Does not the gentleman think there ought to be a limit? If the work is so great it can not now be discharged by the seven men there, that there should be a limit, and no one should be appointed on the commission who is over 50 years old?

Mr. STEVENS of Minnesota. Some of the best men on that commission are over that age, and we would not undertake to place that arbitrary limit. I think that has been one of the chief objections in the civil-service regulations that have been effective throughout the country—the arbitrary age limit, excluding some of the very best obtainable talent in the country.

Mr. SIMS. The gentleman has made an argument here in support of his bill based upon the statement that they are physically and mentally incapable of doing the vast amount of work.

Mr. STEVENS of Minnesota. Oh, I dislike to have the gentleman quote me unfairly.

Mr. SIMS. Why not have a limit upon the age which will guarantee to the public vitality, physical and mental, so that they may discharge the duties of the position.

Mr. STEVENS of Minnesota. There has been absolutely no complaint about the personnel of this commission. They are good men—able, competent, hard-working men. They are doing the tremendous work imposed upon them, and they are doing it well, as satisfactorily as can be expected considering the great difficulties of that work. The only relief that is possible is to give them a sufficient number, so that the work can be properly done.

I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I think that before any bill is enacted into law creating additional Interstate Commerce Commissioners the commission which is now in existence ought to be given the power to do the things for which it was originally created, namely, to decide what a reasonable rate is before the railroads of the country are allowed to put that rate into force. Until that is done, any addition to the membership of the commission will simply be an addition to an already useless expense. The most important thing to-day before the American people is the question of whether the railroads are to be permitted to tax the people to the extent of their desires. The purpose of the establishment of the Interstate Commerce Commission originally was to prevent the railroad companies from exacting unjust railroad rates. Since the enactment of the so-called "Hepburn law" the railroad companies have increased indiscriminately, unjustly, and unjustifiably the railroad rates throughout every section of the Union, and the Interstate Commerce Commission as at present constituted is powerless to regulate these rates before they become effective.

Mr. STEVENS of Minnesota. Will the gentleman from Georgia use some of his time?

Mr. ADAMSON. Mr. Speaker, the purpose of this bill is to add two members to the Interstate Commerce Commission, making the number nine instead of seven. Ordinarily I am not in favor of enlarging the size of commissions nor increasing the number of officers nor their salaries. When the number was increased to seven I opposed it, believing that five competent men would form an efficient and satisfactory commission, but increasing the powers of the Interstate Commerce Commission has very materially increased their work. They are compelled to make numerous investigations of very important and laborious character. Their hearings are numerous, requiring much time and considerable study. Of course enlarging the number would not operate to relieve the situation if the commission were required to sit together in all hearings and investigations, but that is not necessary. On the contrary, the members divide up into sections, and often have different hearings going on at the same time in different parts of the United States. The enlargement proposed in this bill will enable the commission to separate itself into three subdivisions of three members each, so as to conduct three hearings and investigations at the same time. The large majority of the matters coming before them will not demand the united attention of the entire commission, but only matters involving differences of opinion need be referred to the full commission, so the different subdivisions of three members, each disposing finally of the consideration of numbers of matters, will leave a much smaller number involving such difficulties and disputes as to require consideration by the entire commission. Much more work can thus be done, and it is absolutely necessary that much more should be done in order that the benefits hoped for may be realized from our rate legislation.

We hear and read a great deal of late about the defects in that regulation. Of course the particular corporations whose conspicuous misdeeds contributed most to make rate regulation necessary objected most strenuously to that or any other regulation, and they did not set out to be satisfied with that or any other regulation. They deny their public capacity, they deny that they have any reciprocal obligations to the public in turn for the franchises and monopolistic privileges which they enjoy. In effect, they claim that the transportation of freight or passengers is an insensate commodity, to be disposed of on the market like other merchandise, combating flatly the well-established and fundemental doctrine that their relationship to the public is practically the same as that of any other officer charged with the responsibility of performing service for the public. I do not think that all corporations profess these opinions, nor do I believe that all corporations render such legislation necessary. As corporations are owned and conducted by mortal men, they are good or bad according to the character of the men who control them. Of course different men expected to accomplish different things by the attempted rate regulation. Different reformers desired different reforms to remedy different evils. I did not pose as a professional rate reformer myself, but sought correction of specific evils. I have always believed that all the people of this country were alike fellow-citizens, with the right to live and move and have their being, and own any kind of legitimate property that they were able to own, carry on any

kind of lawful business, and not only be protected in their holdings and operations but also enjoy the right to participate in the Government, and vote and petition, and speak and write, and exercise their influence in all legitimate ways in the consideration of all legislation affecting their own property or the property of their fellow-citizens without regard to kind or character, whether real, personal, mixed, rolling, stationary, on paper, or on the ground. There were some practical questions of vital importance to a great many local communities. For some reasons, possibly one of them being the consolidation and remoteness of ownership, which rendered it impossible for the owners and bondholders to see far enough to discover local trouble, local injustice, and inconvenience were inflicted on many communities.

Good towns, with large commerce and intelligent population, having much business abroad and often visited by many people from abroad, were unjustly discriminated against. Some of them by consolidation were bottled up, deprived of necessary passenger and mail facilities, and charged a higher freight rate than was charged to haul the same goods in the same direction through those towns and on to more distant points. Those were the main difficulties that fell under my observation and moved me to support an amendment authorizing the Interstate Commerce Commission to correct those evils. The evil as to passenger and mail connections was partially due to the effort to make fast schedules for through trains. Of course that is important to people who want to hurry across the country for long distances with as much haste and as little discomfort as possible, but they are not the people who control the legislative and legal and judicial and commercial weather for the railroads. The Boston drummer or the California or Florida tourist have very little influence with that local sentiment which must exist in whatever humor in a thousand localities between Boston and San Francisco. To that local sentiment the carriers are beholden in many ways. If their managers were wise enough to take notice of it and show a little intelligent consideration for the wishes and conveniences of the people living around those local stations a mere trifle in expense or apparent loss of revenue would produce a degree of popularity and prosperity all along the line that would be pleasing and profitable to the carrier, decrease the number and the character of complaints, minimize the amount of regulation demanded, greatly reduce the amount of litigation, and reverse the character of the verdicts. It is a matter of constant wonder to me that some of the carriers are so stupid or obstinate as to fail to see the facts here referred to.

There is one great mistake, in my judgment, the railroads make that adds to the difficulty and discontent about freight rates. When they pretend to operate on a mileage basis they do not make the initial charge large enough to permit of proper gradations in the charges to successive stations on long routes. They fail to take into consideration and charge enough for the initial care and handling and the terminal care and unloading. Those items are substantially the same for all distances and make up really the most troublesome part of the carrier's duty in handling freight. If a proper charge were made to begin with—for instance, to the first station on the line—then an infinitesimal addition in the rate to all successive stations would aid very materially in solving the problem of fair rates to all stations and minimize the danger of complaints against that evil, always obnoxious—discrimination in rates between two neighboring stations. Nothing in my mind can make a jobber lose his temper quicker or more justifiably than for a train of cars coming from the same point to leave for him a carload of goods and then run on to a station 40 miles farther in the same direction and leave another car at a rate of freight so much less that the latter consignee is able to ship back on a local train and undersell the first-named jobber in his own town. There is only one other thing that approximates it in wrath-producing efficiency, and that is for a number of good towns, who care more for communication with their county seats, their state capitals, or their immediate markets than they do for mail from Boston or passenger connections across the continent, to have to wait half the day or half the night, often without certain knowledge of the exact time to be lost, for a train either to take them home or to bring them their mail, or pay them, laid out on a side track.

A little intelligent good sense would have relieved all of these troubles and helped the carriers in every respect in proportion as they benefited and pleased their local patrons. "There is that that scattereth abroad and yet maketh rich; there is that withholdeth more than is meet, yet tendeth to poverty." There were other reformers who saw a great many other evils and sought to correct them. Well, I have no disposition to oppose any of those reforms, but I did not think it proper to devote time and attention to them at the expense of those that I considered more important. For instance, there is a great outcry about watered stocks and bonds and overcapitalization. The law undoubtedly ought to provide ample means for punishing surely, swiftly, and severely all the malefactors who swindle their fellow-men in that or any other way.

It is undoubtedly an outrage utterly inexcusable to burden legitimate traffic with exactions to pay unearned returns on entirely fictitious capital. Of course the doctrine of selfishness, coupled with power, alone supports the outrage, as in the case of some other vicious practices conspicuous of late years in this Government where certain people are permitted by law to destroy for their own benefit the business and opportunity of their fellow-citizens. A striking instance is the case of robber protective tariff which prostitutes the taxing function of the Government so as, without putting one dollar into the Treasury of the country, to compel honest industry to pay enormous tribute to government favorites or go out of business, or pay enormously higher for the necessaries of life than in the natural course of honest trade they would have to pay but for the dishonest and unnatural scheme foisted upon them to force them to pay unjust prices to such special beneficiaries.

There are other reformers who devote attention to seeking physical valuation of railroad properties. That is all right for some purposes. When you know how much a road is worth you are in possession of one important circumstance to enable those charged with that duty to pass on the proper rate and facilities that should be required on that road; but that fact in itself does not alone furnish an infallible basis, because one road running directly between two points which are connected by another road over a more circuitous route may not have cost near so much as the longer road, and yet, by its facility to transact business more rapidly and cheaply, it may be more valuable than the other, if judged by its net income, which would appear to me to be a more proper criterion. It is also valuable to have such valuation for the purposes of just and fair taxation. It is darkly insinuated that some railroad men are as bad as other folks about dodging their taxes. That is another place where the same kind of human nature crops out, and a man who cultivates a studied reserve about extravagantly pricing his property is as liable to withhold from the Government taxes due on railroad property as are other people in case of land, jewelry, or any other property.

There is another noticeable matter. When the Hepburn rate bill was under consideration, for several years violently opposed by various railroad authorities, it was denied that the Federal Government had anything to do with them, and they were the most patriotic, democratic, local self-government, liberty-loving, state-rights advocates I ever heard talk. We understood that if they were rid of free passes a 2-cent passenger rate would afford satisfactory returns; that counting out the deadheads they hardly realized 2 cents a mile on their passengers; that even as it was, hauling deadheads, many passenger trains ran through the country with only a small per cent of the seats occupied. When we adopted the Hepburn bill, we did not merely authorize the railroads to abolish free passes, but actually did it for them, and the States began to provide for the reduction of passenger rates.

Then those self-same railroad magnates became the most violent federalists and resisted in the federal courts the action of the very state sovereignties which they had formerly lauded, and when it was proposed in Congress to provide for uniformity as to lower rates those same magnates appeared with the most lugubrious countenances to make prolonged and wailing protestations as to the utter ruin facing carriers if compelled to adopt a lower rate. Yet, strange to say, the strong roads running through populous communities did not stress their own inability, but argued the inability of other weaker roads in more remote and sparsely settled regions to stand the reduction in rates. Yet one fact stood out prominent through it all—that those roads which permitted lower rates carried their trains loaded with passengers and realized handsome returns from their business, and that the roads which did put the reductions in force, even over their protest in regions where they claimed that they could not stand it, found their passenger receipts were increased. It is not insisted, however, that Congressmen can be dogmatic or arbitrary about fixing rates. Yet there is one thing that we ought to insist on: Transportation, being a public service, uniformly rendered alike to all, ought to be rendered at the same price to all comers, high, low, rich, or poor, where the same facilities are furnished, whether the ride is for a hundred miles or a thousand, and I for one will never consent to any other arrangement. Some of the railroads have acted very foolishly in making ill-tempered efforts at reprisal on the people for the agitation of the rate legislation. Where they have issued

mileage books, even at a rate discriminatory in price as against the local travel by ticket or cash fare, some of them have put unnecessary conditions and inconveniences upon the scheme.

They have ceased to allow a man in a hurry to get on a car and have his mileage book pay his fare to the conductor. He must go into the depot and exchange his mileage coupons for a ticket, and look after his baggage check, with as much detail and particularity and trouble as if he paid cash each time for his ticket. Those are the very things that travelers desire to avoid, and for that reason would buy mileage books at the same price or even higher than charged for local travel. I have never understood any reason for this, except the pretense that dishonest passengers may juggle with conductors to knock down fares more easily than they can with ticket agents. I do not know whether ticket agents are more honest than conductors or not. I doubt it. If they are, they are good men, for in the last forty years I have seen and ridden with hundreds of conductors, and I do not believe that in any walk of life or avenue of business I have ever known a higher class of men—uniformly polite, honorable, and vigilant.

Another defect that is not only without excuse, but subjects the carriers to criticism and ill will sometimes out of proportion to any consideration on which they may base it; that is, their refusal, in some instances, to sell through tickets and check baggage beyond connecting points. I have never seen nor heard a reason for it that the carrier could not have obviated by proper diligence in making joint rates and filing the same. It has been resented by the people as an effort by the railroads to hit back for adverse agitation, and the popular resentment, as in some other cases, may have exceeded the provocation.

These observations are meant in good will, in the hope that some of the erring corporation men may see proper to join others who are already doing right in trying to please and accommodate the people, thereby reducing the necessities for litigation or legislation and making the mutual transactions of the railroads and the people at once more profitable and more satisfactory to all concerned. There is no use for railroad authorities to try to fool anybody or themselves by remarking that points are not on their lines, and therefore they have no jurisdiction to make arrangements about them, nor by claiming that they are restricted by any laws or regulations from promoting the convenience of the people and rendering them fair treatment. Everybody knows that all the railroad interests are in a manner allied, not only from financial conditions in this country, but owing to the nature of their property and the peculiar business in which they are engaged. While they have no power to make unrighteous pools and combinations to destroy commercial points or rival lines, yet they can mutually consider the convenience and interest of the people, promote their own convenient and prompt connections, and arrange for joint routes of travel and freight to all points, in all directions, anywhere. A proper manifestation of a desire in that direction expressed in honest effort will go far to improve their standing before the commission, before the courts, with Congress and the state legislatures, and above all, with the people, who are at last, in their local communities, the final arbiters of the prosperity or adversity of the railroads, which are in position to turn to serve or to ruin their patrons.

Whatever their grievances may be, it behooves the people to take notice that legislation, however wise, specific, and comprehensive, will not alone suffice to redress their wrongs. The strong point about railroads is, they prepare to back up their policies by the most able counsel the country affords. In every judicial circuit the very ablest lawyers are engaged by the railroads and educated in their service for their benefit. All the people together are richer than all the railroads. The people support all the railroads; the law is, and should be, impartially administered between the people regardless of the character of their property or vocations, but no law will enforce itself. It must be invoked before the courts can administer it. If other people will stand the trouble and expense, as railroad managers do, to employ and pay good lawyers, it will be found that most of the trouble can be adjusted or avoided with very little additional legislation. The principles of right and justice are eternal. The law should be, and generally is, based upon those principles. People litigate about everything else under the sun, but think only of legislation when it comes to dealing with the railroads. The truth is, I have known few instances of injustice that could not have been redressed in the courthouse if the same legal talent had been engaged against the railroads that was employed in their favor. So, while I admonish the railroads to avoid the necessity of legislation or litigation by such fair treatment as will conciliate the favor of the public, I, at the same time, exhort all the other people to devote a little of their money and energy to compelling the railroads to do right by employing some of the good lawyers themselves, and invoking the justice and the power of the courts and commissions, both state and federal. Valuable amendments have recently provided for expediting proceedings in courts and before the commission in rate cases, of which injured communities should avail themselves by retaining lawyers and instituting proceedings.

I yield to the gentleman from Texas [Mr. HARDY] five minutes.

Mr. HARDY. Mr. Speaker, I listened with entire accord to the remarks of the gentleman from Illinois a moment ago, and I wish to add something to them. I believe if we increase this commission, there ought to be a restriction providing that the new members placed upon it shall not at the very outside be over 50 years of age. As a member of the Committee on Reform in the Civil Service I have discovered that we are up against the proposition now of providing a civil pension list for employees of the Government who have grown old in the service of the Government. The other day we ran across a proposition for a retirement pension for our circuit judges, or district judges raised one grade in order to retire them. That question—the question of a civil pension list—is growing in magnitude and menace, and increases in size as the Government increases in its own magnitude, and we are coming face to face with the proposition whether this Government shall have a retired list of civil pensioners so large that it would stand comparison with our army pensions. So it seems to me that in increasing this commission there ought to be a provision limiting the age at which appointments shall be made, for the effectiveness of the service to which they are devoted. Not only that; I doubt the wisdom of increasing the body called the Interstate Commerce Commission until we have made some law to render their action effective. It has been well said by the gentleman from Illinois that since the passage of the last noted, almost notorious, railroad act, the act of 1906, the railroads, instead of being held down to lower rates of freight, have gradually and generally increased their rates of freight, and there has been no power in the Interstate Commerce Commission to prevent it. When the commission undertakes to reduce those rates upon complaint of citizens, it takes not a week or a year but sometimes years and years in order to accomplish a reduction in a single schedule; and, then, under the law as it stands now, after three weeks' application of the schedule fixed by the commission under a hearing, the railroads may raise that rate without notice, notification to, or consent of the commission. We ought to have a law providing that no rate now in existence shall be raised without the consent of the commission.

But we can get no law requiring the valuation of railroad properties. We can get no law requiring the consent of the railroad commission to any raising of rates. What good does it do to fix a rate to-day if it may be raised without the consent of the commission to-morrow? What good does it do to have nine members of a commission to regulate this thing, when the railroads may, in utter disregard of the findings to-day, raise those rates to-morrow? It seems to me we have been like children playing with machinery they did not know anything about. We should have adopted some great principles and made them applicable to railroad rates, but we have left the maelstrom of multitudinous rates to be fixed by the railroads and regulated by the commission; and no commission, though it consisted of a hundred men, can ever be able to investigate the multitude of rates that the roads promulgate. They have no principles by which to be guided. They can charge twice as much for a hundred-mile haul as they do for a thousand-mile haul, and it is not illegal. We have refused or failed to adopt great principles to regulate and restrict that would hold down the railroad rates or prevent discrimination between places; and we want to commit the subject to an enlarged commission, for them to look over a field of vast area and attempt to enforce an utterly impossible law. That is the way we have handled the question. Now, I shall oppose the addition of more members, unless those members are required to be at least moderately strong in health as well as in mind, and of a reasonable age, not ready to be retired. They should not be over 50 years old, and they should be active intellectually and physically, and their number should not be increased until their labors can be made effectual when once performed.

Mr. ADAMSON. If any other gentleman desires to be recognized in opposition to the bill, I will be glad to yield time.

Mr. HITCHCOCK. I should like one minute.

Mr. ADAMSON. I yield one minute to the gentleman from Nebraska.

Mr. HITCHCOCK. Mr. Speaker, it seems to me that, with the whole country clamoring for an enlargement of the law, it is giving them worse than a stone when they ask for bread for

this Congress merely to enlarge the commission. Therefore I am opposed to the bill.

Mr. ADAMSON. I yield to the gentleman from Tennessee [Mr. SIMS] for five minutes.

Mr. SIMS. Mr. Speaker, if the commissioners are not able to do the work on account of its volume, the number ought to be increased. I for one have no objection to adding any useful powers to the commission that it does not now have; but if an increase is demanded on account of the inability of the present number to do the work, why, then, in all reason, there ought to be some age limit to the members to be added that will guarantee that that argument is a sincere one, and that the statement is a true one and really the cause of the legislation proposed by this bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. Does the gentleman understand that the work of the commission—the most of the work—is not done by the commission sitting as one body, but by different members of the commission having hearings, like an ordinary nisi prius judge, and making recommendations to the commission, and that they are all engaged in that work?

Mr. SIMS. I so understand; and that reenforces my argument, that each member of the commission should be able of himself to perform in the highest degree of efficiency all the work required of him.

Mr. MANN. They are. Each member of the commission is so qualified now.

Mr. SIMS. I understand that. The bill seeks to add new members to the commission, increasing it. Now, why not have an age limit that will guarantee a reasonable number of years of service of the highest order, both with reference to mental and physical endurance. I do not know who are going to be applicants for these positions. I do not know whether anybody is staked out or not; but if the object of this bill is to make a place for some man, I do not care who he is, or how great his efficiency, we should put on a limitation of age of some kind, whether it be 50, 55, or 60 years. I understand in appointing members of the federal judiciary there is a rule by which the President nominates no man exceeding 60 years of age.

Mr. MANN. Will the gentleman permit one suggestion there?

Mr. SIMS. Certainly.

Mr. MANN. This is different from the judiciary, where they retire them on full pay. That certainly has no application when we have no retirement in connection with the commission.

Mr. SIMS. I understand that. Why should not the great committee, of which the gentleman is so able and shining a member, agree to an amendment making 50 years as the age limit; and, if that is too low, 55; or, if that is too low, make it 60 years, so that it may be effective in the legislation as to the two commissioners created hereby.

Mr. MANN. They might want to put the gentleman on the commission.

Mr. SIMS. There is no probability of that. However, I am over 50, but under 60 years of age.

Mr. MANN. The gentleman will never be 60, if he lives one hundred years.

Mr. CAMPBELL. Can the gentleman think of a man of 50 or 55 years who can excel the work that Francis M. Cockrell, of Missouri, is doing on that commission?

Mr. SIMS. Now, Mr. Speaker, there is no necessity for bringing up a personal case. If my argument fits Francis M. Cockrell, let it fit him, or any other man.

Mr. CAMPBELL. He is doing as good and as much work on that commission as any other member of the commission.

Mr. SIMS. I do not question that for a moment, and the gentleman need not bring up his name because he is a Democrat. Sometimes a man of 80 years of age will do as much or more work than another who is 50 years; but why not have an age limit to this thing, guaranteeing physical and mental fitness to discharge the duties of the office? The very fact that gentlemen are not willing to accept a reasonable age limit seems to carry with it the suggestion that the idea of fitness of the highest order is not to be regarded; and after this discussion with reference to such an amendment, an adverse action of the House will indicate to the appointing power that these positions were made by Congress without reference to age. We know as a rule that increasing old age tends to inefficiency; that there ought to be an age limit put in this bill which will insure a high degree of physical and mental efficiency.

Mr. MANN. Does the gentleman think there ought to be an age limit of Members of Congress?

Mr. SIMS. The people put that on; and the term is for only two years, anyway.

Mr. MANN. There is no age limit, except their opinion.

Mr. ADAMSON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. ADAMSON. Mr. Speaker, it may be impolite for me to endeavor to reply to gentlemen to whom I have yielded time, but when they talk about an age limit they touch upon a tender subject to sensitive Members of this House. [Laughter.] There is nothing in this bill about age qualifications for membership on the Interstate Commerce Commission, and I am glad of it. I should certainly object to the limit being placed as low as fifty years, for that would shut me out, and I shall never admit the suggestion of my incompetency from age or decrepitude for that or any other public service. [Laughter.] How calamitous to even contemplate; God save the mark and avert the dread possibility; but after his able and distinguished services here, if ten or fifteen years hence the distinguished gentleman from Tennessee [Mr. SIMS] should happen by unaccountable error, carelessness, or hallucination of his constituents to fall outside the breastworks in a congressional election and the President should patriotically endeavor to make restitution for the mistake of his constituents by offering to restore his eminent talents to the public service by appointing him on this commission, would anybody say that he was too old? I would indignantly deny the allegation and fiercely defy the alligator. Yea, verily, I would fight him with cannon and gatling guns and everything else for such a vile assault on my young, vigorous, and virile friend. [Laughter and applause.]

It is said that some boys are prone to think themselves smart and regard old men as foolish fogies. It has even been said that no boy, until he reaches the age of 40 years, ever comes to believe that his father had any sense at all. I regard this as an exaggeration, because I know a good many boys who are really sensible, practical, and tractable. On sufficient authority I believe that we need "old men for counsel and young men for war." I utterly scout that old cynical stanza—

> Unless it also means growing wise and good,
> I can not respect you for growing old;
> It is a path you fain would avoid if you could,
> And it means growing ugly, crabid, and cold.

I believe some old men are right good citizens, still very useful in a great many ways and worthy to be respected and preserved among us a little while longer. In fact, I know some men 75 years old who are really smarter, abler, and physically more active than some younger men who do not talk like they believe it. I shall vote for this bill and shall not regard it as any mistake or calamity if some of my old friends in this House should be appointed to the new positions created. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. STEVENS of Minnesota. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has nine minutes.

Mr. STEVENS of Minnesota. I now yield five minutes to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Speaker, I had not expected to say anything on this subject at all until I heard the argument of several gentlemen in opposition to the interstate-commerce law. Most of the discussion has been against the general law rather than against the proposed amendment. Of course, if it is conceded that the interstate-commerce law is a failure, it is nonsense to think of increasing the number of commissioners. But I deny that the interstate-commerce law is a failure or that it has failed in any important or material particular. I am ready to admit that that bill is not perfect.

The original proponents of the interstate-commerce law did not claim perfection for it. They knew it was aimed at giant evils intrenched in power. They were fearful that every obstacle would be thrown in the way of its enforcement; they somewhat understood the magnitude of the work that would devolve upon the commission; they realized that it was a compromise between those who would do nothing and those who would go too far, but they felt that it was a step in the direction of justice to the people in their relations to common carriers, and their faith in this particular has been realized. About this there can be no intelligent doubt.

Gentlemen say that rates have been raised since the passage of the law. True, but they were being raised before, and the law did not encourage higher rates. It has been the only barrier against them. Before the act of 1906 only a ten days' notice of raise was required; since then it has required thirty days' notice. Before there was no opportunity for an aggrieved shipper to attack unjust rates through a commission. Now

complaint can be made to the commission and it can hear and determine; and if a raised rate is found unjust, reparation to the shipper is ordered. Hundreds of complaints have been made and many rates have been reduced. Hundreds more have been reduced on the advice of the commission without formal order.

The commission can only act on complaint. This was expressly provided in the law after full and long discussion before the committee and the Congress. It was thought best that this should be so, and I still think it is wise.

I have no doubt some rates have been improperly raised, the carriers having taken advantage of the panic as an excuse to raise them; but some raises have been found necessary to meet cost of improvements and operation and some for the purpose of adjustment. But what would have happened if the commission had not been empowered to reduce rates on complaint and after hearing?

Mr. Speaker, the law is imperfect, and I have no doubt a revision of it will be made during the next Congress. Many amendments have already been proposed; I myself have offered three, and I have others in mind. One would reach the complaint which gentlemen make. I would permit any shipper to complain against a proposed higher rate, notice of which having been given by the carrier, and at any time after such notice is given. Thus opportunity would be afforded for a determination of the reasonableness of the rate before it took effect.

Mr. Speaker, it has seemed the part of wisdom for Congress to allow this law to remain unchanged long enough to discover its real defects, and thus afford information for intelligent revision. It has been a statute about two years, during which the commission has been organizing its work and perfecting its plans. In the meanwhile Congress has been piling new and difficult duties upon it. The law will be perfected and the great benefits already enjoyed will be thereby increased.

Mr. HARDY. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. HARDY. Does the gentleman's bill to which he refers permit any party to make complaint against the rates when the roads propose to raise them? Does it provide that the commission may enjoin the raise until they hear and decide the question?

Mr. TOWNSEND. It may on a prima facie showing.

Mr. HARDY. Without going to the trouble of getting an injunction?

Mr. TOWNSEND. The commission can enjoin the rate from going into effect.

Mr. HARDY. You give them by the bill the power to enjoin the raise until it is decided?

Mr. TOWNSEND. It gives the commission the right to enjoin the rate.

Mr. STEVENS of Minnesota. Mr. Speaker, just one word more. The objection that is made that there should be an age limit is met by the terms of the bill itself. The law provides that these terms shall be for seven years. At the end of that term of seven years the power is left to the President and to the Senate to determine whether that officeholder or another appointee shall be best fitted to discharge the duties of the office. The situation is entirely different from that of our federal courts. There is no provision for retirement. There is a fixed tenure of seven years, and it is not changed by this bill. If any member of the commission be unable, for any cause, to properly perform the duties of his office, it will lie with the President and the Senate, at the end of his term, to secure a man who can do the work properly. The argument that is made by the gentleman from Tennessee [Mr. SIMS] and the gentleman from Illinois [Mr. MADDEN], that the powers of the commission should be extended, is the very reason why we should provide machinery for the commission to do the work they ask and properly do the very work now at hand. The machinery can be best extended by having able men sufficient in number, in character, and in caliber to perform the work. This bill does not change the tenure of office or the compensation or the political affiliations of the commission. It leaves it just exactly as it is now. It adds two new members to do the proper work that is demanded by the people should be done by the Interstate Commerce Commission itself. I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. HARDY and Mr. MADDEN) there were—ayes 141, noes 51.

Mr. MADDEN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. All in favor thereof will rise and stand until counted. [After counting.] Thirty-three gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

Mr. MACON. Give us the other side, Mr. Speaker.

The SPEAKER. We just had the other side. The yeas and nays are refused, and two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

INSPECTION OF NURSERY STOCK AT PORTS OF ENTRY.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 27367) to provide for the inspection of nursery stock at ports of entry of the United States, to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect, and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, shall be subject to inspection by official experts of the Department of Agriculture at such ports of entry as shall, from time to time, be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, and published in the regulations provided for in this act: *Provided, however*, That the Secretary of Agriculture may, at his discretion, dispense with such inspection if he deems the certificate, provided for in section 2, of the official expert of the country from which the importation is made to be a sufficient guaranty of freedom from injurious insects or plant diseases. The Secretary of Agriculture may, at any time, extend the provisions of this act to fruits and vegetables or bulbs or other plants not specified in this act and imported from foreign countries whenever he shall deem such action necessary to prevent the entry with such products or stock of dangerous insects or plant diseases.

SEC. 2. That it shall be unlawful for any transportation company, person, or persons, after July 1, 1909, to offer for entry at any port in the United States any nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, unless accompanied by a certificate of inspection by an official expert of the country from which the importation is made, which certificate shall be made in the manner and form prescribed by the Secretary of Agriculture, certifying that the contents have been examined and found to be apparently free from all dangerously injurious insect pests or plant diseases: *Provided*, That any nursery stock or other described articles offered for entry without such certificate shall be held in quarantine, and not admitted until its or their freedom from dangerous insect pests or plant diseases shall have been fully established.

SEC. 3. That any transportation company, person, or persons who shall receive, bring, or cause to be brought into the United States any nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, shall, within twenty-four hours after the arrival thereof, notify the official expert of their arrival, and hold the same, without unnecessarily moving or placing such articles where they may be harmful, for the immediate inspection of such official expert. The official expert or his representative is hereby authorized and empowered to enter into any warehouse, depot, or upon any dock, wharf, or any other place where such nursery stock or other described articles are received for the purpose of making the inspection or examination herein provided for.

SEC. 4. That each case, box, package, crate, bale, or bundle of nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, imported or brought into the United States shall have plainly and legibly marked thereon the name and address of the shipper, owner, or person forwarding or shipping the same, and also the name of the person, firm, or corporation to whom the same is forwarded or shipped, or his or its responsible agent; also the name of the country and district where the contents were grown.

SEC. 5. That when any shipment of nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, imported or brought into the United States is found infested with injurious insects or their eggs, larvæ, or pupæ, or reason to presume that they may be infested or are so infested with tree, plant, or fruit disease or diseases, the entire shipment shall be disinfected at the expense of the owner, owners, or agent. After such disinfection it shall be detained in quarantine a necessary time to determine the result of such disinfection. If the disinfection has been so performed as to destroy all insects or their eggs, and so as to eradicate all disease and prevent contagion, and in a manner satisfactory to the official expert, the trees, vines, or other articles shall then be released. If it be not practicable to fully disinfect such stock, it or such portion of it as shall remain infested shall be denied entry or destroyed, at the option of the owner.

SEC. 6. That when any shipment of nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, imported or brought into the United States is infested with injurious insects or their eggs, larvæ, or pupæ, or any tree, plant, or fruit disease not known to exist in the United States or confined to limited districts thereof, such infested shipment shall be refused entry and returned to the consignor or destroyed, at the option of the owner, owners, or agent and at his or their expense.

SEC. 7. That whenever it shall appear to the Secretary of Agriculture that any nursery stock or other described articles or variety of fruit grown in an infested district outside of the United States is being, or is about to be, imported into the United States or the District of Columbia, and such nursery stock or such variety of fruit is infested by any seriously injurious insect or disease, and which insect or disease is liable to become established in the United States, he shall have authority to quarantine against any importations from said district and prevent the same until such time as it may appear to him that any such insect or disease has become exterminated in the country or district from which such nursery stock, etc., or variety of fruit is being or is about to be, imported, when he may withdraw the quarantine; and this shall operate to relieve all such nursery stock or fruit from further

quarantine or restrictions, save the inspection regulations at port of entry, so long as the conditions of freedom from seriously injurious insect or disease shall continue.

SEC. 8. That upon complaint or reasonable ground on the part of the Secretary of Agriculture to believe that any nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, grown within the United States, are infested with injurious insects or diseases new to the United States and likely to become subjects of interstate commerce, the Secretary of Agriculture shall cause the same to be inspected by a qualified expert, and, if need be, placed under quarantine until such infestation is removed. This inspection shall be made, so far as possible, prior to November 1 of each year in the manner provided for and prescribed by the Secretary of Agriculture; and if such nursery stock is found to be apparently free from dangerously injurious insects or diseases the certificate of the officer making such examination and finding shall be issued to the owner or owners of such nursery stock, a copy of which certificate shall be attached to and accompany each carload, box, bale, or package, and when so attached and accompanying shall operate to release all such nursery stock from further inspection, quarantine, or restriction in interstate commerce.

SEC. 9. That it shall be unlawful for any person, persons, or corporation to deliver to any other person, persons, or corporation, or to the postal service of the United States (except for scientific purposes, and by permission of the Secretary of Agriculture), for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or for exportation to any foreign country, any trees, plants, shrubs, vines, or other nursery stock which are under quarantine in accordance with the provisions of section 8 of this act, or which on such examination have been declared by the inspector to be infested with dangerously injurious insects or diseases. Any person, persons, firm, or corporation who shall forge, counterfeit, or knowingly alter, deface, or destroy any certificate or copy thereof, as provided for in this act and in the regulations of the Secretary of Agriculture, or shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on a conviction thereof shall be punished by a fine not to exceed $500 nor less than $200 or by imprisonment not to exceed one year, or both, at the discretion of the court.

SEC. 10. That the rules and regulations herein provided for shall be promulgated on or before the 1st day of July of each year.

SEC. 11. That the sum of $100,000, to be available on the 1st day of May, 1909, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 12. That this act shall take effect on and after the 30th day of June, 1909.

SEC. 13. That the provisions of this act shall not prevent the inspection of any nursery stock or other described articles by the authorized inspector of any State or Territory at the final point of destination in accordance with the laws of such State or Territory.

With the following amendment:

Page 7, line 19, strike out "one hundred" and substitute therefor "twenty-five."

The SPEAKER. Is there objection?

Mr. HARRISON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether this bill creates any new officers or new salaries; and if so, what is the necessity for it?

Mr. SCOTT. Mr. Speaker, if the amendment which is recommended by the Committee on Agriculture prevails, the bill carries an appropriation of $25,000, to be available during the coming fiscal year, to carry it into effect; and necessarily, if that $25,000 is used, it will mean the employment of certain persons who are perhaps not now in the employ of the Government.

The necessity for it is found in the fact that we now have no law to provide for the inspection of nursery stock coming from abroad, or to exclude it from admission if it is found to be either infected by disease or infested by injurious insects. The immediate cause of the introduction of this bill is found in the fact that very recently in the shipment of nursery stock coming into the port of New York upward of fifteen hundred nests of the brown-tailed moth were found. That is an insect which is committing very serious depredation, as the gentleman doubtless knows, throughout New England, and yet we have no law on the statute books by which we can exclude a shipment of goods in which it is carried.

Mr. HARRISON. Will the gentleman state how those moths were found? Is not there some machinery now for doing that?

Mr. SCOTT. They were found by inspectors of the department of horticulture of the State of New York.

Mr. HARRISON. State officials?

Mr. SCOTT. State officials. And it is true, as the gentleman suggests, that several of the state officials in States having ports of entry have organized state boards for the inspection of these goods in an attempt to exclude them from the country. But this work is not always effective, as is shown by the fact that of the 73 varieties of injurious insects which the entomologists of our country put into the first class, more than half of them are known to have been imported from abroad.

Mr. HARRISON. Will the gentleman state that in his opinion the employment of this new appropriation will stop the importation and the spread of noxious insects for the extermination of which we are annually appropriating large sums of money? In other words, will it effect an economy in the long run?

Mr. SCOTT. I am very much of the opinion it will do so. We are proposing to expend only $25,000 for the exclusion of these insects, but we are appropriating $300,000 this year alone to limit the ravages of just one insect which has been imported.

Mr. BURLESON. As a matter of fact, then, the bill has in contemplation the appointment of a scientific horticulturist and a scientific entomologist at every port of entry where nursery stock is brought in.

Mr. SCOTT. The bill is intended to do with nursery stock that which has already been attempted in the protection of domestic animals in this country.

Mr. BURLESON. Well, you can not enforce it unless you have a scientific horticulturist and a scientific entomologist at each port of entry.

Mr. SCOTT. Undoubtedly it contemplates, and in fact by its terms, an inspection of all nursery stock seeking to come into this country, but it provides also that nursery stock that comes with proper certificates from recognized authorities abroad may be admitted without inspection.

Mr. DRISCOLL. If the Secretary of Agriculture recommended $100,000 for the administration of this law, why is it that the committee cut it down to $25,000?

Mr. SCOTT. The committee cut it down to $25,000 because it was a new departure, and the committee believed that the work could be done for $25,000. It is thought a beginning could be made with that amount.

Mr. DRISCOLL. I presume the committee thinks after they once get this law started and made a part of the business of the Department of Agriculture it will be easy to increase it from year to year?

Mr. SCOTT. Well, the committee thought even if it did cost $100,000 a year to keep these insects out it will be an economy, in view of the fact that the insects which have come in in the absence of this law are now actually causing millions of dollars' worth of loss to our country, and we are expending many hundreds of thousands of dollars in an attempt to exterminate them or limit their ravages.

Mr. DRISCOLL. Has the committee any information whatever what it would cost, or simply put on $25,000 and seek to get the law enacted and later on get more money? Have they any information as to what it would cost?

Mr. SCOTT. Until the law has been enforced a reasonable length of time it is impossible for us to tell what it will cost.

The SPEAKER. It seems to the Chair the gentleman had better make the motion. Is there objection?

Mr. COX of Indiana. Mr. Speaker, I reserve the right to object to get some information.

The SPEAKER. Well, what is in the mind of the Chair is the gentleman asked unanimous consent and——

Mr. SCOTT. Mr. Speaker, if objection is to be made, in order to save time I will move that the rules be suspended and the bill as amended be passed.

The SPEAKER. The gentleman from Kansas moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further discussion of the bill, and agree to the amendments and pass the bill. Is a second demanded?

Mr. PERKINS. Mr. Speaker, I do not know that I object to the bill, but it is a bill that may affect very largely the interests of our country, and I would at least like to understand what it is, and I would demand a second for the purpose of having an explanation of it.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kansas is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. SCOTT. Mr. Speaker, I do not care to use any of my time except to answer such questions as may be asked.

Mr. PERKINS. I would like, Mr. Speaker, to ask the gentleman from Kansas with reference to the bill, because I do not quite understand the connection between the statement made by the gentleman and the form of the bill. As I understand it, it is desired to keep from importation into this country by proper examination insects that may be dangerous.

To that there can be no objection; but the bill also provides not merely for an examination of goods coming from other countries—and to what extent it provides I wish the gentleman would state—but for an examination of any nursery goods sent from any one of the 46 States into any other one of the 46 States. Now, if that is so, that provides that every package of nursery stock that goes from New York to Pennsylvania may be examined and inspected, which is a pretty serious proposition.

Mr. KENNEDY of Iowa. I think I can answer the gentleman.

Mr. PERKINS. I am asking for information. I have not read the bill.

Mr. KENNEDY of Iowa. Each State has provided an inspection law for nursery stock. The inspection is made by the state entomologist some time during the summer, and he gives a certificate, a copy of which certificate must accompany each shipment of stock. Now, I apprehend if this bill passes, this Government will adopt the same plan—that any inspection that is to be made must be made before shipment between the States. But any inspection to be made will be made before the shipment takes place.

Mr. SCOTT. I think the question of the gentleman from New York [Mr. PERKINS] is fully answered by the terms of section 8, as follows:

That upon complaint or reasonable ground on the part of the Secretary of Agriculture to believe that any nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, grown within the United States are infested with injurious insects or diseases new to the United States and likely to become subjects of interstate commerce, the Secretary of Agriculture shall cause the same to be inspected by a qualified expert, and, if need be, placed under quarantine until such infection is removed.

It would appear from this that no broad general inspection of every interstate shipment of nursery stock is contemplated, such as the gentleman suggests, but merely that when complaint is made that any particular district of the United States is infested with injurious insects an inspection may be made, and if it is found that the injurious insects exist there the district may be quarantined, just as a portion of the United States may now be quarantined when it is infected with diseases injurious to domestic animals.

Mr. MANN. Like the foot-and-mouth disease now.

Mr. PERKINS. What I would like to ask is this, in order to find out whether or not the bill is too drastic: Suppose tomorrow a dealer in nursery stock in western New York has an order for the delivery of goods to California; in compliance with the order he packs his goods, he takes them to the railroad, and they are shipped to California; has he got to have any examination or have any certificate, or be subject to any formality any more than if he was shipping a lot of cotton goods?

Mr. SCOTT. Not unless his nursery is in a district against which complaint has been made. If that is the case, then the Department of Agriculture, under this bill, is authorized to send an expert to inspect the district and to inspect his nursery. If his particular nursery is found to be apparently free from dangerous and injurious insects or diseases—I am quoting now from the bill:

And if such nursery stock is found to be apparently free from dangerously injurious insects or diseases the certificate of the officer making such examination and finding shall be issued to the owner or owners of such nursery stock, a copy of which certificate shall be attached to and accompany each carload, box, bale, or package, and when so attached and accompanying shall operate to release all such nursery stock from further inspection, quarantine, or restriction in interstate commerce.

Mr. PERKINS. Then the law provides for quarantine of a certain district?

Mr. SCOTT. The law provides for a quarantine of the district which, upon inspection, may be found to be infected or infested.

Mr. PERKINS. Then you can not ship out of that district without certificate that your stock is all right and that the quarantine has been raised as to you?

Mr. SCOTT. That is the intention of the bill.

Mr. PERKINS. If no quarantine has been declared, he ships his nursery goods just as he ships his dry goods?

Mr. SCOTT. Just as a man, when no quarantine has been declared, ships his cattle.

Mr. MANN. Ship just as freely as he does now.

Mr. PERKINS. The bill provides that all nursery stock shipped from a port must be examined or a certificate made on the other side?

Mr. LAMB. This is chiefly to reach imported stock?

Mr. BURLESON. What powers are conferred upon the Secretary of Agriculture to designate ports of entry for nursery stock?

Mr. SCOTT. There is not any power in this bill to designate any particular port of entry. I refer to section 2, which declares:

That it shall be unlawful for any transportation company, person, or persons, after July 1, 1909, to offer for entry at any port in the United States any nursery stock, including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or other seeds, unless accompanied by a certificate of inspection by an official expert of the country from which the importation is made, which certificate shall be made in the manner and form prescribed by the Secretary of Agriculture, certifying that the contents have been examined and found to be apparently free from all dangerously injurious insect pests or plant diseases: *Provided*, That any nursery stock or other described articles offered for entry without such certificate shall be held in quarantine, and not admitted until its or their freedom from dangerous insect pests or plant diseases shall have been fully established.

Mr. KENNEDY of Iowa. I would like to ask the gentleman a question. A large part of the nursery stock that is imported into this country is seedling stock, and a very large part of it comes from France. Now, it is nothing uncommon to have 20,000 of those packed in a box, and they are packed loosely; that is, they are not tied in bunches. Now, is it practicable to undertake to inspect nursery stock packed that way? You would have to open the box, surely.

Mr. MANN. It does not require inspection when it comes with a certificate.

Mr. KENNEDY of Iowa. I think not. But it looks to me like the inspection at the port of entry would be impracticable.

Mr. MANN. It would, unless they had some other information.

Mr. KENNEDY of Iowa. As a matter of fact, I think it has to be governed largely by the certificate that accompanies the stock. It is like the state laws, where they have to have a certificate by the state entomologist after an examination of the stock as it leaves the nursery.

Mr. SCOTT. I do not think it would be any more difficult to enforce than the present law against the importation of adulterated or misbranded foods and drugs.

Mr. BURLESON. Would it be as expensive?

Mr. SCOTT. I have no idea it would be as expensive.

Mr. MANN. Upon the face of it, it would not.

Mr. SCOTT. The Secretary of Agriculture would doubtless prescribe as a regulation that the nursery stock coming in from abroad must have a certificate of good health.

Mr. KENNEDY of Iowa. That is the only way.

Mr. BURLESON. Why I ask that question is that Texas is now importing orange plants from Japan. Do I understand under the operation of this law every box of orange plants that should be shipped from Japan to Texas must be opened at San Francisco?

Mr. SCOTT. I understand there is an inspection under the direction of the state board of horticulture of that State.

Mr. BURLESON. Where there is a through bill of lading?

Mr. SCOTT. Well, I can not answer as to that.

Mr. SMITH of California. I think it is to be applied to stock to be used in the State. The gentleman's State would have to be very cautious about what stock it imported.

Mr. BURLESON. We do not want anything in the way of an obstruction to our getting the stock, nor anything to delay us.

Mr. SMITH of California. I think you would find it a good deal better to exclude injurious insects that you might get, and any little delay that might be suffered would be better than to have the pest.

Mr. SCOTT. I yield five minutes to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I only want to emphasize what the chairman of the committee has been saying, namely, that the gentleman from Texas wants to be very careful about doing anything that would allow the shipping in of diseased nursery stock in establishing an orange business. It is the most valuable nursery stock, and leads to exceedingly high-priced orchards when you get an orange grove. A few years ago there was introduced into the orchards of California the white fly. If it had not been attacked and stamped out, and that at very considerable expense, right at its incipiency, the damage would have run into the millions of dollars to the citrus orchards of California, and at a cost for extermination of many hundreds of thousands of dollars.

I think, as the chairman of the committee has said, we have a pretty severe law in California with reference to nursery stock, but I think we should also have some such general law as this to guard the character of stock that is brought in from foreign countries, as well as that which goes from State to State. There is no bill before this Congress, I think, that will give greater pleasure to the orchardists of California than this measure now before the House, and I earnestly hope that the House will give it careful consideration.

Mr. BURLESON. I would like to ask the gentleman from California a question.

Mr. SMITH of California. Certainly.

Mr. BURLESON. Has the gentleman read this bill with sufficient care to be able to state that no provision in it will interfere with the introduction of those plants that I have spoken of?

Mr. SMITH of California. I have not studied all the provisions of the bill in detail, but I am certain that the Agricultural Department in its management of the matter under this

bill will interpose no obstruction to bringing in proper nursery stock; and you do not want any other kind in Texas.

Mr. BURLESON. Certainly.

Mr. SMITH of California. I have no doubt the law will be administered wisely.

Mr. SCOTT. I now yield two minutes to the gentleman from Virginia.

Mr. LAMB. Mr. Speaker and fellow-Members, the State of Virginia is very much interested in this legislation. I had a letter from the state entomologist recently stating that some gypsy moths had been imported from a foreign State. The Committee on Agriculture has very carefully considered this measure and recommend the passage of the bill. It is in the interest of the people, and it will prevent, probably, in the future spending an immense amount of money in other States as we are now spending in the New England States in eradicating this pest. I hope it will be the pleasure of the House to pass this bill.

Mr. SCOTT. Mr. Speaker, I ask for a vote.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill as amended was passed.

RADIO-TELEGRAPHY ON CERTAIN OCEAN STEAMERS.

Mr. GREENE. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I move to suspend the rules, discharge the Committee of the Whole House from the further consideration of the bill (H. R. 27672) as amended, to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers, and pass the bill.

The SPEAKER. Is a second demanded?

Mr. COCKRAN. I demand a second.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That it shall be unlawful for any ocean-going steamer certified to carry, or carrying, 50 passengers or more, to engage in the business of carrying passengers, or to carry passengers, between ports 200 miles or more apart by sea, unless on leaving her port of departure such steamer shall be equipped with an efficient radio-telegraphic apparatus in good working order, and in charge of a person skilled in the use of such radio-telegraphic apparatus.

"SEC. 2. Any owner, agent, or master of any such steamer described in section 1 of this act, who shall carry, or permit to be carried, any passenger upon any such steamer not equipped with an efficient radio-telegraphic apparatus, in good working order, and in charge of a person skilled in the use of such radio-telegraphic apparatus, shall, upon conviction thereof, be fined not more than $3,000, or imprisoned not more than one year, or both.

"SEC. 3. That this act shall take effect and be in force one year after the date of its approval."

Mr. COCKRAN. I withdraw the demand for a second.

Mr. HUMPHREY of Washington. I demand a second.

Mr. GREENE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts [Mr. GREENE] is entitled to twenty minutes and the gentleman from Washington [Mr. HUMPHREY] is entitled to twenty minutes.

Mr. GREENE. Mr. Speaker, there have been many hearings held before the committee regarding this bill, and there was no opposition before the committee to the bill as now presented. I do not care to occupy more time at this moment, and reserve the balance of my time.

Mr. HUMPHREY of Washington. Mr. Speaker, with the general ideas of this legislation I am in accord, but there are one or two points that I think ought to defeat its passage.

In the first place, there is no provision that will permit these vessels to escape compliance with the law, even if there should be a combination between these wireless companies to raise the price to any point, however unreasonable. As gentlemen of the House know, this wireless system is a patented system, and this bill compels all seagoing vessels running between ports 200 miles or more apart to equip themselves within a year with a wireless system. They are compelled to comply with that provision, and there is no way for them to escape it. I do not believe that is wise legislation. I think some provision should be made so that if it was discovered that there was a monopoly existing between these wireless companies, and there was an attempt to hold up these vessels and charge them exorbitant prices, they should not be compelled to equip within a year. Some latitude should be given.

Mr. GOULDEN. Can the gentleman tell me how many of these companies there are?

Mr. HUMPHREY of Washington. No; I can not.

Mr. GOULDEN. How many companies are there that now equip vessels?

Mr. HUMPHREY of Washington. There are quite a number, but only two or three of them are actually doing much work.

Mr. GOULDEN. I have a list here of 76.

Mr. BURLESON. Does this require equipment with any particular system?

Mr. GOULDEN. No. And I have a list here of 76 separate companies.

Mr. HUMPHREY of Washington. There is one other objection that I want to call to the attention of the House, and that is the inequality of this bill. It shows that it is hasty legislation, and that it should not have been reported in the shape in which it is. For instance, the committee in their report set forth the fact that the Great Lakes are excluded, and I think that was a wise conclusion. I think the Great Lakes should be excluded.

Mr. SULZER. Why should the Great Lakes be excluded?

Mr. HUMPHREY of Washington. Wait until I get through my statement, and I will answer the question. At the same time they include vessels running along the coast of Florida inside of the keys, where the water is always quiet and there is no occasion for wireless telegraphy, because they are never out of sight of land. They also include the vessels that run on the inside passage to Alaska, where they are always near the shore, where the water is never rough, where they never have any storms that will interfere with them, and if a vessel did not sink in a few minutes they could get ashore. Yet they exclude the Great Lakes, where the vessels do encounter great storms, and where there would be some use for the wireless system. As I have said, I am in sympathy with this legislation, but not in sympathy with this bill, the way it is drawn. It is not the right kind of legislation, in my judgment, for us to enact.

Mr. SULZER. Then you are in favor of including the Great Lakes?

Mr. HUMPHREY of Washington. No; I am not. Neither am I in favor of including these other vessels along the Florida coast and on the inside passage to Alaska. You might as well include vessels on the Mississippi River as vessels that run on the inside passage to Alaska, as my friend knows. I am simply calling attention to the defects of the bill. I do not think in the shape it is it ought to pass.

Mr. COX of Indiana. Does the gentleman base his sole objection to the passage of the bill upon the ground that he is afraid that the owners of these wireless-telegraph instruments will combine for the purpose of raising the price, or does the gentleman in addition to that have some other objection; and if so, what?

Mr. HUMPHREY of Washington. I have just tried to state that one objection is because there is nothing to prevent combination of the wireless companies, and the other is that it compels vessels on several different routes to be equipped with wireless telegraphy where there is no need for it.

Mr. COCKRAN. What is the alternative to adopting this bill? Would it leave these ocean-going vessels carrying passengers without any wireless system at all being required of them?

Mr. HUMPHREY of Washington. If this is not adopted, as I understand, there is no law now to compel them to use it.

Mr. COCKRAN. The gentleman is opposed to this because the measure is defective in some particulars. Would he be willing to defeat all legislation of this character and leave the ocean-going public without the safeguards provided by this measure because the bill is not perfect?

Mr. HUMPHREY of Washington. No; I would perfect the bill. I would have a bill reported that covers the situation and pass it.

Mr. COCKRAN. The gentleman does not think that there is any chance of doing that, does he?

Mr. HUMPHREY of Washington. I do not know why.

Mr. COCKRAN. There is a why and a wherefore.

Mr. HUMPHREY of Washington. I do not understand why we can not pass a bill correctly drawn, as well as one that does not contain what the House desires.

Mr. HOLLIDAY. I would like to ask the gentleman if it is true that there are ships that ply along the Alaskan coast and the Florida coast and do not go outside.

Mr. HUMPHREY of Washington. Yes; there are several such vessels. Mr. Speaker, I now reserve the balance of my time, and I will yield to the gentleman from Illinois.

Mr. MANN. The gentleman in favor of the bill is entitled to explain it, I think.

Mr. GREENE. Mr. Speaker, I yield three minutes to the gentleman from Ohio.

Mr. DOUGLAS. Mr. Speaker, while I am to some extent responsible rather for the form of this bill than for its general

policy, I have no doubt whatever in my own mind that the time has come in the development of radio or wireless telegraphy when Congress should require such vessels as are described in this bill to be equipped for its use. The whole coast of the Atlantic and the Gulf, as well as our Pacific coast, is now equipped with radio-telegraphic stations, which makes it possible for ships during the whole of any coastwise trip to communicate with the shore if they are equipped with this radio-telegraphic apparatus.

So I believe that the time has come when the Congress of the United States should require, as this bill does, vessels certified for carrying 50 passengers or more and running 200 miles (which, by the way, would exclude vessels in the inner key routes of Florida spoken of by the gentleman from Washington) to be equipped with this apparatus.

It will be seen that the bill is purely a penal bill; that its first section substantially defines the duty of equipping the vessels with this telegraphic apparatus and rendering it unlawful if they do not, while the second section defines the penalty. The penalty, it will be observed, is not more than $3,000 and not more than one year, leaving the minimum amount of fine or imprisonment entirely at the discretion of the judge.

But there is one thing more I do want to call attention to in the time allotted me, and that is that the committee left out section 3 of the old bill, which gives the Secretary of Commerce and Labor the right to remit or mitigate the penalty. I hope that that provision will not be carried any longer in any bills relating to navigation. I believe it is an absolutely vicious provision, and the penalty ought to be so arranged as to do without it. With the general provisions of this bill I am in hearty accord.

Mr. GREENE. Mr. Speaker, I now yield to the gentleman from New York [Mr. GOULDEN] three minutes.

Mr. GOULDEN. Mr. Speaker, I think no one questions for a moment the necessity for some legislation of this character. Our committee had many hearings and numerous sessions, and this bill, after careful deliberation, is the result. The objection that my friend from Washington [Mr. HUMPHREY] makes simply applies to some few vessels plying along the Pacific coast north of Seattle.

Mr. DAWSON. Will the gentleman yield?

Mr. GOULDEN. I will yield to the gentleman.

Mr. DAWSON. Would the terms of this bill, "if vessels engaged in intercontinental traffic," go to the greyhounds of the ocean that travel between the United States and foreign countries?

Mr. GOULDEN. Yes; certainly. Out of the foreign vessels, 110 of them, about one-half, are now equipped with proper apparatus and are able to communicate. There are a great many foreign vessels, however, bringing steerage passengers here that have no equipment of that character. They should be compelled to do so to protect human lives aboard. Among American vessels we find 127 equipped with this apparatus, 4 being on the Great Lakes. The reason that the latter are not included in this bill is because there are no stations, or very few, on the shores of the Great Lakes, so that a system of this character would be almost useless. At any rate, the committee thought it not so necessary there as on the ocean.

There is no doubt but that it is necessary to compel vessel owners who are guilty of indifference or negligence in this matter to equip their vessels with the necessary radio-telegraphic instruments and a competent operator. There are first-class seagoing vessels and coastwise steamers that are now properly equipped, but there are a number of others that have been neglected, either through carelessness or indifference. The case with the *General Slocum*, in New York Harbor, where the equipment in other ways was bad and inadequate, was simply that the law was not sufficient or well enough administered to compel them to use the required equipment for the safety of its passengers. As a result, more than 1,000 lives were lost on that terrible June day, 1904. In this connection, I find that the question of monopoly or combine was thoroughly thrashed out by the committee.

Mr. Wilson, of New York, the president of the United Wireless Telegraph Company, a well-established and efficient institution, at the hearings said:

> There are the Massie people, the International Company, the so-called "Slaby-Arco," and the Stone people. I do not know but there are more than that. Here is a list of them: Marconi, the United Wireless, the Fessenden, the Massie, and the Colliers.

All efficient and ready for use.

He further stated that there was no combination, either actual or contemplated, among these companies.

On this subject I ask unanimous consent to insert as a part of my brief remarks the message of the President, and to express the hope that the pending bill (H. R. 27672) will pass, as it is in the interest of human life.

The SPEAKER. Is there objection?

There was no objection.

THE PRESIDENT'S MESSAGE.

To the Senate and House of Representatives:

Your attention is invited to recent events which have conclusively demonstrated the great value of radio-telegraphy, popularly known as "wireless" telegraphy, as an instrumentality for the preservation of life at sea.

While the honor of the first practical application of the scientific principles involved may belong to another country, it is gratifying to know that our inventors have been quick to seize upon and develop the idea, and that several systems of approved scientific merit and commercial practicability have been put into operation in the United States.

Furthermore, through the liberality of Congress and the intelligence and industry of the Navy Department, our Atlantic, Gulf, and Pacific coasts are equipped with a chain of shore stations, designed primarily for the national defense, but capable of receiving and transmitting messages by any of the systems of wireless telegraphy now in general use. Even our distant insular territories and Alaska are so equipped.

So far as our own country is concerned, steps have thus been taken effectually to prevent the establishment of a monopoly in the practical use of the new applied art.

I deem it highly desirable that the Congress, before adjournment, should enact a law requiring within reasonable limitations, as determined by what the Government of the United States has already done, and by what prudent and progressive shipowners have already found practicable, that all ocean-going steamships, carrying considerable numbers of passengers on routes where wireless installations would be useful, should be required to carry efficient radio-telegraphic installations and competent operators. The subject is now under consideration by the Congress, and I am advised that legislation to effect the same general purpose is also under consideration abroad.

Our interest in its enactment is keen on account of the great number of steerage as well as cabin passengers who annually arrive at and depart from our ports. What we have already done along practical lines warrants the United States in being first among nations to enact a statute requiring the use of this safeguard of human life.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1909.*

Mr. HUMPHREY of Washington. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has fourteen minutes.

Mr. HUMPHREY of Washington. I yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, sympathetic legislation is often dangerous. Everybody sympathizes with the desire to save human life, and if the various steamship companies are not now in the main equipped with wireless telegraph apparatus, it might be proper to pass this bill. But the large steamers are already equipped with wireless telegraphy. Now, here is a proposition to require every steamer which carriers 50 passengers, whether it be a freight steamer or a passenger steamer, to equip itself with wireless telegraph apparatus.

There are only two or three companies that can be utilized. It is the easiest thing in the world to make a combination. There is absolutely no restriction as to the cost to which vessels shall be put and no restriction as to the cost of messages when they are to be transmitted. It seems to me that when we pass a bill covering this subject we ought to cover the wireless telegraph subject. We ought to provide in reference to the use of the wireless telegraph on shore which now prevents the catching up of half the messages that are sent. We ought to limit the cost which these companies can charge a freight steamer or a passenger steamer, and then we ought to limit the cost which they can charge to a passenger when transmitting for him a message. Here we require certain things to be done, a patented device to be used, with no limitation on the power to combine and to make a charge. It seems to me preposterous.

Mr. DOUGLAS. Will the gentleman yield for a question?

Mr. MANN. Yes; for a question.

Mr. DOUGLAS. Does not the gentleman think that without regard to whether a vessel is called a passenger or a freight steamer, if it is certified to carry 50 passengers and does carry them, as this bill says, it ought to be equipped without regard to whether it is nominally freight or passenger?

Mr. MANN. I think that every vessel that sails the sea ought in some way to be equipped with some wireless instrument. I do not think that this bill accomplishes it in the proper way, nor do I think the bill is sufficiently considered. I have no criticism of the committee. The matter is a new proposition, and the Committee on the Merchant Marine and Fisheries promptly and properly considered the bill and reported it in. The committee of which I happen to be a member is still giving consideration to other bills on the subject. We had not thought we had learned enough of it to report in the bill. It seems to me that when we cover the cost we ought to make provision for these things. For instance, on a passenger steamer they now maintain the wireless telegraph for $1,000 a year after installation and furnish the operator. On a freight steamer they require the steamship to furnish the operator and still charge a considerable sum, so that it costs a freight steamer

now more to maintain the wireless telegraph for 50 passengers than it does the great big steamships with a thousand or more passengers. They can raise the rate just as high as they please, because when we provide that the steamship shall be fined if it does not make the installation, then they can put up a combination. Will they do it? Do the gentlemen know of any concerns in the country with power to combine that do not combine? Do the gentlemen know any two or three concerns in the country where Congress requires their instruments to be used who do not put up the price unless they are restrained from doing so by a limitation put upon the cost? There is no limitation here at all upon the cost, absolutely none, nor is there any limitation upon the cost of sending messages, and we all know that while these wireless companies are now asking for the passage of this bill the moment it is a law they will resist any desire or effort to regulate their charges.

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. I yield the gentleman two minutes more.

Mr. MANN. While we are requiring the use of their instruments, we ought to limit the amount of their charges. Why should we require a man wanting to send a message to pay the rate which these people choose to ask? To-day they furnish the messages to the ships free—that is, messages for the use of the ships—but does anyone think that the messages to the ships will be furnished free when the law puts a penalty on the ship if it does not have an instrument? This bill will put the shipping industry of the country absolutely at the mercy of two or three gentlemen, who may be very public-spirited, who may be exceedingly philanthropic and humane, but who will undoubtedly use every opportunity to make money for themselves. The bill ought to be recommitted to the committee; it ought to come back from it now, or at a future session of Congress, covering these points, restricting the amount that can be charged for the installation of the machinery, restricting the amount that can be charged for the maintenance and operation of it, and restricting and limiting the amount that may be charged for the use of it or for messages sent by passengers on the steamships.

Mr. HINSHAW. Mr. Chairman, even without this bill a large number of ocean-going steamers would finally be equipped with wireless telegraph. The competition among the greyhounds of the ocean is such that the great traveling public that pays good transportation rates would not travel on any other kind of a vessel, but there are a great many vessels that are not of this high class and character carrying steerage passengers for very low transportation rates that are not equipped and would not be equipped with these instruments, and it is necessary to compel them by law to be so supplied.

Now, as to the suggestion made by the gentleman from Illinois: The very thing that he says is not done by this bill is not done by the railroad rate bill, the appliance law we passed yesterday providing that certain kinds of appliances shall be used, and other laws that have been passed relating to the railroads of this country, and there is no place——

Mr. MANN. The gentleman is mistaken about that.

Mr. HINSHAW. And there is no place that we compel these companies to furnish railroad appliances of various kinds at any given price. I believe there would be objection to any form of bill that undertakes to force upon these vessels this kind of wireless telegraph, but if injustice occurs, if exorbitant charges are made and combinations appear within the next year, the Congress is fully able to take care of that matter when that situation arises. There are seven or eight different companies which engage in this business, and they are competitors. If by any chance they should combine and force up prices unduly, the Congress can meet the situation when it comes. I think it is a meritorious measure. We could not avoid all pitfalls and all troubles and objection that have been suggested. We could only suggest here a bill that will carry relief to most of the situations that occur in seagoing traffic.

Mr. GILL. Will the gentleman yield for a question?

Mr. HINSHAW. I will yield for a question.

Mr. GILL. I would like to ask the gentleman if this bill covers the radio-telephone?

Mr. HINSHAW. No; it does not, for the reason——

Mr. GILL. I would like to ask the gentleman if that should not also be taken in?

Mr. HINSHAW. I was one of those in favor of including the radio-telephone, but the evidence before the committee was almost overwhelming to the effect that the radio-telephone had not progressed sufficiently to make it proper or expedient to be included in this bill or to make it a vital proposition at the present time. When that system is perfected, as no doubt it will be, it can easily be taken care of by legislation. The radio-telegraph is in a present stage of efficiency so that it can be installed on all ocean-going vessels. General Uhler, Supervising Inspector-General of the Steamboat-Inspection Service, who appeared before the committee, advocated the putting of this upon every vessel—freight, passenger, steam, or sail vessels—whether they carried passengers or simply——

Mr. COCKRAN. Why did not they?

Mr. HINSHAW. Simply because at this stage of the proceeding it is almost impossible to reach a situation of that kind and compel every vessel, of small or large capacity, to put on this expensive service. It is almost impossible to compel every vessel now carrying no passengers to put up an installation that will cost a thousand dollars and initiate a service that will cost a thousand dollars a year to maintain.

The Members of the House, and the country, will understand that this is a new service, and that it was impossible for the committee preparing this bill to meet every possible case that will arise. No doubt further legislation will be necessary as the various systems of radio-communication are perfected. The startling disaster of the collision of the *Republic* and *Florida* has aroused not only this country, but other countries as well, to the necessity of having some efficient form of radio-communication on most vessels carrying passengers and eventually upon all.

This bill provides that a vessel carrying 50 or more passengers shall be provided with an efficient radio-telegraph. In navy and army circles the wireless telephone is now used to some extent with success, but the opinion of the naval officers indicates that the installation of this service on the fleet just now returning from around the world has not been such a success as to warrant us in compelling vessels to maintain it. When perfected the telephone will doubtless supersede the telegraph. It does not require an expert to operate; it is simpler and probably cheaper.

The Government of the United States has already established wireless stations along our seacoast. These stations receive messages from any and all of the various systems now in use. So far as your committee could ascertain, the seven or eight wireless systems now operating in this country are in competition for commercial business. If any combination shall hereafter be made by these various companies to raise prices of apparatus or charges for service, legislation can easily be enacted to protect the public, and it is probable that new systems would be so rapidly developed, because of the widespread use this marvelous system of communication is destined to enjoy, that prices of installation and maintenance are more likely to decrease than to rise.

There are at present in the United States, either partially or wholly equipped for services, five systems, to wit: The Fessenden, the United Wireless, the Massie, the Stone, and the Clark systems. In Germany the Telefunken system prevails. The Japanese vessels are equipped with the Teishinsho system. Denmark has the Poulsen. France the Branlypopp and the Rochfort. In England is the Lodge-Muirhead. In addition to these the United States Signal Corps has a system of its own, and there are various systems in embryo conducting experiments and perfecting appliances. Wireless telegraphy has already astonished the world, and yet we know it is but in its infancy. The possibilities of the development of wireless communication are limitless. The discoveries in new methods of communication and transportation are so marvelous that our imaginations can hardly conceive the changes that are destined in a few short years to take place, and which will affect the social, industrial, and political life of all the world.

Mr. COX of Indiana. Mr. Speaker, I regard this as one of the most important pieces of legislation offered for enactment by the Sixtieth Congress.

Mr. WALDO. Will the gentleman yield?

Mr. COX of Indiana. I would be very glad to, but I have only two minutes and I have not time to do so.

Mr. WALDO. I trust there will be some gentleman here who will yield to give us a little information on this subject——

Mr. COX of Indiana. There can scarcely be a bill presented upon the floor of the House but what there will be some objections urged against it. What are the objections waged against this bill this morning? For fear that the men who own the radio-telegraph instruments in the United States will unite and combine for the purpose of raising the price of these instruments. On one side that is an argument, placing the almighty dollar on one side of the ledger against the safety of human life on the other. I was one of the committee who firmly believed that this bill should provide that all steam vessels carrying passengers, or freight likewise, should be equipped with this kind of instrument, but, upon investigation, and particularly

from that stalwart gentleman who represents the city of Cleveland, I came to the conclusion it was premature at this time to incorporate a provision of that kind into this bill. The argument is further made that this is an inopportune time to legislate, for the reason that it is not well considered. Aye, Mr. Speaker, the very gentleman who is now opposing this bill upon this ground, I can refer him to the great Iroquois Theater fire, which occurred a few years ago in the city of Chicago, where 600 lives were lost, largely, if not entirely, as a result of the dereliction of duty of the people in power in the city of Chicago. Had the city authorities in the city of Chicago looked to the hanging of the doors before that direful calamity, and seen that the doors were hung so as to swing outward, the chances are largely in favor of the proposition that the many hundreds of women and children who were burned up in that holocaust would have been saved an untimely and unfortunate death. Again, I recall, and no doubt every Member here does the same, last winter when the city of Cleveland was overwhelmed by grief in the loss of more than 100 school children, brought about largely because of the fact that the doors to said school again swung inward instead of outward. The happening of these two catastrophes called attention everywhere to the existence of conditions, and no doubt led to sound and healthy legislation along these lines to improve conditions in the safety of human life. Shall we wait until thousands of human lives are actually lost at sea because vessels carrying passengers are not equipped with a proper radio-telegraphic instrument?

All because for fear if we pass this bill the owners of these instruments may raise their price to the shipowners. I say no. Humanity says no. Now is the time for us to act, and act at once, without delay, to the end that we may do something for the countless millions of passengers who annually cross and recross the great oceans and land at the various ports of the United States. Should an attempt be made to increase the price of these instruments our worthy Committee on Interstate and Foreign Commerce can easily take charge of the situation when this condition arises, if it ever does arise. The use of these instruments on passenger steamers has been going on for some time, with no evidence of any combination upon their part to increase the cost of the instruments to the shipowners. So far as I am concerned, I do not care if it does increase the cost to the shipowners. When I am called upon to decide between the safety and preservation of human life, on the one hand, and the distant fear of increase of cost on the other, I unhesitatingly cast my lot on the side of humanity. I hope the bill will pass and that it may become a law, and when it does it will be a monument of glory to the Congress enacting it.

Mr. GREENE. I would like to have the gentleman from Washington yield some of his time.

Mr. HUMPHREY of Washington. I yield two minutes to the gentleman from Ohio [Mr. KENNEDY].

Mr. KENNEDY of Ohio. Mr. Speaker, the object of this bill is all right, but I fully concur with the gentleman from Illinois [Mr. MANN] that hasty legislation of this character is apt to be ill-advised, and it seems to me that in one or two regards this bill is such. In the first place, I do not believe that the language limiting the appliances for communicating between vessels is well chosen. I do not know exactly what "radio-telegraphic apparatus" means; but in this age, when we are talking from one continent to another under the ocean, when crafts are sailing through the air, and when no man dare predict what may be or may not be in the near future, we certainly should not in a bill of this character limit and prescribe that ships should use any particular method of communication.

The telegraph is a wonderful thing. It may be better six months from now than anything known. So the committee in prescribing a particular appliance for communication has certainly closed the door against anything better that might be discovered in the near future. I am a believer in the doctrine that that government governs best which governs least, and I believe that all the ships carrying passengers will be compelled by the very circumstances that surround them to adopt some method of communication without compulsion and without criminal process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREENE. Mr. Speaker, I yield one minute to the gentleman from West Virginia [Mr. STURGISS].

Mr. STURGISS. Mr. Speaker, the last quarter of the nineteenth century and the opening years of the twentieth century have demonstrated beyond all the other years of history the supremacy of mind over matter. The mighty and often most terrible forces of nature have been subdued and not only stripped of their power for evil, but subjugated and harnessed, and have become benign instruments for helping to make life easy, attractive, and safe.

The most striking and recent illustration of this assertion was witnessed when two great ocean-going steamers, loaded with hundreds of people, the one nearing the conclusion of a 3,000-mile voyage, the other just leaving New York Harbor with a thousand pleasure-seeking passengers for a season's travel in the Mediterranean and the Orient, each all unconscious of the proximity of the other, till with a mighty crash in the darkness they were hurled against each other, dealing a deathblow to one vessel and inflicting great damage to the other, killing some passengers, and putting the lives of all in great peril. But mind, dominant over sea and darkness and distance, called aloud for help with the still, small voice of the radio-telegraph and told the tale of disaster and impending death and brought helping hands and words of cheer from scores of listening watchers.

One has truthfully said "the undevout astronomer is mad," who, having contemplated the stupendous magnitude of the solar systems that light our midnight skies, the enormous numbers of revolving suns and satellites, and the perfect harmony that holds each in his orbit and place, can see no divine supernatural power and wisdom displayed in all this mighty creation.

But the power and wisdom and beneficence of that Being who holds the firmaments in the hollow of His hand are no less plainly shown in the adaptation of mind to matter in this workaday world as in the heavens above; and the scientist who thoughtfully studies the qualities and properties, often occult and mysterious, that are inherent in matter, and considers the powers of the mind of man to discover and reveal them and apply them to his everyday uses and can see no God in it all, is undevout and mad. There are 10,000 inventions and discoveries that have so long been used that we regard them as commonplace and no longer marvel at them that illustrate the truth just stated.

The magnetic needle, the steam engine, the ocean greyhound, the railway locomotive, the telegraph, the submarine cable, the telephone, the phonograph, electric lighting, heating, and power, the natural gases, noxious and highly explosive, piped into our homes, furnaces, and factories, to give light and heat and power, are but a few illustrations of the nine days' wonder grown commonplace and prosaic. But each is proof of the fact that the mind of man, when stimulated by cupidity, curiosity, benevolence, or necessity, finds every form of material things endowed with or possessing inherently the property, quality, or characteristic that man needs in his operations and which he would give to matter if he possessed the power.

He wanted the magnetic needle, and found the loadstone; he needed the transparent glass, and with opaque sand and alkali he made the crystal lens; he wanted mechanical power to do his work, and found it in the energy of expanding steam, and so built his engine and steamship and locomotive; he wanted the metals with all their differing qualities of ductility, malleability, hardness, and temper, and found them in the ores and stones; he needed fuel for light and heat, and found it in coal and oil and gas; he worshiped in fear the lightnings of heaven till he had measured this most terrible and apparently most refractory element, but when his brain had mastered it, he found it possessed of the most varied and valuable properties; it became his messenger, outstripping Mercury, the winged god of the ancients; on land and under sea instantaneously it responded to his thought and touch; from it he derived light for his home and shop and street, and electricity made night as bright as the noonday; he grew tired of steam as a motive power and harnessed the lightning to his car; and needing a heat more intense than any fuel could produce, found it in the electric arc. He found this element was all about him, harmless and unnoticed in equilibrium, like the air we breathe, but like the air, which disturbed in its equilibrium, becomes the mighty tornado, destroying life and property, only a thousandfold more terrible and quicker in its death-dealing and property-destroying power.

He devised the dynamo, like a great ventilating fan, gathering in the electric element, disturbing its equilibrium, and sending it out in mighty impulses over the wires to do his bidding. He found he must have a good conductor to transmit and control the electric current, and found in copper and aluminum just the quality or characteristic needed, but at the same time he found that absolute nonconductivity was just as essential in order to insulate his wires and handle this fearful genius with safety, and in glass, porcelain, and hard rubber he found or created from crude materials the most perfect nonconductor.

And so far as the mind has explored the realm of nature, man has found the former dominant over matter and natural forces,

and the latter everywhere responsive with the properties and qualities and characteristics that he needs.

Can it be that all this is chance, a mere fortuitous combination of elements, but always, when properly understood and applied, working for the good of humanity? Rather does it prove beyond all reasonable doubt that an all-wise, all-powerful, and always beneficent God reigns not alone in the invisible and visible heavens, but on and in the earth and the elements thereof and in the heart and brain of man.

What heart was not touched and eye moistened and love to man and praise to God stimulated when the account of the rescue of over sixty score passengers and half as many of the crews of the ill-fated *Republic* and *Florida* was first read a few days ago? Out of the darkness of fog and night came the sudden and awful collision that gave the death wound to one vessel and for a season paralyzed the other, giving promise of a fearful harvest of death. But here came a miracle of human genius and the application of the property of electricity and of the air to transmit for hundreds of miles the call of distress to all the listening ears on ship and shore that might be equipped with the newest device and discovery by man that wires are not needed to transmit thought and words, but that God's ether, ever around us, is ever ready to respond to man's call to his fellow-man in distress and in defeat, and in joy and in triumph.

Marconi, the inventor and discoverer, joined with Binns, the practical operator, in bringing speedy aid by friendly hands out of the darkness, from ship and shore, and in receiving words of cheer and encouragement for those waiting in suspense and dread. If man's inhumanity to man has caused countless thousands to mourn, nevertheless in these modern and, let us hope, better days, man's love of humanity and his dominion over the forces of nature have brought life and hope and happiness, as well as peace and prosperity, to millions in every land and every field of human activity. But let not our jubilation and emotions evaporate in speech, but let us give practical expression to them by voting for this bill, which requires every ocean passenger steamer embraced in the description in the bill to be equipped with efficient apparatus and a skilled operator that shall enable each vessel to keep in actual communication with every other like vessel and with each shore from the time she leaves port till she reaches her destination, and so diminish the dangers and lighten the solitude of those who sail the ocean and encounter the perils of the great deep.

Mr. GREENE. Mr. Speaker, I yield a half minute to my colleague from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Speaker, the subject before the House is one of great interest to me, and I have introduced a bill which, in effect, is the same as the measure which we are considering to-day. Limited time for debate prevents my going into the reasons and prevents me from having the opportunity to answer some of the objections that have been made. In view of that fact, I do not care to go into the discussion, but I ask unanimous consent to print in the RECORD my remarks on this subject.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STURGISS. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREENE. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has six and one-half minutes remaining.

Mr. GREENE. Mr. Speaker, I desire to say just a few words and yield to the gentleman from Pennsylvania [Mr. BURKE] to close the debate. It has been said by different Members in opposition to the passage of this bill that we are forcing these companies to put the radio-telegraph system upon their vessels. I think we are doing right when we do so, and I desire to call attention to the facts concerning two steamers which arrived in Boston on the 9th instant, one of them having first-class passengers and being fully equipped with everything necessary to preserve human life, including a radio-telegraph system. The other steamer carried a very large number of steerage passengers, and had more than twice as many passengers as the steamer first referred to, and it had no equipment such as is required by the terms of this bill. There is no reason why steerage passengers should not be supplied with every possible accommodation, and certainly with every modern improvement for the preservation of human life. Everyone knows that steerage passengers are profitable to the steamship owners. They occupy but very little space, they eat but very little food, and they come in large numbers. Owners of passenger steamers can not be excused on account of the question of the expense required by this bill from making the necessary provision for the preservation of human life.

Mr. HUMPHREY of Washington. Mr. Speaker, I shall say but a few words more. This bill strikingly illustrates what the gentleman from Illinois has said—that it is dangerous to legislate out of sympathy. And I think enough has been shown to the House that they agree with the gentleman from Illinois [Mr. MANN] that this bill should go back to the committee and a proper bill reported. We reported this bill which provides that every steam vessel within a year shall be equipped with wireless apparatus. We do not limit the companies as to what they shall charge for the equipment; we do not limit them to what they shall charge the public for sending messages. The only answer to the gentlemen who are in favor of this bill have made to these statements is that we can correct it by legislation hereafter. Now, it seems to me that when we are granting this power, when we are compelling vessels to equip themselves with wireless apparatus, is the time to make these restrictions. As the gentleman from Illinois has well said, pass this legislation, and the very moment we attempt to restrict them in any way these companies will be here opposing it. We have no assurance that the present prices will continue.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question?

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. STEPHENS of Texas. Is it not a fact that this legislation is on all fours with the legislation for this city and a great many others, requiring fire escapes to be placed on hotels?

Mr. HUMPHREY of Washington. I do not think so.

Mr. STEPHENS of Texas. Can not you pass legislation of this kind in that way?

Mr. HUMPHREY of Washington. It is not the same as a law compelling equipment with fire escapes. This allows the companies owning these vessels to be charged by the wireless companies so much by the year, and there is no limit as to the charge the vessels may have to pay.

Mr. STEPHENS of Texas. There are a great many patents on fire escapes and railroad appliances, and it is made the duty of railroads, under the law, to select the best appliances. Why should not the railroads select the best appliances?

Mr. HUMPHREY of Washington. A fire escape is not a patented arrangement and not under the control of two or three companies.

Mr. HUBBARD of West Virginia. Is it not true that instead of the arrangement that the wireless company, at its expense, furnish the operator to passenger steamers that this bill transfers that burden to the ship, without any relief?

Mr. HUMPHREY of Washington. So far as this bill is concerned, the company furnishing the apparatus can do as they please. The only restriction is to compel every vessel to equip itself with this apparatus within a year.

Mr. HUBBARD of West Virginia. And also provide its own operator, which now the ship is not required to do.

Mr. WILSON of Illinois. Does the gentleman from Washington know of any law that has been passed through Congress which provides that the company selling a certain article for such consumption as this has to put a price upon it? Does he know of any railroad safety-appliance law which Congress has passed since the gentleman has been a Member in which it ever put any price on the appliance of any company supplying it?

Mr. HUMPHREY of Washington. I do not know. I am not qualified to answer that question. But I do know in this particular case where the power to fix the price rests. It rests with these wireless companies. I think there are seven reported, but only two or three, in fact, can furnish the equipment.

Mr. WILSON of Illinois. I want to know if the gentleman knows any law passed by Congress restricting the price of any product that should be consumed under that law.

Mr. MANN. What has the gentleman to say about the gas proposition?

Mr. WILSON of Illinois. I am talking about patented appliances.

Mr. GREENE. I yield the balance of my time to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. I yield to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER of Missouri. Mr. Speaker, the bill H. R. 27672 is very simple and easily understood. It provides that it shall be unlawful for any ocean-going steamer certified to carry, or carrying, 50 passengers or more, to engage in the business of carrying passengers or to carry passengers between

ports 200 miles or more apart unless equipped with an efficient radio-telegraphic apparatus, in charge of a person skilled in the use of such apparatus, with suitable penalties for the violation of the law. It was necessary to place some limitation in the law as to the steamers to which it should apply. The committee, in view of the fact that this is a new invention, and not wishing to impose any hardship on the shipping interests, thought it wise to limit the law to those vessels carrying 50 passengers or more. Then, again, the question came up for consideration as to whether or not the law should apply only to seagoing vessels or should include traffic on the Great Lakes. The committee were also called upon to consider whether or not the radio-telephone as well as radio-telegraph should be included in the bill. The bill was not made to apply to radio-telephone communication for the reason that the hearings disclosed that the radio-telephone is not of proven efficiency at greater distances than 25 miles. Indeed, there was testimony that 12 miles is the present limit. Hence it became apparent that it would have been unwise for the bill to provide for radio-communication, as it would have left it to the vessel owner to install the radio-telegraph or radio-telephone, and in the opinion of the committee the radio-telephone under its present limitations would not meet the needs of the service.

The committee had in view primarily the trans-Atlantic service, although the bill applies as well to steamers engaged in the coastwise trade. It was our purpose to provide for a service that would be effective on the high seas and at great distances. The wireless telephone would be of little or no value if an accident should occur to a vessel more than 25 miles distant from another vessel, although the other vessel should be provided with radio apparatus, or at a greater distance than 25 miles from a wireless station on shore. In the case of the recent disaster to the steamer *Republic*, radio-telephones would have been of little or no value, and having in mind the limited area in which the radio-telephone now has any possible value, the committee wisely, I think, excluded its use from the provisions of the bill. Science and invention are making rapid strides in the development of the radio-telephone, and the time may come in the near future when its efficiency may be as great as the wireless telegraph service. When that time comes it will be an easy matter to extend the law to include the radio-telephone, and we will welcome that time, as it will not then be necessary to keep an expert operator aboard ship to operate it, as is true of the radio-telegraph.

Radio-telephones were installed on our battle ships prior to their departure on their world voyage. We took particular pains to inquire of a representative of the Navy Department who appeared before the committee if the service had proven satisfactory even as a means of communication for short distances, and he stated that it had not, and this was an additional reason why we did not include this service in the bill.

The bill was not made to apply to the Great Lakes for several reasons, the main one being that there are now only three or four wireless stations on the Great Lakes, and they are under private control, whereas the Atlantic and Gulf and Pacific coasts are provided with government wireless stations, and hence are free from private control.

Again, the need is not pressing. The trips on the Great Lakes are short, we are told, and the steamers rarely out of sight of land except for brief intervals, and relief generally near at hand and within call by the distress signals now in use.

Great emphasis has been given by some to the objections that the bill does not safeguard the vessel owner and the public against extortionate charges for the service, and that the bill should limit the cost of installation and the rates to be charged for wireless messages.

It is enough to say that this method of communication is yet in its infancy; it is scarcely more than 8 years old, and it is only recently that the service has been reduced to a commercial basis. New discoveries and inventions are occurring rapidly, which tend to cheapen the cost of the apparatus as well as of the service, and it would be impracticable now to frame a law to regulate the price that manufacturers should charge for the apparatus or the cost of the service.

Although the Interstate Commerce Commission was created more than twenty years ago, it has not yet been given the power to regulate the rates that may be charged by railroad, telegraph, and express companies engaged in interstate business, and it was not thought sufficient reason why the safety-appliance law should not be enacted that it did not limit the price that manufacturers might charge for the appliances, although the inducement offered to manufacturers to combine was as great or greater than is the inducement for manufacturers of radio apparatus to do so. It might be well enough to remind the gentlemen who have urged this objection with so much zeal that our antitrust laws apply with equal force to such a combination as they apprehend may be formed should this bill become a law as to any other trust or monopoly, and while the committee would have been glad to relieve the shipping interests of this danger, yet, for the reasons that I have stated, we do not regard it practicable to do so at this time. But the committee took a wider view of the matter than simply the one involving dollars and cents. We thought the safety of human life of paramount importance. When we contemplate the appalling loss of life on the high seas in the past, the committee should be excused if in our desire to mitigate the perils of the sea we do not present to the House a bill as perfect and comprehensive in its provisions as time and the future developments of science and invention may make necessary.

This bill was framed to better secure human life, and if its enactment into law results in greater safety to those who travel the seas our object in some measure will have been accomplished and the author of the bill will earn for himself the gratitude of mankind.

Mr. BURKE. Mr. Speaker, one astonishing feature of this discussion is the statement that comes from the gentleman from Illinois [Mr. MANN] with respect to the character of this legislation, the assertion that it is sympathetic. The very fact that the father of the pure-food bill, upon which rests his fame in this land, should rise in his place in the halls of Congress and suggest that it is proper to oppose legislation because it is of a "sympathetic" character is so preposterous that it furnishes its own answer.

Now, in the first place this is a humanitarian proposition. As to the statement that only two or three companies are engaged successfully in the operation of these instruments, I believe the gentlemen who make them are not correctly informed. There are at least seven companies now in existence successfully operating the instruments or appliances which would be within the province of this act.

The names and field of operations covered by them appear from the following table, furnished me by Commissioner Chamberlain, of the Bureau of Navigation:

RADIO-TELEGRAPHIC SYSTEMS.

MARCONI.

The first practical system in the field. The first Marconi British patent was applied for on the 2d of June, 1896, and accepted on the 2d of July, 1897.

DE FOREST.

American in origin; acquired in Great Britain, and it is said for all parts of the world except North America, by a British company.

FESSENDEN.

American.

LODGE-MUIRHEAD.

British, both as regards invention and ownership. First patent applied for 10th of May, 1897; accepted 10th of August, 1898.

TELEFUNKEN ("FAR SPEAKING").

German; an amalgamation of the systems of several different inventors (Slaby, Arco, Braun, Siemens).

ROCHFORT.

French.

BRANLY POPP.

French.

POULSEN.

Danish; a recent invention, the rights of which for all parts of the world have also been acquired by the Amalgamated Radiotelegraphic Company.

SHOEMAKER.

American.

MASSIE.

American.

COMPANIES OPERATING IN UNITED STATES.

Vessels in trade with the United States are now equipped with installations furnished by companies using the following systems:

1. Marconi.
2. United Wireless (which is a combination of the De Forest and Shoemaker systems).
3. Fessenden.
4. Massie.
5. Stone (relatively new company).
6. Colliers (a relatively new company).

It is also possible that some vessels in trade with the United States may be equipped with the Telefunken (German), Poulsen (Danish), or some of the other systems.

Mr. WALDO. I should like to ask whether the shipping interests of New York have been consulted on this?

Mr. BURKE. The shipping interests of New York have been consulted, and on the very day that the measure under discus-

sion was proposed the directors of the Produce Exchange of New York City, by a unanimous vote, indorsed the measure. Subsequently the president of the Maritime Association of New York, Mr. Norman, communicated with the committee through a New York Representative [Mr. BENNET], stating that he did not find on the floor of the exchange one dissenting voice, and he said: "I trust our entire New York delegation will lend their best endeavors to have the law enacted at this session."

Its expediency is also evidenced by the following letter written to the gentleman from Massachusetts [Mr. GREENE] after we had revised the bill:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF NAVIGATION,
Washington, February 4, 1909.

SIR: In view of the suggestion of your committee that Mr. BURKE of Pennsylvania confer with the Commissioner of Navigation and the Supervising Inspector-General, Steamboat-Inspection Service, for the purpose of suggesting such amendments or revision of the bill heretofore introduced by Mr. BURKE in order to make the same as practicable and as efficient as possible, all things being considered, we beg to state that the revision made and incorporated in the bill, which will be presented by Mr. BURKE in substitution, meets our hearty approval, and we believe it will accomplish more nearly than any other legislation suggested the purposes in view.

Respectfully,

GEO. UHLER,
Supervising Inspector-General Steamboat-Inspection Service.
E. T. CHAMBERLAIN,
Commissioner of Navigation.

To the Hon. WM. S. GREENE,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

Now, as to the necessity of this legislation, Mr. Speaker, there are now in round numbers practically one-half the vessels that would be affected by it already complying with it. During the last year there were coming into the United States ports from foreign countries 149 ships, with a capacity of 182,144 passengers, which ships were equipped with the wireless instruments. There were entering these ports from foreign countries 97 foreign ships not equipped and having a capacity of 135,749 passengers. There were also 19 American vessels which were equipped, mainly on the Pacific Ocean, and having a very large passenger capacity. There were also 33 American ships engaged in the foreign trade not equipped. So that, speaking generally, one-half the vessels to which this legislation would apply are already equipped, and one-half are not.

Now, as to the necessity of the legislation and the question of a possibility of a monopoly arising, that is completely answered by the legislation enacted by the last two Congresses, introduced by gentlemen on this floor. There is no more possibility or probability of monopoly in the wireless business than there is in any other, as the antitrust laws enacted by past Congresses would apply to it just the same as to other monopolies. Its importance to humanity is so great that I trust its enactment to-day will result in America leading the world in this commendable field of human endeavor, as she has always done since the establishment of the Republic.

Mr. McDERMOTT. Is it not a fact that the Western Union-Postal Telegraph Company did agree less than two years ago to raise its rates from 20 to 60 per cent, and is it not a fact that if you want to send a wireless message you will have to send it by this one combination, and did not Commissioner Neill to-day make the statement that the operators' wages are lower now than they were in 1883?

Mr. BURKE. That question is irrelevant.

The SPEAKER. The time of the gentleman has expired.

Mr. GREENE. I ask unanimous consent that Members who have spoken on the bill be given leave to extend their remarks in the RECORD.

There was no objection.

Mr. HITCHCOCK. I ask unanimous consent to present an amendment to be inserted on page 2, line 17, after the word "apparatus," "to cost no more than the prices now prevailing."

The SPEAKER. That amendment can be considered only by unanimous consent. Is there objection to the amendment?

Mr. FOSTER of Indiana. Reserving the right to object——

The SPEAKER. The time for debate has passed. The Clerk will again report the amendment.

The Clerk read the amendment again.

The SPEAKER. Is there objection?

There was no objection.

The question being taken on suspending the rules and passing the bill with the amendments, the Speaker announced that in his opinion two-thirds had voted in the affirmative.

Mr. COCKRAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COCKRAN. What is the motion—to amend the bill or pass it?

The SPEAKER. The motion is to agree to all the amendments, including the last one, and pass the bill. It is all one motion.

Mr. MANN. Let us have a division.

The House divided; and there were—ayes 91, noes 23.

Accordingly (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 95.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France.

Senate concurrent resolution 90.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey, with the view to obtaining a uniform depth of 10 feet in the inland waterway between Fernandina (Fla.) Harbor and the St. Johns River, and to report, together with an estimate of the cost of the project.

Senate concurrent resolution 91.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the St. Johns River, Florida, between Jacksonville and the ocean, with a view to obtaining a depth of 30 feet at mean low water.

Senate concurrent resolution 93.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Smiths Creek, North Carolina, with a view to the removal of obstructions and deepening the channel thereof from its confluence with the Neuse River to the head of navigation on said Smiths Creek.

Senate concurrent resolution 94.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Swift Creek, North Carolina, with a view to removing obstructions and deepening the channel thereof from its confluence with the Neuse River to the head of navigation on said Swift Creek.

Senate concurrent resolution 92.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6891) for the relief of Maj. G. S. Bingham.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bills of the following titles, when the Speaker signed the same:

H. J. Res. 234. Joint resolution to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind.;

H. R. 21560. An act to provide for circuit and district courts of the United States at Gadsden, Ala.;

H. R. 23473. An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming;

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C.

H. R. 21926. An act for the organization of the militia in the District of Columbia;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;"

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large;

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona;

H. R. 18487. An act for the relief of Charles H. Dunning;

H. R. 25552. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907; and

H. R. 25805. An act to reenact and to amend sections 3646 and 3647 of the Revised Statutes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3969. An act to amend the laws of the United States relating to the registration of trade-marks;

S. 8510. An act to extend the time of payments of certain homestead entries in Oklahoma;

S. 9295. An act in relation to the salary of the Secretary of State;

S. 8254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors;

S. 8898. An act granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors; and

S. 1574. An act to create the Calaveras Bigtree National Forest, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. J. Res. 234. Joint resolution to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Bedford, Ind.;

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C.;

H. R. 21560. An act to provide for circuit and district courts of the United States at Gadsden, Ala.;

H. R. 23473. An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming;

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions were taken from the Speaker's table and were referred to their appropriate committees, as indicated below:

S. 8441. An act to authorize the Secretary of the Interior to cause to be surveyed any unsurveyed lands belonging to the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

S. 6971. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville prison land, in the State of Georgia—to the Committee on Military Affairs.

S. 6935. An act for the relief of the Merritt & Chapman Wrecking Company—to the Committee on Claims.

S. R. 127. Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.—to the Committee on Military Affairs.

S. R. 128. Joint resolution authorizing the Secretary of War to donate four condemned cannon to the county of Warrick, in the State of Indiana—to the Committee on Military Affairs.

Senate concurrent resolution 94.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Swift Creek, North Carolina, with a view to removing obstructions and deepening the channel thereof from its confluence with the Neuse River to the head of navigation on said Swift Creek—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 93.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Smiths Creek, North Carolina, with a view to the removal of obstructions and deepening the channel thereof from its confluence with the Neuse River to the head of navigation on said Smiths Creek—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 91.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the St. Johns River, Florida, between Jacksonville and the ocean with a view to obtaining a depth of 30 feet at mean low water—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 90.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey with the view to obtaining a uniform depth of 10 feet in the inland waterway between Fernandina (Fla.) Harbor and the St. Johns River, and to report, together with an estimate of the cost of the project—

to the Committee on Rivers and Harbors.

ADDITIONAL COTTON STATISTICS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 231, authorizing the Director of the Census to collect and publish additional statistics.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, in addition to the cotton reports now being made by him, statistics of stocks of baled cotton in the United States, to be summarized as of November 1, December 1, January 1, and March 1.

The following committee amendment was read:

In line 7 strike out the words "December first."

The SPEAKER. Is there objection to present consideration?

There was no objection.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEVER, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

PROTECTION OF RIGHTS OF SURFACE ENTRYMEN.

Mr. MONDELL. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 24834) for the protection of the rights of surface entrymen, as amended by the committee amendments, and, with an amendment which I send to the desk, to suspend the rules and the bill be passed.

The SPEAKER. The gentleman from Wyoming moves that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which the Clerk will report, with the committee amendments and the amendment as a substitute, and the bill be passed.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who has in good faith heretofore located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: *Provided*, That the owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit: *Provided further*, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him, and to a patent without reservation if the land shall be determined not to be chiefly valuable for coal, or to abridge or deny the right of any entryman who has earned a title to the land covered by his entry to a patent without reservation.

The SPEAKER. Is a second demanded?

Mr. GRONNA. I demand a second.

Mr. MONDELL. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from North Dakota to twenty minutes.

Mr. MONDELL. Mr. Speaker, I think I can best explain the purposes of this bill by reading from the report which I made on the bill:

"The necessity for this legislation arises from the fact that it is often difficult for an entryman, settler, or locator under the nonmineral laws to determine at the time of his location or entry as to the coal or noncoal character of the lands he locates, because the occurrence of thin strata of coal or of considerable bodies of low-grade lignites on land does not necessarily take it out of the class of lands that can be located and acquired for agricultural purposes or under the nonmineral, land laws, and, further, because coal may occur in quantities at a considerable depth beneath the surface of the land without there being anything on the surface or in the locality to indicate the presence of such a deposit.

"Therefore, nonmineral entrymen have in many cases, in perfect good faith, gone on lands which contain thin veins of coal, or coal of low grade and not of merchantable quality, or which was, unknown to him, underlaid at some depth by considerable coal veins, and in many cases lands of this character have been patented under the agricultural-land laws.

"In various parts of the West, particularly in western North Dakota and eastern Montana, and to a lesser extent in South Dakota and elsewhere, there are very large areas of very low-grade lignites. These, particularly in certain portions of the areas, are of but very little value, except for fuel for domestic purposes on or in the immediate vicinity of the lands, and for years these lands have been homesteaded and patented without a thought on the part of anyone that they contained valuable coal. Some portions of these fields, however, contain coal that is of somewhat better quality, and in several Western States, notably Colorado, Wyoming, Utah, and Montana, are coal areas where the coal is of a better quality, but where the surface indications do not point to coal deposits of value and nonmineral entrymen have in many cases in good faith made locations.

"In July, 1906, and later, very large areas of land were withdrawn from entry on the theory that they contained coal or that they were within known coal areas. Later these orders of withdrawal were modified so that such of the lands as were in fact noncoal lands might be entered, and in 1907 the Geological Survey began an investigation of the coal area in various Western States for the purpose of determining the character and extent of the deposits, and of classifying the coal lands for the purpose of fixing a schedule of prices for the same.

"About the same time the General Land Office adopted the policy of placing under suspension all nonmineral final certificates which had been issued on lands within areas believed to contain coal, and has declined to issue patents on the same pending the ascertainment whether such lands were known to contain coal prior to the issuance of final certificate. Two thousand seven hundred and seventy-one such tracts entered under the homestead and desert land laws are now held in suspension. Since the coal land withdrawals no final certificates in the regular form have been issued on final proof on homesteads and desert entries within areas embraced in coal withdrawals or reported as coal lands, a special form of receipt for the money paid being the only evidence of title given to the entryman.

"A search of the public-land records indicates that 11,688 original homestead and desert entries are of record within known or reported coal areas, or areas which have been withdrawn as coal land. Since the investigation and classification of coal lands began and up to January 9, 1909, the special agents of the General Land Office had made investigation and submitted report on 3,240 entries and selections of all kinds reported as coal lands, and they have reported 943 of these as coal lands and 2,297 as having no coal, or as not having coal of a quality or value sufficient to prevent entry under the nonmineral-land laws.

"From the above it will be seen that there are in the neighborhood of 19,000 cases which might eventually be somewhat affected by this legislation. However, as the final entries are only about one in five of the original entries, the number of original entries which might be affected is probably much less than the total of such entries. Further, in the case of the first class of entries mentioned the question being not as to the coal character of the land, but as to whether the land was known to contain coal at the time of or prior to final proof, the number of these cases which would be affected might be comparatively small, and in cases where proof has been made and no certificate issued, many entrymen will no doubt be able to prove the noncoal character of their land; but, making due allowances for all these exceptions, it is clear that a large number of entries must be directly affected by the legislation, and that if no legislation is had the entryman will in many cases lose all his rights in the land claimed and improved by him.

"In a large number of cases a hearing would probably result in the land being declared by the government officials noncoal land, for it is notorious that many suspended entries are in regions that contain no coal at all or no coal of any value. Many of the entries have been suspended simply because they are located within a township in which a coal declaratory statement has at some time been made. Many other entries, as in the case of North Dakota and eastern Montana, are suspended because in a general region of inferior lignite coals, and the probability is that in the majority of cases it would not be held upon a hearing that these lands were valuable for coal. In many cases unnecessary hardship and expense has been laid upon the entryman by reporting as coal lands large areas which contain no coal at all, or veins of such character or quality as to exclude them from what may properly be classed as coal lands. Such entrymen must defend their claims at very considerable cost, or, as matters now stand, lose their land.

"It is undoubtedly true, however, that in some of the coal-land States, at least, homesteads and other classes of nonmineral entries have in good faith been placed upon lands which do contain valuable coal, though in most cases of this kind it would probably require drilling or sinking to definitely establish that fact.

"In this condition of affairs some legislation seems to be necessary. It has been suggested that a law be passed granting to all homestead settlers who have settled upon land in good faith prior to this time a title to their lands in fee without regard to whether the land contains coal or not. Such legislation would relieve entrymen from the necessity of defending at hearings, and the probability is that in a large majority of the cases now pending all lands thus patented would contain little coal of any considerable value. But since 1873, when Congress passed the coal-land law and first began to place a price on coal land above that charged for agricultural lands, Congress has not attempted to determine as to the coal or noncoal character of any particular tract, and it is quite certain that a law granting all who have heretofore made nonmineral entries in good faith a fee title to their land would enable some to secure land which may ultimately, if it is not at the present time, be of some considerable value for the coal which it contains.

"This being true, the legislation in question has been adopted. It takes no right from the nonmineral entryman which he now has, but it does give him the opportunity to elect, if he sees fit to do so, to take a patent to his land with a reservation in the United States of the coal in all cases where the character of the land has been called into question.

"Should this bill become a law, the probability is that a considerable number of entrymen, the character of whose lands has been or may hereafter be challenged, would immediately elect to take a title with a reservation, rather than demand and pay the expense of a hearing before the register and receiver of the land office to determine the character of the land. These hearings involve an expense of all the way from $50 to as high as $200 or $300 or possibly $500 for each entry of 160 acres of land. In many cases the entryman's financial condition precludes the possibility of his making a defense at such a hearing. In other cases the entryman would consider that his land was not sufficiently valuable to warrant the expenditure necessary, or a condition of poverty joined with one of small value in the claim would often exist, and in such cases the entryman would take his patent with a reservation.

"Your committee realizes that the Government ought not to compel an entryman to defend his entry for any slight or trivial cause. It is unfortunately true that the coal withdrawals have been so sweeping, and the boundaries within which the entries have been held up on a claim of coal value by the Government have been so wide, that many entrymen have been called upon to defend their entries where, as a matter of fact, there is but little, if any, foundation for the claim that the land contains coal of value. However, it is undoubtedly true, as has already been stated, that some lands taken under the nonmineral land laws do contain valuable deposits of coal, though the probability is that such lands are but a small percentage of the lands the character of which has been called in question.

"While a certain class of entrymen would take their limited title rather than demand a hearing, the probability is that the majority of entrymen would insist upon a hearing, and in some of such cases the land would no doubt be held by the department to be valuable for coal. These men, if we have no legislation, would ultimately lose their lands and improvements, and it is imperative that legislation for their relief be had.

"As the bill is drawn the entryman can exercise his right to elect to take his patent with a reservation at any time prior to the cancellation of his entry. For instance, if the entryman is notified that his land is claimed to be valuable for coal and that it will be held for cancellation, pending which he may ask for a hearing to determine the character of the land, he may thereupon elect to accept his title with a reservation, or he may demand a hearing, and if the final decision in his case be in favor of the contention that the land is chiefly valuable for coal, then he may exercise his right to take a patent with a reservation of the coal.

"Should any considerable number of the entrymen as to whose land the question of its coal character has been raised conclude to take a patent without trying the matter out at a hearing, the probability is that but a limited portion of the lands so patented would contain any considerable quantity of coal; but in view of the fact that some of the lands covered by these limited patents would contain coal which sometime would be valuable, it is important that there be some method whereby these deposits may be disposed of, and therefore provision is made that they shall be disposed of in accordance with the coal-land laws in force at the time of such disposal.

"Care has been exercised to protect the surface rights of the entrymen from any damage which might arise in connection with the prospecting, mining, or removal of the coal, and it is believed that the rights of the owner under the patent will be amply protected.

"The first proviso of the bill accords the owner under the patent the right to mine coal upon his land for domestic purposes thereon. This was believed to be a wise and just provision and will probably incline some entrymen to accept the limited fee rather than go to the expense of defending at a hearing.

"The second proviso of the bill is to the effect that nothing in the legislation shall be held to affect or abridge the right of an entryman to a hearing to determine the character of his land and to a patent in fee if it shall be held that the land is not chiefly valuable for coal, or to abridge or deny the right of any entryman to a fee title who has earned the same. This proviso was believed to be necessary to make it clear that there is no intent to coerce anyone into taking a limited patent or to take from anyone who has earned a title, by residence or otherwise, his right to a patent now clearly recognized."

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I should be glad to.

Mr. MANN. Based upon two statements in the report, one of which is:

In a large number of cases a hearing would probably result in the land being declared by the government officials noncoal land, for it is notorious that many suspended entries are in regions that contain no coal at all or no coal of any value. Many of the entries have been suspended simply because they are located within a township in which a coal declaratory statement has at some time been made.

Again:

It is unfortunately true that the coal withdrawals have been so sweeping, and the boundaries within which the entries have been held up on a claim of coal value by the Government have been so wide, that many entrymen have been called upon to defend their entries where, as a matter of fact, there is but little, if any, foundation for the claim that the land contains coal of value.

Now, what I want to ask is, Why does not the department itself correct this difficulty?

Mr. MONDELL. Mr. Speaker, it is difficult for the department, having made a serious mistake, to fully correct that mistake. All the statements made in that report are absolutely true and borne out by the facts, the withdrawals have been too general, but, as the gentleman from Illinois will recall, the report goes on to say that of all the cases that have been suspended on the five-year proof or on proof upon which final certificate was issued and of cases where the final certificate has been withheld and of cases yet to come before the department within these withdrawals, there will be some cases unquestionably where the Government will be able to prove its contention that the land contains coal of value.

Mr. MARSHALL. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. MARSHALL. Will the gentleman state in what percentage of cases, in his judgment, the Government will be enabled to make their claim good?

Mr. MONDELL. Mr. Speaker, it is asking one to take a good deal of responsibility to answer a question of that kind. It is a matter of opinion. I know of one territory where over 100,000 acres was withdrawn as coal land in which there is no question at all in the mind of anyone who knows the situation that there is no coal of any sort or kind within that 100,000 acres.

Mr. MANN. When the gentleman says there is no question in the mind of anyone at all, that is all right, but how can the department justify itself in declaring that there is coal there, suspending entries, if it does not believe that there is coal there?

Mr. MONDELL. In my opinion the department can not justify itself, and I do not believe that anyone can justify the action of calling on entrymen to defend at a hearing in regions where there is no good ground for believing the land is valuable for coal.

Mr. MANN. That is a pretty sweeping indictment against our officials in the Land Department.

Mr. MONDELL. Mr. Speaker, I have made quite as sweeping statements on the same subject in the House before.

Mr. MANN. Yes; but the gentleman has never been sustained by the House before.

Mr. MONDELL. Well, I want the gentleman to remember that my view as to the number of cases that would be affected does not affect this legislation at all. Assuming that there was only 1 per cent of these cases in which the entryman would be finally unable to prove the noncoal character of his land, you must do something for that entryman or say to him that he shall not retain his improvements.

It was not my intent, Mr. Speaker, in connection with this legislation to go into any criticism of the department in the matter of withdrawals. I have voiced that criticism heretofore and in the day of the original withdrawals, when I called attention to the very difficulties that were bound to occur, and which have occurred.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. I desire to know the difference between this law which the gentleman proposes and the law as it now exists. What change is proposed, and why?

Mr. MONDELL. Mr. Speaker, at present if the department can prove in the case of any one of the 2,000 entrymen, who have made final proof and to whom certificates have been issued, but patent withheld, that there was good reason to believe that the land was valuable for coal before final proof, then the department can entirely dispossess that entryman. In the cases where proof has been offered and final certificate withheld, in the cases upon which proof is yet to be offered, if the entryman is unable to disprove the department's contention that the land is chiefly valuable for coal, then he loses all right to the land and his improvement. This bill simply provides that in any case where, subsequent to the location or the entry, the character of the land has been called into question the entryman may, if he so elect, accept a limited patent. It is the first legislation before Congress providing for a limited patent, or a patent reserving the mineral. It is necessary in the opinion of our committee by reason of the conditions that exist. In some instances the entryman will accept the limited patent without making an effort to disprove the department's allegation that his land is valuable for coal, because in some cases the entryman will not feel he can afford to pay the expense of contesting the case; but should the entryman in any particular case contest with the Government and the Government sustain its contention, he may still accept his limited patent.

Mr. STEPHENS of Texas. Is it not a fact that valuable minerals are reserved now to the Government?

Mr. MONDELL. No; that is not true. The patent having issued, the patent carries everything in the land with it, and the Supreme Court has decided in a number of cases that if the law be complied with in good faith and the entryman makes payment and final proof, thereafter the Government is barred from raising the question as to any mineral that may occur in the land.

Mr. STEPHENS of Texas. That applies also to oil and coal?

Mr. MONDELL. It applies to all kinds of minerals. In other words, the patents issued by the Government of the United States heretofore have been patents in fee.

Mr. STEPHENS of Texas. Could the gentleman better arrive at what he desires by only patenting the surface of the land and reserving all minerals, precious and otherwise?

Mr. MONDELL. That has been discussed at some length, and the Committee on Public Lands is not of the opinion that that ought to be done. We believe this is quite a sufficient departure from the past practice of the Government. The lands which this legislation will affect are lands which the department has claimed contain some coals of value.

Mr. STEPHENS of Texas. Is not this a step in that direction of issuing limited patents?

Mr. MONDELL. It is; and I trust it is as far as we will go in that direction.

Mr. STEPHENS of Texas. If it is a good law, why not go the full length and declare nothing passes except the surface?

Mr. MONDELL. Mr. Speaker, it is a good law for this reason: Coal occurs oftentimes under conditions that render it impossible for the settler to know in advance with regard to the presence of coal beneath the surface of the ground.

But if the Government clearly demonstrates before the entryman has earned a patent that the land is more valuable for coal than for agricultural purposes, the agricultural entryman can scarcely expect to secure a patent in fee, and in order that these coal lands, some of which will not, perhaps, be mined for hundreds of years, may not be reserved that length of time from settlement or cultivation or improvement when their surface is such as to make cultivation and improvement possible, in order that the development of the country may go on, in order that the entryman who in good faith has gone upon the land may not lose the improvements, the committee brought in this bill. It has been very carefully considered. We had some five or six meetings of considerable length in which every phase and feature of the question was discussed, and, in my opinion and in the opinion of a majority of the committee, the legislation is wise and ought to be passed. Mr. Speaker, I reserve the balance of my time.

Mr. GRONNA. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, one of the provisions of this bill I think merits rather careful consideration, and that is that part of it referring to the damages that are to be paid to the

owner of the surface in case any attempt is made to prospect on the land for coal or to undertake mining operations afterwards thereon. I want to read the lines referring to the payment of damages:

The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction.

Now, I would ask the lawyers of this body just what is meant by the language that I have read. A reservation is made here and a right given to enable the holder of the reservation to obtain its beneficial use. The United States Government, or anyone under its direction, may go upon this land to do these several things: Prospect for coal, mine coal, remove coal from the land; but all damages caused thereby, to wit, by the prospecting, by the mining, by the removal of coal—all damages caused thereby must be paid, and before any attempt is made to do any one of these things such payment must be secured. Now, of course, it is not intended, and can not be intended, to reserve the right to take coal from the land, but to render the person taking such coal liable to damages for its removal and for mining it. The language is not well chosen. It is not a good piece of legislation. It is ambiguous and it is uncertain. If passed, in my opinion, the language will not express the intent of Congress. I am opposed to this bill. I think it should be clearly stated for just what these damages shall be paid—damages for injuries to the land affecting its use for agricultural purposes; damages for injuries to any improvements that may be upon the land. I do not think this criticism is too fine or too technical. It is better to define the things for which damages shall be paid than to use the broad general statement which gives rise to uncertainty.

The SPEAKER. The time of the gentleman has expired.

Mr. MARSHALL. Mr. Speaker, this measure has been undoubtedly thought out and worked out carefully by the committee, and it affords partial relief to a small percentage of our people; and, in view of that, there are some of us, perhaps, who will accept it as being the only thing that we can get at this time. The condition is this in my State, and I think it is in no wise different in other States affected by this legislation, except that, perhaps, a larger percentage of coal in North Dakota is not more valuable for commercial purposes than in the other States: Under the direction of the Geological Survey there have been withdrawn in North Dakota something over 100 townships. Patents are withheld where final receipts were issued before withdrawal, and proofs offered after the withdrawal are also held up. These 100 townships have not been classified; they are withdrawn pending classification; and where in a township there is a single quarter section supposed to contain coal, the whole township has been withdrawn, and patents and proofs within that township are all held up until each individual case can be investigated by the coal-land inspector.

And in every instance where proof is ordered a fraud charge is entered against the entryman, and in all several thousand of these cases are listed among the so-called "fraud-charge cases." I have the figures for my State, taken from the reports of the coal-land inspectors, which show that 80 per cent of them are found not to contain coal. Twenty per cent are reported by the inspectors as containing coal, and under existing law these entrymen are given a chance for a hearing, the burden of proof being put upon the settlers to show that there is no coal of commercial value under those lands. And I want to say to you, gentlemen—and I believe I make an absolutely conservative statement—that when all of this process has been gone through, not in 5 per cent of the cases will the Government be able to maintain their claims. I think 2 per cent is nearer right. Eighty per cent are put to serious inconvenience and annoyance and damage of waiting a year or more. Twenty per cent of them are put to the expense of a hearing that is almost intolerable. *And what is the result of all this? In 2, or at the most 5, per cent of the cases the Government may be able to show that there is coal of commercial value, and even in those cases the homesteader will in all probability have entered in good faith and is entitled to a full patent. I want to tell you this is a case of bad faith on the part of the Government with the honest homesteader that is well-nigh unbearable. If the Members of this House understood the conditions as I do, they would agree with me that every man who has entered his land in good faith, having complied with the law, is entitled to a full patent for these lands instead of a surface patent.*

Mr. PARSONS. Will the gentleman yield for a question?

Mr. MARSHALL. With pleasure.

Mr. PARSONS. Assuming that the coal under the lands is good, merchantable coal, then does the gentleman think the entryman ought to be entitled to get the coal as well as the surface of the land?

Mr. MARSHALL. Not if he knew there was coal there; but if his neighbors who entered before him got patents alongside of him, and he entered his land believing there was no coal, then there is no excuse for this Government (not having classified those lands) to take a home away from the man who has rightly earned it. Such cases as the gentleman from New York describes are very rare in North Dakota. I do not believe in the State there are 5 per cent of them. They are so few that there is no excuse for the withdrawal of this great body of land and thereby causing untold worry, inconvenience, and loss, and sometimes suffering to so many honest homesteaders.

Mr. MONDELL. I realize that the department has laid this obligation of defending their entries upon more people than they should have laid that obligation upon in the gentleman's State, but if the legislation does not pass, what is going to happen to your entryman who can not disprove the allegation?

Mr. MARSHALL. He will certainly lose his land, but I will reach that in a minute. Now, under the workings of this bill if it becomes a law, a report having come from the coal inspector holding that there is coal under the land, the entryman can take two courses. First, if he feels satisfied there is no coal under his land, or is too poor to pay the expense of a hearing, he can take a surface patent; second, he can have a hearing, and in the end, if it is held at the hearing that coal underlies his land, then this bill will save the land to that entryman, who would otherwise lose it; and if that were not the case, I certainly would not consider the bill with any favor whatever.

It will help a few people, and, so far as I am able to judge, the rights of those who accept surface patents are fully protected, as they are fully insured against damages of all kinds. *If I had an opportunity to offer an amendment to this bill under our rules, I would offer one in the words of the bill which I introduced and which has been pending before the Committee on Public Lands, providing that where entries had been made in good faith, and after full compliance with the law, full patents should issue.* I would also provide, if I had an opportunity to amend this bill, that the settlers should have the perpetual use of the coal for domestic purposes instead of during the time that the Government owns it, as the bill provides. This coal in our State amounts to nothing more than a little timber lot. I would rather have 5 acres of good timber than the coal on one of these average quarters in North Dakota.

I have always maintained that the Government committed a grave error when it did not classify these lands before entries were permitted, and it is doing a very great wrong in undertaking to classify them after so many entries have been made and gone to patent, and thereby discriminating between neighbors. It is a matter of common knowledge that practically all of these lands in North Dakota are very much more valuable right now for agriculture than for coal, and the department should so classify them and relieve the distressful condition.

I am thoroughly in accord with the great movement looking to the conservation of our national resources, but to undertake to classify lands with a view of reserving the coal after homesteaders have entered upon them in perfect good faith and complied with the law in every respect, and thereby acquired sacred rights to them, is a preposterous thing and, in view of all that has gone before, is, to put it plainly, bad faith. There are numberless cases where men have filed in good faith, say, five or six years ago, some having commuted in fourteen months and received their patents, while others adjoining them are now refused patents after five or more years of faithful residence and the expenditure of everything they could earn to make improvements. Can anybody justify this or cite a more flagrant case of bad faith on the part of the Government, whose business it is to protect and care for our homesteaders rather than to harass them or break faith with them?

If the department fails to relieve the situation, then it is the plain duty of Congress to pass my bill granting everyone who has entered in good faith a full patent after having complied with the homestead laws. *Our homesteaders demand full patents; they have rightly earned them, and they should have them. They are entitled to a square deal and expect the Government to carry out its part of the agreement in good faith, and that, too, without subjecting them to the annoyance, serious loss, long delays, and the heavy expense of unnecessary hearings.*

Mr. Chairman, I regret exceedingly that the short time allotted to me will not permit the presentation of the rights of our homesteaders more fully. In the absence of relief from

the department or from Congress there is only one thing for them to do, and that is to fight. My advice is for them to unite and make one or more test cases in each township, and, having won these, possibly the Government may withdraw its charges in the other case, or, at least, it will be easier to try them out. These cases will throw light on the subject and do much to bring the Secretary of the Interior to a full realization of our conditions, and, having this, I am confident the Secretary will do everything in his power to relieve our conditions.

The question of the legal status of a surface patent, which is raised by this bill, is so entirely new in North Dakota that I desire to print in the RECORD a letter from Hon. George Otis Smith, Director of the Geological Survey, but in doing so I do not desire to assume responsibility for or sympathy with any statement in the letter, but am simply submitting it for what it is worth to those who might be interested:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, February 6, 1909.

Hon. THOMAS F. MARSHALL,
United States House of Representatives.

MY DEAR MR. MARSHALL: Continuing a recent conversation with you regarding the separation of surface and mineral rights, in which you expressed the opinion that if only the surface rights were given to the settler, banks and others loaning money would not consider this sufficient security on which to advance the funds which the settler needs for his improvements, for the reason that the reservation of coal or other minerals would be a cloud on his title.

It is my opinion, after a careful consideration of the law and of the practice in this and other countries, that this danger is fanciful rather than real. The apprehension that a reservation of minerals is a cloud on the title arises from the consideration of certain mining agreements, which include both surface and mineral rights; in these cases the mining company acquires not only the mineral but so much of the surface as may be needed in connection with mining operations. This is clearly a cloud on the title of the surface owner, for the simple reason that he has parted with a portion of his surface rights. This question is entirely apart from the fact that he has parted with mineral rights. It is not essentially different from permission to erect a factory on a piece of land. This right to erect a factory is clearly a disposal of certain rights in the surface, which can not be disposed of again so long as the right of the factory owner to occupy the ground exists. The right "to use so much of the surface as may be needed for mining" is a great cloud on the surface title, so great that it may extend to the extinguishment of the right to any of the land, and a property so encumbered would naturally not be considered as of any value as a security by a carefully managed loan company.

The case is entirely different when the ownership of the minerals is entirely separated from the ownership of the surface. The owner of the surface has no right to the minerals; the owner of the minerals has, on the other hand, no right to the surface. Under this condition the mineral is, according to numerous court decisions, a separate piece of real estate. Commenting on this, Barrows & Adams, in the Law of Mines and Mining of the United States, state.

"Although minerals undisturbed * * * usually belong to the owner of the soil, they are capable of separate ownership and distinct possession. When there is such a severance of estates, the minerals are *real estate*, constituting a separate corporeal hereditament capable of distinct inheritance and conveyance. *There may be a further separation of the different strata, or of minerals of different kinds, each of which may have a different owner and constitute a distinct estate in land.*"

Among the court decisions are the following:

Adams *v.* Briggs Iron Company (7 Cush., 366, Mass.): "It is well settled that there may be a separate estate in mines and ores distinct from that of the land. There may be a severance of mines and a distinct estate and interest in them by grant or reservation. *When so severed, and thus are constituted a distinct estate, mines are regarded as real estate, and the general laws regarding real estate will apply to them.*"

In Caldwell *v.* Fulton (31 Penn., 475) the court held that "coal and minerals in place are land and may be conveyed as such."

In Caldwell *v.* Copeland (37 Penn., 427) the court stated that "mines are land and subject to the same laws of possession and conveyance."

In Logan *v.* Washington Co. (29 Penn., 373) the rule was laid down that "where the owner of the coal land has sold the coal under his land to another, *the owner of the land and the owner of the coal are each subject to a tax on real estate;*" and in Brown *v.* Corey (43 Penn., 495) the court laid down the rule that "proceedings may be had against the owner of a stratum of coal as contradistinguished from the owner of the surface to obtain an underground right of way."

In Powell *v.* Lantzey (173 Penn., 543) the court further adds: "*The owner of the mineral estate is neither a tenant in common nor a joint tenant with the owner of the surface; each has a separate estate.*"

I cite particularly from the Pennsylvania cases, for the reason that they involve matters of separation of coal from the surface and refer to a region where the separation of surface and mineral rights has been fully tried.

You can see the correctness of my position and the force of these rulings by considering the well-known fact that the owner of one piece of real estate may not injure an adjoining piece of real estate by undermining the wall along the common property line without being liable for damages. The fact that a piece of property is on a hillside and the retaining wall surrounding it may some time be undermined by the adjoining property owner is not considered by a loan company in the nature of a cloud on the title. The loan company knows, and everyone else knows, that while the owner of the lower property may so grade his land that he may undermine the retaining wall on the line between the two properties, the law requires that the lower property owner make good the damages to the man higher up the hill; so, if the law in the case of separation of surface and mineral rights provides that the owner of the mineral rights may only work them on payment of full compensation for damages to the owner of the surface, the interests of everyone are fully protected, and it can not be considered, even with the greatest stretch of the imagination, that there is any cloud upon the title of the surface owner.

The right of the mineral owner to develop his property (the mineral estate) on payment of compensation for damages to his adjoining property owner (the surface owner) to be determined by proper authority, is no greater cloud on a title than the right which to-day exists throughout the United States under which a railroad may appropriate private land for its own use on payment of full damages. A loan company would not refuse to accept a piece of property as security for the reason that it might some day be condemned for public use. This fact would really increase the value of the security.

A law which provides that patents shall be granted reserving to the Government all minerals and the right to use so much of the surface as is necessary to mine the same is clearly a cloud on the title of the surface owner, for the reason that it reserves not only the minerals but also a portion of the surface. Such a law should be strenuously opposed by you, for the reason that it will harm your constituents, and in objecting to a general law in this matter they evidently have such a law in mind. *But a law which gives the surface entirely to the agriculturalist and provides for full compensation for any damages resulting from mining, simply creates two pieces of real property without a cloud on the title of either.*

This is fully recognized throughout the eastern United States, particularly in the coal fields, where 90 per cent of the production comes from land where there is such a separation of surface and mineral rights. No question is here raised as to the suitability of a piece of property as a security for a loan when the complete ownership of the surface rests with the man seeking the loan. The fact that a new piece of real estate has been created by a division beneath the surface instead of upon the surface, as is more ordinarily the case, does not cloud the title of the absolute owner of either piece of real property.

I was just on the point of writing you, urging that, in my opinion, the only point needed to fully protect the interests of the citizens of North Dakota in the then pending Mondell bill was a provision that the owner of the surface should have the right to mine coal for use on the land for domestic and farm purposes, when I received the amended draft of the Mondell bill containing this provision, and I, therefore, delayed my letter until I could fully advise you on this matter of separate estates in the surface and minerals beneath it.

Yours, very truly,

GEO. OTIS SMITH, *Director.*

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GRONNA. Mr. Speaker, I now yield two minutes to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Speaker, it is with a great deal of reluctance that I oppose the passage of this bill. It is with reluctance, because the situation described by the chairman of the Committee on Public Lands is one crying aloud for relief, and for the further reason that I realize that the Committee on Public Lands has given to this question very careful consideration. I, however, am so firmly and thoroughly opposed to the new policy that is intended to be inaugurated by the passage of this bill, namely, the segregation of the surface from the other rights in the land, that I can not give the bill my support. It is said by gentlemen here that in not more than 5 per cent of these cases will the Government be able to sustain its contention that the land is coal land. Mr. Speaker, under such circumstances I think we ought not, in order to reach these few cases, to enter upon this new policy. I do not know just what relief ought to be given to these people, but it does seem to me there ought to be some way found by which when the entryman makes his final proof he can have it at once for all determined whether it is coal or agricultural land. If it is agricultural land, the entryman ought to get full patent for the land, and if coal land and known to be coal land, he ought not to get a patent at all to the coal land under an agricultural entry.

Mr. MONDELL. I want to ask the gentleman as to the suggestion made that a considerable number of entrymen would lose all their personal rights in homesteads.

Mr. BONYNGE. It would be so in a small number of cases. I agree with the gentleman in the statement that in not more than 5 per cent of these cases will the Government be able to prove that it is coal land and not agricultural land that has been entered, and to cover those few cases I do not think it would be wise to enter upon such a new and untried policy.

Mr. MONDELL. Then the gentleman misstates me.

Mr. MANN. He carefully refrained from giving that information.

Mr. BONYNGE. I may have been mistaken. It may have been the gentleman from North Dakota who made the statement that in not more than 5 per cent, and perhaps not in more than 2 or 3 per cent, of the cases would the Government be able to support its contention that it was coal land that was entered and not agricultural land, but I understood the statement to be made.

Mr. GRONNA. In my State. I yield one minute to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, in the space of one minute, of course, I can make no argument, but I invite the attention of the House to the very serious proposition presented in a case where the land contains coal. Neither the interests of the Government in the coal nor the interests of the farmer in

the surface are protected in this bill in the least degree. It is a very difficult matter to provide a law for the invasion of a farm by one who is not going in for a public purpose. If one man owned the coal and another man owned the surface, it requires much more legal machinery than is set out in this bill to allow a man to invade his neighbor's farm for a private purpose.

Mr. MANN. If that be the case, he can not invade it. That may be what this bill means.

Mr. SMITH of California. If one man owns the coal and mines for it, there would be no relief for the farmer, and no means of relief for any injustice that would be done him are to be found in the terms of this bill.

Mr. GRONNA. Mr. Speaker, I do not object so much to the provisions of this bill as I do to what it omits. In our State it does not give us the relief sought. There are to-day nearly 2,000 cases pending where the entrymen have, by complying with the law, earned title to lands that have afterwards been classified as coal lands. Mr. Speaker, I do not want to criticise or say anything against the system adopted or the methods pursued by the Government, because I realize fully as much as any Member of this House that we are living in an age when we want to conserve the mineral resources of our country. I am heartily in favor of reserving the coal where it is found in such quantities and of such a character as to have commercial value.

Now, Mr. Speaker, this bill provides, among other things:

That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him, and to a patent without reservation if the land shall be determined not to be chiefly valuable for coal.

Now, what does this mean? It simply means this: The Government has practically challenged every entry in certain parts of our State. Every homesteader or entryman must go to the expense of a contest before he can make final proof of his entry. The burden of proof is wholly on the entryman. There are thousands of acres of land in our State that are underlaid with low-grade lignite coal, coal of such low grade that it has no commercial value; a grade of coal that no man of any business ability would undertake to mine for commercial purposes, although it may be worth something to the settler as fuel for domestic purposes. As I said, no man with ordinary business sagacity would undertake to mine this coal for commercial purposes; wherever such attempts have been made they have failed.

As the law now stands the burden of proof is upon the entryman, and it will cost every entryman from $300 to $400 to carry on a contest against the Government and establish that the land does not contain any coal of commercial value. This law contains these same provisions.

Mr. MONDELL. The gentleman refers to the expense of the contest. The gentleman, of course, understands that that expense is now laid upon the entryman by the department, that it is not laid on him by this legislation; that so far as the legislation affects this situation the effect is in the nature of a release.

Mr. GRONNA. Yes; that is true.

Now, Mr. Speaker, it is not surprising that the homesteader of to-day, who feels that he is being prosecuted as a perpetrator of fraud, no matter how honest his intentions may be, looks back to the good old days when the homestead settler in the States farther east made his entry in the fertile valleys of those States, with forests above the surface and valuable mines underneath; mines valuable for both iron and coal, mines containing the best grade of coal, worth millions upon millions of dollars. The coal and other minerals were not reserved by the Government then; the entryman was given everything above and beneath the surface. In my opinion no objection should be raised now to giving bona fide settlers, who have located on 160 acres of land that is clearly agricultural land, full title to all that the land contains, although it may contain a substratum of lignite coal. I introduced a bill in this House (H. R. 27423) which provides—

That where public lands in the State of North Dakota have been entered in good faith for agricultural purposes under the homestead laws of the United States, and where full compliance with the requirements of the homestead laws is shown, final proof of such entries shall, when made in compliance with law, be accepted at the local land offices, and the Secretary of the Interior shall be required to issue patents for such lands, notwithstanding the fact that they may contain lignite coal.

Mr. Speaker, so far as my State is concerned there would be no danger of creating a monopoly in coal. It is true that lignite coal of a low grade has been found there and is being mined to-day. It is true that we have a few mines containing workable coal, but in most of the cases where homestead entries have been suspended, I will say that, in my judgment, in 90 per cent of the cases where the entries have been suspended patent will ultimately issue without any reservation whatever. In my opinion, the entryman has a right to the land in cases like these, because he earned a patent by entering the land and fulfilling all the requirements of the law before the land was classified as coal land.

The man with limited means, the homestead settler, has been the pioneer; he has paved the way for those more fortunate as regards means and money and made it possible for them to follow. Not only that, but these sturdy pioneers have always been found to be as patriotic and willing to make sacrifices for their country as any other class of citizens. And there is no valid reason why the homesteader of the present day should be discriminated against any more than there was in former days.

Mr. Speaker, I want to say that I tried to have this bill that is now pending amended in the committee so that it would give the entryman preference right to purchase the coal where the land proved to be coal land. I also offered another amendment, as follows:

That unless the Government shall have established within five years from the date of issuing patent to the surface that the land is chiefly valuable for coal, a patent in fee, without any reservation, should issue to the entryman.

I realize, Mr. Speaker, that I can not be permitted, under the rules, to offer these amendments at this time; and while I feel that the bill does not contain what in my judgment it should, nor give the settlers in our State the relief that they should receive, I shall vote for it, as at least it takes nothing from them, but will permit them to take patent to the surface provided they may so elect, which I would not advise the entrymen of my State to do, because I believe they are entitled to a full patent of fee title, without any reservation whatever, and I presume that a contest to establish the agricultural character of the land will have to be carried on at the settler's expense.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. MONDELL. I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, the measure under consideration is not a bill that affects the people of my State in any way, but it is a matter that received careful consideration at the hands of the Public Lands Committee.

I very much dislike to differ in any manner from my colleagues on the committee, but it is my honest and faithful impression that they have a wrong conception of what this bill does. I favor the majority report and the passage of this bill for two reasons. First, I believe it helps the settler; second, I believe it reserves the right in the Government of the United States to save the coal and mineral deposits that they now possess. The difficulty that necessitates this legislation comes by reason of departmental withdrawal of lands from the public domain. The department, in their judgment, from time to time have withdrawn large tracts of land and denominated them mineral, coal, or asphalt lands, as the case might be.

In some instances they have reserved land that is not in truth and fact coal or mineral land. This bill reserves to the Government of the United States the mineral wealth where it does exist and permits the agricultural entryman to obtain and perfect his right to the surface, and it is my belief when an agricultural entryman enters land for agricultural purposes and it is found to be in truth mineral land, that is all he is rightfully entitled to. It never has been the province or intent of the public land law that an agricultural entryman going upon land to secure a home for himself should at the same time acquire mineral rights thereunder.

The measure in the event of conflict of rights enables the settler to acquire the surface and thereby carry on agriculture, and at the same time reserves inviolate to the Government the minerals, coal, or asphalt, as the case may be. It is not too much for an agricultural entryman to concede. It is not too much caution and prudence for the Government to exert. I hope the rule may be suspended and the bill passed.

Mr. MONDELL. I yield one minute to the gentleman from Alabama [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, undoubtedly this bill ought to become a law. As I understand it, there are some 2,000 applications on file now upon which proof can be made; but if this bill is not passed, and the man who has made his proof is not financially able to maintain a contest with the Government as to whether there is coal under his land or not, then he must lose his land, because it has been classified as coal land.

Now, to the objection made by the gentleman from Minnesota [Mr. HAMMOND], I say that if a third party goes in upon the

surface of land which has been granted to an applicant under this bill, and wants to prospect for, mine, or remove coal from that land, he ought to pay all damages done by him to the surface and improvements in such prospecting, mining, or removal. The bill provides that the party wanting to go in and prospect for, mine, or remove the coal must get the consent of the owner of the surface. If he does not succeed in getting that consent, then either party, as I take it from the language of this bill, may go into a court of competent jurisdiction and leave it to the court to say what damage will be done by the operations which are to be begun and carried out and what security is necessary under the circumstances of the case to protect the owner of the surface of the land. I say it is eminently just and right that it should be so.

Mr. MARTIN. I should like to ask a question of the gentleman from Wyoming. Has the gentleman considered the propriety of changing the burden of proof, in the latter part of the paragraph? At present it would give the patent without reservation if the land shall be determined not to be chiefly valuable for coal. Would it not be better, instead of requiring him to prove a negative, to change the word "if" to "unless" and strike out the word "not," so that it would read "and to a patent without reservation unless the land shall be determined chiefly valuable for coal?" In other words, to put the burden where the law always puts it—upon the one seeking to establish the existence of the fact. It seems to me you now put the burden of proving a negative upon the entryman.

Mr. MONDELL. Mr. Speaker, I am rather of the opinion that the bill as it reads does not throw the burden of proof upon the entryman. Under the amendment as suggested by the gentleman it would perhaps throw the burden of proof rather more definitely on the Government, and I doubt whether it would be wise to do that in view of the fact that except by expensive drilling it would not be possible in some instances to absolutely determine the fact.

The SPEAKER. The gentleman's time has expired, and all time has expired.

Mr. MONDELL. I wish to call attention to the amendment that I offered in line 19.

The SPEAKER. The amendment was incorporated in the gentleman's motion. The question is on the passage of the bill.

The question was taken; and two-thirds having voted in favor thereof, the bill was passed.

The title was amended.

UNITED STATES NAVAL ACADEMY BAND.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, and that the same be now considered.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Naval Academy Band shall consist of one leader, who shall have the rank, pay, and allowance of a second lieutenant in the Marine Corps; one second leader, with pay at the rate of $50 per month; 29 musicians, first class, and 11 musicians, second class; and shall be paid from pay of the navy.

SEC. 2. That the members of the Naval Academy Band as now organized shall be enlisted in the navy and credited with all prior service of whatever nature as members of said band, as shown by the records of the Naval Academy and the pay rolls of the ships and academy; and the said leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the navy.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if this bill recognizes the existing band at Annapolis?

Mr. DAWSON. Yes.

Mr. MANN. I notice in the bill in one place it provides for a leader who shall have the rank of a second lieutenant.

Mr. DAWSON. I intend to offer an amendment striking out the word "rank." The leader of the band at West Point is without rank, although he has the pay and allowance of a second lieutenant, and the same is true of the Marine Band. It is my intention to offer an amendment striking out the word "rank."

Mr. MACON. Will the gentleman yield?

Mr. DAWSON. Certainly.

Mr. MACON. Does this bill entail any increase of salary?

Mr. DAWSON. Very slight. The bill increases the number of enlisted men in the navy. It provides that the band at Annapolis shall be made up of enlisted men, the same as other bands, both in the army and the navy. For some reason that band has stood alone and occupied an anomalous position for a number of years.

I will put into the RECORD the report of the committee on the bill, and also a recent letter from the Secretary of the Navy. They are as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, having had the same under consideration, report the same to the House with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following substitute:

"That the Naval Academy Band shall consist of 1 leader, who shall have the rank, pay, and allowance of a second lieutenant in the Marine Corps; 1 second leader, with pay at the rate of $50 per month; 29 musicians, first class, and 11 musicians, second class, and shall be paid from pay of the navy.

"That the members of the Naval Academy Band as now organized shall be enlisted in the navy and credited with all prior service of whatever nature as members of said band, as shown by the records of the Naval Academy and the pay rolls of the ships and academy; and the said leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are or may hereafter become applicable to other enlisted men of the navy."

This bill places the Navai Academy Band on the same footing, as near as may be, with the Military Academy Band at West Point. A similar measure was favorably reported to the House last year as a part of the naval appropriation bill, the same having been favorably recommended by the Secretary of the Navy.

The reorganization of the Naval Academy Band is strongly recommended by the Board of Visitors to the Naval Academy for the years 1906 and 1907, as will be seen by the following extracts from the reports of the Board of Visitors, as follows:

"The band of the academy is the only one in the service, and in fact in either service, which is not composed of regularly enlisted men. It is not known how this anomalous situation grew up, but it ought no longer to continue. The musicians are employed under civil-service rules, and their pay is insufficient. It has accordingly to be supplemented by contributions from officers and midshipmen which is a condition of affairs not at all creditable to the Government. Some of the musicians are of advanced age, and are now barely able to perform their duties. The entire band should be put on a proper basis. It should be composed of enlisted men and there should be as many enlisted men in the band at Annapolis as there are in the band at West Point. The leader of the band should receive sufficient compensation to secure and hold a man equal at least to the present incumbent. (Extract from Report of the Board of Visitors to the United States Naval Academy, 1906, p. 11.)

"The following recommendations are also unanimously made by the board for the reasons given: * * *

"That authority be given to enlist the Naval Academy band and make such changes in its size and in the compensation paid to the musicians and the bandmaster as may be required to put it on the same basis as the band at the United States Military Academy." (Extracts from the Report of the Board of Visitors to the United States Naval Academy, 1907, pp. 2, 4.)

NAVY DEPARTMENT,
Washington, January 5, 1909.

SIR: Referring to your letter of the 12th ultimo, requesting the views and recommendations of the department regarding the bill (H. R. 20389) "to equalize the rank, pay, and allowances of the bandmaster and sword master at the Naval Academy with corresponding positions at the Military Academy," you are informed that the department recommends that the pay and allowances of the sword master and the bandmaster at the Naval Academy be made to equalize those received by the sword master and bandmaster at the Military Academy, but does not recommend that rank be conferred upon them. The efficiency of these men would in no way be affected by conferring rank upon them. It should be noted that the leader of the Marine Band has the pay and allowances of a first lieutenant, United States Marine Corps, while the leader of the Military Academy band has the pay and allowances of a second lieutenant in the army; but at present they have not the rank of those grades. The sword master at the Military Academy, however, has, by act of March 3, 1905, the relative rank, pay, and allowances of a captain mounted.

Very respectfully,
TRUMAN H. NEWBERRY,
Secretary.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAWSON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On page 2, line 9, strike out the word "rank."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

TRACHOMA AMONG THE INDIANS.

Mr. SHERMAN. Mr. Speaker, by direction of the Committee on Indian Affairs, I move to suspend the rules and pass the following House bill.

The Clerk read the bill, as follows:

A bill (H. R. 28164) for the investigation, treatment, and prevention of trachoma among the Indians.

Be it enacted, etc., That there be, and hereby is, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $12,000, to be immediately available to enable the Commissioner of Indian Affairs to investigate, treat, and prevent the spread of the disease of trachoma among the Indians.

The SPEAKER. Is a second demanded?

Mr. MANN. I ask for a second.

Mr. SHERMAN. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Speaker, it has recently been discovered that the disease of trachoma, a very serious disease of the eye and which is exceedingly contagious, frequently leading to blindness, is very prevalent among the Indians, particularly in some schools of the Southwest, and more particularly in the school at Phoenix, Ariz., where out of a total school population of 557 the specialist who has been called in consultation has discovered that 400 pupils are affected with the disease, and of the 54 employees 21 have the disease.

A cursory examination discloses the fact that the disease is also prevalent in certain other schools of the Southwest, and also on the reservations. It is a disease for the prevention of which in the immigrant service we are spending a great deal of money and exercising the utmost care for its prevention; and it seems that it is necessary with the Indian children to take special precaution against the further spread of the disease.

Mr. CLARK of Missouri. Will the gentleman allow an interruption?

Mr. SHERMAN. Certainly.

Mr. CLARK of Missouri. Is the disease indigenous to this country?

Mr. SHERMAN. No; it is not indigenous to any particular country.

Mr. CLARK of Missouri. Is not it an oriental disease that the Chinese brought in here?

Mr. SHERMAN. I do not know where it originated. It has been known in this country for some little time, but has been more prevalent during the recent years. Frankly, I can not answer the gentleman's question whether it originated with the Chinese or not. My impression is it did not.

Mr. BURLESON. And frequently occurs in public schools in the city of New York.

Mr. SHERMAN. Oh, yes; it occurs all over. I have known of acquaintances becoming infected with this disease from touching a doorknob, for instance, where one who had had the disease has passed through and touched it after rubbing the eye.

I have known of people taking it in street cars. It is a very virulent disease, contagious to an extreme degree, and frequently leads to blindness, and requires the utmost care to prevent contagion, and in a very large number of cases requires operation. It requires very great care in the way of nursing after the operation to prevent even more serious results.

Mr. STEPHENS of Texas. It is very prevalent among the Indians of the Southwest and among the lower class of Mexicans, and it is presumable that this is so on account of want of cleanliness.

Mr. SHERMAN. Of course, want of cleanliness aggravates any disease, particularly a disease of the eye.

Mr. MANN. If any gentleman desires time in opposition to the bill, I will be glad to yield it. Otherwise I do not care to consume any time.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26916, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The Chair understands the time for general debate has expired. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, $100,000, of which $10,000 shall be immediately available.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. I would ask the gentleman how far it is intended under this provision for a Commissioner of Indian Affairs to enter into the business of lumbering.

Mr. SHERMAN. It is not intended for lumbering purposes. It is intended for the purpose of preserving the timber.

Mr. MANN. "And to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law." Is it only intended to sell the timber itself?

Mr. SHERMAN. If I may, I will read what the commissioner says in that respect. He says:

I would say generally that it has been the effort of the Indian Bureau ever since I have been in there to try to cooperate with the other big bureaus of the Government, which bureaus the Government is maintaining at its expense, in order to get their particular expert knowledge to help us with reference to the various matters under their charge. The only alternative from that was for us to have a little forestry division and a little irrigation force and a little agricultural force, and so on. In that way we would have all little wheels within wheels, and a much more economical method would be, as we thought, to refer these questions to the different bureaus, and thus effect the same thing by turning the work of the bureaus to the larger ones which have been established by the Government for that purpose. We would simply take our service and place it in the hands of some bureau which had been established for the purpose of handling that particular thing. This method would put the Indian on a basis where, when he became qualified, he would be on the same footing with other citizens, receiving assistance from the same source.

In the case of forest reservations we found that we were continually in hot water over lumbering contracts in the administration of Indian forest lands. We considered, in view of the much more economical way in which that could be handled by a bureau having the proper machinery with which to do it in the fields, by saving in the details and in the expense of getting up the expert knowledge that would otherwise have to be done by the Forest Bureau, which we are now handling in a rather blundering sort of way. In order to do that we would have to increase in a considerable way the expenses of the Forestry Service by getting an increase of this appropriation. By this change we can keep our men on Indian work proper and have the Forest Service do this essential work.

Mr. MANN. It is intended, I take it, to have this work done through the Forestry Service?

Mr. SHERMAN. That is as I understand the commissioner.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

That any moneys appropriated in this act for the general incidental expenses of the Indian service in certain States and Territories, including traveling expenses of agents, which are not needed in the particular States or Territories for which provided may be used for the same kind of expenses elsewhere, in the discretion of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. Just what is the object in making appropriations for specific States and Territories? It means nothing.

Mr. SHERMAN. It does mean something. In each individual case an appropriation is made about what it is thought is necessary to cover the expenses of that case. Every now and again it will occur that in a particular State quite a portion of the appropriation is not used. In another State it will occur that the full appropriation is not quite adequate to meet the requirements, and it will differ from year to year because of unforeseen exigencies that might arise, and this provision makes possible——

Mr. MANN. Does not the gentleman think there ought to be some limitation in the amount——

Mr. SHERMAN. I do not thnk so.

Mr. MANN. It is customary where we provide for transference to say not over 10 per cent, or some per cent.

Mr. SHERMAN. These are small appropriations, anyhow, that are for general incidental expenses. It is not a large sum appropriated for gratuities, for support and civilization, and that sort of thing. These are small amounts appropriated for incidental expenses in the several States, and the whole thing together amounts to less than $100,000.

The CHAIRMAN. The Chair understands the point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

INSPECTORS.

For pay of two Indian inspectors, who shall be engineers, one to be designated as chief, competent in the location, construction, and maintenance of irrigation works, one at $2,500 per annum and one at $3,500 per annum; in all, $6,000. For traveling expenses of two Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and coming from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $3,800.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The bill carries two Indian inspectors as against eight of last year, as I understand the other six are transferred to the legislative, executive, and judicial appropriation bill.

Mr. SHERMAN. That is correct.

Mr. MANN. This bill has never provided that these Indian inspectors should be appointed by and with the advice and consent of the Senate, although I believe that has been at times, if not always, done, whereas the distinguished gentleman from

Massachusetts, whose absence I regret, the chairman of my beloved Committee on Reform in the Civil Service, a member of the conference committee, has brought into the House a conference report, which, violating all the principles of the civil-service law, proposes to have these six new Indian inspectors, or six new inspectors, appointed by and with the advice and consent of the Senate, making them absolutely the patronage of certain distinguished gentlemen, citizens of the United States, holding official positions in this Capitol. When that conference report comes before the House I hope I will have the opportunity to call attention to this violation to what seems to me the proper ethics of the situation, together with some other violations also in the conference report. I withdraw the amendment.

The Clerk read as follows:

TRUXTON CANYON SCHOOL.

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; General repairs and improvements, $3,000.

Mr. McLACHLAN of California. Mr. Chairman, at the end of line 6, page 13, I desire to offer an amendment.

Mr. SHERMAN. Following what line?

Mr. McLACHLAN of California. Line 6; I desire to increase the amount. The amendment I suggest is: "Balance due James H. Owen on contract for erecting buildings, etc., $930."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 6, page 13, insert:
"Balance due James H. Owen on contract for erecting buildings, etc., $930."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. SHERMAN. Mr. Chairman, the gentleman from Illinois was good enough to reserve the point of order. I would be glad for the gentleman from California to give some explanation of his amendment.

Mr. McLACHLAN of California. This amendment is for the balance due on a contract for the erection of some buildings by Mr. Owen. In 1906 he erected certain buildings at this school and constructed certain irrigation works there. The contract amounted, I believe, to $23,000 for all this work. In the contract which he took with the schools there was a provision that if the work was not completed within a specified time there should be a penalty of $30 a day for every day over the specified time.

Mr. SHERMAN. May I interrupt the gentleman right there? Is this the contract under which the Indian Office attempted to hold a penalty and found that they were unable to do so?

Mr. McLACHLAN of California. That is right; on a technicality.

Mr. SHERMAN. Is this a contract where the Indian Office in a report to the committee states that the man performed his contract in good faith, rendered good service, but that owing to some delay of the railroad he was unable to get his material there in time, and therefore attempted to waive it?

Mr. McLACHLAN of California. Yes. The facts are that he was not able to complete his contract within the specified time, for the reason that this was in 1906, when we all know the railroads were glutted with business and it was impossible to deliver goods on time. All the facts show that this contractor did his work faithfully according to contract; that the delay was caused not by his own acts, but it was impossible to avoid. And the Department of the Interior, realizing that he had done his work properly and faithfully, tried to find some way of paying this man, but concluded that technically they could not do it, inasmuch as the $30 a day was considered as liquidated damages, and the department claimed on that technicality that they had no right to waive that provision.

Mr. STEPHENS of Texas. This is a penalty for failing to comply with a contract at a certain date?

Mr. McLACHLAN of California. Yes, sir.

Mr. STEPHENS of Texas. And the penalty amounts to the sum that the gentleman has stated there? Did the Government collect that amount?

Mr. McLACHLAN of California. It retained that amount out of the contract price, and I am asking now that the Government pay this.

Mr. STEPHENS of Texas. I had a case of this character. In fencing the forest reserve in the Comanche country there was quite a hard contract made with the individuals who made the contract, and they lost quite a lot of money on it. They put in their claim for reimbursement in the shape of a bill which I introduced for them in this Congress, and it was sent to the Committee on Claims, and I have been unable to get a report thereon. I thought at first that it was on all fours with the claimants' case in my bill, but I find that it is not.

Mr. McLACHLAN of California. This bill has been before the Senate, and has passed that body. There is also a bill pending here in the House that has not yet been acted upon. It is a just claim, long since overdue.

Mr. COX of Indiana. What work was this contractor engaged in?

Mr. McLACHLAN of California. To erect buildings for this school and to build certain irrigating works connected with the school.

Mr. COX of Indiana. Build a schoolhouse?

Mr. McLACHLAN of California. I do not know whether it was a schoolhouse or not, but it was some building connected with the school.

Mr. MANN. Mr. Chairman, I think the item is subject to a point of order. It seems that under an appropriation the Interior Department advertised for bids for the construction of buildings at this Truxton Canyon school, requiring that the work should be completed by some time—I think the 1st of December of the year in which the advertisement was made, several years ago. The contract was to be some $23,000. It was entered into for that amount, providing for the completion of the work by the date named in the contract—I think December 1, or thereabouts—with the stipulation that $30 liquidated damages, and not as penalty, should be deducted for each day that there was delay. Now, the gentleman claims that delay was made because the railroad did not furnish the material in time, and I have no reason to doubt the claim. If the gentleman had completed his work in time, he probably would have made a very large profit, because it is evident, I think, from the facts in the case, that he has suffered by reason of delay a considerable loss in excess of the $900 which was retained by the Government. So that he took his chances on making a large profit on his contract, or making no profit, or on making a loss. If the gentleman had made a profit he would not have offered to return any of it to the Government.

Now, such cases are familiar. Perhaps under the rules laid down by the Committee on Claims they would allow a case like this. I do not undertake to say. A number of these cases have been reported into the House and a number of them passed, but the rule adopted in reference to such a case should be uniformly applied to all contractors under similar conditions.

Mr. STEPHENS of Texas. Does the gentleman yield? Does not he think that there is a difference in a contract, where time is the essence of the contract, for a building to be completed in a specified time?

Mr. MANN. That is this case. Time was the essence of the contract.

Mr. STEPHENS of Texas. In what respect was the United States damaged?

Mr. MANN. The United States was damaged in this respect——

Mr. STEPHENS of Texas. You have a quid pro quo for services? The fact that they advertise for bids for this work to be completed within a very limited period of time, much more limited than is usual to take, they knew they had to pay a higher price to get the work done than they would have if they had given more time. Whenever a contractor has a very limited time to complete his job we know he must pay higher prices than when the work is leisurely done. I think the item is subject to the point of order because the auditor and comptroller have ruled that it can not be paid under existing law, and hence there is no authority of law; and I must insist upon the point of order.

The CHAIRMAN. The amendment proposed by the gentleman from California provides for an appropriation to pay what appears to be a claim against the Government. It seems to the Chair it is clearly a deficiency item, and not in order upon the Indian appropriation bill. The Chair therefore sustains the point of order.

The Clerk read as follows:

SHERMAN INSTITUTE.

For support and education of 500 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $86,000.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 13, line 24, strike out the words "five hundred" and insert in lieu thereof the words "five hundred and fifty;" and page 13, line 26, strike out the words "eighty-six thousand dollars" and insert in lieu thereof the words "ninety-four thousand three hundred and fifty-seven."

Mr. SHERMAN. Mr. Chairman, this is an increase in the number of pupils appropriated for at that school by 50. The

average number in attendance last year was 577, although but 500 were appropriated for. At this time there are over 600 students, and the students are largely from California. More than half of them are full-blood Indians. It is a very popular school; it could not be otherwise, considering its name, let me say, anticipating the gentleman from Illinois. [Laughter.]

Mr. MANN. I would like to ask the gentleman whether this rapid increase would keep up as long as it bore the name of the gentleman who so highly honors the school by its having his name?

Mr. SHERMAN. I assume, if I were as modest as the gentleman, I would answer the gentleman untruthfully; but, being truthful as well as modest, I must say it always will. [Laughter.]

Mr. MANN. I hope we will always have plenty of money to keep it up. [Renewed laughter.]

The question was taken, and the amendment was agreed to.

Mr. SULZER. Mr. Chairman, yesterday was the eleventh anniversary of the destruction of the *Maine* in the harbor of Habana. That event made history, wrote a glorious chapter in our annals, and changed the map of the world. More than a decade has now come and gone since that tragic event occurred, and as yet nothing has been done by the Government of the United States to raise the wreck of the *Maine*, and to bring home and bury, with military honors, in Arlington Cemetery, the remains of the sixty-odd brave and gallant sailors entombed in that hulk in the muck and slime of Habana Harbor.

The records in the Navy Department show that 231 men were killed when the *Maine* was blown up; that 24 bodies were immediately recovered and buried in Key West, Fla.; that later 144 bodies were recovered and buried in Habana; that these bodies were subsequently brought home and buried in the national cemetery at Arlington; that at least 63 bodies were never recovered or accounted for, and are now entombed in the wreck of the *Maine*. For some inexplicable reason the *Maine* has never been raised and these bodies of the nation's heroic dead recovered and brought home for burial. Our dereliction in this matter is little less than a national disgrace. It is becoming a big black blot on our boasted patriotism. Public sentiment has demanded for years that the wreck of the *Maine* be raised; that the truth of her destruction be told; that the derelict be removed from the channels of commerce; that the bodies of these brave sailors who sacrificed their lives on the altar of their country be recovered and brought home and decently interred in the national cemetery.

Sir, for several years past I have endeavored in every way in my power to have something done about this deplorable matter, but thus far without success. Long ago I introduced a resolution which passed the House unanimously, calling on the Secretary of the Navy for information as to the cause of delay. The Secretary of the Navy sent to the House of Representatives, in compliance with that resolution, some data which was printed as a House document and is now before the Congress. In that document the Secretary of the Navy makes the following statement:

The best information at the command of the Navy Department respecting the probable cost of the removal of the wreck of the *Maine* and the burial of the dead now lying in the hulk of that vessel, with regard to which inquiry is made in the resolution of the 10th instant, is afforded by an examination of the expenditures actually incurred in the attempt to accomplish those objects and in their partial achievement under the appropriations above cited.

It is a matter of record and tradition that when in February, 1898, this work was undertaken representatives of the wrecking companies visited the Department and suggested that on account of the peculiar circumstances under which the vessel was sunk, the nature of the work, and the conditions existing in the harbor at the time, it would be extremely difficult to name in advance any reasonable lump sum at which the task could be undertaken, or to give assurance that the vessel itself could be raised; and after full conferences it was determined that the work of recovering the bodies entombed in the ship and saving such portions of the armament and equipment as could be reached should be immediately entered upon, provision being at the same time made for the raising of the vessel if found practicable.

I now read in this connection a letter from the Secretary of the Navy to the Secretary of State concerning the matter. It is as follows:

NAVY DEPARTMENT,
Washington, March 4, 1908.

SIR: Your letter of the 27th ultimo inclosing a translation of a note from the Cuban minister inquiring "whether the decision reached by this Government recognizing Cuba's rights in the matter of the wrecks of the *Alfonso XII* and *Maine* also applies to the wrecks of all the Spanish war ships destroyed during the war of 1898 in Cuban waters," was duly received.

In reply I have the honor to state that the Secretary of the Treasury, Mr. Shaw, in a letter dated January 9, 1903, said that the Treasury Department did not desire to take further action regarding wrecks in Cuban waters and "was inclined to the opinion that any authority or rights it may have had formerly may properly be considered as having lapsed in favor of the Government of Cuba." (Sec. 3755, R. S.)

On the contrary, however, the Navy Department (letter of July 1, 1902, to Mr. George Richardson, copy herewith, and in other correspondence) has taken the attitude that the disposal of the wreck of the *Maine* rests with the Congress, and that no Executive Department could give assurance of its abandonment by the United States. With respect to the wreck of the *Maine* and those of the Spanish war ships destroyed during the war of 1898 in Cuban waters, however, it may be added that the Navy Department is not now engaged in, and has not in contemplation, any work thereupon.

After correspondence on the subject, the Department of State, October 27, 1904, expressed the view that "in order to obtain a valid and effective disposition of the *Maine* wreck" the matter should appropriately "be settled by a convention with Cuba."

The Navy Department expressed its concurrence in this view; but it is understood that the action thus suggested has not been taken.

Very respectfully,

V. H. METCALF, *Secretary.*

THE SECRETARY OF STATE.

That letter and the report of the Secretary of the Navy made it clear to me that legislation was necessary to accomplish the object desired. Hence, on the 20th day of April, 1908, I introduced a bill which I now send to the Clerk's desk and ask to have read.

The Clerk read as follows:

A bill (H. R. 21176) to raise the wreck of the U. S. battle ship *Maine* in Habana Harbor, and remove the bodies therein to Arlington Cemetery for interment.

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized and directed to forthwith prepare and publish proposals requesting bids for the removal of the wreck of the U. S. battle ship *Maine*, now sunk in Habana Harbor, and have the bodies therein brought to Washington for interment in the national cemetery at Arlington; and that the contract or contracts for the purposes herein specified shall be let to the lowest responsible bidder.

SEC. 2. That the President be, and he hereby is, authorized and directed to make the necessary arrangements, if any be necessary, for the purposes herein designated, with the Republic of Cuba.

SEC. 3. That any money now at the disposal of the Navy Department is hereby made applicable for the purposes herein specified, and if the same be not sufficient to carry out the purposes herein specified, then such sum of money as may be necessary to meet all the requirements of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, that bill speaks for itself. It is now slumbering in the Committee on Naval Affairs, where it has been pigeon-holed ever since I introduced it. I have done everything in my power to get it reported, but thus far without success. I say now it should be speedily reported and passed ere this session of Congress adjourns. It will accomplish the object desired, and it meets with the approval of the patriotic people of this country. The delay has been disappointing to the friends of the *Maine's* heroic dead. I proclaim that the Government has been recreant in this matter. But I am not disheartened. I shall keep working for this legislation until the *Maine* is raised and the bodies of our dead sailors are brought home for interment. The fault is not mine. I have done, and I am trying to do, my duty. The fault is with the Naval Affairs Committee of this House. The members of this committee are to blame for the disgraceful neglect and delay. Yesterday being the eleventh anniversary of this tragical calamity, I tried to get the Speaker to recognize me, it being suspension day in the House, to make a motion to suspend the rules, discharge the Committee on Naval Affairs from further consideration of my bill, and pass the same. The Speaker refused to grant me recognition, although the Speaker recognized other Members on the floor for the purpose of calling up and passing bills far less commendable than my bill to raise the *Maine*, the enactment of which is demanded by our liberty-loving people from one end of the land to the other.

On the 28th day of January this year the President sent to the House of Representatives a special message in which he urged the Congress to take action in regard to the removal of the *Maine* from the harbor of Habana. The President says in his special message:

Governor Magoon, on the eve of leaving Cuba, has expressed the hope that the wreck of the battle ship *Maine* may be removed from the harbor of Habana. I trust the Congress will see the wisdom of this suggestion and will provide for the removal of the *Maine*. We should not allow the wreck of this historic ship to remain as a possible danger to navigation in Habana Harbor, for this is wise from no standpoint. An appropriation should be made for the removal.

But, sir, nothing is done. The Speaker and the Committee on Naval Affairs, for some inexplicable reason that I can not fathom, refuse to respond to the request of the President based on the statement of Governor Magoon, and neglect to report or act on my bill to remove the wreck of the *Maine* from the harbor of Habana and bring the remains of our sailors home to the land they loved and died for. What a shame! What a disgrace to America! What an object lesson of our neglect to every man in the navy of which we feel so proud! Let me read you a part of the statement of Governor Magoon made to the Cubans just before he left Habana. Governor Magoon said:

The wreck of the *Maine* continues to lie in the mud and waters of Habana Harbor. The sunken battle ship is a serious menace to the shipping of the harbor, as it occupies a portion of the best anchorage. The obstruction has increased annually during the last ten years by causing a shoal. The moderate tides prevailing in the harbor are hardly sufficient to prevent a gradual filling up, and this shoal seriously

interferes with the action of the tides, and therefore the entire harbor is rapidly filling. It will be necessary in a short time to begin dredging in order to provide proper anchorage for the large amount of shipping now entering the harbor unless the wreck is removed. The anchorage is also restricted by the wreck and the shoal, for ships are obliged to anchor at sufficient distance to prevent grounding in case they strain on their cables.

Even more important than this obstruction to navigation is the fact that this wreck, although it contains the bodies of sixty-three American seamen, or what is left of them, is apparently abandoned and forgotten by the Government and people of the United States. Thousands of Americans and other thousands of other nationalities annually enter the harbor of Habana, and probably not one omits to express regret and censure for the deplorable spectacle. It has become a national reproach and an international scandal.

The neglect to remove the wreck is attributed by many, especially the large Spanish contingent in Cuba, to the fear that its removal will disclose the fallacy of the popular belief that the *Maine* was destroyed by a torpedo or mine instead of an interior explosion. So generally does this opinion prevail that I believe the Cuban Government was deterred thereby from dealing with the wreck as an obstruction to navigation of its coastal waters and destroying it; however, it should be added that the Cuban authorities were also restrained by a belief that the United States would sometime desire to attempt to remove it and preserve the wreck as a whole instead of breaking it up and removing it in the more inexpensive manner.

The correspondence on file in the Department of State and the Navy Department at Washington shows that a belief prevails in those departments that it is necessary to secure, by a treaty or otherwise, the consent of the Republic of Cuba to the authorities of the United States entering the harbor of Habana and proceeding with the work of removal. This permission, if necessary, can be easily secured, and the Cuban Government would gladly afford assistance in its power to accomplish the desired result, not only because of the injury to the harbor facilities, but also because of the prompting of patriotism and sentiment. I earnestly recommend that the United States Government take immediate steps to accomplish the removal without further delay.

Mr. Chairman, I do not know just why the Committee on Naval Affairs refuses to take action in this matter. I have done my best to get my bill reported. I would like to have some reason for this delay. The patriotic press of the country rings with commendable editorials day in and day out in favor of this legislation. The Government has been derelict in its duty to these brave and gallant men. The Congress must act. The wreck of the *Maine* must be raised. The bodies of her heroic dead must be brought home. Gratitude commands it. Patriotism demands it. The *Maine* must be raised. Let us do our plain duty now. Let us be grateful. Let us be patriotic. Let us enact this legislation—lest we forget——

Mr. COX of Indiana. Has the gentleman from New York any data as to what it will cost the United States Government to raise the wreck of the *Maine?*

Mr. SULZER. I have.

Mr. COX of Indiana. How much do you estimate it will cost?

Mr. SULZER. Less than $50,000 according to competent experts, and I think the Navy Department has available now all the money that is necessary for the purpose—money that was heretofore appropriated. All that is necessary to do now is to pass my bill directing it to be done.

Mr. COX of Indiana. Has the gentleman any data as to the physical value of the *Maine* after it is raised?

Mr. SULZER. Possibly the old hulk will have no great monetary value save for scrap; but that is not the question. This matter is one of gratitude to those who died for their country—of patriotism—of sentiment—of all that makes a nation grand and great. It rises above the sordid question of dollars and cents. I say there are entombed in the hulk of the Maine the bodies of 63 brave and loyal sailors who died for their country, and the greater value is in the gratitude of the Government for which they offered up their lives; and if we do not do our plain duty in the premises we will be false to ourselves; false to our boasted patriotism; false to the demands of public sentiment now sweeping over the land, which insists that the Congress now legislate to remove the wreck of the *Maine* and bring these bodies home and bury them with their comrades in Arlington Cemetery. That is the duty of the hour—raise the *Maine*—lest we forget——

Mr. COX of Indiana. Can these bodies be recovered by diving?

Mr. SULZER. No, they can not. They are buried in the hulk of what is left of the *Maine*, and the wreck must be removed—raised—to get the bodies; and the old hulk should be removed because it is a menace to navigation, and the Cubans want it out of the way.

Mr. COX of Indiana. And the gentleman says there are still 63 bodies in the wreck of the *Maine?*

Mr. SULZER. Yes; at least that many, according to official reports.

Now, sir, during the Spanish-American war our battle cry was "Remember the *Maine!*" Have we forgotten that? Have we, forsooth, so soon forgotten the *Maine?* Should not every prompting of patriotism impel us not only to remember the *Maine*, but to raise the *Maine?* The veterans of the Spanish-American war, from one end of the country to the other, are very much in favor of action along the lines of my bill, and nearly every camp has passed resolutions favoring its speedy enactment into law. Our neglect of the dead sailors buried in the wreck of the *Maine* is a shame and a disgrace. The wreck of the *Maine* must be raised. The bodies of our gallant seamen must be brought home and interred with their ill-fated comrades in the national cemetery. Let us do our duty. Let us enact this law. Let us raise the *Maine*. Let us find out for all time if the *Maine* was destroyed by an explosion from within or without. Let the truth be known to all the world. I am not afraid of the truth. No true American is afraid of the truth. The raising of the *Maine* will forever dissipate doubt—forever clear the sky of history—forever be a credit to our heart, and our courage, and our manhood, and our patriotism, and our gratitude to our heroic dead. [Loud applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print, in connection with my remarks, a few letters and newspaper comments regarding this matter.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

The data follow:

[From the Newark Evening News, April 28, 1908.]

PRAISE FOR MR. SULZER—VETERANS INTERESTED IN HIS BILL TO RAISE THE "MAINE"—SENATOR COLBY'S LETTER.

To the Editor of the News.

SIR: Patriotic organizations, together with survivors of the civil and Spanish wars in this State, numbering something over 100,000, are deeply interested in association and individual effort to remove the wreck of the battle ship *Maine* and her dead to a final resting place under the flag which was honored by "the *Maine* and her men." Keenly recognizing the conspicuous national indifference and neglect of a decade in the matter of the sunken *Maine*, a deep sense of national pride and local patriotism have steadily worked together through the public press, and fraternal organizations, to initiate and support Congressional action, which has now taken encouraging shape and promise, in a bill just introduced by Congressman SULZER.

Thousands of survivors of the civil war, both Union and Confederate, congratulate Mr. SULZER for the introduction of this bill, and they stand ready, with a soldier's welcome, for the success of its purpose and provisions. The drift of sentiment, outside of this, may be seen in a letter from a distinguished State senator. It was written by Senator Everett Colby on April 18 last, and sent to Congressman SULZER. The letter follows:

"MY DEAR SIR: I want to add a word to the many you are receiving in favor of the movement to raise the battle ship *Maine*. Your efforts are indorsed by the veterans of our State, for whom I am glad to speak."

Thanking you in advance for giving space to this, I remain,

Yours, truly,

VETERAN.

ARLINGTON, *April 27, 1908.*

[From the Newark News, March 31, 1908.]

WOULD RAISE THE "MAINE"—NEGLECT OF SHIP AND THE NATION'S DEAD UNPARALLELED IN HISTORY OF NAVY.

To the Editor of the News.

SIR: Your valued editorial comment on the recent action of the Secretary of the Navy, in sending to Congress all information in the possession of his Department concerning the wreck of the battle ship *Maine* and the men who went down with her, is read with interest and appreciation in this State by the majority of those who are identified with patriotic and veteran organizations that was ever moved by an appeal to Congress and national honor in behalf of a famous ship and the nation's dead.

The national indifference to and neglect of the *Maine* since her "terrible taking off" is unparalleled in the history of our Army and Navy, and the repeated charges that the United States feared to face the facts, such as the wounds of the *Maine* would disclose, have been publicly charged and reiterated to such an extent that popular sentiment has almost surrendered to feelings akin to the humiliation of an apology to the perpetrator of a crime that shocked the civilized world. In this connection it is recalled that after the Cuban war was over and the details of peace were settled in Paris the Spanish commission said to our representative that "the United States had put a stigma on Spain in charging that Spaniards had wrecked the *Maine*, and they asked the privilege of raising the battle ship and proving that she was blown up from the inside." However, great credit is due to Congressman WILLIAM SULZER for his untiring efforts, up to and including the passage of his resolution in behalf of the *Maine* and its dead on the tenth anniversary of her destruction.

Survivors of the civil and Cuban wars, together with the membership of a patriotic organization numbering over 47,000 in New Jersey alone, are enthusiastic spporters of the movement to float the *Maine* and give proper sepulcher to her honored dead—to have them "brought home to sleep under the Stars and Stripes."

Yours, truly,

A. KING (Veteran 1862–1865).

NEWARK, *March 29, 1908.*

[Editorial from the New York Sun, April 29, 1908.]

THE SULZER BILL TO RAISE THE "MAINE."

Representative SULZER, of New York, has introduced a simple and effective measure designed to obliterate a national scandal and disgrace. Mr. SULZER's bill is now in the hands of the House Committee on Naval Affairs. It authorizes and directs the Secretary of the Navy to contract for raising the wreck of the battle ship *Maine* and removing the bodies found therein to Arlington Cemetery, to rest hereafter alongside others of the nation's dead. It authorizes and directs the President to make the necessary arrangements for this purpose with the Republic of Cuba.

There should be no partisanship of attitude toward the patriotic, just, decent, and necessary action proposed by Mr. SULZER. The bill represents the common interests and well-nigh unanimous desire of the American people. We are informed that eminent Republicans, as well as Democrats, from this and other States are hastening to assure Mr. SULZER of their approval and support. The sentiment of the veterans, both Union and Confederate, and likewise of the blue and the gray that blended in the Spanish war, is strongly enlisted in the movement.

How could it be otherwise? The thought of those neglected and forgotten bones in Habana Harbor is argument enough. Shall Decoration Day of 1908 pass with the Sulzer bill not yet enacted?

[Editorial from the Albany Argus, March 14, 1908.]

THE WRECK OF THE "MAINE."

Speaking of the resolution offered by Representative WILLIAM SULZER, of this State, asking the Secretary of the Navy to give his opinion to the Congress on the right of the Government of the United States to raise the wreck of the battle ship *Maine* and clear the harbor of Habana of the obstruction, the Cincinnati Commercial Tribune, in an interesting editorial comment, says:

"It is altogether probable that Congresssman SULZER, with his colleagues of the House, is fully advised of the rights of the United States in the premises. The raising of the wreck might revive the old question of its destruction by connivance or by direct instructions from the Spanish Government, or by an explosion which came from within the *Maine* and from causes over which the Spanish Government did not and could not control. That the wrecking of the *Maine* precipitated hostilities is not to be doubted, neither is it to be doubted that hostilities between the two countries were inevitable and would have come about even if the *Maine* had steamed safely out of the harbor where she never should have been sent. That the explosion was due to connivance or to direct instructions of the Spanish Government is not believed to-day. If the explosion came from the outside, it was the work of Spanish scoundrels determined to bring on the war or the work of hot-headed Cubans who saw in the certainly of war their certainty of independence. But apart from all questions of that nature, the wreck of the *Maine* should be cleared from Habana Harbor and the causes of the explosion determined if they are possible of determination. It is not altogether creditable that the gallant ship should find burial in foreign waters, and history will not be satisfied without the knowledge of the cause of the explosion. The revival of the question of the cause might be acute for a time, but with all other questions of the war settled the acuteness would neither hurt nor become chronic."

Mr. SULZER'S activity in this matter is very generally commended. It is nothing short of a national disgrace that to-day (more than ten long years after the destruction of the *Maine*) the hulk of that ill-fated battle ship should still be obstructing the harbor of a friendly city—or an unfriendly one, for that matter—and the bones of those who perished in her be left without decent interment.

Nor does it give a creditable—nor, in our opinion, an accurate—impression of American sentiment to have it said abroad that we as a nation are afraid to raise the *Maine* for fear it will be proved that the explosion was from within.

The American people are never afraid to do the right thing and to stand for truth, right, and justice. If it was an accidental explosion from the inside which destroyed the *Maine*, all the world is entitled to the knowledge of the fact, and it would set at rest many ugly rumors and hints made at the time of the explosion and since.

[Editorial from the Washington Post, February 16, 1908.]

ANNIVERSARY OF THE "MAINE"—HABANA DISASTER RECALLED BY RESOLUTION AND HOUSE CHAPLAIN'S PRAYER.

With the view to the raising of the ill-fated battle ship *Maine* and "the proper burial for its dead, now lying with the hulk of that vessel in the harbor of Habana, Cuba," Representative SULZER of New York yesterday introduced in the House a resolution calling upon the Secretary of the Navy for papers and correspondence bearing on the international status of the question and the rights of the Government of the United States in the matter.

Chaplain Couden, in his invocation, recalled the destruction of the *Maine*, and prayed that war may never visit this country again. After referring to the abiding patriotism of the American people, he said:

"We are reminded of the brave men who, ten years ago to-day, went down to death in the ill-fated *Maine*. Grant, O God, that their sacrifice may be an inspiration to the living. Make us to know that our country is not only worth living for, but if need be it is worth dying for; that vigilance is not only the price of liberty, but it is the price of everything worth while. Help us, therefore, to be patriots in times of peace as in times of war; but we most fervently pray, O God, that war shall never come to us again, but that we may live in harmony with each other and in peace with all the world."

[Editorial from the New York World, March 26, 1908.]

THE PROJECT TO RAISE THE "MAINE."

Secretary Metcalf, in accordance with the Sulzer resolution, has furnished the House of Representatives with a statement of the work done in recovering the bodies of officers and men lost with the battle ship *Maine* and in saving equipment and machinery, together with a report on the present status of the project.

The total number of bodies recovered was 188, leaving 63 unaccounted for. A balance of $145,000 remains of the $200,000 appropriated by Congress for the purpose in February, 1898, and $3,000 from the additional appropriation of $10,000 for the removal of the bodies to Arlington Cemetery. Some pieces of armament were saved and the loose wreckage dumped at sea.

What is left is a worthless hulk. But sentiment attaches to it as the tomb of American sailors, and considerations of patriotism urge the raising and removal of the wreck, if only to settle finally the causes of the *Maine's* destruction. If a convention with Cuba is necessary, it can readily be arranged.

TWIN OAKS, NEWPORT, R. I.,
May 5, 1908.

DEAR SIR: Admiral Luce has sent me your letter to him re raising the *Maine*. He suggests that as a member of the board of inquiry upon the cause of her loss, that I give you my views in the matter.

I have always held that the ship should be raised and the work be done in a way to allow a thorough examination of her condition as she lies. This would, of course, require the building of a cofferdam which could be pumped out. It should have been done at once after the war. While absolutely sure that the conditions will be found such as described in our report, the question of result should have no bearing in the matter. The board did its duty according to its lights, and I am sure that I can answer for the other surviving members as well as for myself, in saying that we should welcome any new light which exposing the wreck might bring.

Our failure to raise the wreck has undoubtedly given an impression to many of a want of openness and straightforwardness on the part of the Government. It is our duty to remove this. We can afford to say we were mistaken; we can not afford the imputation of fearing the truth.

I am, very truly yours,

F. E. CHADWICK,
Rear-Admiral, Retired.

ARLINGTON, N. J., *May 9, 1908.*

Hon. WILLIAM SULZER, M. C.,
Washington, D. C.

MY DEAR SIR: I have mentioned the fact that you have decided to speak for the "*Maine* and her men" in the House to several of my friends who have expressed an interest along the lines of our effort in behalf of the famous wreck and its dead. This information is gratefully accepted by all, many of whom think it most commendable as means to record just what was done from a purely patriotic impulse and sense of honor due the nation and its dead.

If you have not already gotten all the data as to the facts of the *Maine* when she rode at anchor in Habana Harbor, allow me to say that the ship, as she stood before the explosion, represented an outlay of $5,000,000, according to Captain Sigsbee, her commander. Her machinery cost $735,000. The hull represents tons of steel. The turrets were steel, 8 inches thick, of which there were two, equipped with 10-inch guns. She was protected for a length of 180 feet amidships with Harveyized steel armor 12 inches thick, worth $500 a ton. Her entire equipment was all that is represented by a first-class battleship of her class at the time. We shall look with interest for all that you may say of the *Maine*.

Yours,

ALFRED KING.

HEADQUARTERS OF THE DEPARTMENT OF NEW JERSEY,
UNITED SPANISH WAR VETERANS,
Rutherford, N. J., December 26, 1907.

Mr. ALFRED KING, *Arlington, N. J.*

MY DEAR SIR: I have just learned of your correspondence with Q. M. Gen. Charles Burrows, Grand Army of the Republic, in regard to bringing the question of floating the old battle ship *Maine*, now lying in the harbor of Habana, to the attention of Congress during its present session. The greatest indifference and neglect seems to be the rule in connection with this famous wreck, and it is certainly commendable on the part of the survivors of the Union armies to ask for national legislation in behalf of the *Maine*. In this connection I desire to say in our own behalf that the Spanish War Veterans are deeply interested, and peculiarly so, in the fate or removal of the wreck of the U. S. battle ship *Maine* from Cuban waters, and also that we are in hearty accord with this movement or any other that your efforts may adopt to give the hulk, with its honored dead, an appropriate and final resting place under the flag of our country.

Fraternally, yours,

JOHN T. COLLINS,
Department Commander.

ARLINGTON, N. J., *April 10, 1908.*

Hon. WILLIAM SULZER, M. C.,
Washington, D. C.

MY DEAR SIR: Through the public press and private correspondence of those who are taking a personal interest in raising the old battle ship *Maine*, I learn of your past and continued efforts in Washington in behalf of the survivors of the civil and Spanish wars, who are taking a deep interest in floating this famous wreck and giving proper burial to its dead. I desire to say in this connection, as an ex-soldier of the Spanish war, that your efforts to float the remains of this battle ship has the support and best wishes of all who are glad to be recognized as comrades and ex-soldiers of the war with Spain for the freedom of Cuba.

Sincerely, yours,

FRANK KOCH.

CHICAGO, ILL., *May 5, 1908.*

Hon. WILLIAM SULZER.

SIR: It was a source of pleasure to me to read of your bill in Congress to have raised the battle ship *Maine*, now lying in Habana Bay. This has been my hope and desire since the destruction of the battle ship on February 15, 1898, and I am sure in that bill you voiced the sentiments of the whole American people. My son, Edward F. Kean, was on duty as a marine guard that night, as I understand, in the lower cabins, and is still among the missing, as also another Chicago boy named Shillington. I trust you will keep the matter of the raising of the battle ship before this honorable session so the work will not be delayed more than is necessary, and, thanking you for your kindly and true American spirit, I remain,

Respectfully,

Mrs. MARGARET KEAN,
1006 North Talman Avenue, Chicago, Ill.

15 FRANCIS STREET, NEWPORT, R. I.,
May 18, 1908.

Hon. WM. SULZER, M. C.

DEAR SIR: In reply to your very polite favor of 16th, I beg to say that if my letter to you urging favorable consideration of the plan for the raising of the *Maine* can be of the slightest use, please make such disposition of it as you think proper. I trust with all my heart you will not let the matter drop.

Very truly, yours,

S. B. LUCE.

THE KNOLLS, CORNISH HILLS, N. H.,
(POST-OFFICE WINDSOR, VT.)
May 11, 1908.

DEAR MR. SULZER: I have only received yours of the 7th to-day, on account of my absence from Newport.

My letter is entirely at your service to use as you think best.

I am, very sincerely, yours,

F. E. CHADWICK.

[From the Washington Post, Monday, February 15, 1909.]

READY FOR MEMORIAL—PREPARATIONS COMPLETE FOR REMEMBERING THE "MAINE"—MAY HAVE NAVY-YARD SALUTE—MANY FLORAL DECORATIONS RECEIVED, WHICH WILL BE PLACED UPON THE ANCHOR IN ARLINGTON NATIONAL CEMETERY—SHORT PROGRAMME THERE, AND PRINCIPAL EVENT IN CHURCH IN THE EVENING.

The final meeting of the committee of arrangements of the Maine Memorial Association and the Army and Navy Union to close up the details for the observance of to-day as the eleventh anniversary of the sinking of the battle ship *Maine* was held in the parlors of the Portner yesterday afternoon. There will be three features of the day and possibly four. There will be a military mass celebrated at St. Patrick's Catholic Church this morning at 10 o'clock, a pilgrimage to Arlington Cemetery to dedicate the anchor of the *Maine* in that cemetery, and a memorial service at the First Presbyterian Church, John Marshall place, at 8 o'clock to-night. The fourth feature will be the firing of a national salute at the navy-yard, if the request for such a salute forwarded the President yesterday is complied with.

The military mass will be celebrated by Father McGuigan, assisted by Fathers Carroll and Smyth as deacon and subdeacon. Following the mass Dr. W. T. Russell, rector of St. Patrick's, will deliver a short address.

PILGRIMAGE TO ARLINGTON.

The pilgrimage to Arlington will start from Aqueduct Bridge promptly at 2.30 o'clock, no matter what the condition of the weather may be. It will be made up of men and women from all the patriotic organizations of the District. Two wreaths sent by President Roosevelt will be among the floral tributes placed on the anchor by Mrs. C. Walton Dunlap and Mrs. Mary V. Goundie. It was arranged at yesterday's meeting that a detachment of uniformed men from the gunners' class, headed by Albert Osenger, will assist at the military mass and place a floral offering on the *Maine's* anchor. The wreath will be entwined with American, Cuban, and Spanish flags. An offering comes from the Mary A. Babcock Auxiliary and Admiral George Dewey Auxiliary, United Spanish War Veterans. Mrs. Ada M. Galloway, in the name of the National Auxiliary of the United Spanish War Veterans, will place a large sheaf of American Beauties on the anchor. Mrs. I. W. Ball, for the National Woman's Relief Corps, will place a wreath on the anchor. Among the other floral offerings there will be one from Phil Sheridan Woman's Relief Corps, department of the Potomac, in charge of Mrs. Fannie Worden, and flowers for the graves of the valiant dead from the same organization. Those having charge of this work are Mrs. Charles Sidman, Mary A. Babcock Auxiliary, United Spanish War Veterans; Cora Campbell, Dewey Naval Auxiliary, United Spanish War Veterans, assisted by Master Henry Moultin Goundie and Mrs. Lida Oldroyd.

The *Maine* memorial committee will decorate the graves of Mrs. Helen G. Sparhawk, one of the original movers in the *Maine* memorial last year, who has since died and is buried in Arlington.

PERMANENT COMMITTEE CHOSEN.

This permanent committee was elected yesterday to look after the distinguished visitors who will attend the services: Mesdames Christine W. Dunlap, Mary V. Goundie, Annie W. Johnstone, Matilda R. Sprague, Ida Galloway, Cora Campbell, Charles A. Sidman, Fannie Worden, J. Walter Mitchell, Frank Fauth, Ruth M. Griswold Peater, and Luchy Graham, Gen. Andrew S. Burt, Capt. J. Walter Mitchell, Capt. J. J. Strain, Capt. William A. Hickey, Charles E. Claggett, Charles W. Blush, Lemuel Fugitt, Albert Osenger, Robert Finn Finucane, and B. F. Sparhawk.

The orations at the anchor in Arlington will be by Father Eugene A. Hannan, the Rev. Zed H. Copp, and Maj. Frank A. Butts. Gen. A. S. Burt will preside, and Capt. J. J. Strain will be officer of the day. Two troops of mounted men from Fort Myer will fire the salute, a bugler will sound "taps," and the military band from that post will play the dirge music. The weather permitting, Admiral Sigsbee will be present and make a short address. Admirals Dewey and Schley have been asked to attend the services in Arlington. Two hundred and sixty-six men lost their lives on the *Maine*, 198 bodies were recovered, and 68 bodies lie in the hulk of the ship. The recovered bodies were buried in Arlington, with a few exceptions.

SERVICES AT THE CHURCH.

The memorial services proper will be held to-night, commencing at 8 o'clock, in the First Presbyterian Church, John Marshall place. General Burt and Col. Charles M. Shinn will preside. The interior of the church will be elaborately decorated with flags and flowers, and the large model of the battle ship *Maine* in the Pension Office will be among the decorations on the altar. Admiral Charles D. Sigsbee, who commanded the *Maine* when she was blown up, will tell the story of that tragic event. The United States Marine Band will furnish the music. When Admiral Sigsbee enters the church he will be met by a drummer boy, who will sound the admiral's roll and lead the way up the main aisle, followed by color bearers. There will be an elaborate musical programme.

AN APPEAL FOR THE "MAINE"—STATE COUNCIL OF THE JUNIOR ORDER UNITED AMERICAN MECHANICS SENDS RESOLUTIONS TO PRESIDENT ROOSEVELT.

To the Editor of the News.

SIR: Survivors of both sides of the civil war and every patriotic American will be glad to learn that the State Council of New Jersey, Junior Order United American Mechanics, representing over 47,000 members in the State of New Jersey alone, will include in the published report of its recent session at Trenton the following preamble and resolutions as an appeal from all councils to President Roosevelt in behalf of the wreck of the battle ship *Maine:*

"Whereas the wreck of the U. S. battle ship *Maine*, now lying in the harbor of Habana, Cuba, together with scores (74) of her dead entombed in the hulk are, and have been, the object of material neglect and indifference, unparalleled in the annals of our army and navy: Therefore be it

"*Resolved*, That the State Council of New Jersey, Junior Order United American Mechanics, hereby respectfully requests the President to include in his recommendations to our next National Congress such measures as may be deemed most practical and effective for the early removal of the battle ship *Maine* from Habana Harbor, and for the proper sepulture of her dead under the flag of our country for which they died; and, be it further

"*Resolved*, That the recording secretary of this council be, and is hereby, ordered to send a copy of these resolutions, under the seal of the council, to the President at Washington."

These resolutions are signed by Frank R. Sharp, State councilor.

Yours, truly,

VETERAN 1862–05.

TRENTON, *November 4, 1907.*

[Editorial from the New York Sun, Wednesday, April 8, 1908.]

THE WRECK OF THE MAINE.

If we do not err about the temper of the House of Representatives, an appropriation will soon be made to raise the unsightly and melancholy wreck of the battle ship *Maine* in the harbor of Habana after almost ten years of neglect and vacillation. Mr. SULZER'S amended resolution calling upon the Secretary of the Navy to send to the House "all letters and data as to the cost and legal status under which the Congress may exercise immediate or future action for the removal of the wreck," and provide burial for the unrecovered dead, was adopted on March 10, and on March 25 Mr. Metcalf complied. His report was referred to the Committee on Naval Affairs the following day.

There was at first no disposition to disregard an obvious duty. Eight days after the blowing up of the *Maine*, which occurred on the evening of February 15, 1898, Congress appropriated $200,000 to recover the remains of the dead, raise the ship, and save any parts of the machinery and equipment that might be used again. On March 30 the sum of $10,000 was appropriated "for the removal of remains of officers and men who perished by the destruction of the U. S. S. *Maine.*" A wrecking and a towing company contracted to do the work. It was abandoned on April 2, 1898, after a report had been made by a naval board recommending that because the contractors were "disinclined to work during the rainy season" and it would take from six to eight months to raise the shattered hull, it was advisable to suspend operations. Meanwhile the court of inquiry had taken evidence and reported, on March 21, that the *Maine* had been wrecked by the explosion of a mine "under the bottom of the ship at about frame 18 and somewhat on the shore side of the ship." On April 20 President McKinley signed the joint resolution of Congress declaring war upon Spain.

Of the original appropriation of $200,000 the sum of $54,043.94 was expended in stripping the wreck above water and recovering four 6-inch guns, the paymaster's safe, two 6-pounder guns, two searchlights, a steam cutter, the breech mechanism of the after 10-inch guns, and 100 shells. The naval board estimated the value of material which could be recovered if the ship were raised "in good order" at $670,600. It was the judgment of the board that "the machinery would not suffer from being submerged several months." It went on record (March 28, 1898), with the opinion that it had "no doubt of the ability of a good company to do such work." Of the appropriation of $10,000 for the transfer of dead to the United States and their burial at Arlington, $6,968.72 was expended. One hundred and eighty-eight bodies were recovered and buried and sixty-three were "not found."

Among the documents in the case sent by Secretary Metcalf to the House is a statement of the date of May 16, 1902, by Charles E. Magoon, who is now the Provisional Governor of Cuba, and at that time was acting chief in the division of insular affairs, War Department. Mr. Magoon wrote in response to an inquiry:

"The military government of Cuba will take no further steps in regard to the *Maine*, and after the withdrawal of our military forces from Cuba, unless Congress should otherwise provide, any attempt made by this Government to raise the *Maine* will come within the jurisdiction of the Navy Department."

The Navy Department has steadily maintained (to quote Mr. Metcalf) "that no executive department of the Government has authority to dispose of or to abandon the wreck, but that such power rests solely, so far as this Government is concerned, in the Congress." In one instance, when the Hon. William H. Moody was Secretary of the Navy, the department (December 3, 1902) disapproved emphatically of Senate bill 5806 "for raising the wreck of the battle ship *Maine.*"

"The department does not regard with favor the raising of the *Maine* for the purpose of photographing her with the view of entering upon another investigation as to the cause of her destruction. No reason is perceived why the former investigation is not sufficient. The material of the vessel would not be of value to the Navy Department. The sentimental consideration attached to the raising of the *Maine* appeals to all, but the department does not recommend the passage of the bill."

Earlier in 1902 Representative ROBERTS of Massachusetts had introduced a bill "for raising the wreck of the battle ship *Maine*," and Acting Secretary Darling, on behalf of the department, wrote to Chairman Foss of the House Naval Committee that "no objection is perceived to the passage of the measure." Six months later, when Chairman HALE of the Senate Naval Committee consulted Mr. Moody about a Senate bill, the Secretary overruled his assistant.

In view of the fact that Cuba is now ruled by a provisional governor, with army officers governing the provinces and an advisory law commission, presided over by Col. E. H. Crowder, U. S. Army, making the laws, the meetings of congress having been suspended by decree of Secretary Taft—in view of these conditions an opinion given by Secretary of State Hay to the Secretary of the Navy on October 8, 1904, is interesting:

"It might be advisable, in order to obtain a valid and effective disposition of the *Maine* wreck, that the matter be settled by a convention with Cuba, which could be submitted to the Senate of the United States for its concurrence."

Mr. Paul Morton, then Secretary of the Navy, concurred. Cuba is no longer in a position to enter into a subvention on the subject. Her right to do so has been suspended. It is renewable at the pleasure of the United States, and the time of the renewal has not been definitely determined. There can be no doubt that the Cuban people would like to have the wreck of the *Maine* removed, for the reason, if for no other, that it is an obstruction to navigation. To the American people it is an eyesore when they see it and a heartache when they think about it. Their Government now has the power, if it has the will, to remove the wreck of the *Maine* without having to ask the permission of Cuba, which would not be withheld if Cuba were articulate politically.

There is no longer any excuse for not raising the *Maine*. The American people desire that it be done. Let Congress make the appropriation and direct the President to execute the will of the people.

[From the New York Times, April 14, 1908.]

THE MYSTERY OF THE "MAINE."

As long as the *Maine* stays where it is now, just showing above the unsavory waters of Habana Harbor, there will probably be people to greet every proposition in or out of Congress for raising the vessel with the prophecy that if this ever is done their belief that it was sunk by an interior explosion will be confirmed. Now, as a matter of fact, even the most malignant of these prophets have no such belief; they simply remember that for a while they had suspicions—perhaps "hopes" would be the better word—that such was the case, and their minds are so constructed that these suspicions or hopes have survived the presentation by the Board of Inquiry of evidence absolutely proving that the *Maine* was blown up from the outside.

Even admitting what these strange persons are so fond of asserting, that the board's report was a tissue of lies and suppressions, they still have to ignore the fact that to this day the keel of the *Maine* mutely testifies against the interior explosion theory by protruding above the decks through which it was driven by the force of the submerged mine. Even that apparently impossible task they perform offhand, however, and maunder on endlessly about how strange it is if there was a mine that no fragments of it were ever found—how remarkable that if a Spaniard or Cuban pressed the key that set off the mine his identity has never been discovered.

It is nothing to the upholders of the interior explosion theory that when the wreck was first examined large quantities of unburned powder were found in the holds, and nothing to them that all their talk about the deterioration of modern ammunition with age and its consequent tendency toward spontaneous ignition is made absurd by the circumstance that on board the *Maine* there was not a pound of the kind of powder to which they refer. There is, indeed, still a "mystery of the *Maine*," but it is the mystery how anybody can now affect a doubt as to the method of her destruction. That was settled for good and all over nine years ago, and, beyond clearing Habana Harbor of a troublesome obstruction, nothing would or could be accomplished by raising the wreck, except, perhaps, a needless confirmation of what is already known.

Women are often charged with a large capacity for disputing the indisputable, and for arguing anew questions that have been argued out, but this is not a sex peculiarity, unless it be true that the men who show it are not men at all. The ever-recurring chatter that comes from some of them about the *Maine* is enough to make one think so.

[From the Newark News, September 19, 1908.]

"REMEMBER THE MAINE."

ALFRED KING COMMENDS A NEWS EDITORIAL ON NATION'S NEGLECT.

To the Editor of the News:

SIR: Your excellent editorial on "The *Maine*" deserves all that popular recognition can give as an appeal, in cold logic, from the American people for humane consistency. Every survivor, North and South, of both armies of the civil war is keenly sensible to the fact that hostilities with Spain were urged and recognized by the civilized world in response to the pathetic demands of humanity for the cessation of shocking cruelties in the name of war on the island of Cuba.

As a nation we went to the rescue, affording relief and protection forever under our flag, and the humiliation for a decade of unparalleled national neglect of scores of those who died to save a people from extermination, and that Cuba might be free. It seems to me that in this connection the following poem, "Remember the *Maine*," written by W. J. Lampton, is worth reprinting:

Down in that tropic, torpid bay,
In the slime and filth of the Spanish way,
Shall the hulk of the *Maine* forever stay?
Shall the ship that stood for Freedom rot
In the stench of that unhallowed spot?
No, No! Let the people rise as one
With a firm demand that right be done
And the dead be honored—the dead who died
That Liberty should be satisfied.
Take the old ship out of her filthy grave
To the clear, blue sea and the whitecapped wave,
And there in the depths, serene and pure,
Give her a glory sepulture.
And moor above her the flag that waves
Forever above all our heroes' graves.

Yours, truly,

ALFRED KING.

ARLINGTON, *September 18, 1907.*

[Editorial from The Evening Sun, Monday, February 15, 1909.]

REMEMBERING THE "MAINE."

Services of one sort and another are being held in Washington to-day commemorative of the destruction of the *Maine* in Habana Harbor on February 15, 1898. It is befitting that the eleventh anniversary of that fateful disaster should be so observed, and at the National Capital, too. We learn from the Washington dispatches that the memorial service may be said to have begun yesterday with an appropriate sermon in one of the Capital's churches to veterans of the Spanish war, to be continued to-day with exercises at Arlington Cemetery around the Maine Monument, a memorial mass in St. Patrick's Church, and an address this evening by Rear-Admiral Sigsbee, who was captain on the *Maine* when the battle ship was blown up. As we read about this we feel that it is proper and right for memories of the *Maine* thus to express themselves at Washington, the capital of the Nation.

It is different at the nation's Capitol. Congress does not remember the *Maine*. Individual members of the Congress do, and have tried to stir the recollection of their fellows, but vainly. The wreck of the *Maine*, from which the bodies of some three score of our sailors who went down with it were never recovered, has lain in the mud and slime of Habana Harbor for eleven long years, and still lies there, a monument to congressional neglect and oblivion.

There are of course no votes in appropriating money to be spent in Habana Harbor in raising the *Maine*. Perhaps if there were the collective memory of Congress would not be so short.

[Editorial from The Times, January 27, 1909.]

MR. SULZER'S TRIUMPH.

At last Congress is thinking about raising the wreck of the *Maine* in Habana Harbor. That the sunken vessel was not raised years ago is a disgrace, and the only public official who can truthfully say that he has a clear conscience in the matter is WILLIAM SULZER, who introduced bill after bill in one session after another to bring the *Maine* to the surface and take out the bodies of the brave Americans who went down with her.

Mr. SULZER fought vainly for years, and his reward will come, for the American people will always remember that he led the small force of Congressmen who sought to have a wrong righted, and who are now on the verge of seeing their efforts crowned with success.

[Editorial from the North American, Philadelphia, Friday, January 29, 1909.]

THE FORGOTTEN "MAINE."

Down in the harbor of Habana on Wednesday morning there was a ceremony which did honor to some of the poorly paid servants of this nation, but which made darker this nation's black shame.

The common seamen of the United States battle ship *Maine* scraped their pennies together and, with the $150 so collected from the forecastle, they bought wreaths and garlands and clustered flowers and a new American flag.

And with launches laden with those purchases, accompanied by Captain Caperton and other officers who wished thus to show their approval of the enlisted men's sentiment, the sailors crossed the harbor from the new *Maine's* anchorage to the spot where a tangled, twisted, rusted mass of metal, not yet sunken into the mud, that is the coffin of sixty-three Americans who gave their lives for the flag, marks the spot where the old *Maine* anchored eleven years ago.

It was a silent trip, and the work that followed was done in silence. Half-masted and reversed—the signal of distress—the Stars and Stripes were hoisted on the military mast which still protrudes above the water, reminding every foreigner who sees the coast of Cuba that we have not remembered the *Maine*.

There was no silly speech making. The oratory of those hard-bitten, hard-handed, hard-living, and hard-fighting sailors is of deeds, not spoken words.

All that they did was to hide with blossoms and green garlands every vestige of that rusted, neglected sepulcher of our forgotten dead and, after a silent salute to the wreck and the flag, to journey back in silence from the *Maine* of 1898 to the *Maine* of 1908.

Of course, a subscription of $150 is not a thing to make a stir about, even when it comes from men whose pay ranges from $16 to $70 a month. But those men on the *Maine* can hardly be considered cheap men. That sum happened to be all they had left. Because when they heard of the death and suffering in Sicily and Calabria they "chipped in" all they could spare to swell their officers' contribution to the relief fund for Italy and so made possible a wireless message that one American battle ship alone had added $1,000 to the life-saving work on the other side of the world.

So the sailors had not much money left to buy flowers with. They could buy only enough to cover that wreckage in Habana harbor. Yet we do not think they are cheap men, even though all the hundreds of them could put into the cap passed around only a pitiful $150.

Our sorrow is that we can not disclaim cheapness as a stigma which any foreign critic is entitled to put upon this rich nation.

"Remember the *Maine!*" Do not all of us remember how the signal that Dewey flew when, like Farragut, he said: "Damn the torpedoes!" and sped into Manila bay, first made us storm, then settle into fixed wrath, and finally indulge in stern exultation?

"Remember the *Maine!*" And for eleven years 63 of our dead have been settling slowly with their ship deeper and ever deeper into the mud of that harbor bed.

In the hour of our highest pride and strength and boasting there never will be need for a poet to write a "Recessional" for America. In bitterness and sadness let us confess that the message for our self-study is not "Lest we forget," but "We have forgotten."

Certain material truths we consider of comparative unimportance. We have freed Cuba, and have done our best to uplift her to independence. Yet we leave her with "the sunken battle ship a serious menace to the shipping of the harbor, as it occupies a portion of the best anchorage. The obstruction has increased annually during the last ten years by causing a shoal. It will be necessary in a short time to begin dredging, in order to provide proper anchorage for the large amount of shipping now entering the harbor unless the wreck is removed."

We leave that wreckage not only an obstacle at Cuba's doorway, but a standing scandal upon this nation and a slander upon the American navy. For it is only too true that "the neglect to remove the wreck is attributed by many, especially the large Spanish contingent in Cuba, to the fear that its removal will disclose the fallacy of the popular belief that the *Maine* was destroyed by a torpedo or mine instead of an interior explosion. So generally does this opinion prevail that the Cuban government was deterred thereby from dealing with the wreck as an obstruction to navigation of its coastal waters and destroying it."

These reasons, cited by Charles E. Magoon, provisional governor of Cuba, in his annual report, forwarded to the War Department, are forceful and sufficient. Emphasized by a special message of the President, pleading with Congress to "see the wisdom" of Governor Magoon's suggestion for the removal of the wreck should bring even from this Congress the small appropriation needed for the work.

But it is in the following passage of the Magoon report that we find the stinging indictment of American patriotism and national decency that should stir the country to self-respect and elicit a mandate to Congress jarring the unspeakable pettiness of its ruffled "dignity" to realization of what the nation's dignity demands:

"Even more important than this obstruction to navigation is the fact that this wreck, although it contains the bodies of 63 American seamen, or what is left of them, is apparently abandoned and forgotten by the Government and people of the United States. Thousands of Americans and other thousands of other nationalities annually enter the harbor of Habana, and probably not one omits to express regret and censure for the deplorable spectacle. It has become a national reproach and an international scandal."

Fair men did not quarrel with the greatest living poet when he called the American spirit "uncouth, illogical, elate." But the sense of injustice was keen when he proclaimed us "careless 'mid his dead, the scandal of the elder earth."

How can we declare that taunt untrue, how can we cleanse our honor as a people, while the skeletons that were our heroes only eleven

years ago lie in their rotting uniforms in that harbor slime, unremembered and unhonored save by those poor wreaths hung on the wreckage by grace of the pennies of a few sailors ready to face the same death any day for the sake of the same reward from the country that is the richest of all on earth—save in remembrance and self-respect?

The Clerk read as follows:

COLORADO.

For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, $1,000.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment to follow line 14.

The Clerk read as follows:

Insert after line 14 "the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures of the Grand Junction and Fort Lewis schools, Colorado, to the State of Colorado upon the condition that the properties shall continue to be maintained and operated as educational institutions, and that children of Indian parents shall have the same privileges of education as white children, with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of by sale or transfer to other schools such property as is not covered by the transfer of the real estate, buildings, and fixtures."

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. SHERMAN. I do not think any point of order would lie against it.

Mr. MANN. The transfer of property of the United States to a State is subject to a point of order; whether it does or not is a question.

Mr. SHERMAN. That is not the question here; we want to get at whether it is advisable to do it or not.

Mr. MANN. I do not doubt the advisability of doing it on proper terms. I wish the gentleman would explain the amendment.

Mr. SHERMAN. A special report was made to the House in Document No. 1071, in which it is stated, among other things, that, so far as the Fort Lewis and Grand Junction schools of Colorado are concerned, Governor Buchtel answered the inquiry sent out by the department that he was quite certain that the State could use one or both of these properties as normal schools, that they were very much needed, and he would take up the subject with the government officials.

The commissioner stated to us later—I supposed it was in this report—that negotiations had been taken up with the State of Colorado and the State was anxious to obtain the title to these two schools, with the agreement that they should be maintained in perpetuity as schools and that in these schools any Indian pupils should be educated and cared for at the expense of the State of Colorado. That is all there is to it.

Mr. MANN. I withdraw the point of order.

The amendment was agreed to.

The Clerk read as follows:

KANSAS.

HASKELL INSTITUTE.

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., for transportation of pupils to and from said school, and for pay of superintendent, $137,750; for general repairs and improvements, $10,000; for hay barn, $3,000; for equipment new manual-training building, $1,000; for ventilation system, $2,500; for equipment of manual training school, $2,500. In all, $156,750.

Mr. SHERMAN. Mr. Chairman, I move to amend by striking out lines 6 and 7 on page 17. It is a duplication.

The amendment was agreed to.

The Clerk read as follows:

MORRIS SCHOOL.

That the Secretary of the Interior is hereby authorized and directed to dispose of and convey the real estate, including buildings and fixtures, of the Morris School of Minnesota, in the State of Minnesota, under such terms and conditions as he may prescribe, including the necessary land therefor: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of by sale or transfer to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

Mr. MANN. Mr. Chairman, I reserve a point of order to that.

Mr. SHERMAN. What I said in reference to the Colorado schools applies to this.

Mr. MANN. This school has not been in existence a great while, has it?

Mr. SHERMAN. Something like thirteen years, I think; I may be in error.

Mr. MANN. Is there any possibility of our providing some other schools to take the place of these after we give them away?

Mr. SHERMAN. The thought is in the disposition of these schools to dispose of those remote from reservations; to dispose of those which have not a sufficient number of pupils to make it worth while and expedient to maintain the schools. That is, that have not enough pupils within the reasonable radius of the school; at the same time to provide, in the disposal of them, that there shall be free tuition for the Indians at that school, and to dispose of them to States upon the proviso that they shall maintain them as educational institutions.

Mr. MANN. There is no such provision in this paragraph.

Mr. SHERMAN. We did not put it in the bill, but we authorize the department to dispose of it upon those conditions.

Mr. MANN. But it was in the gentleman's other amendment.

Mr. SHERMAN. There is no thought of disposing of the schools other than to provide for free tuition for such Indians as present themselves for schooling.

Mr. MANN. I think the gentleman and I agree about the advisability of maintaining the nonreservation schools, although the gentleman would hardly be understood as insisting that they were disposing of schools far away from the reservation first.

Mr. SHERMAN. No; there are other considerations than that. For instance, in what is known as the Haskell School in Kansas, a most excellent school with a manual training department; there is no better school anywhere, and still that school is more remote from large numbers of Indians than other schools that we would sooner dispose of. There is no better school anywhere or one which furnishes a better education than the Haskell School.

Mr. MANN. There are a large number of Indians in Minnesota. Are we going to get ourselves into the position in giving away the present school that in a year or two we will be asked by gentlemen who represent the State of Minnesota to provide another school up there, and possibly some more complaisant chairman, not so long in the service as the gentleman from New York, will agree to provide the additional school.

Mr. SHERMAN. I anticipate that within the service of the gentleman from Illinois—and I trust that will be as long as it has been valuable, and that makes it almost perpetual—I doubt if anybody within that length of time will undertake to establish a new nonreservation school in this country.

Mr. MANN. Oh, they have been established since I have been here. There are many more ways than one of killing a cat.

Mr. SHERMAN. Well, nobody knows that better than the gentleman from Illinois. [Laughter.]

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisement of the lands in the Blackfeet Reservation, in the State of Montana, $100,000: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

Mr. MANN. I move to strike out the last word. I would ask the gentleman how much of a reservation this is.

Mr. SHERMAN. It is not as large as the Crow Reservation. I wonder if the gentleman from Montana [Mr. PRAY] can tell me from memory.

Mr. PRAY. About 1,800,000 acres.

Mr. SHERMAN. It is larger than I had supposed.

Mr. MANN. After this survey is made, will that be followed up by a bill to open it up for entry?

Mr. PRAY. That is for an irrigation project, and this is to continue that—this appropriation. About 30,000 acres of it will be available for irrigation.

The Clerk read as follows:

For construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under the act of April 23, 1904, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," including the necessary surveys, plans, and estimates, $250,000, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation.

Mr. PRAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 23, line 21, at the end of the paragraph, after the word "reservation," amend by inserting the following as a new paragraph:

"That any of the lands withdrawn under the reclamation act in pursuance of the provisions of section 5 of the act of Congress approved April 27, 1904, entitled 'An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect,' which are not disposed of within five years from the date of the passage of said act shall remain subject to disposal under the provisions of the reclamation act until otherwise directed by the Secretary of the Interior."

Mr. SHERMAN. On that I reserve the point of order.

Mr. MANN. What is the number of the gentleman's bill?

Mr. PRAY. Senate 8357. It was reported by the Indian Committee a few days ago. I will state that the purpose of this

amendment is simply to enable the Reclamation Service to retain control of the disposition of the balance of the lands now remaining under the Huntley irrigation project. The chairman of the Committee on Indian Affairs will recollect that a few years ago a portion of the Crow Indian Reservation was ceded to the United States, and that about 30,000 acres were withdrawn under the reclamation act for the purpose of building an irrigation project about 12 miles from Billings, Mont. This project was constructed at an expense of about a million dollars. It was provided in the act opening this portion of the reservation that all lands not disposed of within five years—that is, five years from the 27th of April, 1904, when the act took effect——

Mr. STEPHENS of Texas. When do the five years expire?

Mr. PRAY. April 27, 1900. That the balance of the land would be sold to the highest bidder for cash, as appears from the Senate report. That would enable speculators to come in and take up the balance of the lands under the Huntley project and defeat the purpose of the reclamation act.

Mr. STEPHENS of Texas. The purpose of this amendment is to extend the time?

Mr. PRAY. It is to extend the time and enable the Secretary of the Interior to dispose of them as was originally intended.

Mr. STEPHENS of Texas. Then it would be a benefit to the Indians, inasmuch as it would bring them more money, and there would be a chance to get a better price for the land.

Mr. PRAY. Yes; I think the gentleman is correct.

Mr. STEPHENS of Texas. I think it would be a good amendment.

Mr. PRAY. The Indians receive $4 an acre.

Mr. MANN. Suppose this amendment be not adopted, then what will be the result? Will not this land be sold to the highest bidder?

Mr. PRAY. If this amendment is not adopted, and I am not fortunate enough in passing the bill before the end of the session, it will be sold to the highest bidder and speculators will be enabled to get control of these valuable lands, and I would say to the gentleman that three-quarters of the land under the Huntley irrigation project, consisting of about 30,000 acres, are now settled, and the service desires to go ahead and carry out the purposes of the act.

Mr. MANN. If these lands are so extremely valuable and settlers want them, why haven't the settlers taken them within the five years' time?

Mr. PRAY. The gentleman will understand that it took considerable time to complete an irrigation project costing a million dollars. In fact it was only completed about a year and a half ago, to the best of my recollection.

Mr. MANN. Plenty of time within which to settle it. Why should we provide this land should be disposed of for a less price than these Indians would otherwise obtain, if the law now in force is continued in force?

Mr. PRAY. I will say to the gentleman that under the provisions of the original act opening this portion of the Crow Reservation about 30,000 acres were withdrawn, and it was provided by treaty agreement and by statute that the Indians should receive $4 an acre for that land, which would amount to about $120,000; and in addition to that, other valuable considerations specified in the original act, and that the land should be reclaimed under the provisions of the reclamation act——

Mr. MANN. Which land?

Mr. PRAY. The land under the Huntley irrigation project.

Mr. MANN. Now, I will say to the gentleman I have read the report in this case, and nobody can understand what it means. It purports to be a copy of the Senate report, possibly incorrectly copied or incorrectly printed in the first place. This is what the report says:

> All lands which were not disposed of within five years from the date of the passage of said act remain subject to disposal under the provisions of the reclamation act.

Now, if that is the case, if all lands undisposed of within five years remain subject to disposal under the reclamation act, what more does the gentleman want?

Mr. PRAY. Well, aside from the language, which is clearly an error, that is what the bill seeks to accomplish.

Mr. MANN. Yes; but here is a report stating that this is existing law.

Mr. PRAY. I do not know as to that. What report is it?

Mr. MANN. The House report.

Mr. PRAY. I have before me the Senate report——

Mr. MANN. This is the House report. I am reading from the House report purporting to give the Senate report.

Mr. PRAY. The same words are here in the Senate report. I should say that is evidently an oversight or a clerical error.

Mr. MANN. I could not understand, and I do not yet. I assume that that possibly was an error because, otherwise, the bill would not be here, yet there is a statement.

Mr. PRAY. Perhaps I did not quite understand the former question of the gentleman or did not explain it fully in my reply.

Mr. MANN. I do not know whether——

Mr. PRAY. I mean the former question.

Mr. MANN. I am trying to ascertain now whether that statement is correct. The gentleman says that statement is incorrect.

Mr. PRAY. I have tried to explain what the bill seeks to accomplish; that is evidently an error in the report.

Mr. MANN. Then the report says that if this bill be not passed and the five-year period expires, then the land will be sold to the highest bidder for cash. Is that correct?

Mr. PRAY. Yes; according to the bill and report that is correct.

Mr. MANN. Why should not that be done? Why should not the Indians have the land sold to the highest bidder for cash? The homesteaders have had a chance to take it up and have not taken it up.

Mr. PRAY. They are taking it up as rapidly as circumstances will permit; they are building up a prosperous community.

Mr. MANN. It seems to me that after five years if it has not been taken that nobody has a license to complain.

Mr. PRAY. It seems to me, if the gentleman will permit, that the very purpose of the reclamation act, and likewise the original act, would be absolutely defeated if that were allowed to be done, because one man or set of men might go in there and gain possession of the entire tract; and yet, assuming that was not the intention——

Mr. MANN. I would not assume that would be the case. Of course I am not in favor of speculators getting this land, but the gentleman assumes speculators would get this land. It seems to me this is a distinction between the existing law and what would be the law if the gentleman's bill prevails; that now the homesteader gets this land, and the amount that he pays is restricted to the amount set forth in the law at $4 per acre, whereas much of this land is worth $25 an acre or more; and if the law is continued as it is now, a man could go there and buy this land, this valuable land, paying the Indians what it is worth instead of getting it for "a song and dance."

Mr. McGUIRE. But it does not go to the Indians——

Mr. PRAY. I will say to the gentleman that he is hardly——

Mr. MANN. Then who gets the money for this land if it does not go to the Indians?

Mr. PRAY. It is provided that the Indians shall receive $4 an acre for their land——

Mr. MANN. Not less than $4.

Mr. PRAY. The law says the price shall be $4. Now, the settler has to pay $30 in addition to that on account of the money expended for the construction of——

Mr. MANN. The Indians are to receive not less than $4 per acre for the land, and if they sell for $100 an acre it is their land and it is their money. Now, the Government does not own this land, but it is making improvements, and it is supposed to pay for the improvements out of the money for which the land is sold. Now, I do not see any reason why the Government, although desirous of having homesteaders settle upon this land, should give favoritism to some particular man who wants to settle, at the expense of the Indians.

Mr. PRAY. Well, I do not look at it in that way.

Mr. McGUIRE. Has not that always been the policy of the Government?

Mr. MANN. Quite the contrary; that has not been the policy of the Government.

Mr. McGUIRE. I do not so understand it. It has always been the policy of the Government to allow homesteaders to take up lands throughout the West in general.

Mr. MANN. The gentleman himself had a bill here the other day, with a plea under which he shed tears almost in the House——

Mr. McGUIRE. Not that.

Mr. MANN (continuing). Stating that the lands had been sold to the Indians for twice its value, or such a matter, and were seeking to be let off.

Mr. McGUIRE. The only exception that has been made to this rule in the last fifty years has been in Oklahoma and one or two other points.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MARSHALL. Mr. Chairman, possibly I can give the gentleman from Illinois a little light on this subject. Here is the proposition: It is not the policy of the Government to get the very last dollar out of lands for the Indians. The idea is to divide these lands up and get as many white men intermingled with the Indians as possible. But, further than that, this great irrigation project, if I am right, was planned with a view of putting water on these lands. Now, if they are allowed to be sold in a body at the end of five years, as the provisions of the bill opening the reservation provide, they can go into the hands of a single person or corporation, be withheld from this irrigation project, and, in a measure, defeat it, because it will make the balance of the lands that have already been brought under the project bear an unreasonable part of the cost of the plant.

Mr. MANN. Will the gentleman yield for a question?

Mr. MARSHALL. Certainly.

Mr. MANN. Does the gentleman think that anybody will buy this land for the purpose of keeping it out of reclamation and irrigation when it would be worth five or ten times as much by being irrigated?

Mr. MARSHALL. But the gentleman must remember this——

Mr. MANN. They may be very foolish people out West, but I do not think anybody is foolish enough in the West to do that.

Mr. MARSHALL. The gentleman who buys this land and puts it under the irrigation project will be obliged to part with every particle of it except one unit, which is perhaps 80 or 160 acres, so there is no possibility of one man bringing all these lands under this project and no particular object for him to divide it up, because they compel him to sell it and sell it quickly.

Mr. MANN. The cost of this irrigation, as I understand it, is paid out of the Indians' money?

Mr. MARSHALL. No, indeed. It is paid out of an assessment on the lands, and paid by the man who buys them.

Mr. MANN. On the Indians' lands?

Mr. MARSHALL. No; I think not.

Mr. MANN. Is it not, like these other provisions in the bill here, advanced out of the Treasury and reimbursed to the Treasury out of the funds coming from the Indians' lands?

Mr. MARSHALL. Yes.

Mr. MANN. In other words, we make an experiment at the Indians' expense. If it is successful, we take the benefits. If we lose, they are the ones who lose. That is a jug-handled experiment.

Mr. MARSHALL. Not at all. The homesteader, or whoever gets this land, pays the Indian his money, and pays enough to make the Indian whole for the cost of the project. It does not cost the Indian a cent.

Mr. MANN. It does not cost the Indian a cent if it is successful.

Mr. MARSHALL. Nor if it is unsuccessful. The idea is to make this project a success.

Mr. SHERMAN. I had reserved the point of order; I now make it.

The CHAIRMAN. It seems clear to the Chair that the amendment offered by the gentleman from Montana is legislative in character, and not in order on a general appropriation bill. The Chair therefore sustains the point of order.

The clerk read as follows:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Winnebago tribe of Indians the sum of $883,249.58, being the balance of the unappropriated amounts due said tribe under the fourth article of the treaty of November 1, 1837, to wit, $804,909.17 (7 Stat. L., 544), and the act of July 15, 1870, $78,340.41 (16 Stat. L., 355), and the Secretary of the Interior is authorized to pay per capita to the members of the tribe the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., 201).

Mr. MANN. I reserve the point of order upon the paragraph.

Mr. SHERMAN. It is a provision such as we often make with reference to Indian agreements, where the United States agrees to pay to Indians a certain sum of money and until it is so paid to pay them interest on that fund. This particular amount has never yet been set aside in the Treasury and appropriated, although the agreement provides that we shall pay them interest upon such particular sum; and heretofore they have been paid interest thereon. Now, we capitalize the full amount and put it in the power of the Secretary of the Interior, under the provisions of existing law, to pay to each individual Indian whom he may determine upon investigation is competent to take care of his own affairs his share of that particular sum.

Mr. MANN. On what basis does it capitalize?

Mr. SHERMAN. It capitalizes on the basis of 5 per cent.

Mr. MANN. Has the gentleman any idea how much there is outstanding of this sort of obligation?

Mr. SHERMAN. I could tell the gentleman correctly by reference to the book. It is several million dollars; I have not the exact amount in mind, and I have not the book with me here. I would guess the total amount of Indian funds in the Treasury which have been set aside by appropriations in cases similar to this would amount to something like thirty-one or thirty-two millions of dollars, as I now recall. The greatest amount due to any single tribe is the Osages, which amounts to something over $8,000,000. Altogether it is something over $30,000,000. I can not give the exact amount from memory.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the board of county commissioners of Ormsby County, Nev., for damages to the public road caused by the breaking of the dam belonging to the Indian school at Carson City, Nev., the sum of $70 from an unexpended balance of the appropriation "Indian school, Carson City, Nev., 1907," not required for other purposes.

Mr. MANN. I reserve the point of order against that paragraph. I do not know but what it may be better to pay it.

Mr. SHERMAN. It went out last year on a point of order, and if the gentleman makes the point of order this year it will have to go out, because it is clearly subject to it.

Mr. MANN. Why should it be in the Indian appropriation bill?

Mr. SHERMAN. Because they could not get it in any other place. [Laughter.]

Mr. MANN. I did not know that the committee was easier to work than any other.

Mr. SHERMAN. Oh, no. It is something that the Indian agent at that locality thought ought to be paid, and there was an unexpended balance of the sum appropriated for the fiscal year 1907. He desired to pay it out of that fund, but had no authority to do so, and he asked Congress to grant him authority. It was sent here with a favorable recommendation by the Commissioner of Indian Affairs last year, and was put in the bill, and went out on a point of order, undoubtedly raised by the gentleman from Illinois, who is here with his watchful eye and thoughtful care of the Treasury; and it will have to go out this year if the gentleman makes the point of order.

Mr. MANN. I do not think items of this sort ought to be in the bill. If this was a case of a poor widow——

Mr. SHERMAN. I never was in very hearty sympathy with it myself, but it is in the bill, and I would like to see it remain there.

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $20,000.

Mr. GRONNA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 33, line 23, insert a new paragraph, to read:

"For payment to such Indians of the Fort Berthold Reservation, in North Dakota, as the Secretary of the Interior shall determine to be entitled thereto the value of certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, said value to be ascertained and determined by the said Secretary of the Interior, $13,860, or so much thereof as may be necessary.

Mr. MANN. I reserve the point of order on the amendment.

Mr. GRONNA. Mr. Chairman, I received my information regarding this matter too late to appear before the committee; I have, however, a letter from the acting commissioner, under date of January 25, 1909, which reads as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 25, 1909.

Hon. A. J. GRONNA,
House of Representatives.

SIR: The office has received your letter of January 14 inclosing a communication from Superintendent Hoffman, of the Fort Berthold Agency, in regard to the claim of certain Indians of his agency for infected horses destroyed by order of the Bureau of Animal Industry, Department of Agriculture, in 1906 and 1907.

There does not appear to be any way in which these Indians can be compensated unless an appropriation for the purpose is made by Congress.

I shall be very glad to have such an appropriation made. The horses were condemned to prevent the spread of an infectious disease, and the Indians were given to understand that they would be remunerated to the value of the horses destroyed.

The office has no further information concerning the number and value of the animals destroyed or the names of the owners.

An item of appropriation, however, might be drawn so as to authorize payment after due investigation. Probably the following would answer the purpose:

"For payment to such Indians of the Fort Berthold Reservation in

North Dakota as the Secretary of the Interior shall determine to be entitled thereto, the value of certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, said value to be ascertained and determined by the said Secretary of the Interior, $13,860, or so much thereof as may be necessary."

I return Superintendent Hoffman's letter.

Very respectfully,

R. G. VALENTINE,
Acting Commissioner.

Mr. STEPHENS of Texas. Can the gentleman inform the committee why that was not brought before the Committee on Indian Affairs for investigation?

Mr. MANN. He said he did not get it until too late.

Mr. GRONNA. The claim came too late for me to bring it before the committee. They had already reported the bill out.

Mr. STEPHENS of Texas. Were the horses killed because they had some disease?

Mr. MANN. Glanders.

Mr. STEPHENS of Texas. Were they condemned by some competent authority?

Mr. GRONNA. They were condemned and killed by an agent of the Government.

Mr. HINSHAW. Of the Bureau of Animal Industry.

Mr. STEPHENS of Texas. How many horses were killed?

Mr. SHERMAN. One hundred and eighty-one.

Mr. GRONNA. One hundred and eighty-one. There is also a bill introduced in the Senate by Senator MCCUMBER, on which a favorable report has been made.

Mr. STEPHENS of Texas. Who estimated the value?

Mr. GRONNA. I was going to state that I have here a letter addressed to Senator MCCUMBER, and I had a similar letter sent to the committee, but which was mislaid. This is the letter from Mr. Hoffman, the agent on the Indian reservation.

Mr. MANN. Has the gentleman any letter from the Agricultural Department on the subject?

Mr. STEPHENS of Texas. Doctor Wiley, for instance.

Mr. MANN. Doctor Wiley kills a great many bad things, but he does not kill horses on account of the glanders.

Mr. GRONNA. I was going to read a letter from the agent sent out by the Agricultural Department under the Bureau of Animal Industry:

If a successful extermination of glanders is to be effected this following summer, the Indians will have to be made to understand that they will be remunerated for their horses which are destroyed. The conditions on the reservation are such that it will be very easy for the Indians to hide their suspicious cases in the timber on the bottom lands along the river, and in the Bad Lands. Unless they know they are to be given a fair price for their horses which will be destroyed, much difficulty will be experienced in finding their worst cases.

Mr. STEPHENS of Texas. I believe the gentleman is a lawyer. As a matter of fact would not the courts in passing upon this question require the Government—your State, for instance, or the United States Government—to pay the actual value of the property at the time it was destroyed? Is not that the measure of damages?

Mr. GRONNA. If the gentleman will have the amendment read again, I believe the amendment provides for that. The damages will be such as the department may determine.

Mr. STEPHENS of Texas. Does the gentleman consider a glandered horse of any value whatever? Isn't he worse than nothing? In fact, would it not be a benefit to the tribe of Indians to have it destroyed?

Mr. GRONNA. I will say to the gentleman that unless the Indians had been given to understand that they would be reimbursed, it would cost the Government a great deal more to exterminate this disease than it would be allowing them a fair price for the horses.

Mr. STEPHENS of Texas. By what authority would the agent of the Government give such advice as that to the Indians?

Mr. GRONNA. I can not say.

Mr. STEPHENS of Texas. You have laws against glanders in your State.

Mr. GRONNA. We have.

Mr. STEPHENS of Texas. Glandered stock?

Mr. GRONNA. Yes.

Mr. STEPHENS of Texas. Does the State pay full value for a glandered horse destroyed?

Mr. GRONNA. We do, to an amount not to exceed $100 for a horse.

Mr. STEPHENS of Texas. For every horse?

Mr. GRONNA. For every horse.

Mr. STEPHENS of Texas. Condemned and killed in your State?

Mr. GRONNA. Yes.

Mr. STEPHENS of Texas. Who makes this valuation?

Mr. GRONNA. The veterinary surgeon—the state veterinary.

Mr. STEPHENS of Texas. And you pay for the horses in that way?

Mr. GRONNA. Yes.

Mr. STEPHENS of Texas. Is that the amount you propose to pay here, that the Government shall pay these Indians?

Mr. GRONNA. No.

Mr. MARSHALL. It is left to the Secretary of the Interior.

Mr. GRONNA. Such amount as the Secretary of the Interior may determine to be just.

Mr. MANN. Has the gentleman any report from the Department of Agriculture or the Bureau of Animal Industry on this subject?

Mr. GRONNA. My colleague has.

Mr. MARSHALL. He just read from the report of E. J. Cary, veterinary surgeon.

Mr. MANN. I have that in my hand. That is no report on the point.

Mr. GRONNA. Yes, it is; it covers this proposition. I have another report.

Mr. MANN. No report of how many horses were destroyed?

Mr. GRONNA. Yes; there is.

Mr. MANN. Not from the Bureau of Animal Industry, the people who destroyed the horses; no report as to the value of the horses from the bureau that destroyed them. One department of the Government does a thing, and the gentleman goes to another department of the Government to get the information. What reason is there for not applying to the department that did the work to know what was done?

Mr. GRONNA. This is a report from the parties that did the work.

Mr. MANN. I beg the gentleman's pardon. The gentleman reads from a report in which it says that something should be done, and then not a word more from the department of the Government that did it.

Mr. GRONNA. If the gentleman will look on page 2 he will see a report——

Mr. MANN. A report from somebody else to the Indian agent that the man from the Agricultural Department did something. Why do we not have a report from the Agricultural Department as to what they did, let me ask the gentleman? We are constantly destroying noxious and communicable diseases of animals that are dangerous. We have just passed an appropriation for stamping out the foot-and-mouth disease, and are likely to be called upon for a considerable additional appropriation. We carry every year in the agricultural bill a large sum of money for the purpose of paying for just such things as this. If the case arose in the way stated, it is easy to get the money out of the direct appropriation or in a deficiency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. GRONNA. I will say in reply to the gentleman that I have a letter from the Acting Commissioner of the Indian Office.

Mr. MANN. He did not destroy the horses?

Mr. GRONNA. No; but I want to say that if there are no horses destroyed there will be no money paid out.

Mr. MANN. Here is the point: The Government in stamping out a disease like glanders pays, as I understand, the real value of the animal that is taken, but a horse that has the glanders is not worth anything. The sooner it is dead the better; it is of no use. Now, I do not know whether this comes within the rule of the Department of Agriculture in such cases or not, but I see no reason for making a distinction, giving the Indians a better service than is given the white men as the owners of these horses.

Mr. MONDELL. Do I understand the gentleman from Illinois to say that the Bureau of Animal Industry is authorized to pay, and does pay, out of this appropriation for animals killed?

Mr. MANN. In some cases I understand that is the case.

Mr. MONDELL. And they have the authority to do it?

Mr. MANN. They have the authority and the money, and they do it.

Mr. MONDELL. If that can be done it means that all the States will proceed to unload charges of this kind on the Federal Government.

Mr. MANN. All the States are trying to do it, and the gentleman's own State is one of them, but Congress does not undertake to do all of it.

Mr. MONDELL. That is entirely new to me. My State is paying out a considerable amount of money every year for glandered horses that are killed and other horses that are killed, but if the Federal Government is doing it elsewhere I am glad to know about it.

Mr. MANN. I do not undertake to say whether they pay for glandered horses or not, but I do know that we carry an appropriation under which they are authorized to expend money for the purpose of stamping out some of these diseases, as they are now spending money for stamping out the foot-and-mouth disease.

Mr. MONDELL. It is important to know whether the Federal Government has a right to spend money to pay for animals within a State——

Mr. MANN. The gentleman understands very well that the National Government has no more authority to go into a State and take a man's private property and destroy it without paying for it than has the State. If the State does it the State must make provision for it. If the General Government does it, the General Government must make provision for it.

Mr. MONDELL. I did not understand that the Congress ever authorized that kind of expenditure to pay money for animals killed. We have been behind the times in my State because the State has been paying for the animals killed.

Mr. MANN. Oh, the gentleman can not convince me nor the the rest of the House that anything of that sort misses his State, because he is as diligent in looking after those things as anybody that ever came inside these walls. [Laughter.]

Mr. MONDELL. Since the gentleman from Illinois has informed me on the subject I assure him that we will see that we get our share.

Mr. MANN. We pay for the vaccine to keep the gentleman's cattle well. We pay for it in Chicago.

Mr. MONDELL. That is not paying for animals killed.

Mr. MANN. No; that is paying for trying to keep them well.

Mr. GRONNA. Now, Mr. Chairman, permit me to make one more statement; I read from the report:

> There does not appear to be any way in which the Indians can be compensated unless an appropriation is made by Congress. I shall be glad to have such an appropriation made. The horses were condemned to prevent the spread of an infectious disease, and the Indians were given to understand that they would be remunerated for the horses destroyed.

Now, this is a statement by the Acting Commissioner of the Bureau of Indian Affairs.

Mr. MANN. Does not the gentleman himself think that when we seek to pay for property destroyed by the Department of Agriculture on the ground that they promise to pay for it, we ought to have a statement from the department as to what they say they did?

Mr. GRONNA. This amendment is drawn in such a way, I would say to the gentleman, that nothing could be paid to them. It will be paid out at the direction——

Mr. MANN. This amendment is drawn in such a way that the money will be paid to them and the Department of Agriculture will never know it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I think I must insist on the point of order.

The CHAIRMAN. The Chair understands the gentleman from Illinois to insist on his point of order.

Mr. MANN. I am perfectly willing, if this bill is not to be passed to-night, to have the item go over without prejudice. I would not object to having the item passed over if the bill should not be finished to-night.

Mr. GRONNA. I hope that it will be passed over.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the pending amendment may be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. The Chair understands that the point of order is pending against it.

The Clerk read as follows:

> For general incidental expenses of the Indian Service in Oklahoma, and for pay of employees, $22,000.

Mr. FERRIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Insert, after the word "dollars," line 21, page 36: "That the Secretary of the Interior be, and he is hereby, authorized and directed to withdraw from the Treasury of the United States, in his discretion, the sum of $500,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, and pay the same to the members of said tribes, per capita, in such manner and under such regulations as he may prescribe."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order on the amendment.

Mr. FERRIS. Mr. Chairman, this amendment becomes necessary from the fact that about seven years ago the major portion of their estate was sold, and about two years ago the rest of it was sold other than their allotments. Prior to the time this land was sold and the proceeds thereof placed in the Treasury as a trust fund, they used the lease money for their maintenance and support, but since the land has been sold and the money deposited in the Treasury, subject only to the order of Congress, these Indians have been without any support whatever. Delegations from the Indians have come on and asked that this be done. The Indian agent in charge of these Indians is here in the city now asking that this be done. The Indian Office, both the commissioner and the other parties of the Interior Department, have asked that it be done, and I think the chairman of the committee now has, perhaps not in his possession on the floor, but I am sure in his office, a letter to that effect. I would also state further, and I think the chairman of the committee will confirm it, that the Indian delegation has called on him in person and represented the facts there, and also the Indian agent did so to-day. I think the amount is necessary. It is their own money, the proceeds of their land that was sold a few years ago. They are in debt and they need the money to square themselves up and keep them going.

The money is drawing only 4 per cent, and the local rates of interest in Oklahoma are much higher, and this being needed it is a matter of poor economy to permit them to pay 10 or 12 per cent, and perhaps more, with the money on deposit here receiving only 4 per cent, and that paid by the Government itself. I hope that the point of order may not be made against this item, to the end that justice be done the Indians.

Mr. SHERMAN. Mr. Chairman, let me ask the gentleman what portion of the $500,000 which he proposes to have withdrawn is required to pay the debts of these Indians?

Mr. FERRIS. Replying to the chairman of the committee, I am not informed in detail as to the amount. However, the Indian agent who is in charge of the Indian bureau tells me this. He estimates that there are about 3,750 Indians, and he estimates that they owe in excess of $100 per capita on an average. Of course, in some cases they owe more and some less. That was about as near as he could estimate it for me.

Mr. SHERMAN. The gentleman is correct in saying that I have a letter from the department which approves this proposition of permitting the withdrawal of the money. He is also correct in his statement that the agent for the Indians has called on me and urged me very earnestly to consent to this amendment; but what assurance can the agent or can anybody give us that if we permit the withdrawal of this fund to pay these debts a year from now the Indians would not be just as much in debt as ever?

Mr. FERRIS. Replying to that, I can only say this, that prior to the time the lands of the Indians were sold they then derived their money and lived upon their lease money, but since these lands have been sold the money has been in trust and not subject even to the order of the Interior Department. They are a class of people—the Comanche and Kiowas—of which some have begun farming and others have expressed a desire to farm if they can obtain the means.

Mr. SHERMAN. If we are to permit the withdrawal now of a half a million dollars of their fund, and it takes four-fifths of that to pay their existing debts, it leaves a very small per capita, does it not, to assist them in supporting and maintaining themselves by farming?

Mr. FERRIS. I agree with the chairman in every respect, but it is now the expressed policy of the Indian Office that that whole amount should be turned over to them, aggregating some $3,000,000 on deposit and some $6,000,000 now due them for lands the settlers owed for—that the whole amount should be turned over to them and the policy inaugurated of establishing them on their homesteads, which policy I heartily favor, knowing them as I do and having lived among them as long as I have. However, I thought that was too big a project to be undertaken at the short session, and I thought this would be temporary and the Congress could afterwards devise means for meeting the situation.

Mr. SHERMAN. This $6,000,000 that is due them, it is part of that $6,000,000 the payment of which we extended the time for the other day?

Mr. FERRIS. Yes; and they have more than $3,000,000 on deposit now that is not available at all.

Mr. SHERMAN. I understand it. If we give $500,000 now we will be asked undoubtedly a year from now to appropriate three or four or five hundred thousand dollars again; and would not that lead us to believe that in future years when this is expended we will have to appropriate large sums in form of gratuities to care for these Indians?

Mr. FERRIS. As again suggested, the amount that they would receive I think the chairman would hardly want to call an appropriation.

Mr. SHERMAN. I am talking about the eventual appropriation. This is not an appropriation; this is an expenditure of part of their funds, but I was talking about what we may eventually be called upon to do.

Mr. FERRIS. I anticipate and I think I fully understand what the chairman says, but I want to urge this one proposition, that Congress would hardly want to leave the Indians in a state of destitution, these Kiowas and Comanches, when they have $3,000,000 on deposit not subject to their order and $6,000,000 due them which is withheld and they can not get hold of until some plan can be inaugurated so that it can be turned over to them.

Mr. MANN. Did not we have the same thing up last year or the year before?

Mr. FERRIS. I was not here the year before.

Mr. MANN. But since the gentleman has been here.

Mr. FERRIS. Last year.

Mr. SHERMAN. We have, in reference to these Indians and in reference to many others. There has been a payment to them per capita of some portion of their funds in the Treasury, but always on the theory of their ultimate betterment to put them in a position where they could do something to maintain and support themselves. Now, I understand this proposition is, largely, to provide means with which to pay existing debts. Why did the people trust them? This $500,000 withdrawal is not to provide for the present pressing needs, but is to provide for their present pressing creditors. That is about the size of it.

Mr. FERRIS. If I may be pardoned a little further, I will say that it is not only needed for existing indebtedness, but likewise for their pressing needs, because when an Indian is head over heels in debt and paying an exorbitant rate of interest I undertake to say that it is of pressing importance that he have some relief, because the dodging of and the evading of creditors—most of the Indians are honest, though some of them are dishonest, perhaps—is not a pleasant situation for the Indian to be in. And it seems to me it is not economy on the part of the Government to force him to pay exorbitant rates of interest when he has money on deposit and is only receiving a small rate of interest.

One word further regarding the necessity of payment of debts. It is true that it is for the payment of debts, but it is also for immediate relief. And I want to say one word further. From time immemorial these Indians have been paid in quarterly and semiannual payments, and now that their lands are sold there is not any money to give them unless Congress affords to them from their own means. The Interior Department has no authority to act in the premises without congressional authorization.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MANN. Why is it that these Indians all have land that has been allotted to them, considerable quantities of land, and are not able to support themselves?

Mr. FERRIS. For the simple reason that they have no tools, they have no teams, and they have no houses. The Kiowa, Comanche, and Apache people do not live on their homesteads. They hang around the agencies and do not, as a rule, live on their Indian allotments.

Mr. MANN. They have not got to the point yet where they are willing to go to work on a farm and support themselves?

Mr. FERRIS. In the absence of any money whatever turned over to them to buy tools, or to buy houses, or to buy implements, their present state does not warrant them in going ahead, and they are, as the gentleman suggests, not yet willing to undertake the task of self-maintenance.

Mr. MANN. Does the gentleman think that if they had tools they would go to work and support themselves and cultivate their farms?

Mr. FERRIS. My impression is that in time they would; and it is my well-defined idea that a plan should be inaugurated whereby their money, or portions of it, and such assistance as the Government might see fit to render them should be expended in establishing them on their individual allotments and withhold further payments from them until they show some signs of work in their own behalf.

Mr. MANN. The gentleman will remember that last year, when this matter was up, I said to the gentleman that if we paid their debts then, they would be just as much in debt a year from then—the same set of people, all of whom want to get the money out of the Treasury. If we pay the money now they will want just as much in another year, and in the course of a few years their principal will be all gone, and then there will be no money with which to buy tools, and no Indian supporting himself, and necessarily the Government, having been at fault in paying over the principal, will be compelled to support them.

Mr. STEPHENS of Texas. Will the gentleman from Illinois permit me to suggest——

The CHAIRMAN. The gentleman's time has expired.

Mr. SHERMAN. Mr. Chairman, I ask that the time of the gentleman from Illinois [Mr. MANN] be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Will the gentleman from Illinois permit me to suggest that there should be something paid these Indians in lieu of the lease money that they have had heretofore?

Mr. MANN. I do not know anything about that. I believe in giving these Indians anything that is proper.

Mr. STEPHENS of Texas. Should they not have the interest on their money in lieu of the lease money that the cattlemen have paid them for the lands? We have had the use of the money, and they should have interest on the money instead of the lease money.

Mr. MANN. If the gentleman will pardon me, when the proposition to allot these lands in severalty came up and was adopted, it was the expectation and intention that the Indians living upon the land, or otherwise, as they pleased, would be able to take care of themselves.

Mr. STEPHENS of Texas. That may be true. But if the gentleman will figure just a moment, he would find that the $6,000,000 coming to them on the land sale, and $3,000,000 on hand now, would make $9,000,000, which at 4 per cent interest would amount to $360,000 per annum, would it not—more money than they derived from the lease money?

Mr. MANN. What is done with the interest money now?

Mr. STEPHENS of Texas. There are $6,000,000 of it, I understand, not available, because the settlers have not paid for the land in full.

Mr. MANN. It seems they have been paid the interest; now what has been done with the money? They get the interest on $9,000,000.

Mr. STEPHENS of Texas. On $3,000,000.

Mr. MANN. They get the interest on $9,000,000 each year, and still they go on year after year incurring debts to white men who want them to get in debt.

Mr. FERRIS. I hope the gentleman will withhold his objection until I repeat one statement that I wish to make more clearly, and that is this: Prior to 1901, when the Kiowa and Comanche country was sold, they had been receiving quarterly, semiannually, and annually payments from this lease money. Since the land was sold the money went into a trust fund, and is not available only upon congressional authorization for their use since that time. Now, when their lands are disposed of and they are forced to take up their residence on an allotment and the money is tied up in the Treasury, these people need assistance. They at least are deserving of the right to expend their own funds. And while the gentleman from Illinois very wisely suggests that they may come in next year asking for the same relief, I want to say that unless some new plan is devised by which they can be stimulated to establish themselves on that land, or until they are supplied with tools, horses, and implements, no doubt they will. It is merely asking for their own. They have no earning capacity. These Indians, many of them, are located in the county in which I live. I know them, their traits, and how they live. These people as they now stand differ widely from the other Indians of my State and need the assistance this amendment gives them.

Mr. HINSHAW. How does the amount received at interest compare with the amount received on the leases?

Mr. FERRIS. I am unable to give that. The lease money was distributed to them in quarterly, semiannual, and annual payments until they became reliant on it to a certain extent each year. Since their lands have been sold they have been unable to get this annually. However, last year the chairman of the committee and the House yielded to me and allowed me to put on an amendment for their immediate necessities. It was necessary last year, and it is necessary this year, and unless some new plan is devised it will be necessary hereafter.

Mr. HINSHAW. Why not change the law so that they can get the interest quarterly as they did get the grass money quarterly?

Mr. FERRIS. I have no objection to that.

Mr. MANN. Do they not get the interest now?

Mr. FERRIS. They get the interest now.

Mr. MANN. The gentleman one minute tells us that they have nothing, and the next minute tells us that they get the interest. I do not mean that the gentleman would mislead the House.

Mr. FERRIS. I feel sure the gentleman from Illinois has no desire to misquote me, not even misquote my intentions.

My statement, as I recall it, is they neither have the land nor the money, meaning the lands that were sold and the proceeds derived therefrom. It is true that they have the interest on this fund, also true they have their individual allotments. The Kiowas and Comanches are a dependent people with both their land and money tied up, and they will be in this condition until they are assisted and forced to establish themselves on their allotments.

Mr. MANN. They now have land and interest on their fund, and, like everybody else who are improvident, they are not satisfied until they get the principal.

Mr. SHERMAN. In view of the fact that the department asked that this authorization be given, and in view of the fact that the agent down there is most earnest in his desire to have the authorization given, I hesitate to insist upon the point of order. But I want to make this suggestion to the gentleman rather than insist upon the point of order: Let us pass this by, and if the gentleman will draw an amendment providing that, for instance, $250,000 may be withdrawn, not to pay their debts, but to supply their necessities for the coming year, I will not object to that. Let those people who have trusted them and gotten them in debt—and I have no doubt sold them pianos and sewing machines and all sorts of things, and who expected them to loot the Treasury for their fund—let them wait a while longer by providing that $250,000 may be withdrawn and expended through the department or the bureau, I do not care which way you put it, for their support during the coming year and for furnishing such agricultural implements and the like as necessary to make it possible for them to support themselves, and I will not make any objection.

Mr. FERRIS. I would like to ask the chairman of the committee to dictate the amendment to the Clerk.

Mr. SHERMAN. I simply ask unanimous consent to pass by this amendment without prejudice.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the pending amendment be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I asked that the amendment offered by the gentleman from North Dakota be passed without prejudice. I would like to have it recurred to.

The CHAIRMAN. Is there objection to returning to the amendment offered by the gentleman from North Dakota at this time. [After a pause.] The Chair hears no objection.

Mr. MANN. I reserved the point of order. The gentleman from New York [Mr. COCKS] has obtained some information in regard to it which I think would, as I indicated to him, probably satisfy me and the House in reference to the matter.

Mr. COCKS of New York. Mr. Chairman, I have communicated with the Chief of the Bureau of Animal Industry, Doctor Melville, who stated to me that these animals were destroyed to prevent the spread of a disease there, and it was an understanding between the bureau and the Indian Department that this was for the remuneration of the Indians for these horses.

Mr. MANN. I understood the gentleman to say that at the time of the destruction of the horses it was not understood that they were to be paid for out of the fund provided for the Bureau of Animal Industry, but, being an Indian matter, that they should be paid for out of Indian Department funds.

Mr. COCKS of New York. Yes.

Mr. MANN. That being the understanding, I withdraw the point of order.

The amendment of Mr. GRONNA was agreed to.

The Clerk read as follows:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Sacs and Foxes of the Mississippi tribe of Indians the unappropriated sums of $200,000, due under the second article of the treaty of October 21, 1837 (7 Stat. L., p. 540), and $800,000 under the second article of the treaty of October 11, 1842 (7 Stat. L., p. 596).

Mr. MANN. I move to strike out the last word, for the purpose of asking the gentleman from New York [Mr. SHERMAN] whether this and the preceding item in any way involve the controversy between the Sac and Fox Indians of Iowa and those of Oklahoma?

Mr. SHERMAN. No, Mr. Chairman; the pending suit has reference to other funds than either of those appropriated for here.

The Clerk read as follows:

That there be, and hereby is, appropriated, out of the money in the Treasury of the United States belonging to the Osage Nation of Indians, the sum of $14,000 for the erection of a new building at the Osage Boarding School, Oklahoma, to replace the one recently destroyed by fire.

Mr. SHERMAN. Mr. Chairman, I move to strike out lines 3 to 8, inclusive, on page 40. That provision has already been cared for.

The Clerk read as follows:

Page 40, strike out lines 3 to 8, inclusive.

Mr. SHERMAN. That has already been cared for in the deficiency bill.

The amendment was agreed to.

The Clerk read as follows:

DISTRICT AGENTS.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated for the salaries and expenses of district agents and other employees connected with the work of such agents, out of any funds in the Treasury not otherwise appropriated, the sum of $90,000, to be immediately available and available until expended as the Secretary of the Interior may direct; and all powers heretofore conferred by law on said district agents, who are designated by the act of May 27, 1902 (35 Stat. L., p. 312), as "local representatives" of the Secretary of the Interior, are continued in full force and effect: *Provided*, That the Secretary of the Interior is hereby authorized to employ of such district agents such number, not exceeding five, as he deems proper, to perform like duties as those now performed by them among the Five Civilized Tribes in Oklahoma in other portions of that State.

Mr. MANN. I reserve a point of order on that paragraph.

Mr. SHERMAN. Mr. Chairman, a provision similar to this was carried last year in the bill known as the "removal of restrictions bill," and under that provision agents, who are called "district agents," to the number of about 50, have been appointed and are now acting, and are doing a very important work in the portion of Oklahoma which heretofore has been known as "the Indian Territory." They have been engaged in looking after the interests of the Indians in every possible way, seeing that those who have not selected their allotments select them, seeing that they are not defrauded out of their lands, that they do not enter into leases for a consideration which is not adequate, and all that sort of thing. They are rendering a very important service for the benefit of the Indians. It is a service now in existence.

Mr. MANN. Is this connected with the land frauds down there?

Mr. SHERMAN. No; not what the gentleman calls land frauds. It is connected wholly with the Indian Service.

Mr. MANN. What is the object of making the fund here available until expended?

Mr. SHERMAN. I suppose the theory is that, all of it not being used during this fiscal year, whatever is unused can be used during the next fiscal year.

Mr. MANN. That would apply to any appropriation.

Mr. SHERMAN. Yes. I know of no other reason for putting it in.

Mr. MANN. What differentiates this from the ordinary appropriation?

Mr. SHERMAN. Nothing that I know of. It is a question of the importance of the service, that is all; and if they do not use it all during this coming fiscal year, the desire is that what is not used that year may be used in the following year.

Mr. MANN. Is there any reason why next winter the committee considering this bill should not be informed as to the necessity for this service?

Mr. SHERMAN. Not at all; and there is no expectation of not informing them.

Mr. MANN. They could not be informed if this goes in.

Mr. SHERMAN. Oh, yes.

Mr. MANN. They would not know anything about it.

Mr. SHERMAN. We are always informed as to the condition of every appropriation. I will say to the gentleman that there is not a year that we are not informed of the condition of every fund, exactly how much was expended during the fiscal year, exactly how much was left on hand, and all that sort of thing, and we will have that same information next year.

Mr. MANN. The gentleman refers to the Book of Estimates?

Mr. SHERMAN. No; I do not. The gentleman misunderstands. Fuller information than the Book of Estimates ever contains is required by the committee from the department every year, and we get it. I can tell the gentleman, for instance, the amount that was left over in every particular fund that was appropriated for in our bill the last fiscal year, and what the condition of the fund was on January 1 of this year.

Mr. MANN. Tell us about this fund, how much was appropriated and how much was expended.

Mr. SHERMAN. This was not included in last year's appropriation bill and therefore I have not the figures for this one item. Every item included in last year's appropriation bill I have the figures for.

Mr. MANN. That is exactly it. I said, if this was not to be in the appropriation bill next year there would be no in-

formation furnished about it. The fund has been appropriated, and has been expended, and the gentleman's committee has not been given any information concerning it. I do not know anything about the item, and do not pretend to; but I make the point of order on so much of the item in lines 18 and 19 as reads "and available until expended."

Mr. SHERMAN. The point of order is well taken, I will admit.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HACKNEY. Mr. Chairman, I move to amend by striking out the word "two," in line 22, page 41, and inserting the word "eight." It is a clerical or typographical error.

The Clerk read as follows:

Page 41, line 22, strike out the word "two" and insert the word "eight."

The amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to return to page 36 of the pending bill to offer the following amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to page 36 of the bill for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Insert on page 36, line 21, after the word "dollars," the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to withdraw from the Treasury of the United States, at his discretion, the sum of $250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support for the ensuing year in such manner and under such regulations as he may prescribe."

Mr. MANN. On that I reserve a point of order. What is the difference between this and the other except in amount?

Mr. SHERMAN. The other authorized the withdrawal of the fund, and it was stated that it would be used to the amount of $400,000 in the payment of existing debts. Now this eliminates existing debts. It leaves the people who have been foolish enough to trust the Indians, and perhaps not only foolish enough to trust them but so criminal, if I may use the word, as to induce them to go into debt, leaving them to wait for their money, and it is provided that $250,000 of their own money may be used under the direction of the Secretary of the Interior for their support and maintenance during the coming year. That is the difference between the two.

Mr. FERRIS. This provides for $250,000 and the other provided for $500,000.

Mr. MANN. How much do the Indians now receive as interest on their fund?

Mr. SHERMAN. They must receive in the neighborhood of $300,000.

Mr. MANN. How much per capita?

Mr. SHERMAN. I should say about $80.

Mr. MANN. Eighty dollars for each one in the family?

Mr. FERRIS. They do not get that much, for a part of it is outside money that no interest is paid on.

Mr. MANN. We provided the other day for interest on town-site sections. Each one in the family gets the money—one man gets it for all in the family. It seems to me that a family of Indians with a homestead and that much clear coming to him ought to be able, if he is ever going to be able, to begin to learn the necessity for living on his income.

Mr. STEPHENS of Texas. I want to say to the gentleman that the land is all new; it is a prairie country, and the land is not yet reduced to cultivation. When it is reduced to cultivation it can be rented for from one to five dollars an acre, according to the value of the land. Now, that would be quite an income to have; but wild land, fresh land, can not be rented to the farmers.

Mr. MANN. That is it; it can be rented to white men. I want the Indians to understand that it is their business to cultivate the ground themselves or else for us to understand that we have got to support them for all time, and if so, we had better keep the fund and support them on the interest. Here is a proposition to give them the land which you do not expect them to cultivate, and also the funds, which were supposedly to protect us, and in the end we will have to take care of them.

Mr. STEPHENS of Texas. The white men will have to make a living for them.

Mr. MANN. It may be that the white men will have to make a living for them. I have discovered by observation and reading in this world that the only way anybody makes a living is for fear of starvation or freezing to death. Nobody here would work if it was not for fear of those two things. [Laughter.]

Mr. FERRIS. I hope there will not be any misunderstanding, Mr. Chairman, as to the amount of money that the Indians receive.

The report of the Secretary last year shows that they received $50 per capita as interest, and the prior years it was $30.

Mr. MANN. For each Indian.

Mr. FERRIS. Instead of receiving $80 last year, they received $30, and the year before nothing, and this year $50.

Mr. MANN. That is it; it is going up all the time, and the debts are just as much; and if we gave them $500,000, they would owe just as much as they do now. That is the system the gentleman wants to encourage. We ought to stick to the policy of having these people do some work, and I make a point of order against the paragraph.

The CHAIRMAN. It is new legislation, not in order on an appropriation bill, and the Chair sustains the point of order.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to make an investigation of the status of all tracts of land reserved for members of the Creek, Choctaw, and Chickasaw tribes of Indians under the Creek treaty of March 24, 1832 (7 Stat. L., 366), the Choctaw treaty of September 27, 1830 (7 Stat. L., 333), the Chickasaw treaty of October 27, 1830 (7 Stat. L., 381), and the Chickasaw treaty of May 24, 1834 (7 Stat. L., 450), for which patents have not been issued, or conveyances made by the reservees under the treaties have not been approved by the President, and he shall report his conclusions with his recommendation concerning any action by the Congress needed to clear up the titles to those lands, and the sum of $10,000 is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the expense of the investigation provided for herein.

Mr. BYRD. Mr. Chairman, I make the point of order on the whole paragraph that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. SHERMAN. No.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, $140,000, said appropriation to be disbursed under the direction of the Secretary of the Interior.

Mr. CARTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, after line 19, page 43:
"Said appropriation to be disbursed under the direction of the Secretary of the Interior, who is directed to so disburse this appropriation as to complete said work by July 1, 1910."

Mr. MANN. I reserve the point of order simply for the purpose of asking whether that extends the time another year.

Mr. CARTER. It does extend the time for twelve months.

Mr. MANN. We have put this sort of a provision in the bill several times. Does it amount to anything?

Mr. CARTER. I think this is the first time it has been in for several years.

Mr. SHERMAN. Of course it does not amount to anything. It was in last year.

Mr. MANN. I know it was. I withdraw the point of order.

Mr. CARTER. I just want to state this, That I have been requested very urgently to make a point of order against that provision, but I have not done it, primarily, because it is necessary for some of this money to be appropriated, possibly all of it, and, secondarily, I wanted to see our worthy chairman, before he was exalted to the high position of the second highest office in this great Republic, get through his last supply bill in the House with as little contention as possible from the members of his own committee. For these reasons I have not made the point of order against it, and I would like very much to see the amendment agreed to.

Mr. STEPHENS of Texas. I make the point of order against the amendment. I do not think this ought to be limited, the time in which to close these rolls.

Mr. Chairman, I desire to call the attention of this House to the fact that Congress, in its endeavor to close up the business of the Choctaw and Chickasaw tribes of Indians in Oklahoma in a very short time, has failed to enroll Indians that should have been enrolled and permitted others to be enrolled that should not have been enrolled. This is not my assertion, but the statement of the Secretary of the Interior, Mr. Garfield, to this Congress in an official communication, viz, his annual report for the year 1907, page 20. If this is true, and no one will dispute it, we should not close the rolls before we purge them.

The Supreme Court in the Stephens case (174 U. S. Repts.) holds that Indians are the wards of the Government; hence Congress is the court that must distribute their property to them justly and fairly, and if we do not, but disinherit part of

the heirs and give part of the estate to parties not heirs, then we will render the Government, in my judgment, subject to having to pay the disinherited Indians for the property we have unjustly given to Indians not entitled to it.

Now, to obviate this danger, while we have, still belonging to this estate and in our hands, subject to our disposition, surplus land and money enough to give all these Indians their share of this property, we should open up these rolls and let the Indians of these tribes by blood be enrolled and have their property given to them. I would not disturb any Indians now in possession of the land allotted to them, but I would give to those entitled to it as Indians by blood all the remaining property; and with that end in view I have introduced the following bill:

Be it enacted, etc., That the provisions of an act approved February 6, 1901 (chap. 217, U. S. Stat. L., 56th Cong.), entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" be, and the same is hereby, extended to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes; and in order to make said act applicable to any person claiming any such right in said property said act is hereby amended to read as follows:

"SEC. 2. That all persons who are, in whole or in part, of Choctaw or Chickasaw blood or descent and who are entitled to share in the common property of the Choctaw or Chickasaw Indians under any treaty with said Indians or law of Congress, or who claim to be so entitled under any treaty, grant, agreement, or act of Congress, or who claim to have been unlawfully denied or excluded from participating in the common property of the Choctaws or Chickasaws to which they claim to be lawfully entitled by virtue of any treaty, grant, agreement, or act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper district or circuit court of the United States; and said district and circuit courts are hereby given jurisdiction to hear, try, and determine any action, suit, or proceeding arising within their respective jurisdiction and involving the right of any person, in whole or in part of Indian blood or descent, to share in the common property of said Choctaw or Chickasaw Indians under any treaty, grant, agreement, or law of Congress (and in said suit the parties thereto shall be the claimant as plaintiff, and the Choctaw and Chickasaw nations or tribes jointly as party defendant); and the judgment or decree of any such court in favor of any claimant to share in the common property of said tribes shall have the same effect, when properly certified to the Secretary of the Interior, as if such judgment or decree had been allowed and approved by him: *Provided*, That the right of appeal shall be allowed to either party, as in other cases, and that no act of Congress or agreement limiting the time in which an application or assertion of right should be made shall operate to defeat the rights of any person entitled to share in the said common property under any treaty with or grant to said Indians.

"SEC. 3. That the plaintiff shall cause a copy of his petition, filed under the preceding section, to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail copies of same, by registered letters, to the principal chief or governor of the Choctaw and Chickasaw nations, respectively, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letters. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Choctaw and Chickasaw nations in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Indian governments or tribes, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

"SEC. 4. That wherever it shall appear to the satisfaction of the court in which the proceedings has been instituted that there is in the possession of any department of the Government or of any bureau, division, or commission thereof or thereunder, any record or records material to the proper determination of the issue being heard, or about to be heard, the head of the department in which such record is kept shall, upon request of the judge of said court, transmit a certified copy of the record or records on file in his department to the clerk of the court to be used at the trial of the case without any charge therefor: *Provided further*, That all records in the possession or custody of any government officer or department or division, bureau, or commission thereof or thereunder pertaining or appertaining to the rights of any such claimant shall, upon request of the claimant or his authorized attorney, be open to inspection; *Provided further*, That all suits brought under the provisions of this act shall be commenced within six months after the passage of this act, and the court, upon the request of either the plaintiff or defendant, shall advance any suit instituted under the provisions of this act on the dockets thereof to as early hearing as is consistent with the rights of the parties and the interests involved."

Mr. Chairman, this bill should become a law. If it does not, hundreds of Indian families will lose their homes and become outcasts. Let me give you a true history of this matter. By article 2 of a treaty negotiated September 27, 1830, and ratified by the Senate of the United States and proclaimed as a law on February 24, 1831 (7 Stats., 333), the United States agreed to specially convey certain lands west of the Mississippi River (and which are now being allotted) in fee-simple title to the Choctaw Nation in trust for the exclusive use and benefit of a designated class of persons composed of all those persons comprising the Choctaw community on the day the treaty was ratified and their descendants.

On March 24, 1837, the Senate of the United States ratified a treaty entered into by the Choctaws and Chickasaws, by terms and provisions of article 1 of which treaty those persons comprising the Chickasaw community on the day the treaty was ratified and their descendants acquired by purchase an equal, undivided individual interest in the property agreed to be conveyed to the Choctaws by article 2 of the treaty of 1830, on the same terms that the Choctaws held it, and by this treaty the Chickasaws became a part of the designated class of Choctaws for whose exclusive use and benefit the grant was to be made.

On February 24, 1842, the President of the United States specially conveyed by patent the said western lands in fee-simple title to the Choctaw Nation, to be held by said nation in trust for the exclusive use and benefit of said designated class of persons.

By act of Congress approved June 10, 1896, a commission known as the "Commission to the Five Civilized Tribes" was directed to receive, consider, and determine applications of persons claiming citizenship in the Choctaw and Chickasaw nations preparatory to the preparation of final citizenship rolls to be used as a basis for the distribution in severalty of the tribal property. Said act expressly directed said commission to determine all such applications according to the treaties with and laws of the United States. This act required the enrollment of all persons who made application who were of the said designated class of persons named in the treaties and the grant. Said act further provided that either the Indian nations (who were represented by their officials and attorneys) or the applicants could appeal from the decision of the commission to the United States district courts. Only a comparative few of the Choctaws and Chickasaws applied to said commission under said act, and of the number who applied, appeals were taken to the United States district courts in cases involving the rights of about 5,000 persons. The United States district courts heard the cases and rendered judgments admitting to citizenship approximately 4,000 persons. Appeals were taken in these cases from the judgments of the United States district courts to the Supreme Court of the United States, which court affirmed said judgments. (174 U. S., 476.) Thereafter, by act approved July 1, 1902, a legislative commission, designated therein as the "Choctaw-Chickasaw citizenship court," was created with authority to review, revise, and annul said judgments entered by said United States district courts and affirmed by the Supreme Court of the United States. The attorneys (Mansfield, McMurray, and Cornish) who procured this legislation held inviolate contracts with the officials of the Indian governments by which, in the event they could secure a reversal of said judgment rendered by the federal courts, they were to receive 9 per cent of the value of the property each such person was entitled to receive under said judgment.

This citizenship court rendered judgments and decrees affirming the judgments of the federal courts in cases involving the rights of 156 persons and reversed and rendered null and void the judgments of the federal courts in cases involving the rights of approximately 3,800 claimants. This citizenship court, under congressional act approved March 3, 1903, was authorized to fix the compensation of the attorneys who secured the legislation under which the court was created, for their entire services rendered in these cases, both in procuring the legislation and conducting said cases before said citizenship court. Said court under said act entered a decree awarding a fee of $750,000 to said attorneys, but did not state upon what basis the allowance was made.

The charge has often been made that certain members of the citizenship court were improperly, if not corruptly, influenced to render said judgments, and thereby deny to upward of 4,000 Indians their property rights which had been decreed them by the federal courts. It is believed by many persons that there was just ground for said charge, and that these people were improperly, if not fraudulently, denied their property rights by federal officers who profited financially thereby.

Mr. Chairman, on April 29 of last year I offered a resolution, No. 389, authorizing the appointment of a subcommittee of this House to investigate the charge that this citizenship court had been corrupted or bribed to render the opinions they rendered in said cases. This resolution was referred to the Committee on Rules, and has never been reported from said committee. It is as follows, viz:

[House of Representatives. Resolution 389. Sixtieth Congress, first session.]

Whereas under an act of Congress approved June 10, 1896, the United States district courts in Indian Territory heard and determined the rights of approximately 5,000 people claiming citizenship in the Choctaw and Chickasaw nations; and

Whereas the said United States district courts rendered judgments

and decrees entitling approximately 4,000 of said persons to enrollment as Choctaw and Chickasaw citizens; and

Whereas said judgments were thereafter affirmed by the Supreme Court of the United States; and

Whereas by an act of Congress approved July 1, 1902, a legislative commission therein designated as the Choctaw-Chickasaw citizenship court was created and authorized to readjudicate the rights of the said 4,000 persons who had procured judgments from the United States district courts, some of which judgments had been affirmed by the Supreme Court of the United States; and

Whereas said legislative commission, known as the Choctaw-Chickasaw citizenship court, heard and determined, or pretended to hear and determine, on review, the rights of said 4,000 persons who theretofore procured favorable judgments from the United States courts; and

Whereas said Choctaw-Chickasaw citizenship court rendered a finding, judgment, or decree affirming the judgments of the United States courts in cases involving the rights of only 156 persons and illegally, wrongfully, and it is charged corruptly, denied the rights of all other persons who had theretofore secured favorable judgments from the United States courts decreeing them to be citizens of the Choctaw and Chickasaw nations, and thus depriving them of their property and citizenship rights; and

Whereas said Choctaw-Chickasaw citizenship court awarded a fee of $750,000 to George Mansfield, J. F. McMurray, and Melvin Cornish, doing business under the firm name and style of Mansfield, McMurray & Cornish, for pretended legal services in procuring the enactment of legislation creating said court and in prosecuting said cases before said court; and

Whereas it is generally believed and charged that certain members of said court were corruptly induced to render said findings, judgments, or decrees denying said persons enrollment as Choctaws and Chickasaws for a money consideration paid to them out of the fee awarded to said attorneys: Therefore be it

Resolved, That the Committee on Indian Affairs of the House, or a subcommittee thereof consisting of three members, one of whom shall belong to the minority party, to be appointed by the chairman, is hereby authorized and directed to investigate said charges and to report the facts to the House; that said committee or subcommittee is further authorized to sit during the sessions of the House or during vacation, in Washington or elsewhere, to employ a stenographer and one clerk, to summon and subpœna witnesses and to compel their attendance, to administer oaths, to require the production of books and papers, and to exercise any and all other powers necessary to a full and complete investigation of the conduct of said court, or any member thereof, to the end that it may report the true facts to the House with reference to said charges; and it is further provided that the expense incident to said investigation shall be paid out of the contingent fund of the House.

Resolved, That said committee shall report to the House whether, in their judgment, any of said Indians whose judgments were set aside by said court have been unjustly deprived of their property without due process of law, and if they so find, to suggest in their report appropriate legislation for restoring them to their personal and property rights as citizens of said tribes.

Mr. Chairman, this resolution was referred to the Committee on Rules and never reported from that committee. This citizenship court rendered some very strange opinions. One of the investigations made by the Senate shows that this court in the case of 17 different families put on part and left off part of families. This affidavit shows one example. It is as follows:

Anderson F. Cowling, of Cowlington, Okla., Choctaw by blood.

STATE OF OKLAHOMA, *Pittsburg County, ss.*

Personally appeared before me, Mrs. R. H. Tarter, a notary public in and for the county and State aforesaid, Anderson F. Cowling, to me well known, who upon his oath deposeth and said:

That he is a citizen of the United States, a resident of the town of Cowlington, La Flore County, State of Oklahoma, and is 65 years of age; that he has been a resident of the Choctaw Nation for thirty-two years last past; that he is a son of Sallie Kemp, a Choctaw by blood, who was a daughter of Sol Kemp, a Choctaw by blood; that in the year 1896 affiant made application to the Commission to the Five Civilized Tribes for the enrollment of himself, his wife, and three children as citizens of the Choctaw Nation by blood, under the act of June 10, 1896; that said application was allowed by said commission and affiant, his wife, and three children enrolled; that thereafter an appeal was taken to the United States district court, central district, Indian Territory, by the Choctaw Nation from said decision of the Commission to the Five Civilized Tribes enrolling affiant, but that no appeal was taken from the decision of the commission enrolling affiant's wife and his three children, notwithstanding the fact that the said children were enrolled as a result of the Indian blood of their father, affiant; that after a full hearing before said court a judgment was entered adjudging affiant to be a citizen of the Choctaw Nation; that thereafter his case, together with all other cases in which judgment had been rendered by the United States territorial courts for Indian Territory, was appealed to the Supreme Court of the United States, and that said United States Supreme Court rendered a decision affirming the decision of the United States territorial court adjudging affiant to be a citizen of the Choctaw Nation; that thereafter the judgment of the United States courts adjudging affiant to be a citizen of the Choctaw Nation was set aside by the legislative commission known as the "Choctaw-Chickasaw citizenship court," and that affiant is to-day without any recognition of his right to share in any of the common property of the Choctaws and Chickasaws.

Affiant further states that his three children were enrolled as blood citizens of the Choctaw Nation, by reason of his Indian blood, by findings of the Commission to the Five Civilized Tribes, the Commissioner of Indian Affairs, and the Secretary of the Interior, and that they are now on the approved blood roll of the Choctaw Nation; that his wife is enrolled on the approved rolls of the Choctaw Nation as an intermarried citizen, deriving her enrollment by reason of her marriage to him.

ANDERSON F. COWLING.

Subscribed and sworn to before me this the 16th day of November, 1908.

[SEAL.] MRS. R. H. TARTER,
Notary Public.

My commission expires June 24, 1912.

The Commission to the Five Civilized Tribes was expressly directed by section 21 of said act to make the rolls in conformity with the treaties and laws of the United States, and to enroll as citizens all persons of Choctaw or Chickasaw blood and descent who were bona fide residents of said nations on the 28th day of June, 1898; and to prepare rolls of freedmen entitled to any rights or benefits under the treaty of 1866, and their descendants who were bona fide residents of said nations on June 28, 1898; and it was expressly provided that when the rolls were made as the act provided, and were approved by the Secretary of the Interior, they should be final.

The Commissioner of Indian Affairs, under date of July 25, 1899, directed the commission in performing its work under said act as follows:

The rolls as made up by your commission must, to become final, receive the approval of the Secretary of the Interior. It will therefore be necessary for you to make a record of all cases sufficient to enable this office and the department to take intelligent action in the premises, and especially in those cases where your decision either for or against the right of any person to have his name appear upon the roll is complained of.

For the purpose of this record you will require each applicant for enrollment to present himself in person before the commission at one of its appointments within the tribe in which such applicant claims right to enrollment for examination under oath, his statements to be taken down by the commission, upon which the commission will determine his right to enrollment, and such record and action of the commission would be preserved and transmitted with the rolls to be considered by this office and the department when the rolls made by the commission are submitted for the approval of the Secretary of the Interior.

Tams Bixby and A. S. McKennon, two members of the commission, who had direct charge of the preparation of the citizenship and freedmen rolls, testified before the select committee of the Senate (vol. 1, S. Rept. No. 5013, 59th Cong., 2d sess.) that no person appearing before said commission was examined under oath and his or her statements reduced to writing as required by the departmental instructions.

On June 7, 1897, another act was approved directing the commission to enroll as citizens of said nations all persons whose names appeared on any approved roll of the Choctaws or Chickasaws and their descendants born after the approval of any of said rolls.

On June 28, 1898, Congress, acting upon the recommendation of the Commission to the Five Civilized Tribes, passed an act giving the commission full authority to make correct and complete rolls of all persons entitled to share in the common trust property (H. R. Rept. 593, 55th Cong., 2d sess.).

There appears, therefore, no way by which any error committed by the commissioners in examining persons in the field could have been corrected on review by the Secretary, as the only record before the Secretary was such memorandum of evidence taken as the commission had seen fit to make of record.

Many persons of mixed Indian and negro blood, undoubtedly of the designated class of persons for whose benefit the grant was made, were enrolled by the commission as "freedmen" and no mention made in the memorandum of their Indian blood. These people under treaty stipulations appear to be entitled to as full property rights as Indians, many of them being, as appears from the evidence offered and photographs exhibited, of more than half Indian blood, and some of them practically full bloods.

Under date of March 17, 1899, Assistant Attorney-General Willis J. Vandevanter, in an official opinion rendered for the guidance of said commission, construed the act of June 28, 1898, to mean that all persons whose names lawfully appeared upon the tribal rolls and their descendants should be enrolled on the citizenship rolls of said tribes and should receive distributive shares of the common property of said Indians. (S. Rept. 5013, 59th Cong., 2d sess., p. 1555.) The report of the Secretary (pp. 49–50, Hearings on H. R. 15649) states that only such rolls as had been prepared by the Indian officials during the years 1885 to 1896, inclusive, were in the possession of or were consulted by either the commission or the department in the preparation of the citizenship rolls which are now being used as a basis for the distribution of the tribal property. It is charged that these rolls were prepared by individuals who were pecuniarily interested in the division of the estate and were notoriously inaccurate and incomplete.

The parties preparing the rolls were Mansfield, McMurry, and Cornish, the attorneys I have named before, and it was not proper for said commission to have used said rolls exclusively as a basis for the final citizenship rolls, particularly as there were then in the possession and custody of the Secretary of the Interior and the Secretary of the Treasury a large number of complete and authentic rolls of the members of said tribes, which were not consulted and which are believed to contain the names of many persons of Indian blood, or the names of the ancestors of many persons of Indian blood, who are undoubtedly

of the same designated class of persons for whose exclusive use said grant was made, but who have been refused enrollment by said commission and said Secretary, and thereby denied the right to share in the common property.

It appears from incontestable evidence, and it is admitted by the Secretary of the Interior on page 20 of his annual report for the year ending June 30, 1907, that the rolls are incomplete and that many blood citizens are not enrolled who are entitled to enrollment, and it is claimed by the department that many persons have been enrolled who are not entitled to enrollment.

The official certifications contained in Senate Report No. 5013 (pt. 2, 59th Cong., 2d sess.) show that blood Indians have been enrolled as citizens and given distributive shares in the property, while their full brothers and sisters have been either denied enrollment, and thereby denied their lawful property rights, or enrolled as freedmen and given freedmen limited property rights of 40 acres of average land. It appears further from the report of the Secretary, set out in Senate Document No. 390, Fifty-ninth Congress, second session, that during the week immediately preceding March 4, 1907, on which day the jurisdiction of the Secretary to approve enrollments terminated, the department examined and decided 2,023 cases, which it is claimed by attorneys for claimants involved the rights of approximately 10,000 persons. It is apparent that the Secretary could not have properly considered these cases in the time in which he had to act, and it would be unjust to deny these claimants their property rights because the administrative officers did not have time to properly consider their cases. Many other evidences of irregularities in the preparation of said rolls at least cast suspicion on the rolls as approved by the Secretary. For the reasons thus stated by me, I do not believe the said rolls as approved by the Secretary under existing law are final, for they have not been made as the statute provided they should be made; therefore my bill should pass, opening up these rolls, so that justice may be done.

Under agreements with the Choctaws and Chickasaws, ratified June 28, 1898, and July 1, 1902, each person enrolled as a citizen by the Secretary was to receive 320 acres of the average allottable lands and a distributive share of all funds; persons enrolled as freedmen were to receive 40 acres of the average allottable lands and were not to share in any funds.

I am firmly of the belief that, owing to the nature of the title to this property and the notorious mistakes committed by administrative officers (which have undoubtedly resulted in unlawfully depriving many persons of their property), the Government will become liable for millions of dollars in claims brought against it by persons whose rights have been thus denied. They have been always held to be the wards of the Government by Congress and by the courts, and if they are wards then the United States Government is their guardian and as such will be in law and morals bound to justly administer the estates of its wards, and my bill will accomplish that purpose. It does not seek to change existing law, but simply permits every person who claims a right in this property to go into the proper United States district or circuit court in Oklahoma, and there have his or her claim judicially determined. The same law is now in force in every jurisdiction in the United States except the eastern district of Oklahoma, and I can see no reason why the Choctaws and Chickasaws should be deprived of the benefits of a law which has met with universal approbation in every other jurisdiction and in every civilized country in the world.

The bill could be amended so as to authorize the Attorney-General of the United States to examine the rolls of the Choctaws and Chickasaws after they are prepared by the administrative officers under my proposed bill, and to investigate any suspicious enrollments, and if from said investigation he is satisfied that any person or persons have been unlawfully enrolled, to cause such names to be stricken from the rolls, or appeals could be provided for to the United States district or circuit courts.

Mr. Chairman, I will specifically point out certain Indians in the Choctaw Nation who are real Indians by blood, born in that country, and lived there always, that are not on the rolls, but are clearly entitled to be under the treaties of 1830 and 1866.

These people did not know of the requirements of the act of June 10, 1896, nor of the existence of said act. Some of these people, to wit, Sallie Berryman, for herself and children; Victoria Boyd, for herself and children; and Mrs. Banty, for herself and children; and several other heads of families, whose names I do not know, were applicants before the Choctaw council for enrollment in 1896, and again in 1897.

The council passed upon their testimony, said they were entitled to be enrolled, and upon the payment of $100 per head they would place them on the rolls. This they were not able to pay, went home to try to raise the money, and before council convened again the governor of the Choctaw Nation was notified that the council was without authority to enroll its members since the creation of the Dawes Commission. These applicants were notified by the council and instructed to go before the Dawes Commission at Atoka, Ind. T., in August, 1898, which they did. A. S. McKinnon was the acting chairman of said commission. He heard their applications and dismissed them, telling them that the commission was without authority to enroll them, and the said McKinnon refused and did not make any record of said applications, as I have before stated the law required this commission to do.

There were then some parties who complained to the department in Washington, with many affidavits as to the refusal of said McKinnon to make a record. These affidavits are, I presume, now on file in the department. In the year 1900 the commission was again instructed by the department to make a record of all those who made application, and just at this time the act of May 31, 1900, was enacted, depriving the commission of the right to receive or consider applications of Indians by blood, but to receive applications of Mississippi Choctaws; this was afterwards construed to apply only to those claiming rights under the fourteenth article of the treaty of 1830, and to give no rights to blood citizens.

At the very first opportunity, in the year 1900, they made application and were forced to make it as Mississippi Choctaws, notwithstanding they were Indians by blood, and said commission permitted them to introduce testimony and make a record, and these records are here on file in the office of the Commissioner of Indian Affairs, and show clearly that these people are Indians by blood and entitled to enrollment.

Some of them supposed they were enrolled, and they may have been, for there were not then and are not now any rolls of several of those counties. Many of them did not make applications for enrollment until the time came to allot lands. It was the allotment that directed their attention to the necessity of the preservation of their rights.

The act of June 28, 1898, gave jurisdiction to the department; properly construed, it authorized the enrollment of every Indian by blood who was entitled, but the commission construed it otherwise and held they had no authority under this act to enroll applicants by blood.

People went before the commission desiring to apply for citizenship and were told that they were too late. They were told, however, that they could apply as Mississippi Choctaws, so a number made applications as Mississippi Choctaws just as soon as they learned that they could apply in that manner.

The term "Mississippi Choctaw" had no meaning in that country at that time, such as was subsequently given to it. They were all from Mississippi, and the common people construed the term to mean any enrolled Choctaw whose people had come from Mississippi.

By the act of May 31, 1900, these blood Indians were prevented from making any application at and after that date, but it should be remembered that none of their applications as Mississippi Choctaws had been taken up and considered at that time, so after it was too late to apply by blood the Mississippi Choctaw applications were taken up, and they were denied because they were not fourteenth article Mississippi Choctaws. By this method of whipsawing their little farms have been taken from them; they have been denied every right.

These people were entitled under the law, are entitled in equity; there is no reason that they should not be enrolled, for there is plenty of land, and if there are to be any corrections of the roll, the act should be plain enough to enroll them.

Their records are all before the department. No new testimony need be taken. They can file an application for reconsideration within sixty days if a time limit is given. It ought to be limited to Indians by blood otherwise entitled under the law, and then take off the limit of time which barred their applications; and, if they applied as Mississippi Choctaws and were Indians by blood because of a mistake or through ignorance, that fact should not bar them, for it was the duty of the officers to enroll those who were entitled.

The Dawes Commission went down there, not as a court to enforce strict pleading, but as a commission to enroll those entitled, and the duty still exists on the part of the Government to protect them. It can be properly done and the act can be made definite, and I most respectfully submit that this is the time to do it, and my bill will accomplish that result. Let me warn this Congress that if it refuses to enroll these Indians and if we divide up all of the land and property of the tribe among the favored ones now on the rolls and fail to give the others their share of their common estate, Congress will be besieged for

many years with these claims for their distributive shares, to be paid out of the Treasury of the United States.

My friend from Mississippi [Mr. BYRD], on February 17 last year, in an eloquent and able speech, advocated the rights of the Mississippi Choctaws to enrollment. Speaking of the unjust acts of the Dawes Commission toward the Mississippi Choctaws, he said in that speech:

The first edict issued was that none but those residing in the Territory at that time could share in the distribution of the lands, but this was abandoned. Then it was contended that only those who could trace their ancestry back to a certain class who participated in the treaty could receive a share, and this, too, was abandoned; and next it was insisted that only the descendants of the full bloods could inherit, and this likewise was overruled.

Being forced to admit that the Choctaw territory belonged to the tribe in common, regardless of where they lived or who their ancestors were, or whether half blood or whole blood, it was decided that the only way to outlaw the Mississippi Choctaws was to railroad a law through Congress requiring them to immediately remove to the Territory and live upon their several allotments, and that unless this was done within six months they were forever barred. Under this unlawful, unjust, and cruel law they have lost all. The book of fate seems to be forever closed against them. It was the "unkindest cut of all."

Why, Mr. Chairman, this procedure was nothing less than legalized robbery. Upon what process of reasoning can we justify either the justice or the legality of such action? Can the Government after executing a fee-simple title to this estate afterwards destroy the title by entailing an impossible condition upon it? Certainly not. There is not a lawyer who ever read three pages of Blackstone who will disagree with me on this proposition. But, whether the law be or be not constitutional, the Mississippi Choctaws are bound by it just the same, for the reason that the Government is cloistered behind that relic of kingcraft, that the sovereign can do no wrong, nor be sued, except by consent. Bills are pending before the Committee on Indian Affairs providing that these poor people be given access to the courts to ascertain their rights, but not one of them will be reported, for to do so would mean the defeat of the well-planned scheme of robbery.

Then, too, how unreasonable was the proposition to require these poor people to remove to the Territory within the short period of six months. They were without means, ignorant, and helpless. But it is contended that the Government made an appropriation of $20,000 to move them. This might have sufficed to take some of them, but the whole amount was expended, and yet over 350 remained in Mississippi.

But admitting that they could have provided means for transportation, how were they to live on the blizzard-swept prairie, without houses, without food, clothing, or the implements of husbandry? Why, sir, a decree requiring the public-school children of this city to go and provide homes for themselves on the frozen plains of Manitoba would not have been more cruel and unreasonable. Many of those who did go died from exposure. In many instances they were crowded during a long, cold winter into cotton sheds, barns, and warehouses. Disease broke out among them, and in some instances whole families perished.

Let it never be forgotten that this Government since 1831 has been the self-constituted guardian of the Choctaws. Without invitation we assumed the right to administer this sacred trust. Have we kept faith with our wards? Let their destitution and the deeds of robbery perpetrated upon them answer. Were we discharging our duty with all fidelity to them when we leased their valuable oil and coal lands to corporations for a mere trifle, or when we paid one law firm a little less than $1,000,000 out of their common fund, in order to assist us in robbing them? Three hundred and fifty shares of that great sum was the lawful property of the Mississippi Choctaws and should have gone to them instead of to attorneys especially employed to defraud them. I don't say that these lawyers did not earn their fee. They won the case. With the aid of a few government officials they succeeded in robbing my Choctaw friends of an interest in an empire. I dare say that no Roman general ever more thoroughly looted or pillaged a conquered nation than did these officers and attorneys these unfortunate people.

But I understand that there are yet 3,000,000 acres of this common estate and about $400,000 unappropriated and unstolen. Now, in the name of reason and common justice, why not repeal this cruel statute and let these Mississippi Choctaws yet share in this common estate? If you are not willing to do this, then open the doors of the courts and let them sue for their property, and if you are blinded to this just demand, let me implore you to provide for their support by a direct appropriation from the Treasury.

My friend BYRD appealed to the President in behalf of the Mississippi Choctaws and received the following reply:

THE WHITE HOUSE,
Washington, March 18, 1908.

MY DEAR CONGRESSMAN: Referring to your letter of the 7th instant in regard to the condition of the Choctaws in Mississippi, the inclosed very interesting communication of Commissioner Leupp explains itself. Will you see Mr. Leupp and try to reach with him an agreement as to what can best be done to relieve the condition of these Choctaws, and then let me know? I will do all I can to aid you to secure the passage of a measure of relief. I thank you for the course you are taking in bringing up this matter, the urgency of which I keenly appreciate.

Sincerely, yours, THEODORE ROOSEVELT.

Hon. A. M. BYRD,
House of Representatives.

Mr. Leupp, in reply to the above letter, states that:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 16, 1908.

The PRESIDENT: I have received Secretary Loeb's note of March 10, submitting letter of Hon. A. M. BYRD, House of Representatives, regarding the need of relief for the Choctaws remaining in Mississippi, and asking for my views as to whether anything can be done for them.

Mr. BYRD says that the four or five hundred Choctaws remaining in Mississippi are in a destitute condition and believes that some provision should be made for their support.

It is true, as he says, that the Choctaws in Mississippi are in a forlorn plight. They represent that element which refused to accompany the larger part of the tribe when removed by the Government in 1831–1833 to Indian Territory under the treaty of 1830. Under the fourteenth article of this treaty the privilege of remaining and taking land was reserved for those who saw fit to conform to its requirements, and three thousand or more remained; but through misconduct on the part of representatives of the Government and the violence and fraud resorted to by white men who coveted the lands hardly any of them secured the reserves to which they were entitled. The pressure on the Government from the people of Mississippi to secure the removal of the Indians was so great that it continued its efforts to transfer the remaining Choctaws to their country west, and their emigration was in progress during most of the years from 1837 to 1855. In 1855, when the removal policy was abandoned, there were possibly 2,500 of the Indians east of the Mississippi, in the States of Alabama, Mississippi, and Louisiana.

Under the act of Congress approved June 28, 1898 (30 Stat. L., 295), provision was made for the "identification" of Mississippi Choctaws claiming descent from ancestors who complied with the fourteenth article of the Choctaw treaty; and in the Choctaw-Chickasaw agreement, approved July 1, 1902 (32 Stat. L., 641), it was provided that persons so identified should remove to and make settlement in the Choctaw-Chickasaw country in Indian Territory within six months from date of identification. Representatives of the Commission to the Five Civilized Tribes visited the State of Mississippi and proceeded with the work of identification. No provision at that time had been made for transportation of the Indians to the Choctaw-Chickasaw country or for their subsistence after they arrived there; neither was there any provision, financial or administrative, for locating them on particular tracts of land. Subsequently Congress appropriated $20,000 to aid in the removal of Mississippi Choctaws, which was expended by the Commission to the Five Civilized Tribes, and a relatively small number of those identified were transported west and subsisted for a short time in Indian Territory out of this fund.

The majority of those who did reach Indian Territory were either transported at the expense of private parties under contracts made with the Indians or removed themselves on their own resources. Several hundred of those who were identified never reached the Indian Territory or made proof of settlement there, and some who were removed, owing to their lack of financial resources, found the conditions they faced in the West worse than those they left and returned to Mississippi. It is fair to presume that many of them did not go because they were unable to secure funds with which to remove. Because the measures meant to be advantageous to the Indians were in some respects inadequate or incomplete they failed to bring the relief that was anticipated.

Racial feeling has been especially strong among those Choctaws who remained in Mississippi. They have not mixed in marriage with the whites or negroes to as great an extent as the Indians who removed to Indian Territory, and the larger part still are full-blood Choctaws. Many are unable to speak the English language, and to find one who can read is a rarity. They have lived in small settlements, holding aloof from white men as much as possible, although employed almost exclusively on the plantations; and in many respects, growing out of this social condition, they have retrograded even from the not very advanced condition of their people as it existed in 1830. Shunning the white men to so great a degree, they have lacked the opportunity of learning business methods and agricultural skill that has been enjoyed by the negroes who were formerly slaves, with the result that they are more undeveloped in business and productive capacity, have lived more poorly, and in the main have sunk to a lower level in every respect than the former slaves and their descendants. After seventy years of separation from the main body of their tribe, they have failed to profit by being surrounded by white men, and have acquired only a smear of civilization. They have shown no disposition to send their children to school, and apparently have not been encouraged to do so. They do not care to mix with the negroes, and it is questionable whether their children would be received in the white schools.

Mr. BYRD is correct in painting them in his speech before the House of Representatives as being in a deplorable condition. They abandoned their tribal brethren and refused through many years to go west, where they might share in the tribal property; but their conduct in that regard grew out of their ignorance and their indisposition through timidity to forsake that with which they were familiar and could endure for new surroundings and new industrial and social conditions, under which they feared they might not be able to succeed. They have no special claim on the Government, unless it be based on the ground that through the misconduct of the government representatives they or their ancestors were deprived of the land in Mississippi to which they were entitled under the treaty, or because as Indians they have a natural right to the protection of the Government. Throughout the last fifty years the office has periodically received petitions for the relief of these Choctaws, but nothing has ever been done, except the opportunity accorded them to go to the Choctaw Nation west.

Under the act of Congress approved February 8, 1887 (24 Stat. L., 388), as amended February 28, 1891 (26 Stat. L., 794), provision is made for allotting on the public domain Indians who abandon the tribal status, and it is the privilege of such Indians to take advantage of that law; but the Choctaws are so situated financially and so entirely lacking in the intelligence necessary to set up an independent establishment that it is questionable whether any measures the Government might take toward making possible their settlement under that law would be of real advantage to them. Certainly this law could not be made beneficial unless very careful supervision were maintained over them for at least a generation. These Indians have no skill in any agricultural pursuit except cotton raising, and the Government has no public lands available within the cotton-growing States.

Another solution of the problem might be the purchase from the unallotted lands of the Choctaws and Chickasaws of a sufficient tract to settle them in Oklahoma, where they would be able to come in contact with the more intelligent members of their tribe, and this would also necessitate an expenditure of considerable money and the supervision of their affairs for some time to come. The only other solution that occurs to me would be the purchase of lands for these Indians in Mississippi, where they would be surrounded by the conditions under which they have always lived, so that they may own their lands and maintain their own establishments.

I shall certainly be glad to do anything in my power to aid in a solution of this difficult problem.

Very respectfully,

F. E. LEUPP,
Commissioner.

Mr. Chairman, on the first day of this Congress I introduced a bill, No. 122, authorizing the defendants in one of the court citizenship cases to appeal from said citizenship court to the Supreme Court of the United States. The preamble of the bill explains fully the reasons and necessity for the passage of the measure, and is as follows:

A bill (H. R. 122) to provide for an appeal of one case from the Choctaw and Chickasaw citizenship court to the Supreme Court of the United States.

Whereas under the act of Congress of June 10, 1896, the Commission of the United States to the Five Civilized Tribes of Indians (known as the "Dawes Commission") was authorized and empowered to hear, pass upon, and determine the application of all persons claiming to be members of either of said tribes and whose right to citizenship had been denied by the tribe, and granted to the tribe, or person claiming citizenship therein, the right of appeal to the United States courts in the Indian Territory from the decision of said commission, if it or he was aggrieved thereby, and provided that the judgments of saidcourts should be final (20 Stat., p. 339); and

Whereas many persons did apply to said commission to be identified and enrolled by said commission as members of one of said tribes and many of them, as well as said tribes, did appeal to said United States courts aforesaid from the decisions of said commission and obtained and caused to be rendered and entered final judgments in accordance with the provisions of said act of June 10, 1896; and

Whereas under an act of Congress of July 1, 1898, the tribe against whom final judgments had been obtained in said United States courts, and the persons whose claims to citizenship had been denied by said courts, were granted an appeal from the final decisions of said courts directly to the Supreme Court of the United States (30 Stat., p. 591); and

Whereas the Choctaw and Chickasaw nations, respectively, under the terms of said last-named act did appeal from the judgments rendered by said United States courts against them, respectively, to the said Supreme Court; and whereas all of said judgments so appealed from were by the said Supreme Court affirmed and held to be final (Stephens et al. *v.* Cherokee Nation et al., 174 U. S., p. 1041, law edition); and

Whereas under an act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes." Fifty-seventh Congress, first session, chapter 1362, page 646, a court was created and designated as the Choctaw and Chickasaw citizenship court; and whereas in section 31 of said act it is recited, "It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in said courts being given to each of said nations; and it being insisted by said nations that in such proceedings notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory under the act of June 10, 1896, should have been confined to a review of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to said commission, and should not have extended to a tribe de novo of the question of citizenship, and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting saparately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one, but not to both, of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit, but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. * * * Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained, as provided in the next section;" and

Whereas under the terms of section 31 of said act of July 1, 1902, the Choctaw and Chickasaw nations filed in said citizenship court, at South McAlester, Ind. T., their petition in equity against J. T. Riddle, D. S. Riddle, L. A. Riddle, Elizabeth Casey, John Casey, Andrew B. Hite, L. T. Hill, James W. Balthrop, T. D. Arnold, and J. H. Bratcher, for themselves and as representatives of all persons similarly situated, who had established their right to citizenship in either the Choctaw or Chickasaw nations by obtaining judgments in said United States courts, as provided under act of June 10, 1896, and sought the vacation and cancellation of all such judgments rendered by said United States courts, because of the two questions of law named in section 31 of said act of July 1, 1902, said cause in said citizenship court being entitled, styled, and numbered "The Choctaw and Chickasaw nations, or tribes of Indians, *v.* J. T. Riddle et al., No. 1;" and

Whereas on the 17th day of December, 1902, said citizenship court rendered and caused to be entered in said cause a judgment wherein it held and decided—

First. "That notice to each of said Choctaw and Chickasaw nations, or tribes of Indians, of the proceedings of the United States courts in the Indian Territory, acting under the act of Congress approved June 10, 1896, admitting persons to citizenship, or to enrollment as such citizens, in the Choctaw and Chickasaw nations, respectively, was indispensable."

Second. "That in said proceedings in the United States courts in the Indian Territory said courts proceeded to hear and determine said causes de novo."

"That by reason of each of said facts, to wit, that the proceedings in said United States courts were had without notice to each of said tribes or nations when notice to each of said nations was indispensable, and that said United States courts tried said causes de novo when their action should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the papers and evidence submitted to such commission, all of said proceedings, decrees, and decisions of said United States courts in the Indian Territory admitting any and all persons to citizenship or enrollment as such citizens in said nations or tribes of Indians, or either of them, ought to be set aside, annulled, and vacated." And "Ordered, adjudged, and decreed that all of said judgments, decrees, and decisions rendered by the United States courts in the Indian Territory, acting under the act of Congress approved June 10, 1896, admitting persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, upon appeal from the Commission to the Five Civilized Tribes, in favor of the ten defendants named in the bill in this proceeding, as well as to those who have come in and made themselves parties thereto, and the judgments rendered as aforesaid in favor of all persons similarly situated are set aside, annulled, vacated, and held for naught;" and

Whereas under the law the decision of the said citizenship court has resulted in decitizenizing about 3,000 persons, whose right or claim to Choctaw or Chickasaw citizenship had been adjudicated by the United States courts in the Indian Territory in accordance with the act of Congress of June 10, 1896, and in striking their names from the roll of citizenship of said tribes prepared by the Dawes Commission, and has resulted in the destruction of the property rights of such persons in good faith acquired after the rendition of said judgments so attempted to be canceled; and

Whereas it is contended by such persons that the said decision of said citizenship court is invalid, and upon appeal to a competent court of appeals upon review would be reversed for the following reasons:

First. Because said section 31 of the act of Congress approved July 1, 1902, was an attempt on the part of the legislative branch of the Government to vacate, cancel, and annul final decrees of a court of competent jurisdiction, and because at the date of the passage of said act both the questions of law in said section named had been submitted to, passed upon, and adjudicated by courts of competent jurisdiction in a controversy between the same parties.

Second. Because when the said act of July 1, 1902, was passed, and when the decision of said citizenship court was rendered, the Supreme Court of the United States had passed upon and decided the two questions of law named in said act in the case of Stephens and others *v.* Cherokee Nation and others (174 U. S., 339, bottom of page, law edition) adverse to the holding and decision of said citizenship court.

Third. Because said section 31 of said act is class legislation and discriminates between persons exactly in the same status, in that according to the terms thereof persons admitted to citizenship by the Dawes Commission with notice to one and not both said nations are unaffected thereby, whereas upon appeal from said commission to the United States courts notice to both of said nations was required according to the tenor and effect of the decision of said citizenship court.

Fourth. Because said citizenship court had not the power in an action in personam to set aside judgments in favor of persons not parties to said test suit without naming such persons in the bill in equity filed and causing them to be personally served with process.

Fifth. Because in the determination of Indian citizenship no property right, but the status only of the person, is involved, as has been decided by the Supreme Court of the United States in the cases of Roff *v.* Burney (168 U. S., 442, bottom of page, law ed.), Stephens *v.* Cherokee Nation (174 U. S., 1041, bottom of page, law ed.), Cherokee Nation *v.* Hitchcock (187 U. S., 184, bottom of page, law ed.), Lone Wolf *v.* Hitchcock (187 U. S., 299, bottom of page, law ed.).

Sixth. Because since the year 1855 the Choctaw and Chickasaw nations have maintained separate and distinct political autonomies, the one in no way depending upon the other in the management of its political or governmental affairs, and because at no time in the history of said tribes has the Choctaw Nation acted with or assumed the right to act with the Chickasaw Nation in inquiring into, passing upon, and determining the citizenship or membership of said tribe, and vice versa. (Treaty of 1855, 11 Stats., p. 611, arts. 4, 5, 6, and 7; const. of the Chickasaw Nation.)

Now, therefore, to the end that the rights of such persons to citizenship may be determined by a court of competent jurisdiction, and to the end that the decision of said citizenship court may be reviewed by such court,

Be it enacted, etc., That any person who is a party to said test suit of the Choctaw and Chickasaw nations or tribes of Indians *v.* J. T. Riddle and others, as aforesaid, as one of the original ten defendants, or who has made himself a party thereto, or whose claim to citizenship was affected by the decision of said Choctaw and Chickasaw citizenship court as aforesaid, is hereby granted and allowed an appeal from said cause in said court directly to the Supreme court of the United States, and said cause by said Supreme Court shall be advanced upon its docket and set down for hearing at as early a day as is practicable. There shall be but one appeal from said cause, in which all persons as aforesaid may join, and the same shall be allowed, prosecuted, and determined as appeals in civil cases from the United States court of said may join, and the same shall be allowed, prosecuted, and determined, except that the amount or value of the matter, thing, or question involved shall in no way affect the jurisdiction of the Supreme Court: *Provided, nevertheless,* That said appeal herein provided for shall be perfected within six months from the date of the passage and approval of this act.

SEC. 2. That in passing on and determining the two questions of law hereinbefore mentioned the Supreme Court may consider all of the laws, customs, and usages of the Choctaw and Chickasaw nations, respectively, with reference to the admission of persons to citizenship or enrollment in either of said nations, and to that end, upon application, it may require the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commission of the United States to the Five Civilized Tribes, or any of their subordinates, or officers of the United States courts in the Indian Territory, or the chief executive of either of said nations to furnish certified copies of any record, decision, ruling, or opinion applying or referring to the said questions. All notices or process necessary to perfect the appeal herein provided for shall be served upon the chief executive of the Choctaw Nation and the Chickasaw Nation, respectively, or upon the attorneys of record for said nations in said cause appealed from.

SEC. 3. That pending said appeal and the decision of the Supreme Court thereon all the rights of the appellants therein shall remain unimpaired and shall in no way be affected by the decision of any court whatsoever.

SEC. 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and that this act take effect from and after its passage.

Mr. Chairman, this bill, like the resolution I have referred to, has never been reported to this House, and I fear it never will be reported. But I indulge the hope that the Sixty-first Congress will refuse to close the rolls of the Choctaw and Chickasaw Indians until every Indian is enrolled, and full and complete justice will thus be done our Indian wards.

The CHAIRMAN. Does the Chair understand the gentleman from Texas to make the point of order against the amendment offered by the gentleman from Oklahoma?

Mr. STEPHENS of Texas. Yes.

The CHAIRMAN. I should say that the point of order comes too late.

Mr. SHERMAN. Mr. Chairman, the point of order has been re-formed so as to cut out some extra words which are a duplication.

Mr. STEPHENS of Texas. I understood the gentleman from Illinois made the point of order.

Mr. MANN. I withdrew the point of order.

Mr. SHERMAN. Mr. Chairman, I will ask the Clerk to re-report the amendment. There was a duplication of words as it was first handed up.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Insert at the end of line 19, page 43:
"And the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July 1, 1910."

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

To reimburse Dr. G. W. Harkins, of Coalgate, Okla., for services rendered and expenses incurred in suppressing the spread of smallpox in Indian Territory from June 30, 1901, to August 8, 1901, $634.15, the same to be accepted by said Dr. G. W. Harkins in full payment of all demand for such services and expenses.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph and ask the gentleman whether these services were rendered by direction of any of the officials of the Indian Department?

Mr. CARTER. Yes; they were rendered by direction of the Secretary of the Interior.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October 18, 1820, and thirteenth article of treaty of June 22, 1855, $600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to ask whether there is any appropriation in this bill carried for the support of heavy horsemen. We have a new administration coming in, and the distinguished chairman of the Indian Committee is a part of it; and it seems to me that it is a discrimination to carry an appropriation for the support of light horsemen when we all know that both the gentleman and his running mate are heavy horsemen. [Laughter.]

Mr. GARRETT. Mr. Chairman, it has been stated here that the administration intended to use automobiles and abandon horses.

Mr. MANN. What I am referring to is the discrimination between the character of light horsemen and heavy horsemen.

Mr. SHERMAN. Mr. Chairman, I will state that at the time this agreement was entered into the distinguished heavy-weight gentlemen who are to be inaugurated on the 4th of March were not in existence, and that may account for applying the provision of the treaty only to light horsemen rather than heavy horsemen.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

SALEM SCHOOL.

For support and education of 600 Indian pupils at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200;
For general repairs and improvements, $10,000;
In all, $112,200.
For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grande Ronde and Siletz agencies, $3,000;
Pay of employees at the same agencies, $3,000;
In all, $6,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 15, and before line 16, on page 47, the following:
"Siletz Indian Reservation: That within one year from the date of the approval of this act any religious or missionary society now occupying, under proper authority, for religious or educational work among the Indians, any lands of the Siletz Reservation in Oregon, shall have the right to purchase 10 acres of land on said reservation, or a less quantity, at the option of the purchaser, at the rate of $2.50 per acre, and the same shall be conveyed to such religious or missionary society by patent."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Provided, That if such school is disposed of as above authorized at any time during the fiscal year of 1910 the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Mr. MARTIN. Mr. Chairman, it was my purpose to have made some remarks under general debate on this bill on this subject of reservation and nonreservation schools, but the consumption of the entire time that was expected to have been taken in general debate to-day in other ways made that impossible. At this late hour I will not attempt to enter into a lengthy discussion of the question, but I may say, while it is well known that the views of the present Commissioner of Indian Affairs are not in favor of the continuance of the system of nonreservation schools, and while with most of the plans of the present commissioner for the general education and improvement of the Indians I quite agree, to this one proposition I am not able to bring my concurrence. The truth is, I believe the nonreservation school, considering the fact that the ultimate purpose and obligation on the part of the Government is the civilization of the Indian so that he can be placed in a position where he can support himself and become in some measure a citizen of the United States, bearing that in view, I believe the nonreservation school is to-day the strongest single civilizing force standing between the blanket Indian and barbarism.

We have always had an Indian problem. When our forefathers landed at Jamestown and Plymouth our Indian problem began, and it will continue at least for some generations to come. No great public question is really settled until it is settled right. The Indian question can only be settled by the civilization of the Indian.

It would be anomalous and unthinkable that we should tolerate permanently within the boundaries of States and the Nation large bodies of people who have nothing in common, politically or industrially, with the balance of our people. The Indian must therefore be prepared for citizenship; and when prepared, the responsibilities of citizenship must be placed upon him.

The Indian must be advanced to civilization by the same means that have lifted up all races of men—hard work and education. The ministry of toil is the best antidote for indolence and barbarism. Able-bodied Indians should either work or starve. This is the settled policy at the Indian Bureau as now administered. We are helping the Indian most when we are teaching him to help himself. Our present commissioner has been specially successful and thorough in his efforts to make the Indian industrious and self-reliant, and thorough also in his promotion of Indian education.

Real progress is being made, and no period of like duration has seen so great progress, particularly in the West, as the past four years. While speaking in praise of the general work of the Indian Office, I am equally positive that the commissioner's often-expressed purpose to close out our nonreservation schools, if carried into execution, would not be for the best good of the Indian nor of the States containing the Indian population. Abandon these schools, and we would retrograde at least a decade in the final solution of the Indian problem.

I desire to submit here the views of one who has been for many years in the Indian Service as inspector, teacher of reservation schools, and superintendent of nonreservation schools. He has had exceptional opportunities for studying the education question in all of its phases. The commissioner requested him to place his views in writing, and I am permitted to present a portion of his communication as bearing upon this question:

In a general view of Indian education, as seen by one who has had many years of experience, not only in observation, but in actual work and contact, there appears many features of the work which are encouraging and promising, and, on the other hand, there have been and are at present many things to discourage and dishearten those who may be active in the work.

I will say that, under certain conditions and with suitable employees, I believe that a reservation day school is capable of accomplishing more for the money expended than any other school in the Indian Service. But I am sorry to say, in this connection, that the changing conditions

and the lack of suitable employees to conduct these little institutions of learning have resulted apparently in lessening very materially the scope of their influence. Eight or ten pupils, poorly supplied with clothing, with little or nothing to eat a good portion of the time, dirty in their homes, and not presentable in their personal appearance in school, are not very inspiring to the average teacher who attempts to instruct them, and there is apt to arise a condition of indifference and the child comes to school and returns to its home, and it would be hard to determine just what has been gained, if anything.

Then there comes the reservation boarding school, which, in many respects, should be able to perform just as good service as the nonreservation school; but there are conditions surrounding these institutions that have a retarding influence. The employees are isolated in many instances, and there is apt to grow up a condition of narrowness and lack of interest. This often results in frequent changes in the employee force, and it would seem in some instances that when an employee received an appointment to a reservation school the first thing sought for was a transfer, and in many instances it would seem for the good of the school that the transfer be granted.

As an illustration of this fact, there was one reservation school to my knowledge of a capacity for 60 pupils that has perhaps had more changes in its employee force in one year than a nonreservation school with which I am familiar has had in four years. It can not be otherwise than a broken and disconcerted effort maintained under such conditions.

The mission schools are in a class by themselves. They are now largely contract schools, and as to what extent the Government has supervision I am not aware. In former years, when my duties took me in contact with these schools, I observed a fair degree of efficiency, though I never conceded the point that such schools were, in the general results, superior to the well organized and conducted government school. In brief, my observation has been that there should be on every reservation a good, thorough, and well-equipped school system, and the only suggestions that I would make along this line is to redouble the effort, energy, and interest in the reservation schools, but at the same time keep open before the child the fact that it can reach out into a broader life if it so desires, and that the nonreservation school can offer opportunities beyond what can be obtained at home.

The nonreservation schools have certainly done a great deal in the general education of these people. It is very difficult for one who has not lived on a reservation for any considerable length of time and who has not tried to see things from the Indian standpoint to realize what a wonderful revelation it must be to the Indian boy or girl who for the first time sees a city or a train or who comes in contact with the outside world.

It is now true that many reservations are being encroached upon by the white man and that many of these features are being brought close to the homes of the Indian. But while this is true, there is an element in this new and rapid advance that is not calculated to elevate the undisciplined mind of the Indian. The living at a nonreservation school for a period of a year, the having of three meals a day, the clean bed, the regular bath, the meeting of a number of employees and teachers and mingling with their own people under proper restrictions, and the ever-present earnest effort of those about them can not help but have an influence on the life to follow. It is also true that reservation schools are not living up to their privilege, and for that matter the whole educational work is undoubtedly below what it should be. This, perhaps, would be the conclusion of every sincere worker, though he may have done all that he knew how to do; yet, after it is over and after the time for work is ended, it is only natural that one can see wherein there might have been improvements. That being the case, it should be the earnest endeavor of everyone in the work to make a study of the existing conditions and be able, in so far as possible, to meet the requirements. In other words, we should all be alive to the needs of the time in which we are working.

The one sad feature of this work is that the results as seen on the reservations are not flattering, to say the least. This apparent failure of many who have had some education is often held up as a reason for condemning the schools, and the question is often asked the nonreservation superintendent: "Do they go back to the old reservation life after they leave here?" My answer invariably is that they do not, and then I explain that no child can remain in my school for a single term, let alone a period of from three to six years, and then return to the reservation and be the same as it would have been had it never gone to school. The young man or woman may not show improvement over those who have not gone to school; they may even be worse in a single instance or exception; but there is an impression made on that mind that can never be erased, and whether there is an improvement or not, the person has a better knowledge of the ways of the world and of right and wrong than it would have had had it remained in ignorance of all these things.

It was at one time my task to make a careful investigation of the lives and conduct of returned students. This was some years ago, and no doubt conditions are somewhat changed at this time. In so far as I can recall, my conclusion was that 15 per cent of persons attending nonreservation schools showed no improvement whatever, though it is possible that in later years there might be manifest some characteristics which would indicate a benefit received at school.

The failure of the young man or woman leaving the nonreservation school is not, in my opinion, due, to any large extent, to the school, but to the conditions to which they return. There seems to be no systematic effort to train or develop the returned pupils. The conditions are such that the person returning to a reservation falls into idleness, and in many instances, there being a living furnished without any effort on the part of the individual, there grows up an extravagance that is very detrimental to progress. The young man who comes into possession of a few hundred dollars feels that he must have a good time, and he spends his money more freely than the white man who might be worth as many thousands; and there seems to be a disposition on the part of many on the reservations, and especially those living around the borders, to encourage the Indian in getting rid of what he has. They encourage him in selling his land, in selling his horses, sheep, and cattle; they encourage him in doing anything that will separate him from his wealth; and there does not seem to be any systematic effort to teach these people to be frugal and provident. I do not know what could be done, but whatever of failure there appears to be with the Indian, it should not be charged to the school nor to the good, honest, conscientious men and women who have given their lives to instruct these people in the right way and who have succeeded, for the time being, at least. When these persons were with them, under their influence, they led them in the ways of right and progress, and then, when their influence is severed, have been unable to control the actions or life of the student. I sincerely believe that whatever there is of success among the young men and women on the reservation is due more largely to the influences that have been exerted by their teachers and matrons and other employees of the school than any other single force that could be mentioned.

As to the Chamberlain School, I have been ready as a member of the committee to concur in this particular plan, from the fact I believe these nonreservation as well as the reservation schools should be distinctively industrial schools. One of two things ought to be done in regard to the Chamberlain School. Either it should have larger areas of land, greater facilities for industrial education, or to do what we have done with it. Upon the remaining nonreservation schools in our State the Government has already made good provision of sufficient land and facilities to teach the Indian youth industries under similar climatic conditions with which they will be met when they work out their destiny after they return to their people.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask the gentleman if he does not think it would be well to discontinue such schools as Hampton, Va., Carlisle, Pa., and schools hundreds of miles away from the Indian reservation, on the ground, as the gentleman has stated, of climate which causes pulmonary diseases and others.

Mr. MARTIN. So far as disease is concerned, and so far as the merits of each particular school is concerned, I think these are not specially dependent upon proximity to or remoteness from the reservations. As to the expense or economy, I admit that is an important question. I will say, more directly in answer to the gentleman's question, that I think the nearer the nonreservation schools can be to the reservation from which the Indian pupils come, other things being equal, the better. I think that the nonreservation schools at long distances from the reservations ought to be considerably improved as to their methods and the attention that is given the pupil in order to prepare him for the particular work he has to do in the future——

Mr. STEPHENS of Texas. I understand that——

Mr. MARTIN. And if I had the time——

Mr. STEPHENS of Texas. And is it not a fact that most of the children in your State which attend Indian schools have parents who are voters, and some of them holding office?

Mr. MARTIN. Not in my State. A very small percentage of children of voting parents attend these nonreservation schools.

I think, Mr. Chairman, that while the reservation schools have some advantages and should be continued, unfortunately the Indian parent, as well as the Indian student, kept exclusively upon the reservation, and considering the character of the white people that go to those reservations for the purpose of speculation and profit upon the ignorance and out of the property of the Indians, view necessarily the problem of civilization as represented in the white population in its most unfavorable aspect. Where the nonreservation schools are near the reservation and it is the habit of the parents to take their children in their own conveyances to the schools, they come in contact with the white population from a better view point and get a better opportunity to observe the elements of civilization. Education and progress are as much, indeed more, a matter of example than of precept, and I think under this nonreservation school system in close proximity to the reservation the Indian has his best view of the white population instead of continually seeing it in its worst aspect.

No people advance more rapidly than their ideals. Ideals of home and comfort can only be formed by observation and contact with like conditions. The student on the reservation sees few examples of thrift and progress. In the nonreservation schools the girls may be employed in near-by houses and many become good domestic servants. Athletics, in competition with high schools and colleges, are a most wholesome influence.

When the last reservation is abandoned and the unallotted lands have become the homes of thrifty settlers and the sites of cities and towns, then civilization will have come to the Indian; but until that is done I believe that Congress ought to liberally support the nonreservation schools, particularly those which are close to the reservation, as affording the best opportunity that the Indian student and the Indian parent now have to observe the example of civilization in one of its most inspiring demonstrations.

The time of the gentleman from South Dakota [Mr. MARTIN] having expired, by unanimous consent he was granted one minute more.

Mr. CARTER. Suppose we do away with the nonreservation schools; as there are not enough reservation schools to care for the Indians there at present, what method does the gentleman propose to follow in order to care for these children who are now attending the nonreservation schools?

Mr. MARTIN. I would not abandon them. I think they should be retained and improved; but I am here to say, as I regard the Indian problem, as it has come under my own observation in the West, in its educational phases, I doubt very much whether we could continue this plan of closing nonreservation schools without a very serious impairment of our educational system. My own view is that we ought to retain both the reservation and nonreservation schools.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk resumed and continued the reading of the bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that on page 51, in line 4, after the word "sixty" there be inserted the word "eight," so as to read "sixty-eight thousand;" and in lines 6 and 7, on the same page, to strike out the words "at seven agencies."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERMAN. Then, Mr. Chairman, I ask unanimous consent that in engrossing the bill the Clerk make such corrections in the totals as are found necessary by reason of the changes that have been made by amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I see an error on page 36, line 5, in the spelling of a name. It ought to be "Cynthia Ann Parker" instead of "Cynthia Parker."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, and had directed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the vote will be taken on the amendments in gross.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on subjects in the bill have the privilege of extending their remarks on those subjects in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent to extend in the RECORD remarks I made this morning in relation to an additional judge in the western district of Washington.

There was no objection.

RETURN OF BILLS FROM THE PRESIDENT.

The SPEAKER laid before the House the following concurrent resolutions of the Senate, which were severally read, considered, and agreed to:

Senate concurrent resolution 95.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France.

Senate concurrent resolution 92.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6891) for the relief of Maj. G. S. Bingham.

FORT PECK INDIAN RESERVATION.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent for the immediate consideration and adoption of the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That the Clerk be directed to request the Senate to furnish the House of Representatives an engrossed copy of the bill of the Senate (S. 8273), to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," the original copy being lost.

Mr. CLARK of Missouri. What is the object of this thing?

Mr. CAMPBELL. The object of it is to supply the Speaker's table with a bill that is not there.

Mr. CLARK of Missouri. What is the reason it is not there?

Mr. CAMPBELL. It is lost.

Mr. CLARK of Missouri. Somebody stole it?

Mr. CAMPBELL. I do not know.

The SPEAKER. The bill was not lost from the Speaker's table.

Mr. CLARK of Missouri. Has it passed both Houses?

Mr. CAMPBELL. It passed the Senate.

The SPEAKER. The bill was referred to the Committee on Indian Affairs.

Mr. CLARK of Missouri. I have no objection.

The SPEAKER. The Chair hears no objection, and it is so ordered.

WITHDRAWAL OF PAPERS.

Mr. HUBBARD of West Virginia, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. H. Wills, Fifty-eighth Congress, no adverse report having been made thereon, and also the papers in the case of L. M. Thomas, Fifty-ninth Congress, no adverse report having been made thereon.

RECESS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that we now stand in recess until 11 o'clock to-morrow morning.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Accordingly (at 6 o'clock and 6 minutes p. m.) the House was declared in recess until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for payment of awards (H. Doc. No. 1453), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6392) authorizing the Secretary of War to donate two condemned cannon to the county court of Mercer County, W. Va., reported the same without amendment, accompanied by a report (No. 2167), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 27971) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior, reported the same without amendment, accompanied by a report (No. 2168), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 257) to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain, reported the same without amendment, accompanied by a report (No. 2169), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the

Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOWARD, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 217) concerning the manuscript prepared by Charles Chaillé-Long, containing an account of the proceedings at the unveiling of the statue of the late Maj. Gen. George B. McClellan, reported the same without amendment, accompanied by a report (No. 2164), which said joint resolution and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3826) for the relief of Reed B. Granger, reported the same with amendments, accompanied by a report (No. 2165), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 7009) for the relief of John H. McBrayer, reported the same without amendment, accompanied by a report (No. 2170), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16920) granting a pension to John Waters—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 20284) granting an increase of pension to Catherine Hanigan—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WASHBURN: A bill (H. R. 28162) to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 28163) removing restrictions on lands lying along section lines in Oklahoma for road purposes—to the Committee on Indian Affairs.

By Mr. GREENE: A bill (H. R. 28165) to promote the merchant marine and foreign trade of the United States and to provide auxiliaries for the national defense—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDREWS: A bill (H. R. 28166) to validate an act of the legislative assembly of the Territory of New Mexico in reference to the issue of certain bonds—to the Committee on the Territories.

By Mr. BARTHOLDT: A bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. HUGHES of West Virginia: A bill (H. R. 28168) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and balls to the city of Huntington, W. Va.—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 28169) authorizing the Secretary of War to donate two brass or bronze cannons to the city of Stillwater, Minn.—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 28170) to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

By Mr. REYNOLDS: A bill (H. R. 28171) making an appropriation for the erection of a monument in memory of the soldiers of the Revolutionary war of Captain Philip's company of Colonel Piper's regiment, murdered by Indians near Saxton, in Bedford County, Pa., Sunday, July 16, 1780—to the Committee on the Library.

By Mr. BRADLEY: A bill (H. R. 28172) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the city of Port Jervis, State of New York—to the Committee on Military Affairs.

Also, a bill (H. R. 28173) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the city of Middletown, State of New York—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 28174) granting certain rights and privileges to the department of fisheries of the State of Pennsylvania—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 28175) to amend section 4434 of the Revised Statutes of the United States, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. GAINES of West Virginia: A bill (H. R. 28176) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin (by request): A bill (H. R. 28177) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"—to the Committee on Insular Affairs.

By Mr. MANN: Resolution (H. Res. 568) requesting the Secretary of War to transmit to the House copy of the last report of Charles E. Magoon, provisional governor of Cuba—to the Committee on Foreign Affairs.

By Mr. FOSTER of Illinois: Joint resolution (H. J. Res. 258) to authorize the Secretary of War to furnish one condemned cannon and cannon balls to J. S. Chandler Post, No. 102, Grand Army of the Republic, Salem, Ill.—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: Concurrent resolution (H. C. Res. 65) directing the Secretary of State to instruct our representatives abroad to make certain investigations concerning income tax, etc.—to the Committee on Ways and Means.

By Mr. ANTHONY: Memorial of the legislature of Kansas, urging that Congress impose a just and reasonable duty on imported zinc ores—to the Committee on Ways and Means.

Also, memorial of the legislature of Kansas, urging the enactment of a law by Congress for the creation of a retired list for volunteer officers of the civil war—to the Committee on Military Affairs.

Also, memorial of the legislature of Kansas, urging the passage by Congress of Senate bill 3755, for the relief of John F. Lewis—to the Commitee on Military Affairs.

Also, memorial of the legislature of Kansas, urging the passage by Congress of H. R. 4020—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 28178) granting a pension to Barbara A. Dewel (now Bacon)—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 28179) granting an increase of pension to William Wafford—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 28180) granting an increase of pension to William G. Bailey—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 28181) granting an increase of pension to John A. Burns—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 28182) for the relief of the legal representatives of T. C. McCulloch—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 28183) for the relief of the Grafton Christian Church, of Grafton, Va.—to the Committee on War Claims.

By Mr. KEIFER: A bill (H. R. 28184) granting a pension to Sarah Otstot—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 28185) granting an increase of pension to John W. Roy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28186) granting an increase of pension to James L. Dungan—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 28187) for the relief of the legal representatives of John Lewis Tindall, deceased—to the Committee on War Claims.

By Mr. BARCHFELD: A bill (H. R. 28188) for the relief of Margaret F. Watson—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 28189) removing the charge of desertion from the name of Alfred Rebsamen—to the Committee on Military Affairs.

By Mr. LIVINGSTON: Resolution (H. Res. 569) to pay to Robert Coates, Arthur L. Lucas, and James E. Dent additional compensation—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of United Trades and Labor Council of Buffalo, Erie County, N. Y., favoring abolition of piecework in the Mare Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. ANSBERRY: Petition of farmers' institute of West Unity, Williams County, Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Hicksville Farmers' Institute Society, favoring legislation for parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Alvin Rich, of Wooster, Ohio, against a duty on oilcloth and linoleum—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of the Whitfield Grocery Company, of Milledgeville, Ga., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. COLE: Petition of Livingston Post, Grand Army of the Republic, of Richwood, Ohio, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of citizens of Ohio, for legislation to establish a parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Colorado: Petition of members of Berkley Presbyterian Church, of Denver, Colo., favoring the so-called "Littlefield bill"—to the Committee on the Judiciary.

Also, petition of stock growers of Uncompahgre Valley Water Users' Association, asking extension of time for payment of water under the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. FOSTER of Illinois: Petition of Chandler Post, No. 102, Grand Army of the Republic, of Salem, Ill., for cannon for a monument to soldiers of the civil war—to the Committee on Military Affairs.

By Mr. FULLER: Petition of J. W. Howard, C. E. E. M., of New York City, favoring placing crude asphalt and crude bitumen on the free list—to the Committee on Ways and Means.

Also, petition of National Business League of Commerce of Chicago, Ill., favoring the Lowden bill (H. R. 21491) for appropriation to erect buildings for consular service—to the Committee on Foreign Affairs.

Also, petition of the Church of the Christian Union, of Rockford, Ill., favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

Also, petition of merchants of Grand Ridge, Ill., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Brotherhood of Locomotive Engineers, Trainmen, and Firemen, against H. R. 26725 (the Watson bill supplement of the safety-appliance act)—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. F. Henngtin, of New York City, for legislation favorable to railway interests—to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of Ernest Conner and others, of Guilford, Me., favoring parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMMOND: Petition of Sheaffer & Alvey and 13 others, of Winnebago, Minn., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. HOBSON: Petition of 110 citizens of Tuscaloosa, Ala., favoring the antiopium bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KELIHER: Petition of Knights of Labor District Assembly No. 30, favoring legislation to prevent exorbitant prices in food products—to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Gettysburg Lodge, No. 1045, Benevolent and Protective Order of Elks, favoring creating a reservation in the State of Wyoming for care and maintenance of the American elk—to the Committee on the Public Lands.

Also, petition of Hanover Lodge, No. 763, Benevolent and Protective Order of Elks, for a reservation in Wyoming for care of the American elk—to the Committee on the Public Lands.

By Mr. LINDBERGH: Petition of citizens of Brainerd, Minn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. LOWDEN: Petition of citizens of the Thirteenth Congressional District of Illinois, opposing tax on tea or coffee—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of James L. Dungan and John W. Roy—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James C. Connor—to the Committee on War Claims.

By Mr. PORTER: Petition of W. A. Trimble and other citizens of Conesus, Livingston County, N. Y., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Petition of Lodge No. 102, Benevolent and Protective Order of Elks, asking for the creation of a reserve in the State of Wyoming—to the Committee on the Public Lands.

By Mr. RYAN: Petition of the National Shoe Wholesale Association of the United States, against a duty on hides—to the Committee on Ways and Means.

Also, petition of the German-American Alliance, of Buffalo, N. Y., against a duty on scientific books—to the Committee on Ways and Means.

Also, petition of the United Trades and Labor Council, of Buffalo, N. Y., against the piece and task system at Mare Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. WANGER: Petition of B. P. Tomlinson, master, and Emma F. Smith, secretary, on behalf of Pineville Grange, No. 507, Patrons of Husbandry, of Pineville, Bucks County, Pa., for legislation creating a national highways commission and for an appropriation to aid in the improvement and maintenance of public roads—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *February 17, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now, Mr. President, in accordance with the notice given last night, I ask that the naval appropriation bill be laid before the Senate and proceeded with.

The Senate resumed the consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

The VICE-PRESIDENT. The first amendment reserved was reserved by the Senator from Massachusetts [Mr. LODGE], and is the amendment on page 60, relative to the Marine Corps. It will be read.

The SECRETARY. On page 60, line 6, after the word "dollars," insert the following proviso:

Provided, That no part of the appropriations herein made for the Marine Corps shall be expended for the purposes for which said appropriations are made unless officers and enlisted men shall serve as heretofore on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels.

Mr. HALE. Notice was given, instead of remaining longer last night in session, that the Senate would be asked to proceed at once to the consideration of the bill this morning. But the Senator from Massachusetts [Mr. LODGE] is not present. One or two Senators suggested that they would desire to debate some of these amendments. If any Senator desires to do so, and is ready, I wish, for the convenience of the Senator who is absent, that he would proceed.

Mr. CUMMINS. I suggested last evening that I wanted to submit some observations to the Senate upon this amendment. I am quite ready to proceed, but it is evident the Senate is not ready to proceed.

Mr. HALE. I will say to the Senator that while full notice was given I shall not attempt to proceed to take questions by votes until Senators have time to reach the Chamber. I merely suggested that if any Senator desires to debate the amendment

and is ready now the time may be so occupied. But I do not ask the Senator in this thin condition of the Senate to even do that. I do not want to make the suggestion, but a roll call of the Senate would give Senators an opportunity to come in. I suggest to the Senator whether it might not be well to have a roll call of the Senate.

Mr. CUMMINS. I was about to suggest the absence of a quorum, and yet I did not want to do it unless it is necessary. I have some hope that what I have to say will influence the minds of some of the Senators upon the question, and therefore I naturally desire that they shall hear what I have to say. In order to make sure of an audience of that character, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

Mr. HALE. Before the roll call begins, I ask the Sergeant-at-Arms to notify Senators in committee rooms that there is a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Dixon	Kittredge	Piles
Bankhead	Dolliver	Lodge	Platt
Borah	du Pont	Long	Rayner
Bourne	Elkins	McCreary	Scott
Briggs	Flint	McCumber	Simmons
Bulkeley	Frye	McLaurin	Smoot
Burnham	Fulton	Martin	Stone
Burrows	Gallinger	Milton	Taliaferro
Carter	Gamble	Money	Teller
Clapp	Guggenheim	Nelson	Warner
Cummins	Hale	Overman	Warren
Depew	Hansbrough	Page	
Dick	Heyburn	Penrose	
Dillingham	Kean	Perkins	

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, I earnestly hope that no Senator will believe that my insistence upon and with regard to this amendment arises out of any hostility toward the naval appropriation bill. I know better than I ever knew before the extent of the labor undergone by the Committee on Naval Affairs. I have witnessed the marvelous patience of the chairman of the committee, who through two or three days has by his luminous explanations made clear many things that before were obscure and mysterious, and I congratulate him most heartily upon the toleration he has exhibited in the midst of the crossfire of questions concerning the items of the bill. That is the reason why I appeal to him and to the Senate not to mar the measure by a provision so unjust and, as I believe, so unconstitutional.

In his explanation yesterday the chairman of the committee indicated the origin of this part of the bill. It did not need his statement to enable Senators to know the origin of this part of the bill. I recognize it, and the country will recognize it, as another attempt upon the part of Congress to correct a mistake of the President of the United States. I recognize it and the country will recognize it as another assault upon Theodore Roosevelt. I hold no commission for the defense of the President of the United States. I bear no such relation toward him as will bias my judgment or create in my mind any prejudice whatsoever. I am not the beneficiary of any influence exerted by the President of the United States. But my sense of justice will not permit me to allow this matter to pass without venturing the prediction that the mistakes of Theodore Roosevelt will pass away from the memory of men. I suppose he has made some mistakes. If he has not, he is far from a fit associate of the men of his time. But any man who does much will commit mistakes. It is only the man who does nothing who is free from error in this world of ours.

It seems to me that we owe it to another department of the Government to look with exceeding care into this provision. The people of the country from which I come love the President of the United States. They are unfamiliar with the atmosphere which reeks with criticism and censure. They admire a man who is resolute enough and courageous enough to grapple with the problems of these times with all the strength of a strong and resolute man. And they believe that when the history of this decade is written, when in future times the historian will record the deeds of these days, Theodore Roosevelt will be the towering figure of his age.

They believe that he has done more to awaken the public conscience, more to exalt the standards of public duty, more to enforce the true conception of public fidelity than any man of his time. Coming from such a constituency, it ought not to be thought strange that I desire to stand for a brief time in opposition to a provision of this bill which, as I interpret it, is intended as a rebuke to him.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maine?

Mr. CUMMINS. With pleasure.

Mr. HALE. I shall not let any statement of that kind pass unnoticed. It has come to a very hard pass if, in its discretion over the management of the large concerns of the Navy Department, a department for which Congress appropriates one hundred and thirty-odd million, in the regulation and procedure of an important part of that department Congress can not restore a condition that has existed for a hundred years and pass a measure that is against an order of the President without having it considered as an assault upon him.

I deny here in terms, and I hope I deny it for the Senate, the right of any Senator to take such ground and to arraign Congress and to declare that it is intended as and its purpose is an assault upon the Chief Executive. It is simply Congress exercising its natural control, which certainly is equal to the control the President has over the Navy Department.

With this disclaimer, I leave the Senator.

Mr. CUMMINS. Mr. President, I did not impute to the Senator from Maine, the chairman of the Committee on Naval Affairs, the purpose which he disclaims. I endeavored in the very outset to indicate the origin of this provision in the bill. I believe it to have been inspired originally with that purpose, and in what I am about to say I believe I can establish the proposition.

What is the situation? I assume that at this time the President of the United States has not violated any law of the land. It does appear that a short while ago he issued an executive order gradually withdrawing the Marine Corps from certain ships. He issued that order with the approval of every commander of a battle ship in active service, as I am informed, save three. He issued it under the approval of Admiral Evans, of Admiral Sperry, of Admiral Swinburne, of the Chief of the Bureau of Navigation, and of the Secretary of the Navy.

Thereupon this matter comes into Congress. If Congress had attempted to establish a rule for the government of the land and naval forces directly, I would not have made the assertion I made a few moments ago. I do not intend at this time to attempt to add to the argument presented yesterday by the Senator from Massachusetts [Mr. LODGE] with respect to the merits of the proposition. I shall pass quickly to another phase of the subject. But I do desire to call the attention of the Senate to the opinion of Rear-Admiral Evans. It is all summed up in this statement, and I am now reading from the testimony before the House committee:

> Admiral EVANS. Well, sir, my opinion is that the marines should be removed from all ships in the navy, except the transports fitted for carrying the marines. I give that opinion after studying the question very thoroughly and after having served with the marines in pretty nearly every kind of service, but I want this committee to understand that I have not a word to say against the marines.

I beg also to quote a single sentence from the letter of Admiral Dewey. I shall not read his argument, but simply his conclusion:

> As a consequence, I firmly believe that the efficiency of both the Navy and Marine Corps will be materially increased by restricting the marines to the very important and necessary duties enumerated in Executive Order No. 969.

This testimony seems to be corroborated by substantially every man upon whom we must depend to fight our ships, in the event that the contingency should arise for which the ships were built and set afloat.

I would therefore simply, as a matter of policy, feel very reluctant to overrule the judgment of these officers of the navy, this department, this bureau of the Navy Department, the Secretary of the Navy, and the President of the United States, believing that their judgment is better than my judgment upon so technical a military affair as is presented in this subject.

However, I did not rise to debate the merits, as a policy, of the proposal to withdraw the Marine Corps from the ships of war. I arose to call the attention of the Senate to the invasion which I believe is found in this amendment upon the prerogatives and the powers and the privileges of the Commander in Chief of the Army and Navy of the United States.

I desire, first, to read the extract from the Constitution, referred to yesterday by the Senator from Maryland [Mr. RAYNER]. Section 2 of Article II of the Constitution of the United States begins:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States.

A subdivision of section 8 of Article I of the Constitution declares that—

The Congress shall have power—

* * * * * * *

To make rules for the government and regulation of the land and naval forces.

We have before us at this moment for interpretation these provisions of the Constitution: First, the appointment of the President of the United States as Commander in Chief of the Army and Navy; second, the power of Congress to make rules for the government and the regulation of the land and naval forces.

I do not know anything about the legislative history of the Senate or Congress. I do not know what it has done with respect to similar or cognate matters. Therefore I shall not attempt to cite precedents. But I do know something about the Constitution of the United States, for I have spent twenty-five years of my life in the attempt to apply it to the actual affairs of human life; I do know something about the meaning of the ordinary words of my mother tongue; and I do believe that the provision now under consideration, the amendment which has been proposed to the Senate by the Committee of the Whole, is not only unjust, but I believe it to be in contravention of this fundamental law of the land.

I did not make the assertion yesterday against which the Senator from Maryland brought to bear all the great powers of his learning. I did not assert the proposition against which the Senator from Oregon [Mr. FULTON] brought his profound studies of the Constitution.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. With pleasure.

Mr. FULTON. In what respect, I ask the Senator, does he contend that I misquoted him.

Mr. CUMMINS. I do not contend that you misquoted me at all. You misunderstood me; that is all.

Mr. FULTON. The statement I made was that the Senator contended, as I understood him, that this proposed amendment was an intrenchment of the constitutional power of the President as Commander in Chief, and hence in violation of the Constitution.

Mr. CUMMINS. I did.

Mr. FULTON. I understand the Senator to reaffim that this morning.

Mr. CUMMINS. I did so contend. That is not, however, the proposition.

Mr. FULTON. It seems I did not misunderstand or misquote the proposition.

Mr. CUMMINS. That is not the proposition to which the Senator from Oregon directed his argument. I will come presently to the distinction, and I think it will be perfectly obvious.

Inasmuch, however, as the question has been raised by the Senator from Maryland and the Senator from Oregon as to the power of the Senate to make the substance of this provision a rule or a regulation of the army and the navy, I am quite willing to assume the responsibility for the proposition as understood by the Senator from Maryland and the Senator from Oregon.

I do not question the right and power of Congress to make rules and regulations for the government of the army and the navy, but addressing myself in the first instance to the proposition suggested by the Senator from Maryland and the Senator from Oregon, I beg to submit this observation: Assume that this provision was a direct command upon the Commander in Chief not to remove the Marine Corps from the war ships of the navy; assume that it was a plain and an explicit direction to the Commander in Chief that a certain proportion of the Marine Corps shall be employed upon the war ships; then the question raised by the Senator from Maryland and the question supplemented by the Senator from Oregon would be before us for discussion. This is not such a direction; it is not such a rule.

I suppose that there must be somewhere between two great extremes the line which separates the power of the President and the power of Congress. I fancy that there is not a Senator in this Chamber who would insist that Congress could pass a law which would declare that the President of the United States should issue no command, no direction to the army and navy, until it was approved by Congress. I would like to ask these distinguished Senators whether they believe that Congress could adopt a rule—it must, of course, be in the form of a statute—that would prohibit the Commander in Chief from issuing any order, any command, any direction, without first submitting it to Congress for its approval? I do not ask an answer to that question now. I do not know that you would care to give the answer at any time, because I am sure you will at once disclaim any such interpretation of this clause of the Constitution.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. Certainly.

Mr. TILLMAN. Merely for information, Mr. President, I want to inquire of the Senator if Congress did not practically do that with Andrew Johnson by a two-thirds vote in both Houses?

Mr. CUMMINS. My answer to the Senator from South Carolina is this: As I said a few moments ago, I am not familiar, as you are, with the technical proceedings in Congress and what Congress has done; but I repeat to you, as I said a moment ago, while I am not and have not been a student of the CONGRESSIONAL RECORD, I have been a student of the Constitution of the United States. I know something about that instrument; and the validity of this legislation is to be tested not by what Congress did in the impeachment of Andrew Johnson, but what it has the power to do under the terms of the Constitution.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. Gladly.

Mr. FULTON. I ask the Senator from Iowa if he can see any distinction in principle between the amendment proposed by the committee and the following sections, which I read:

SEC. 2. *And be it further enacted*, That there shall be employed on board each of the said ships of 44 guns, 1 captain, 4 lieutenants, 1 lieutenant of marines, 1 chaplain, 1 surgeon, and 2 surgeon's mates; and in each of the ships of 36 guns, 1 captain, 3 lieutenants, 1 lieutenant of marines, 1 surgeon, and 1 surgeon's mate, who shall be appointed and commissioned in like manner as other officers of the United States are.

* * * * * * *

SEC. 4. *And be it further enacted*, That the crews of each of the said ships of 44 guns shall consist of 150 seamen, 103 midshipmen and ordinary seamen, 1 sergeant, 1 corporal, 1 drum, 1 fife, and 50 marines; and that the crews of each of the said ships of 36 guns shall consist of 130 able seamen and midshipmen, 90 ordinary seamen, 1 sergeant, 2 corporals, 1 drum, 1 fife, and 40 marines, over and above the officers hereinbefore mentioned. (Stat. L., vol. 1, p. 350.)

The act of Congress provided that there shall be employed these specified officials and the specified number from the different corps, one being 50 men from the Marine Corps. Does the Senator see any distinction between the provisions I have just read and the amendment proposed? I will say to the Senator that I can see no distinction; and this is an act which was passed in 1794, when they were pretty familiar with what the Constitution meant.

Mr. CUMMINS. Mr. President, there is the same difference between the act to which the Senator from Oregon has just referred and the amendment now under consideration that there is between a law and a threat.

Mr. FULTON. Does the Senator not think this would be a law should it be incorporated in the pending measure and be passed by Congress?

Mr. CUMMINS. It has the form of law, I answer the Senator. In some respects it is a law.

Mr. FULTON. If not in violation of the Constitution, would it not be a law?

Mr. CUMMINS. I will come immediately to the question which the Senator from Oregon has asked and differentiate the pending amendment from the law he has just read.

As I was about to say, if this provision were in the form of a direction or a command it would still be subject to very grave doubt. To illustrate it, I take the question propounded to me yesterday by the Senator from Georgia [Mr. BACON]. He asked me if Congress might not declare by a law that no troops shall be quartered in the District of Columbia. I answered that question in the affirmative, although I believe it presses dangerously near the line.

My distinction, however, is easily observable when I present another illustration. Suppose Congress were to declare by law that the President of the United States should not quarter a certain regiment in the District of Columbia; suppose it were to declare that the President should not bring any part of the Marine Corps into the District of Columbia. If it should unwisely pass to that point, then I believe it would have contravened its constitutional right and invaded the prerogatives of the Commander in Chief. This illustration will serve to show my view of the real limit of the power of the Congress with regard to this matter.

I am not venturing this opinion without the support of many distinguished authorities; but those authorities will be submitted to the Senate at a later time by my friend, the Senator from Idaho [Mr. BORAH], for I did not really intend to discuss the question propounded by the Senator from Maryland [Mr. RAYNER] or by the Senator from Oregon [Mr. FULTON]. Granting all that you contend for your construction of the Constitution, yet in the adoption of this amendment under consideration we are passing far beyond our power. It is not a direction to the President; it is not a command; it is not a rule; it is not a regulation of either the army or the navy.

This leads me to a rereading of this provision in order that you may have it fairly in your minds. I am sure that the Senate does not and can not approve this manner of attempting to interfere with the movements of our troops. It says:

Provided, That no part of the appropriations herein made for the Marine Corps shall be expended for the purposes for which said appropriations are made unless officers and enlisted men shall serve as heretofore on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels.

Is that a rule for the government of the army or the navy? Is that a regulation of our land or naval forces? To whom is this command given? To whom is this direction extended? It is a command directed to the Secretary of the Treasury, and it says to him, "You shall not expend the money for the pay of the Marine Corps unless the Marine Corps is employed in the manner specified in the provision."

Mr. McLAURIN. Will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. With pleasure.

Mr. McLAURIN. Does the Senator hold that that provision of the appropriation bill is unconstitutional?

Mr. CUMMINS. The provision which I have just read?

Mr. McLAURIN. Yes, sir.

Mr. CUMMINS. I do.

Mr. McLAURIN. Does the Senator not believe that it is within the power of the Congress of the United States to make an appropriation with a condition attached to it?

Mr. CUMMINS: It depends wholly upon the condition. The condition must be valid if it is to effectually protect or affect the appropriation.

Mr. McLAURIN. Suppose, Mr. President, Congress makes a conditional appropriation; is the appropriation void unless the condition can be performed?

Mr. CUMMINS. Mr. President, I shall not be tempted into the discussion of that question. If there were no constitutional provision giving command of the army and the navy to the President of the United States, it may be that the consequences suggested by the Senator from Mississippi would necessarily follow, but my suggestion is that this provision is in conflict with the constitutional power of the command of the army and navy by the President of the United States. The President is given by the Constitution the power to command the army and the navy, and there can be imposed upon him whatever rule or regulation Congress sees fit to create that does not deprive him of the power to command.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Mississippi?

Mr. CUMMINS. Gladly.

Mr. McLAURIN. Is there any obligation on Congress to organize an army or a navy at all? Suppose Congress, in its judgment and discretion, were to conclude that there were no necessity for an army or a navy in time of peace; has Congress that power?

Mr. CUMMINS. Assuredly.

Mr. McLAURIN. Then Congress has the power to make an appropriation for an army and a navy or not in its discretion.

Mr. CUMMINS. I think no one will question that, I will say to the Senator from Mississippi.

Mr. McLAURIN. Then, if Congress has power to make such an appropriation, it has power to make it absolutely or upon condition?

Mr. CUMMINS. I do not agree, Mr. President, to the last proposition. You might easily attach to this appropriation bill a score of rules and regulations as conditions that would infringe some provision of the Constitution, and is it the opinion of the Senator from Mississippi that as a condition attached to an appropriation bill you can validly repeal or infringe upon any other provision of the Constitution?

Mr. McLAURIN. Mr. President, I do not believe that Congress can validly infringe upon any provision of the Constitution, either directly or indirectly; but one of the provisions of the Constitution is that all appropriations shall be made by Congress; and nobody else, no other power or authority has the right to judge of the necessity for the appropriation. The appropriation can be given or it can be withheld. If it is given, it can be done upon condition. It would be, in my judgment, contrary to reason to say that Congress has the absolute power to make or not to make an appropriation, and yet has not the power to make that appropriation conditional.

Mr. CUMMINS. I think I understand fully the view of the Senator from Mississippi, and, with the modification which I suggested, I certainly do not quarrel with him. I only furnish him for reflection this suggestion from the Constitution.

Mr. McLAURIN. From what part of the Constitution does the Senator intend to read?

Mr. CUMMINS. There is an article in our Constitution, Article III of the amendments to the Constitution, which provides:

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Suppose that you should attach to this appropriation the condition that the Marine Corps should not be paid unless it were quartered upon private citizens in time of peace without their consent. Would you insist that you were then employing the powers that were given to you by the Constitution of the United States?

Mr. HALE. Mr. President——

Mr. McLAURIN. Does the Senator from Iowa desire me to answer that?

Mr. CUMMINS. Well, I do not care to have an argument injected into mine.

Mr. McLAURIN. If the Senator will allow me, I will answer the question in a minute—in less than a minute.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. Certainly.

Mr. McLAURIN. Mr. President, such an appropriation as that would be void, because it would be based upon a condition that was itself unconstitutional. The appropriation could not be made with the condition, and the condition could not be imposed because it would be unconstitutional. Therefore, the appropriation itself would be void, and the Secretary of the Treasury would have no right to pay money under it.

Mr. HALE. I was going to put a question to the Senator from Iowa.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maine?

Mr. CUMMINS. Gladly.

Mr. HALE. When the Senator from Iowa asks what would be done if Congress should make such an appropriation as he describes, I shift it about and suppose a situation more kindred to the present. Supposing, notwithstanding that provision, the President should at some time direct and order troops in contravention of that provision. Does the Senator think that the House of Representatives and the Senate combined could not take action and reverse that order of the President?

Mr. CUMMINS. I have no doubt of it, Mr. President.

Mr. HALE. That is what we are trying to do now.

Mr. CUMMINS. Not only have I no doubt of the proposition of the Senator from Maine, but I think it would be the bounden duty in that event of the House of Representatives to impeach the President, and that it would be the duty of the Senate to convict him.

Mr. HALE. But I do not think Congress would be obliged to resort to impeachment. I think the two Houses could take the matter up under the provisions of the Constitution and pass a measure that would destroy the effect of the President's action against the Constitution.

Mr. CUMMINS. I am not prepared to enter upon a discussion of the very curious phase, the possible phase, of military life that might be presented by the case suggested by the Senator from Maine. I am only insisting that this provision is not a rule or regulation for the government of our army and navy. As I was saying when interrupted, it is a command put upon the Secretary of the Treasury of the United States not to pay the soldiers unless certain conditions exist.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. Certainly.

Mr. FULTON. I ask the Senator from Iowa if the effect of such a provision is not a regulation? Does it not operate to regulate the disposition of this corps?

Mr. CUMMINS. In my opinion, Mr. President, it is just the kind of regulation that a sheriff imposes when he puts bracelets or handcuffs upon the wrists of his prisoner. That is the sort of regulation it is.

Mr. FULTON. Mr. President, the Senator from Iowa concedes, as I understand him now, that Congress may directly provide——

Mr. CUMMINS. On the other hand——

Mr. FULTON. Or require that the Marine Corps shall be disposed of and managed as provided in this bill if Congress did it by a direct provision. Does the Senator not concede that?

Mr. CUMMINS. Mr. President, I do not so concede. I said if the power was sought to be exercised at all under the Constitution, it ought to be exercised in that way. But I gravely doubt the power of Congress to make this provision in any form whatever. As I suggested, however, the authorities upon that proposition will be submitted to the Senate a little later by the Senator from Idaho.

Mr. FULTON. Now, let me ask the Senator this question: Whatever might be or whatever may be his view as to the power of Congress to act directly in the matter, does he not admit that Congress is not required or obliged to make any appropriation whatever; and if it sees fit to make the appropriation for the Marine Corps, it may provide the extent to which it may be used or it may refuse to make any appropriation? Is not that within the competency of Congress?

Mr. CUMMINS. Mr. President, answering the question of the Senator from Oregon categorically, I say no; it is not within the power of Congress—I am speaking now of the rightful power; I am not speaking of its physical power to vote—it is not within the rightful power of Congress to attach any condition that it may see fit to an appropriation bill, even though it might have refused to make any appropriation whatsoever for that subject.

Let me illustrate further, in answer to the Senator from Oregon. What is it you do in attaching this provision? You are fair men, you are candid men, you are fearless men, and what you do you ought to do directly. What are you doing here? You are saying to the President of the United States "Take your choice; either command a Marine Corps unpaid or order these troops upon the ships."

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. Yes.

Mr. TILLMAN. Does the Senator agree that we could disband the Marine Corps in this bill and refuse to pay them at all?

Mr. CUMMINS. Mr. President, answering the Senator from South Carolina, if he means by that question that Congress has the power to disband the Marine Corps and refuse to make any appropriation for its maintenance, I say "Yes;" just as it could refuse to make any appropriation for the maintenance of any part of the army or any part of the navy.

Mr. TILLMAN. Then, if Congress provides for a Marine Corps, can the President disband it?

Mr. CUMMINS. As a bald proposition, I do not think he can.

Mr. TILLMAN. Now, this is a marine corps. "Marine" means sea; so that these people are organized and paid for sea duty primarily, and if the President, in his wisdom or unwisdom, expects to say to Congress, "I will not put these men on shipboard, but I am going to make a land force entirely of them," why say "marine corps?"

Mr. CUMMINS. Mr. President, of course it is delightful to know that the word "marine" has some relation to the sea. [Laughter.]

Mr. TILLMAN. The Senator seems to forget it, however, because he wants to contend for the right of the President to make a pure land force of this corps.

Mr. CUMMINS. Have I suggested that?

Mr. TILLMAN. Well, the Senator contended for the President's right to do it.

Mr. CUMMINS. Never.

Mr. TILLMAN. If he has the right, then we have no right to interfere.

Mr. CUMMINS. I am contending against this provision.

Mr. TILLMAN. I know the Senator is.

Mr. CUMMINS. The President has not made a land force of the Marine Corps by his order.

Mr. TILLMAN. What has he done?

Mr. CUMMINS. He does not change the essential character of the Marine Corps. Its work is still either at sea or upon the shore stations that have immediate connection with the navy.

Mr. TILLMAN. But the predecessors of the present Executive have considered it obligatory upon them, and it has been the practice as well as a rule of law, that a part of the Marine Corps should serve on shipboard. Now, "in his discretion," as the Senator says, the President has withdrawn these men from ships and says they shall serve on the land. The Congress says, "We pay these people; we organize them; they are under our control; and we insist that 8 per cent of the crew of each war ship shall be composed of marines." The Senator says we have no right to do that.

Mr. CUMMINS. Mr. President, that is just what I am complaining of. If you would say to the President of the United States by law that the Marine Corps shall be employed only upon the sea, then you have at least attempted fairly and openly to make a rule and a regulation for the government of the naval force. But you do not say that. You say to the President of the United States, "You may continue to command the Marine Corps in any way that your discretion may suggest, but if you command it in a particular manner, then you must command unpaid troops." That is the proposition which you have in this amendment.

Mr. TILLMAN. The principle here was fought out in England two hundred years ago, and Charles I lost his head contending for just what the Senator contends. [Laughter.]

Mr. CUMMINS. Mr. President, in view of the rapidly advancing years of the Senator from South Carolina, I am sure that the President of the United States is at least safe, and I do not have any fear of losing my head on account of the doctrines that I am now propounding. I do not see in them anything strange or anything new.

The Senator from South Carolina is the very embodiment of openness; he is the embodiment of frankness; there is no man in this Chamber who desires to drive so straight at the heart of things as the Senator from South Carolina, and yet he seems to approve this evasion of the Constitution, this indirect and indefensible way of interfering with the Army and the Navy of the United States.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from South Carolina?

Mr. CUMMINS. Certainly.

Mr. TILLMAN. Can the Senator see any indirection in a plain, positive, direct proposition here that, unless you employ so many of these marines on shipboard, you shall not have any marines, for we will not pay them. Is there any indirection in that?

Mr. CUMMINS. I think so.

Mr. TILLMAN. Well——

Mr. CUMMINS. It is not your purpose to destroy the Marine Corps?

Mr. TILLMAN. No; but our purpose is to compel the Executive to use the marines, or some of them, on the sea.

Mr. CUMMINS. Mr. President, again the Senator returns to the very complaint I make. If it is your purpose to direct the President of the United States to use the Marine Corps in a specified way, why do not you put that direction, that command, upon him? You might just as well change this proviso and say that "no part of this appropriation shall be used for the Marine Corps unless the President of the United States resigns his office." If you can attach a condition of that sort to the use of this money as a threat or as an inducement to the President, why do you not attach one that will be still more effectual? Why do you not say that "no part of the salary of the President of the United States shall be paid unless a per cent of the Marine Corps is employed upon the war ships of the Nation?" It is the same indirection, the same evasion, the same unwillingness to face the issue directly, to meet it as becomes a free and intelligent tribunal like this.

The point that I attempted to make yesterday was that this provision was not within the power of Congress, because it was not a rule; it was not a regulation. It was simply, as I termed it, a threat imposed upon the President in order to persuade him, or impel him, to use this force in a particular way. I hope that the Senate will not attach such a condition to the use of the money appropriated to sustain an important part of our military forces.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. In just a moment I will yield the floor entirely, for I have about finished.

Mr. McLAURIN. I just want to ask the Senator a question.

Mr. CUMMINS. Very well; I yield with pleasure.

Mr. McLAURIN. The Senator from Iowa is making a very interesting argument, and I frankly say that I am very much interested in the constitutional questions which he is discussing.

Congress, having power to raise and support armies, I take it that Congress has the power to judge of the necessity for an army. The Senator agrees with me on that, does he not?

Mr. CUMMINS. Undoubtedly the Senator states a correct proposition, and I agree with him entirely.

Mr. McLAURIN. Then, suppose the Congress should consider that there was necessity for an army on the Pacific coast to prevent some threatened or suspected invasion of that section, but that there was no necessity for any army on the Atlantic coast, and suppose Congress, judging of the necessity for the raising and support of an army, should be willing to organize and support an army for the protection of any threatened or suspected danger in the Pacific, and should make an appropriation for the support of an army, and that appropriation was based on a condition that the army should be kept on the Pacific coast, would the Senator hold that that was a constitutional provision?

Mr. CUMMINS. Mr. President, the Senator from Mississippi states a case which, as I said a few moments ago, is very close to the border line. I am not prepared to question the right of Congress to say that the army shall be used on the Pacific coast or upon the Atlantic coast. If it can so say, then it can attach that condition to its appropriation. I am not to be understood as assenting unqualifiedly to that proposition, but it is so far removed from the provision under consideration that I do not think it is necessary to comment upon it.

I will restate my objection to this amendment. Granting the power in proper cases on the part of Congress to establish rules and regulations for the government of the military forces, as I do freely and fully, I submit that this is not a rule; it is not a regulation such as is contemplated in the Constitution. It is simply saying to the President, "Take your choice between these two things." I do not think that Congress has any right, in view of his position as Commander in Chief, to put him to the choice of commanding unpaid troops or revoking the order which he has heretofore issued. If we intend to assume the right to dispose of our forces, if we intend to insist that we shall say that Colonel Jones shall go there; that Colonel Smith shall come here; that a cavalry regiment shall be stationed at one point and an infantry regiment at another, let us have the manliness to do it directly and not indirectly.

Mr. BORAH. I observe that the chairman of the committee is absent. I merely wish to say that it is not my purpose, Mr. President, to delay the progress of this bill at all, and I would not consume a moment's time of the Senate were it not for the fact that one feature of the discussion which arose yesterday——

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Certainly.

Mr. DIXON. I wish to say, in view of the fact that we are meeting, after a night session, at an hour earlier to-day to discuss this matter, which is of great importance, that at least a quorum of the Senate ought to be here to listen to it; and I suggest the absence of a quorum at this time.

The VICE-PRESIDENT. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Curtis	Hale	Page
Ankeny	Depew	Hemenway	Paynter
Bacon	Dick	Heyburn	Penrose
Bailey	Dillingham	Kean	Perkins
Bankhead	Dixon	Kittredge	Piles
Borah	Dolliver	La Follette	Platt
Bourne	du Pont	Lodge	Rayner
Brandegee	Elkins	McCumber	Richardson
Briggs	Flint	McEnery	Smith, Mich.
Bulkeley	Foraker	McLaurin	Smoot
Burkett	Foster	Martin	Stone
Burnham	Frazier	Milton	Taliaferro
Burrows	Frye	Money	Tillman
Carter	Fulton	Nelson	Warner
Clapp	Gallinger	Newlands	Warren
Clarke, Ark.	Gamble	Nixon	
Clay	Gary	Overman	
Cummins	Guggenheim	Owen	

The VICE-PRESIDENT. Sixty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. BORAH. Mr. President, I appreciate the suggestion of the Senator from Montana, but in view of the work upon Senators I can not hope, of course, that they will remain here continuously to hear this discussion. I will undertake to detain the Senate not more than a few moments.

I refer to the RECORD of yesterday, and read:

Mr. BORAH. I was going to ask if the Senator from Maryland contends that the President, as the Commander in Chief, has no constitutional powers which are not subject to the control of Congress?

Mr. RAYNER. I contend that Congress has the right to make all rules and regulations for the government of the army and navy, and that the President is absolutely subject to any rules and regulations that Congress may make. I am without the authorities now, but I discussed this question once before in the Senate. I am perfectly satisfied that this is an absolutely constitutional measure, and when Congress passes a law making regulations for the government of the land and naval forces the President himself must obey those regulations, and he has no power as the constitutional commander of the army and navy paramount to the power that is resident here in Congress to regulate the land and naval forces.

Again:

Mr. BORAH. I only want to say, not for the purpose of discussing it at this time, that under the Constitution the President of the United States is made Commander in Chief of the Army and Navy of the United States. As such Commander in Chief he has certain constitutional powers which he may exercise and which Congress can not control, and that question has been settled, in my opinion, by our Supreme Court in numerous cases.

I did not undertake yesterday to discuss the question whether this particular measure was within the power of Congress or not, neither do I care at this time to go to any considerable extent into that discussion. I only want to submit a few suggestions with reference to the proposition which I stated, and that is that as Commander in Chief the President has certain constitutional powers which it is not within the power of Congress to modify, abolish, take away, or control; that those are such powers as inhere in the right to command. Congress may provide for the army, make rules and regulations for the government thereof, in so far as those measures appertain to that subject, but in so far as they trench upon the power of the President to command they would be inhibited by the other provision of the Constitution.

The constitutional provision, Article II, section 2, reads, so far as this discussion makes it pertinent, as follows:

The President shall be Commander in Chief of the Army and Navy of the United States, etc.

That is not a nominal power or a titular dignity. It is a power which draws to it the right to command, and whatever appertains to that belongs to the President and can not be trenched upon by any act of Congress. Congress may provide for the army, but it can not command it. Neither can it interfere with or embarrass the President in his command of it.

Without defining at this time what constitutes command or government, I wish to call attention to a few authorities which I had in mind yesterday when I made the statement. Mr. Pomeroy, in his work upon the Constitution, says:

Congress raises and supplies armies and navies and makes rules for their government, and there its power and duty end; the additional power of the President as supreme commander is independent and absolute. (Pomeroy, p. 558.)

The language of the author is clear and direct, and conveys at once the idea that there is belonging to the Commander in Chief a separate and independent and absolute power which is his; and as I said a moment ago, that is such power as appertains to his right to control and direct and command the army.

Again, the same author in another portion of his work, says:

The legislative powers which relate to the raising, equipping, supplying, and governing the land and naval forces have nothing in common with the separate and distinct function of commanding those forces; no particular statutes passed under the former class of attributes can interfere with the President in his exercise of the latter. Even the general clause of Article I, section 8 (par. 18), which authorizes Congress to make all laws necessary and proper to carry into execution the powers conferred upon any department of the Government, can not permit the Congress to assume the capacities and duties of Commander in Chief. * * * He commands the army and navy. Congress does not. He may make all disposition of troops and officers, stationing them now at this post, now at that; he may send out naval vessels to such parts of the world as he pleases; he may distribute the arms, ammunition, and supplies in such quantities and at such arsenals and depositories as he deems best. (Pomeroy, p. 589.)

Mr. BACON. I should like to inquire whether or not the author from whom the Senator reads cites any authority, or is that simply the expression of his private opinion?

Mr. BORAH. I will say in answer that he cites some authorities, but even if he did not, I think the opinion of Mr. Pomeroy would be worth while.

Mr. BACON. I will say that I have not interrupted the Senator in an idle way. The Senator as a lawyer very well knows the fact that in the construction of any dictum by an author, in order to get at what he really means, you have to refer to the decisions upon which he bases it. The Senator well knows that as a lawyer; and that you can take almost any author and, by taking detached sentences, prove almost any proposition, and at last the test is to go to the authorities which

the author cites as the basis for his proposition in order to correctly understand what he really means.

Mr. BORAH. I have gone to the authorities which he cites.

Mr. BACON. I hope the Senator will give us the authorities.

Mr. BORAH. Yes.

Mr. RAYNER. Will the Senator allow me to say one word before we get to the authorities?

Mr. BORAH. With pleasure.

Mr. RAYNER. The Senator, I know unintentionally, has omitted the passage of Pomeroy which applies to this particular case.

Mr. BORAH. If so, I will be glad to have the Senator supply it.

Mr. RAYNER. I know the Senator does not intend to omit that passage, which covers this case; and if he will allow me to give a few lines of Pomeroy in connection with the quotation he has made, I shall be obliged to him.

Mr. BORAH. I shall be glad to have the Senator read the quotation.

Mr. RAYNER. The quotation is right above the quotation which the Senator gave. Speaking of the power of Congress, on the same page, right above the quotation to which the Senator refers, Pomeroy says:

> Under its authority to raise armies, maintain navies, furnish supplies, and the like, Congress may direct the manner in which the President's power shall be exercised——

Mr. BORAH. Exactly.

Mr. RAYNER (reading)—

> for he will be, in fact, but executing its commands. Thus it may determine how many men shall be enlisted in each branch of the service, or what and how many armed vessels shall be constructed. As Congress is to make all appropriations, it may declare the specific purpose for which money is to be used; what forts shall be erected and their cost; what ships built, their character and cost; what kind of arms purchased or manufactured and the cost. Instances of this sort might be multiplied. In all these cases great or little discretion may be left to the Executive and his subordinates,, as the Legislature deems best.
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> Congress is authorized to make rules for the government of the land and naval forces; it may therefore arrange and classify these forces; fix upon the plan of organization; determine upon the number, duties, and pay of officers; define military offenses and allot punishment; provide for the creation, jurisdiction, and procedure of courts-martial, and for carrying out their sentences. The President's duties in respect to these various subjects may thus be clearly defined and controlled by the Legislature.

I think if the Senator had read that, it would have taken away a little of the effect of the citation which he did read.

Mr. BORAH. The difficulty with the Senator from Maryland, if I may say so, is that he wholly fails to distinguish between the power to regulate and govern the army and the power to command it. I have not stated at any time in this discussion—and unless I become excited by reason of the attitude of the Senator from Maryland I will not state it—that the Congress has not full and complete power to raise, regulate, and make rules and prescribe regulations for the government of the army. That is what the author is speaking of. That is what he says. The instances which he gives are instances which are covered by that subject-matter.

But the author proceeds to say that notwithstanding this section Congress can not under that power trench upon the power of the President to command. I ask the Senator from Maryland to point to a single provision in Mr. Pomeroy or Mr. Story or Mr. Tucker or any other writer upon the Constitution which contradicts that proposition.

Mr. RAYNER. Mr. President——

Mr. BORAH. The Senator from Maryland said yesterday——

Mr. RAYNER. The Senator has asked me a question. The reason I read that passage from Pomeroy was because it distinctively covers this particular case. This is a regulation that Congress is making. Otherwise I would not have interrupted the Senator. We are not arguing an abstract question here. The President, without any excitement at all——

Mr. BORAH. I am not objecting at all to the Senator's interruption. I do not want him to understand that. It is not an interference. It is a pleasure to have his suggestions upon these questions. As I said, the matter of which he is reading is the matter of regulation and of government, and not of command. I am not going to undertake at this time to define the instances, particular instances, which would constitute command and those which would constitute government, but when the twilight zone is discovered and its demarcation is outlined, then upon one side stands the President, with his absolute and independent power to command, and upon the other is Congress, with its power to provide for the government of the army.

Mr. RAYNER. This, if the Senator will allow me, is not a question of command. It comes under the proposition that Pomeroy states—

> Congress is authorized to make rules for the government of the land and naval forces; it may therefore arrange and classify these forces; fix upon the plan of organization; determine upon the number, duties, and pay of officers.

That is the only reason why I read it.

Mr. BORAH. After the army is raised and classified, then the commandership commences. Now, where the Senator quits is where I begin.

Further quoting from the same author, as the quotation has been somewhat questioned, Mr. Pomeroy, having quoted the provisions of the Constitution relative to the power of Congress to make rules for the government of the land and naval forces, says:

> The language of this clause should be carefully observed. Congress may make rules, the object of which shall be regulation and government. It can not utter exceptional or transitory mandates which affect the management and disposition of the army or navy. This particular grant of power confers no authority upon the Legislature to usurp the functions of the Commander in Chief.

Again, the same authority, speaking particularly of an act of Congress which required that the general should have his permanent headquarters at Washington, said:

> It seems to restrict the President in the exercise of his function as Commander in Chief; it prevents him from assigning the general to such place and position as he deems expedient; and so far it interferes with his power to dispose of those forces. If Congress may do it in respect to one officer high in rank, it may do this to all officers and private soldiers and may thus assume to itself the entire attributes of Commander in Chief.

This was speaking particularly of an act which provided that the general should have his headquarters at Washington, and makes the distinction between the power to command and control the army and the general rules and regulations with reference to sustaining it and governing it.

Mr. BACON. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. Certainly.

Mr. BACON. I understand the fundamental proposition of the Senator to be that Congress can not make any requirement as to the disposition of any part of the army.

Mr. BORAH. No; I would not want to be quoted to that extent. I will state my position, so the Senator can understand.

Mr. BACON. Very well.

Mr. BORAH. I simply say that as Commander in Chief of the Army he has certain constitutional powers upon which Congress can not by legislation trench. I do not say and have not said that this particular provision comes within that, or that any particular provision so far suggested does.

Mr. BACON. Very well. I will not——

Mr. BORAH. But when we get within the power which essentially is the power to command, then it belongs to the President, and Congress can not control it.

Mr. BACON. I understand, though, that the Senator contends—and, I judge, from the reading of the authorities he has just quoted—that it is beyond the power of Congress to direct the disposition of any part of the army; to say that it shall be here or that it shall not be there.

Mr. BORAH. I would not say that except on this condition: If the President, in the discharge of his duty, should order a particular part of the army to a particular place, it would not be within the power of Congress to cancel that order.

Mr. BACON. Very well. That is exactly the point I want the Senator to come to.

I wish to ask the Senator to answer the question now I propounded to him yesterday, that he did not answer, upon the hypothetical case. That case is this: Suppose there were a closely, hotly contested presidential election, in which the issue was in doubt, depending upon the casting of the electoral votes, and the incumbent was one of the candidates, and in a time of such excitement the President should order 50,000 troops to the capital. Does the Senator contend that under those circumstances it would be beyond the power of Congress to pass a law that there should be no troops within the District of Columbia at that time?

Mr. BORAH. I will say yes.

Mr. BACON. It would be beyond the power of Congress?

Mr. BORAH. Yes; if that act was passed for the purpose of canceling the order of the President. I would not say that it would not be within the power of Congress to provide generally for the distribution of the troops, but if the President had made an order sending the army to a particular place, the order could not be canceled by an act of Congress.

Mr. BACON. That is exactly the case which I supposed—that the President had ordered 50,000 troops to the capital to be here on the 4th day of March.

Mr. BORAH. Yes.

Mr. BACON. And the Senator's proposition is that our system of government is such that under such conditions the law-making power of the land could not interpose and say that upon that solemn occasion, when that high function was to be performed, those who were charged with its discharge should not be overawed by the presence of troops, and that Congress would not have the power by law to say that on that day there should not be any troops in the District of Columbia. That is the Senator's proposition.

Mr. RAYNER. In other words, we are under a military dictatorship.

Mr. BORAH. Let me say in answer to that suggestion, that certain powers have been conferred upon the President, and, as I said yesterday, if he abuses those powers there are two remedies. The President of the United States is answerable to the same tribunal precisely that you are, and he is answerable for the abuse of his power to the same tribunal that you are. He reports back every four years to the people of the United States for his power.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the junior Senator from Idaho yield to the senior Senator from Idaho?

Mr. BORAH. I do.

Mr. HEYBURN. I merely rise to suggest to my colleague, the Senator from Idaho, that the President recites in the order under consideration, in effect, that he is not acting or attempting to act by virtue of any constitutional authority, but he says specifically that he is acting by virtue of the statutory authority contained in section 1619; and it would seem to me, directing our attention to the order itself, that there is no constitutional question involved in it. I merely make the suggestion.

Mr. BORAH. Mr. President, in answer to the suggestion of my colleague, I stated when I arose that I did not propose to discuss this question from the standpoint of this particular order, and therefore, while I am glad to have the suggestion, it does not throw any light particularly upon my argument.

I desire to quote from the case of Ex parte Milligan, a case in which all the judges came to the same conclusion, but reached their conclusion by different courses of reasoning. I quote from the opinion of Chief Justice Chase:

> The power to make the necessary laws is in Congress, the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each include all authorities essential to its due exercise, but neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law. (Ex parte Milligan, 4 Wallace, 139.)
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> Congress has the power not only to raise and support and govern armies but to declare war. It has therefore the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belongs to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions.

It seems to me that this statement clearly sustains the position which I suggested, that when we arrive at the point of command the power belongs to the President, and Congress can not in any way infringe upon it.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. With pleasure.

Mr. RAYNER. In order to get right down to the point of this discussion, because it is a practical question and not a question of abstract consideration, does the Senator believe that this provision in the bill is the exercise of a constitutional power upon our part? Does the Senator think that we have the constitutional right to put this amendment in the naval appropriation bill?

Mr. BORAH. As I stated when I rose, it is not my purpose to discuss that feature at all. I simply propose to discuss what the Senator stated yesterday he would like to have us discuss, and I was doing it largely at the Senator's request.

Mr. RAYNER. But, Mr. President——

Mr. BORAH. Wait a moment, if you please. I say I have very grave doubts as to whether this is a constitutional power. I am not prepared, however, to say upon authority, for I have not discovered the precise question or where it has been decided. If you call for my individual opinion, I have very grave doubt, for the reason that it undertakes in an indirect way to cancel and set aside and annul an order or proceeding in disposing of these matters which the Commander in Chief saw fit to make. It is very easy to ask whether a particular instance comes within a particular power or not, but it is very difficult to say when you approach the border line. I am only attempting to show that there are powers, clearly within the power of the Commander, which we can not control, and it is for Senators to say whether this is one of them.

Mr. RAYNER. I was laboring under the impression that we were discussing this amendment, and all I intended to ask was, Is this amendment an exercise of constitutional power? No other question is involved at all. I tried to prove to the Senate, by authorities that I thought were unanswerable, that when the chairman of the Naval Committee and the committee put this amendment in the bill they were doing what the Constitution allowed them to do, and I have not heard one word which conflicts with that position.

Mr. BORAH. Of course, I am not responsible for the understanding of the Senator.

Mr. RAYNER. Is not that the question we are discussing? I ask the Senator from Idaho, is not that the question before the Senate? Is it not the practical question now before the Senate? Does not the Senate want to know whether this is a constitutional amendment? Is the Senate concerned in an abstract discussion of questions that are only collateral and perhaps irrelevant? The Senate wants to be informed whether or not this amendment is constitutional, and I have not yet heard from a Senator upon the floor, either from the Senator from Massachusetts or the Senator from Iowa, or, so far, the Senator from Idaho, one word to contradict the proposition which I think is sustained by all the text writers and all the authorities, that this particular amendment which we are discussing is an exercise of constitutional power upon the part of this body.

Mr. BORAH. Mr. President, I trust if the Senator is becoming impatient——

Mr. RAYNER. Not at all. I will listen all day, if the Senator from Maine will assent to it.

Mr. BORAH. I have not heard of any impatience manifested on the part of the Senator from Maine. If the Senator from Maryland feels that he is trespassing upon the patience of the Senator from Maine, perhaps he will cut the time short by retaining his seat.

Mr. RAYNER. I will not interrupt the Senator any more.

Mr. BORAH. In the case of Fleming *v.* Page, in Ninth Howard, Chief Justice Taney said:

> As Commander in Chief he is authorized to direct the movements of the naval and military forces placed by law at his command and to employ them in a manner he may deem most effectual to harass and conquer and subdue the enemy, etc.

Of course I will not cite any particular case upon this specific provision, because I apprehend that you would search in vain for a case which has the peculiar traits of this provision. I think of none within my limited experience, nor have I been able to find any as a precedent. But the opinion of Chief Justice Chase and the opinion of Mr. Pomeroy lay down this proposition, that it belongs to the President, as Commander in Chief, to dispose these forces, to control them, and to command them; to place them here and there as he deems best, and if this order be such as to trench upon a right it is clearly not within our power to reverse it. And I say to the Senator from Maryland, my opinion is that the proposed amendment does trench upon that power.

The Senator from Georgia [Mr. BACON] has suggested the question of an abuse of this power, which I do not propose to discuss further than to call attention to the fact that he knows, as a constitutional lawyer, that the liability to abuse or the possibility of abuse is no argument against the existence of a power. The Chief Justice said, in a noted case:

> Questions of power do not depend upon the degree to which it may be exercised. If it may be exercised at all it may be exercised at the will of those in whose command it is placed.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. Yes, sir.

Mr. BACON. If the Senator will pardon me and will not place upon me the inhibition laid upon the Senator from Maryland——

Mr. BORAH. I did not intend to make any criticism of the Senator from Maryland, but I thought the Senator from Maryland was insisting that I should conduct my discussion in a

particular way, and I did not deem it within the province of a Senator to suggest that in this body.

Mr. BACON. Mr. President, the Senator well knows that a well-recognized rule in construction is found in the application of extreme cases, and that extreme cases prove the law. If a man has the power, the fact that he abuses it does not take away from him the power. It may devolve upon him punishment, but none the less the power remains.

So when I give an extreme illustration to test whether or not the power exists, to say that it would be an abuse of the power does not in any manner militate against the fact of its possession. Therefore I put an extreme case to the Senator, one which I do not understand him to have given an explicit answer to. The question which I put was for the purpose of demonstrating the unreasonableness of the proposition, and the statement by the Senator that there is a manner pointed out in the law by which the abuse of the power can be punished is no answer to the proposition that the situation disclosed by that extreme proposition shows the unreasonableness of the contention made by the Senator.

Mr. President, it will not do to say that such a case may not occur. That is not the answer to it. If the power exists, it is one within such a supposition as that which I have made. If I understand the Senator, the order of the President can not be canceled by an act of Congress.

Mr. BORAH. If the order of the President is made within the constitutional power of the President.

Mr. BACON. It assumes the whole case to say it is within his constitutional power. Leaving that part of it out, I understand the Senator to say that if the President makes an order disposing of troops, locating them, it is beyond the power of Congress to pass a law setting aside that order.

Mr. BORAH. I say so, unhesitatingly.

Mr. BACON. Very well. I want to recall the Senator's attention to one clause of the Constitution which, I think, the Senator forgets.

> This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land.

There ought to be added in the Constitution "and military orders issued by the President of the United States."

Mr. BORAH. Mr. President, the Constitution says that "This Constitution and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land" unquestionably; and the Constitution provides that the President shall be Commander in Chief, which leaves to him certain powers, and that is the supreme law of the land and Congress can not change it.

Mr. BACON. The Senator thinks, then, that it is simply an omission on the part of the Constitution makers in that they did not specify the military orders of the President; that they meant that the orders of the President should be the supreme law of the land above the power of Congress?

Mr. BORAH. Mr. President, the President has power to pardon. Can we control it? If he issues an order dismissing a man from prison, can we pass an act of Congress returning the man to prison?

Mr. BACON. That is a power specifically given.

Mr. BORAH. Exactly.

Mr. BACON. The Senator is implying a power and saying that it shall be superior to the power of Congress.

Mr. BORAH. I am not implying a power. The Constitution says the President shall be Commander in Chief, and that implies certain powers.

Mr. BACON. That only means that nobody can be put over him as commander of the army; that is all.

Mr. BORAH. And it implies, furthermore, that he may command.

Mr. BACON. That he may command subject to law. No man in this Nation, be he President or be he peasant, is above the law. The law is supreme; and when the law clothes the President of the United States with the power to command it does not emancipate him from liability to the command of the law. The lawmaking power of the land vested in Congress is the supreme power. A majority of the Congress with the approval of the President, or two-thirds of each House without his approval, is the supreme power of the United States.

Mr. BORAH. Mr. President, this is only the lawmaking body within the provisions of the Constitution.

Mr. BACON. I think that is a plain proposition.

Mr. BORAH. And when you undertake to pass a law which is in contravention of a provision of the Constitution you can not do it. The President has full pardoning power. He makes an order discharging a prisoner. Suppose he makes an order discharging every prisoner in the United States, what are you going to do about it? There is an extreme case. There is an absolute abuse of power.

Mr. RAYNER. Will the Senator from Idaho contend that Congress has not jurisdiction in a matter of that sort? There is a conflict of authority so far as the States are concerned because in several instances they have tried to exercise it. Has it ever been held that Congress can not regulate the pardoning power of the President?

Mr. BORAH. I ask the Senator from Maryland, Does he think Congress has any power to regulate it?

Mr. RAYNER. No; but the Senator from Idaho treats it as a question which seems to have been determined, as a sort of axiomatic constitutional truth. I know there is a good deal of conflict of authority, and I am only asking for information because I think it is a very interesting question.

Mr. BORAH. I ask the Senator again as a constitutional lawyer, aside from any decision of the court, does he think that the President can be controlled in the pardoning power by an act of Congress?

Mr. RAYNER. I have no definite opinion; but the Senator spoke with such absolute certainty I thought perhaps he had some authority upon the subject. If the Senate should pass an act to-day and send it to the House of Representatives and it was passed there, and the President approved it, in reference to pardon cases, would that be a constitutional exercise of power? I am not trying to pass upon it.

Mr. BORAH. I can not recall the exact language of the case of ex parte Garland, but my opinion is that you will find in that case an exact statement of the law which I have given. But I have not any doubt in my own mind as to what it is. The pardoning power belongs to the President and we can not take it away from him. He may abuse it, and there is no remedy for that abuse except in carrying the power back to the people or by impeachment. That is my opinion.

Mr. BACON. If the Senator will permit me——

Mr. BORAH. Certainly.

Mr. BACON. I think the Senator is correct in that view. There is a specific grant of power. It is not a power deduced from language of a general character. It is not one claimed as an implied power. But the contention of the Senator is that under the simple language that the President shall be Commander in Chief of the Army, he is emancipated from the control of the lawmaking power of the land.

I am not going to trespass upon the time of the Senator, but I want to make one statement. The Constitution was made by those who had just gone through a revolution for the purpose of emancipating themselves from kingly rule. There never was a document drawn in which there was so carefully guarded the exclusion of all arbitrary power from any officer as is found in the Constitution in enumerating the powers of government—devolving them upon the lawmaking power and taking them away from the Executive. They stood one hundred years nearer to the days of arbitrary power and of military rule than we do; they knew the evil, and they carefully guarded it, so that the President of the United States was deprived in the exercise of power by himself of all the powers except the one that the Senator has mentioned—the pardoning power. It is the only great governmental or royal power which he can exercise, except in connection either with Congress or with the Senate.

To say that at the time immediately after our Revolutionary struggle it was intended to put within the unrestrained power of the Executive that of controlling the army, to do with it as he pleased, to order it hither and there, with none to say him nay, and to be absolutely free from the lawmaking power, is as monstrous a proposition, to my mind, as is possible, and I confess that I never expected to hear that contention made upon the floor of the Senate.

Mr. BORAH. The Senator from Georgia has never heard that from me. I do not contend for a moment that the President is not subject to the lawmaking power of this Government. Neither do I contend for a moment that it is not within the power of Congress to raise and support or to take away the army. It may take away the army from the President entirely. It may refuse to appropriate for it. It may make rules and regulations such as to make it wholly inefficient for any purpose or it may fail to raise an army at all. But when the army is once raised and provided for, then when the President comes into command, a particular order which he makes in commanding that army is wholly within the discretion of the Commander in Chief and not subject to the control of Congress. That far I go, and I go no further.

Now, I want to read from a distinguished Senator, who, I know, will command more respect in this body than my opinion will. During the discussion of the Brownsville matter, which involved an extraordinary order upon the part of the President disbanding a part of the troops, this precise question arose. Into that discussion entered the Senator from Georgia [Mr. BACON], the then Senator from Wisconsin, Mr. Spooner, and the Senator from Pennsylvania [Mr. KNOX], and a number of other leading lawyers of the Senate. I quote from Senator Spooner's speech. He said:

Aside from the general principle, which is sufficient, I deny that under the Constitution Congress has any such relation to the army as permits it to set aside an order lawfully made by the President as Commander in Chief. I can not agree that the sole constitutional power of the President is to command the army in the time of war and conduct campaigns; that his power is vastly greater in time of war than in time of peace has been decided and is not open to dispute. It is largely to be seen in the law of nations and in the rules of civilized warfare. But an army and a navy must be commanded in time of peace, as well as in time of war, else neither would be ready for war.

Mr. PATTERSON. I had about concluded that Congress could not legislate so as to restore these men to the army.

Now, here was an order of the President, made solely as Commander in Chief, disbanding a part of the army. Certainly an order sending it to a particular part of the United States would have been no greater exercise of his power. He was disbanding a part of an organization which had been created by the power of Congress, and that specific order was in question. The question was whether Congress could cancel that order and restore the integrity of the army which it had created. It was certainly an exercise of power of the Commander in Chief, which, if exercised to its fullest extent, would be a test of the abuse of power with reference to the commander.

Mr. Spooner said, in answer to that question:

I reached that conclusion myself.

Now, the Senator from Georgia says he never expected to hear so astounding a proposition upon the floor of the Senate. He engaged in that discussion, which was made by the distinguished Senator, and I think he sustained himself very well by authorities at that time. Senator Spooner said:

I reached that conclusion myself. The President, commanding the army in accordance with the rules made by Congress for its government and regulation, may make orders, general and special. Such orders certainly can not be countermanded by Congress.

Now, I say with reference to the rules and regulations, undoubtedly full power is in Congress, but when the President disbanded a part of the army, the sole question raised was whether or not by act of Congress it could be set aside. Could it be set aside? Was it within the power of Congress to cancel that order? Is it in the power of Congress to cancel it?

Mr. BACON. I think so, undoubtedly; and unless I very much forget what passed, or recall it very incorrectly, the Senator will look in vain, I think, for any expression of any such proposition on my part in that debate. On the contrary, I think I took exactly the opposite position. I want to say to the Senator that the question there involved was a very different one from the question which I understand to be argued by the Senator. It is true that it was related to it.

Another thing ought not to be forgotten, and that is that in every discussion the attention of parties is directed to the particular issue. Very frequently words are used which can only be explained by reference to the particular issue then involved. This was a very different question from the broad question which the Senator is now arguing as to the disposition of troops—as to what shall be done with the army.

Mr. BORAH. No, Mr. President; the Senator enlarges upon my position. I perhaps can not make myself plain.

Mr. BACON. I say——

Mr. BORAH. When you say the disposition of the army, Mr. President, you cover a vast amount of things which Congress can control, because the disposition of the army may include many things that are not covered by the power of command.

Mr. BACON. Then I understand the Senator to say that as to the disposition of a regiment or a division Congress is impotent, but that when it comes to the disposition of the army as a whole it may exercise the power. Is that so?

Mr. BORAH. No; I do not say that, either. I take the position that the President in the exercise of the power to command the army has a power which we can not trench upon.

I have not undertaken to say, Mr. President, that the specific matter which the Senator refers to is within the power to command, but I do say that the position, I want the Senator to understand, which I took yesterday, and the only one I take, is that there are powers attaching to the President as Commander in Chief which we can not control. I will not undertake to say that any particular instance which the Senator calls attention to was within that power.

Mr. BACON. I understood the Senator to say distinctly that if the President of the United States had ordered 50,000 troops to the city of Washington upon an occasion such as I have suggested it would not be within the power of Congress——

Mr. BORAH. To cancel that particular order?

Mr. BACON. To cancel that order.

Mr. BORAH. I do say so.

Mr. BACON. That, of course, is a disposition of that part of the army. I understand the Senator now to say, however, that if I enlarge the proposition to make it include the whole army, then the President would be supreme.

Mr. BORAH. I was not speaking of the whole army, but I was speaking with reference to other affairs which might be included.

Mr. BACON. Very well.

Mr. BORAH. It is immaterial——

Mr. BACON. I think the Senator will find that in the debate from which he is now quoting, while there are expressions such as those used from which he has quoted, the contention was, if I recollect correctly, that while Congress had the power to prescribe what should be done or what should not be done by the Commander in Chief of the Army, in the absence of any power, either given or denied to him, the President, as Commander in Chief of the Army, had the powers which usually belong to the commander in chief of an army, and that the exercise of the power to discharge these soldiers under those circumstances was not either given or denied to the President, but that it was a power which, in the absence of any express grant or express denial, did belong under the general rules of military government to the commanding officer of the army.

Mr. BORAH. I refresh the Senator's recollection with the fact that he called attention to it in the discussion, and in the opinion of the Senator from Georgia the President had that power by virtue of the statute.

Mr. BACON. Yes.

Mr. BORAH. The Senator from Wisconsin took the position that he had it by virtue of the Constitution. So it seems to me that that proposition was clearly defined between the two Senators at the time of that discussion. Senator Spooner certainly can not be misunderstood.

Mr. BACON. The President will still have it under the Constitution in the absence of a statute because, being by the Constitution the Commander in Chief, under the proposition which I have just stated he would have the power in the absence of any express grant, because it is a power which belongs to a commander in chief unless a superior authority has taken it away from him.

I think I have trespassed too far on the time of the Senator. The Senator is making a connected argument, and I will not interrupt him further.

Mr. BORAH. I do not find any fault with the suggestion of the Senator, and I owe an apology to the Senator from Maryland.

Mr. RAYNER. Not at all.

Mr. BORAH. And it is not breaking up my argument at all, because I have not any connected remarks to make. I simply wish to call attention to a few authorities upon which I base my suggestion.

Mr. BACON. I wish to state, in justice to Senator Spooner, whom I very highly esteemed, not only as a man but as a lawyer, that the only criticism I ever had to make on him was that sometimes in his zeal for a cause which he espoused he was too much of an attorney; but I esteemed him as a great constitutional lawyer. I do not believe that Senator Spooner would ever stand for the proposition for which the Senator from Idaho stands to-day.

Mr. BORAH. I doubt very much myself if Senator Spooner would stand for the proposition as it is interpreted by the Senator from Georgia.

Mr. BACON. I may misunderstand the Senator.

Mr. BORAH. Yes; but when I state the position which I have stated, it is in exact accord with the position which was stated by Senator Spooner, which was stated by Mr. Pomeroy, and stated by Mr. Chief Justice Chase in the Milligan case—that is, that without defining the particular powers, there are powers which we as a Congress can not control. I have not any doubt at all that it is not within our power to take away everything from the President, as Commander in Chief, except the mere name.

Mr. BACON. If the Senator will pardon me for breaking my promise, I want to give him my idea as to why the Constitution vests in the President the office of Commander in Chief.

The President is the Executive. Upon him devolves the execution of the law and the enforcement of the law; and the enforcement of the law must necessarily be, in its last analysis, through the military arm. Of course the President can not be the supreme Executive unless he has the supreme command of that through which the execution of the law must be enforced. The Senator from Idaho shook his head—I do not know whether he had allusion to the particular thing or not—when I said that the execution of the law, in its last analysis, must be through the military arm. Do I understand the Senator to dissent from that?

Mr. BORAH. I had in mind the courts.

Mr. BACON. Oh, no; the process of the courts in the last analysis can only be enforced through the military arm. That is the proposition. Of course the civil authority is supreme, and the military authority is subject to the order of the civil authority and executes its orders. That is what I mean by that—not that the military is superior to the courts in any particular. Here is an order from a court; the posse comitatus is summoned for the purpose of executing the mandate of the court. The posse comitatus is unable to do it by reason of superior force opposed to it, and finally it must appeal to the Executive to use the military arm to carry out the order of the court. That is what I mean by saying that, in the last analysis, the military arm is that by which the law is executed or must be executed.

Mr. BORAH. By that process of reasoning I presume the Senator is correct, but I think one of the most astounding propositions that I have had the misfortune to hear made upon the floor is the proposition that the Senator means that the enforcing of the laws of this country is by the military.

Mr. BACON. I never said that. I said in its last analysis. I should have said in its last resort.

Mr. BORAH. I will quote one other Senator in that discussion, my colleague [Mr. HEYBURN], in the Brownsville matter. He said:

> Ever since this discussion began I have been interested more in considering the question of the power of the President than I have in considering other questions. I was convinced early that we had absolutely no power to investigate, to criticise, or to approve or disapprove the act of the President when that act was a completed act, and my opinion on that matter has not been changed.

I might quote the Senator from Pennsylvania [Mr. KNOX] to the same effect, who contended that the President had the power not only under the statute, but under the Constitution.

I have covered, Mr. President, more time than I had any anticipation of doing when I rose to say simply this, and nothing more, so that my position may be clearly understood: That it is my opinion that, under the authority conferred upon the President of the United States as Commander in Chief of the army, he has the power to command, and whatever is involved in the power and term "to command" belongs to him, and it is not within the power of Congress to trench upon that power.

As said by Mr. Pomeroy, Congress raises the army and navy, but it does not command it; that one is an independent, separate, and absolute power from the other. To that extent I go in this discussion. Further than that it was not my purpose and it is not my purpose now to go.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, which was reserved for a separate vote by the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I should be glad to have the precise question stated. We have had a long discussion, and the question is not understood by all.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, which will be stated.

The SECRETARY. On page 60, line 6, after the word "dollars," the Senate, as in Committee of the Whole, adopted the following proviso:

> *Provided*, That no part of the appropriations herein made for the Marine Corps shall be expended for the purposes for which said appropriations are made unless officers and enlisted men shall serve as heretofore on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). Owing to the absence of the Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, I will withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. HOPKINS] to my colleague [Mr. GORE] and vote. I vote "yea."

The roll call was concluded.

Mr. STONE (after having voted in the affirmative). Has the senior Senator from Wyoming [Mr. CLARK] voted?

The VICE-PRESIDENT. He has not voted.

Mr. STONE. I have a standing pair with that Senator. Not knowing how he would vote if present, I withdraw my vote.

Mr. BAILEY. I desire to say that my colleague [Mr. CULBERSON] is detained at home on account of sickness. For the benefit of the Senator from California [Mr. FLINT], who is paired with him, I will say that if my colleague were present he would vote "yea" on this question.

Mr. FLINT. Under the statement of the junior Senator from Texas I will allow my vote in the affirmative to stand.

Mr. GAMBLE (after having voted in the affirmative). I inquire as to whether the senior Senator from Nevada [Mr. NEWLANDS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. GAMBLE. Then I desire to withdraw my vote, as I have a general pair with that Senator.

Mr. MARTIN. I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I understand that he has not voted.

The VICE-PRESIDENT. The senior Senator from Illinois has not voted.

Mr. MARTIN. Then I withhold my vote. If he were present, I should vote "yea."

The result was announced—yeas 51, nays 12, as follows:

YEAS—51.

Aldrich	Dick	Heyburn	Paynter
Bacon	Dillingham	Kean	Penrose
Bailey	Dolliver	Kittredge	Perkins
Bankhead	Elkins	McCreary	Piles
Brandegee	Flint	McEnery	Rayner
Briggs	Foraker	McLaurin	Richardson
Bulkeley	Foster	Milton	Scott
Burnham	Frazier	Money	Smith, Mich.
Burrows	Fulton	Nelson	Taliaferro
Clarke, Ark.	Gallinger	Nixon	Taylor
Clay	Gary	Overman	Teller
Curtis	Guggenheim	Owen	Tillman
Depew	Hale	Page	

NAYS—12.

Borah	Burkett	du Pont	Lodge
Bourne	Cummins	Knox	McCumber
Brown	Dixon	La Follette	Warner

NOT VOTING—29.

Ankeny	Daniel	Johnston	Stephenson
Beveridge	Davis	Long	Stone
Carter	Frye	Martin	Sutherland
Clapp	Gamble	Newlands	Warren
Clark, Wyo.	Gore	Platt	Wetmore
Crane	Hansbrough	Simmons	
Culberson	Hemenway	Smith, Md.	
Cullom	Hopkins	Smoot	

So the amendment was concurred in.

AMOUNTS DUE UNDER SUPREME COURT DECISIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, stating, by direction of the President and in response to a resolution of the 1st instant relative to the claims due under the decisions of the Supreme Court in the cases of Swift & Co. *v.* United States, etc., that no amounts in the cases mentioned could be considered as due and payable by the Treasury Department, in view of the statute limiting the time in which actions may be commenced against the Government (S. Doc. No. 727), which was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact found by the court in the case of Louise M. Dodge, widow of Thomas W. Dodge, *v.* United States (S. Doc. No. 726), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8708) authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President

to return to the Senate the bill (S. 6891) for the relief of Maj. G. S. Bingham.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 27311) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4521. An act to reorganize and enlist the members of the United States Naval Academy Band;

H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;

H. R. 24834. An act for the protection of the surface rights of entrymen;

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes;

H. R. 26916. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910;

H. R. 27061. An act to provide for the appointment of an additional district judge in and for the western district of Washington;

H. R. 27367. An act to provide for the inspection of nursery stock at ports of entry of the United States, to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect;

H. R. 27672. An act to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers;

H. R. 27894. An act amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906;

H. R. 28072. An act to enlarge the Interstate Commerce Commission;

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians; and

H. J. Res. 231. Joint resolution authorizing the Director of the Census to collect and publish additional statistics.

The message also requested the Senate to furnish the House with an engrossed copy of the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," the original copy having been lost.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 1574. An act to create the Calaveras Bigtree National Forest, and for other purposes;

S. 8254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors;

S. 8510. An act to extend the time of payments on certain homestead entries in Oklahoma;

S. 8898. An act granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 9295. An act in relation to the salary of the Secretary of State;

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large;

H. R. 18487. An act for the relief of Charles H. Dunning;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;"

H. R. 21926. An act for the organization of the militia in the District of Columbia;

H. R. 25552. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907;

H. R. 25805. An act to reenact and to amend sections 3646 and 3647 of the Revised Statutes; and

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On February 16, 1909:

S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans.;

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907; and

S. 8540. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.'"

On February 17, 1909:

S. 6359. An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia;

S. 685. An act to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska; and

S. 8154. An act to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906.

FORT PECK INDIAN RESERVATION, MONT.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for an engrossed copy of the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," the original copy having been lost; and by unanimous consent the request was ordered to be complied with.

HOUSE BILLS REFERRED.

H. R. 4521. An act to reorganize and enlist the members of the United States Naval Academy Band was read twice by its title and referred to the Committee on Naval Affairs.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes; and

H. R. 27061. An act to provide for the appointment of an additional district judge in and for the western district of Washington.

H. R. 24834. An act to protect the rights of surface entrymen was read twice by its title and referred to the Committee on Public Lands.

H. R. 26916. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 27367. An act to provide for the inspection of nursery stock at ports of entry of the United States, to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect, was read twice by its title and referred to the Committee on Agriculture and Forestry.

H. R. 27672. An act to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers was read twice by its title and referred to the Committee on Commerce.

The following bills were severally read twice by their titles and referred to the Committee on Interstate Commerce:

H. R. 27894. An act amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906; and

H. R. 28072. An act to enlarge the Interstate Commerce Commission.

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians was read twice by its title and referred to the Committee on Indian Affairs.

H. J. Res. 231. Joint resolution authorizing the Director of the Census to collect and publish additional statistics was read twice by its title and referred to the Committee on the Census.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments, and I submit a report (No. 1008) thereon. I desire to give notice to the Senate that I shall call up the bill for consideration as soon as the naval appropriation bill has been disposed of.

The VICE-PRESIDENT. The bill will be placed on the calendar.

NAVAL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

Mr. LODGE. Mr. President, I reserved also the amendment, which was adopted by the Senate as in Committee of the Whole, reducing the limit of cost of the battle ships from six million to four and a half million dollars. That very important amendment passed, apparently, without any debate. Unfortunately I was late in getting to the Senate, and I heard of it only when I arrived last evening. It seems to me that it is more important than any other amendment to this bill.

I had supposed that there would be no amendment offered to that feature of the bill. It had been reported from the committee, apparently, without any dissenting vote. It was the action of the House, adopted after long debate and every possible test, by a majority of more than two to one. I had supposed that that question was practically settled.

Last year, it will be recalled, Mr. President, we had a very earnest debate on the question of having four or two battle ships. The debate lasted many days and there was a strong minority of the Senate favoring four battle ships. At a time toward the close of that debate the late Senator from Iowa, Mr. Allison, said:

> I believed then and I believe now that we ought under our present situation and the circumstances that surround us to make provision for two battle ships each year for at least some years to come.
>
> When I found that the Committee on Naval Affairs had undertaken to facilitate the construction of the battle ships provided by the House by an appropriation of $7,000,000, I was content with that appropriation, as I am content now with it; and I would be willing, as I think most of the Senate would, and I think there would be no serious objection to it, to provide at the next session of Congress for two additional battle ships, and to do that year by year until our modern navy is sufficient for the needs of our country and efficient in all its provisions.

The Senator from Maine [Mr. HALE] said:

> Before the Senator takes his seat, I will state that it is to me a matter of great satisfaction to hear the veteran, experienced Senator from Iowa express so clearly his view in this matter. That is my view, and I am glad to agree with him. I have stated already in the course of the debate that the committee believes this a moderate programme, and without, of course, foreseeing what may be the conditions hereafter, we will expect to carry it out to this extent in the future, and that it will give us not a moderate navy, but a very great navy, and keep us in the second place in the world.

The Senator from Rhode Island [Mr. ALDRICH] said:

> One other word, Mr. President. The distinguished Senator from Iowa [Mr. Allison] has said that he was in favor of sustaining the American Navy. So am I. I think the character and efficiency of our navy should always be fully maintained, and I shall vote for this bill with the full knowledge that it will accomplish this purpose. I shall next year vote for two battle ships, or more than two, if they are necessary to maintain the efficiency of the American Navy. I may then vote for a different type from that being authorized to-day. As I said on Friday, this matter of building navies is a matter of evolution. There may not be a Senator here who next year will be in favor of voting for any battle ship of the *Dreadnought* type.
>
> But whatever may be the requirements for the navy, either for its maintenance or for its necessary extension, I shall be found among the first to vote for whatever is required to secure for the navy the highest state of efficiency.

Those statements which I have read, made by Senators of such weight and standing as those three Senators, had a great influence upon the Senate. The proposition for four battle ships was defeated, but we provided for two, with a limit of appropriation of $6,000,000 for each ship.

Mr. President, it may be said that the number of ships is retained in this bill, but if you cut down the limit of cost you keep the word of promise to the ear and break it to the hope.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. I do.

Mr. HALE. What the Senator has stated does cover the transaction last year. I only wish to call the Senator's attention to the fact that the amendment adopted by the Senate, as in Committee of the Whole, which was presented by the Senator from Minnesota [Mr. CLAPP], provides for two ships exactly like the four which were urged by the department and the President last year. It provides for ships of the same tonnage, of the same displacement—the same ships that last year the President and the Navy Department insisted were the type that should be adopted—so that the two ships covered by the amendment of the Senator from Minnesota are the two ships that the Senate last year did not put on, but which all of us promised would probably be put on this year. Nobody ever thought then of a programme for a 26,000-ton battle ship.

Mr. LODGE. Mr. President, the promise last year was not for two ships such as were authorized then. It was for an increase of two battle ships. Naval architecture is progressive. I do not say that we need, necessarily, ships of greater expense than the ships authorized last year, but we may need ships of a higher speed—I am inclined to think we do—and speed is very expensive. It may be wise to build a somewhat larger ship. I have looked for the suggestion as to this 26,000-ton ship in all the official documents that I could lay my hands on, but I can not find where it comes from. It is not in the bill; it is not in the Secretary's report.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. I do.

Mr. MONEY. In conversation with the Senator this morning in the Committee on Foreign Relations, he stated that there was no authority to say that these battle ships were to be of 26,000 tons displacement. I admitted that such a provision was not in the bill or in the Secretary's report, but it was in many things said outside. I immediately telephoned to the Chief of the Bureau of Construction and asked him what was to be the tonnage or displacement of the two battle ships provided by this bill. His answer was 26,000 tons. I said, "Will you be kind enough to repeat that statement?" and he repeated it. Everybody knows that the ships will be 26,000 tons if money enough is given for that purpose.

Mr. LODGE. Mr. President, I was saying—I was not aware of the information the Senator from Mississippi [Mr. MONEY] received this morning—I was saying that authorization for a 26,000-ton ship is not in the bill, and it is not in the report of the Secretary of the Navy. If it is the intention of the Navy Department to build 26,000-ton ships, it is because they believe that is the best and most economical type of ship to build. It does not follow, because we built one type last year, that we are bound to have that type every year.

The Senator from Rhode Island [Mr. ALDRICH] carefully guarded against any such construction as that in what he stated in the debate last year. We limited the cost to $6,000,000 for each of those ships, and found it possible to build them for $4,500,000. Why should we change the limit of cost of last year? Are we to duplicate the two battle ships, with the same limit of cost? If we can get a better type of ship, should we not have it?

The great purpose of the American Navy and of the American policy, as I understand, is to have ships that are better in type than any other ships in the world. Our naval victories in the war of 1812 were because our frigates were a little heavier, a little larger, and carried more metal and more men than the ships of the same type in the other navies of the world.

Mr. President, I think this time is particularly ill-chosen to cut down the navy. That we are not doing anything unrea-

sonable, see how far short we fall of what the department recommends.

Mr. CLAPP. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I do.

Mr. CLAPP. The Senator suggests that this is an inopportune time to cut down the navy.

Mr. LODGE. That is my opinion.

Mr. CLAPP. If this amendment cuts down the navy, certainly it does not carry out the purpose I had in offering it.

Mr. LODGE. In my judgment, it cuts down the building programme of the navy. The Navy Department have recommended four battle ships; we are giving them two. They recommended four scout cruisers; we are giving them none. They recommended ten destroyers; we are giving them five. They recommended four submarines; we are giving them four. They recommended three colliers; we are giving them one. They recommended one repair ship, one ammunition ship, and two minelaying ships. I do not think we are making any provision for those. We are far below the programme of the department. I will venture to say that there is not an estimate from another department that has been cut so severely as the naval estimate in respect to the building programme. I think, Mr. President, it is a great mistake to cut it any further.

I do not wish to take the time of the Senate by going into a general debate on the question of the navy; but I could not allow this amendment to go—and I confess it took me completely by surprise, for I had supposed the matter was settled and that the committee report would stand—I could not allow it to go without at least expressing my own views in regard to it.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I do.

Mr. TILLMAN. I want to ask the Senator if the two ships which are proposed under the amendment, namely, 21,000-ton ships, are not as large as any now under construction anywhere in the world?

Mr. LODGE. I believe they are.

Mr. TILLMAN. Then, if we are at the very front and abreast of any and every body in Christendom, why does the Senator want to stretch further?

Mr. LODGE. Because we want better ships and to be a little further ahead.

Mr. TILLMAN. And next year you will want 30,000-ton ships, and the year after next you will want 40,000-ton ships. Where does the maximum of efficiency come in?

Mr. LODGE. We will stop at the maximum of efficiency, but not before.

Mr. TILLMAN. I know we will stop when we get there.

Mr. LODGE. Very well. I do not think, Mr. President, that we can undertake to say here what the maximum of efficiency is and that we ought to stop at a 21,000-ton ship.

I have the greatest possible respect for the naval knowledge of the Senate; but I think this is a highly technical question. If it is better to have a 26,000-ton ship, if such a ship is more economical and a better fighting machine, then we ought to have it. I do not believe that there is any purpose on the part of the department or of the officers to build ships simply for size. I think their object is to get the best and most efficient ships.

Times have changed, Mr. President, in regard to demands upon the navy. When we entered on the policy of the new navy the only need of a navy practically was on the Atlantic coast. The Pacific coast was so distant from any naval power of importance that it was not considered in making estimates for the navy. But we must have a powerful fleet on the Pacific coast. We may as well recognize it now as at any other time, and until the Panama Canal is completed, so that it will take but a comparatively short time to move the fleet from one coast to another, the protection of the Pacific coast makes it necessary to have more ships than would otherwise be required.

I am no alarmist; I have no predictions of war; I believe we are at friendship with all the nations of the earth, and I want to remain so. But I believe that the best guaranty of peace that this country has is the Navy of the United States, and that the cheapest money that we spend is money spent on that fleet. I believe Nelson was right when he said that the best negotiators in Europe were his "seventy-fours." I think the voyage of the fleet around the world has done more to promote peace than anything that has been done. I think the condition of affairs in the Pacific, our enlarged interests there, the growing interests of our coast, demand a powerful fleet. We can not afford to divide the fleet and leave it open to be beaten in detail. We must have a fleet to protect our Pacific coast as capable and more than capable of meeting with superior force any squadron that can be brought against it.

You can, no doubt, lower the number of ships on the Atlantic coast, but you can not leave it stripped and undefended. The time has gone by when the fleet can be kept on one coast of the United States, and I think the reduction of the appropriation is equivalent to a reduction of the ships. If you continue on the theory of reducing the limit of cost, you can get down to two battle ships of 5,000 tons and say you are keeping up the navy with two ships. Give to the Navy Department just what they had last year. It is not an unreasonable programme. They got the ships last year a million and a half cheaper than the limit of cost. They will try to make the best price they can. It is not an excessive amount, and I hope the Senate will allow the appropriation to stand where the House put it and where the committee, without dissent, reported it.

Mr. CLAPP. Before the Senator takes his seat I should like to ask him a question.

Mr. LODGE. Certainly.

Mr. CLAPP. Will the Senator point out wherein the amendment fails to allow the Navy Department to construct just as good ships as those authorized last spring?

Mr. LODGE. It leaves them to construct exactly as good ships as were authorized last spring. I assume, unless there is a rise in the price of material, as may well happen. On the face of it it allows as good ships. There are improvements constantly in ships. It may cost more to make a better ship, and if there is a better ship to be had, the Navy Department ought to have the opportunity to get it.

Mr. PERKINS. Mr. President, in order that I may not appear to be inconsistent, I desire to explain my vote on this proposition.

In 1893 I had the honor to be assigned to membership on the Committee on Naval Affairs. At that time we had not a single battle ship afloat; or at least none was in commission. At that time the number of sailors in the navy allowed by law, including the act of March 3, 1893, was 9,000, while the number in service was 7,825. At that time the number of marines in the navy, allowed by law, was 2,100, and there were in service 1,896. The number of sailors in the navy now allowed by law, including the act of May 13, 1909, is 44,500; in service, 43,589. The number of marines in the navy in 1909, allowed by law, is 9,521; in service, 9,305. The appropriations for the support of the navy in 1893 amounted to $23,000,000. The bill under consideration as reported from the Senate committee carries $136,825,190.05.

Since that time we have continued at each session of Congress to make appropriations for the increase of the navy. I have had the honor to vote with the majority on every naval appropriation bill since that time until to-day. We have now in commission 25 battle ships and 6 in process of construction, making 31 battle ships of the highest type known. We provide in this bill for 2 battle ships, the cost of which is estimated at $10,500,000 each. Replying to the inquiry of the Senator from Massachusetts——

Mr. LODGE. The limit of cost stated in the bill is $6,000,000.

Mr. PERKINS. It was stated by the Secretary that with armor, completed, and ammunition on board and ready for sea, they would stand at $10,500,000 each.

Mr. HALE. The $6,000,000 is only for hull and machinery.

Mr. PERKINS. For the hull and machinery.

Mr. LODGE. That is what I meant.

Mr. BURROWS. For each ship.

Mr. HALE. For each.

Mr. PERKINS. I voted last year in favor of two battle ships, which were more than the President in his message recommended three years ago. In 1905 he said:

> Probably the result would be attained by adding a single battle ship to our navy each year, the superseded or outworn vessels being laid up or broken up as they are thus replaced.
>
> * * * * * * *
>
> During the present Congress there need be no additions to the aggregate number of units of the navy. Our navy, though very small relatively to the navies of other nations, is for the present sufficient in point of numbers for our needs, and while we must constantly strive to make its efficiency higher, there need be no additions to the total number of ships now built and building, save in the way of substitution as above outlined.

Again, in his message to Congress in 1906, he said:

> I do not ask that we continue to increase our navy. I ask merely that it be maintained at its present strength; and this can be done only if we replace the obsolete and outworn ships by new and good ones, the equals of any afloat in any navy. To stop building ships for one year means that for that year the navy goes back instead

of forward. The old battle ship *Texas*, for instance, would now be of little service in a stand-up fight with a powerful adversary. The old double-turret monitors have outworn their usefulness, while it was a waste of money to build the modern single-turret monitors. All these ships should be replaced by others; and this can be done by a well-settled programme of providing for the building each year of at least one first-class battle ship.

I wish to say, in passing, that the navy is one branch of the public service which is popular with the people. It has their confidence. It has their respect. They feel a just and proper pride in it, for the officers of the navy are selected by the Members of Congress. Each Representative and each Member of the Senate has two midshipmen in the Naval Academy, while the President himself has the appointment at large of 20 midshipmen, who are usually the sons of naval officers. It is therefore the most popular branch, as it should be, of the Government, and the people have never found fault, so far as I have been able to learn, with the appropriations made by Congress for the support of the navy.

Mr. President, we have to-day, as I stated, 25 battle ships in commission and 6 in process of construction, about 50 per cent completed, and 2 more are provided for in the pending bill. We have 12 armored cruisers of the very highest type and 22 protected cruisers, making in all one hundred and five or ten ships of war, and, including torpedo boats and others, over 200 vessels of war. I have voted, as I say, for every one of these propositions. I refer to it especially because the Commander in Chief saw proper to go out of his way and criticise my acts in having hampered the appropriations for the navy. He evidently was not well informed, for I am sure he would not willfully violate the ninth commandment of the decalogue, which says "Thou shalt not bear false witness against thy neighbor." I am sure he would not do so intentionally, for he has the confidence and respect of the people of this nation. They admire him for his patriotism; they admire him for his great ability; they admire him for his public spirit and integrity; and we all have the same object in view—to do that which is for the best interest of our country and build up, among other things, a splendid, strong navy. I believe it is the best bond for peace that we can give to the world, and therefore I have always voted for these appropriations.

I wish to give a résumé of what we have been doing during the last seven years.

Details of naval construction in past seven years.

Battle ships and armored cruisers.	Cost of hulls and boilers.	Total cost.	Cost of all construction authorized.	Tonnage of battle ships and armored cruisers.	Tonnage of all construction authorized.
1902.					
Connecticut	$4,212,000	$7,911,175	$16,922,000	44,000	63,150
Louisiana	3,990,000	7,425,613			
Tennessee [a]	4,035,000	6,144,802			
Washington [a]	4,035,000	6,146,302			
1903.					
Idaho	2,999,500	5,558,731	19,193,000	74,000	77,600
Kansas	4,165,000	7,565,620			
Minnesota	4,110,000	7,442,103			
Vermont	4,179,000	7,563,963			
Mississippi	2,999,000	5,629,183			
1904.					
New Hampshire	3,748,000	6,354,139	20,648,000	44,000	56,250
North Carolina [a]	4,400,000	5,062,592			
Montana [a]	4,400,000	----------			
1905.					
South Carolina	3,540,000	----------	7,125,000	32,000	32,000
Michigan	3,585,000	----------			
1906.					
Delaware	3,987,000	----------	6,302,000	20,000	22,100
1907.					
North Dakota	4,377,000	----------	6,125,000	20,000	21,400
1908.					
Florida	6,000,000	----------	24,590,800	43,650	84,670
Utah	3,946,000	----------			
Total	72,707,500	72,804,223	100,905,800	277,650	357,170

[a] Armored cruisers.

Cost uncompleted vessels	$56,659,800
Total construction for 7 years	129,464,023
Total for entire navy	344,904,298

The amount spent in new construction and authorized in the past seven years is 37½ per cent of the cost of the entire navy as it stands to-day.

The tonnage of battle ships and armored cruisers constructed and authorized in the past seven years is 43 per cent of the total tonnage of all the battle ships and armored cruisers built or authorized.

The tonnage of all classes of construction completed or authorized in the past seven years is 46 per cent of the tonnage of all war ships built or authorized above 1,000 tons and all torpedo craft of 50 tons and over.

Of the appropriations for the naval establishment since 1883, amounting to $1,374,624,001, there has been authorized during the past seven years $722,283,699, or over 56 per cent.

Total battle ships, 31; built or authorized in past seven years, 14.

Total armored cruisers, 12; built or authorized in past seven years, 4.

Mr. President, I believe that one of the chief causes of the popularity of the present administration during the past seven years has been because the President has urged with all his force and power the building up of a great navy. I regret that when the battle ships were on the Pacific coast he did not see his way clear as Commander in Chief of the Army and Navy to permit some of the ships to remain there; for we in California and Oregon have built the *Nebraska*, the *Ohio*, the *Oregon*, and the *Wisconsin*. Of the armored cruisers, we built the *California* and *South Dakota*. To-day in the Pacific coast fleet I think there is not a single battle ship. There are armored cruisers, but in certain contingencies they can not take the place of battle ships. Of the 16 ships now on the way to Hampton Roads——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Maine?

Mr. PERKINS. With pleasure.

Mr. HALE. The Senator realizes, does he not, that upon this bill has been put a provision that in the discretion of the President one-half of the navy may be sent to the Pacific coast? I think that is right. Does not the Senator realize that under that provision, of the 31 battle ships built and building, there can be sent to the Pacific coast a better and larger fleet to remain there than the entire fleet which has just completed the circuit of the globe? So his coast, I think the Senator will agree with me, is in no way to be discarded or neglected.

Mr. PERKINS. I thank the Senator from Maine on behalf of the people of the Pacific coast for having consented yesterday to a declaration in the pending bill that it should be the policy of our Government to keep a part of our ships on the Pacific coast. I refer to it now because 16 battle ships are en route to Hampton Roads. They have passed through the Isthmus of Suez, for which we paid $133,000 in tolls. That money was not kept at home with our own people. One reason why I am in favor of building battle ships and ships of war at home is that the money is kept here among our own people. It is distributed to the miner who mines the iron ore, to the machine shops, to the foundries, to the skilled workmen who manufacture our engines and boilers. Ninety per cent of a battle ship is labor. Therefore I say it is wise policy from that standpoint to build them.

As I said before, I believe it is not only wise policy from an economic standpoint, but that it is the best bond we can give to the world for the peace of our country. A number of these battle ships should remain on the Pacific coast. It is a wide and vast country from San Diego to Point Barrow, Alaska. Following the indentations and sinuosities of the coast the distance is equal to the circumference of the world—25,000 miles.

Then, again, we have the islands of the Pacific, the Hawaiian Islands. I believe they should be made a strong naval base for the Government of the United States. They should be of great value to us as a naval base. So, acting on this line, I voted for the larger battle ships, as recommended by the President, recommended by the Navy Department, and by your committee as they reported the bill to the Senate.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Carolina?

Mr. PERKINS. Certainly.

Mr. TILLMAN. Before the Senator from California takes his seat, I wish to ask him whether or not he shares with the President in his fear of consequences to the Pacific coast in the event we do not keep ourselves on a par with Japan in that ocean?

Mr. PERKINS. I do not think there is the slightest danger of war with Japan or any other country. In the first place,

the United States wants to deal fairly and justly with all foreign countries, and if they are not willing to reciprocate in kind, we have the power, we have the great reserve, to compel them to do so.

Mr. TILLMAN. Further, I wish to call the attention of the Senator to a remarkable statement which the President made either last year or the year before—I do not remember which, but year before last, I think it was—in which he took the position, or something like it, that the Japanese were just as good people as ours, and that we ought to welcome them and even give them citizenship. Does the Senator share that view?

Mr. PERKINS. I certainly do not. I simply want to live up to the spirit of the treaty we have with Japan, which is the supreme law of the Nation, it having been ratified and confirmed by two-thirds of the Senate of the United States. I believe under that treaty we have reserved to the respective States the power to make police regulations, to regulate the schools and the public health.

I have on my desk before me the message of the President of the United States sent to Congress in 1906, which, perhaps, may answer the question of the Senator from South Carolina as to citizenship. The President says:

> I recommend to the Congress that an act be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give to the National Government sufficiently amply power, through United States courts and by the use of the army and navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese, everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed.

From my acquaintance with the Japanese I do not believe there is one in a thousand who comes here because he is attached to our institutions or because he believes in our form of government. I believe it is the bounden duty of the President of the United States, as it is the duty of every citizen, to maintain in spirit as well as letter the treaty we have with that great country.

Mr. TILLMAN. At the same time, if the President is such a friend of the Japanese as to want to make them citizens, why should he be so uneasy about a war with them?

Mr. PERKINS. It is barely possible that he has some information which has not been imparted to the Senate of the United States, but be that as it may, I do not believe the Japanese could stand up for one day against the forces of the United States. They have no base of operations, unless they should take the Hawaiian Islands and the Philippine Islands, and even then they would be far away from our coast. There is no need of fear of them, in my opinion. We simply want to carry out in spirit and letter the treaty with that nation which has been ratified by the Senate.

Mr. TILLMAN. Does the Senator recognize any treaty-making right in Congress or anywhere else to govern and control the schools of California?

Mr. PERKINS. I think the treaty reserves that power to the States respectively.

Mr. TILLMAN. Therefore, all this smoke and hurrah about a war with Japan over this matter appears to be on a par with the attack of the President on the Senator from California, that he has been an obstructionist in building up the navy.

Mr. PERKINS. He was simply mistaken in my case, and he may be in other cases.

Mr. TILLMAN. The Senator is very kind in his estimation of the President's action, more so than I could be.

During the delivery of the speech of Mr. PERKINS,

The VICE-PRESIDENT. The Senator from California will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. HALE. In the absence of the Senator from Montana, I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. PERKINS resumed and concluded his speech.

Mr. CLARKE of Arkansas. Mr. President, this matter generally relates to a subject to which I have not given any very close or extensive attention, but it seems to me the aspect in which it presents itself here to-day is one that an ordinary mind can comprehend, and will readily reach the conclusion that it is improperly here. The American people have determined to have a navy which, both in its extent and the character of the ships that constitute it, shall comport with the dignity and power of this Government. I think that is accepted as settled policy and meets with universal approval, and it can only be antagonized by indirect methods.

At the last session of Congress we had under discussion the question how many ships were required to bring the navy up to the standard of efficiency, and it was solemnly ascertained that two first-class battle ships each year until the policy was otherwise announced would meet the requirements.

At that time ships of 21,000 tons capacity were regarded as the maximum, or at least, according to the technical developments up to that time, were regarded as what could safely be undertaken in the form of actual construction. Six million dollars was provided for each one of the two, with the definite understanding as nearly as those things can bind Senators in their future official conduct, that a similar number of ships should be provided each year, with a similar amount of money behind them.

It was not provided in that bill, nor is it provided in this one, that the particular character of ships should be in detail specified. That is left to the technical corps and faculty of the Navy Department. It is a matter that may change overnight; and simply because the ships constructed under the former authorization were limited to 21,000 tons, not by the act of Congress but by the action of those charged with the administration of the act, is not sufficient reason to say that there never should be ships of greater magnitude constructed. It is an admission, taken under the circumstances, that so far as we are concerned we propose to occupy a subordinate position in the matter of providing ships; that we must wait until England or some other country, Chile or Brazil, shall have made the experiment and demonstrated the fact that the maximum of efficiency has not been attained. I do not believe that in the matter of shipbuilding or anything else we need take notice of what other countries do, except for the purpose of utilizing, with our broader and more liberal methods, the better things which are contained in their matters of execution.

The matter of $6,000,000 each for two ships was passed on by the House of Representatives; it was passed upon by the committee here; and now for some reason—without reason—upon the mere naming of the proposition the chairman of the Naval Affairs Committee accepts it. I say it is a retrograde step. It is something that ought to call for definite explanation. It is a change of policy not justified, in my judgment, by anything that has been brought out in this discussion.

The mere bagatelle of saving $3,000,000 in a bill carrying $140,000,000 will not explain it. The mere saving of $3,000,000 in a budget of appropriations covering a billion will not explain it. We have a right to experiment in the construction of ships, not because we expect to fight with them, but because we expect to gain the security which comes from the fact that if a fight shall unfortunately come to us as a part of our history, we will be prepared for it as well as others and not be taken by surprise, either in inadequacy of numbers or inefficiency in size.

I see no reason—and I have listened with some attention to the debate—why the appropriation should be reduced from $6,000,000 each to $4,500,000 each, unless it is for the purpose of fixing what has already been done as the limit of possible execution on the part of the greatest Government the sun ever shone on. I think the demand is a very modest one when we want two ships of such size as $6,000,000 for each will construct.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CLARKE of Arkansas. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BURKETT. What is the question?

The VICE-PRESIDENT. The question is on concurring in the amendment made in the Committee of the Whole, the second one reserved by the Senator from Massachusetts, relating to the battle ships.

Mr. BURKETT. The amendment of the Senator from Minnesota reducing the amount?

The VICE-PRESIDENT. Yes.

Mr. FRYE. The amendment reduces the amount appropriated for these ships.

Mr. CLARKE of Arkansas. Yes.

The VICE-PRESIDENT. That is correct.

Mr. CLAPP. It reduces the amount proposed to be appropriated. The Senator kept insisting that it was a reduction——

Mr. SCOTT. Before the commencement of the roll call, I wish to make an inquiry. We want to understand it. We vote to reduce it, if we vote "yea;" we vote to keep it as it now is.

The VICE-PRESIDENT. That is correct. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "nay."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. If he were present, I should vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Alabama [Mr. JOHNSTON] and vote "yea."

The roll call was concluded.

Mr. FLINT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Rhode Island [Mr. WETMORE] and vote "nay."

Mr. FULTON. I announce my general pair with the Senator from Arkansas [Mr. DAVIS]. I transfer that pair to the senior Senator from New York [Mr. PLATT] and vote. I vote "nay."

The result was announced—yeas 30, nays 45, as follows:

YEAS—30.

Bacon	Gallinger	Martin	Smith, Mich.
Bailey	Gary	Milton	Stone
Bankhead	Hale	Money	Taliaferro
Clapp	Kean	Nelson	Taylor
Clay	Kittredge	Newlands	Teller
Cullom	La Follette	Overman	Tillman
Curtis	Long	Rayner	
Frazier	McLaurin	Simmons	

NAYS—45.

Aldrich	Crane	Fulton	Paynter
Borah	Cummins	Gamble	Penrose
Bourne	Depew	Guggenheim	Perkins
Brandegee	Dick	Hansbrough	Piles
Briggs	Dillingham	Heyburn	Richardson
Brown	Dixon	Knox	Scott
Bulkeley	Dolliver	Lodge	Smoot
Burkett	Elkins	McCreary	Warner
Burnham	Flint	McCumber	Warren
Burrows	Foraker	McEnery	
Carter	Foster	Nixon	
Clarke, Ark.	Frye	Page	

NOT VOTING—17.

Ankeny	Davis	Johnston	Sutherland
Beveridge	du Pont	Owen	Wetmore
Clark, Wyo.	Gore	Platt	
Culberson	Hemenway	Smith, Md.	
Daniel	Hopkins	Stephenson	

So the amendment was nonconcurred in.

Mr. HALE. There are certain amendments that are carried with the vote just taken which I wish to have made. I wish to have the Senate disagree to the amendment on page 68, lines 17 and 18, reducing the amount and leaving it as passed by the House.

The VICE-PRESIDENT. Was not that a part of the amendment proposed by the Senator from Minnesota? If so, the text of the bill as it came from the House will be restored by the nonconcurrence in the amendment made.

Mr. HALE. That may be the parliamentary condition. On page 71 there are two amendments that should be made. In line 9, "seven" was stricken out and "two" inserted. I ask the Senate to disagree to that amendment.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

Mr. HALE. In line 15 "twelve" was stricken out and "eleven" inserted; and in line 16 "four" was stricken out and "nine" was inserted. I ask the Senate to disagree to that amendment.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

Mr. LA FOLLETTE. Mr. President, I wish to perfect the amendment which I offered last evening shortly before adjournment, by striking out a portion which was inadvertently copied by my clerk and added to the amendment as offered, so that the amendment as pending shall be in the terms of the proposition which I have just sent to the Secretary's desk.

The VICE-PRESIDENT. The Senator from Wisconsin modifies his proposed amendment. The modification will be stated.

The SECRETARY. At the end of the proposed amendment, line 20, after the word "commission," strike out the remainder of the amendment, in the following words:

And hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, or any members thereof, unless the creation of such commission shall have been authorized by Congress.

Mr. LA FOLLETTE. I ask the Secretary to read the amendment as now perfected.

The VICE-PRESIDENT. The Secretary will read the amendment as modified.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. 3. That the President of the United States is hereby authorized to appoint a commission to be called the commission on naval bases, to be composed of officers of the Engineer Corps of the Army and officers of the Navy. It shall be the duty of this commission to inquire into and report to Congress during its next regular session the number, location, and capacity for rapid repairs of the naval bases which are required by strategic considerations for the successful conduct of the fleet in time of war and for maintaining the fleet continuously in a state of readiness for war in time of peace, the report to include recommendations as to what existing navy-yards and naval stations can be expanded to the capacity required for an efficient military base for a large fleet, and the location and capacity of such new bases as should be constructed, and a further recommendation as to what existing navy-yards and naval stations should be wholly or partially abandoned. For these purposes the commission is authorized to sit during the session or recess of Congress, at such times at is may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ such clerical experts, stenographers, and messengers necessary, and other assistants as shall be necessary to carry out the purposes for which said commission is created. The commission may, through subcommittees or otherwise, conduct their work or any part of it. A sum sufficient to carry out the purposes of this section and to pay the necessary expenses of the commission and its members is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman of said commission by any clerk appointed for that purpose by the commission.

Mr. LA FOLLETTE. Mr. President, I do not rise at this time to prolong unduly the debate upon the pending bill. I have taken but little of the time which has been given to the discussion since the bill came before the Senate for debate and amendment.

My first word, Mr. President, when this bill came up last Thursday was one of protest against its being disposed of within the two hours remaining of that day's session. It has now been under consideration nearly three legislative days, and I venture to say that the debate has been profitable and has been informing both to the Senate and to the country. I have observed that the press, a portion of it, has disapproved of this discussion and has pronounced it a "filibuster." The same attitude of mind prevails in a measure, I think, among members of this body.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. I do.

Mr. HALE. I should like here to say, just at the point where the Senator has referred to the charge of filibustering, I have had considerable experience in the management and passage of appropriation bills, but I have not during the continuance of this discussion seen anything that indicated to me a purpose of filibustering, as the term should be known and recognized, on the part of Senators opposing amendments. There has been persistency. The Senator from Montana [Mr. DIXON] was persistent, but that he had a right to be; and when he and those acting with him saw what the feeling was in the Senate, and the desire for a vote, we proceeded as rapidly as I supposed we would with the consideration of the bill.

I, Mr. President, appreciated the fact that last night at the evening session, the first evening session that the Senate has been obliged to resort to, and which is quite frequently a failure, Senators appeared here and the process of considering the bill by clauses and by voting on amendments was not in the least obstructed either by the Senator or any Senator in sympathy with him. We proceeded, and with the exception of the reservations, perfected the bill and passed numerous important amendments, and during a good deal of that time there was no quorum present. Nobody realized that better than I in charge of the bill did, and how easy it would have been to have obstructed the entire proceedings. Neither the Senator from Wisconsin nor the Senator from Montana nor any Senator who had opposed amendments and had argued upon them raised the point of there being no quorum. So far as I am concerned, I do not want anybody to think, while I am very desirous of prosecuting the public business, that I believe there has been in this case a resort to what is known and understood as "filibustering."

Mr. LA FOLLETTE. Mr. President, I am very glad to have the RECORD show this statement of the Senator from Maine. I hope, sir, that the proceeding upon this bill may follow on all appropriation bills of importance to the country. This is the first time in many years—I have been so informed at least—that an appropriation bill from the Naval Committee has been debated here at any length, excepting in one instance where one proposition consumed considerable time in debate.

If I may be permitted to say so, sir, this body appears to have fallen into the practice of reserving appropriation bills until near the close of the session and of then treating as obstructive any show or manifestation of a disposition to debate them. Sir, debate upon an appropriation bill or any other bill of importance should never come to be regarded as obstruction or as filibustering against legislation.

I have offered this amendment, Mr. President, because I believe that the system of determining the location of navy-yards and the placing of the large appropriations is inherently wrong.

Mr. President, in what I say here to-day I wish to be understood as arraigning a system rather than as arraigning men. Very likely if the personnel of the Naval Committee had been different but the committee had still been composed of Senators representing States with navy-yards you would have had precisely the same sort of bill presented, and precisely the same unjustifiable appropriations made. In other words, Mr. President, I mean to say that the plan of leaving such matters as come before this committee to the determination of Senators representing States where there are large appropriations to be made is wrong in principle. We are administering a trust fund, and I know of no principle which would recognize the disposal of a trust fund by those who have some interest, political or otherwise, in its disposal.

This does not imply anything more than that it is natural that Senators representing States where appropriations are to be placed will vie with each other in a struggle to secure the largest appropriations possible under all the circumstances for the States from which they come. Mr. President, this may be in a measure, and probably is in a great degree, unconscious upon their part; but, because human nature is constituted as it is, the men who represent States which are to be benefited by these tremendously large appropriations should not be the ones to so largely determine their expenditure.

Mr. TILLMAN. Mr. President——

Mr. LA FOLLETTE. Just a moment. I believe, Mr. President, that the position taken by the Speaker of the House of Representatives upon this question, as I understand it, is one that merits approval. I have not analyzed the composition of the Naval Committee of the other House, but I have understood that the committee as made up there is not composed of Representatives from districts in which the appropriations are expended, a plan which seems well calculated to lessen the temptation to jobbery.

Now, as to whether the bill presented here and the appropriations as made for a long series of years justify the criticism which I am making is a matter easily determined, I think. Indeed, I believe that the members of this committee will assent to the proposition that the placing of these appropriations is more or less political.

I have studied the report of the Secretary of the Navy showing the disposition of the work in the different navy-yards where the money is expended. It seems to me that the scanty appropriation made for work in the navy-yards of the South—I do not mean for work upon the development of those navy-yards, but for the work that is performed there, the repair work, the sending of ships to be repaired, and all that—manifestly shows that those States are discriminated against. It seems to me that the distribution and division of the appropriation in the work that is performed in the different navy-yards shows a line of cleavage that stamps the bill, and stamps the policy of administration, as political.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. BURKETT in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I do.

Mr. TILLMAN. Mr. President, the Senator from Wisconsin is indicting the Navy Department itself as a political machine, and in some of the things which he has just stated I am compelled to agree, because I myself have complained of the same state of things; that as to vessels which could be repaired in southern navy-yards and work that could be done there, the vessels are not sent there and the work is not done there. Why, I can not tell, unless it is that the political influences controlling the Navy Department have kept it from being so. I am very glad to find that the Senator is assenting to the proposition that I advanced yesterday, that there are influences at work, whether political or otherwise, which are inimical to southern navy-yards and to the South in general, and I hope the Senator will pursue that theme and bring out all the facts possible. It is evident, to my mind, that the South in its treatment by the Navy Department is still regarded as a conquered province and that the people there are regarded more or less as aliens.

Mr. LA FOLLETTE. Mr. President, the reference which I made to the distribution of work in the different navy-yards is simply a manifestation, and only a minor one, of the wrongfulness of this whole policy—the number and location of navy-yards and the appropriations made for them.

The fact is manifest from even a brief study of the subject that we have not as yet developed anywhere a single naval base in which we could take care of a fleet if war came upon us. Could there be stronger proof, Mr. President, of the wrongfulness of the entire policy that is pursued? I believe, furthermore, that it is susceptible of proof that the waste and extravagance in all these navy-yards is almost criminal in its character. It is an outgrowth of this same bad policy.

Much has been said in this debate concerning magazine articles and other publications which have criticised this policy. Magazine writers and the publishers of magazines and papers which have given place to these criticisms have been severely denounced, and the criticisms have been branded as false and malicious in their character and as a species of muck raking; yet, Mr. President, I notice in the course of this debate that the Senator from Maine [Mr. HALE]—and it seemed to me that his position was somewhat inconsistent—admitted that this appropriation bill and those which have preceded it have been a series of gross extravagances; that they have been unduly large; that they are growing more and more unjustifiable all the time, and yet this strange attitude of the Senator from Maine with respect to expenditures, reducing them on the side of giving us a strong fleet, and increasing them on the side of providing for these widely distributed and not very useful navy-yards, not very useful at least in a time when war should come upon us, is but another admission, confession, or proof of this bad policy.

It is very difficult, Mr. President, for one who has not been trained upon the committee—one who has not had extended opportunity for the study of this subject—to get hold in a brief time of the salient and important phases of this question. It almost seems as though the bills were so constructed as to baffle investigation. I do not mean by that to imply intention; but it seems to me that the whole plan of the construction of this bill, for instance, is one to confuse any investigator seeking to ascertain what expenditures go to certain items of the bill. Take, for instance, the appropriation carried for navy-yards. When the Senator from Montana [Mr. DIXON] was pressing the excess of those appropriations home upon the attention of the Senate, the Senator from Maine replied in part as follows:

> The entire appropriations for navy-yards for a series of years are small, very small, compared with the entire appropriations, and smaller than in rival countries.

A little later he said:

> The figures for navy-yards, for everything spent upon them, compared with the aggregate of big bills that frighten Senators, as they ought to, are small indeed; and if the Senator will look at the figures and compare them with other things, he will find that all these charges fall to the ground.
>
> The whole appropriation this year, as I have shown, including the increase, is only $4,800,000 for all the yards.

Mr. President, it is true that in one place in the bill you will find a summing up of appropriations for navy-yards in this language:

> Total public works, navy-yards and stations, $4,202,000.

I do not know just what impression the answer of the Senator from Maine made upon the mind of the Senator from Montana. But to my mind, as I sat listening to the debate, it seemed a comprehensive statement that only $4,800,000 was spent in these navy-yards, all told.

The language seems so broad as to make it cover everything—

> The figures for navy-yards, for everything spent upon them, compared with the aggregate of big bills, etc.—

And then concluding with the statement that "$4,800,000 covered it."

Mr. President, outside of appropriation for public works under the Bureau of Yards and Docks, summed up on page 32 of the bills which I have just read, I find appropriations for the improvement and maintenance of navy-yards and stations on many other pages of the bill not embraced in that summary. On page 18 there is an appropriation of $255,690 that goes, by the terms of the bill, directly to the navy-yards; on page 20, $100,000; on page 21, $31,000; on page 24, $450,000; on page 25, $1,500,000; on page 25, $30,000; on page 36, another item of $11,500; on page 37, another item of $39,500; on page 48, another item of $144,000; and on page 50, another item of $165,000, or a total of several different appropriations for navy-yards amounting to $2,729,940 in addition to the sum of $4,800,000 given by the Senator from Maine [Mr. HALE] as the total appropriation for navy-yards. Besides that there are 51 other

items of appropriation not separable, which go, by the terms of the appropriation, partly into the navy-yards and partly elsewhere, so that you can not divide them and ascertain just how much goes to navy-yards—51 other items, I say, scattered through this bill, the aggregate of which amounts to a very large sum.

Every time, Mr. President, in the course of this debate that any reference has been made to publications charging extravagance in these navy-yards, such charges have been scouted as false and denounced as lies in plain set terms, and this sum of $4,800,000 pointed to as the whole appropriation for navy-yards.

I became somewhat interested in running down some of these things, and I found a paper—I have no doubt that the Senator from Maine and the other members of the Committee on Naval Affairs are familiar with it—which covers in considerable part the charges made in the magazine article referred to and quoted from by the Senator from Montana [Mr. DIXON]. This is a paper of such recognized merit that I understand the Navy Department has caused it to be placed in the hands of the chief of each of the bureaus of the department, with directions that they study it and endeavor to make improvements and retrenchments, in so far as possible, in their various bureaus, in accordance with the criticisms made in this document. It came into being as follows:

Pay Inspector John A. Mudd, one of the foremost men in the Paymaster-General's Department, holding an important post in New York, was detailed in 1907 to make a special tour of the navy-yards in order to study their economy of operation. Less than a year ago the results of his investigation were made the subject of a paper by him printed in a publication called "Naval Institute," in which selected essays written by officers of the navy find publication.

I wish to direct the attention of the Senate to this paper in support of the statement which I made that it is almost impossible, or it is at least extremely difficult, for one, however diligent he may be, to take the naval appropriation bill and ascertain where the various appropriations are to be expended, and to show that the confusing and the mixing of these appropriations year after year in the annual appropriation bills have their effect upon the various departments by begetting there a system of confused accounting and bookkeeping, which opens the way to the wildest and most inexcusable extravagance.

I am very certain that Senators who have not had the opportunity to read this paper, which is entitled "The money for the navy," will be interested in the statements made by this expert. On page 49 I was astounded to find this statement:

It is common knowledge that the Secretary, when he directed the bureaus to prepare the estimates for the fiscal year 1908, called for a statement of the approximate amounts expended during the previous year under the principal subheads of the annual appropriations. The Bureau of Supplies and Accounts acknowledged this could not be made, and had no trouble in explaining why, through no fault of its own, it could not give the information. Expenditures had never been recorded according to subheads of appropriations; purchases of supplies for stock had been made under no specific portion of the appropriation involved; and the method of yard manufacture and the common use of stock after a certain period prevented, and the wording of the specifications of the appropriation act, in many cases, positively prevented any segregation, approximating the truth, of expenditures according to subheads of appropriations. Yet the request of the Secretary would seem to be a proper one to a business men.

Mr. President, to quote further from this document and to give it application to one of the matters which came up in the course of this discussion—that is, the amount expended in these various navy-yards—I wish to bring the attention of the Senate back again to the statement of the Senator from Maine. Instead of it costing, as I am certain the Senate was led to believe from the statement made in the course of the debate, this limited amount to maintain the navy-yards and the shore stations appropriated for, I could quote from this paper the following with respect to the appropriations of 1906, which were smaller by many million dollars than the appropriations carried in the pending bill.

It cost—

Says Pay Inspector Mudd—

for the fiscal year 1906 to maintain all the navy-yards and other shore stations $11,115,080.81.

Besides this, there was expended for buildings, chapels, etc., and for machinery at these places (Titles E and F) the sum of $9,589,183.09, making the total of the real maintenance cost of the shore part of the establishment $20,694,263.90. Of course this latter figure does not include the work done at the yards on or for ships; it is solely the cost of keeping the yards in such shape as to fit them for doing their work for the floating part of the establishment. This cost alone of maintaining the shore plant was more than two-thirds of the cost of the floating part, the fleet.

Bear in mind that these twenty and a half millions expended in one year in keeping the fitting-out and repair plant in condition to do work for the fleet are not all the money used at the navy-yards.

Look above—

As before mentioned in this paper—

and there will be noticed an item of five and a half millions, repairs to ships.

I learned, Mr. President, that there was a report made by some officers of the Navy Department who had been delegated to make an investigation with reference to the repairs put upon ships after they have reached a condition where they ought to be thrown aside. I tried to get from the Secretary of the Navy such report and the recommendation that certain ships should be no longer repaired. I was not able to secure that report. Neither was I able to secure the report or the statement in writing made by Admiral Goodrich recommending the discontinuance of the navy-yard at Portsmouth.

I do not wish to do any injustice, but I believe it to be pretty difficult to procure information which tends to show the folly and extravagance of appropriations made upon the plan of this bill. I believe that such information exists in abundance in the department.

Further on this point of expenditures in the navy-yards of the country, the author of this paper says:

An item of five and a half millions, repairs to ships, under titles D and P, all of which work was done at the navy's shore plant. Another half million, spent for work mostly at shore stations, was under Title N, "experiments and tests," which title was charged in 1906 with $498,520.09. Under the manufacture account, Title Z, at the navy-yards, the enormous sum of $22,447,347.02 is charged off; also about three millions and a half of construction work on new ships was done at the yards during the year. So it may be safely stated that over $50,000,000 are used at the shore plant in one year, about half the total appropriation for the navy.

He says further:

This navy-yard expense is one of the most important items in the navy's unfinished business portfolio. The amount involved is enormous.

Now, with respect to the policy pursued in the navy-yards, I quote the following:

Some years ago a department of an important yard become so helplessly entangled in its manufacture and other shop accounts that even expert aid sent on from Washington could not unravel the snarl. Finally everything had to be written off and new books opened. The trouble was the accumulation of years, but it would not have been of more than a quarter's duration had there been an inspector to stop the "cooking" of the accounts.

At another important yard a head of department who had only recently taken charge, in trying to clear up the manufacture account, Title Z, turned over to him, found worse than confusion. There were hundreds of dollars charged to unfinished job orders, where all the research possible could not bring out what the job orders were for which the value had been expended.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I do.

Mr. TILLMAN. I was called out of the Chamber for a little while, and I should like to know from what the Senator is reading.

Mr. LA FOLLETTE. I am reading from a paper of Pay Inspector Mudd, who was detailed to examine the navy-yards and report upon them.

Mr. TILLMAN. When was the report made?

Mr. LA FOLLETTE. Last spring. He was detailed to make an investigation in 1907.

Mr. BACON. By whom?

Mr. LA FOLLETTE. Detailed by the Secretary of the Navy, I suppose. At any rate, his paper was regarded as important enough, as I stated when the Senator was not present, I think, to be placed in the hands of the chiefs of the bureaus of the Navy Department, with directions to endeavor to make such corrections as were possible under the existing law in accordance with the evils which were shown by this paper to exist in the department.

Mr. TILLMAN. Still there has been no comprehensive investigation by other than one officer, and he investigated only one or two yards.

Mr. LA FOLLETTE. Oh, no; I stated that he visited a large number of the yards.

Mr. TILLMAN. I am sorry I did not catch that.

Mr. LA FOLLETTE. I will continue. I am sure the Senator will be interested.

Mr. TILLMAN. I wish to say for the Senator's information, if he has not thought about it, that during the last seven years we have had six Secretaries of the Navy, and, from my own knowledge of naval affairs, this constant change in the head of the department has left things at loose ends in a way. The department has been run as a political machine for the reward of this politician or that rather than as a business part of the Government, and these constant changes of Secretary—the Senator knows who is responsible for them—has produced a condition of paralysis, in a way, of the department as a business department, for the reason that it takes a long while for any new man going into the Navy Department to master the details of the complex machine which is there, created by law.

There are eight bureaus; and a new man, a politician, unacquainted with naval affairs, going into the Navy Department, is necessarily very largely dependent upon the chiefs of bureaus for his action. He never budges an inch without touching a bell and calling a bureau chief in to consult with him if a Representative or Senator comes there about any particular matter. The Secretaries, being dependent, as they have been, upon their bureau chiefs, have not had opportunity to familiarize themselves with the working details of the department.

The whole difficulty is due to what the Senator from Wisconsin referred to a little while ago—politics, politics, politics. How is the Senator going to remedy that? By appointing a commission to take the place of the Senate committee? We are now governed by commissions in a large way. We have had commissions and commissions and commissions and commissions and boards until Congress is practically obsolete, and we fall into the habit of swimming along with the current and yielding to this pressure from the Executive to allow him his own sweet way, and if we resist we are criticised and hounded and howled at and cursed and damned from Dan to Beersheba.

If the Senator has any scheme by which he can stop this maladministration or this squandering of public money, I shall be very happy to cooperate, so far as my own vote and any influence I may possess go, and I think the Senate committee will do likewise. But merely getting up and calling attention to a bad condition of affairs does no good, for, as I point out to him, the real source and cause of it is political; that the Navy Department has been run as a political machine to reward the ambitions of this or that Republican leader. Would it change conditions to appoint a board, to have the President get up one of his—I do not like to say "mutual admiration societies," but they have that appearance to me?

I do not know how we are going to remedy this, unless the Senator will suggest some concrete proposition which will appeal to the common sense of the Senate and of the Congress, so that we will be able to get down to the facts and then legislate intelligently. But what good does it do merely to recite this and that abuse, which can be traced back directly to the President himself, because he has kept the Navy Department in a continual transition, while the appropriations have been increasing from year to year—you may say by leaps and bounds—ten and twenty million dollars. What are we going to do about it?

Mr. LA FOLLETTE. I am willing to yield for a reasonable interruption, but not for the entire afternoon.

The Senator says Congress has effaced itself. I have tried and I believe I will be able to make it perfectly clear before I finish that at least the members of the Naval Affairs Committee have not effaced themselves in the appropriations made for navy-yards in their respective States.

Mr. President, I agree with one statement made by the Senator from South Carolina, and that is that there is a condition in the navy-yards which requires change to prevent political administration of that great department and not political administration in a party sense alone, either, but political administration in that sense which never ought to prevail in any of the departments of this Government—relations existing between the Congress and the department other than ought to exist between the legislative department and the executive or administrative department of the Government.

There has been a controversy for many years—something like twenty-five years—to put an end to the real evil which exists in the Navy Department. The Navy Department exists not for itself, but to maintain a fleet to take care of this country in case of war. The Navy Department and the enormous expenditures which the people of this Nation make to sustain it can be justified in no way except by creating and maintaining a fleet that shall be a protection to the United States under all conditions.

Mr. President, as I understand the conditions existing in the Navy Department—they were set forth some years ago; first, I think, by Mr. Secretary Whitney—there are certain bureaus—the Bureau of Ordnance, the Bureau of Construction, the Bureau of Steam Engineering, the Bureau of Yards and Docks—I may not cover them all, but there are some five or six. Each of these bureaus has a chief. That chief is supreme in the control of all the business transacted in his bureau.

There has been built up as a result of this distribution of business in the Navy Department a bureaucratic system of conducting business that practically takes it out of the hands of the Secretary of the Navy; and since the Senator from South Carolina has introduced this subject, I am going to present some authority on it. I hold in my hand a paper entitled "What is wrong with the navy?"

Mr. TILLMAN. Who is the author, please?

Mr. LA FOLLETTE. It is written by the editor of Army and Navy Life, and compiled, in part, from editorials which, I think, appeared in that publication, but largely from the reports of the Secretaries of the Navy. A board of officers, in 1883, made a report, from which the following extract is taken:

> Hence we conclude that, to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing the work, with a proper system of accountability—to secure, in short, in each of our navy-yards unification, method, economy, and dispatch, with an administration of its own affairs agreeable to the principles of business as understood in civic life * * * it is absolutely necessary to begin with the Navy Department itself.

In his report to Congress in 1885 Secretary Whitney said this with respect to the matter:

> Seeing the ill-advised and inconsiderate manner in which important steps are necessarily taken by me under the present system, I feel certain that a similar record of mismanagement or wasteful expenditure of injudicious and ill-advised disposition of public moneys might be made under any Secretary under the present system.

His successor, Mr. Tracy, complained that the distribution of authority among the bureaus in the Navy Department so divided the responsibility that there could be no business methods established for the conduct of that great department.

Secretary Long said in his annual report:

> Such a system is, in practical administration, cumbrous and expensive, and from its very nature tends to develop controversies respecting the scope of each bureau's duties and to occasion friction, delay, and want of harmony in doing whatever approaches border lines of jurisdiction. * * * No private business is run on such a wasteful and inharmonious plan.

The estimates for appropriations come to the Committee on Naval Affairs from the heads of these various bureaus. The Secretary of the Navy is not in a position to overrule the chief of one of these bureaus in the estimates which he makes for his bureau. He has not the information upon which to do so. He is absolutely dependent upon the chief of the bureau. Each one of these bureaus strives to get as large appropriations as it can; there is rivalry between them. That begets extravagance.

President Roosevelt said in his message in 1903:

> We need the establishment by law of a body of trained officers who shall exercise a systematic control of the military affairs of the navy and be the authorized advisers of the Secretary concerning it.

Secretary Moody, in his annual report, said:

> It clearly follows, therefore, that there should be some military man or men charged with the duty of the collection and collation of information and the giving of responsible advice on military affairs. The organization which lacks this feature is defective in a vital part. Bureau chiefs * * * are engrossed in the administration of their respective bureaus, and hesitate to assume duties which by law are not imposed upon them.

Whenever a complaint which involves the Bureau of Construction comes from the commander of any battle ship, the complaint goes to the Secretary of the Navy, and by him is transmitted, of course, as it must be, to the chief of this bureau. It may be an arraignment or criticism of that chief and of the administration of his bureau, and yet he is the man to whom the Secretary is forced to send the complaint for report. No one else in authority having any technical knowledge is at hand to advise the Secretary of the Navy in order that he may determine whether the criticism made by the commander of the ship shall be sustained or the defense put up by the chief of this bureau shall prevail.

All of the Secretaries of the Navy, so far as I have been able to gather from an examination of the records for a period of some twenty-five years, have advised the formation of a board of experts, such as every other great navy of the world has, to stand as advisers to the civil head of the Navy Department and to pass upon the questions that arise between those who are taking care of the fleet at sea and those who equip that fleet for service.

Mr. President, if there were such an authority—and there has been a struggle now, I say, for twenty-five years to get Congress to assent to the establishment of such an authority—it would be a check to the making of such appropriations as appear in the pending bill. We should then have a disinterested body of men, entirely competent to say where the navy-yards ought to be located, instead of leaving it to Senators and Representatives, who have interests which must naturally bias their judgment.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I yield for a question.

Mr. TILLMAN. If I am not in error, every navy-yard that we have—Portsmouth, Boston, New York, League Island, Norfolk, Mare Island—was established before any Senator in this Chamber became a Member of this body. The navy-yard at

Charleston was established in 1901, or it was changed from Beaufort to Charleston—Port Royal, we will call it. They had a naval station at Port Royal, and the question arose as to whether it was advisable to continue to develop that station or to change it to Charleston, if Charleston was the better place; and the board of naval officers, whose names I gave yesterday, were appointed by the Navy Department, not one of whom I had ever seen or known or had had anything to do with; and they were sent to compare the two places and designate which one was the better.

Does the Senator think it is therefore justifiable in him to charge that the Senators on the Naval Affairs Committee are responsible for the establishment of any of these yards, when, as I have pointed out, every one of them except Charleston was created long, long ago? I believe there is a new one on the Pacific coast, at Puget Sound, but I do not recall exactly when it was established. It is of recent date; probably within the last ten years. While there is too much politics in the Navy Department, the Senator ought at least to be fair enough not to undertake to put blame where it does not belnog.

Mr. LA FOLLETTE. I want to be fair in this discussion. In answer to the question—the only question contained in the statement of the Senator from South Carolina, as to whether this board could have decided differently—I answer I think not. They were given the choice of Port Royal or Charleston, as stated by the Senator from South Carolina, and there can be no doubt that they decided upon the better place as between the two. But, Mr. President——

Mr. TILLMAN. So far as that is concerned, it is a better place as between that and any other city on the south Atlantic coast, as shown by the coast survey chart.

Mr. LA FOLLETTE. I think the Senator from South Carolina is mistaken.

Mr. TILLMAN. I should like to have the Senator indicate what other port on the south Atlantic is equal to Charleston.

Mr. LA FOLLETTE. Is not Pensacola better than Charleston?

Mr. TILLMAN. Pensacola is on the Gulf, way round a thousand miles from Charleston by sea. I have nothing against Pensacola.

Mr. LA FOLLETTE. No; I suppose not.

Mr. TILLMAN. I want Pensacola built up and I want Charleston built up. I do not want all the money we pay in taxes to go north.

Mr. LA FOLLETTE. The Senator now has simply furnished proof, as he has heretofore in this Chamber, of the fact that there is a struggle locally for this money; and that is the basis of my criticism of the plan of the bill. He does not want the money to go north. He wants it to go south.

Mr. TILLMAN. I want my share and no more.

Mr. LA FOLLETTE. Yes; that is it.

Mr. TILLMAN. I am tired of seeing the South treated as though the war ended last year. It is forty-three years since the war ended.

Mr. LA FOLLETTE. That was the position the Senator took here some time ago, when he said if this money was to be——

Mr. DIXON. I have it here.

Mr. LA FOLLETTE. If the Senator has the exact quotation, I will use it.

Mr. TILLMAN. I will tell you what I said.

Mr. LA FOLLETTE. I have it right here.

Mr. TILLMAN. I said if stealing was to be done, I wanted my share of it; and I do.

Mr. LA FOLLETTE. I have right here what the Senator said. That is not all the Senator from South Carolina said. On the 1st of March, 1899, speaking of one of these naval appropriation bills, he said:

> This bill is loaded down with expansion in every navy-yard. I am trying to get a little for Port Royal; because, if you are going to steal, I want my share.

Mr. TILLMAN. Is that contrary to the human nature which obtains in Vermont?

Mr. LA FOLLETTE. Not at all, Mr. President. I am contending that you have the finest exhibition of human nature in this Committee on Naval Affairs that was ever seen; and the Senator from South Carolina is giving evidence of it right here. He is aiding me materially, and I am very grateful to him.

He said further, on the subject of the transfer to Charleston, that it was very material to him. He said:

> My main object in all this matter is to endeavor to get a first-class navy-yard, not a station, at some eligible point on the South Atlantic, and to have the South receive some recognition in naval affairs.

Mr. TILLMAN. Is that bad? Is that wrong?

Mr. LA FOLLETTE. Yes, Mr. President, it seems to me that is not the basis upon which the public money should be distributed. It ought to be distributed upon the basis which is recognized by naval authorities—that of military necessity, that of providing for the very best maintenance of a navy.

Mr. President, if the right policy had been pursued we would not have, as we have to-day, a large number of these navy-yards and not a single naval base, not a place on all our coast where, as you might be compelled to do by the necessities of war, you can take in a fleet and give it an overhauling and take it out in twenty-four hours. Suppose our fleet, which is coming back——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I ask the Senator from South Carolina to permit me to go on. I do not yield for the moment.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. I am willing to submit to a reasonable amount of interruption, Mr. President.

Our fleet is about to return home. I think it is expected in another week. It is proposed, as has been stated here in the course of this debate, that that fleet shall—and it must, I suppose, in order to have the overhauling which is necessary after its long trip—be taken into the navy-yards along the Atlantic coast, distributed from Portsmouth on the north to New Orleans on the south.

But supposing, Mr. President, that this fleet was being followed by a hostile fleet. Suppose it was necessary, as it will be, that our fleet should go into dock and be repaired and overhauled. What would be our situation? The fleet would have to be distributed all along the Atlantic coast. There is not a single place where that fleet could be kept together and docked and in any reasonable length of time put again into the water.

The fleet of the enemy would destroy our fleet in sections and we would have no chance at all. In making a comparison between the expenditures made in this country and Great Britain for maintaining and improving navy-yards over a series of years the Senator from Maine made what seemed to be a very creditable showing for this country, but when you examine that comparison a little it seems to me that it is the best evidence in the world that our policy has been wrong. Moreover, the comparison is misleading. The Senator said that the English have only three large yards, and he says that in fourteen years they have appropriated $126,000,000, while we have appropriated for public works in navy-yards to this time $51,000,000. Here, again, we have the use of that term "public works," which limits the expenditure to the improvements under a single bureau for one purpose, but which does not recognize the money which goes into the navy-yards through other bureaus for countless items distributed through other portions of this bill. Such a statement is obviously not a fair comparison, for it includes only a part of our expenditures on account of navy-yards.

The Senator said that the British have only three large yards. I have consulted the best authorities which I could find on the condition of the British yards, and I find the following facts in Jane's "Fighting Ships," 1908 edition, which is a recognized authority on naval statistics:

"At Devonport, England, they have a navy-yard in which there are 4 docks; at Portsmouth, a navy-yard in which there are 17 docks; at Chatham, a navy-yard in which there are 11 docks; at Sheerness, a navy-yard in which there are 5 docks; at Rosyth, a navy-yard in which there is 1; at Haulbowline, a navy-yard in which there are 2; at Pembroke, they have 1 dry dock, but for second-class cruisers; at Malta, they have a navy-yard in which there are 6 dry docks; at Gibraltar, a navy-yard in which there are 3; and at Hongkong, a navy-yard in which there are 4. In all, they have 54 docks. Besides these Great Britain maintains a base at Portland for the Channel fleet, containing 1,500 acres of inclosed harbor having a minimum depth of 30 feet. And another base at Dover, which is a submarine base, containing 610 acres having moorings for 16 battle ships, 5 large cruisers, 7 second-class cruisers, and 4 torpedo-boat destroyers."

They have something to show for their expenditures. What have we got? We have 17 docks in all our navy-yards and more than half of them are not suitable for docking modern battle ships. At Philadelphia we have two docks. Only one will take our largest battle ships; the other will take battle ships of the smaller class. At New York we have three docks completed. Two of them will take our largest battle ships; the third one is for smaller vessels. There is a fourth dock building that will take, when completed, the largest ships contemplated. Boston has two docks. One will take the largest ships we now have; the second one is a small dock which will take only small cruisers. Portsmouth has one large dock. It

did have a sectional dock. I think the sectional dock is in such a condition that it is never used now. Norfolk has three docks. It has one which will take our big battle ships, one for small cruisers, and an intermediate dock. Port Royal has one dock which will take ships of about 10,000 or 11,000 tons, but it can not be used. Charleston has one dock, I understand, not yet completed. I may be misinformed about that.

Mr. TILLMAN. It is completed and in order.

Mr. LA FOLLETTE. It will take a 21,000-ton battle ship. Key West has no dock. Pensacola has a floating dock that will take small cruisers. It can not take a battle ship or even a large cruiser. New Orleans has a floating dock that will take a battle ship of about 12,000 or 15,000 tons. Mare Island has two docks—one that will take a battle ship, if she can get into it; and the other is for smaller vessels, cruisers of 5,000 or 6,000 tons.

Mr. BACON. The Senator has the official figures before him. Will he permit me to inquire how many docks we have that will take battle ships of 26,000 tons?

Mr. LA FOLLETTE. I am not certain about that.

Mr. BACON. That is a very material inquiry, in view of the vote we have just taken.

Mr. LA FOLLETTE. I understood the chairman of the committee to say day before yesterday, when that matter was under discussion, that we had no dock that would take one of these 26,000-ton battle ships. I may be wrong in my recollection of his statement, but I think he did make that statement.

Now, Mr. President, I come back again to the point from which I was diverted by the Senator from South Carolina [Mr. TILLMAN], the bad management of our navy-yards. I invite the attention of Senators again to the paper from which I was reading. If there is an earnest desire on the part of Senators to reduce appropriations and to show something for the money that is expended, then we will have to radically change the form and kind of appropriation bill which we pass from year to year for the naval establishment.

Pay Inspector Mudd, in making his study of the expenditures in the several navy-yards, selected three navy-yards and compared the cost of the output. In this report the yards are not named; they are designated as "blue," "red," and "green." I suppose Senators will readily understand why this form of designation was used by this officer. He says:

Systematic comparison of the cost of similar work done at the various yards has never been made by the department. Some comparisons will be given here to show what a field there is for work in this line; and it is thought that the results exposed will indicate that sincere work will accomplish enormous economy in yard shopwork and that connected with the general upkeep of the yards.

* * * * * * *

Three navy-yards, designated as the "blue," "red," and "green" yard, respectively, will be handled in the comparisons. The great departments of Construction and Repair and Steam Engineering will be the ones used in the comparisons between the yards. The blue yard will be arbitrarily taken as standard. The work performed during the fiscal year 1906 will be that compared.

* * * * * * *

What the yards should be judged by are the cost of the "output" and the expense of maintaining the plant from which it came. Output work is charged to one of the five titles, A, D, P, N, and Z—original construction, repairs to hull and machinery, repairs to equipage, experiments and tests, and manufacture.

* * * * * * *

Under the present system of navy-yard management labor can be brought into a yard as long as there is money to pay for it, whether there is honest work there for it or not.

Now, following out the comparison which Mr. Mudd made, he gives the following as to the difference in the cost of the output in the three yards in which the comparison was instituted:

These last results show, taking the material used in "output" work as a measure, it costs 47.1 per cent more at red than at blue to maintain the working plant, in the construction and repair department, to perform the same class of work, and that at green it cost 326.3 per cent more.

* * * * * * *

This means that output work at Red was 22.9 per cent, and at Green 91.9 per cent more costly than at Blue.

* * * * * * *

After the writer had invented his method and made the preceding comparisons, it occurred to him to compare the cost of similar pieces of work turned out at the yards—that is, articles of ship's equipage manufactured under Title Z, one of the elements of the "output" work. The work of four different yards, including Blue and Red, was compared.

The boats for the battle ships are built, as to kind, on the same model and of the same material. Recently at one yard it cost $1,890.63 to make a 30-foot steam cutter, while at another, not many miles away, it cost $2,684.62 to build exactly the same kind of boat to put on board the same kind of battle ship. A 30-foot barge cost $671.08 at one yard and $1,151 at another. Several 30-foot cutters cost, on the average, $598.61 at one yard and $848.13 at another. A 14-foot dingey cost $104.08 at one yard, while at another the same kind of a boat was turned out for $153.61.

The same year, the same season—

A 16-foot dingey cost $104.17 at one yard and $196.34 at another—pretty close to twice as much, it will be observed. A 20-foot dingey cost $217.89 at one yard and $362.44 at another. A 30-foot gig whaleboat cost $509.38 at one yard, and the same kind of boat, for the same kind of service, was turned out at another yard for the euphonious sum of $888.80. A 30-foot whaleboat cost $559.79 at one yard and $740 at another. A 14-foot punt cost $63.73 at one yard and $95.12 at another.

In the articles of output for the boats there was found even a greater variation of prices. For the standard 30-foot cutters, one of the yards had made boathooks for 50 cents apiece, while another yard had made exactly the same article at a cost of $3 each.

There is something inherently wrong in a system that will produce such results as these. This expert accountant says that the evil starts with the manner in which the appropriations are mixed and the phraseology used in the different items of these appropriation bills; that it is impossible to conform or comply in the bookkeeping with the terms of the legislation making an appropriation and have a system of accounting that will be any check upon extravagance. Legislation that is itself unintelligible and confusing can only result in a system that is a temptation to laxity and wrongdoing.

Awning stanchions were $1.50 at one yard and $3.50 at another. Rudders were $6 at one yard and $10 at another. A tiller was $1 at one yard and $3 at another. Oh ye sailors, think of an ordinary boat tiller costing $3! Why, a landlubber could buy a lawn mower for that money; and think of the gears, knives, rollers, and other things in the mower. Only the other day the writer bought, over the retail counter, for his own use a pick handle. It is a handsome piece of finished work of its kind, made of hickory; it cost 20 cents. Cut it in half, and with a little whittling, it would make two fine tillers.

Turning to furniture: A mahogany desk for a cabin cost $136.76 at one yard, while at another, one made for a sister ship cost $190, there being no cents wasted on this latter price. An oak desk cost $112.07 at one yard and $163.30 at another. Toilet racks for officers' rooms, of which there are more than 40 made for each battle ship, cost $14.60 each at one yard, while at another exactly the same article was turned out for the neat round sum of $20.

Each officer's room, on recent ships, is provided with a metal box for storing full-dress uniforms and other valuable clothing that is not in everyday use. The boxes are made after a standard pattern and are perfectly plain. Forty-two of these cases cost at one of the yards $567, while at another a similar number cost $1,250.76.

There is a small wooden ditty box provided for each man on board ship, in which to stow odds and ends, such as writing material, sewing gear, letters, etc. They are made after a standard pattern. It cost $1,899.17 to make 808 of these boxes at a certain yard, while at another a similar number were completed for the tidy sum of $4,259.66.

A chopping block, a simple and prosaic article of ship's equipage, cost $3 at one yard and $25 at another. A meat block cost $4 at one yard and $10 at another. An alcohol chest, to hold 75 gallons, cost $71.23 at one yard and $131.61 at another, while the same kind of chest, but to contain only 50 gallons, cost at one yard $59.22 and at another $120. A carpenter's chest cost $18 at one yard and $34 at another. A lot of deck chests averaged $18 at one yard and $35 at another.

A number of these same statements were printed in the article to which the Senator from Montana [Mr. DIXON] referred when he was addressing the Senate, and it was promptly denounced as false here on this floor. Evidently the writer of that article had gone to the same sources in making his investigation that this naval expert had access to in making his investigation the results of which are presented in this paper.

On page 90 of this paper, in conclusion, it is said:

Government work has a force entering into it that is not found in commercial life, necessarily, and that is patriotism. Pride may be a force in commercial work, but we have that also in government work. In addition, and above that, is patriotism. Any part of the naval organization that can be swerved either to the right or left out of the logical path toward economical efficiency, under the influence of political blandishment or terrorism, should not be tolerated by even the humble workers.

I leave it to Senators to make their own application of the language used here.

The deadliest poison that an administrative officer in the navy can imbibe into his official system is the game of politics as related to the navy. The moment he begins to play the game, no matter what the stake may be—supplies, new buildings, self-prominence, or what not—the economical efficiency of the service, to the extent of that officer's power as part of the machinery of the organization, begins to suffer. And no matter who the politician may be, when he takes a personal, familiar hand in naval affairs, beyond the barriers of official duty, through the above-mentioned power of blandishment or terrorism, he increases the "costs." The intercourse between Congress and the navy should be formally official, and never, under any circumstances familiar.

If I have followed, Mr. President, the history of this long struggle of twenty-five years to reorganize the Navy Department and to install there an independent and competent authority to pass upon these questions of large expenditures, the location of navy-yards, the construction of battle ships, the size of battle ships, the issues that are raised between the commanders of the fleet and the bureaus of Construction, Ordnance, Steam Engineering, and the like—if I have read aright the history of that struggle to secure legislation to establish some such power there, and I think I have, I have been forced to the conclusion that the attitude of Congress has been hostile to the establishment of such a reform; that there has been a constant upholding of

this irresponsible bureau system; that the maintenance of that bureau system gives excessive power to each one of those chiefs and magnifies the importance of their position, makes them supreme and autocratic, puts them into almost equally divided authority with the Secretary of the Navy himself.

Mr. President, it is barely possible that there may be some relation between that condition and the fact that the report of the general board in favor of laying aside a large number of the old war vessels and discontinuing the expenditure of large sums of money upon them was ignored, and the fact that these vessels are still going to various navy-yards to be repaired may find some explanation in the relations which have grown up between Congress and these bureau officers, plainly hinted at in this report. I say, Mr. President, that such is simply a natural and logical result of leaving the control of these appropriations for naval establishment in the hands of Senators and Representatives who are more or less interested because such appropriations go so largely into their States and ultimately to their constituents.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. Certainly.

Mr. MONEY. Do I understand the Senator from Wisconsin to mean by his statement, which I am listening to with great interest, that some battle ships that ought to be put out of commission are kept afloat merely to give work to certain navy-yards? Is that the inference I am to draw from the Senator's statement?

Mr. LA FOLLETTE. I do mean exactly that. I believe that there are old war vessels—and I believe that a thorough investigation would disclose them by name—that should long since have ceased to receive a dollar of the large sums of money that, from year to year, are expended upon them for repairs.

Mr. President, I do not mean to say that that is not exactly the condition that would have grown up under this system no matter who was on the committee. My criticism is wholly impersonal. It is directed against a wrong system. Manifestations of this system are seen in the distribution made of the appropriations under the river and harbor bill. There is the same eager strife to get the largest possible appropriation for the harbor represented by the Member on the committee. I believe that the whole plan is wrong. I believe that disinterested Senators and disinterested Representatives should compose the membership of these committees. Of course, the Senators representing the various States which, more or less, will be benefited by the appropriations should be given the fullest and the fairest hearing to present their claims. But those claims should rest solely upon the ground of the broadest public policy.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I do.

Mr. SMITH of Michigan. Mr. President, I dislike very much by my silence to seem to acquiesce in the last statement of the Senator from Wisconsin [Mr. LA FOLLETTE]. I can not subscribe to the idea that because a man happens to live in the lake region, where shipping is important and the condition of our rivers and harbors a matter of the highest consequence, he should be debarred from having an active part in the make-up and consideration of river and harbor appropriations. Such a thought does violence to the communities represented by such Senator or Representative. I think the best results would not necessarily be obtained by following the suggestion of the Senator from Wisconsin. Much as I dislike to disagree with him, I still believe that the Representatives from Wisconsin and the Representatives from Michigan are more competent to determine the necessities of our people than would be the Senator from Nevada, who has no river or harbor within his State.

Mr. LA FOLLETTE. Well, Mr. President, it depends somewhat, I think, upon one's point of view. It seems to me——

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. Yes; I yield.

Mr. FRYE. Only a word. If the theory of the Senator from Wisconsin was carried into practice in regard to the Committee on Commerce, the whole 17 members of that committee would have to be taken from the State of Nevada. [Laughter.]

Mr. LA FOLLETTE. Of course that would not be quite feasible. The Committee on Commerce does not report an annual appropriation bill carrying $137,000,000 to be distributed largely to the constituents of the Senators on that committee. Mr. President, there is not, it seems to me, any opportunity for difference of opinion on the proposition that when men are voting upon the distribution of money for improvements of any sort, whether rivers and harbors or in navy-yards—expenditures in their respective States—they can not bring to bear upon the determination of that question the same unbiased judgment that they would exercise were the money not to go to their constituents.

The same thing is seen in the distribution of the moneys that go to the erection of public buildings. You get a logrolling arrangement between the members of the committees and Members of the different branches of Congress that are benefited by it, and they stand together to put through the appropriation.

Mr. President, I am perfectly well aware that Senators are reluctant to yield the places they have, which give them the power of determining where these appropriations are to go. It seems to me that it is a plain proposition that a board of disinterested naval experts should determine the location of our naval bases, which would be all important and possibly vital to the national safety in war. Such a board would be vastly better able to determine that than are the Members of this or any other legislative body, particularly when the Members sitting upon the committee and making the appropriations and fixing the amounts that are to be expended are voting to expend it in their respective States, to give employment to their constituents, and to take a measure of prosperity into the sections where these great appropriations go.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I do.

Mr. DIXON. Did I understand the Senator from Wisconsin to say a moment ago that in making up the House Committee on Naval Affairs Speaker CANNON refused to appoint men who had navy-yards in their districts?

Mr. LA FOLLETTE. I have seen it so stated. The Senator from Montana was very recently a member of that body. He may have examined the committee assignments in the other House, and he may himself have some information upon that subject. But I have seen it stated and published quite widely that the Speaker of the House of Representatives, in making committee assignments, had refused to appoint on the Committee on Naval Affairs any Representative who had a navy-yard in his district. [A pause.] The Senator from Montana says that the record of the House assignments shows that to be a fact. So it would seem, Mr. President, that I am not entirely alone in my view as expressed here, that a more just and equitable distribution of this money, upon a better principle, can be attained by placing the control of the appropriation and its distribution in hands other than those of Senators representing States where the money is to be expended.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. I do.

Mr. FLINT. I ask the Senator from Wisconsin whether he would have that same rule apply to the Committee on Military Affairs, and if it would prohibit anyone from service on the Committee on Military Affairs who had a military reservation or a fort in his State.

Mr. LA FOLLETTE. Possibly it could not be applied to the expenditures of the military department.

Mr. FLINT. Would the Senator from Wisconsin have all the committees of the Senate constructed in the same way?

Mr. LA FOLLETTE. Those are so widely distributed and the amounts are so small that the same objection does not apply that prevails, as it seems to me, in reference to expenditures under the naval bill, which is now under consideration.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. I do.

Mr. MONEY. I suppose the Senator, of course, does not want to leave the Senate under a misapprehension of the facts. The Congressional Directory shows that there is on the House Committee on Naval Affairs one Representative from Massachusetts, one from New York, two from Pennsylvania, one from Louisiana, and one from Alabama; and each one of those States has a navy-yard.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. I did not quite understand the Senator from Mississippi.

Mr. MONEY. I said the Senator had stated that he understood that Speaker CANNON would not appoint any man on the Committee on Naval Affairs who had a navy-yard in his district or within his State.

Mr. LA FOLLETTE. I had seen it so stated, and the Senator from Montana [Mr. DIXON], who has just looked at the record, confirms what is my impression about it.

Mr. MONEY. I do not know about the districts, for I do not know how the districts were organized, but the Congressional Directory shows that New York has one representative——

Mr. LA FOLLETTE. Yes, but not upon——

Mr. MONEY. Pennsylvania 2, Massachusetts 1, Alabama 1, and Louisiana 1 on that committee, and they have navy-yards in their States, though I do not know whether or not they are within the districts of the Representatives.

Mr. LA FOLLETTE. I think the Senator will find that the navy-yards are not in the districts represented by those gentlemen; at least the Senator from Montana, who is familiar with the matter, so states.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. Yes.

Mr. PERKINS. I should like to read the list of the names of the members of the Committee on Naval Affairs of the House who represent States where navy-yards are located. First, Hon. THOMAS S. BUTLER, of Pennsylvania; then Hon. S. E. MUDD, of Maryland, where there is a naval school, but no navy-yard.

Mr. LA FOLLETTE. Let me interrupt the Senator from California to ask him whether there is any navy-yard or naval school in the district represented by the Representatives in question?

Mr. PERKINS. Mr. ROBERTS, of Massachusetts, represents the district in which the navy-yard at Charlestown is located; Mr. BATES, of Pennsylvania——

Mr. LA FOLLETTE. That is not it. The Senator from California does not understand the question I propounded to him. I ask him whether the navy-yard in question with reference, for instance, to the Representative from Massachusetts, is located in the district of that Representative?

Mr. PERKINS. Navy-yards are located in their respective States; whether in the particular districts, I am not advised.

Mr. GALLINGER. I will answer that——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. Yes.

Mr. GALLINGER. Mr. ROBERTS represents the district in which the navy-yard in Massachusetts is situated, does he not?

Mr. DIXON. No.

Mr. GALLINGER. The Senator corrects me about that.

Mr. LA FOLLETTE. The Senator from New Hampshire is mistaken.

Mr. GALLINGER. I stand corrected. He is certainly a very near neighbor to the navy-yard.

Mr. LODGE. Charlestown, where the navy-yard is situated, is in another district. Mr. ROBERTS's home is in Chelsea, which is next to Charlestown.

Mr. TILLMAN. Charlestown; not Charleston, S. C. Mr. LEGARE is from the Charleston district. I do not know whether or not he is on the Committee on Naval Affairs in the House, but he generally gets what he wants at that end of the line. [Laughter.]

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. I do.

Mr. FLINT. There is a good deal of force in what the Senator from Wisconsin has said. I merely want to call his attention to how far-reaching his idea would be in the event it was carried out. Take, for instance, the Committee on Agriculture. Suppose all Senators interested in agricultural matters were prohibited from serving on that committee——

Mr. LA FOLLETTE. O Mr. President, the Senator from California can hardly be serious.

Mr. FLINT. I am serious; and if the Senator will permit me, the agricultural bill carries appropriations in reference to various institutions for various States. That is a matter of influence, as the Senator has described in his remarks, just as much as the location of a navy-yard, and I have no doubt that many of those institutions have been located in the wrong place.

Mr. LA FOLLETTE. Mr. President——

Mr. FLINT. The same is true of Public Buildings Committee and every other committee of the Senate. If the Senator's idea were carried out, it would simply be impossible to do business in the Senate.

Mr. LA FOLLETTE. The amount of appropriation which the agricultural bill carries to any particular district or to any particular State would be very inconsiderable compared with the amount that is placed in a navy-yard within a given time.

Mr. FLINT. Mr. President, if the Senator will permit me——

Mr. LA FOLLETTE. Wait a moment. Take, for instance, Mare Island, in California. Let me call the attention of the Senator from California to the amount of money that has gone into that navy-yard in the nine years ending in 1907.

Improvement and additions for nine years, $5,519,265.91; general maintenance, $7,053,522.46; in nine years, $12,572,788.37. In that time the total value of the work turned out from that navy-yard was but $8,858,946.53.

Mr. FLINT. Mr. President, I would answer that by saying that probably other shipbuilding yards which have very much larger amounts invested have not turned out as much work as the Mare Island Navy-Yard.

Mr. LA FOLLETTE. And up to the present time, after that entire expenditure, they never have been able to take but one battle ship into that navy-yard and dock it there, and that battle ship, I believe, ran aground in going in. That was the *Missouri*. That is a fair sort of illustration, Mr. President. Of course, you can raise the question about the distribution of these small sums of money in the different States—as has just been suggested to me by the Senator from Oklahoma [Mr. GORE]—of garden seeds, and all that sort of thing, and make it appear somewhat petty; but when you come to consider the appropriations that have been made in such enormous sums for navy-yards, upon which the returns seems so unjustifiable, it seems to me that it gives a force to the suggestion which I have made here, from which no Senator can escape.

Mr. FLINT. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. While I am on this subject, and before it passes from my mind—I am speaking this afternoon with considerable difficulty, because I am not well—I want to direct attention to the results in several of the other large navy-yards, where it seems to me the appropriations are wanting in justification, as shown in the statement which I just made.

At League Island, Philadelphia, the improvements and additions in the same nine years was $6,707,432.62; general maintenance, nine years, $5,358,599.60, making a total in nine years of $12,066,032.22. Now, the total of the work done there in those nine years is but $5,133,880.97. That is the return that has been made on that investment.

At Norfolk the total amount in improvements and maintenance in nine years was $13,156,291.15, and the total of work done but $9,605,293.93. That is the return made upon that investment.

At Port Royal the total amount expended in improvements and maintenance in the nine years was $1,693,597.60, and the total work done in nine years, $128,494.23.

At Charleston the total amount expended in the six years ending in 1907 was $2,592,829.30; the total work done, none.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. I do, for a question.

Mr. FLINT. I simply want to call the attention of the Senator from Wisconsin, who has just made a statement with reference to Mare Island Navy-Yard, to a statement in the RECORD of yesterday, presented by my colleague [Mr. PERKINS], showing the various vessels that have been repaired at the Mare Island Navy-Yard and been docked there; also a report from the commandant of Mare Island showing the vessels that have been there. I think the Senator will find out that his statement was not correct if he will read this report as handed in by my colleague yesterday.

Mr. LA FOLLETTE. I was talking of battle ships. Other smaller ships have been there, but only one battle ship. Now, this statement, Mr. President, is taken directly from the report of the Secretary of the Navy. There is not any possibility of any error in the figures which I present.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. I do.

Mr. NEWLANDS. May I ask the Senator at what navy-yard the bulk of the work during the past five years has been done, and what the amount of that work was as compared with the expenditures of the navy-yard itself?

Mr. LA FOLLETTE. The figures which I have taken from the reports here—the total figures for each year—are in Ap-

pendix B of the report of the Secretary of the Navy for the fiscal year 1907, and are given for each year.

Mr. NEWLANDS. Is the Senator able to state the navy-yard at which the bulk of the work during the past ten years has been done, and the amount of it, as compared with the expenditure upon the yard itself at that place?

Mr. LA FOLLETTE. Well, I can give the Senator, I think, the totals for each yard.

Mr. NEWLANDS. Mr. President, I simply make that inquiry because I am at a loss to know how there could be so great a disproportion between the amount expended at the navy-yards for construction and improvements as compared with the amount of work put out by each one of those navy-yards. During the past ten years we have probably expended on the navy pretty nearly a billion dollars, of which I imagine, roughly speaking, at least half a billion or more must have been spent at the navy-yards, and the output of the navy-yards to which the Senator has referred is so very small for a period of ten years that it must leave a very large proportion to be attached to some particular navy-yard, or else the statistics to which the Senator refers are misleading.

Mr. LA FOLLETTE. These figures are absolutely authentic; they are taken from the official report of the Secretary of the Navy. I can give the Senator from Nevada, from the additions made from this table, the total amount in each of the navy-yards for improvements and additions and maintenance, and the total value of the output of the navy-yards.

Portsmouth, total for improvements and additions and maintenance for the period of nine years ending in 1907, $8,905,-214.09; total work for nine years, $3,459,400.05.

For Boston, improvements and additions for the nine years, $6,488,190.71; general maintenance for the nine years, $7,238,-246.59, or a total in nine years of $13,726,437.30, and a total output of work during that period of $8,855,043.73.

At New York, for improvements and additions and general maintenance for nine years, the total was $24,790,312.02, and the total output $20,262,552.22. I think I gave the same figures for League Island, Norfolk, Port Royal, Charleston, and Mare Island.

The following table, taken from the Secretary of the Navy's report for 1907, gives the total amounts spent for improvements and additions and for general maintenance and the work done in different important yards in the nine years ending in 1907.

I have added the amounts spent for improvements and additions and for maintenance in the past year, making a total spent in ten years for those purposes:

PORTSMOUTH.

Improvements and additions, nine years	$5,412,520.52
General maintenance, nine years	3,492,693.57
Total	8,905,214.09
Total work, nine years	3,459,400.05

In 1908, by the Secretary's report, page 819, there was spent at this yard for improvements and maintenance:

For improvements and additions	$681,948.84
For general maintenance	468,333.59
Total for 1908	1,150,282.43

Making, for ten years, a total for the maintenance and improvement of this yard $10,055,496.52.

BOSTON.

Improvements and additions, nine years	$6,488,190.71
General maintenance, nine years	7,238,246.59
Total	13,726,437.30
Total work, nine years	8,855,043.73

In 1908, by the Secretary's report, page 819, there was spent at this yard for maintenance and improvements:

For improvements and additions	$283,337.97
For general maintenance	1,014,303.46
Total, 1908	1,297,641.43

Making a total, for ten years, $15,024,078.73.

NEW YORK.

Improvements and additions, nine years	$9,694,653.96
General maintenance, nine years	15,095,658.06
Total	24,790,312.02
Total work, nine years	20,262,552.22

In 1908, by the Secretary's report, page 819, there was spent at this yard for improvements and maintenance:

For improvements and additions	$612,135.36
For general maintenance	2,166,006.81
Total, 1908	2,778,142.17

Making a total, for ten years, $27,568,454.19.

LEAGUE ISLAND (PHILADELPHIA).

Improvements and additions, nine years	$6,707,432.62
General maintenance, nine years	5,358,599.60
Total, nine years	12,066,032.22
Total work done, nine years	5,133,880.97

Spent in 1908 (Secretary's report, page 819):

For improvements and additions	$391,932.07
For general maintenance	777,734.86
Total, 1908	1,169,666.93

Making, for ten years, for the maintenance and improvement of this yard, $13,235,699.15.

NORFOLK.

Improvements and additions, nine years	$5,820,066.46
General maintenance, nine years	7,336,224.69
Total, nine years	13,156,291.15
Total work done, nine years	9,605,293.93

Spent in 1908 (Secretary's report, page 819):

For improvements and additions	$762,114.51
For general maintenance	1,058,453.49
Total, 1908	1,820,568.00

Making, for ten years, for the maintenance and improvement of this yard, $14,976,859.15.

PORT ROYAL.

Improvements and additions, nine years	$589,797.60
General maintenance, nine years	1,103,800.00
Total, nine years	1,693,597.60
Total work done, nine years	128,494.23

Spent in 1908 (Secretary's report, page 819):

For improvements and additions	$80,503.32
For general maintenance	15,287.58
Total, 1908	95,790.90

Making, for ten years, for the maintenance and improvement of this yard, $1,789,388.50.

CHARLESTON (ESTABLISHED 1902).

Improvements and additions, six years	$2,313,301.89
General maintenance, six years	279,527.41
Total, six years	2,592,829.30
Total work done	None.

Spent in 1908 (Secretary's report, page 819):

For improvements and additions	$627,434.09
For general maintenance	122,827.40
Total, 1908	750,261.49

Making, for seven years, for the maintenance and improvement of this yard, $3,343,090.79.

MARE ISLAND.

Improvements and additions, nine years	$5,519,265.91
General maintenance, nine years	7,053,522.46
Total, nine years	12,572,788.37
Total work done, nine years	8,858,946.53

Spent in 1908 (Secretary's report, page 819):

For improvements and additions	$945,863.46
For general maintenance	1,125,020.29
Total, 1908	2,070,883.75

Making, for ten years, for the improvements and maintenance of this yard, $14,643,672.12.

Mr. President, there is existing to-day a general board, which, I believe, is appointed by the Secretary of the Navy as a sort of adviser. In the report of the Secretary of the Navy for 1908 the Secretary quotes from the recommendation of this general board as follows:

The general board, after having carefully considered the matter, recommended that as a matter of general policy the work of repairing and refitting our ships should be concentrated in the large navy-yards; that as far as possible the smaller and comparatively unnecessary yards should not be further developed; and that if opportunity presents they be done away with; that the policy should be to develop the navy-yards at New York, Philadelphia, Norfolk, Puget Sound, and Mare Island to their full capacity for the repair and maintenance of ships; that the present facilities at Portsmouth and Boston should be utilized, but that larger facilities at these yards, in addition to the present equipment, are not urgent; that the development of the fresh-water basin at the navy-yard, Philadelphia, should continue for the reason that it is the only point on the Atlantic coast where battle ships can be placed in reserve or laid up in fresh water; that Charleston should not be further developed at this time, except as a torpedo-boat base; and that it is not desirable to attempt to further develop Pensacola, Key West, or New Orleans until Guantanamo has been equipped with repair shops and the necessary docking facilities for docking battle ships of the heaviest class.

That is the recommendation of the general board, which the Secretary quotes with the following approval:

The general board regards it as a matter of the first importance that Guantanamo be developed, for the reason that it will be required to defend the Panama Canal and the large interests of the United States

in the West Indies; that Guantanamo is a naturally strategic base, possessing all the elements of location, area, and depth of water.

In all of these recommendations the department heartily concurs. The cost of maintenance (and for full and further particulars reference is made to the last annual report of the department) is out of all proportion to the value of the work done at some of the navy-yards. In the interest of economy, therefore, work should be concentrated at the principal yards and appropriations should be made for the purpose of placing those yards in first-class condition. The department has not undertaken to do away with or close any navy-yard, but, as far as lay within its power, has directed its energies to building up what it regards as the most important yards.

Now, Mr. President, as I remember, a few years ago an appropriation of $250,000 or $300,000 was made for improvements at Guantanamo. Since that time not one dollar has been appropriated to continue the work. It is going to destruction, and yet I do not believe a naval authority can be found in this country who would not support the development of that point for strategic reasons, and the expenditure of such sums of money as would make it a naval base. I submit to Senators that the failure to appropriate there, in the face of the recommendation of the general board, of the Secretary of the Navy year after year, and when all the officials of the navy urge it upon the attention of Congress and the country as important to the preservation of our interests in Panama; I submit the fact that we are permitting the investment already made there to rot and go to pieces, while the naval appropriation bill, year after year, comes in here without a dollar to carry out these recommendations, is the strongest proof in the world of the statement and the argument which I have made here this afternoon, that our whole system of making these appropriations has become a political one.

There is no Senator representing Guantanamo on this floor. There is no Senator here to urge upon the Naval Affairs Committee the importance of making that appropriation. It has no advocates except such as come from a purely disinterested source, basing their recommendations upon military principle.

Mr. President, I believe the time has come for a complete change.

Mr. MONEY. Will the Senator from Wisconsin permit me right here? I do not want to interrupt him if it is at all disagreeable to him, but I do want to know something more about Guantanamo.

Mr. LA FOLLETTE. Certainly.

Mr. MONEY. I will ask him, as there is no Senator here representing that important point, whether an estimate has been submitted by the department for expenditures at that point?

Mr. LA FOLLETTE. That is a question which it will be necessary for me to pass to the chairman of the committee.

Mr. MONEY. Does the Senator from Wisconsin object to my asking the Senator from Maine?

Mr. LA FOLLETTE. No; I will be very glad to have the information brought out.

Mr. MONEY. I will be very glad, with the permission of the Senator from Wisconsin, if the Senator from Maine, who has charge of the bill, will say whether or not the Department of the Navy has recommended an expenditure for Guantanamo—for a dockyard, a navy-yard, or anything else.

Mr. HALE. At times there have been recommendations of that kind and at other times there have been no recommendations. There have been some appropriations made. At one time the then Secretary of the Navy and other persons representing both Houses visited this site, and I know for myself I came to the conclusion that it was an exposed, dangerous position, and that if hostilities should occur on the Spanish main, it would be subject to attack and would be unprotected from a hostile fleet. Since then—all these appropriations have come first before the House committee—the House committee, which has investigated it, has declined to recommend and report any appropriation.

I have no doubt there are certain men under the influence of the department who would like to spend $30,000,000 at Guantanamo. They would like to spend $30,000,000 at Olongapo; and yet the investigations that have been made have convinced parties who have looked into it that that is not a desirable expenditure of public money.

While I am on my feet, if the Senator from Wisconsin will allow me, several Senators have asked me, with reference to what course they would take, what is likely to be the order of business for the rest of the day or for the evening. Can the Senator, so far as he is concerned, indicate to me, if he is entirely prepared to do so, whether there is likelihood of the Senate being kept here until a late hour this evening or for a night session?

Mr. LA FOLLETTE. I will say to the Senator from Maine that I was about to conclude when the Senator from Mississippi rose. I have spoken with very great difficulty this afternoon. I am not well.

Mr. HALE. I will say now in reply to the Senator from Wisconsin that that is just the reply I made—that I thought the Senator was about concluding when the Senator from Mississippi drew him out again.

Mr. LA FOLLETTE. I had not the information the Senator from Mississippi asked for. I knew that the Secretary of the Navy, Mr. Metcalf, had made this recommendation, or indorsed the recommendation of the General Board; and I do know, further, from other information which has come to me, that practically all the commanders and admirals, the strong men of our navy, very generally agree that this appropriation should be made for Guantanamo; that it should be made to represent, with reference to our country and our interests, what Gibraltar does with respect to the English. And while it will take some time, I have no doubt, to awaken public sentiment and public interest to such an extent as to represent that idea and principle in this bill, while I expect we shall not readily and at once come to a settlement of the matter of these appropriations upon correct principles, I believe the time is coming when the appropriations made for naval affairs will be based upon the recommendations of the highest naval authorities in this country, and that such will be the force of this feeling upon this branch and the other branch of Congress that the interests of States and of sections, of the North and the South, and of politics will give way before it. If no other good has come out of this debate of now practically three days upon the pending bill, it has drawn public attention to these questions of appropriations, to the extravagance of expenditure, to the waste which takes place in the navy-yards.

This waste is shown upon an authority which can not be disputed; it has so impressed the Navy Department, when reported to its attention, that all of the heads of bureaus were appealed to to give their best thought and their best attention to the correction of these abuses—in so far as they could do so without legislation—which this paper of its expert had made so manifest in all of the navy-yards of our country.

Mr. President, it occurs to me to say, in conclusion, that I think a part of the evil which results from this method of legislation arises from the fact that a few Senators are in control of all the important appropriations committees and of all the important legislative committees; that for many years it has come to be the practice here for the bills which they bring in to be presented in the closing hours of the session and to be put through under pressure, which does not admit of investigation and discussion; and that, as a first step toward coming to better results in legislation, debate and investigation upon these appropriation bills, however late they may come in in the session, will be wholesome for this body and good for the country.

I know I have taxed the patience of Senators, as I have my strength.

Mr. TILLMAN. I make the point of order against the amendment that it proposes general legislation.

The VICE-PRESIDENT. The amendment is open to the same objection as was the amendment upon a similar subject reported by the committee, and which went out on a point of order yesterday. The Chair is of the opinion that the point of order is well taken and the Chair therefore sustains the point of order.

Mr. HALE. I hope we may now soon dispose of the bill.

Mr. NEWLANDS. Mr. President, I wish to call attention to the amendment regarding the Marine Corps. I have been quite in sympathy with the purpose of the committee in restoring the Marine Corps to the battle ships and armored cruisers, and it was perhaps necessary to put the amendment in the form in which it was presented in order to make it germane to the bill. But the amendment has now been added to the bill; that danger point has been passed; and it strikes me it can be now so amended as entirely to accomplish the purpose that is intended without putting the Senate in the undignified position of declaring that all the appropriations for the Marine Corps shall practically be dependent upon the action of the President of the United States.

Under the amendment as framed it is not declared as a part of the President's duty that he shall permit the officers and enlisted men of the Marine Corps to serve as heretofore on board the battle ships and armored cruisers, but it is declared that in case he excludes them from the battle ships and armored cruisers the entire appropriation for the Marine Corps shall fail.

It is possible for us to so amend this amendment, which is now a part of the bill, as to make it the duty of the President to allow the officers and enlisted men of the Marine Corps to serve upon these ships, and I think if our action takes that shape it will be much more dignified in form.

Mr. HALE. Mr. President——

Mr. NEWLANDS. I will suggst, if the Senator will just hear me through, that we strike out all of the amendment as adopted down to the word "officers," on line 9, and that we insert after the word "men," on the same line, the words "of the Marine Corps," so that it will read:

Officers and enlisted men of the Marine Corps shall serve as heretofore on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels.

I move that the words referred to in the first part of the proviso be stricken out and that the words "of the Marine Corps," after the word "men," on line 9, be inserted.

Mr. HALE. The amendment is not in order, of course, after the Senate has adopted the provision, and it can only be amended by reconsidering the vote; but to settle the whole matter, I move to lay the amendment proposed by the Senator from Nevada on the table.

The motion to lay on the table was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HALE. There have been several requests for formal matters of morning business before going into executive session. I presume there may be an opportunity now, as we had no morning business this morning, for such Senators to present routine matters that they have in charge.

THE PANAMA CANAL.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1458), which was read and, with the accompanying papers, referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith the report of the engineers appointed by me to accompany the ex-Secretary of War, the Hon. William H. Taft, to the Isthmian Canal to look into the condition of the canal work and especially to report upon the feasibility and safety of the Gatun dam project, with a view to deciding whether or not there should be any change in the plans in accordance with which the canal is being constructed, these plans having been adopted by the Congress. I am happy to report to you that the accompanying document shows in clearest fashion that the Congress was wise in the position it took and that it would be an inexcusable folly to change from the proposed lock canal to a sea-level canal. In fact, this report not only determines definitely the type of canal, but makes it evident that hereafter attack on this type—the lock type—is in reality merely attack upon the policy of building any canal at all. The board of engineers who signed this report are, of all the men in their profession, within or without the United States, the men who are, on the whole, best qualified to pass upon these very questions which they examined. I commend to you the most careful consideration of their report. They show that the only criticism that can be made of the work on the Isthmus is that there has sometimes been almost an excess of caution in providing against possible trouble. As to the Gatun dam itself, they show that not only is the dam safe, but that, on the whole, the plan already adopted would make it needlessly high and strong, and, accordingly, they recommend that the height be reduced by 20 feet, which change in the plans I have accordingly directed. Every American citizen should feel not merely gratification, but a very keen sense of pride in the statement made by this distinguished body of engineers as to the way in which the work has been done and in which it is now proceeding. The American people are to be heartily congratulated on everything of importance that has been done in connection with the building of the Panama Canal.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 17, 1909.*

PROVISIONAL ADMINISTRATION OF CUBA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1457) which was read, and, with the accompanying papers, referred to the Committee on Cuban Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the report of the provisional governor of Cuba for the period from December 1, 1907, to December 1, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 17, 1909.*

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
Territory of Arizona, ss:

I, John H. Page, secretary of Arizona, do hereby certify that the within is a true and complete transcript of house memorial No. 4, which was filed in this office on the 11th day of February, 1909, at 11.35 a. m.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 11th day of February, A. D. 1909.

[SEAL.]

JOHN H. PAGE,
Secretary of Arizona.

House memorial 4.

To the Senate and House of Representatives of the United States in Congress assembled:

Whereas in the year 1907 the Reclamation Service, on the part of the United States Government, entered into a certain contract with the Pacific Gas and Electric Company, a corporation having its principal place of business in Phoenix, Ariz., which said contract related to the sale of electric power to be generated in the future at the Roosevelt dam, in the Territory of Arizona, and which said contract sold to the said Pacific Gas and Electric Company all the electric power generated at said dam to be used in the city of Phoenix, Territory of Arizona, under the following terms, contained in Article II of said contract, to wit:

"ART. II. The party of the first part (the Government) further agrees while serving to the party of the second part (Pacific Gas and Electric Company) under the terms of this contract to refrain from entering into a general retailing of power to customers in the city of Phoenix, Ariz., or from furnishing power to anyone to be sold again or retailed; however, that the party of the first part shall have the right to sell or lease power in the city of Phoenix at any time in blocks of 100 to 500 kilowatts and over to anyone to be used for manufacturing industries, waterworks, or pumping plants;" and

Whereas said clause in said contract creates a monopoly and a trust in favor of said Pacific Gas and Electric Company in said city of Phoenix, relieving it from competition and allowing it to charge consumers in the city of Phoenix charges for electric power controlled and governed only by its desire and conscience: Therefore be it

Resolved by the twenty-fifth legislative assembly of the Territory of Arizona, That we earnestly and respectfully petition and request the Senate and House of Representatives of the United States in Congress assembled to call upon the Secretary of the Interior to produce said contract and all correspondence and papers relating thereto, and to investigate said contract; and if, upon investigation, it appears that said contract is unjust, illegal, and creative of a monopoly, that proper proceedings be brought to obtain the abrogation and annulment of the same; and be it further

Resolved, That the secretary of the Territory be, and hereby is, directed to forward to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Hon. MARCUS A. SMITH, our Delegate in Congress, an engrossed copy of this memorial forthwith.

SAM F. WEBB,
Speaker of the House.
GEO. W. P. HUNT,
President of the Council.

The VICE-PRESIDENT presented a petition of the Commercial Club of Salt Lake City, Utah, praying for the enactment of legislation providing for the establishment of a national children's bureau, which was ordered to lie on the table.

He also presented a petition of the Yuma City Commercial Club, of Yuma, Ariz., praying that that Territory be admitted into the Union as a State, which was referred to the Committee on Territories.

He also presented a memorial of the Typographical Union of Louisville, Ky., and a memorial of the Allied Printing Trades of Los Angeles, Cal., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

He also presented a petition of the Federation of Churches, the Charity Organization Society, the Consumers' League, the settlements, the public elementary schools, the day and evening high schools, the board of superintendents of Cooper Institute and Pratt Institute, the Manhattan Trade School, the Girls' Hebrew Technical School, and sundry other citizens and organizations of New York City, N. Y., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

Mr. WARREN presented a petition of Local Lodge No. 520, Benevolent and Protective Order of Elks, of Sheridan, Wyo., praying for the enactment of legislation to create a national reserve in that State for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. NELSON presented a paper to accompany the bill (S. 8620) granting an increase of pension to Daniel W. Ingersoll, which was referred to the Committee on Pensions.

Mr. BURKETT presented a petition of Local Lodge No. 159, Benevolent and Protective Order of Elks, of Hastings, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance

of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Dempster Mill Manufacturing Company, of Beatrice, Nebr., praying for a reduction of the duty on iron and steel and also for the appointment of a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Central Labor Union of Lincoln Nebr., remonstrating against the adoption of the piecework system in the navy-yards of the country, which was ordered to lie on the table.

Mr. PLATT presented a petition of the Men's Club of Rensselaer, N. Y., and the petition of S. F. McLean, of Brooklyn, N. Y., praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which were referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of North Tonawanda, N. Y., remonstrating against the passage of the so-called "Crumpacker census bill," which was referred to the Committee on the Census.

He also presented a memorial of Typographical Union No. 135, of Oneonta, N. Y., and a memorial of Typographical Union of New York City, N. Y., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

He also presented the memorial of Mary S. McDowell, of Brooklyn, N. Y., remonstrating against any further appropriations being made for the increase of the navy, which was ordered to lie on the table.

He also presented a petition of the New York Section of the Council of Jewish Women, of New York City, N. Y., praying for the enactment of legislation to create a national children's bureau in the Department of the Interior, which was ordered to lie on the table.

He also presented a petition of the Medical Society of Rockland County, N. Y., praying for the enactment of legislation to establish a national bureau of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Clawson & Wilson Company, of Buffalo, N. Y., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Lodge No. 31, Benevolent and Protective Order of Elks, of Syracuse; of Local Lodge No. 550, Benevolent and Protective Order of Elks, of Kingston; of Local Lodge No. 24, Benevolent and Protective Order of Elks, of Rochester; of Local Lodge No. 1125, Benevolent and Protective Order of Elks, of Glens Falls; and of Local Lodge No. 863, Benevolent and Protective Order of Elks, of Port Chester, all in the State of New York, praying that an appropriation be made to establish a reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 1073, Patrons of Husbandry, of Vestal, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Poughkeepsie; the Woman's Christian Temperance Union of Perry; the Woman's Christian Temperance Union of Rushford; the Woman's Christian Temperance Union of Mount Vernon; of Frank S. Taylor, of Rushford; of Norton Lane, of Rushford; and of Brockett Davis, of Reed Corners, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of the Board of Trade of Lockport, N. Y., praying for the imposition of such a duty on ferrosilicon as will enable American manufacturers to compete with foreign production, which was referred to the Committee on Finance.

He also presented a memorial of the Federation of Churches and Christian Organizations of New York City, N. Y., remonstrating against any further appropriations being made for the increase of the navy, which was ordered to lie on the table.

He also presented petitions of sundry citizens of McGraw, Camden, Sodus, Newark, Hermitage, Williamsville, and Watkins, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Reed Corners, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also to prohibit the issuance of internal-revenue tax receipts in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of Shields-Corcoran Post, No. 69, Department of New York, Grand Army of the Republic, of New York City, N. Y., remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the National Board of Trade of New York City, N. Y., praying for the enactment of legislation to prohibit the discharge of sewage from cities, towns, or villages into the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented petitions of Local Lodges Nos. 841, 1125, 877, 645, 869, 141, 878, 23, and 49, of Stapleton, Glens Falls, Haverstraw, Port Jervis, Lyons, Troy, Queensborough, Buffalo, and Albany, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BULKELEY presented a petition of Local Lodge No. 571, Benevolent and Protective Order of Elks, of Derby, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the America elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Trades Council of New Haven, Conn., praying for the enactment of legislation to prohibit the immigration of all Asiatics into the United States except merchants, students, and travelers, and remonstrating against the extension of the right of naturalization, which was referred to the Committee on Immigration.

Mr. PENROSE presented a memorial of Courtland Saunders Post, No. 21, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the consolidation of pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. DANIEL presented the petition of Elmer E. Dickey, of Great Falls, Va., praying that he be granted a pension, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CARTER, from the Committee on Foreign Relations, to whom was referred the amendment, submitted by himself on January 4, proposing to appropriate $250,000 for cooperation in the International Austro-Hungarian Exposition of the Chase, to be held in Vienna, Austria, in May, 1910, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 227) authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic, reported it without amendment and submitted a report (No. 1009) thereon.

Mr. McLAURIN, from the Committee on Public Lands, to whom was referred the bill (S. 8654) for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark., reported it with amendments and submitted a report (No. 1013) thereon.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (H. R. 26516) authorizing Daniel W. Abbott to make homestead entry, reported it without amendment and submitted a report (No. 1014) thereon.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (H. R. 24835) authorizing the necessary resurvey of public lands, reported it with amendments and submitted a report (No. 1015) thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 13712) for the relief of the legal representatives of Sarah J. Montgomery, deceased, reported it without amendment and submitted a report (No. 1016) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9617) for the relief of Joseph Swisher, reported it without amendment and submitted a report (No. 1010) thereon.

Mr. FLINT, from the Committee on Interoceanic Canals, to whom was referred the bill (H. R. 18694) relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama, reported it with amendments and submitted a report (No. 1017) thereon.

He also, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 25139) to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906, reported it without amendment and submitted a report (No. 1018) thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 26734) to permit change of entry in case of mistake of the description of tracts intended to be entered, reported it without amendment and submitted a report (No. 1019) thereon.

He also, from the same committee, to whom was referred the bill (S. 8264) to permit change of entry in case of mistake of the description of tracts intended to be entered, submitted an adverse report (No. 1012) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 19606) to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State, reported it without amendment and submitted a report (No. 1020) thereon.

He also, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 9348) to reimburse Frank Wyman, postmaster at St. Louis, Mo., for embezzlement of money-order funds by clerk at said post-office (Report No. 1021); and

A bill (H. R. 8947) for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis. (Report No. 1022).

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 7029) for the relief of C. L. Huey, reported it without amendment and submitted a report (No. 1023) thereon.

POSTAL SAVINGS BANKS.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, and moved that it lie on the table and be printed, which was agreed to.

ADOLPHUS ERWIN WELLS.

Mr. OVERMAN, from the Committee on Military Affairs, reported the following concurrent resolution (S. C. Res. 99), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells be, and hereby is, rescinded, and that in the reenrollment of the bill the following amendments be made, so as to comply with the form adopted by the Secretary of War:

Strike out all after the enacting clause and insert as follows:

That in the administration of the pension laws Adolphus Erwin Wells, of North Carolina, shall hereafter be held and considered to have been mustered into the military service of the United States as a private of Company E, Ninth Regiment Tennessee Cavalry, on the 16th day of June, 1864, to have served continuously as such to the date of the muster out of said company and regiment, and to have been honorably discharged from the military service of the United States on the date of the muster out of said company and regiment.

BILLS INTRODUCED.

Mr. CARTER introduced a bill (S. 9369) to amend an act entitled "An act for the widening of Benning road, and for other purposes," approved May 16, 1908, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. HEMENWAY introduced a bill (S. 9370) granting an increase of pension to Adolph Frey, which was read twice by its title and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 9371) granting a pension to Katie E. Delph, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 9372) granting an increase of pension to Joseph Lyons, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 9373) to provide for the sale of isolated tracts of public land in San Diego County, Cal., which was read twice by its title and referred to the Committee on Public Lands.

Mr. FRYE introduced a bill (S. 9374) granting an increase of pension to Austin W. Royal, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 9375) to grant certain lands to the city of Colorado Springs, Colo., which was read twice by its title and referred to the Committee on Public Lands.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9376)) granting an increase of pension to John Hancock;

A bill (S. 9377) granting a pension to Theo. S. Fenn; and

A bill (S. 9378) granting an increase of pension to William H. McMailin (with accompanying papers).

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9379) granting an increase of pension to Hannah M. Mather;

A bill (S. 9380) granting an increase of pension to Horace P. Lester;

A bill (S. 9381) granting an increase of pension to Albert M. Hussey; and

A bill (S. 9382) granting an increase of pension to William R. Spink.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 9383) to set apart 10 acres for a cemetery in Atoka County, Okla., and for other purposes;

A bill (S. 9384) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Company, and to permit the relinquishment of lands in certain Choctaw and Chickasaw coal leases and the substitution of other lands therefor, and for other purposes;

A bill (S. 9385) authorizing the Secretary of the Interior to sell to the State of Oklahoma a tract of land on the segregated mineral area for the location and use of the state penitentiary;

A bill (S. 9386) providing compensation for public roads in the State of Oklahoma; and

A bill (S. 9387) to complete the allotments of Chickasaw freedmen, and for other purposes.

Mr. DANIEL introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9388) for the relief of the estate of John P. Kelly, deceased;

A bill (S. 9389) for the relief of the Grafton Christian Church, of Grafton, Va.;

A bill (S. 9390) for the relief of the heirs of Dr. Robert H. Power, deceased;

A bill (S. 9391) for the relief of the heirs of Elizabeth L. Jenks, deceased (with an accompanying paper); and

A bill (S. 9392) for the relief of the estate of Harvey Bailey, deceased (with an accompanying paper).

Mr. ELKINS introduced a joint resolution (S. R. 134) authorizing the occupancy of reservation No. 68 in the city of Washington, D. C., as a site for a statue and the erection of a pedestal in honor of the late Rev. Dennis J. Stafford, D. D., which was read twice by its title and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $25,000 for necessary rent, assistance, and traveling expenses of the National Conservation Commission, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to increase the appropriation to investigate and encourage the adoption of improved methods of farm management and farm practice from $133,000 to $183,000, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. McLAURIN submitted an amendment proposing to appropriate $300,000 for the extermination of the boll weevil, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. LONG submitted an amendment authorizing the Secretary of the Treasury to pay the judgment rendered in the claim of H. C. Lynn and the heirs and legal representatives of Samuel Powell, deceased, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $25,000 to enable the Secretary of Agriculture to lease

and maintain for a period of ten years a farm at Morrisville, Madison County, N. Y., for the purpose of general agricultural and horticultural experimentation in connection with the so-called "unoccupied" or "volusia soil" farms of the Eastern and Middle States, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $50,000 to approximate the cost of roads now being made in the several States, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. FLINT submitted an amendment proposing to increase the appropriation for the construction, by the Quartermaster's Department, of roads, walks, and wharves, etc., from $1,000,000 to $1,060,000, intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MILTON submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable point in Jackson County, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

NATIONAL CONSERVATION COMMISSION.

Mr. NELSON submitted the following concurrent resolution (S. C. Res. 97), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 50,000 copies of a portion of the report of the National Conservation Commission, consisting of the message of the President transmitting the report of the commission, the report proper of the commission, summaries of the four sections of the full report, a statement by the secretary of the commission, and the proceedings of the joint conservation conference, of which 14,000 copies shall be for the use of the Senate, 26,000 copies for the use of the House, and 10,000 copies for distribution by the National Conservation Commission.

JOHN H. HAMITER.

Mr. FULTON submitted the following concurrent resolution (S. C. Res. 98), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be, and he is hereby, requested to return to the Senate the bill (S. 4024) for the relief of John H. Hamiter.

Mr. FULTON. I ask that the letter which I send to the desk may be inserted in the RECORD. Since the bill was passed, we have discovered through the Department of Justice that it is probably a claim that ought not to be allowed, and for that reason we wish to have it recalled.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, February 13, 1909.

Hon. CHARLES W. FULTON,
Chairman Committee on Claims,
United States Senate, Washington, D. C.

DEAR SIR: I herewith transmit a report made by Mr. W. H. Lamar, an attorney in this department, to Assistant Attorney-General John Q. Thompson.

Owing to the large number of so-called "cotton claims" and the vast amounts therein involved, I deem it essential that you should have information as to the particular claim of the administrator of John Hamiter referred to in the report.

I beg leave to further call your attention to S. 4042, which is a bill for the relief of the same parties mentioned in the inclosed report. It seems that provision is made in both bills for this particular claim.

Very respectfully,

CHARLES W. RUSSELL,
Acting Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, February 11, 1909.

Hon. JOHN Q. THOMPSON,
Assistant Attorney-General.

SIR: Some months ago you assigned me to the work of preparing defenses in the Court of Claims in cotton cases referred under the Tucker Act. I notice on page 203 of House bill No. 15372, as amended and passed by the Senate on February 1, 1909, the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased, of Lafayette County, Ark., the sum of $3,590.47, the proceeds of the sale of 53 bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States."

This original claim was rejected by the Treasury Department on account of the failure of the claimant to prove ownership and has never been passed upon by the Court of Claims.

John H. Hamiter, as administrator of John Hamiter, and in his own behalf, filed two claims in the Treasury Department for cotton alleged to have been taken by the federal forces in 1865, under the act of May 18, 1872, claiming in the aggregate for the proceeds of 190 bales of cotton. These claims were passed upon by the Secretary of the Treasury, and the proceeds of 90 bales of cotton in the seed taken from the Hamiter plantations in Arkansas, amounting in the aggregate to $1,310.50, was paid over to John H. Hamiter, for himself, as agent of R. E. Hamiter, Hattie Hamiter, and Catherine Hamiter, as provided for in said act of May 18, 1872. The claim for the remaining 90 bales was rejected by the Treasury for the following reasons:

"As to the remaining 90 bales for which claim is made, it has been decided upon the evidence that the claimants were not the lawful owners thereof at the time of the alleged seizure and that there is no evidence or reason to believe that any proceeds of the same reached the Treasury. The claim to said 90 bales is therefore rejected." (Letter of the Secretary of the Treasury of December 1, 1875, to Messrs. Bartley & Jenner, attorneys for John H. Hamiter, et al., Washington, D. C., to be found among the papers in the case of John H. Hamiter *v.* United States, in the Court of Claims, No. 321, Cong.)

Subsequently the claims of John H. Hamiter, above mentioned, were referred to the Court of Claims for findings of fact under the Bowman Act and docketed as No. 321, Congressional, said claim being for 180 bales of cotton, valued at $36,000. The petition in this case was filed in the court on August 3, 1885. Testimony in support thereof was duly taken, but the case was dismissed for nonprosecution by the claimants on October 31, 1901. Prior to the dismissal of this case, however, the same claim was referred to the Court of Claims by resolution of the United States Senate in 1890, under the Tucker Act, and depositions in behalf of the claimant were also taken in that case. This latter case was docketed as No. 7256, Congressional. This case was also dismissed for nonprosecution on October 31, 1901.

The records in the above two cases in the Court of Claims, consisting of official documents and testimony in behalf of claimants, present a state of facts which I deem it my duty to call to your attention, in view of the item above quoted, contained in the omnibus claims bill which has been passed by the Senate and is now pending before the House of Representatives.

The official documents bearing upon this claim are as follows:

Letter of the Secretary of the Treasury to the First Auditor of the Treasury, dated June 11, 1874, as follows:

"Upon examination of the claim of John H. Hamiter, and as agent of R. E. Hamiter, Hattie Hamiter, and Catherine Hamiter, all of Lafayette County, Ark., for the proceeds of 180 bales of cotton under the provisions of the fifth section of the act of May 18, 1872, and the evidence submitted by the claimant in connection with the records and files of this department having been considered, it appears:

"That of the cotton claimed by said Hamiter, proceeds from 90 bales were paid into the Treasury, being the 90 bales described in claimant's petition as being in the seed at the close of the rebellion in 1865; that said John H. Hamiter, R. E. Hamiter, Hattie Hamiter, and Catherine Hamiter were the lawful owners of said 90 bales at the time of seizure; and that the same were seized after the 30th day of June, 1865, by agents of the Government unlawfully and in violation of their instructions. It is further found that the net proceeds, with interest, from said 90 bales of cotton actually paid into the Treasury was, as nearly as can be ascertained, the sum of $914.70.

"You are therefore authorized and instructed to state an account in favor of John H. Hamiter, and as agent as aforesaid, for the sum of $914.70, to be paid him as provided by said act in full satisfaction of all claims against the United States for and on account of the 90 bales of cotton aforesaid.

"With respect to 90 bales of cotton, the residue of the 180 bales claimed and described in the petition, examination and decision has been deferred to allow the claimant an opportunity to produce further evidence."

Also the following letter from the Secretary of the Treasury to the first auditor, dated December 1, 1875:

"In the matter of the claim of John H. Hamiter and others, of Lafayette County, Ark., for the proceeds of 180 bales of cotton under the provisions of the fifth section of the act of May 18, 1872, and upon examination of which claim and the evidence produced therein you were instructed by letter of June 11, 1874, to state an account in favor of the claimants for the sum of $914.70 as the net proceeds in the Treasury, as nearly as could be ascertained, of 90 bales, part of said 180 bales, upon further consideration of said claim and of the evidence, it has been found that in the computation of such net proceeds there was charged against said 90 bales the sum of $395.81 as expenses for river transportation, and as paid by O. H. Burbridge, supervising special agent; and upon further examination of the accounts of said Burbridge it has been ascertained that said sum as expenses of transportation was not paid by him nor by the United States.

"Now, therefore, you are hereby authorized and directed to state a new and further account in favor of said John H. Hamtier, in his own right and as agent of R. E. Hamiter, Hattie Hamiter, and Catherine Hamiter, for said sum of $395.81, to be paid to him and them in full satisfaction of all their claims against the United States for and on account of the cotton described in their petition.

Also, the following letter from the Secretary of the Treasury to Thomas P. McManus, esq., Washington, D. C., dated February 23, 1888:

"In answer to the petition of John H. Hamiter, filed by you January 16, 1888, as his attorney, asking that his claim for proceeds of 180 bales of cotton, alleged to have been seized in Lafayette County, Tex., in 1865, be reopened, and that the same be certified to the Court of Claims, it appears from the records of the department that this claim was filed under section 5 of the act of May 18, 1872, and that upon final adjudication by the Secretary of the Treasury the sum of $1,310.55 was allowed and paid thereon.

"In answer to the request that the claim be reopened, you are informed that under the law and the rules of the department the Secretary of the Treasury is not authorized to reopen and reexamine a claim which has been finally adjudicated and settled by a former Secretary unless it is made to appear by satisfactory evidence that a mistake arising from errors of calculation has occurred in a former settlement to the prejudice of the claimant, or unless some newly discovered material evidence has been presented.

"The evidence referred to in the petition does not show to the satisfaction of the department that any mistake occurred in the settlement of this claim; but, on the contrary, it appears that the claim was carefully examined, with full knowledge of the document referred to in the petition, and the whole amount due thereon as shown by the evidence was allowed and paid. Nor is any newly discovered evidence which may have a material bearing upon the merits of the claim been presented. The request to reopen this settlement is therefore denied."

* * * * * * *

Under date of January 7, 1893, the Secretary of the Treasury transmitted to the Court of Claims certified copy of an opinion prepared in his office showing in detail how the amounts paid to John H. Hamiter

for the 90 bales of cotton in the seed had been determined by that department. Said paper concludes with the following paragraph:

"As to the remaining 90 bales for which claim is made a decision has been deferred to enable the claimant to produce further evidence, deemed necessary to support the claim, touching the nature of an admitted contract of the claimant for the sale of 175 bales to the Confederate States of America, and showing whether or not the 90 bales was a part of said 175 bales. Such additional evidence has not been produced, and the lapse of time (seventeen months) justifies the conclusion that it will not be.

"There is borne upon the confederate cotton lists 175 bales of cotton as having been sold by John H. Hamiter to the Confederate States of America. This doubtless was the same cotton to which the claimant refers in his petition as having been contracted to the Confederate States of America. The instructions of this department required them to seize this 175 bales, and it will be presumed, in the absence of countervailing proof, that the 90 bales was a part thereof seized in obedience to instructions. As to this 90 bales, therefore, I am of opinion that the claim should be rejected. * * *

"It is proper to add that there is much reason to doubt whether any proceeds of this last 90 bales reached the Treasury."

In case No. 7256, Congressional, John H. Hamiter filed in the Court of Claims on August 9, 1890, two petitions. In one of these he appears as administrator of the estate of his father, John Hamiter, and alleges, among other things, that said John Hamiter died on or about the 2d of February, 1864; that he was the owner of a plantation in Lafayette County, Ark.; and that there had been raised on said plantation a quantity of cotton, amounting to 150 bales, which remained thereon, unsold and undisposed of, until July, 1865, at which time the said cotton was seized by the Treasury agents of the United States, or upon their authority, on the alleged ground that it was confederate cotton, which he alleged was in no sense based upon facts, inasmuch as the said cotton had not been sold or contracted for with the confederate government, but remained in the possession of the heirs of said John Hamiter until said seizure; that said cotton was forwarded by the Treasury agents to New Orleans, and from this point shipped to Simon Draper, of New York, and by him sold on account of the Government and the proceeds turned into the Treasury; that no claim was made for the proceeds of said cotton under the captured and abandoned property act, for the reason that the legal representatives of said John Hamiter could not take the required oath of loyalty on the part of said John Hamiter, deceased.

In the second petition, of the same date and in the same case, John H. Hamiter appears in his own right and alleges that on the 1st day of July, 1865, he was the owner in his own right of 90 bales of cotton then being on his plantation in Lafayette County, Ark.; that in the month of July or August, 1865, the said cotton was taken possession of by E. B. Fuqua, an agent of the Treasury Department, and by him shipped to New York to Simon Draper, the selling agent for the Government, by whom the said cotton was sold, and the proceeds thereof turned into the Treasury; that he did not present his claim for said net proceeds under the captured and abandoned property act, because he could not conscientiously take the oath prescribed by the Court of Claims and required; that he afterwards filed a claim for said cotton under the act of May 18, 1872, and received on account thereof the two sums of $914.70 and $395.85, aggregating $1,310.55.

John H. Hamiter testified in his own behalf in case No. 329, Congressional, on the 18th day of September, 1885. He also testified in support of his claim in case No. 7256, Congressional, on March 30, 1892. In the first of these depositions he made, among others, the following statements:

"That he lived in 1865 in Lafayette County, Ark., and was a farmer; raised corn and cotton in 1864–65 and had thereon in the year 1865 90 bales of cotton on his own place and 90 bales of cotton on the adjoining farm of his father, the latter having died on the 2d day of February, 1864; that he bought the 90 bales on his father's farm from his two sisters and one brother, making 180 bales that he owned at the time; that the cotton was taken by a federal officer by the name of Furqua, who represented himself to be a United States Treasury agent; that he stayed at his house two or three days before he took the cotton. Witness was not at home when the cotton was taken, but was in Louisiana, 14 miles from home. Thinks the cotton was shipped to Camden, Ark., some to Washington, Ark., and some to Shreveport, La.; that he presented his claim to the Secretary of the Treasury for the recovery of the proceeds of the 180 bales in 1872, and was paid on account thereof the sum of $1,310.55; that in the year 1863 he bargained to sell to Col. L. B. Welburne, whom he knew to be a confederate purchasing agent, 175 bales of cotton; that 50 of these bales were part of the cotton covered by his pending claim; that the balance of the 175 bales contracted to be sold to the confederate government were, as a matter of fact, sold in the years 1863–64 to his father and other parties; that a few days after he had agreed to sell the 175 bales to the confederate agent the latter told him that he had no money to pay for it and canceled the contract, evidence of which transaction he claimed that he had had in certain papers which had been accidentally burned in 1868 or 1869; that at the time he agreed to sell the 175 bales of cotton to Colonel Welburne he marked them 'C. S.,' so that 50 of the bales seized by the United States Treasury Department bore that mark.

"On cross-examination witness said that he purchased the interest of the other heirs in his father's cotton in 1865, some months after the seizure of the cotton by the United States, and a claim was made for it to the Secretary of the Treasury, the object of the sale being to transfer the rights of the heirs to their shares of the cotton so he could include all the cotton in the one claim in his own name; that such transfer by the heirs to him was without valuable consideration; that at the time of the seizure there was on his place, at his residence, 30 bales of cotton bearing the initials 'J. H. H.' and 60 bales on his plantation, 2½ miles from his residence, bearing the initials 'J. H. H.,' and 90 bales on his father's place, marked 'H.;' that the cotton on his father's place was sometimes marked 'L. P.,' to designate on which plantation it was raised, meaning Long Prairie plantation; that the cotton marked 'C. S.' (50 bales) was at the time seized on the witness's own place; that only 10 bales of it were marked 'J. H. H.' and 50 bales marked 'C. S.;' there was no other cotton on either plantation marked 'C. S.;' 90 of the 180 bales were raised on John Hamiter's place, on the Long Prairie plantation, and the other 90 bales were raised on the witness's plantation, and they were of the crops of 1863 and 1864 to the best of his recollection; witness sold and shipped the cotton crops of 1860, 1861, and 1862, and thinks it possible that some of the crops of 1861 and 1862 was in the cotton seized; the cotton was seized about August, 1865."

John H. Hamiter, in his testimony in support of his claim for this cotton under the Tucker Act (case No. 7256, Cong.), given on March 30, 1892, stated, among other things, as follows:

"That his father owned two plantations, one on Long Prairie, Lafayette County, Ark., and the other in Bosier Parish, La., and raised cotton and corn thereon; that he, the witness, sold 70 bales of the cotton claimed, and which was raised on his father's Arkansas plantation, to Mrs. Eliza Trigg, which cotton he delivered at Gum Springs, in Bosier Parish, La., her place of residence, she paying for the cotton on delivery; that about two weeks later it was seized by the United States authorities; that afterwards Mrs. Trigg had witness arrested and he and Mrs. Trigg rescinded the trade, the witness alleging that he gave Mrs. Trigg notes, with security, for the purchase price of the cotton that he had sold to her and for which he had received payment from her in cash; the witness heard that General Hovey seized this cotton, and Mrs. Trigg had witness arrested; that these 70 bales of cotton sold to Mrs. Trigg were not part of any cotton sold to the confederate government; that it was the private property of the heirs of John Hamiter, his father; that at the time the cotton was seized it was at Carolina Bluffs, La., he thinks; that he was living in Arkansas and the cotton was in Louisiana at the time seized; that the two plantations of his father before the war yielded 700 or 800 bales per annum, but that from the date of his father's death, in February, 1864, to August, 1865, he thinks there were about 200 bales raised on said plantations; that the sale of the 70 bales was made to Mrs. Trigg in July or August, 1865; that they were sold to her at his house, at Walnut Hill, and he delivered them to her in person; that he does not know of his personal knowledge what became of the cotton he sold Mrs. Trigg; did not see it taken and never saw it after he delivered it to Mrs. Trigg; the witness does not know of his own personal knowledge what became of the other cotton embraced in his claim; that he is acting as the representative of the heirs of John Hamiter in the pending suit."

In the case of Mary Eliza Pillow, No. 7151 in the Court of Claims, the petition was filed on March 15, 1873. Among other things, the petition alleges that the claimant purchased 75 bales of cotton in September or October, 1865, from John Hamiter, in Lafayette County, Ark., and shortly after the purchase she took possession and hauled it from Hamiter's plantation to a point on Red River below the raft for shipment, the distance being 50 miles; that while these 75 bales were lying on the banks of the river awaiting shipment the same were taken possession of, against her remonstrance, by C. Tewell, claiming to be a government agent, and shipped, as she understands, to New Orleans and there shipped or sold and the proceeds paid into the Treasury of the United States.

The testimony in this case, taken in 1873, develops the fact that these 75 bales of cotton were purchased from Hamiter and taken from the Hamiter plantation in Arkansas to a point on Red River opposite Shreveport, La., where it was seized by the federal authorities.

There is also a report from the Treasury Department in the Pillow case, dated June 12, 1874, furnishing a certified copy of the following paper sent to the Secretary of the Treasury by the attorney for John H. Hamiter:

WASHINGTON, D. C.

In view of the fact that there seems to be conflicting claims for the 70 bales of cotton sold by John H. Hamiter to Trigg & King, Bosier Parish, La., or to Mrs. M. E. Trigg (now wife of G. J. Pillow), as mentioned in the foregoing affidavit, I, as attorney for John H. Hamiter, do hereby relinquish all claim to the Trigg cotton aforesaid as being a portion of the cotton claimed by J. H. Hamiter in his claim for 180 bales filed before the Secretary of the Treasury under act of May 18, 1872.

T. A. FLANAGAN, *Attorney.*

JUNE 1, 1874.

There is also among the papers in the case of John H. Hamiter (No. 7256 Cong.) a copy of the following paper, forwarded to the court from the Secretary of the Treasury on May 13, 1892:

SHREVEPORT, LA., *October 3, 1865.*

Of the cotton I shipped to-day on steamer *Amaranth*, 70 bales are in dispute. The papers will be handed you by parties in interest, unless they prefer to forward them through me. The cotton was once sold to the Confederate States government and a bill of sale executed, but the parties claim want of consideration. They say they did not get the bonds or money, but they did make sale of the cotton to the Confederate States. Can anyone annul a contract which it takes two parties to make?

Respectfully,

C. E. HOVEY,
Special Agent, Treasury Department.

Hon. O. N. CUTTER,
Special Agent, Treasury Department.

The suit of Mrs. Trigg (afterwards Mrs. Pillow) in the Court of Claims (No. 7151), involving the Hamiter cotton, was filed as a general jurisdiction case under the captured and abandoned property act. After testimony had been taken, however, it was dismissed, on motion of the Government, for want of jurisdiction, the petition not having been filed within the two years' limitation prescribed by the act.

It will be observed from the foregoing papers that, while Mrs. Pillow claimed to have purchased 75 bales of this cotton from Hamiter, Hamiter himself testifies that only 70 bales were so sold. There can be no doubt, however, of the fact that the same cotton is referred to in the suits by both of these parties. That J. H. Hamiter is correct as to the number of bales sold to Mrs. Pillow appears from the records of the Treasury Department, as shown in the report of the Secretary of the Treasury dated February 1, 1875 (Senate Ex. Doc. 123, 43d Cong., 2d sess., top p. 36), which shows the seizure from J. H. Hamiter, Lafayette County, Ark., by E. B. Fuqua of 70 bales of cotton, 17 of which went to the contractor for his services and 53 bales of which were sent to New York, the net proceeds of which, $3,590.47, were turned into the Treasury. This description corresponds in number of bales and net proceeds with that embodied in the paragraph of the omnibus bill, above quoted, and probably furnishes the basis for the action taken in the matter by the Senate.

There can be no question of the fact that these original 70 bales of cotton, the net proceeds of 53 bales of which, amounting to $3,590.47, went into the Treasury, were raised on the John Hamiter place in Arkansas. As has been shown, the ownership of this cotton and its legal status at the time it was seized have never been adjudicated by any tribunal other than the Secretary of the Treasury, and that the Secretary of the Treasury decided this question of ownership adversely to John H. Hamiter in an ex parte proceeding, the claim of Mrs. Pillow for the same cotton not having been before that department at the time

the claim was first rejected. John H. Hamiter himself admits in his testimony given at one time that cotton from the Hamiter place had been sold to the confederate government and 50 bales, at least, of it marked "C. S." at the time of the taking.

The report of Special Agent Hovey of October 3, 1865, above quoted, which it would seem, beyond question, relates to this identical cotton, states that all of this cotton was once sold to the Confederate States government and a bill of sale executed for it to that government. His report also shows that at the time of seizure it was in dispute. This "dispute" evidently refers to the conflicting claims of Hamiter and Mrs. Pillow as to the ownership of the lot. So far as the public records and the testimony taken in the various cases bearing upon this cotton are concerned, it has never been determined whether this cotton covered by the item in the omnibus bill was the property of the confederate government at the time it was seized or whether the John Hamiter estate of John H. Hamiter or Mrs. Pillow had the legal title thereto. It does not appear that Mrs. Pillow or her representatives have attempted to have this question adjudicated since her original suit under the general jurisdiction of the court was dismissed, but there is no apparent reason why she or her heirs could not raise the question under a Tucker Act reference of her claim. If John H. Hamiter or his attorneys had been sure of his ownership in this cotton, it is not understood why he should have permitted the suit for the proceeds of this cotton under the Tucker Act to fail for want of prosecution after having taken testimony in support of his claim.

Quite a number of these old cotton claims have been referred to the court under the Tucker Act within the last few years. The claims so referred amount to millions of dollars, and, as stated, have been placed in my hands to defend. I have been engaged for some time in classifying available data and arranging authorities in the preparation of a general line of defense to these suits. The contemplated action of Congress in making an appropriation in one of such cases, in the absence of any adjudication by the court and in the face of the adverse decision of the Treasury Department on the original claim, might set a precedent which would seriously affect the line of defense contemplated in this class of cases.

Very respectfully,

W. H. LAMAR,
Assistant Attorney.

SENATE OFFICE BUILDING.

Mr. CULLOM. I submit a resolution, which I hope may be acted upon at once.

The resolution (S. Res. 291) was read, as follows:

Resolved, That on and after the 4th day of March, 1909, the jurisdiction and functions of the Committee on Rules, United States Senate, hitherto exercised in connection with the Senate wing of the Capitol, be, and the same are hereby, extended to cover in like manner jurisdiction over the Senate Office Building; and on and after the 4th day of March, 1909, said committee is hereby authorized and directed to proceed with the assignment of rooms in the Senate Office Building for the use of Senators.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. Let it be referred to the Committee on Rules.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CULLOM subsequently said: The Senator from Maine, I think, will withdraw his opposition to the resolution. It ought to be adopted at once, as the Committee on Rules, I understand, desire it.

The VICE-PRESIDENT. Does the Senator from Maine withdraw his objection to the present consideration of the resolution?

Mr. HALE. Yes.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BAILEY. I suggest to the Senator from Illinois—I have no doubt he has considered it—that it might be desirable to attach this jurisdiction before the 4th of March, because I understand that the building will probably be ready for occupancy by the 20th.

Mr. CULLOM. That is a mistake, I think.

Mr. ALDRICH. I think not before the 4th.

Mr. BAILEY. I was told that the superintendent in charge of the work had already issued an order that the work was to cease on the 20th and was not to be resumed until September.

Mr. CULLOM. The resolution is acceptable to the Committee on Rules.

Mr. BAILEY. I wish to ask a question. Is there any purpose of turning that building over to people during the inauguration?

Mr. CULLOM. I hope not.

Mr. GALLINGER. It has not been suggested.

Mr. BAILEY. If there is such a purpose, I want to resist it.

Mr. CULLOM. It never has been suggested to the committee in charge of the building. The Committee on Rules may know about it; I do not.

Mr. BAILEY. Under the resolution we would not have jurisdiction until after the 4th.

Mr. CULLOM. The committee which has been in charge of the building so far do not expect to turn it over to anybody except to the Committee on Rules.

Mr. NELSON. I should be glad to have the resolution read again.

The VICE-PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. ALDRICH. It should read "for the use of committees and Senators."

Mr. SMITH of Michigan. I should like to inquire of the Senator from Illinois whether any plan for the distribution of those rooms has been agreed upon?

Mr. CULLOM. None; except that it is left to the Committee on Rules entirely, as far as we are concerned.

Mr. SMITH of Michigan. The point I desire to make is this——

Mr. CULLOM. The committee in charge of the building so far simply regard themselves as through with the work, and it is the purpose of the committee to leave it to the Committee on Rules to do whatever they deem wise.

Mr. SMITH of Michigan. As I understand it, the Committee on Rules have jurisdiction over the question of the assignment of rooms in the Capitol.

Mr. LODGE. And the Maltby Building.

Mr. SMITH of Michigan. And the Maltby Building. The resolution extends their jurisdiction to the new Office Building, and if it is adopted the assignment of rooms there will be left entirely to the Committee on Rules without resubmitting the question to the Senate for ratification or final action. Is that the understanding?

Mr. GALLINGER. That is the purpose.

Mr. CULLOM. The purpose of it is that, exactly.

Mr. ALDRICH. That has always been the case.

Mr. GALLINGER. They have that jurisdiction over the committee rooms of this building, and the commission of which the Senator from Illinois is chairman, of which I chance to be a member, simply desire to extend the jurisdiction of the Committee on Rules over the Office Building.

Mr. SMITH of Michigan. I simply wish to observe that when the House of Representatives took possession of their new building, the plan was agreed upon and there was a unanimous understanding about it.

Mr. ALDRICH. They draw lots there.

Mr. SMITH of Michigan. They drew the rooms by lots.

Mr. BAILEY. They draw their seats by lots. We do not do that.

Mr. ALDRICH. We never have done that.

Mr. SMITH of Michigan. I do not wish to urge that course. In fact, I think I am quite well satisfied to allow the Committee on Rules to exercise this very unenviable task, and yet I wish that there might have been some method suggested which would relieve Senators from the necessity of making appeals to a committee for proper space in that building. For my own part, I would have been very glad, indeed, if some provision could have been made for the assignment of rooms with reference to the seniority of membership here.

Mr. ALDRICH. That is the rule followed by the Committee on Rules, invariably.

Mr. SMITH of Michigan. Is that the invariable rule?

Mr. ALDRICH. It is the invariable rule of the Committee on Rules.

Mr. SMITH of Michigan. If that is the rule, and we may hope for that kind of a solution, I have nothing more to say about it.

Mr. ALDRICH. I see no reason for a change of the rule in that respect.

Mr. STONE. Mr. President, I wish to make one suggestion in this connection. Over at the annex some of the best rooms in the building are now occupied by clerks employed by large committees and by Senators. I suppose that building will be given up and the clerical force used by certain committees will be transferred to rooms in the new building.

Mr. ALDRICH. Unquestionably.

Mr. STONE. I do not think that the best suites of rooms should be taken by senior Senators merely for the use of their clerks, provided they are going to occupy their committee rooms here in the Capitol.

Mr. ALDRICH. I agree fully with the Senator from Missouri on that point.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

PRINTING OF HISTORICAL DOCUMENTS.

Mr. BAILEY. I submit an order and ask for its adoption.

The order was read, as follows:

Ordered, That there be printed as a Senate document the secret proceedings and debates of the Federal Convention assembled for the purpose of framing the Constitution of the United States, including the "genuine information" laid before the legislature of Maryland by Luther Martin, a member of said convention, and also other historical documents relative to the federal compact of the North American Union.

Mr. LODGE. I desire to ask what the order covers. Does it cover all the proceeding?

Mr. BAILEY. It covers the proceedings and documents in this book [exhibiting], printed in 1821, not copyrighted; and although I have frequently in my time heard of it, I was never able to obtain a copy of it until recently, when I obtained it through the kindness of ex-Senator Faulkner. I find it to be a most interesting volume.

Mr. LODGE. I know the book.

Mr. BAILEY. I find that it has not been printed along with the documentary history of the Constitution.

Mr. LODGE. Does the Senator know whether it is included in the documentary history of the Constitution now being printed by the State Department?

Mr. BAILEY. No; it has not been included. I have made inquiry.

Mr. LODGE. Then I hope it will be reprinted. It is a very valuable book.

Mr. MONEY. I ask the Senator if it includes the Yates notes?

Mr. BAILEY. Yes; it includes the Yates notes, and it includes the celebrated address which Luther Martin delivered before the legislature of Maryland.

Mr. MONEY. "Genuine information?"

Mr. BAILEY. "Genuine information."

The order was agreed to.

ANGELINE C. BURGERT.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 25064) for the relief of Angeline C. Burgert, to report it favorably without amendment. I call the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. That is a very short bill. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Angeline C. Burgert $157.72, the amount of her distributive share of the net proceeds of the sale of the Painesville and Youngstown Railroad, applicable to bond No. 209, issued by the Painesville and Youngstown Railroad Company and owned by her, out of the sum of $473.22 deposited in the United States Treasury on December 1, 1898, by Irving Belford, clerk of the United States circuit court, to the credit of the Treasurer of the United States with the National Bank of Commerce, of Cleveland, Ohio, on account of unclaimed funds, as per certificate of deposit No. 201, which said deposit was covered into the United States Treasury, by a miscellaneous receipt, by warrant No. 2274, second quarter of the year 1899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LADING AND UNLADING OF VESSELS.

Mr. FRYE. I move that the bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes, be recommitted to the Committee on Commerce.

The motion was agreed to.

CONDEMNED CANNON FOR FLORIDA.

Mr. TALIAFERRO. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 129) authorizing the Secretary of War to donate two condemned cannon to the State of Florida, to report it favorably without amendment, and I submit a report (No. 1011) thereon. I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID H. DICKINSON.

Mr. DEPEW. I ask unanimous consent for the consideration of the bill (H. R. 27342) to amend the military record of David H. Dickinson. It is a short bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that David H. Dickinson, late a private of Company G, Twenty-second Regiment New York Volunteer Cavalry, shall be held and considered to have been honorably discharged from said company and regiment on August 9, 1865. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act. From any pension he may hereafter show himself entitled to there shall be no deduction or rebate on account of former alleged erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING, DULUTH, MINN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 9182) to increase the limit of cost for the acquisition of additional land for the site of the new post-office and court-house at Duluth, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 5 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908, so as to increase the limit of cost for the acquisition of additional land for the site of the new post-office and court-house at Duluth, Minn., from $95,000 to $175,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS OF KAW AND OSAGE INDIANS.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas tribe of Indians in Oklahoma.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments on page 1, line 6, after the word "Kansas," to strike out "tribe" and insert "and Osage tribes;" and in line 7, after the word "Oklahoma," to insert: "*Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and empowered, upon application, to sell, under such rules and regulations as he may prescribe, part or all of the surplus lands of any member of the Kaw or Kansas and Osage tribes of Indians in Oklahoma: *Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes."

JOSEPH SWISHER.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 9617) for the relief of Joseph Swisher, reported a few moments ago from the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Joseph Swisher $109.87, being the amount withheld for tools lost in battle in the settlement of his account as captain in the One hundred and thirteenth Regiment Ohio Volunteer Infantry and quartermaster of the Second Brigade, Second Division, Fourteenth Army Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIS A. JOY.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 6903) for the relief of Willis A. Joy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Willis A. Joy $108, to reimburse him for money paid by him, at the direction of the Post-Office Department, while postmaster at Grand Forks, N. Dak., for redemption of certain post-office keys, and for which redemption no funds were ever provided him nor reimbursement made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. CARTER. I ask the Senator from Massachusetts to yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from Masssachusetts yield to the Senator from Montana?

Mr. LODGE. I yield to the Senator from Montana; but after that I shall insist on my motion.

FEARON, DANIEL & CO.

Mr. CARTER. I ask unanimous consent for the present consideration of the joint resolution (S. R. 83) for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CARTER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, on page 3, line 21, after the words "out of the," it is proposed to strike out "said Chinese Boxer indemnity fund," and insert "sum of $2,000,000 reserved in and by the joint resolution providing for the remission of a portion of the Chinese indemnity, approved May 25, 1908," so as to make the section read:

That the firm of Fearon, Daniel & Co., of New York and Shanghai, shall be regarded and treated as an American firm in respect of the so-called "Boxer indemnity fund," and that there shall be paid to the said firm out of the said funds the amount held by the United States commissioners at Peking "to constitute a valid claim for indemnification" for the losses and damages suffered by the said firm by reason of the so-called "Boxer uprising," to wit, $10,544.64, less $1,977.44, heretofore awarded and paid to Mr. J. R. Patterson, a partner in the said firm, and a citizen of the United States, for his share of three-sixteenths in the said firm, leaving $8,567.17 to be paid to the said firm, together with interest at the same rate and from the same date as heretofore allowed and paid by the Department of State on the other awards or allowances of the said commissioners, such payment to be made by the said firm out of the sum of $2,000,000 reserved in and by the joint resolution providing for the remission of a portion of the Chinese indemnity, approved May 25, 1908, on proof satisfactory to the Secretary of State that Mr. James S. Fearon, senior partner of said firm, has been duly naturalized as a citizen of the United States, and that no claim has been paid or allowed for the said losses and damages of the said firm in whole or part through the British Government or otherwise than hereinbefore stated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARTER. I move that the preamble to the joint resolution be disagreed to.

The preamble was rejected.

C. F. SUGG.

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. I yield to the Senator from Tennessee, and then I shall insist on my motion.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (H. R. 16551) to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 18, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1909.

CONSULS.

Charles L. Latham, of North Carolina, to be consul of the United States of class 9 at Cartagena, Colombia, vice Isaac A. Manning, nominated to be consul of class 7 at La Guaira.

William C. Teichmann, of Missouri, now consul of class 7 at Colombo, to be consul of the United States of class 8 at Stettin, Germany, vice Selah Merrill, declined.

William C. Magelssen, of Minnesota, now consul of class 9 at Bagdad, to be consul of the United States of class 7 at Colombo, Ceylon, vice William C. Teichmann, nominated to be consul of class 8 at Stettin.

SECRETARY OF EMBASSY.

Thomas Ewing Dabney, of Louisiana, now third secretary of the embassy at Mexico, to be second secretary of the embassy of the United States at Mexico, Mexico, vice A. Campbell Turner, nominated to be third secretary of the embassy at Constantinople.

SECRETARY OF LEGATION.

W. Bayard Cutting, jr., of New York, to be secretary of the legation of the United States at Tangier, Morocco, vice Hoffman Philip, appointed to be minister resident and consul-general to Abyssinia.

PROMOTION IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. James A. Nydegger to be surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 4, 1909, in place of Surg. Alexander C. Smith, deceased.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Sanderford Jarman, Coast Artillery Corps, to be first lieutenant from December 18, 1908, vice Ballard, dismissed.

Second Lieut. Clair W. Baird, Coast Artillery Corps, to be first lieutenant from December 27, vice Brown, promoted.

Second Lieut. Edward W. Putney, Coast Artillery Corps, to be first lieutenant from January 2, 1909, vice Cravens, resigned.

Second Lieut. Gilbert Marshall, Coast Artillery Corps, to be first lieutenant from January 27, 1909, vice Thorpe, retired from active service.

APPOINTMENTS IN THE ARMY.

Rev. William Reese Scott, of Pennsylvania, to be chaplain with the rank of first lieutenant from February 16, 1909, vice Hart, retired from active service.

Rev. Franz Joseph Feinler, of South Dakota, to be chaplain with the rank of first lieutenant from February 16, 1909, vice Pierce, retired from active service.

PROMOTIONS IN THE NAVY.

Commander Walter McLean to be a captain in the navy from the 17th day of December, 1908, vice Capt. William W. Kimball, promoted.

POSTMASTERS.

ALABAMA.

Edgar A. McFerrin to be postmaster at Opp, Ala. Office became presidential April 1, 1908.

CALIFORNIA.

Robert R. Allen to be postmaster at King City, Cal. Office became presidential July 1, 1908.

George B. Hannahs to be postmaster at San Jacinto, Cal., in place of George B. Hannahs. Incumbent's commission expires March 3, 1909.

Otto C. Heck to be postmaster at Oilcenter, Cal. Office became presidential January 1, 1909.

John J. West to be postmaster at Willow, Cal., in place of John J. West. Incumbent's commission expires March 1, 1909.

ILLINOIS.

Frederick H. Ballinger to be postmaster at Chenoa, Ill., in place of Thomas E. Ballinger, resigned.

Charles J. Ferguson to be postmaster at East Alton, Ill. Office became presidential January 1, 1909.

H. F. Mette to be postmaster at Flanagan, Ill. Office became presidential January 1, 1909.

William W. Waters to be postmaster at Clyde, Ill. Office became presidential July 1, 1908.

John W. White to be postmaster at Cullom, Ill. Office became presidential January 1, 1909.

IOWA.

Frank E. Coppel to be postmaster at Bedford, Iowa, in place of John J. Clark, resigned.

John C. Felts to be postmaster at Jesup, Iowa. Office became presidential January 1, 1908.

John C. Roberts to be postmaster at Hiteman, Iowa. Office became presidential January 1, 1909.

W. A. Simpkins to be postmaster at Britt, Iowa, in place of Edwin N. Bailey, resigned.

KANSAS.

Gertrude Stevens to be postmaster at Goodland, Kans., in place of James E. Stevens, resigned.

KENTUCKY.

Isaac N. Bryant to be postmaster at Corbin, Ky., in place of Isaac N. Bryant. Incumbent's commission expires March 1, 1909.

Lee B. McHargue to be postmaster at London, Ky., in place of James T. Williams, deceased.

LOUISIANA.

Bettie E. Glover to be postmaster at Arcadia, La., in place of Bettie E. Glover. Incumbent's commission expires March 3, 1909.

MAINE.

Clarence L. Ridlon to be postmaster at West Paris, Me. Office became presidential October 1, 1908.

MINNESOTA.

Jesse A. Maxwell to be postmaster at Fulda, Minn., in place of Jesse A. Maxwell. Incumbent's commission expired February 11, 1908.

MISSISSIPPI.

Walter A. Collins to be postmaster at Hattiesburg, Miss., in place of Allison S. Pitts. Incumbent's commission expires February 23, 1909.

MISSOURI.

John H. Fisher to be postmaster at Sullivan, Mo., in place of John H. Fisher. Incumbent's commission expires February 27, 1909.

Philip A. Thompson to be postmaster at Craig, Mo., in place of Philip A. Thompson. Incumbent's commission expires February 27, 1909.

MONTANA.

Walter E. Williamson to be postmaster at Wibaux, Mont. Office became presidential January 1, 1909.

NEW JERSEY.

William H. Bannard to be postmaster at Asbury Park, N. J., in place of John Hubbard. Incumbent's commission expired January 20, 1909.

NEW YORK.

Melvin D. Herriman to be postmaster at Sandy Creek, N. Y., in place of Melvin D. Herriman. Incumbent's commission expired December 16, 1908.

NORTH CAROLINA.

Jasper Z. Waller to be postmaster at Burlington, N. C., in place of Jasper Z. Waller. Incumbent's commission expires March 2, 1909.

NORTH DAKOTA.

H. B. Allen to be postmaster at Steele, N. Dak., in place of John B. Spangler, resigned.

Anna Callahan to be postmaster at Casselton, N. Dak., in place of Anna Callahan. Incumbent's commission expired March 10, 1906.

J. W. Pratten to be postmaster at Milton, N. Dak., in place of Joseph Powles. Incumbent's commission expired January 11, 1908.

Ole I. Ronning to be postmaster at Columbus, N. Dak. Office became presidential October 1, 1908.

OKLAHOMA.

William O. Allison to be postmaster at Hollis, Okla. Office became presidential January 1, 1908.

Benjamin G. Baker to be postmaster at Chattanooga, Okla. Office become presidential July 1, 1908.

Don R. Fraser to be postmaster at Wewoka, Okla., in place of Lynch W. Smith, resigned.

PENNSYLVANIA.

Walter M. Bray to be postmaster at Palmerton, Pa., in place of Francis A. Seip. Incumbent's commission expired January 21, 1909.

William F. Eckbert, jr., to be postmaster at Lewistown, Pa., in place of William F. Eckbert, jr. Incumbent's commission expired February 10, 1909.

Jennings U. Kurtz to be postmaster at Berwick, Pa., in place of Robert S. Bowman. Incumbent's commission expired January 7, 1908.

Thomas Pickrell to be postmaster at Old Forge, Pa., in place of Thomas Pickrell. Incumbent's commission expired January 21, 1909.

RHODE ISLAND.

Walter A. Kilton to be postmaster at Providence, R. I., in place of Clinton D. Sellew, resigned.

SOUTH DAKOTA.

James Erickson to be postmaster at Bryant, S. Dak., in place of James Erickson. Incumbent's commission expired February 1, 1909.

TENNESSEE.

George M. Steele to be postmaster at Obion, Tenn., in place of Thomas J. Lovell. Incumbent's commission expired December 14, 1908.

Oliver T. Tindell to be postmaster at Kingston, Tenn., in place of Gillis T. Johnston, removed.

TEXAS.

Theophilus F. Berner to be postmaster at Henrietta, Tex., in place of Theophilus F. Berner. Incumbent's commission expired January 10, 1909.

W. K. Davis to be postmaster at Gonzales, Tex., in place of Anderson L. Davis. Incumbent's commission expired April 27, 1908.

William H. King to be postmaster at Whitewright, Tex., in place of William H. King. Incumbent's commission expired January 27, 1908.

Henry L. Sands to be postmaster at Alvord, Tex., in place of Henry L. Sands. Incumbent's commission expired February 9, 1909.

UTAH.

Clifford I. Goff to be postmaster at West Jordan, Utah, in place of Clifford I. Goff. Incumbent's commission expired January 20, 1909.

VIRGINIA.

John W. Field to be postmaster at Chincoteague Island, Va. Office became presidential January 1, 1906.

E. T. Kiser to be postmaster at Wise, Va. Office became presidential April 1, 1908.

WASHINGTON.

Alonzo W. Carner to be postmaster at Castlerock, Wash., in place of Alonzo W. Carner. Incumbent's commission expires February 27, 1909.

Charles McKinnon to be postmaster at Black Diamond, Wash. Office became presidential October 1, 1908.

George B. Stocking to be postmaster at Republic, Wash., in place of James W. O'Connell, resigned.

WEST VIRGINIA.

William R. Brown to be postmaster at West Union, W. Va., in place of William R. Brown. Incumbent's commission expired January 6, 1909.

WISCONSIN.

Thomas Gander to be postmaster at Soldiers Grove, Wis. Office became presidential January 1, 1909.

Martin J. Gosa to be postmaster at Palmyra, Wis., in place of Martin J. Gosa. Incumbent's commission expired March 16, 1908.

CONFIRMATIONS.

Nominations confirmed by the Senate February 17, 1909.

CONSUL-GENERAL.

Robert E. Mansfield to be consul-general of class 5 at Zurich, Switzerland.

CONSULS.

Thomas P. Moffat to be consul at Trinidad, West Indies.

Charles L. Latham to be consul at Cartagena, Colombia.

SURVEYOR OF CUSTOMS.

Robert B. Junk to be surveyor of customs for the port of Burlington, Iowa.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from February 3, 1909.

John Young Brown.
Augustus Caillé.
John Campbell Morfit.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Maj. Gonzalez S. Bingham to be Deputy Quartermaster-General with the rank of lieutenant-colonel.

Capt. George H. Penrose to be quartermaster with the rank of major.

POSTMASTERS.

MISSOURI.

John H. Bryant, at Burlington Junction, Mo.
Willard A. Seymour, at Sturgeon, Mo.

MONTANA.

H. L. Coulter, at Plains, Mont.

NEW YORK.

W. T. Chapman, at Pawling, N. Y.
John A. Hanna, at Dover Plains, N. Y.

NORTH DAKOTA.

William E. Biggs, at New Rockford, N. Dak.
Andrew D. Cochrane, at York, N. Dak.

RHODE ISLAND.

Walter A. Kilton, at Providence, R. I.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 17, 1909.*

[*Continuation of legislative day of Monday, February 15, 1909.*]

The recess having expired, the House was called to order at 11 o'clock a. m. by Mr. DALZELL as Speaker pro tempore.

DEPENDENT CHILDREN IN THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore laid before the House a message from the President of the United States (S. Doc. No. 721), which was read, referred to the Committee on the District of Columbia, and ordered to be printed.

[For message see Senate proceedings of Monday, February 15, 1909.]

UNITED STATES COURTS, SUPERIOR, WIS.

The SPEAKER pro tempore laid before the House the bill (H. R. 27311) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.," with Senate amendments thereto.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the Senate amendments be concurred in.

The motion was agreed to.

COMMITTEE HEARINGS.

Mr. HUGHES of West Virginia. Mr. Speaker, I submit the following resolution from the Committee on Accounts (H. Res. 570).

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby directed to pay, out of the contingent fund, for reporting committee hearings, such accounts as may be certified to be correct upon vouchers to be approved by the Committee on Accounts.

Mr. FITZGERALD. What is this?

Mr. HUGHES of West Virginia. This simply allows the Clerk of the House to pay to the stenographers who report committee hearings the amounts found to be due them.

Mr. FITZGERALD. To the committee stenographers?

Mr. HUGHES of West Virginia. Yes.

The resolution was agreed to.

U. GRANT SMITH.

Mr. HUGHES of West Virginia. I also submit the following from the Committee on Accounts (H. Res. 535).

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to U. Grant Smith the sum of $50, being the amount due him as clerk-hire allowance for services rendered the late Hon. Charles T. Dunwell, a Representative from New York, from June 1 to June 12, 1908, inclusive.

The resolution was agreed to.

HERMAN GAUSS AND L. SEWARD TERRY.

Mr. HUGHES of West Virginia. I also submit the following from the Committee on Accounts (H. Res. 554).

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, to Herman Gauss $750, and to L. Seward Terry $500, for services rendered to the Committee on Invalid Pensions and the Committee on Pensions, respectively, as assistant clerks by detail from the Pension Bureau, pursuant to law.

The resolution was agreed to.

ADDITIONAL CLERKS TO COMMITTEE ON ENROLLED BILLS.

Mr. HUGHES of West Virginia. I also submit the following from the Committee on Accounts (H. Res. 560).

The Clerk read as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

Amend by inserting, after the word "day," in line 5, the word "each."

The amendment was agreed to.

The resolution as amended was agreed to.

STENOGRAPHER TO COMMITTEE ON INVALID PENSIONS.

Mr. HUGHES of West Virginia. I also submit the following from the Committee on Accounts (H. Res. 571).

The Clerk read as follows:

Resolved, That the stenographer to the Committee on Invalid Pensions, whose employment was authorized by the resolution adopted by the House January 10, 1908, shall be paid out of the contingent fund of the House the rate of compensation therein fixed until otherwise provided by law.

The resolution was agreed to.

NELLIE M. WAKEFIELD.

Mr. HUGHES of West Virginia. Also the following from the Committee on Accounts (H. Res. 572).

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House to Nellie M. Wakefield the sum of $300 for services rendered to the notification clerk during the present session.

The resolution was agreed to.

SALE OF CERTAIN PUBLIC LANDS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 21492 and that the same be considered in the House at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to sell, upon sealed bids or at public auction, at his discretion, for cash, any or all of the vacant public lands in township 8 north, range 30 west of the sixth principal meridian, in the State of Nebraska, which are embraced within the fractional subdivisions which resulted from disconnected surveys; and the expenses of such sale, including the cost of publication of such notices as said Secretary may direct, shall be paid out of the proceeds thereof.

SEC. 2. That a sum of money, equal to the net proceeds of the sales authorized by this act, shall be pro rated among and severally paid, out of any money in the Treasury not otherwise appropriated, to the persons or the heirs of the persons who acquired title from the United States to lands in sections 6, 7, 18, 19, 30, and 31, in township 8 north, range 29 west of the sixth principal meridian, in the State of Nebraska, in proportion to the loss in area severally sustained by such persons by reason of such disconnected surveys.

With the following committee amendments:

In section 2, page 1, in line 12, strike out the words "a sum of money equal to."

At the end of line 13, in said section, said page, add the words "by the Secretary of the Interior."

In lines 14 and 15 of said section and page strike out the words "out of any money in the Treasury not otherwise appropriated."

On page 2, in line 1 of said section, strike out the words "acquired title from the United States to" and insert in lieu thereof the following: "On February 13, 1908, were the owners of the."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to know what this accomplishes. The report does not show.

Mr. NORRIS. I can explain to the gentleman quicker by this plat that I hold in my hand. This comes about on account of a resurvey of one township, by virtue of an act passed in 1902. The settlers who took land in sections 6, 7, 18, 19, and 31 supposed, and the government officials supposed, that the range line between 30 and 29 extended over to what I have marked on the plat in red. The patents called for an amount of land that would go over to that red line on the plat, with the exception of about 50 acres.

Now, when the resurvey was made it was found that the line which is blue on the plat was the real range line. These men in these sections I have named were short 459 and a fraction acres. There was in the hiatus left on the other side of the blue line in range 30, 409 and a fraction acres of public land. That, as a matter of fact, was in excess of what the patents for the land of the settlers on the west side of the range line called for.

Mr. MANN. Does the gentleman say that in range 30 there is an excess?

Mr. NORRIS. In range 30, according to the resurvey, there is an excess. Of course the lines are not straight, as appear on this map; as the survey makes them it is an irregular line, and the proposition is to sell the parcels of land amounting to 409 acres and divide it up among the men who lost 459 acres on account of the survey in proportion to the amount they lost.

Mr. MANN. Is there a surplus or a shortage in range 29 in that township?

Mr. NORRIS. There is a shortage.

Mr. MANN. Under the resurvey?

Mr. NORRIS. Yes.

Mr. MANN. So they actually lose a portion of the acreage that they are entitled to?

Mr. NORRIS. Yes; if this bill passes they will still be short 50 acres.

Mr. MANN. The land between the red and blue lines is not surplus land, but it is simply a change of the range line.

Mr. NORRIS. Yes; there is a surplus in range 30 amounting practically to 409 acres of land that belongs to the Government.

Mr. MANN. Is this the west line of range 29?

Mr. NORRIS. Yes.

Mr. MANN. Is the east line of range 29 changed?

Mr. NORRIS. No, sir; there is no shortage anywhere east of these sections.

Mr. HINSHAW. Do the adjoining proprietors expect to pay for this public land?

Mr. NORRIS. The bill provides for the actual sale of the lands, and those who buy them will of course have to pay for them.

Mr. MANN. And it is expected that one side or the other will buy the land?

Mr. NORRIS. Not necessarily. Some of those who have lost land do not join any part of the hiatus that is to be sold.

In the resurvey men on the east side of section 6, for instance, have lost land, but they do not join the land that is really the surplusage, and in other places under the resurvey it is so irregular that the surplusage does not join anybody who has lost land on account of the resurvey.

Mr. MANN. The loss does not fall on the people owning the land on the east?

Mr. NORRIS. No; the loss is proportioned among all the men in this row of sections; there are some on the east side of the section a mile from the range line.

Mr. MANN. It is proposed to pay them this money less the expenses?

Mr. NORRIS. Yes; less the expense of the sale. That is, the net proceeds of such sale.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORRIS, a motion to reconsider the last vote was laid on the table.

MESSAGES FROM THE PRESIDENT.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On February 16, 1909:

H. R. 18417. An act for the relief of Clark County, Ky.;

H. R. 6252. An act to promote the administration of justice in the navy; and

H. R. 27970. An act to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

On February 17, 1909:

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909;

H. R. 7474. An act granting a pension to Charles H. Balch and others;

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors; and

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives a duplicate engrossed copy of the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," in compliance with its request, the original having been lost.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy.

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

MAKING RANIER, MINN., A SUBPORT OF ENTRY.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 27478) constituting Ranier, Minn., a subport of entry, which, with the accompanying report (H. Rept. 2177), was referred to the Committee of the Whole House on the state of the Union and ordered printed.

MOORES CREEK BATTLE GROUND ASSOCIATION.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8708) authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to Moores Creek Battle Ground Association, of Currie, N. C., two condemned bronze fieldpieces, with their carriages, and a suitable outfit of cannon balls which may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The SPEAKER pro tempore. Is there objection?

Mr. HOLLIDAY. Mr. Speaker, reserving the right to object, I desire to state that the Committee on Military Affairs will to-morrow report an omnibus bill carrying all of these propositions for the donation of condemned cannon.

Mr. HAY. I would like to state to the gentleman from Indiana, Mr. Speaker, that the committee decided that it would report bills coming from the Senate, because they would become law.

Mr. HOLLIDAY. Is this a Senate bill?

Mr. HAY. Yes.

Mr. HOLLIDAY. I have no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. THOMAS of North Carolina, a motion to reconsider the last vote was laid on the table.

CORRY, PA.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Corry, Pa., be, and the same is hereby, made and constituted a port of delivery in the district of Erie, Pa., and that the privileges of section 7 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and the same are hereby, extended thereto.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question or two about this bill. It seems to be creating a subport. About what will be the revenues received there each year, in the judgment of the gentleman?

Mr. BATES. That is impossible to state. It is in the district of Erie. This is for the especial purpose of receiving foreign hides in box for the tanning industries, which are carried on extensively in the city of Corry.

Mr. MACON. How far will it be located from a regular port of entry?

Mr. BATES. About 25 miles. I will say further to the gentleman from Arkansas that, under regulations of the Treasury Department, the deputy collector's compensation has to be met by those who avail themselves of his services, so that there will be no expense to the Government.

Mr. MACON. I will say to the gentleman that my reason for asking these questions and for objecting, if I should conclude to object at all, is that, as the gentleman knows, we have several ports where there are no receipts whatever, and yet good salaries are paid for collection.

Mr. BATES. Yes; this, however, will have very large revenues.

Mr. MACON. And yet at some of these ports where no revenues are received we pay a salary of $1,400 a year to the collector that collects nothing.

Mr. BATES. That is true, but the opposite would be true here. There would be considerable revenues to the Government, and no expense whatever.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BATES, a motion to reconsider the last vote was laid on the table.

EXTRA SESSION OF CONGRESS.

Mr. PAYNE. Mr. Speaker, if I may be permitted, a number of Members of the House have been asking me recently at what time the extra session of the next Congress would be called,

and I desire to state that I am authorized by the President-elect to announce that it will be called for Monday, March 15, 1909. [Applause.]

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 23464), and ask unanimous consent that the statements be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up a conference report and asks that the statement be read in lieu of the report. Is there objection?

Mr. MACON. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question. Is this the conference report that proposes to increase so many salaries?

Mr. BINGHAM. Yes; but the gentleman will understand that the House will have full opportunity for discussion on everything that pertains to the salaries of the President, the Vice-President, the Speaker, and the judges of the United States courts, and, in detail, under each paragraph. There will be full opportunity for discussion and vote.

Mr. MACON. But will not the House be better advised as to what is in the report if it is read instead of the statement?

Mr. BINGHAM. Oh, the report has been published since February 10, and it is a published document. It has been printed under the rules of the House. The gentleman will have every opportunity for a discussion of everything.

Mr. MACON. But the gentleman will understand that a great many Members of Congress do not have time to go over all the reports that are printed, but that they might hear them read here from the Clerk's desk if they were given an opportunity.

Mr. BINGHAM. I will say to the gentleman that the statement of the managers on the part of the House is far more easily understood than the report of the conference committee, which deals very largely with figures.

Mr. MACON. With that explanation, Mr. Speaker, I have no objection.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read the report as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 39, 40, 83, 84, 95, 99, 102, 105, 106, 109, 112, 113, 114, 131, 132, 133, 175, 176, 177, 179, 180, 181, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 101, 103, 104, 107, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 134, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 171, 172, 173, 174, 178, 183, 184, 185, 186, 187, 188, 190, 191, and 208, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: " ; hire of horse and wagon for the Secretary's office, four hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand four hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-four thousand nine hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-seven thousand seven hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ", or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, ten thousand dollars, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ", to be immediately available;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ", to be immediately available;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of said amendment, after the word "State," insert the following: ", said provisions and appropriations for private secretary and clerk to the Secretary of State, private secretary to the Undersecretary of State, and clerk to the Undersecretary of State, to be immediately effective and available;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "messenger to the Secretary of State, one thousand dollars, to be appointed by the Secretary of State, to be immediately available;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "chief clerk, two thousand dollars;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand nine hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert the following: "six;" and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-one thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six thousand dollars;" and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "four copyists of maps, at nine hundred dollars each;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight thousand dollars;" and the Senate agree to the same.

On amendments numbered 43, 46, 60, 61, 62, 63, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210 the committee of conference have been unable to agree.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1910, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of the amendments of the Senate, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, and 45, all relating to the salaries of officers and employees and other expenses of the Senate, are all recommended to be agreed to by the House except the amendment increasing the pay of conductors of elevators in the Senate wing of the Capitol to $1,400, from which it is recommended that the Senate recede.

On amendments Nos. 47, 48, 49, 50, 51, 52, 53, 54, and 55, relating to the House of Representatives: Provides for 18 additional conductors of elevators, at $1,200 each, for the House wing of the Capitol building and for the House of Representatives Office Building; fixes the salary of the clerk to the Committee on Naval Affairs at $2,400, and increases the salary of the assistant clerk of conference minority from $1,500 to $1,800.

On amendments Nos. 56, 57, and 58: Increases the salaries of the register of copyrights from $3,000 to $3,500, and of the assistant register or copyrights from $2,500 to $3,000, as proposed by the Senate.

On amendment No. 59: Appropriates a lump sum of $10,000 for continuing the preparation of an index to the Statutes at Large, to be expended by the Librarian of Congress for the salaries of persons whom he employs to prepare the index and for incidental expenses, in lieu of specific salaries proposed by the House, aggregating $8,940, and the specific salaries proposed by the Senate, aggregating $10,740.

On amendments Nos. 64, 65, 66, 67, and 68, relating to State Department: Provides, as proposed by the Senate, for an Undersecretary of State, at $10,000; for a Fourth Assistant Secretary of State, at $4,500; for a private secretary, at $2,500; and a clerk, at $1,500, to the Undersecretary of State; and for a private messenger, at $1,000, to the Secretary of State.

On amendments Nos. 69, 70, and 71: Provides for a clerk at $1,600, instead of a clerk at $1,400, in the Division of Loans and Currency of the Treasury, as proposed by the Senate.

On amendments Nos. 72, 73, and 74: Provides for a chief clerk at $2,000 in the Division of Revenue-Cutter Service of the Treasury, as proposed by the Senate.

On amendments Nos. 75 and 76: Provides for an additional clerk at $1,800 in the office of the Auditor for the War Department, as proposed by the Senate.

On amendments Nos. 77, 78, 79, and 80: Provides for 1 additional clerk at $1,800, 1 at $1,600, and 1 at $1,400 in the office of the Auditor for the Navy Department, as proposed by the Senate.

On amendments Nos. 81, 82, 83, 84, 85, and 86: Makes a verbal correction in the text of the bill, and in the office of the Auditor for the Post-Office Department provides for an additional deputy auditor at $2,500, as proposed by the Senate; provides for 1 clerk at $1,200, instead of a messenger in charge of mails at that salary, and inserts, as proposed by the Senate, a provision authorizing the Secretary of the Treasury to designate an employee in the office of the Auditor for the Post-Office Department to countersign warrants and drafts.

On amendments Nos. 87, 88, 89, 90, 91, 92, 93, and 94, relating to the office of the Treasurer of the United States: Provides, as proposed by the Senate, for an additional messenger at $840, 2 assistant messengers at $720 each, 4 charwomen at $240 each, 2 pressmen at $1,400 each, 2 separators at $660 each, 2 feeders at $660 each, 1 machinist at $1,000, and 1 silver piler at $1,000.

On amendments Nos. 95 and 96: Inserts the provision proposed by the Senate requiring that the Deputy Comptroller of the Currency shall be appointed by the Secretary of the Treasury, and defining his duties.

On amendment No. 97: Appropriates $100,000, as proposed by the Senate, instead of $75,000, as proposed by the House, for freight on bullion and coin between mints and assay offices.

On amendments Nos. 98, 99, and 100, relating to the office of the Surgeon-General of the Public Health and Marine-Hospital Service: Provides for an additional clerk at $1,200, as proposed by the Senate, and strikes out provision for an additional messenger at $840.

On amendment No. 101: Provides for newspapers for the Treasury Department.

On amendment No. 102: Strikes out the provision proposed by the Senate authorizing the use of the appropriation for the rent of the office of the Auditor for the Interior Department for any other bureau or office of the Treasury.

On amendments Nos. 103 and 104: Provides for the exchange of horses and wagons for the use of the Treasury, and increases the appropriation for the purchase of ice for that department from $2,400 to $2,600, as proposed by the Senate.

On amendments Nos. 105 and 106: Strikes out the increases proposed by the Senate of $500 for purchase of file holders and $1,000 for gas, electric current, etc., for the Treasury Department.

On amendment No. 107: Appropriates $500, as proposed by the Senate, for shelving and transferring records from the Treasury building.

On amendment No. 108: Appropriates $3,500 instead of $4,000, as proposed by the Senate, for registering accountants and numbering machines for the Treasury.

On amendments Nos. 109 and 110: Strikes out increases of $1,000, proposed by the Senate, for purchase of carpets, etc., for the Treasury, and $100 for purchase of books for the office of Auditor for the Post-Office Department.

On amendment No. 111: Appropriates $2,090,000, as proposed by the Senate, instead of $2,075,000, as proposed by the the House, for salaries and expenses of collectors and deputy collectors of internal revenue.

On amendments Nos. 112, 113, and 114, relating to the subtreasury at Boston: Strikes out the increases proposed by the Senate of $100 in the salary of the receiving teller and $200 in the salary of the redemption clerk.

On amendments Nos. 115 and 116: Increases the salary of the assistant treasurer at Philadelphia from $4,500 to $5,000, as proposed by the Senate.

On amendments Nos. 117 and 118: Provides for an additional night watchman, at $720, in the office of the assistant treasurer at St. Louis, as proposed by the Senate.

On amendment No. 119: Appropriates $14,000, as proposed by the Senate, instead of $13,000, as proposed by the House, for paper for checks and drafts.

On amendment No. 120: Appropriates $2,600, as proposed by the Senate, instead of $2,000, as proposed by the House, for contingent expenses of the mint at Carson, Nev.

On amendments Nos. 121 and 122: Increases the salaries of the abstract clerk and warrant clerk in the mint at Denver, Colo., from $1,800 to $2,000 each, as proposed by the Senate.

On amendments Nos. 123, 124, 125, and 126, relating to the assay office at Salt Lake, Utah: Appropriates for the salaries of employees therein, as proposed by the Senate.

On amendments Nos. 127, 128, and 129: Provides for a messenger at $840 instead of an assistant messenger at $720 in the office of the Surgeon-General of the Army, as proposed by the Senate.

On amendment No. 130: Authorizes the use of $17,000, as proposed by the Senate, instead of $15,000, as proposed by the House, out of certain appropriations for the employment of skilled draftsmen and other employees in the office of the Chief of Engineers of the War Department.

On amendment No. 131: Strikes out appropriation of $9,500, proposed by the Senate, for a freight elevator in the State, War, and Navy building.

On amendments Nos. 132, 133, 134, and 135, relating to the office of the Secretary of the Navy: Provides for an additional laborer, at $660, and strikes out the provision for a clerk at $1,400 instead of a clerk at $1,200, proposed by the Senate.

On amendments Nos. 136 and 137: Provides for a clerk at $1,800 instead of a chief clerk at that salary, proposed by the Senate, in the office of the Judge-Advocate-General of the Navy.

On amendments Nos. 138 and 139: Increases the pay of two draftsmen from $1,600 each to $1,700 each, in the Bureau of Equipment, Navy Department, as proposed by the Senate.

On amendment No. 140: Requires that the six inspectors in the office of the Secretary of the Interior shall be appointed by the President by and with the advice and consent of the Senate.

On amendments Nos. 141 and 142: Strikes out provision for one assistant attorney at $2,000 in the office of the Assistant Attorney-General for the Interior Department, as proposed by the Senate.

On amendments Nos. 143, 144, 145, 146, 147, 148, and 149, relating to the General Land Office: Provides for three law examiners of surveyors-general and district land offices at $2,000 each and changes the title of law reviewers to law examiners, as proposed by the Senate.

On amendments Nos. 150 and 151: Provides for three additional principal examiners at $2,000 each in the Pension Office, as proposed by the Senate.

On amendments Nos. 152 and 153: Increases the pay of three examiners-in-chief from $3,000 to $3,500 in the Patent Office, as proposed by the Senate.

On amendments Nos. 154, 155, 156, and 157: Increases the salary of the Commissioner of Education from $4,500 to $5,000, as proposed by the Senate; provides for one additional clerk at $1,200 and for one additional clerk at $1,000 in the Bureau of Education.

On amendments Nos. 158, 159, and 160: Increases the pay of one draftsman from $800 to $1,200 and of one foreman from $1,500 to $1,800 in the office of Superintendent of the Capitol, as proposed by the Senate.

On amendment No. 161: Appropriates $66,000 instead of $60,000, as proposed by the Senate, and $68,000, as proposed by the House, for stationery for the Interior Department.

On amendments Nos. 162 and 163: Increases the salary of the surveyor-general of Nevada from $2,500 to $3,000, as proposed by the Senate.

On amendments Nos. 164, 165, 166, and 167: Provides for 3 additional clerks at $1,800 and 5 additional clerks at $1,200 each, instead of 6 clerks at $1,000 and 6 clerks at $900 each, as proposed by the Senate, in the Division of Dead Letters in the Post-Office Department.

On amendments Nos. 168, 169, 170, and 171: Provides for 1 additional skilled draftsman at $1,800 and 2 additional skilled draftsmen at $1,200 each, instead of 5 copyists of maps at $900 each, in the Division of Topograph of the Post-Office Department.

On amendments Nos. 172, 173, and 174: Increases the salaries of the Solicitor of Internal Revenue and the Solicitor for the Department of State from $4,500 to $5,000 each, as proposed by the Senate.

On amendments Nos. 175 and 176: Strikes out the provision for an additional clerk at $1,800 in the office of the Solicitor of the Department of Commerce and Labor, proposed by the Senate.

On amendments Nos. 177 and 178: Appropriates $50,000, as proposed by the Senate, instead of $40,000, as proposed by the House, under the office of the Secretary of Commerce and Labor, to investigate trade conditions abroad.

On amendments Nos. 179, 180, 181, and 182: Strikes out the provisions proposed by the Senate for 1 additional clerk at $1,000 and 1 additional clerk at $900 in the Bureau of Manufactures of the Department of Commerce and Labor, and appropriates $8,000 instead of $10,000, as proposed by the Senate, and $5,500, as proposed by the House, for collating and arranging the tariffs of foreign countries.

On amendments Nos. 183, 184, and 185: Increases the salary of the Commissioner-General of Immigration from $4,000 to $5,000, and the salary of the Assistant Commissioner-General from $3,000 to $3,500, as proposed by the Senate.

On amendments Nos. 186, 187, and 188: Provides as proposed by the Senate for an additional clerk at $1,400 and an additional clerk at $1,000 in the Division of Naturalization.

On amendments 189, 190, and 191: Appropriates $10,000, as proposed by the House, for investigation of flame standards and other properties of illuminating gas; strikes out the appropriation of $35,000 proposed by the House for operating testing machines under the Bureau of Standards, and inserts the provision proposed by the Senate repealing the law transferring the testing machines at the Watertown Arsenal to the Department of Commerce and Labor.

On amendment No. 208: Provides for two assistant messengers for the Court of Claims, as proposed by the Senate.

The committee of conference has been unable to agree on the following amendments of the Senate, namely:

On amendment No. 43: Striking out the provision for carriage and horses for the Vice-President.

On amendment No. 46: Increasing the salary of the Speaker of the House of Representatives to $15,000.

On amendments Nos. 60 and 61: Increasing the compensation of the President to $100,000.

On amendments Nos. 62 and 63: Increasing the compensation of the Vice-President to $15,000.

On amendments Nos. 192, 193, and 194: Increasing the salaries of the Chief Justice and eight associate justices of the Supreme Court $2,000 each.

On amendments Nos. 195, 196, and 197: Increasing the salaries of the 29 circuit judges $2,000 each.

On amendments Nos. 198 and 199: Increasing the salaries of the 84 district judges $2,000 each.

On amendments Nos. 200, 201, and 202: Increasing the salaries of the 3 justices of the court of appeals of the District of Columbia $2,000 each.

On amendments Nos. 203, 204, and 205: Increasing the salaries of the judges of the supreme court of the District of Columbia, $2,000 each.

On amendments Nos. 206, 207, and 209: Increasing the salaries of the judges of the Court of Claims $1,500 each.

On amendment No. 210: Establishing as the legal salaries of the justices and judges of the United States the rates of compensation appropriated for in the bill for the fiscal year 1910.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. BINGHAM. Mr. Speaker, I move the adoption of the conference report, and in moving that I desire to make this statement to the House, and I trust there will be just a little quiet, so that it may be thoroughly understood and we can be more expeditious in our work: In asking the unanimous consent of the House, which the House granted, for the conference report I made this statement, "excepting the amendments increasing the compensation of the Speaker, the President and Vice-President, and judges of the Supreme Court, and other judges of the United States, the additions to the public service proposed by the amendments of the Senate are not unique or extraordinary, and there is no doubt but that a conference committee can reconcile such differences. If this request is agreed to by the House, I am prepared to give assurances that no final agreement will be reached on the amendments just indicated without affording the House an opportunity of a separate vote on each one of the four subjects." We are prepared to carry out that statement of the House, as the House gave unanimous consent. In asking, therefore, the approval of the conference report I submit to the House that whatever have been the disagreements between the two Houses, they have been satisfactorily adjusted, with the exception of amendment No. 43, "and including purchase, driving, and care of carriage and horses for Vice-President." That is in disagreement; all the other items are in disagreement that have been indicated to the House. A full vote in any form that the House may determine upon will be the right of the House. There have been but two propositions that would seem to the House to be radical. The Senate for the first time in the history of legislation have covered their entire subordinate force with fixed definite work and fixed definite compensation, running to a certain extent under the well-established rules of the House. The courtesy that has heretofore existed between the government of the two Houses has been conceded in this proposed legislation, and I can say that so far as the miscellaneous or contingent fund of the Senate is concerned it is radically and almost wholly covered by the detailed legislation submitted to the House in the conference report.

The other item entirely new is the concession made in the proposed amount to the Secretary of State. The matter of the Secretary of State has been very thoroughly discussed by the

House, as well as the publication in the report in full of the proposed legislation. That is conceded in the increases asked for by the Secretary of State, as well as by his predecessor, and I can simply say that the House conferees conceded that, and are of the belief that the concession is very reasonable, running to a sum total of $19,500, giving to the new Secretary of State virtually a bureau wholly his own. I think the report can be passed by the House, and we then enter immediately upon the differences submitted to the House in those paragraphs disagreed to by the House. I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker——

Mr. BINGHAM. I believe the gentleman has an hour——

Mr. CLARK of Missouri. I would like to make a few remarks.

Mr. BINGHAM. I will yield to the gentleman. How much time does the gentleman desire?

Mr. CLARK of Missouri. Say ten minutes; probably I would not use ten minutes. Mr. Speaker, a parliamentary inquiry. Have I not an hour in my own right?

The SPEAKER pro tempore. If the gentleman from Pennsylvania has yielded the floor.

Mr. BINGHAM. No, I have not yielded the floor; I yielded the gentleman ten minutes.

Mr. CLARK of Missouri. Then I will take the ten minutes. I may not really want ten minutes. Mr. Speaker, the other day the House showed its extreme anxiety to secure for the Secretaryship of State a certain man, and it was so anxious to do that that it went through the preposterous performance of reducing the salary from $12,000 to $8,000 a year. I have no disposition here or elsewhere to dispute the right of the President of the United States to have anybody in his Cabinet he wants if he is qualified. The truth of it is I have always had a rather peculiar feeling about Cabinet appointments anyway. When we had a Democratic President and I was a Member of Congress I refused to recommend anybody to the President for a Cabinet office. If we had one or our man was coming in now, I would refuse to recommend anybody to him for a place in the Cabinet. I feel absolutely free to recommend anybody for other offices in the gift of the President except Cabinet places. It is a family relation in a certain sense, and I would as lief recommend one of my friends to marry a certain woman as to recommend the President to take any particular man into his Cabinet.

It so happens that I have no acquaintance with Senator KNOX; never spoke to him; but common fame says he is a very able man. But here is where we are now. In order to get him in the other day, on one hand, we took away $4,000 salary from him——

Mr. SHERLEY. Will the gentleman allow me to interrupt him?

Mr. CLARK of Missouri. Certainly.

Mr. SHERLEY. What we actually did was to take all salary from him, because the act repealing the increase did not revive the old salary allowed, and so he has not any salary if the act passed by the House the other day becomes law. [Laughter.]

Mr. CLARK of Missouri. So much the worse; so much stronger for my position, as I understand it. We were so anxious to have him in the Cabinet we took away $4,000 of his salary. Now, the gentleman from Kentucky suggests that as a matter of fact, in the bill which the House passed in that great feat of overriding the Constitution by legislative enactment, we inadvertently took away from him all his salary. [Laughter.]

The thing I wanted to call to the attention of the House is this: We, as a further inducement to secure the services of this illustrious statesman, at his suggestion, as I understand it—if I am incorrect about that I would like to be corrected, because I would not do any man an injustice knowingly—at his own suggestion, as I understand it, the first thing we do is to create the office of Undersecretary of State, "to be appointed by the President, by and with the advice of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided for by law, at a salary of $10,000 a year." That is inducement No. 2. We reduced his salary as inducement No. 1, and now create the office of Undersecretary, at a salary of $10,000, as inducement No. 2.

As inducement No. 3 we create a Fourth Assistant Secretary of State, "to be appointed by the President, by and with the consent of the Senate, who shall perform such duties as the Secretary of State shall designate and as may be provided by law, $4,500" per annum. As the fourth inducement we create the office of "private secretary and clerk to the Secretary of State, to be appointed by the Secretary of State; private secretary to the Undersecretary of State, $2,500; clerk to the Undersecretary of State, $1,500, to be appointed by the Secretary of State."

As the fifth inducement we create the office of "private messenger to the Secretary of State, $1,000."

So that in order to secure the services of Senator KNOX as Secretary of State we create offices and increase salaries to a total amount of $19,500 a year.

If Senator KNOX were the only man in the United States fit to be Secretary of State, that might not be paying too high a price for the whistle. But I violate no confidence in this House when I say that there are 5,000 men in the United States who are qualified to make suitable Secretaries of State in ordinary times, and that within the range of my vision right now, leaving out every Democrat that I can see, I can pick out a dozen Republicans on the other side of the aisle that would make just as good Secretaries of State as we have had since I have been in Congress and paying attention to such things.

Mr. KEIFER. Will the gentleman allow me to interrupt him? [Laughter.]

Mr. CLARK of Missouri. There is nothing personal in this, General. [Laughter.]

Mr. KEIFER. I did not hear what the gentleman said, but I thank him, whatever he may have said. I think he was reading from page 45 of the bill, and I think he omitted to read the first line under the head "Department of State." I will read it. It is highly important.

For compensation of the Secretary of State, $12,000.

That, I understand, there is no dispute about at all, and it is not even in conference. Both Houses of Congress have already agreed to this as the salary of the Secretary of State. Will we not pay $12,000 in the fiscal year provided for in this bill? Will this not work another disqualification of Senator KNOX? I suggest that we will all vote to raise the salary to that amount before the 1st day of July next.

Mr. CLARK of Missouri. I will not. You need not be counting all of us in. Mr. Speaker, I am very glad the gentleman called my attention to that. It undoubtedly attaches to Senator KNOX again the ineligibility to serve in that Cabinet from July 1, 1909, until the 4th day of March, 1911. If that clause that the gentleman from Ohio [Mr. KEIFER] called attention to is put in this bill, if it finally becomes a law, then I undertake to say that the ineligibility that attached to Senator KNOX before we passed that bill the other day, and which I think attaches to him yet, will reattach to him.

I want to call your attention to another fact. Everybody knows, who knows anything about our affairs at all, that there is a deficiency in the revenue of about $13,000,000 a month. And there is another fact that everybody who has any sense knows, that until this tariff bill is disposed of that deficiency in the revenue is going to increase month by month; and if the tariff debate drags along until the 1st of September, as it is likely to do, the deficiency in the revenues will mount up to $25,000,000 a month. With that condition of affairs staring us in the face, we are asked to increase the expenses of the office of Secretary of State $19,500 a year, and I should like somebody to give some good reason why that should be done. We are at peace with all the world. There are no complications in the office of Secretary of State except with two countries. One of them amounts to very little, and the other is in process of being settled amicably; and it is strange that in a time of profound peace, with nothing increasing the business and work of the office of the Secretary of State, we are to appropriate an extra $19,500 a year in order to secure the services of one man. I will not vote for it, and it does not seem to me that any man on the floor of the House ought to vote for it. And the House conferees were so anxious to get this thing done that they agreed to put into each one of these amendments which I have read the words "to be immediately available." [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. GILLETT. Mr. Speaker, when this bill was considered by the conferees, the salary of the Secretary of State was $12,000 a year. Consequently we made the necessary appropriation for the salary as it then stood upon the statute books. There had been no suggestion then of changing the salary. Since then that salary has been changed. Whether that change is a law or not, having been signed by the President, I do not know, but undoubtedly it will become a law within a day or two. Therefore it is obviously necessary, it seems to me, that this appropriation bill should be changed to conform to the law which the House has passed.

Mr. UNDERWOOD. I should like to ask the gentleman whether or not this $12,000 is a subject for the action of the conferees at all? Was it not agreed upon by both Houses?

Mr. GILLETT. It was so agreed upon.

Mr. UNDERWOOD. Then the conferees have nothing to do with it.

Mr. GILLETT. No. It can only go back to the Senate and be changed.

Mr. UNDERWOOD. It can not be stricken out by the conferees.

Mr. GILLETT. Certainly not; but the bill can go back to the Senate and let them change it.

Mr. BINGHAM. To submit the history of this matter in detail for the information of the House, the legislative, executive, and judicial appropriation bill was reported to the House December 10, 1908. It passed the House December 11, 1908. It was reported to the Senate January 14, 1909, and passed the Senate January 22, 1909.

Mr. GILLETT. Mr. Speaker, inasmuch as the facts have changed since this conference report was agreed to, I move that the House disagree to the conference report, and that the bill be sent back to conference.

Mr. BINGHAM. That is agreeable, Mr. Speaker.

Mr. FITZGERALD. I hope the gentleman will yield for a question.

Mr. GILLETT. I will yield to the gentleman.

Mr. FITZGERALD. The gentleman from Massachusetts asks that this report be disagreed to and the bill sent back to conference.

Mr. GILLETT. I did not ask that it be sent back to conference. I asked that it be disagreed to.

Mr. FITZGERALD. The effect will be to send it back to conference, in order to remedy the anomalous condition that now exists by increasing in this bill the salary of the Secretary of State.

Mr. LIVINGSTON. That will have to be done by the Senate and House.

Mr. FITZGERALD. I understand that. As one of those who voted to reduce the salary of the Secretary of State in order to make Senator KNOX eligible for the office, I am heartily in accord with the gentleman's position. But there is another situation disclosed here. I was perfectly willing that the President-elect should have perfect freedom in the selection of a Secretary of State. The statement made by the President-elect that this one man was so peculiarly qualified for the office that it would be a public misfortune if he could not obtain his services appealed very strongly to me. I was not aware, however, that this peculiarly well-qualified man would be unable to discharge the duties of this great office unless he was given assistance that neither the great Secretary John Hay, nor his great successor, Elihu Root, ever considered necessary to have in the discharge of their duties.

Either I have been grossly misled as to the peculiar qualifications of a single individual whom the President-elect desires, or else a wonderful increase in the activities in the Secretary of State must be contemplated in the very near future.

It is easy to assume, Mr. Speaker, that both the late Secretary John Hay and the gentleman who has just given up the office, Senator-elect Elihu Root, discharged the duties of that great office to the satisfaction of the most strenuous President that the country has seen in its history. Is it possible that that office will be so occupied hereafter that these usual additions in the office of the Secretary are necessary, or is it the purpose to relieve the Secretary of State of some of the labor that his predecessors have voluntarily and willingly done?

I hope that the gentleman from Massachusetts [Mr. GILLETT] will not only ask that this conference report go back in order to permit the reduction of the salary of the Secretary of State, but that he will move that the House conferees will be instructed to insist upon the disagreement to the several amendments indicated by the gentleman from Missouri [Mr. CLARK]. When the Senate proposed these amendments it was intended that the new officers should commence on the 1st of July next, but the House conferees insisted that they should begin on the 4th of March. Evidently this is intended for the new Secretary of State. I am not only willing to permit this gentleman to serve and discharge the duties, but I am anxious to compel him to do as much work as his predecessors have done. So that I hope the gentleman from Massachusetts [Mr. GILLETT] will make that motion; if he does not, I shall attempt to make it myself.

There is another item of this conference report to which I desire to call the attention of the conferees. There is an amendment that provides for the rental of a storage warehouse for documents of the Senate. They are just completing their $3,000,000 building. They have more room for documents there than they can secure by any amount of rental we may appropriate. I understand that for the convenience of Senators only a single floor of the three floors of that building will be required, so that in addition to the space in the basement there are two floors of that building available for storage purposes. Yet the House conferees are willing to continue the rental of a building for the Senate in order to store its documents. I hope that the conferees will see to it in the next conference that that item also is disallowed.

Mr. BARTLETT of Georgia. Do I understand the gentleman's motion is to send the bill back to conference?

Mr. GILLETT. No; it is to disagree to the conference report, and that sends the bill back to the Senate.

Mr. BARTLETT of Georgia. Then everything upon the bill will be open to amendment as it would originally?

Mr. GILLETT. Certainly.

Mr. BARTLETT of Georgia. Does the gentleman mean to say that a disagreement to a conference report sends it back to the Senate?

Mr. GILLETT. That is my understanding.

Mr. UNDERWOOD. If I understand the parliamentary situation, you can not send it back to the Senate by disagreeing to a conference report.

Mr. GILLETT. We disagree to the conference report and the bill goes back to the Senate.

Mr. FITZGERALD. The bill remains here unless some other action is taken. The Senate has agreed to the conference report and the bill and papers are in the House.

Mr. BARTLETT of Georgia. I can not agree, with my present understanding of the parliamentary rules of the House and Senate, that a mere disagreement to a conference report will send the bill back to the Senate, because the House has passed the bill, the Senate has passed the bill with certain amendments, and the House disagreed to those amendments, and the two Houses were in conference about it. Now, the conferees of the two Houses have agreed to most of these Senate amendments.

Mr. LIVINGSTON. The House disagrees to this conference report. This bill is in the House to be disposed of as the House sees fit.

Mr. BARTLETT of Georgia. That is true. The gentleman from Massachusetts [Mr. GILLETT] said if we disagreed to the conference report it would send the bill back to the Senate, but I want to ask the gentleman where we get the power now to reduce this salary from $12,000, which is provided for the Secretary of State in this bill, to $8,000? If the bill passes now, you have a provision of law for the Secretary of State of $12,000, commencing on the 30th day of June next, which would, as a matter of course, render ineligible the proposed Secretary of State. Now, it goes back to conference. The conferees would have no right to reduce that salary, because that is not a matter in dispute between the two Houses; so, in order to reach this question of providing for the Secretary of State, either the bill must come back into the House or it must go back into the Senate, where some amendment can be made.

Mr. GILLETT. Yes.

Mr. BARTLETT of Georgia. And that is the status to which I wish to call the attention of the gentleman from Massachusetts, so that we, if possible, will not go before the country in the attitude of having one day decreased and abolished the salary of the Secretary of State and the next day made it $12,000.

Mr. GILLETT. That is exactly the purpose of this motion. Of course this question of the salary is not in conference. Therefore it is impossible to send it back to conference, because then the question would not be before us, and the state of the case is as the gentleman has said. Therefore the bill itself must be changed in order to conform to the change of salary which we passed the other day. As the gentleman says, inasmuch as that particular clause was not in conference, it would be impossible, or useless, rather, to send it to conference. Therefore the bill itself must be, in one House or the other, acted upon independently and that item changed. That is the reason we first moved to disagree to the conference report.

Mr. BARTLETT of Georgia. Having disagreed to the conference report, where does that leave the bill?

Mr. GILLETT. That leaves the bill on the Speaker's table.

Mr. TAWNEY. No; it leaves the bill in the possession of the House.

Mr. PERKINS. Mr. Speaker, I would like to ask the gentleman from Massachusetts a question. What harm would result even if the appropriation bill remained as it is now? The law is that the compensation of the Secretary of State shall be at the rate of $8,000 per year.

Mr. LIVINGSTON. Here is a later law, which says that it is $12,000 a year.

Mr. GILLETT. Yes; and we often increase salaries by appropriation bills.

Mr. PERKINS. If a salary has been fixed at $5,000 a year and we appropriate $10,000, then is the man holding office entitled to draw $10,000?

Mr. GILLETT. Certainly; that is often done.

Mr. CLARK of Missouri. The effect of passing this bill as it is, taken in connection with the bill that we passed here the day before yesterday, would be that the Secretary of State would draw $8,000 from the 4th day of March until the 1st day of July.

Mr. TOWNSEND. But the appropriation bill of last year made it $12,000, and that is available until July.

Mr. MANN. No; that has been repealed.

Mr. CLARK of Missouri. He would draw at the rate of $8,000 a year from the 4th day of March to the 1st day of July, and then he would begin to draw at the rate of $12,000 a year.

Mr. GILLETT. That is correct.

Mr. BINGHAM. Mr. Speaker, how much time is remaining of the hour?

The SPEAKER pro tempore. Eighteen minutes.

Mr. BINGHAM. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD], and then five minutes to the gentleman from West Virginia [Mr. GAINES].

Mr. UNDERWOOD. Mr. Speaker, I want to congratulate our friends on the Republican side of the House on their ability to transact public business. A few days ago we had the momentous question presented to this House of inducting a man into the office of Secretary of State by legislative enactment, and after we had considered that question with two separate bills before us on two different occasions on the same day, we succeeded, not in doing what the majority of this House said they proposed to do—that is, reduce the salary of the Secretary of State from $12,000 a year to $8,000 a year—but after making this attempt to reduce the salary to $8,000, I understand the day's work was thrown away, because they have taken the salary entirely away from the office of Secretary of State. And now, when we find this great legislative bill brought before the House, a few days before our final adjournment, we discover the fact that we have again increased the salary of this office to $12,000 a year.

Now, we have to stop a conference report in the midst of the busy hours of the closing days of Congress; leave the bill lying here on the Speaker's table; let the Senate send a message over here that they would like to have this bill sent back to the Senate in order that they can find out what they want to do.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. TAWNEY. The statement was made a few moments ago that the bill as it passed the House left no compensation whatever to the Secretary of State——

Mr. SHERLEY. If the gentleman from Minnesota will permit me——

Mr. TAWNEY. I want to finish this statement. I find the RECORD is wrong. The bill which passed both Houses of Congress, signed by the Speaker, the Vice-President, and went to the President, had this clause:

And the annual compensation of the Secretary of State shall be at the rate of $8,000.

Mr. UNDERWOOD. Well, I had not investigated myself——

Mr. TAWNEY. And there is section 2, which does not appear in the RECORD at all, which states:

That on and after March 4, 1909, there shall be no emoluments attached to the office of Secretary of State other than those which by the law in force on the 1st day of May, 1904, belonged and were then attached to said office.

Mr. UNDERWOOD. As I understand it, then, I will say——

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman to yield me time enough to finish my statement. I have been interrupted, and I would like to finish my statement.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield further time?

Mr. BINGHAM. How many minutes does the gentleman want?

Mr. UNDERWOOD. I should desire about five minutes.

Mr. BINGHAM. The gentleman on his left desires some time——

Mr. CLAYTON. Will the gentleman from Pennsylvania yield to me——

Mr. BINGHAM. I will yield the gentleman from Alabama two minutes longer.

Mr. UNDERWOOD. Then, Mr. Speaker, according to the statement of the gentleman from Minnesota, we have the further anomalous position in reference to this matter that the House and the Senate passed a bill having two clauses in it, one reducing the salary and fixing it at $8,000 and the other clause repealing the salary entirely, and that after the two Houses had passed on this proposition that the bill that was presented to the Speaker and Vice-President to be signed had one of the clauses struck out of the bill that was passed by the House; that is, if I understand the statement of the gentleman from Minnesota correctly.

Mr. TOWNSEND. No; the Speaker signed the correct bill as it passed the House.

Mr. UNDERWOOD. As I understand, the RECORD shows that, but that as a matter of fact it was not the fact.

Mr. TOWNSEND. No; the RECORD does not show that.

Mr. BONYNGE. The RECORD shows the bill as passed did repeal the salary, but the bill as passed had two sections and fixed the salary at $8,000.

Mr. UNDERWOOD. The only thing I rose for, Mr. Speaker, as I stated in the beginning, was to say that here is this great effort being made to induct this gentleman into office by legislative enactment and the House and Senate together are unable to deliver the goods at this time.

Mr. BINGHAM. Mr. Speaker, I now yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, a few moments ago I interrupted the gentleman from Missouri to suggest that the act passed by the House relative to the compensation of the Secretary of State while repealing the increase did not provide for the reinstatement of the old compensation. In making that statement I was in error, and I was in error by relying upon a distinguished Republican colleague and upon the RECORD of the House of Representatives, both the gentleman and the RECORD being wrong. Now, what happened was this: The Clerk read the enrolled bill of the Senate, but the stenographer in reporting the fact simply noted that it was Senate bill 9295, and then inserted the bill in the RECORD as it had been introduced in the Senate, but not as it passed the Senate, so what we ought to do now is to correct the RECORD. I ask unanimous consent that the RECORD be corrected on page 2390 by inserting the terms of the real Senate bill 9295 that was passed by the House instead of the bill that is stated in the RECORD as having been passed, because this is a matter of such importance that we should at least keep the RECORD straight.

Mr. HENRY of Texas. Mr. Speaker, I dislike to do so, but I shall have to object to the request.

Mr. SHERLEY. Well, the statement itself makes the correction. I have seen the enrolled bill myself, so I am prepared to state to the House that the Senate bill that was passed by the House is not in terms what the RECORD shows, but is actually the one that was passed by the Senate, in which it is provided in the first clause as follows:

That the annual compensation of the Secretary of State shall be at the rate of $8,000.

A MEMBER. Ask unanimous consent to correct it.

Mr. SHERLEY. I have made that request, and it has been objected to. I move to correct the RECORD on page 2390 by inserting the terms of the real bill that was passed by the House in place of the misstatement contained in the RECORD.

Mr. HENRY of Texas. On that I desire to make the point of order.

Mr. CLAYTON. Will the gentleman from Pennsylvania yield to me.

Mr. HENRY of Texas. I make the point of order that the motion is not now in order.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. BINGHAM. I have nine minutes remaining.

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. BINGHAM. I yield one minute to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, this whole proposition comes as a surprise to the House. No one seems to have discovered this appropriation for $12,000 for the Secretary of State in this bill, and the fact that it has been agreed to by both Houses.

Mr. FITZGERALD. Why, we made this appropriation. The gentleman is mistaken. I am not surprised that the gentleman from New York does not know the appropriation was made.

Mr. PAYNE. I hope I will not be interrupted and my time taken by a gentleman simply quibbling.

Now, Mr. Speaker, it seems to me the part of wisdom to postpone this matter until to-morrow morning, and ascertain the best method of correcting this error; because it is an error in view of the legislation passed by both Houses of Congress. I suggest to the gentleman from Pennsylvania that he move to postpone the consideration of this matter until to-morrow, after the reading of the Journal.

Mr. BINGHAM. I make that motion.

Mr. CLAYTON. Mr. Speaker, before the gentleman makes that motion, I would like just to say that the RECORD is absolutely correct about this bill that did pass the House on the 15th.

The SPEAKER pro tempore. As many as are in favor of the motion will say aye——

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to make a statement in regard to the RECORD, and I call the attention of the House——

Mr. BINGHAM. I yield two minutes to the gentleman. I withhold my motion.

The SPEAKER pro tempore. The Chair did not hear the gentleman.

Mr. BINGHAM. I withhold my motion.

Mr. CLAYTON. Now, Mr. Speaker, the RECORD, so far as the passage of this bill is concerned, is absolutely correct. I have investigated it, and an investigation of the RECORD will show. Turning to page 2408, you will see that the House adopted a rule for the present consideration and passage of Senate bill 9295. The Journal, that was approved yesterday, shows that S. 9295 was the bill that passed this House, and is the bill that is now before the President unless he has approved it. That bill shows that the annual compensation of the Secretary of State shall be at the rate of $8,000 per annum——

Mr. SHERLEY. Now, will the gentleman permit——

Mr. CLAYTON (continuing). That is the record in relation to the bill that did pass. What happened as to some other bill that did not pass is as a last year's bird nest, and has no place in this discussion.

Mr. SHERLEY. Will the gentleman yield to me? That statement is true. The only place that Senate bill 9295 is printed is on page 2390.

Mr. CLAYTON. The gentleman is correct about that, and it is an incorrect print. That print was made in connection with the proceedings when the attempt was made to pass the bill by a suspension of the rule. The bill that did pass under the special rule set out on page 2408 of the RECORD, is in the following words——

Mr. COCKRAN. That is interesting, but not vital.

Mr. CLAYTON (reading)—

An act (S. 9295) in relation to the salary of the Secretary of State.

Be it enacted, etc., That section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," approved February 26, 1907, fixing the annual compensation of heads of executive departments, be, and the same is hereby, repealed in so far as the same relates to the annual compensation of the Secretary of State, and the annual compensation of the Secretary of State shall be at the rate of $8,000.

SEC. 2. That on and after March 4, 1909, there shall be no emoluments attached to the office of Secretary of State other than those which by the law in force on the 1st day of May, 1904, belonged and were then attached to said office.

SEC. 3. That this act shall take effect and be in force from and after March 4, 1909.

This is a bill, Mr. Speaker, for which I voted and which passed the House on the 15th instant.

I have stated the facts, and if the gentleman from New York does not wish to hear any more, I have to say for his benefit that I have concluded.

Mr. CLARK of Missouri. I would like to ask the gentleman from Pennsylvania what he wants to postpone this matter for?

Mr. GILLETT. Because this is a novel situation which has come before the House and in order to determine the best method of correcting it.

Mr. MANN. There is always difficulty when you come to evade the Constitution. [Laughter.]

The SPEAKER pro tempore. Gentlemen will suspend, and the House will be in order.

Mr. CLARK of Missouri. I move the previous question on the motion of the gentleman from Massachusetts [Mr. GILLETT] to disagree to the conference report.

The SPEAKER pro tempore. The motion of the gentleman from Pennsylvania, made a few moments ago, was to postpone the further consideration of the proposition until to-morrow, and that is a privileged motion.

Mr. FITZGERALD. The motion for the previous question would take precedence of the motion to postpone.

The SPEAKER pro tempore. The motion to postpone was made before the motion for the previous question.

Mr. FITZGERALD. I wish to call the attention of the Chair to a situation that arose in the House during this session. The gentleman from Massachusetts [Mr. GARDNER] moved to postpone the consideration of the resolution laying the President's message on the table. Thereupon a motion for the previous question on the resolution itself was moved, and the Chair ruled that that took precedence and cut out the motion to postpone.

There is now pending a motion to disagree to the conference report, and the gentleman from Missouri moves the previous question on that motion, which takes precedence of the motion to postpone consideration.

The SPEAKER pro tempore. The motion for the previous question will cover both the motion to agree and the motion to postpone, if made. Does the Chair understand the gentleman from Missouri to make that motion?

Mr. PAYNE. Under that ruling, I hope it will be adopted.

Mr. CLARK of Missouri. I make it on the one motion of the gentleman from Massachusetts [Mr. GILLETT].

Mr. PAYNE. I move the previous question on the motion to postpone.

Mr. CLARK of Missouri. That is out of order.

Mr. FITZGERALD. That is all right, but the other one, made by the gentleman from Missouri [Mr. CLARK], takes precedence over it.

The SPEAKER pro tempore. The gentleman from New York, as the Chair understands, moves the previous question on the motion to postpone and on the question of agreeing to the conference report.

Mr. FITZGERALD. I submit that the motion of the gentleman from Missouri for the previous question on the motion to disagree takes precedence over the motion for the previous question on a subordinate motion to postpone. The gentleman from Missouri [Mr. CLARK] made that motion and is entitled to have it put by the Chair.

The SPEAKER pro tempore. The Chair is of the opinion that the motion to postpone ought not to be cut out by a motion for the previous question.

Mr. FITZGERALD. But I desire to call the attention of the Chair to the fact that that ruling has been specifically made in this session of Congress by the Speaker. The Chair will recall that there was a resolution pending in the House to lay the President's message on the table.

The gentleman from Massachusetts [Mr. GARDNER] was recognized, and moved to postpone, and on that motion demanded the previous question. Thereupon the gentleman from Minnesota [Mr. TAWNEY] moved the previous question on the pending resolution, which was to lay the President's message on the table; and the Speaker, referring to Rule XVI, which provides for the precedence of motions, determined that the motion for the previous question on the main resolution took precedence over the other two motions, and cut out the motion to postpone, with the demand for the previous question pending on that motion. The situation here is analogous.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. BINGHAM] moved to agree to the conference report. The gentleman from New York [Mr. PAYNE] moved to postpone until a day certain, to-morrow.

Mr. PAYNE. The gentleman from Pennsylvania [Mr. BINGHAM] made that motion.

The SPEAKER pro tempore. Very well; the gentleman from Pennsylvania made that motion, and it is a privileged motion. Then the gentleman from Missouri [Mr. CLARK] moved the previous question on the first motion, namely, the motion to agree to the conference report, the effect of which would be to cut out the last motion, namely, the motion to postpone. The gentleman from New York [Mr. PAYNE] then moved the previous question to cover both motions, and the present occupant of the chair is of opinion that the motion of the gentleman from New York [Mr. PAYNE] takes precedence, and is in order, and so holds.

Mr. HENRY of Texas. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HENRY of Texas. Can we not now have the conference report read for the information of the House?

Mr. MANN. It has been read.

The SPEAKER pro tempore. The gentleman is too late.

Mr. HENRY of Texas. I ask unanimous consent that it be read.

Mr. MANN. I object.

Mr. PAYNE. Regular order!

Mr. FITZGERALD. A parliamentary inquiry, Mr. Speaker. If the previous question be moved on the motion to disagree to the conference report and the motion to postpone, what question would then be submitted to the House?

The SPEAKER pro tempore. The motion to postpone.

Mr. FITZGERALD. I submit that the ruling of the Speaker at this session of Congress distinctly held——

Mr. PAYNE. The gentleman does not seem to distinguish——

Mr. FITZGERALD. Oh, I distinguish that case.

Mr. PAYNE. He confuses it with a motion to lay the matter on the table.

Mr. FITZGERALD. I submit that the motion for the previous question on the main question takes precedence of the gentleman's motion for the previous question on the main question and the subordinate question.

Mr. PAYNE. Hardly.

The SPEAKER pro tempore. The Chair has ruled. The question is upon the previous question.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLARK of Missouri. Yeas and nays!

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 121, answered "present" 4, not voting 91, as follows:

YEAS—169.

Alexander, N. Y.	Draper	Hull, Iowa	Parsons
Allen	Driscoll	Humphrey, Wash.	Payne
Ames	Durey	Jenkins	Pearre
Andrus	Edwards, Ky.	Kahn	Perkins
Anthony	Ellis, Mo.	Keifer	Pollard
Bannon	Englebright	Kennedy, Iowa	Porter
Barclay	Fairchild	Kennedy, Ohio	Pray
Bartholdt	Fassett	Knapp	Prince
Bates	Focht	Knopf	Roberts
Beale, Pa.	Fordney	Knowland	Rodenberg
Bede	Foster, Ind.	Küstermann	Scott
Bennet, N. Y.	Foster, Vt.	Landis	Sherman
Bingham	Foulkrod	Lawrence	Smith, Cal.
Birdsall	Gaines, W. Va.	Lindbergh	Smith, Iowa
Bonynge	Gardner, N. J.	Longworth	Smith, Mich.
Boutell	Gillett	Loud	Southwick
Boyd	Goebel	Loudenslager	Sperry
Brownlow	Graff	Lowden	Stafford
Burke	Graham	McCall	Steenerson
Burleigh	Greene	McCreary	Sterling
Burton, Ohio	Gronna	McGuire	Stevens, Minn.
Butler	Guernsey	McKinlay, Cal.	Sturgiss
Calder	Haggott	McKinley, Ill.	Sulloway
Calderhead	Hale	McKinney	Swasey
Campbell	Hall	McLachlan, Cal.	Tawney
Cassel	Hamilton, Mich.	McLaughlin, Mich.	Taylor, Ohio
Caulfield	Harding	McMillan	Thistlewood
Chapman	Haskins	Madden	Thomas, Ohio
Cocks, N. Y.	Haugen	Madison	Tirrell
Cole	Hawley	Malby	Townsend
Conner	Hayes	Mann	Volstead
Cook, Colo.	Henry, Conn.	Marshall	Waldo
Cook, Pa.	Hepburn	Martin	Wanger
Cooper, Wis.	Higgins	Miller	Watson
Cousins	Hinshaw	Moon, Pa.	Weeks
Cushman	Holliday	Mouser	Weems
Dalzell	Howell, N. J.	Mudd	Wheeler
Darragh	Howell, Utah	Needham	Wilson, Ill.
Davis	Howland	Norris	Wood
Dawson	Hubbard, Iowa	Nye	Woodyard
Denby	Hubbard, W. Va.	Olcott	
Diekema	Huff	Overstreet	
Douglas	Hughes, W. Va.	Parker	

NAYS—121.

Adair	Fitzgerald	Humphreys, Miss.	Robinson
Adamson	Flood	James, Ollie M.	Rothermel
Aiken	Floyd	Johnson, Ky.	Rucker
Alexander, Mo.	Fornes	Johnson, S. C.	Russell, Mo.
Ashbrook	Foster, Ill.	Jones, Va.	Russell, Tex.
Bartlett, Ga.	Fulton	Kimball	Sabath
Bartlett, Nev.	Garner	Kitchin	Saunders
Beall, Tex.	Garrett	Lamar, Fla.	Shackleford
Bell, Ga.	Gill	Lamb	Sheppard
Booher	Gillespie	Lassiter	Sherley
Brantley	Glass	Lee	Sherwood
Brodhead	Godwin	Lever	Sims
Broussard	Goldfogle	Lindsay	Slayden
Brundidge	Gordon	Livingston	Small
Burgess	Gregg	Lloyd	Smith, Mo.
Burleson	Griggs	McDermott	Smith, Tex.
Burnett	Hackett	McHenry	Spight
Byrd	Hamilton, Iowa	Macon	Stanley
Candler	Hamlin	Maynard	Stephens, Tex.
Carter	Hammond	Moon, Tenn.	Sulzer
Clark, Fla.	Hardwick	Moore, Tex.	Taylor, Ala.
Clark, Mo.	Hardy	Murphy	Thomas, N. C.
Clayton	Harrison	Padgett	Tou Velle
Cockran	Hay	Page	Underwood
Cooper, Tex.	Heflin	Peters	Wallace
Cox, Ind.	Helm	Rainey	Webb
Crawford	Henry, Tex.	Randell, Tex.	Wiley
De Armond	Hitchcock	Rauch	Wilson, Pa.
Dixon	Hobson	Reid	
Ellerbe	Houston	Rhinock	
Ferris	Hull, Tenn.	Richardson	

ANSWERED "PRESENT"—4.

Currier	Gardner, Mich.	Goulden	McMorran

NOT VOTING—91.

Acheson	Davidson	Hamill	Lewis
Ansberry	Dawes	Hill, Conn.	Lorimer
Barchfeld	Denver	Hill, Miss.	Lovering
Barnhart	Dwight	Howard	McGavin
Bennett, Ky.	Edwards, Ga.	Hughes, N. J.	McLain
Bowers	Ellis, Oreg.	Jackson	Mondell
Bradley	Esch	James, Addison D.	Moore, Pa.
Burton, Del.	Estopinal	Jones, Wash.	Morse
Caldwell	Favrot	Keliher	Murdock
Capron	Finley	Kinkaid	Nelson
Carlin	Foelker	Kipp	Nicholls
Cary	Foss	Lafean	O'Connell
Chaney	Fowler	Lamar, Mo.	Olmsted
Cooper, Pa.	French	Langley	Patterson
Coudrey	Fuller	Laning	Pou
Craig	Gaines, Tenn.	Law	Pratt
Cravens	Gardner, Mass.	Leake	Pujo
Crumpacker	Gilhams	Legare	Ransdell, La.
Davenport	Hackney	Lenahan	Reeder
Reynolds	Snapp	Washburn	Williams
Riordan	Sparkman	Watkins	Wolf
Ryan	Talbott	Weisse	Young
Slemp	Vreeland	Willett	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. MCMORRAN with Mr. PUJO.

Until further notice:

Mr. ACHESON with Mr. CALDWELL.

Mr. BARCHFELD with Mr. CARLIN.

Mr. BENNETT of Kentucky with Mr. CRAIG.

Mr. BURTON of Delaware with Mr. CRAVENS.

Mr. COOPER of Pennsylvania with Mr. DENVER.

Mr. CRUMPACKER with Mr. EDWARDS of Georgia.

Mr. DAWES with Mr. ESTOPINAL.

Mr. ELLIS of Oregon with Mr. FAVROT.

Mr. ESCH with Mr. GAINES of Tennessee.

Mr. FOELKER with Mr. HACKNEY.

Mr. FOSS with Mr. HAMILL.

Mr. FRENCH with Mr. HOWARD.

Mr. FULLER with Mr. HUGHES of New Jersey.

Mr. GARDNER of Massachusetts with Mr. KELIHER.

Mr. HILL of Connecticut with Mr. KIPP.

Mr. JONES of Washington with Mr. LAMAR of Missouri.

Mr. LAFEAN with Mr. LEAKE.

Mr. LANGLEY with Mr. LEGARE.

Mr. LAW with Mr. LENAHAN.

Mr. LORIMER with Mr. MCLAIN.

Mr. LOVERING with Mr. NICHOLLS.

Mr. MCGAVIN with Mr. PRATT.

Mr. MONDELL with Mr. POU.

Mr. MORSE with Mr. RANSDELL of Louisiana.

Mr. MURDOCK with Mr. RYAN.

Mr. OLMSTED with Mr. SPARKMAN.

Mr. REEDER with Mr. TALBOTT.

Mr. SLEMP with Mr. WATKINS.

Mr. WASHBURN with Mr. WILLETT.

Mr. YOUNG with Mr. WILLIAMS.

Mr. MOORE of Pennsylvania with Mr. DAVENPORT.

Mr. ADDISON D. JAMES with Mr. LEWIS.

Mr. DWIGHT with Mr. ANSBERRY.

Mr. DAVIDSON with Mr. BOWERS.

Mr. COUDREY with Mr. RIORDAN.

Mr. CARY with Mr. WEISSE.

Mr. CHANEY with Mr. WOLF.

Mr. VREELAND with Mr. HILL of Mississippi.

Mr. GARDNER of Michigan with Mr. BARNHART.

Mr. CAPRON with Mr. O'CONNELL.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Pennsylvania to postpone the further consideration of the conference report until to-morrow.

Mr. CLARK of Missouri. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 112, answered "present" 4, not voting 126, as follows:

YEAS—143.

Alexander, N. Y.	Cushman	Haugen	McKinlay, Cal.
Allen	Dalzell	Hawley	McKinley, Ill.
Ames	Darragh	Hayes	McKinney
Anthony	Davis	Henry, Conn.	McLaughlin, Mich.
Bannon	Dawson	Hepburn	Madden
Barclay	Denby	Hill, Conn.	Malby
Bartholdt	Diekema	Hinshaw	Mann
Bates	Douglas	Howell, N. J.	Miller
Beale, Pa.	Draper	Howell, Utah	Moon, Pa.
Bede	Driscoll	Howland	Mouser
Bennet, N. Y.	Dwight	Hubbard, Iowa	Mudd
Bingham	Edwards, Ky.	Hubbard, W. Va.	Needham
Birdsall	Ellis, Mo.	Huff	Nelson
Bonynge	Ellis, Oreg.	Hughes, W. Va.	Norris
Brownlow	Fairchild	Hull, Iowa	Nye
Burke	Focht	Humphrey, Wash.	Olcott
Burleigh	Foss	Jones, Wash.	Overstreet
Burton, Del.	Foster, Vt.	Kahn	Parker
Burton, Ohio	Foulkrod	Keifer	Parsons
Butler	Gaines, W. Va.	Kennedy, Iowa	Payne
Calder	Gardner, N. J.	Kennedy, Ohio	Pearre
Campbell	Gillett	Kinkaid	Perkins
Caulfield	Goebel	Knapp	Porter
Chapman	Graff	Langley	Pray
Cocks, N. Y.	Greene	Lawrence	Roberts
Cole	Gronna	Lindbergh	Rodenberg
Conner	Guernsey	Longworth	Scott
Cook, Colo.	Hale	Loudenslager	Smith, Cal.
Cook, Pa.	Hamilton, Mich.	Lovering	Smith, Iowa
Cooper, Wis.	Harding	McCall	Smith, Mich.
Cousins	Haskins	McCreary	Snapp

Southwick	Stevens, Minn.	Thomas, Ohio	Weems
Sperry	Sturgiss	Tirrell	Wilson, Ill.
Stafford	Sulloway	Volstead	Wood
Steenerson	Swasey	Waldo	Woodyard
Sterling	Taylor, Ohio	Weeks	

NAYS—112.

Adair	Flood	James, Ollie M.	Robinson
Aiken	Floyd	Johnson, Ky.	Rothermel
Alexander, Mo.	Fornes	Jones, Va.	Rucker
Bartlett, Ga.	Foster, Ill.	Kimball	Russell, Mo.
Bartlett, Nev.	Fulton	Kitchin	Sabath
Beall, Tex.	Garner	Lamar, Fla.	Saunders
Bell, Ga.	Garrett	Lamb	Shackleford
Booher	Gill	Lassiter	Sheppard
Brantley	Gillespie	Lee	Sherley
Brodhead	Godwin	Lever	Sherwood
Broussard	Goldfogle	Lindsay	Sims
Brundidge	Gordon	Livingston	Slayden
Burleson	Gregg	Lloyd	Small
Burnett	Griggs	McDermott	Smith, Mo.
Byrd	Hackett	McHenry	Smith, Tex.
Candler	Hackney	Macon	Spight
Carter	Hammond	Moon, Tenn.	Stanley
Clark, Fla.	Hardwick	Moore, Tex.	Stephens, Tex.
Clark, Mo.	Harrison	Murphy	Sulzer
Clayton	Hay	Padgett	Taylor, Ala.
Cockran	Heflin	Page	Thomas, N. C.
Cooper, Tex.	Helm	Peters	Tou Velle
Cox, Ind.	Henry, Tex.	Rainey	Underwood
Cravens	Hitchcock	Randell, Tex.	Wallace
Dixon	Hobson	Rauch	Watkins
Ellerbe	Houston	Reid	Webb
Ferris	Hull, Tenn.	Rhinock	Wiley
Fitzgerald	Humphreys, Miss.	Richardson	Wilson, Pa.

ANSWERED "PRESENT"—4.

Currier	Durey	Goulden	McMorran

NOT VOTING—126.

Acheson	Esch	Keliher	Olmsted
Adamson	Estopinal	Kipp	Patterson
Andrus	Fassett	Knopf	Pollard
Ansberry	Favrot	Knowland	Pou
Ashbrook	Finley	Küstermann	Pratt
Barchfeld	Foelker	Lafean	Prince
Barnhart	Fordney	Lamar, Mo.	Pujo
Bennett, Ky.	Foster, Ind.	Landis	Ransdell, La.
Boutell	Fowler	Laning	Reeder
Bowers	French	Law	Reynolds
Boyd	Fuller	Leake	Riordan
Bradley	Gaines, Tenn.	Legare	Russell, Tex.
Burgess	Gardner, Mass.	Lenahan	Ryan
Calderhead	Gardner, Mich.	Lewis	Sherman
Caldwell	Gilhams	Lorimer	Slemp
Capron	Glass	Loud	Sparkman
Carlin	Graham	Lowden	Talbott
Cary	Haggott	McGavin	Tawney
Cassel	Hall	McGuire	Thistlewood
Chaney	Hamill	McLachlan, Cal.	Townsend
Cooper, Pa.	Hamilton, Iowa	McLain	Vreeland
Coudrey	Hamlin	McMillan	Wanger
Craig	Hardy	Madison	Washburn
Crawford	Higgins	Marshall	Watson
Crumpacker	Hill, Miss.	Martin	Weisse
Davenport	Holliday	Maynard	Wheeler
Davidson	Howard	Mondell	Willett
Dawes	Hughes, N. J.	Moore, Pa.	Williams
De Armond	Jackson	Morse	Wolf
Denver	James, Addison D.	Murdock	Young
Edwards, Ga.	Jenkins	Nicholls	
Englebright	Johnson, S. C.	O'Connell	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. WATSON with Mr. GLASS.

Mr. TAWNEY with Mr. RUSSELL of Texas.

Mr. MCMILLAN with Mr. MAYNARD.

Mr. LOWDEN with Mr. JOHNSON of South Carolina.

Mr. LANDIS with Mr. HARDY.

Mr. HIGGINS with Mr. HAMLIN.

Mr. JENKINS with Mr. HAMILTON of Iowa.

Mr. GRAHAM with Mr. DE ARMOND.

Mr. ANDRUS with Mr. BURGESS.

Mr. BOUTELL with Mr. CRAWFORD.

Mr. FASSETT with Mr. ASHBROOK.

Mr. CALDERHEAD with Mr. COCKRAN.

EULOGIES ON THE LATE REPRESENTATIVE DAVEY, OF LOUISIANA.

Mr. BROUSSARD. Mr. Speaker, some days ago I presented and had passed an order setting the 21st day of February as a day for eulogies on the life, character, and public services of Hon. ROBERT C. DAVEY, late a Representative from the State of Louisiana. I am informed that three other orders have been passed setting aside the same day for eulogies on three different deceased Members. I therefore ask unanimous consent that this order be set aside.

The SPEAKER. Is there objection?

There was no objection.

REPORT OF PROVISIONAL GOVERNOR OF CUBA.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1457), which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the report of the provisional governor of Cuba for the period from December 1, 1907, to December 1, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 17, 1909.*

PANAMA CANAL—REPORT OF ENGINEERS.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1458), which was, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

To the Senate and House of Representatives:

I submit herewith the report of the engineers appointed by me to accompany the ex-Secretary of War, the Hon. William H. Taft, to the Isthmian Canal to look into the condition of the canal work, and especially to report upon the feasibility and safety of the Gatun dam project, with a view to deciding whether or not there should be any change in the plans in accordance with which the canal is being constructed, these plans having been adopted by the Congress. I am happy to report to you that the accompanying document shows in clearest fashion that the Congress was wise in the position it took, and that it would be an inexcusable folly to change from the proposed lock canal to a sea-level canal. In fact, this report not only determines definitely the type of canal, but makes it evident that hereafter attack on this type—the lock type—is in reality merely attack upon the policy of building any canal at all. The board of engineers who signed this report are, of all the men in their profession within or without the United States, the men who are, on the whole, best qualified to pass upon these very questions which they examined. I commend to you the most careful consideration of their report. They show that the only criticism that can be made of the work on the Isthmus is that there has sometimes been almost an excess of caution in providing against possible trouble. As to the Gatun dam itself, they show that not only is the dam safe, but that, on the whole, the plan already adopted would make it needlessly high and strong, and, accordingly, they recommend that the height be reduced by 20 feet, which change in the plans I have accordingly directed. Every American citizen should feel not merely gratification, but a very keen sense of pride in the statement made by this distinguished body of engineers as to the way in which the work has been done and in which it is now proceeding. The American people are to be heartily congratulated on everything of importance that has been done in connection with the building of the Panama Canal.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 17, 1909.*

EMPLOYMENT AGENCIES IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 20247) entitled "An act to amend section 8 of an act entitled 'An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations,' approved June 19, 1906," with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. This is the regular order.

Mr. MANN. I thought the matter had been disposed of.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

METROPOLITAN POLICE.

The SPEAKER also laid before the House the bill (H. R. 15230) entitled "An act to amend an act approved February 28, 1901, entitled 'An act relating to the Metropolitan police of the District of Columbia,'" with a Senate amendment.

The Senate amendment was read.

Mr. SMITH of Michigan. Mr. Speaker, I move to concur in the Senate amendment.

Mr. UNDERWOOD. I would like to ask the gentleman what is the effect of the amendment proposed by the Senate?

Mr. SMITH of Michigan. Just strikes out the words "sickness or."

Mr. UNDERWOOD. What does that accomplish?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. UNDERWOOD. Mr. Speaker, I merely desire to find out what the effect of the amendment is. The conference report conveys no intelligence.

The SPEAKER. It strikes out the words "sickness or."

Mr. SMITH of Michigan. Mr. Speaker, I would like to ask that this bill be laid aside for just a moment, so that I may have an opportunity to examine into it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois demands the regular order, which is the call of committees. The Clerk will call the first committee.

The Clerk proceeded with the call of committees, and when the Committee on Expenditures in the Interior Department was called,

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 24148.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

A bill (H. R. 24148) to establish in the Department of the Interior a bureau to be known as the children's bureau.

Mr. MANN. Mr. Speaker, I make the point of order that this is a Union Calendar bill.

The SPEAKER. That is correct, and the Chair sustains the point of order.

When the Committee on Interstate and Foreign Commerce was called,

Mr. HEPBURN. Mr. Speaker, I desire to call up Senate bill 6102.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Senate bill 6102, to further protect the public health and impose additional duties upon the Public Health and Marine-Hospital Service.

Mr. MANN. Mr. Speaker, I make the point of order that that bill is not on the proper calendar, that it belongs on the Union Calendar. On page 8 of the bill, line 6, is this provision:

For this and other purposes there shall be appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General, a sanitary engineer competent to solve technical problems connected with the purification of water and sewerage, the salary of said engineer to be fixed by the Surgeon-General, on the approval of the Secretary of the Treasury, and not to exceed $5,000 per annum.

That of itself would send it to the Union Calendar.

Mr. HEPBURN. There is no question about that, Mr. Speaker.

The SPEAKER. The bill is referred to the Union Calendar, and the Clerk will call the next committee.

Mr. HEPBURN. Mr. Speaker, I have in my hand a package of bills reported from the Committee on Interstate and Foreign Commerce. From time to time bills have been passed by unanimous consent, and I have not been able to keep track of them. I shall take the opportunity of calling these particular bills that I have in my hand, and if they have been passed the Clerk can inform us. [Laughter.] Mr. Speaker, I call up the bill H. R. 29032.

The SPEAKER. What calendar is the bill on?

Mr. HEPBURN. It is on the House Calendar.

Mr. MANN. It is not on the calendar.

The SPEAKER. It does not seem to be upon the calendar.

Mr. BURLESON. Mr. Speaker, I demand the regular order.

The SPEAKER. We are at the regular order now.

LIFE-PRESERVERS ON MOTOR VESSELS.

Mr. GREENE (when the Committee on the Merchant Marine and Fisheries was called). I call up the bill S. 8266, on the House Calendar.

The Clerk read as follows:

A bill (S. 8266) to require life-preservers on motor vessels.

Be it enacted, etc., That every vessel propelled by machinery other than steam machinery shall carry life-preservers of kinds approved by the board of supervising inspectors, so that there shall be at least one for each person on board.

SEC. 2. That all life-preservers shall be so stowed that their position may be known, and that they may be readily accessible to those for whom they are intended.

SEC. 3. That for any violation of this act the owner shall be liable to a penalty of $10 for each such life-preserver lacking or improperly stowed.

SEC. 4. That this act shall apply to foreign vessels on December 31, 1909.

SEC. 5. That this act shall take effect on June 1, 1909.

Mr. MANN and Mr. FITZGERALD. I raise the question of consideration.

The SPEAKER. The question of consideration is raised. The question is whether the House will consider the bill.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. GREENE. I demand a division, Mr. Speaker.

The House divided; and there were—ayes 55, noes 44.

So the House decided to consider the bill.

Mr. GREENE. Mr. Speaker, the bill provides that every vessel propelled by machinery other than steam shall carry life-preservers of a kind approved by the Board of Supervising Inspectors, so that there shall be at least one for each person on board. The department makes the following statement regarding the bill:

The purpose of the bill, which is cordially approved by this department, is to require every motor vessel, when subject to federal jurisdiction, to carry at least one approved life-preserver for each person on board.

I certainly think that the bill ought to pass. It is in the interest of the preservation of human life. A number of accidents have occurred by reason of explosions on motor vessels, and there is no provision of law that requires them to be equipped with life-preservers.

Mr. THOMAS of North Carolina. Will the gentleman yield to me for a question?

Mr. GREENE. Certainly.

Mr. THOMAS of North Carolina. Does this bill apply to all motor boats, those used for pleasure as well as those that carry passengers for hire?

Mr. GREENE. Yes, sir; it applies to every motor vessel propelled by either naphtha or gasoline.

Mr. THOMAS of North Carolina. Does the gentleman think it necessary to have gasoline and naphtha boats used simply for pleasure equipped with life-preservers?

Mr. GREENE. I certainly think so. People's lives going out for pleasure on boats of this character or those who go out as passengers ought equally to be preserved, and the risk is greater on the pleasure boats.

Mr. THOMAS of North Carolina. I would say to the gentleman that I represent a district that is on the coast in part, where we have quite a number of these gasoline boats. I agree with the gentleman that where gasoline boats are carrying passengers for hire they ought to be required, doubtless, to have life-preservers, but I do not think life-preservers necessary on all gasoline boats.

Mr. GREENE. This bill is very simple. It provides that every motor boat, whether it carries passengers for hire or for pleasure or otherwise, shall be equipped with life-preservers.

Mr. HINSHAW. I would like to say to the gentleman from North Carolina that the testimony before the committee showed that the cost of life-preservers is almost a nominal figure, costing from $1.25 to $2, and motor boats, whether they carry one passenger or a hundred passengers, ought to be provided with life-preservers. Now, every vessel, whether it be a motor boat for use by those who own it or for passengers, will be required to have them.

Mr. FITZGERALD. Are not vessels carrying passengers required to have life-preservers?

Mr. HINSHAW. All vessels except motor boats.

Mr. FITZGERALD. Are not motor boats of a certain dimension, regardless of whether they carry passengers for hire or not, required to have them?

Mr. HINSHAW. If motor boats carried passengers for pleasure, under the law they were not required to have life-preservers for each passenger.

Mr. FITZGERALD. What does the gentleman mean by motor boats?

Mr. HINSHAW. Propelled by electricity, gasoline, or anything except steam.

Mr. FITZGERALD. The gentleman is mistaken, because I have been on boats that will hold five or six people, and there is hardly room for the passengers because of all the truck they are now required to have under the law.

Mr. GREENE. I will yield to the gentleman from New York [Mr. WALDO].

Mr. THOMAS of North Carolina. Before the gentleman yields, I would like to say I agree with the gentleman from Nebraska, that where motor boats carry passengers for hire they should have life-preservers, but I can not see any reason why all small motor boats that do not carry passengers for hire should be required to furnish life-preservers. I believe that is unnecessary, and might be a hardship in some instances. This bill is quite broad and sweeping in its provisions.

Mr. DENBY. Will the gentleman from Massachusetts state whether or not the committee has any statistics to show the proportion of the loss of life by drowning among passengers in motor boats, especially of the small character referred to, and persons traveling by rowboats or canoe?

Mr. GREENE. I have no statistics, but we had considerable testimony before the committee to show that there was great loss of life on account of this lack of equipment.

Mr. DENBY. Is it not true that the loss of life from motor boats is practically negligible, while the loss of life from rowboats, canoes, and among people going in swimming is very great?

Mr. GREENE. It may be.

Mr. DENBY. There is practically no loss of life from motor boats.

Mr. GREENE. Unquestionably there is loss of life. I have known it in the harbor of the city where I live, and the Commissioner of Navigation appeared personally before the committee and said that last summer two clerks from his office lost their lives by reason of the fact that there were no life-preservers at hand when an accident happened to the boat and the occupants were thrown into the river. It very frequently hap-

pens. The use of these boats is growing very common, and the committee believe there should be a provision of law to provide for the better protection of human life. This bill has passed the Senate and is reported by the committee as advisable.

Mr. SULZER. Will the gentleman yield for a question?

Mr. GREENE. I yield to the gentleman from New York for a question.

Mr. SULZER. As I understand it, this bill compels all motor boats inspected by the Government to carry life-preservers?

Mr. GREENE. All motor boats propelled by any kind of machinery will be compelled to carry life-preservers for as many persons as they have on board.

Mr. SULZER. That is right, in my opinion. I believe this is a good bill, and I trust it will pass.

Mr. DAWSON. Do the terms of this bill apply to motor boats used on the inland rivers of the United States?

Mr. GREENE. All motor boats that come under the jurisdiction of the inspection department of the United States. If they are not under the supervision of the inspection department, the bill would not apply.

Mr. DAWSON. Then, do I understand that by the terms of this bill a motor boat operated on a little lake or an inland river wholly within a State would be affected?

Mr. GREENE. I am not a lawyer, as the gentleman is, and I can not answer his categorical question.

Mr. DAWSON. Is there anyone favoring the bill who can answer it?

Mr. GREENE. If they are subject to inspection by the United States inspectors, the owners of boats would be liable.

Mr. THOMAS of North Carolina. Will the gentleman allow me to say to him that this bill is so broad that it covers all boats, whether they come within the jurisdiction of the United States inspectors or not.

Mr. GREENE. It ought to be broad, because it is for the preservation of human life.

Mr. THOMAS of North Carolina. It does cover all boats, whether they come within the United States inspection laws or not.

Mr. GREENE. We have no jurisdiction over anything except what comes under the inspection laws of the United States.

Mr. THOMAS of North Carolina. That is a question of law.

Mr. HAMILTON of Michigan. Where does this bill say that it is limited to boats that come under the United States inspection service?

Mr. HASKINS. The United States Government has no jurisdiction over anything else.

Mr. HUMPHREYS of Mississippi. Boats of less than 15 tons are not subject to the jurisdiction of the Steamboat-Inspection Service.

Mr. GARDNER of New Jersey. This bill says every vessel propelled by machinery other than steam. It turns on the definition of the word "vessel."

Mr. GREENE. Very well; make it as broad as you like. I want it broad enough to preserve human life.

Mr. GARDNER of New Jersey. Let us see if you mean that.

Mr. GREENE. Yes.

Mr. GARDNER of New Jersey. Along the coast of the United States, from Florida to New England, are fishermen and oyster men engaged in their occupation who go out alone. They have substituted a small power engine for oars. Do you mean that such a boat would be subject to the provisions of this bill?

Mr. GREENE. If there is one man in the boat they will be required to have one life-preserver in the boat.

Mr. GARDNER of New Jersey. And in case a neighbor is in distress, he must be denied a passage home because there is only one life-preserver in the boat?

Mr. GREENE. There is always discretion in regard to such matters. I do not think any official would enforce a penalty in such a case as the gentleman alludes to.

Mr. SULZER. That is pretty farfetched.

Mr. GREENE. We are not trying to pass a narrow law. We are trying to pass a broad law that will cover every reasonable proposition. I think the proposition of the gentleman from New Jersey is altogether unreasonable.

Mr. GARDNER of New Jersey. Does the gentleman think it is a reasonable proposition to require the oyster men and the fishermen who use the small engines instead of oars at times to be brought by this sweeping language of the bill under government jurisdiction?

Mr. GREENE. I most certainly do.

Mr. GARDNER of New Jersey. The proposition, to me, is absurd.

Mr. WALDO. Will the gentleman yield?

Mr. GREENE. I will yield to the gentleman from New York.

Mr. WALDO. In the navigable waters, from Maine to Florida, there are a large number of canoes carrying only one person fitted with motors so that they are removable and they can leave the motor ashore and propel it by paddle, or they can run it with a motor——

Mr. GREENE. How many men do they carry?

Mr. WALDO. One passenger.

Mr. GREENE. Then, under this bill they would only have to carry one life-preserver.

Mr. WALDO. Does the gentleman think that that man should be liable to a fine of $10 if he failed——

Mr. GREENE. I think he should; the gentleman need not lengthen out his question.

Mr. HAMILTON of Michigan. Will the gentleman from Massachusetts state what boats now, by law, come under the federal inspection?

Mr. GREENE. That is covered by a general statute.

Mr. HAMILTON of Michigan. What is the general statute?

Mr. GREENE. I am not a lawyer, like the gentleman from Michigan, and I can not answer the question.

Mr. DAWSON rose.

Mr. GREENE. I will yield to the gentleman from Iowa.

Mr. DAWSON. I would like to ask whether any testimony was taken by the committee as to the necessity for this legislation, especially as it applies to motor boats operating on the inland rivers of the United States, where accidents occur practically never?

Mr. GREENE. If these waters are within the jurisdiction of the United States it was considered. There was testimony of the dangers of allowing these vessels to go without life-preservers.

Mr. BANNON. I would like to state that accidents frequently do happen on the inland waters and these rivers, the navigable waters of this country; they frequently happen on the Ohio River by explosion of these motor boats.

Mr. DAWSON. That may be true of the Ohio River, but it never occurs on the Mississippi.

Mr. DENBY. Will the gentleman yield for a question?

Mr. GREENE. I will yield to the gentleman from Michigan.

Mr. DENBY. I would like to ask what, in the opinion of the committee, this bill actually covers?

Mr. GREENE. Every motor boat that comes under the jurisdiction of the United States inspector.

Mr. DENBY. But there is no such limitation in the bill.

Mr. GREENE. It can not go any further than that. It is under the jurisdiction of the United States inspector.

Mr. DENBY. What is the jurisdiction of the United States inspector?

Mr. GREENE. Any waters of the United States.

Mr. DENBY. What size of boats?

Mr. GREENE. All boats propelled by machinery.

Mr. DENBY. Of any size?

Mr. GREENE. Propelled by machinery, and under the law a motor boat is propelled by machinery, although it may not have an engine as large as a steam engine.

Mr. DENBY. Does the gentleman contend that every boat propelled by machinery is under United States inspection?

Mr. GREENE. I think so, although I am not a lawyer.

Mr. DENBY. But I think the House ought to know.

Mr. GREENE. I am telling the gentleman what I think, that it would cover every vessel that is propelled by machinery; by gasoline or naphtha or any explosive material, and even any nonexplosive material, is covered by this bill, and requires one life-preserver for every person.

Mr. DENBY. Does the gentleman think the bill ought to be voted for, when the committee can not explain the extent of its jurisdiction?

Mr. GREENE. I am explaining it with all the knowledge that I have.

Mr. DENBY. But we want all the knowledge there is on the subject.

Mr. GREENE. I am stating all the knowledge I have, and the gentleman from Michigan does not seem to have any.

Mr. DENBY. I am not advocating the bill; if I was, I would know more about it. [Laughter.]

Mr. BANNON. I would suggest that the gentleman from Michigan is a good lawyer and very familiar with maritime law, and I think he understands to what class of cases this will apply.

Mr. DENBY. Will the gentleman from Ohio explain?

Mr. BANNON. I would not attempt to explain to such an eminent authority on this subject as the gentleman from Michigan. I think the United States has jurisdiction over navigable waters for purposes of navigation.

Mr. DENBY. Would the gentleman from Ohio ask the gentleman from Michigan to vote for a bill that the committee

could not explain? The gentleman from Michigan can not vote for any such bill.

Mr. BENNET of New York. Is it not the law now that every motor boat that carries passengers for hire shall be provided with life-preservers?

Mr. GREENE. Yes; but this bill compels all boats to carry life-preservers. This provision simply covers every vessel that has persons on board, and requires one life-preserver for every person on board.

Mr. BENNET of New York. This adds boats that are operated simply for the individual pleasure of their owners to that class.

Mr. GREENE. Yes; and they are not as likely to have competent persons in command as those who carry for hire.

Mr. WEBB. I notice in section 3 of the bill that a penalty is provided, that for any violation of the act the owner shall be liable to a penalty of $10 for each such life-preserver lacking or improperly stowed.

Mr. GREENE. Yes.

Mr. WEBB. Is that a criminal or a civil penalty?

Mr. GREENE. I suppose it is a criminal penalty.

Mr. WEBB. I think it ought to be, if the gentleman expects to carry out the purpose of the bill. I am afraid it is not. The bill does not say he shall be fined, but simply that he is subject to a penalty.

Mr. GREENE. I do not think that is necessary.

Mr. WEBB. I think it is purely a civil penalty that is provided.

Mr. GREENE. A life-preserver can be purchased for $1, and that would not be burdensome on a boat owner.

Mr. WEBB. The penalty is undoubtedly civil, and not criminal.

Mr. GREENE. Mr. Speaker, I call for a vote.

Mr. FITZGERALD. I hope the gentleman will yield some time.

Mr. GREENE. How much time does the gentleman desire?

Mr. FITZGERALD. Five or ten minutes.

Mr. GREENE. I yield the gentleman five minutes.

Mr. FITZGERALD. Mr. Speaker, under the law at present all boats operated by steam, gasoline, electricity, or naphtha, which carry passengers for hire, are required to have life-preservers. The object of this bill is to compel the owner of every small power boat to place on the boat life-preservers for as many people as may happen to be in it. There are a great many small power boats with machinery of 1 horsepower or 1½ horsepower. After machinery is put in the boat and one or two persons enter it there is absolutely no room, not only for life-preservers, but even for a lunch basket. This bill requires these life-preservers to be properly stowed. There is no place to stow a life-preserver or anything else in many of these boats. They are nothing but a small shell, strong enough to sustain the racking of machinery that develops from one-half to 1½ horsepower. This bill, if passed, would prove an intolerable nuisance to men using these small power boats, but it evidently will be very welcome to those manufacturing life-preservers. I have known of instances where those in some of the boats that are required to have life-preservers, supposedly for the protection or safety of the people on board, found it necessary to throw the life-preservers overboard in order to keep the boat from being swamped, and thereby imperiling the lives of people in them.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. BENNET of New York. I would like to ask the gentleman how much, in his judgment, an increase of inspectors it would take to enforce this law in the harbor of New York alone?

Mr. FITZGERALD. I am not able to say exactly, but it would easily require many thousand additional inspectors for the entire United States. On the Great South Bay, which runs practically from about Rockaway Beach the entire length of Long Island—perhaps 90 miles—there are thousands and thousands of these small power boats, which are operated by the people who own them for their own comfort, convenience, and pleasure. There is no danger in the operation of these boats. Wherever they carry passengers for hire they are strictly inspected, and the regulations require that they carry whatever may be necessary to protect the lives of the passengers. No one is more interested in the protection of his own life than the man who owns a boat which he is operating for his own pleasure. To compel life-preservers to be placed on many small boats, instead of helping to protect life, would be an embarrassment and a disadvantage. I hope, when we consider the great number of these small boats now in operation—not only, as I have said, on the Great South Bay in New York, but in the harbors of New York and in every place in the United States where there are small bodies of water—that the House will not vote to impose such requirements, with the resulting enormous necessary increase of steamboat inspectors and with no real good being accomplished.

Mr. CAMPBELL. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CAMPBELL. I understand the law to be now that all boats that carry passengers for hire are required to provide them with life-preservers.

Mr. FITZGERALD. The act of May 16, 1906, so provides.

Mr. CAMPBELL. This would, then, require a private individual, who has a private boat suitable for his own use and that of his family, to put life-preservers in?

Mr. FITZGERALD. It would require a man who keeps a boat to fish in or out of, whichever may be the correct expression, and who puts a small engine in it to save himself the trouble of rowing it, to put a life-preserver in it. In my judgment, there would be more reason, more necessity for life-preservers in rowboats than for life-preservers on these small power boats, and I hope that the House will not pass this ridiculous bill.

Mr. DRISCOLL. I would like to know by whom this bill was introduced.

Mr. GREENE. The bill was introduced upon the request of the Department of Commerce and Labor.

Mr. DRISCOLL. And nobody appears here as the father of this bill.

Mr. GREENE. I introduced it in the House, and a similar bill is on the calendar.

Mr. DRISCOLL. There is no name, and it seems to be fatherless.

Mr. GREENE. The bill in the Senate was introduced by Senator FRYE.

Mr. DRISCOLL. His name does not appear on it.

Mr. GREENE. I can not help that; this is an act—it is not a bill—of the Senate. Mr. Speaker, I call for a vote.

Mr. DAWSON. Mr. Speaker, just one more question.

Mr. GREENE. Mr. Speaker, the gentleman from Iowa desires to ask me a question.

Mr. DAWSON. Would it not be preferable to require passengers to wear these life-preservers, rather than store them away on the boats?

Mr. GREENE. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. GREENE) there were—ayes 43, noes 70.

So the bill was rejected.

Mr. FITZGERALD. Mr. Speaker, I move to lay the bill on the table.

The SPEAKER. The gentleman from New York moves to lay the bill on the table.

The motion was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

EQUIPMENT OF MOTOR BOATS WITH MUFFLERS.

Mr. GREENE. Mr. Speaker, I call up the bill H. R. 27479.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 27479) to require motor vessels to be equipped with mufflers.

Be it enacted, etc., That every vessel propelled in whole or in part by gas, gasoline, petroleum, or naphtha shall be provided with an underwater exhaust or with suitable mufflers.

SEC. 2. That for any violation of this act the owner shall be liable to a penalty of $25.

SEC. 3. That this act shall take effect on July 1, 1909.

Mr. GREENE. Mr. Speaker, the purpose of this bill is to compel owners of motor boats to place upon said boats mufflers of some kind so as to do away with the intolerable noise caused in propelling said boats as they are now run. This noise has become a menace to navigation and a nuisance to the people on shore, particularly in the very early morning hours and late at night. Heretofore the Department of Commerce and Labor has been unable to minimize or abate this nuisance because of lack of authority, and this bill gives them the authority needed. The bill has the indorsement of the Department of Commerce and Labor.

Mr. MANN. Will the gentleman yield for a question?

Mr. GREENE. Certainly.

Mr. MANN. Will the gentleman be willing to accept an amendment requiring mufflers to be placed upon all automobiles and crying babies if engaged in interstate commerce?

Mr. GREENE. I will not. Does the gentleman want to propound another question?

Mr. MANN. Why does the gentleman differentiate between automobiles that run along where there are many people and the motor boat which runs where there are very few?

Mr. GREENE. That is something that is entirely out of the jurisdiction of the committee which I represent. The committee which I represent deals with water, not land. That matter more properly belongs to the Committee on Interstate and Foreign Commerce.

Mr. MANN. It has been suggested here that the gentleman was at sea and not on land on this bill.

Mr. GREENE. I can understand that——

Mr. MANN. What reason is there for requiring mufflers on motor boats and not requiring them on automobiles?

Mr. GREENE. The same kind of engine is required for motor boats that is on automobiles, and I think the automobiles are very frequently equipped with mufflers; and if there is anything required in that regard, it belongs to the Committee on Interstate and Foreign Commerce, of which committee the gentleman is a member, and they have neglected their duty if they have not reported a bill.

Mr. MANN. That may be; but I notice the bill the gentleman had up before came apparently with the force of the Committee on Interstate and Foreign Commerce. A bill is reported to the House, and a copy of the bill is before the House, which stated that the bill was referred to the Committee on Interstate and Foreign Commerce, and again on the back referred to the Committee on Interstate and Foreign Commerce, and again referred to the House Calendar and ordered to be printed. There is nothing to indicate that the Merchant Marine and Fisheries Committee has any jurisdiction of that bill, which doubtless they did not have, except——

Mr. GREENE. The bill was properly before the House by proper action taken by the House and the committee on the same.

Mr. MANN (continuing). Except by order of the House, although that was not shown until we discovered it here.

Mr. GREENE. It is properly on the calendar, and I call for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the Chair announced the noes seemed to have it.

On division (demanded by Mr. GREENE) there were—ayes 39, noes 70.

Mr. PARSONS. Mr. Speaker, I demand tellers.

The question was taken on ordering tellers.

The SPEAKER. Thirty-seven gentlemen have arisen; not a sufficient number. Being in the House, it takes one-fifth of a quorum.

Mr. PARSONS. A parliamentary inquiry.

Mr. SHERLEY. I move to lay the bill on the table.

The SPEAKER. The refusal to order to a third reading accomplishes what the gentleman asks.

Mr. SHERLEY. But I move to lay the bill on the table.

The SPEAKER. The Chair calls the attention of the gentleman to the fact that this bill has been refused a third reading, and that is a defeat of the bill.

Mr. SHERLEY. I understand, Mr. Speaker; but "the gentleman" calls the Chair's attention to the fact that just a few moments ago, when a similar proceeding was had, the Chair entertained a motion that the bill lie on the table.

The SPEAKER. The Chair did entertain the motion. That was one way of giving it the final stroke.

Mr. SHERLEY. That is just what I desire to do in this case.

The SPEAKER. The Chair will submit to the gentleman, Is not this the final stroke? If the gentleman desires to buckle up the final stroke, and move to reconsider and lay that motion on the table, it would save one motion.

Mr. SHERLEY. All right; I make that motion.

The SPEAKER. The gentleman from Kentucky moves to reconsider the vote whereby the bill was denied a third reading, and to lay that motion on the table.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 97, noes 51.

Mr. PARSONS. Tellers, Mr. Speaker.

The question was taken on ordering tellers.

The SPEAKER. Thirty gentlemen have arisen, not a sufficient number.

Mr. PARSONS. I make the point of no quorum.

The SPEAKER. The gentleman makes the point that no quorum has voted.

Mr. SHERLEY. It does not require a quorum to vote; it is a question of a quorum being present.

Mr. LANGLEY. I am glad to hear that correct statement of parliamentary law from the gentleman from Kentucky.

The SPEAKER. The Chair will count and see if a quorum is present. [After counting.] Two hundred and seventy gentlemen are present; a quorum. The ayes have it, and the motion to reconsider and lay on the table is agreed to.

LAKE CHAMPLAIN TERCENTENARY CELEBRATION.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent to return to the Committee on Foreign Affairs, in order that I may call up House resolution 257.

Mr. FITZGERALD and others. What is it?

Mr. FOSTER of Vermont. It is a joint resolution authorizing the Department of State to invite the Governments of Great Britain and France to a participation in the three hundredth anniversary celebration of the discovery of Lake Champlain.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 257) to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.

Whereas the States of New York and Vermont, by legislation and appropriation, have authorized the celebration of the three hundredth anniversary of the discovery of Lake Champlain by Samuel de Champlain; and

Whereas the date of the said celebration has been fixed for the first week in July, 1909: Therefore be it

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and requested to extend to the Governments of France and Great Britain an invitation to be represented at and to participate in the proposed celebration during the first week of July, 1909, to commemmorate the three hundredth anniversary of the discovery of Lake Champlain by Samuel de Champlain.

Mr. FOSTER of Vermont. Mr. Speaker, there is very little to be said by way of explanation of this resolution. A very full report accompanies it explaining fully the significance of the proposed celebration. As indicated in the preamble, both the States of New York and Vermont have appropriated money for this celebration, which will occur during the first week of next July. While these two States have taken the initiative, the occasion will be one of national significance. We are already assured that the President of the United States will be present and participate in the exercises. And the occasion will be one of international importance. For this reason it is desired that authority be given the State Department to extend an invitation to the two nations most intimately associated with the United States in the historic event which this celebration will commemorate. It was a son of France who discovered the beautiful body of water that bears his name. Canada, that loyal dominion of Great Britain, borders upon the lake. It is peculiarly desirable, therefore, that an invitation be extended to the Governments of France and Great Britain to participate in the celebration.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER of Vermont. Certainly.

Mr. MANN. Can the gentleman tell how large an expense there will be to the Government by the passage of this resolution?

Mr. FOSTER of Vermont. Why, it is simply the expense of taking care of the representatives of these Governments. I think the majority of us would say that $25,000 would be the outside sum. We would not naturally expect a large delegation from France or from Great Britain. It would be very gratifying if Ambassadors Bryce and Jusserand could be with us. We do expect quite a delegation from Canada. But in any event we do not foresee any large expense resulting from this invitation. Mr. Speaker, I call for a vote.

The joint resolution was ordered engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The SPEAKER. Any other reports from the Committee on Merchant Marine and Fisheries?

Mr. GREENE. No.

ORDER OF BUSINESS.

Mr. McMORRAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McMORRAN. I rise for the purpose of making a privileged motion under the rule.

The SPEAKER. The gentleman will state his motion.

Mr. McMORRAN. I desire to move that the House go into the Committee of the Whole House on the state of the Union to consider the bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company.

The SPEAKER. But that motion is not privileged until the expiration of sixty minutes.

Mr. McMORRAN. I understood that the sixty minutes expired at 1.25 p. m.

The SPEAKER. No; 1.35, as the Chair is informed.

Mr. COLE. Mr. Speaker, I desire to call up the bill (H. R. 27971) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior.

The Clerk began the reading of the bill.

PENAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOON of Pennsylvania. On behalf of the Committee on Revision of the Laws, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal code (H. R. 11701).

Mr. McMORRAN. Mr. Speaker, I make the point of order that that motion is not in order, as the time is not up. It lacks one minute.

The SPEAKER. As nearly as the Chair can determine, it seems to be 25 minutes to 3, and did seem to be that when the Chair recognized the gentleman from Pennsylvania [Mr. MOON].

Mr. BARTHOLDT. I raise the question of consideration.

The SPEAKER. The voting on the motion is equivalent to the question of consideration.

Mr. McMORRAN. I move to amend by substituting Senate bill 48.

The SPEAKER. The gentleman from Mississippi [Mr. McMORRAN] moves to amend the motion of the gentleman from Pennsylvania by substituting a bill the title of which the Clerk will report.

The Clerk read the title of the bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company.

The question being taken on the amendment of Mr. McMORRAN, the Speaker announced that the noes appeared to have it.

Mr. McMORRAN. Tellers!

Tellers were refused, 11 Members, not a sufficient number, rising in support of the demand.

Mr. FITZGERALD. I ask for a division.

The House divided; and there were—ayes 17, noes 137.

Accordingly the amendment was rejected.

The SPEAKER. The question recurs on the motion of the gentleman from Pennsylvania [Mr. MOON].

Mr. BARTHOLDT. I raised the question of consideration. That ought to be disposed of.

The SPEAKER. The House is in process of determining consideration now. To vote down this motion will be to refuse to consider it.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. PARKER. Division!

The House divided; and there were—ayes 151, noes 21.

Accordingly the motion of Mr. MOON of Pennsylvania was agreed to; and the House resolved itself into the Committee of the Whole for the consideration of the penal code bill (H. R. 11701), with Mr. CURRIER in the chair.

The CHAIRMAN. The pending question is on an amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. GOLDFOGLE. Mr. Chairman, I rise for the purpose of asking whether there are still copies of the bill under consideration to be had by the Members of the House? It is impossible to follow the sections as they are read, and impossible to consider the amendments unless we have copies of the bill.

The CHAIRMAN. The Chair has no information on that subject.

The Chair assumes that there are copies of the bill in the document room.

Mr. GOLDFOGLE. I am informed there are none.

The CHAIRMAN. That is not a matter for the Chair——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following substitute for the pending amendment.

The CHAIRMAN. The gentleman from Mississippi offers the following substitute for his amendment, which the Clerk will report.

The Clerk read as follows:

Insert new sections after section 236, to stand as sections 236a, 236b, and 236c, and to read as follows:

"SEC. 236a. That any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind which has been shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

"SEC. 236b. That any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

"SEC. 236c. That whoever shall ship or cause to be shipped, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than $5,000 or imprisoned not more than two years, or both; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the substitute which I have just offered contains three provisos: First, that no intoxicating liquor that enters into interstate commerce shall be delivered to anyone except the consignee or upon his written order. The second section forbids all c. o. d. business in intoxicating liquor which enters into interstate commerce. The third section requires the package containing the liquors to be so labeled as plainly to show the name of the consignee, the kind and the quantity of the liquors contained therein.

I have offered this as a substitute because there has been much discussion in the last few years of the numerous bills presented along this line, and quite a number have questioned the constitutionality of the main features of these bills. But this substitute is agreed upon all hands to be clearly within the constitutional limits set about us, and has been reported by the Senate committee which had this and a number of similar bills under consideration, and is known generally as the "Knox bill." It does not seek to forbid the interstate shipment of intoxicating liquors. It does not delegate to the States the power to regulate interstate commerce. It simply provides that when liquors do enter into interstate commerce they shall be so labeled as to indicate the truth, and that is all.

Mr. SHEPPARD. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will.

Mr. SHEPPARD. On page 2, line 7, after the word "carrier," would it not be advisable to add "or any officer, agent, or employee of such companies or common carrier?"

Mr. HUMPHREYS of Mississippi. I want to say to the gentleman that this bill has been subjected to scrutiny, to relentless scrutiny, by a number of the gentlemen on this floor, by committees of the House, and it has been agreed that the language of this particular amendment comes about as near expressing the will of the House as it is possible to make it. Personally, I would not object to that, but after about six weeks of careful consideration in conference with a great many gentlemen on this floor, it has been agreed as the part of wisdom to stick to the language in effect as agreed upon by the Senate committee and by the subcommittee of the Judiciary Committee of this House.

Mr. SHEPPARD. I am in thorough sympathy with the measure, and I wish it to be effective. I do not see how you can imprison a company. I understand, however, that this matter will receive attention in conference, and I will not insist on the amendment here. I trust that the House will adopt the substitute of the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. BARTHOLDT. Mr. Chairman, I was not advised that this matter would come up until a few moments ago, and consequently I am not prepared to discuss, as I would like to discuss, so important a subject as this. In a few words and in the few minutes which are at my disposal I should like to call the attention of the House to what it is proposed to do here.

You propose to single out a certain legitimate article of interstate commerce and subject its shipment to restrictions which

must certainly be obnoxious to a great number of citizens. As we all know, in every prohibition State there is a minority. Where prohibition has been in force a majority has voted for it, but there is a minority, and in many cases a very large minority, which has voted against it. This legislation is intended to make it difficult, if not impossible, to that minority to satisfy their desires with respect to personal taste. It does more than that, Mr. Chairman; it holds up every man who dares to order a bottle of wine or a glass of beer for his family table—it holds him up to public notice and subjects him to regulations made by the constables and the policemen of every prohibition State.

This legislation is un-American for the reasons stated, and we should not go so far as to tyrannize the minority of these States where the majority has voted for prohibition.

There is another question involved. I am quite sure if the people who have voted for prohibition had known that you would make it difficult or impossible for them to secure what they wanted for their family table by importing it from the outside that their votes would not have been cast in favor of prohibitory legislation at all. Many of them favored such a measure on the theory that the other fellow would be prevented from securing it, and that they themselves could get it by importation from elsewhere. These are a few considerations which prompt me to vote against this amendment. If it should be the desire of the House to pass it, I would suggest an amendment, which I will read in a minute and which will deal even-handed justice with respect to all articles containing alcohol.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, the amendment I propose is to insert after the words "liquors of any kind," wherever they occur, the following:

Cider and so-called temperance drinks and all other beverages containing more than 3 per cent of alcohol.

I take it that the purpose of this legislation is to strike down alcohol. It can not be excused on any other ground, and if that is the purpose, Mr. Chairman, then we should extend this legislation to all beverages and to all fluids which may contain alcohol. It has been stated by chemical experts that cider, for instance, sweet cider, contains more alcohol than beer; and it has also been ascertained by Doctor Wiley, of the Agricultural Department, that most of the drinks sold as temperance drinks in this country contain more alcohol than beer. Why, then, discriminate against beer in favor of the other beverages containing alcohol?

Mr. SLAYDEN. I would like to ask the gentleman if it is the intention of his amendment to compel the shipper of the package to declare on the label the percentage of alcohol contained in it?

Mr. BARTHOLDT. The same provisions that apply to liquor should apply to these beverages.

Mr. SLAYDEN. Then, if it has less than 3 per cent, it is not necessary to label it as carrying alcohol. Is that the idea?

Mr. BARTHOLDT. Yes. Mr. Chairman, I now offer this amendment, which I send to the desk, and ask to have it again reported.

The Clerk read as follows:

Amend by inserting after the words "liquors of any kind," wherever they occur, the following:
"Cider and so-called temperance drinks and all other beverages containing more than 3 per cent of alcohol."

Mr. HOUSTON. Mr. Chairman, in speaking to the amendment just offered by the gentleman from Missouri, I want to say that I think that is a very unimportant question compared to the real issues involved in the amendment offered by the gentleman from Mississippi. I am very much in hopes that the amendment offered by the gentleman from Mississippi will pass, because of the fact that the legislation in many States of the Union at the present time emphasizes the necessity for legislation along this line by the National Congress. This amendment does not accomplish all the relief that many of the States have hoped for from Congress. It does not go far enough; but it is in the right direction, and it will not prevent more effective legislation hereafter, but will be an aid to accomplishing that end. I believe that a very large majority of the people of the Southern States, and the Northern States, as well, are in favor of a more extensive provision than this. They would be in favor, in other words, of a law that would prohibit the shipping of liquors into States where the sale and traffic in liquors is forbidden by the laws of those States. There has for a long time been a demand for legislation of this kind all over the country. As yet those favoring it have not been able to get that legislation, because so many questions have been raised, constitutional questions, as to whether or not it was within the power of Congress to pass a law to accomplish that end.

This amendment of the gentleman from Mississippi is, I think, free from these objections. It is the opinion of those who have considered the question very carefully that this amendment is certainly subject to no constitutional objection. Now, then, in order that the States may more effectively carry into effect the laws they have enacted, or may hereafter enact, I favor this amendment. It will be of very great benefit and help to this end. The provisions are reasonable and fair. They provide that these shipments shall be made to the real purchaser, and that they shall be delivered only to him or upon his written order. That provision itself will do a great deal to enable the State through its officials to prevent the illegal traffic, to prevent the agent from delivering whisky to parties under fictitious names, and thereby aiding these parties in going into what is called the "boot-legging business," and various kinds of subterfuges to evade the law and sell whisky.

It also has a provision to prevent express companies or common carriers from collecting from the consignee or purchaser any amount except the fees for transportation. It puts a stop to the shipment of liquors c. o. d., and thus prevents express or railroad agents from collecting pay for the liquor and from becoming virtually the agents of the liquor dealers in selling their goods. This provision can work no injustice to anyone, and, I think, should commend itself to all persons who desire the States to be able to put into effect laws enacted by the States to restrict the sale of liquors.

Another provision of the amendment is that the package shipped shall be so labeled as to show the name of the consignee and the nature and quantity of its contents. It may not be agreeable to all persons who desire to purchase whisky that the fact of the purchase be made known, yet every good citizen who desires to see the laws of his country maintained and enforced should, if he desires to purchase liquor for his own use, be willing to do so with this publicity, in order that the real transaction can be known and the officers of the law be thus aided in discovering its violators and apprehending the same. No good citizen should hesitate to take the responsibility for his own acts when the public welfare demands it. And, Mr. Chairman, I think this provision will not only aid in suppressing the illegal traffic in whisky, but will exercise a wholesome effect upon the man who purchases it legally.

The argument is made that you can not enforce these temperance laws, and for that reason they ought not to be enacted. Mr. Chairman, in order that they may be better able to enforce laws prohibiting the sale of liquor, I favor this amendment, and while it is not all that I would like to see passed or that the people of my State would like to see passed, especially since they have enacted laws lately prohibiting the sale of liquor in that State, yet it is a step in the right direction and I hope it will pass.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate on this section and the amendments thereto cease in five minutes.

The motion was agreed to.

Mr. KÜSTERMANN. Mr. Chairman, I want to say, regarding this amendment, that it does not go far enough. The words "spirituous liquors" should be more definite than they are in this bill or amendment. I hold in my hand a list of medicinal preparations, issued by the Commissioner of Internal Revenue, and of the entire number he designates about 50 as containing sufficient alcohol to class them as spirituous liquors, on which an annual license of $25 should be paid. Among them are such as "Uncle Joe's Dyspepsia Cure." [Laughter.] All of these so-called "medicinal preparations" should be specified in the bill now under consideration. Of course we all understand the intent of this bill. It is to "spot" every single person that obtains any spirituous, malt, or vinous liquor, and it will also include the ministers who now get wine for the ministration of the holy sacrament.

Why, some will say, "You ought to use unfermented wine for the sacrament," but the papers stated a few days ago that in a Methodist conference in North Carolina the matter was brought up relative to the use of unfermented wine, and the report was tabled with the following comments: "Unfermented wine is unfermented nonsense; Christ prescribed wine and not grape juice." I certainly hope that the bill will not pass. [Applause.]

Mr. MOON of Pennsylvania. Mr. Chairman, I oppose not only the amendment offered by the gentleman from Ohio but I oppose the amendment offered by the gentleman from Mississippi. I oppose any attempt to put upon this bill absolutely new legislation. It is not my purpose to speak extensively

upon this subject now. More than once during the progress of this bill I have voiced my sentiments as chairman of this committee respecting that kind of legislation. This has never passed any committee of this House, it has never been considered carefully by any committee, nor been reported to this House, and the position that I have constantly taken upon this subject is that this House has not the time, sitting as the Committee of the Whole House, to wisely perfect important legislation, and I therefore oppose the amendment to the section and also the section itself.

Mr. PARKER. Mr. Chairman——

The CHAIRMAN. The gentleman can be recognized for one minute before the time expires.

Mr. PARKER. Mr. Chairman, I desire simply to say that if a codification bill is ever to be properly considered there must be some rule of practice entered by which only verbal amendments or those which express the present law can be taken up without unanimous consent; otherwise we shall have every topic on legislation from the creation to the present time on this bill. I desire again to say this, touching upon this present amendment, that it would say to any one of my constituents in the city of Newark, N. J., 10 miles from New York, that he could not make a purchase of a dozen bottles of whisky in the city of New York and send it over to his house without having put on the box the name of the man in big letters in full and his address and the exact kind and quantity of liquor, for public or private notice, and yet in both of those cities the dealing in liquors is not restrained. This puts a restraint upon States where there is now no restraint. No such amendment can be properly considered in the Committee of the Whole House, and this ought to be voted down and a rule introduced which would make this a revision and not a new law.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment to the substitute.

Mr. MANN. Mr. Chairman, what is the question?

The CHAIRMAN. The question is on agreeing to the amendment to the substitute.

Mr. BENNET of New York. Mr. Chairman, may we have the amendment again reported?

The amendment was again reported.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BARTHOLDT) there were—ayes 32, noes 94.

So the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Mississippi.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. SABATH) there were—ayes 129, noes 40.

So the substitute was agreed to.

The CHAIRMAN. The question now comes upon the amendment offered by the gentleman from Mississippi, as amended by the substitute.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. PARKER) there were—ayes 116, noes 34.

So the amendment was agreed to. [Applause.]

The Clerk read as follows:

SEC. 238. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls.

Mr. MOON of Pennsylvania. Mr. Chairman, I move to amend, on line 2, page 129, after the word "animals," by inserting the word "killed." This is a verbal omission in the print of the bill.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 129, line 2, after the word "animals," insert the word "killed."

The amendment was agreed to.

The Clerk read as follows:

SEC. 239. All packages containing animals, birds, or parts thereof, when shipped as provided in the section last preceding, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on inspection of the outside of such packages.

Mr. MOON of Pennsylvania. Mr. Chairman, I offer, as a substitute to section 239, the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as a substitute for section 239 the following:

"SEC. 239. All packages containing the dead bodies or the plumage or parts thereof of game animals or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the content may be readily ascertained on an inspection of the outside of such packages."

Mr. MOON of Pennsylvania. Mr. Chairman, this is simply an amendment to correct certain defects found in this section by one or two decisions of the Supreme Court.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 6155) to provide for an enlarged homestead.

PENAL CODE.

The committee resumed its session.

The Clerk read as follows:

SEC. 241. Whoever shall *bring or* cause to be brought into the United States or any place subject to the jurisdiction *thereof*, from any foreign country, *for the purpose of disposing of the same*, or shall *therein* knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, *or District* of the United States, *or place noncontiguous to but subject to the jurisdiction thereof*, to any other State, Territory, *or District* of the United States, *or place noncontiguous to but subject to the jurisdiction thereof*, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction *thereof*, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any *drug, medicine*, article, or thing designed, *adapted*, or intended for preventing conception, or *producing* abortion, *or for any indecent or immoral use*, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means, any of the hereinbefore-mentioned articles, matters, or things may be obtained or made; or whoever shall take from such express company or other common carrier with intent to sell, distribute, or circulate any matter or thing *the depositing of which for carriage is herein made unlawful*, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. HOUSTON. Mr. Chairman, I have an amendment to offer to the section.

The Clerk read as follows:

On page 129, in line 25, and on page 130, in line 1, strike out the words "for the purpose of disposing of the same;" also, on page 130, in line 11, after the word "lascivious," insert the following: ", and every filthy;" also, on same page, in line 20, strike out the word "take" and in lieu thereof insert the following: "knowingly take or cause to be taken;" also, in lines 21 and 22, same page, strike out the words "with intent to sell, distribute, or circulate."

Mr. HOUSTON. Now, Mr. Chairman, there are four amendments offered together, and the reason that they are offered together is the fact that they are all amendments to the same section and all go to accomplish the same purpose. In order that the House may understand the purpose of each amendment and its effect, it is proper to read them all. I will state further that this is in perfect keeping with the amendment to the section regarding the transportation through the mails of obscene literature, books, and so forth, and it makes the same provision in this section.

Mr. MOON of Pennsylvania. On behalf of the committee, the amendments are accepted.

The CHAIRMAN. The question is on the amendments.

The question was taken, and the amendments were agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

After section 241 insert as a new section the following:

"SEC. 241a. It shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive, any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to the act to regulate commerce and the acts amendatory thereof whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carriers, as is required by said act to regulate commerce and the acts amendatory thereof, or whereby any other advantage is given or discrimination is practiced, and every person or corporation who shall offer, grant, or give, or solicit, accept or receive any such

rebate, concession, or discrimination shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $1,000 nor more than $20,000: *Provided*, That any person, or any officer or director of any corporation subject to the provisions of the act to regulate commerce and the acts amendatory thereof, or any receiver, trustee, lessee, or agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid shall, in addition to the fine herein provided, be liable to imprisonment in the penitentiary for a term not exceeding five years, or both such fine and imprisonment, in the discretion of the court."

Mr. BARTLETT of Georgia. Mr. Chairman, this amendment is offered in order to carry out the interstate-commerce laws and to provide for punishment for their violation. We have had a good deal said and done and written about the enforcement of the interstate-commerce law and proceedings against violators of the antitrust law; but though a great deal has been said and a good many trumpets have been blown and drums battered, Mr. Chairman, we find that wherever the enforcement of the law has been made it has been made against the corporations, and they have been punished by fine only. Now, if we are going to make it effective when we are here undertaking to codify the criminal laws of the land, I see no reason why the committee, when dealing with that part of the bill which is for the purpose of defining crimes against the interstate-commerce law, should have left out this provision of the existing law.

Mr. MOON of Pennsylvania. Will the gentleman permit a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. MOON of Pennsylvania. I want to say to the gentleman that the committee have not left it out at all; and I believe, as far as I am able to recall it, the language included in the amendment is to-day existing law. It has been explained to the House more than once that a great number of the penal provisions that are embodied in the administrative features of other laws could not be separated, and therefore from those features we have made no attempt to put them in this act. Now I will ask the gentleman a question. In what respect does this section differ from the existing law known as the "antitrust law?"

Mr. BARTLETT of Georgia. This law provides for the indictment and prosecution of the officers of the corporations who engage in the business.

Mr. MOON of Pennsylvania. So does the existing law, and as I understand various indictments have been found and prosecuted under its provisions.

Mr. MANN. Will the gentleman yield for a question?

Mr. BARTLETT of Georgia. Yes.

Mr. MANN. In what respect does the gentleman's amendment differ from the Elkins antirebate law?

Mr. BARTLETT of Georgia. I do not think it differs very much. This provides for the punishment of the officers of the corporations who engage in rebating, and so forth.

Mr. MANN. So does that.

Mr. BARTLETT of Georgia. Yes; I understand that.

Mr. MANN. Now, this law covers all corporations——

Mr. BARTLETT of Georgia. Engaged in interstate commerce, yes.

Mr. MANN. It covers all corporations receiving or giving a rebate or giving or receiving less freight charges than are offered to some one else for the same service.

Mr. BARTLETT of Georgia. Yes.

Mr. MANN. But the existing law permits a municipal corporation, for instance, to have freight carried for a less rate.

Mr. COCKRAN. A person who accepts a rebate is liable, is he not?

Mr. BARTLETT of Georgia. Yes.

Mr. MANN. If this applied only to railroad corporations, it would not go far enough.

Mr. BARTLETT of Georgia. The language of the amendment is that it shall be unlawful for any person or corporation to offer, or grant, or give, or solicit, or receive any rebate, concession, or discrimination in respect to transportation.

Mr. MANN. That does not relate to the railway corporation. That relates to the individual.

Mr. BARTLETT of Georgia. Sure.

Mr. MANN. Now, the present law, whether rightly or wrongly, permits a municipal corporation to receive a discrimination in its favor in freight rates. The gentleman's amendment, of course, would change that.

Mr. BARTLETT of Georgia. Why should it be allowed?

Mr. MANN. I was calling it to the attention of the gentleman.

Mr. BARTLETT of Georgia. I confess to the gentleman I had not thought about it in that light; and if the gentleman wants to except it, I am ready to accept his suggestion about it.

Mr. MANN. I would not be prepared, at a moment's notice, to prepare an amendment of that sort. When the Elkins antirebate law passed, I reported it to the House. I think it covers all that the gentleman's amendment does. This would cover municipal corporations in addition, in my opinion.

Mr. BARTLETT of Georgia. If this simply repeats the language of the Elkins antirebate law or the other laws that we have upon the statute books with reference to the violation of the interstate-commerce law and the Sherman antitrust law, we are here to-day codifying the laws, and it may be that the gentleman and his committee at some future day propose to bring before Congress a codification additional to what we have here; but if we are to judge by the slow progress which this bill has made through this House, that day is yet far off.

I call upon the Representatives of the House, by voting for this amendment, to let it be understood that the House, having an opportunity to vote on the question now, is of the opinion that there should be something more than a fine against the corporation for violation of these laws. I saw an article in the New York World yesterday which referred to the fact that since the beef-trust case was dismissed in Chicago by reason of what is known as the "immunity," obtained by reason of an interview with Mr. Garfield, who then represented the Government, the same acts have gone on, and while they might not be prosecuted for what occurred prior to the time for which they had made the disclosures to Mr. Garfield and thereby obtained immunity, yet they still continue violating the law in the same way; and we know that the price of the products in which they deal have increased enormously—to such an extent that a man of moderate means can hardly afford to buy a beefsteak or a dozen eggs or even a chicken that has been in cold storage. So that if Congress wants this criminal law codified the attention of the public should be called to the fact that not merely the corporation and the stockholders shall be fined and regulated by the judgment of the court, but that the officers of the corporation who violate the law shall receive the heavy hand of punishment and be put in the penitentiary if they violate this law. Put into the criminal law this section which makes it a violation, points out along with other criminal laws that we enact, and let it be understood that not only the corporation, but the officers of the corporation who violate the law will be prosecuted and fined and put in the penitentiary. This provision is contained in this part of the amendment:

Any person or corporation who shall offer, grant, or receive any such rebate shall be guilty of a misdemeanor and shall be punished by fine—

And so forth.

Now, the proviso provides that an officer of the corporation who engaged in it shall be prosecuted and punished. It is in order to reach these men who violate the law and not merely the inanimate body of the corporation which has no soul, and mulcting the innocent stockholders.

Mr. MOON of Pennsylvania. Mr. Chairman, I am opposed to this amendment solely on the ground that all of its provisions are at the present moment existing law.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. BARTLETT of Georgia. Is not most everything in this bill which you have enumerated existing law, except where you have amended it or added to it?

Mr. MOON of Pennsylvania. Except where we have changed it by this bill.

Mr. BARTLETT of Georgia. Have you left anything out of the bill because of the fact that it is existing law? Are not all the laws on the subject of peonage, for instance, which we will come to soon, existing law?

Mr. MOON of Pennsylvania. The gentleman does not understand my statement. I mean that it does not belong here because the same provision is under its appropriate head, that is, section 4721.

Mr. BARTLETT of Georgia. And this bill does not provide any substitute or repeal of that section?

Mr. MOON of Pennsylvania. No. If this bill is not passed, every evil that the gentleman complained of could be indicted and punished under existing law.

Mr. BARTLETT of Georgia. Take the preceding section with reference to transportation of birds. If that were not put in here, could you not prosecute violators as well?

Mr. MOON of Pennsylvania. The gentleman will understand that if the bill passes we propose then to repeal that existing law, but the section of the existing law which I speak of is under another title in another part of the existing law, the administrative feature of the antitrust bill.

Mr. BARTLETT of Georgia. In other words, you want this to be called "a codification of the criminal law" when it is not a codification of all the criminal laws?

Mr. MOON of Pennsylvania. That is exactly the truth, because of the fact already explained. I know the gentleman is

a lawyer of such large experience that he would agree with me and would not dissent for a moment when he saw the absolute impossibility of lifting important penal provisions out of the administrative features of the bill and attempting to put them in here.

I want to say that I felt as the gentleman feels, and we spent a great deal of time endeavoring to accomplish that very thing, and found that it was impossible. I am in sympathy with all that the gentleman from Georgia has said, and I want to assure him that every word of his amendment is all in the codification under its appropriate head, and that every offense of which he complains can now be punished.

Mr. BARTLETT of Georgia. I do not doubt the gentleman's statement.

Mr. MANN. Mr. Chairman, as to whether it would not be desirable to have this law all in such shape that it could be printed by itself, so that people could have access to it, the point made by the gentleman from Pennsylvania is that in preparing the codification of different portions of the statute they have not put them in the criminal code, or any code, but they put it in the codification of the law.

Mr. BARTLETT of Georgia. Law of administration and procedure.

Mr. MANN. I think not; but the ordinary administrative law. Now, to take out this particular section and put it in the criminal code would involve either keeping it in two places in the statute or else leaving it out of the very place where it ought to be.

Mr. BARTLETT of Georgia. This does not take it out.

Mr. MANN. This will not take it out, but would the gentleman have us codify the law by putting the same provision in two different places in the law where even the omission of a comma might make it different?

Mr. BARTLETT of Georgia. I do not want to do anything that will hinder the enforcement of the law, and I do not think I am doing it. I want to do something that will accelerate the enforcement of this law, and especially the enforcement of the law against the real violators of the law, the individuals, rather than the corporations.

Mr. MANN. Oh well, I do not think the gentleman's amendment goes any further than existing law, so far as that is concerned.

Mr. BARTLETT of Georgia. I think it does.

Mr. MANN. I do not understand that it does.

Mr. COCKRAN. As I understand it, the point at issue between the committee and the gentleman from Georgia is this: The gentleman from Georgia proposes practically to reenact in this codification a provision of law that is already a feature of the Elkins Act, and the committee objects to legislating twice on the same subject.

Mr. MANN. Oh, not at all. That is not the difficulty. There would be no objection to putting the amendment of the gentleman into this act, if this was the last of the codification work, but the Committee on Revision of the Laws is codifying the rest of the laws, and desires to put in the Elkins Act as amended by the Hepburn Act, prohibiting the granting of rebates and providing imprisonment and fine for violation of the law, in its proper place, along with the law relating to interstate commerce, where one would naturally look for it.

Mr. COCKRAN. That is precisely what I say, and the committee in charge of this bill objects to having the same law practically enacted in two places.

Mr. MANN. In two places.

Mr. COCKRAN. Where, if it be reenacted in precisely the same terms, it could not do any good and if different words be employed to express the same thing the result might be difficulty, confusion, and doubt.

Mr. MANN. That is it.

Mr. COCKRAN. I agree with the committee.

Mr. BARTLETT of Georgia. Mr. Chairman, I have said all that I desire to say, and I think it ought to be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. BARTLETT of Georgia) there were—ayes 17, noes 37.

So the amendment was rejected.

Mr. COCKRAN. Mr. Chairman, I move to strike out the last word. I would like to ask the attention of the gentleman in charge of the bill, the gentleman from Pennsylvania [Mr. MOON], to the language of section 241, which reads as follows:

Any obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, *or for any indecent or immoral use.*

I venture to suggest that the language here employed is very sweeping. My objection is to these words, "or for any indecent or immoral use," without defining what would constitute any indecent or immoral use. These expressions are very elastic, and it seems to me it is not fair or proper to throw upon either a court or a jury the burden of defining or deciding just what kind of article would fall under this description. It seems to me it is the duty of this body when it undertakes to create a crime to define it accurately and clearly, so that all men can understand precisely the conduct against which a penalty is denounced.

Mr. MOON of Pennsylvania. Mr. Chairman, respecting the elastic character of the word "indecent," I entirely agree with the gentleman, and the gentleman will probably remember that I made quite an argument on that point respecting another section. The thing that is intended to be kept out by this seems to be incapable of absolute, accurate definition——

Mr. MANN. With decent language.

Mr. MOON of Pennsylvania. Yes; with decent language. It applies to a class of rubber goods that are very largely imported from other countries for that particular purpose.

Mr. COCKRAN. Well, that explains it. If there be any actual commerce in common and well-known articles of such character——

Mr. MOON of Pennsylvania. There is.

Mr. COCKRAN. Then the language of the section is probably sufficiently clear to describe them, and I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 266. Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. BRANTLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 140, section 266, line 11, amend by inserting between the words "whoever" and "holds" the following:
"Under color of any law, statute, ordnance, regulation, or custom."

Mr. BRANTLEY. Mr. Chairman, section 266 of this bill is but a reenactment, with a slight change only in phraseology, of section 5526 of the Revised Statutes, and reads as follows:

Whoever holds, arrests, or returns, or causes to be held, arrested, or returned, or in any other manner aids in the arrest or return of any person or persons to a condition of peonage, shall upon conviction be punished, etc.

I propose to amend this section by inserting between the words "whoever" and "holds" the following language:

Under color of any law, statute, ordinance, regulation, or custom.

The practical effect of my amendment, should it be adopted, would be that in a prosecution under this section the Government, in addition to proving whatever acts might be necessary to constitute the crime charged, would also have to show that they were done under color of some law or custom of the State that permitted or sanctioned them. It is my opinion that the Government ought to be compelled to show this in order to have jurisdiction; and I further believe that my amendment is in the interest of correct legislation and tends to make the laws in the code uniform and consistent. The truth is that until the Supreme Court declared to the contrary I thought the peonage law was in the condition and had the meaning that my amendment seeks to give it. That I was justified in my belief is readily apparent by referring to section 1 of the peonage act of 1867. This first section now makes two widely separated sections in the Revised Statutes, to wit, sections 1990 and 5526. The first part of this section 1 in the act of 1867 makes section 1990 of the Revised Statutes, to wit:

That the holding of any person to service or labor under the system known as peonage is hereby declared to be unlawful and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States, and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, be, and the same are hereby, declared null and void.

The remainder of this first section of the act, omitting the first word "and," now constitutes section 5526 of the Revised Statutes which we now have before us, to wit:

And any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, or in any other manner aids in the arrest or return of any person or persons to a condition of peonage, shall upon conviction be punished, etc.

It seems to me perfectly plain that unless section 1990 is read in connection with section 5526 we can not know the meaning of "a condition of peonage," as the expression is used in the latter section. Section 1990 seems now to be entirely lost, and we are asked to reenact section 5526, which prescribes heavy penalties for an offense that is wholly undefined. The purpose of my

amendment is to make section 5526 mean what the act of 1867 said it meant, and to have it prohibit only, as the act of 1867 in my judgment prohibited only, the holding, arresting, or returning to a condition of peonage under color of some law, statute, or custom.

I have had occasion heretofore to go very thoroughly into the history of the peonage act of 1867, but I will trouble the House to-day with but a brief statement of this history. The act was aimed primarily at the system of peonage then existing in the Territory of New Mexico, which was a system established and maintained by law. The title of the act of 1867 shows this to be true, to wit:

An act to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States.

Section 2 of the act, which says—

It shall be the duty of all persons in the military or civil service in the Territory of New Mexico to aid in the enforcement of the foregoing section—

further shows it. In addition to this, Senator Wilson, the author of the act, said on the floor of the Senate, in discussing peonage:

It exists in New Mexico at this time, the only part of the country where I know it does exist.

In the Territory of New Mexico, by enactments of the legislature in 1851, 1853, and 1859, there was established a complete code of laws defining and regulating a system of peonage. Under these laws contracts for personal service were sanctioned and remedies for their enforcement were provided. These laws permitted the sheriff, in certain cases where there was difficulty in compelling a specific performance, to contract to the highest bidder the services of the peon until the debt for which he had obligated his services had been discharged. The congressional act of 1867 specifically referred to this system of peonage and annulled the laws and customs creating and permitting it. The Congress at that time, as the debates show, had definite and precise information on which it was acting and had a fixed and definite purpose in view. It seems to me that any fair reading of the act of 1867 shows that it was aimed only at a condition created, sanctioned, or permitted by law or legal authority of some kind, and now that all of this congressional act of 1867 seems to be lost or abandoned, save that part that is now before us for amendment, I seek to amend it so as to place in it what, in my opinion, the act of 1867 said and intended should be in it. I think this ought to be done, not only to save the meaning and purpose of the act of 1867, but also that this section shall be in harmony with all our other laws, and so that the jurisdiction of the United States shall not infringe upon the jurisdiction that is sovereign to the State. The protection of personal liberty is the highest duty devolving upon the State, and this has been so from the foundation of our Government. A mere trespass by one individual upon the liberty of another individual does not, under any theory of our Government that I have ever heard advanced, give jurisdiction to the United States to punish, but such trespass, it seems to me, has ever been and ever must be punished solely by the State. I propose by my amendment simply that this foundation principle of our Government shall be maintained. In other words, for an individual and lawless trespass upon personal liberty, let the State punish just as it punishes for such a trespass upon property or life.

The protection of liberty is no more sacred than the protection of life, and the power of the United States is no greater to protect one than it is to protect the other. It is far from my purpose to object to the peonage statute or to defend or indorse peonage or trespasses of any kind upon human liberty. Should any State be derelict in its duty and permit by law, statute, or custom a system or condition of peonage to exist, then the United States Government has the power and owes the duty to step in and give the protection to liberty that the State has denied. I do maintain, however, that until the State fails in its duty the United States Government has no jurisdiction to interfere. Section 5526 as it now reads, dissociated as it is from the remainder of the law of which it is a part, and as it has been construed, seemingly permits the interference of the United States Government in cases of individual and lawless trespasses of liberty, although such trespasses may be in direct violation of the law of the State where committed. My amendment seeks to correct this and is in the interest of the elementary and fundamental principles of state sovereignty. The only authority for the United States Government to interfere at all in these matters is given by the thirteenth amendment to the Constitution, which reads:

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

This language is broad; and accepting as correct the construction of the Supreme Court that—

by its own unaided force and effect it abolished slavery and established universal freedom—

it still remains that it abolished certain specifically named things, to wit, "slavery" and "involuntary servitude, except as a punishment for crime." What is "slavery?" Mr. Justice Bradley, in the Civil Rights cases (109 U. S.), said:

Slavery can not exist without law any more than property in lands and goods can exist without law.

What is "involuntary servitude?" Mr. Justice Miller, in the Slaughterhouse cases (16 Wallace), says:

The exception of servitude as a punishment for crime gives an idea of the class of servitude that is meant.

He was discussing the thirteenth amendment, and the intimation is clear and pointed that the class of servitude inhibited and abolished is that class established or recognized by Government. Judge Cooley, in his "Principles of Constitutional Law," page 237, says:

The word "slavery" in this country has acquired a somewhat technical meaning and is limited to that sort of servitude which has prevailed under the state laws, namely, to servitude for life. The prohibition of slavery might therefore seem to be limited to this sort of service, leaving the legislative authorities to establish a compulsory service for terms of years at discretion. Indeed, such servitude had existed in the early history of the country in cases of immigrants, known as "redemptioners," and of some others, and it would be easy to suggest exceptional cases in which excuses might exist to enact laws for compulsory service were the Legislature so disposed. It was deemed important, therefore, that the prohibition should include not slavery merely, but all classes of involuntary servitude not imposed as a punishment.

Mr. Solicitor-General Phillips, who appeared for the Government in the Civil Rights cases, stated in his brief (109 U. S., 7) that the expression "involuntary servitude," as used in the thirteenth amendment, does not cover "mere scattered trespasses against liberty committed by private persons." There are many other authorities that I could add to these, but I have quoted enough, it seems to me, to demonstrate that the authority of the United States under the thirteenth amendment to prevent and punish peonage is limited to restraints of liberty imposed, sanctioned, or permitted under some form of law, and does not extend to the prohibition or punishment of the mere lawless acts of individuals. These authorities support, if any support be needed, the construction I have given the plain language of the act of 1867.

Mr. PARSONS. Will the gentleman permit me to ask him a question?

Mr. BRANTLEY. Yes, indeed.

Mr. PARSONS. Was there not some case in Georgia where this question was decided?

Mr. BRANTLEY. There was a case in Florida that went to the Supreme Court of the United States.

Mr. PARSONS. What were the facts in that case?

Mr. BRANTLEY. The case was that of Clyatt *v.* The United States, and the Supreme Court reversed the conviction that was had, upon the ground that it was not authorized by the evidence.

Mr. PARSONS. Was not the section of the Revised Statutes, in the language in which it appears in this bill, construed in that case?

Mr. BRANTLEY. It was.

Mr. PARSONS. Was not the language as now in the bill construed by the Supreme Court?

Mr. BRANTLEY. It was; and if the court had held the view that I am presenting, the amendment I have offered would not be necessary. I am stating my contention as to what the law should be, and not only what it should be, but what I think the act of 1867 intended it to be. The shape in which the peonage law now appears in this bill I do not think can be defended, for it is here proposed to inflict a serious punishment for an offense wholly undefined. It is here proposed to punish for returning a person to a condition of peonage without defining what shall constitute such a condition.

Mr. MOON of Pennsylvania. Will the gentleman permit a question?

Mr. BRANTLEY. Yes, sir.

Mr. MOON of Pennsylvania. Is it not true that the Supreme Court, in the decision to which reference has been made, defined exactly what peonage is, and did they not say that the effect of it was a deprivation of liberty based upon a preexisting indebtedness, and that the indebtedness must exist or there could be no such condition as peonage under the section? Therefore, is it not true that peonage has received a judicial construction?

Mr. BRANTLEY. I think, Mr. Chairman, if the gentleman will carefully read the opinion of the court, he will be "up in the air" as to what constitutes a "condition" of peonage. The decision does undertake a definition of peonage, but not of a condition of peonage. It is true that my amendment would

never have been offered but for this decision. The fact, however, that the court has held that the law as it now reads means one thing is no argument against Congress changing the law so that it shall mean another thing.

The court has not undertaken to say what the law should be, but only what it is. The court in this case gave a very broad definition of the power of Congress under the thirteenth amendment, but that is not at all persuasive to me on the proposition that Congress should exercise this power. If the decision goes as far as some gentlemen think it does, it is the most far-reaching decision that the court has ever delivered, and practically wipes out the sovereignty of the State for the protection of liberty. The court was dealing with peonage under the thirteenth amendment, and said:

> We have no doubt of the validity of this legislation or its application to the case of any person holding another in a condition of peonage; and this, whether there be a municipal ordinance or state law sanctioning such holding.

The court also said of peonage:

> The basal fact is indebtedness. (197 U. S., 207.)

The important question that concerns me in this opinion relates to the power of Congress that is apparently enlarged and extended beyond anything that I have ever imagined could be done. I do not say that it does so extend it except as to peonage. I say it apparently so extends it, but I confess that I do not know what it does. To my mind there is nothing about a debt that can give jurisdiction to Congress. I can see no distinction, so far as the power of Congress is concerned, between the mere lawless act of an individual who restrains another of his liberty or forcibly and unlawfully compels him to labor because of a debt and any other case where the same things are done because of a desire for revenge or for any other cause. The crime consists in the trespass upon the liberty of the person restrained and not in the motive or purpose of the trespass. If Congress, under the thirteenth amendment, has the power to punish the lawless act of an individual who restrains another of his liberty on account of a debt, why has not Congress equal power under this amendment to enact laws against false imprisonment and against restraints of liberty of all kinds?

I have always believed, Mr. Chairman, that the true rule in these matters has never been clearer or more forcibly stated than in the opinion handed down by Mr. Chief Justice Waite, in the Cruikshank case (92 U. S., 553). He said:

> The rights of life and personal liberty are the natural rights of man. "To secure these rights," says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed."
>
> The very highest duty of the States when they entered into the Union, under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "inalienable rights with which they were endowed by their Creator."
>
> Sovereignty for this purpose rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to imprison falsely or for murder within a State than it would be to punish for false imprisonment or murder itself.

This rule was again clearly stated by Mr. Justice Lamar while sitting in the circuit court in the case of United States *v.* Sanges (48 Fed. Rep., 78, 83, 84). After reviewing the various decisions of the Supreme Court on the war amendments, he said:

> They all agree that, aside from the extinction of slavery and the declaration of national citizenship, the constitutional amendments are restrictive upon the power of the General Government and the action of the States, and that there is nothing in their language or spirit which indicates that they are to be enforced by congressional enactments authorizing the trial, conviction, and punishment of individuals for individual invasions of individual rights, unless committed under state authority.

Again, Mr. Justice Wood, sitting in the circuit court, in the case of Legrand *v.* The United States (12 Fed. Rep., 577), said:

> Where a State has been guilty of no violation of the provisions of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States, no power is conferred on Congress to punish private individuals who, acting without any authority from the State, and, it may be, in defiance of law, invade the rights of the citizen which are protected by such amendments.

Further authorities almost without number could be cited in support of the rule which the cases cited sustain.

But, Mr. Chairman, independently of all these authorities, and considering only the language of the statute in question and the construction given it in the Clyatt case, does it follow, as the questions of the gentlemen from New York and Pennsylvania seem to imply, that because the court has given a definition of peonage Congress should not do so? Are we going to enact a statute under which the offense therein prohibited will not be known until the courts define it? Should not every man, under the letter of the law, be able to know when he is committing a crime? It is my understanding that any legislation which leaves open the door for the courts to come in and say who shall be punished and who shall not be punished is bad legislation. The Supreme Court in the Reese case (92 U. S., 214–256) said:

> Every man should be able to know with certainty when he is committing a crime.

They also said:

> It would certainly be dangerous if the Legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the Government.

In one of the very early cases (5 Wheat., 95) Mr. Chief Justice Marshall said:

> It is the Legislature, not the court, which is to define a crime and ordain its punishment.

I submit, Mr. Chairman, that the statute now before us, as it is proposed to reenact it, not only does not define the offense that it prohibits, but that this offense is not defined anywhere. A "condition" of peonage, if we reenact this statute as a thing separate and apart from the act of 1867 that defined peonage, will be anything that the courts may decide to make it. The courts will say who may be held and who may be discharged, and the judicial department of the Government will clearly be substituted for the legislative. The amendment that I have proposed will, if adopted, make it certain that no person can be convicted of returning another to a condition of peonage, unless it appears that such return was under color of some law, statute, or regulation.

The law will then be such that there will be left to the States, as it should be left, to punish those who violate the laws of the States, and at the same time will guarantee to everyone that if his State does not protect him in his liberty as against being held or returned to a condition of peonage, the United States Government will do so.

I have taken the language of my amendment bodily from section 13, page 21, of this bill. It is the language used by the framers of this bill in the section providing protection against a deprivation of the rights and privileges secured by the Constitution. I propose to use this language here, so that this section will be harmonious with those that precede it.

Mr. WEBB. Will the gentleman permit me?

Mr. BRANTLEY. Certainly.

Mr. WEBB. I have not read your amendment very carefully, but it seems to me that it will make a man guilty of a crime who acts upon a statute placed upon the books of his own State in good faith. When his State permits him to violate this law he is nevertheless guilty of a crime, although he may have acted in good faith on his own state statute. If that is what it means, I am against your amendment.

Mr. BRANTLEY. The gentleman misapprehends my amendment entirely. It does not add to the possibilities of a conviction, but it will require the Government to prove, in addition to all that must now be proved, the further fact that the act committed was permitted or sanctioned by the State. Whatever a condition of peonage may be, the gentleman's constituents are all subject to prosecution and punishment now, if they return or hold or arrest anybody to it. The status in these regards is not changed in the slightest by my amendment, but on the contrary the amendment puts an additional burden on the Government, and I think it ought to be there. I apprehend the gentleman does not suppose that if, in violation of the thirteenth amendment and the laws of Congress, his State should enact peonage or slavery laws, this action of his State would be the slightest protection to any man who proceeded to deprive a person of his liberty under such laws.

Mr. Chairman, in further support of my amendment, I would call attention to the fact that the first congressional interpretation of the thirteenth amendment was in the passage of the civil rights law that I referred to a moment ago as being section 13 of this bill. This law was first passed in 1867 under the thirteenth amendment, for the fourteenth amendment had not then been adopted. Subsequently, as is well known, the law was reenacted under the fourteenth amendment, but as originally enacted and as it now reads it contains the words "under color of any law, statute, ordinance, regulation, or custom," thus showing that the congressional idea of the thirteenth amendment in the year 1867, the year the peonage law was enacted, was that Congress had no jurisdiction over the lawless acts of individuals against other individuals, and that Congress in passing the peonage law did not intend to so declare.

Prior to the decision of the court in the Clyatt case, the only language of the court that would even seemingly justify Congress in legislating against the lawless acts of individuals ap-

pears in the decision in the civil rights cases (109 U. S., 23), as follows:

Under the thirteenth amendment the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals whether sanctioned by state legislation or not.

If this language is authority for holding that Congress has power to punish the lawless act of an individual who holds another to personal service for a debt because the holding to personal service for a debt is an "incident" of peonage, is not it equally an authority for holding that Congress has the power to punish for an assault and battery by one individual upon another, because corporal punishment was an "incident" of slavery? Such a construction, it seems to me, opens the door wide for Congress to supersede the State in the protection of liberty, the always chiefest and highest duty of the State.

I apprehend and believe that the language quoted is susceptible of no such meaning, for "slavery" and "involuntary servitude," as I have already shown, are creations of the law. Personal service, lawlessly exacted by one individual from another, is in a class of servitude wholly unrelated to the servitude prohibited by the thirteenth amendment, and is neither a "form" nor an "incident" of the latter.

Mr. Chairman, from the days of the confederation up to the ratification of the thirteenth amendment no one anywhere or at any time ever questioned the sovereignty of the State to protect the citizen in his life, liberty, and property. Sovereignty for this purpose was never yielded to the Federal Government, and is not in it now; it resides in the State alone. The thirteenth amendment did not create a new kind of liberty; it created a new class of citizens. Neither the sovereignty nor the duty of the State to protect liberty was changed by this amendment, but this sovereignty and duty were extended to more people. The thirteenth amendment is the pledge of the United States that the States will exercise their sovereignty and perform their duty in these regards. Sovereignty for the protection of liberty, of life, nor of property can reside at the same time in two governments. The Supreme Court so declared in 92 United States, 550. Sovereignty for this protection was in the beginning and is now in the State. It is as much the duty of the Congress as it is of the courts to preserve the Constitution, and it is solely the duty of the legislative department to define what shall constitute a crime. My amendment seeks to preserve the separate jurisdictions of the State and the Federal Government. It also seeks to have Congress perform its duty of defining crime. I hope it will be adopted.

Mr. MOON of Pennsylvania. Mr. Chairman, I oppose this amendment because this particular section of law is being used for a very wholesome and necessary purpose, for the prevention of the return of people into peonage in certain sections of the country, and, in my judgment, it has received very careful consideration and construction by the Supreme Court of the United States. I believe that any attempted alteration, even for the purpose of making the law clearer, is a mistake, because the law in its present form has been so carefully considered. It is the existing law. It is being used by the Department of Justice, and I ask that the amendment be defeated.

Mr. WATKINS. Mr. Chairman, I offer a substitute for the amendment read.

The Clerk read as follows:

Amend by adding, in line 15, page 140, after the word "both;"
"*Provided*, That the provisions of this section shall not be held to apply to any case of arresting, holding, or returning to custody any person under or by virtue of any judicial process."

Mr. WATKINS. Mr. Chairman, as this section reads it says:

Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

The word "arrest" there clearly indicates that should a person be arrested—that is, taken into custody by legal process—the provisions of the section would apply. In perhaps all the States of the Union—I know in most of the States of the Union—provisions are made for the arrest of persons where they are required to be held in custody until certain conditions provided in the law are complied with or, in default, to perform involuntary service. We find in the municipalities that those who are taken into custody are required to work upon the public streets. In most of the counties in the United States they are required to work upon the public roads, and in the States are required to work in the penitentiaries. This section has been construed by the courts to mean that if they should be forced into involuntary servitude, even if they were arrested under legal process, that that would be a violation of this statute; and that provision intimidates the constables, the justices of the peace, the judges of the courts, and the various officers who have in charge the laws which are in force in the various States with reference to requiring persons to work out their sentences when they are under arrest. We have had much trouble with this section in our immediate vicinity.

The penal laws there require that when a person has violated a labor contract he shall be subjected to a fine, and if he does not pay the fine then he shall work it out upon the public roads or streets. It has been held by the United States district courts that that was a violation of the statute in case of labor contracts.

These statutes providing for labor contracts are most wholesome, and they enable laborers in a great many instances to procure supplies, to procure advances upon their labor which they otherwise could not procure. The statutes usually provide that if a laborer goes upon a piece of work, particularly a plantation, for a stipulated period, say for one year, and obtains an advance either in certain supplies or money, and leaves his employment without repaying or tendering the amount which has been advanced to him, he shall be required to pay a fine; or in default of the payment of the fine, to suffer imprisonment in the parish jail and to work upon the public roads.

Mr. SABATH. Is it not a fact that these advances are made only for transportation, to enable a contractor to get these laborers to the place of their employment?

Mr. WATKINS. That is not the rule at all. That is an exception to the rule. In most of the States they prohibit the enforcing by arrest of an agreement of that kind. I know that in the State of Louisiana, where I live, that is not the rule, but it is forbidden, the payment of railroad fare not being considered the advancing of supplies.

Mr. SABATH. But we have had such cases.

Mr. WATKINS. There may have been cases of that kind, but not in the State of Louisiana, so far as I know.

Mr. SABATH. And people have been prosecuted for these various offenses.

Mr. WATKINS. There have been a number of people prosecuted because they have obtained large sums of money to carry out a contract and then refused to carry out the contract after getting $400 or $500. They would violate their contract and then prevent their places from being supplied by other laborers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Louisiana be extended five minutes. Is there objection?

There was no objection.

Mr. SABATH. Can the gentleman state a single instance where any laboring man has secured such advances as the gentleman has stated, of $400 or $500, and then violated the contract?

Mr. WATKINS. Yes; I know a number of them. It becomes necessary in answering the question to go into personalities. I presided over a court for more than twelve years, and I know of a number of cases where laborers received advances of more than $500, violated the contract after they had worked a short time, and then went to other employment. They also kept other men away from the employers who made the advances and prevented them from supplying their places with other laborers. I could designate the names of these parties, if necessary, but there were a number of cases.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. WATKINS. Certainly.

Mr. COX of Indiana. Suppose an individual is fined for a violation of some state law and is unable to pay the fine or to secure it, and suppose under another statute of the State to which the gentleman has referred he is working the fine out on the highway, or some other place. Do I understand the gentleman to say that a case of that kind has been held to be in violation of this statute?

Mr. WATKINS. Yes; where the party is charged with violating a labor contract. And, as I stated a while ago, the constables and the justices of the peace are intimidated from enforcing the state statute on account of this word "arrest" in section 266.

Mr. COX of Indiana. Are they intimidated for fear that if the person is under judgment or sentence of conviction, whichever you call it, and he is required under the statute to work out his fine at so much per day, are the constables and overseers working under these conditions intimidated for fear if they undertake to enforce the judgment or sentence of the state court they will be arrested for violating this statute?

Mr. WATKINS. That is precisely the proposition I submitted, when the arrests are for violating a labor contract.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. WATKINS. Certainly.

Mr. WILSON of Pennsylvania. Does your law require when a man borrows $500 from a bank and fails to pay it back that he can then be fined and be compelled to work out the fine?

Mr. WATKINS. Not at all. It only applies to a labor contract. It enables him to go to the planter and get advances, which he could not otherwise get; and it is only that class of cases amenable to the law.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

The amendment offered by the gentleman from Louisiana is not a substitute, but an additional amendment. The first question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. BRANTLEY) there were 28 ayes and 34 noes.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Louisiana.

The question was taken; and on a division (demanded by Mr. WATKINS) there were 15 ayes and 34 noes.

The Clerk read as follows:

Second. *When committed* upon any vessel registered, *licensed*, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, *or upon the River St. Lawrence where the same constitutes the international boundary line.*

Mr. MOON of Pennsylvania. Mr. Chairman, I move to amend on page 143, line 7.

The Clerk read as follows:

In section 269, page 143, line 7, after the period, insert the following: "The jurisdiction conferred by this paragraph of crimes committed upon any such vessel while within the limits of any State shall be concurrent with that of the courts of such State."

Mr. MOON of Pennsylvania. That is existing law, and it was an omission.

The amendment was agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. The Supreme Court of the United States in a number of cases decided that the United States, in order to acquire jurisdiction, must have jurisdiction ceded to it by the state government. I am now referring to subdivision 3 of this section. I notice that in quoting this section it simply says "or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be." Does the gentleman think that is broad enough to cover the question of jurisdiction?

Mr. MOON of Pennsylvania. I will say that it is. It has been so decided that the consent of the legislature for the purpose therein enumerated extends to the United States absolute legislative power and absolute jurisdiction, the State reserving only the right to serve process.

Mr. BARTLETT, of Georgia. I understand that; but the mere consent of the state legislature that the United States Government may occupy ground for building does not necessarily carry with it the ceding of jurisdiction to the United States over the territory. That has been the decision of the court.

Mr. MOON of Pennsylvania. This relates only to places where the jurisdiction is ceded. The language is as follows: "When committed within or on any lands, reserved or acquired for the exclusive use of the United States," by the consent of the legislature. Therefore, the United States may acquire, as the gentleman has said, the right to build or to occupy, and in that respect it becomes only as an ordinary citizen. That is true, but the gentleman will observe here that these are the words:

Acquired for the exclusive jurisdiction of the United States * * * by consent of the legislature of the State.

Title so obtained by the United States conveys the exclusive jurisdiction over such places.

Mr. BARTLETT of Georgia. Then the United States must also acquire it in order to get jurisdiction for the purposes named in the Constitution—for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Mr. MOON of Pennsylvania. Yes. Of course the language "other needful building" has been construed to mean very many things, a post-office and military buildings and other buildings.

Mr. BARTLETT of Georgia. The court held it did not apply to one of the Soldiers' Homes in one of the Western States, because jurisdiction had not been given exclusively to the United States.

Mr. MOON of Pennsylvania. That is true in the Kansas case particularly.

Mr. BARTLETT of Georgia. Yes.

Mr. MOON of Pennsylvania. But the gentleman will observe we refer only to exclusive jurisdiction in this section, and if the gentleman will observe the earlier part of it, he will find that is the language:

When committed within or on any lands reserved or acquired for the exclusive jurisdiction of the United States, and under the exclusive jurisdiction thereof, etc.

That is the language of the Constitution of the United States.

Mr. BARTLETT of Georgia. Another question in reference to the last subdivision. I notice the bill uses this language:

On any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

Does the word "island" refer solely to those islands that are found containing deposits of guano, or does it refer to all islands?

Mr. MOON of Pennsylvania. "Containing deposits of guano."

Mr. BARTLETT of Georgia. Does the word "containing" qualify only the language "island, rock, or key?"

Mr. MOON of Pennsylvania. We have adopted it in the language of existing law. That has been construed by the Supreme Court, and we have not changed it at all. It is existing law and has received thorough judicial construction.

Mr. BARTLETT of Georgia. That decision with reference to the Navasso Island, as I now recall it, did not use the language "appertaining to the United States," did it? It is left here at the discretion of the President of the United States to determine whether or not the island is within the jurisdiction of the United States. Does the present law leave it in the discretion of the United States to determine that?

Mr. MOON of Pennsylvania. Absolutely.

Mr. BARTLETT of Georgia. Some Presidents might want to go out over the world hunting up islands to grab and make a part of land appertaining to the United States, and I hope we may have one some of these days who will want to get rid of some of those we have already, even though they contain no deposits of guano.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. Does the gentleman think that is definite enough, to leave it for the President to determine what is the territory of the United States where criminal jurisdiction shall be exercised by the court?

Mr. MOON of Pennsylvania. Well, it has been held to apply only to an island, rock, or key containing deposits of guano, and the existing law, which I will read to the gentleman, is section 5570:

Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key, may, at the discretion of the President, be considered as appertaining to the United States.

Mr. BARTLETT of Georgia. I thought the gentleman might think best to at least make it more definite than the present statute. We are trying not only to codify the law, but to make the law more definite.

Mr. MOON of Pennsylvania. It has been construed by the United States court, and the gentleman knows and, I think, will agree with me that that is of more importance than definite legislative language.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 272. Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to ask the gentleman from Pennsylvania if this penalty for murder in the first degree does not change existing law, in that existing law provides, upon the recommendation of the jury trying the issue, the imprisonment may be for life. I would ask why the gentleman has not provided for that.

Mr. MOON of Pennsylvania. We have in the special provisions that come at the end of this code. We have preserved

exactly existing law. The existing law in the section itself provides that the penalty shall be death. Then there is a special law reducing the penalty when the jury shall recommend to imprisonment for life.

Mr. BARTLETT of Georgia. Passed in 1898.

Mr. MOON of Pennsylvania. And we have carried the provision, and it will appear under the general provisions of section 327.

In all cases where the accused is found guilty of the crime of murder in the first degree, or rape, the jury may qualify their verdict by adding thereto "without capital punishment."

Just in the language of existing law.

Mr. BARTLETT of Georgia. It occurred to me it would have been very well to have put it in this particular place.

Mr. MOON of Pennsylvania. We have it just as the law now stands in that respect.

Mr. PARKER. Mr. Chairman, will the gentleman from Pennsylvania permit me a question? I find that the fine which is provided in the old statute is entirely left out in the case of manslaughter. It has occurred to me that very often in cases of involuntary manslaughter a fine is a useful sort of punishment. Now, the old law provided that punishment for manslaughter "shall be imprisonment with or without hard labor for not more than thirteen years and by a fine of not more than $1,000, except as otherwise provided by law," and it seems to me that that provision which allows the judge to impose a fine in case of manslaughter by carelessness ought to be retained.

Mr. MOON of Pennsylvania. Well, there may be considerable force in what the gentleman from New Jersey says upon that point. I can only say now that the committee gave it careful consideration, and the result of their deliberations is the bill as it is reported.

Mr. PARKER. Mr. Chairman, I move to amend by inserting the words "or be fined not exceeding $1,000" after line 17.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 17 the words "or be fined not exceeding $1,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOON of Pennsylvania. I would ask the gentleman whether that is the language of the present statute or whether the present statute is not "and by a fine?"

Mr. PARKER. The present statute covers both voluntary and involuntary manslaughter. A part of the last section covers only involuntary manslaughter—that is to say, where death results from carelessness—and in such case I think the judge ought to be allowed to impose a fine. There are many cases of manslaughter where there is very little carelessness, and certainly no moral obliquity which should necessitate a punishment by imprisonment.

Mr. MOON of Pennsylvania. I am inclined to agree with the gentleman, but I think——

Mr. GARRETT. I would like to ask the gentleman ought not the words "or both" be added?

Mr. PARKER. Yes; I think the words "or both" should be added at the end.

The CHAIRMAN. Without objection, the amendment will be modified in accordance with the suggestion of the gentleman from Tennessee.

Mr. PARKER. That is right.

The CHAIRMAN. The Chair hears no objection, and the question now is on agreeing to the amendment as modified by unanimous consent.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 275. Whoever shall commit the crime of rape shall suffer death.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have an amendment which I would like to offer.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 275 by adding after the word "commit" the words "or attempt to commit."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the purpose of that is simply to provide the death penalty for attempt to commit rape. The gentleman understands, and all lawyers here understand, the minute details into which it is necessary for the proof to descend in order to distinguish the substantive crime from the attempt.

Mr. MOON of Pennsylvania. We make it twenty years.

Mr. HUMPHREYS of Mississippi. I understand you make it twenty years; but here is the point, that it is necessary in the prosecution to determine by the proof whether it is the substantive offense or whether it is the attempt to commit the substantive offense.

That subjects the prosecutrix to the most cruel cross-examination that the ingenuity or wit of man can conjure up. It is frequently impossible to prove the substantive offense, and I think we all agree that the other ought to be punished with death.

Mr. MOON of Pennsylvania. Of course, as a matter of fact, we do not punish with death in the United States now, except the jury shall say so; that under the general provision, by the recommendation of the jury, it is commuted to imprisonment for life. Now we have made it, by section 273:

Whoever shall assault another with intent to commit murder or rape shall be imprisoned not more than twenty years.

Mr. HUMPHREYS of Mississippi. But that does not relieve the necessity of going into these details of proof, and it occurs to me that the prosecutors ought to be relieved of that necessity.

Mr. CAMPBELL. Would the gentleman from Mississippi hang a man without proof that would show beyond question that the crime had been committed?

Mr. HUMPHREYS of Mississippi. Oh, of course not; but the gentleman, being a lawyer, understands to what detail the proof must descend to distinguish the crime from the attempt.

Mr. MACON. Would you not have to prove the attempt?

Mr. HUMPHREYS of Mississippi. The attempt is made. Then the attempt is the substantive offense, and you must make that proof.

Mr. CAMPBELL. I understand; but where are you going to stop with the attempt?

Mr. HUMPHREYS of Mississippi. The attempt has to be proved, of course.

Mr. CAMPBELL. But to what degree?

Mr. HUMPHREYS of Mississippi. Beyond a reasonable doubt; but not to go into the minute details—I will say the abominable details, the disgusting details—that it is necessary for the proof to descend to in order to determine whether the substantive offense or the attempt has been committed.

Mr. CAMPBELL. But when you are going to hang a man, you have to prove every ingredient of the crime?

Mr. HUMPHREYS of Mississippi. Undoubtedly; and before you send a man to the penitentiary you have to prove every element of the crime of which he is charged, and in order to make that proof you have got to make it to the exclusion of every reasonable doubt. This amendment only affects the character of the proof.

Mr. MACON. I want to ask the gentleman from Mississippi if he thinks it proper to visit the same punishment for the attempt to do a thing that is administered for doing the thing itself?

Mr. HUMPHREYS of Mississippi. For the attempt to do this thing.

Mr. MACON. As if it was done?

Mr. HUMPHREYS of Mississippi. For this thing.

Mr. MACON. Make no distinction in this kind of offenses?

Mr. HUMPHREYS of Mississippi. I say the punishment should be the same.

Mr. MACON. Murder is a heinous crime.

Mr. HUMPHREYS of Mississippi. And is not this crime?

Mr. MACON. You make a distinction between this and other crimes?

Mr. HUMPHREYS of Mississippi. I make a distinction between this and every other crime.

Mr. MACON. Does not the gentleman think that if he were to try to impose a death penalty upon every person, I do not care whether white or black, who attempts to do a thing of that kind, that many of them who attempted to commit crime would be turned loose because the jury would not visit the death penalty upon them?

Mr. HUMPHREYS of Mississippi. No.

Mr. MACON. I believe that many of them would be turned loose for the crime of attempt, because the jury would not want to impose the death penalty for the attempt to commit the offense now under discussion when they would gladly convict if the punishment was confined to imprisonment in the penitentiary for a term of years. I therefore oppose the amendment offered by the gentleman from Mississippi.

Mr. CLAYTON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill some questions. Now, I notice that on the opposite page to this section 273 are the words "or other persons who upon the high seas," and so forth, "out of the admiralty jurisdiction

of the United States," and "out of the jurisdiction of any particular State," and so forth. Now I wish to ask the gentleman why he follows that plan in many of these sections of omitting these particular words, omitting "the high seas" and omitting "maritime jurisdiction of the United States," "territories outside of the United States?" Does not the gentleman seek to substitute by the form of the statute that he is bringing in each one of these sections distinct features of the offense in the case of a State where the state laws apply? Now, I want to know why that radical change was made from the old law in the proposed law?

Mr. MOON of Pennsylvania. There is no change whatever.

Mr. CLAYTON. I have just read the change in two sections.

Mr. MOON of Pennsylvania. The gentleman has not read what have been included in the jurisdictional clause in the beginning of this section that we put in here, and the reason for it is that in twenty odd sections 20 different classes of jurisdiction were defined.

Mr. CLAYTON. There are several prints of this bill, Senate report and House report, and I have not been able to get a copy of all. I have been trying to get a copy of this bill while this discussion has been going on, but I have been unable to get hold of the print the gentleman has been using. Now, if you will kindly refer me to the section.

Mr. MOON of Pennsylvania. In section 269 we define the jurisdiction under which all these crimes are committed.

Mr. CLAYTON. Two hundred and sixty-nine is it?

Mr. MOON of Pennsylvania. Yes; on page 298 of the report.

Mr. CLAYTON. I will say to the gentleman that I have not had time to examine it, but I assume now that the provision of law carries out the idea embraced in his statement, and I thank him very much for the statement.

Mr. MOON of Pennsylvania. We gave a good deal of consideration to that.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 278. When a person is convicted *of a violation* of the section *last* preceding, the court may, in its discretion, direct *that* the amount of the fine, when *paid*, be paid for the use of the female seduced, or her child, if she have any; *but* no conviction shall be had on the testimony of the female seduced without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port *of its destination*.

Mr. PARKER. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Pennsylvania a question. It seems to me that for a conviction for rape or for carnally or unlawfully knowing a female under the age of 16 years, as well as for seduction, the evidence of the woman alone should not be sufficient. The latter part of the section, which provides as to evidence and as to the limit of time, ought to apply to the last three sections preceding. I suggest that to the gentleman in charge of the bill. I do not care to offer a formal amendment on it.

Mr. MOON of Pennsylvania. I do not think that ought to be offered. This is a particular crime, where a girl is particularly under the care or influence or an officer of a vessel. The general principles of law apply.

Mr. PARKER. The statutes of some States provide that there shall be corroborative evidence in order to insure conviction.

Mr. MOON of Pennsylvania. That rule of evidence would apply in any State which had such a provision of its statute anyhow.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 281. Whoever, by force and violence, or by putting in fear, shall feloniously take from the person of another anything of value, shall be imprisoned not more than fifteen years.

Mr. KIMBALL. Mr. Chairman, I move to amend by inserting, after the word "person," in line 14, the words "or presence." The section now reads as follows:

SEC. 281. Whoever, by force and violence, or by putting in fear, shall feloniously take from the person of another anything of value, shall be imprisoned not more than fifteen years.

That is a perfectly correct definition of the common-law offense of robbery.

Mr. MOON of Pennsylvania. I think the amendment is a wise one, and on behalf of the committee I accept it.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 14, page 147, after the word "person," insert the words "or presence."

Mr. KIMBALL. Of course, the federal courts have no common-law jurisdiction, and this, being a penal statute, would have to be construed strictly. Its terms could not be extended to apply in any other way than as the words of the law would indicate. Therefore, if my watch was lying here on my desk and a robber should appear, present a pistol, put me in fear, and make me give up my watch, he could not be convicted under this section, because the watch was not on my person. For that reason I offer the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 286. Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and *every* such state, *territorial, or district* law shall, *for the purposes of this section, continue in force, notwithstanding any* subsequent repeal *or amendment* thereof *by any such State, Territory, or District.*

Mr. BARTLETT of Georgia. Mr. Chairman, I understand this section is new law, and not a portion of any existing law.

Mr. MOON of Pennsylvania. It is practically section 5391 of the existing law, put into language, however, that covers some omissions that have been declared by the Supreme Court of the United States to exist in section 5391.

Mr. BARTLETT of Georgia. The section is printed in type which indicates that it is new.

Mr. MOON of Pennsylvania. We changed the language, because so many decisions have been rendered against section 5391, each one limiting it a little, that we have employed broader language and endeavored to profit by the instruction given by the Supreme Court.

Mr. BARTLETT of Georgia. It is under language like this that it has been expected or believed that prosecutions against the New York World were to be inaugurated either in the District of Columbia or at the Military Academy reservation, or somewhere under the jurisdiction of the United States.

Mr. MOON of Pennsylvania. That is section 5391, which this takes the place of.

Mr. BARTLETT of Georgia. This section having been written before that case arose, of course the gentleman did not have his eye particularly on that case.

Mr. MOON of Pennsylvania. It does not change existing law. If they could do it under section 5391, they could do it under this. If they could not do it under section 5391, this section would not cover it.

Mr. BARTLETT of Georgia. In other words, if this bill becomes a law, it would not give jurisdiction to any place which does not now have the jurisdiction under the law?

Mr. MOON of Pennsylvania. Absolutely not.

Mr. BARTLETT of Georgia. Or it would not enable a prosecution to be had where it could not be had without this law?

Mr. MOON of Pennsylvania. It does not change the law a particle in that respect.

Mr. GARRETT. Mr. Chairman, I move to amend by striking out all after the word "punishment," in line 18.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 149, section 286, strike out all after the word "punishment," in line 18.

Mr. GARRETT. This seems to be a statute which predicates a crime upon the statute of a State and Territory, and then provides that, notwithstanding the repeal of that statute by the State or Territory, that so far as the Federal Government is concerned it shall continue to be a crime.

Mr. SHERLEY. Let me say to the gentleman that unless you had such a proviso a statute might be repealed and another substituted for it, or the statute might be amended in an inconsequential way and yet, as a result, we would be without any federal law for such an offense.

Mr. GARRETT. Would not this law follow?

Mr. SHERLEY. No; the Supreme Court has held that while it is within the power of Congress to adopt the law of a State at a given time, it is not within the power of Congress to adopt the law as it may change from time to time, and so, in order to have the state law apply, you must fix it at a certain time. If the statute relating to some offense is amended, the federal law

would simply adopt the state law as it existed at the time the federal act was passed, and would not take in such an amendment. The courts have held that you can not take in such amendments.

Mr. GARRETT. Does not the language in the first part of the section attempt to do just that thing?

Mr. SHERLEY. It does not; it undertakes at the time of the enactment of this law to make the state law the federal law, and that is at a time fixed, and it could not be made to change with the change in the state law.

Mr. GARRETT. Then the federal law will remain, no matter what the state law may be?

Mr. SHERLEY. Unquestionably; and we have many federal laws, based upon state laws, that have been repealed for many years, and this is simply modernizing them to the present time.

Mr. MOON of Pennsylvania. It has been held that while we may adopt a state law, we can not delegate to the State the right to make laws.

Mr. COX of Indiana. May I ask the gentleman a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. COX of Indiana. Suppose the State has repealed a statute entirely; does the federal statute remain alive?

Mr. MOON of Pennsylvania. Yes.

Mr. SHERLEY. The only other way would be to pass an entire penal code in the minutest detail for each and every offense. This form has been adopted since the early history of the Government looking to making the state laws federal laws in certain places.

Mr. COX of Indiana. Do I understand the gentleman that this would take it absolutely out of the power of a State to amend a statute?

Mr. SHERLEY. Oh, no; it does not do anything of the kind. We do not interfere with the State's power at all.

Mr. COX of Indiana. But if the State amended a statute upon which a federal law was based, this provision keeps the old statute alive.

Mr. SHERLEY. So far as it relates to federal offenses, it has no effect on the State law.

Mr. HOUSTON. It keeps it alive in the condition it is at the time of the passage of this law. No subsequent repeal or amendment by a State can affect it at all, because Congress can not delegate that power to a State.

Mr. GARRETT. Well, Mr. Chairman, I yield to the judgment of the committee in the matter, and I withdraw my amendment.

The CHAIRMAN, Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 311. If any male person cohabits with more than one woman, he shall be fined not more than $300, or imprisoned not more than six months, or both.

Mr. KEIFER. Mr. Chairman, I move to strike out all of section 311.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 311, being lines 22, 23, and 24, on page 160.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. KEIFER. Mr. Chairman, I wish to say that this section has some sort of precedent, growing up at a time when we were trying to legislate against polygamy, especially in Utah, when it was a Territory, but it performs no office now in our criminal code except it may be a bad one. The reason for its existence has passed, if any reason for it ever existed. No prosecution has ever been had in the United States under a statute of that character, I am informed. It is barbarous and immoral in its terms. We have provided in this bill against the crime of polygamy. Section 310 fully provides against that. Section 313 provides a punishment for adultery. Section 315 of the House bill provides for the crime of fornication. This is a provision that could have no possible application in the state of legislation in the United States now, polygamy having been prohibited everywhere by law, and it is prohibited in this very bill. This provision should go out. I can not freely discuss the section. I hope gentlemen will read section 311, and I would like to hear the chairman of the committee state what reason there is for keeping such a provision as that in the criminal law of the United States.

Mr. MOON of Pennsylvania. Mr. Chairman, in reply to the query of the gentleman from Ohio, I will say that this is a part of the original Edmunds Act. It applied to a condition then that existed particularly in one section of our country. We gave the subject of its repeal careful consideration, and we submitted it to the Senators from the State of Utah, and it was deemed by them, owing to the conditions existing there, best left in the law. I might say in addition to that that in the Hawaiian Islands his law has a very salutary effect in the prevention of this kind of offense.

Mr. KEIFER. How does it differ from the provisions in other parts of the bill, the sections I have referred to relating to polygamy, adultery, and fornication?

Mr. MOON of Pennsylvania. The Edmunds law was framed to meet almost every condition. There were a great many pretexts that were resorted to in certain sections to evade the existing law. This law was drawn with great care and particularity to meet every one of these conditions. This was one of the conditions covered, and it is felt now by people in those Territories wise to keep that law in effect. It can not do any harm, and it does provide against the commission of an offense that might not otherwise be punished.

Mr. KEIFER. Mr. Chairman, I understand that even in Utah, where it originally was intended to be applied, there never was a prosecution under it, and there never has been, so far as I know, since it was a part of that law, which was intended to apply to conditions that were supposed to be likely to arise under the old territorial polygamy law. This law now is made by express provision of the statute to apply to the District of Columbia, and there are no such polygamous conditions here that I know of. There are no conditions existing anywhere in the United States that are not covered by the sections of this bill which we have just passed over, or about to reach, and it is apparently intended to be authority for the commission of an illicit act, provided it is limited as it is stated in this section. The sole implication is in the direction of legalizing immorality. Therefore I think it is time that it was left out.

Mr. COX of Indiana. Mr. Chairman, reading from the print which I have of section 311, which is offered as the section under consideration, the language used in the old section provides:

That if any male person in a Territory or other place over which the United States have exclusive jurisdiction, etc.

Why was that language left out?

Mr. SHERLEY. That is covered by the general section 308, in the beginning of this chapter.

Mr. KEIFER. It applies to all the Territories and to the District of Columbia now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BARTHOLDT) there were—ayes 9, noes, 18.

Mr. BARTHOLDT. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The Chair will count.

Mr. BARTHOLDT. Mr. Chairman, I withdraw my point of no quorum.

So the amendment was rejected.

The Clerk read as follows:

SEC. 319. Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both. Whoever shall counsel, aid, abet, or assist in the perpetration of any of the offenses set forth in this section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this section it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

Mr. SHERLEY. Mr. Chairman, I offer the following as a substitute.

The CHAIRMAN. The gentleman from Kentucky offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, or robbery, shall be fined not more than $5,000, or imprisoned not more than twenty years, or both. Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive with intent to commit any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $1,000, or imprisoned not more than one year, or both. Whoever shall counsel, aid, abet, or assist in the perpetration of any of the offenses set forth in this section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this section, it shall not be neces-

sary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

Mr. SHERLEY. Mr. Chairman, the purpose of the substitute is simply to separate minor offenses from the great ones of murder or robbery. As this section was originally reported by the committee it made possible a punishment of twenty years' imprisonment for the minor offenses, and it was believed that it was proper to separate the minor from the graver offenses and provide a less punishment for the minor ones, and that is the only change in the section.

Mr. KEIFER. May I ask the gentleman, what is the difference in the language the gentleman uses? I do not notice it in my bill.

Mr. SHERLEY. The only difference is this: As the act is now drawn it applies not only to willful and malicious trespass with the intent to commit a murder or robbery, but also any unlawful violence where the latter crime may be a very minor one; and instead of providing that the punishment in such case may be as great as twenty years in the penitentiary, as the section now provides, I have simply separated it and provided for twenty years in the penitentiary when the trespass is for the purpose of committing murder or robbery; and then when it is for these minor offenses, providing the maximum punishment of a year.

Mr. KEIFER. But, Mr. Chairman, it seems to be separated precisely in the same way as the bill which I have.

Mr. SHERLEY. The gentleman will find in the bill he has the punishment that is permissible for any offense is twenty years.

Mr. KEIFER. No; it is divided as the gentleman says——

Mr. SHERLEY. Well, the gentleman——

Mr. KEIFER. I have the Senate print here.

Mr. SHERLEY. The Senate print is exactly in accord with the amendment offered by myself.

Mr. KEIFER. Your proposition is the Senate section, with the words "or both" added.

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. What is the maximum penalty for assault with intent to murder for the purpose of robbery?

Mr. SHERLEY. Twenty years.

Mr. COOPER of Wisconsin. That is the maximum?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. Anything less than that is in the discretion of the judge?

Mr. SHERLEY. Yes; we have no minimum punishment for any of these crimes.

Mr. COOPER of Wisconsin. Mr. Chairman, it is my judgment that any person who assaults another with intent to commit murder and for the purpose of robbery is a born murderer, and that to fix a minimum in the discretion of the judge is altogether wrong. I have in mind, if the gentleman will permit, an illustration in that line. I have mentioned it before in the House of Representatives. Some years ago I went to the city of Chicago, and while there I heard tried the murder case of Frank Mulkowski. That man, when 18 years of age, killed a man in Austria-Hungary for the purpose of robbery and was sentenced for life. After serving twenty-two years, he was pardoned upon the express condition that he leave that country. He came over here and went to board with a family by the name of Kliedziek, in Chicago. He had been in this country less than seven months when he killed the wife of the man in whose family he boarded in order to rob her of a few rings, as I remember, and a little purse. This shows not only a lax administration of our immigration laws, but it also shows the danger, on sentimental grounds or any other, of permitting a judge to sentence a criminal for only one year or two years or three years where he assaults another person with the intent to murder and to commit robbery.

Such a man is as dangerous at large as is a wild beast of prey. He has attempted murder, and the minimum punishment ought to be twenty years.

Mr. KEIFER. It is a capital punishment, and it was in that case.

Mr. COOPER of Wisconsin. I say that a man who assaults another for the purpose of robbery and does not succeed in murdering ought not to be punished with less than twenty years.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment of the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 320. The manner of inflicting the punishment of death shall be by hanging.

Mr. KIMBALL. Mr. Chairman, I move to amend that section by striking out the last word, which is the word "hanging," and insert in place of it "electrocution."

The Clerk read as follows:

Page 165, line 4, strike out the word "hanging" and insert the word "electrocution."

Mr. KIMBALL. It seems to me, Mr. Chairman, that the Government of the United States ought to take the lead in all progressive movements, whether dealing with the treatment of criminals or any other question looking to the improvement of existing conditions. The old-fashioned way of tying a criminal up by the neck, frequently choking him to death rather than breaking his neck, and often making a holiday and carnival occasion of the hanging, ought long since to have been done away with. In most of the States statutes have been enacted requiring executions to be private and restricting the number of persons who are permitted to be witnesses of the execution. That is an acknowledgment of the fact that public hangings are brutalizing and have a bad effect upon the community. New York, Ohio, New Jersey, and other progressive States have adopted electrocution as the mode of taking the life of persons convicted of capital offenses. No reasonable objection has ever been urged against electrocution, and no reasonable objection can be urged against it. It is a humane, decent, and practical way of taking the life of one who has forfeited it on account of crime. I trust that the House of Representatives will turn its face to the future and adopt this amendment and install a mode of executing criminals more in harmony with the age than the old-fashioned way of hanging.

Mr. McCALL. Mr. Chairman, I move to amend by making it imprisonment for life, and abolishing capital punishment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

Mr. MANN. I will call the gentleman's attention to the fact that this is providing for the method of inflicting the death penalty.

The CHAIRMAN. Does the gentleman from Massachusetts offer an amendment?

Mr. McCALL. I move to amend by striking out the section.

Mr. FITZGERALD. What would be done with a man who was sentenced to death?

Mr. MANN. They would electrocute him.

Mr. McCALL. Then, I should move to abolish the penalty.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky, to perfect the text.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. KIMBALL. Division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 27.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Massachusetts offers, as an amendment, to strike out the section.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. McCALL. Division, Mr. Chairman.

The committee divided; and there were—ayes 18, noes 49.

So the amendment was rejected.

The Clerk read as follows:

SEC. 326. The circuit and district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the crime of rape within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. This *section* is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and *six*, Laws of South Dakota, 1901.

Mr. NORRIS. I move to strike out the last word, for the purpose of asking the gentleman about what seems to me to be an error. I find here we have provided in a prior section that whoever shall commit the crime of rape shall suffer death. Now, in this section and the one preceding it the provision is found that if any Indian shall commit the crime of rape he shall be imprisoned in the discretion of the court. I would like to know why the Indian should not be punished just as much as the white man. This is a discrimination against the white man.

Mr. MOON of Pennsylvania. The laws of the United States as enacted by Congress, I will say, have always shown a more

tender consideration for the rights of the Indians in this respect than for the white man.

Mr. PAYNE. What rights have the Indians in that respect? [Laughter.]

Mr. NORRIS. I hope the gentleman does not contend that this is a right of those Indians?

Mr. MOON of Pennsylvania. Well, I can not argue it here seriously; but it has always been considered that the crime of rape by an Indian upon an Indian girl was entitled to much more consideration than a similar crime against a white girl by a white man.

Mr. NORRIS. But, if the gentleman will pardon me, this does not provide for rape upon an Indian woman exclusively.

Mr. MOON of Pennsylvania. It does in section 325. I am not quite sure about section 326.

Mr. NORRIS. In the provision I am looking at here it does not make any such distinction.

Mr. MOON of Pennsylvania. In section 326?

Mr. NORRIS. Rape may be committed by an Indian on a white woman.

Mr. MOON of Pennsylvania. That is not right, and it ought not to be so.

Mr. NORRIS. Well, does the gentleman consent to an amendment?

Mr. MOON of Pennsylvania. Undoubtedly; limiting it, as it is in section 325, to Indians committing certain crimes against the person or property of any other Indian.

Mr. NORRIS. As I read it in the copy that I have here, it does not say upon any Indian woman in either case.

Mr. MILLER. It says Indians or other persons.

Mr. NORRIS. It reads:

Provided, That any Indian who shall commit the crime of rape within any such reservation shall be imprisoned in the discretion of the court.

In the other proviso it also reads:

Provided, That any Indian who shall commit the offense of rape within the limits of any Indian reservation shall be imprisoned in the discretion of the court.

Now, Mr. Chairman, I move that both those provisions be amended by inserting, after the word "rape," the words "upon any Indian woman."

Mr. MOON of Pennsylvania. In behalf of the committee, I will accept that. It ought to be limited in that way undoubtedly.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to recur to section 325 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 166, line 23, after the word "rape," insert "upon any Indian woman."

The amendment was agreed to.

The CHAIRMAN. The gentleman from Nebraska offers another amendment, which the Clerk will report.

Mr. WATKINS. I should like to inquire whether that does not leave the provision without any punishment at all for rape committed upon any other woman than an Indian woman?

Mr. NORRIS. The general law that we have passed will cover that.

Mr. WATKINS. It has been suggested to me that instead of the words "Indian woman" it should read "Indian female."

Mr. GARRETT. I want to call the attention of the gentleman from Nebraska to the first two lines of that section. I think he will find it includes the very thing he is seeking to get at. He will see there that it reads:

All Indians committing against the person or property of any Indian or other person any of the following crimes——

Mr. NORRIS. But this comes in as a proviso. If it were not a proviso, that might be true.

Mr. GARRETT. It relates, however, to what has been said.

Mr. COX of Indiana. Why not strike out the entire proviso?

The CHAIRMAN. The amendment the gentleman from Tennessee speaks of is already agreed to.

Mr. ADAMSON. I am sitting so far away from where the gentlemen are carrying on their conversation or colloquy that I can not hear everything. I should like to know why the same penalty ought not to be inflicted for the crime of rape whether it be on an Indian woman, a negro woman, an Anglo-Saxon woman, or anybody else. Why should not an Indian committing that crime against any woman suffer death?

Mr. NORRIS. I agree with the gentleman, but I think this is applied only to an Indian woman, because the committee have considered, and legislation on this subject generally has been with the idea that the morals of Indian women are not always as high as those of white women, and consequently the punishment should be lighter for an offense against her.

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The gentleman from Nebraska has been recognized to offer an amendment. He offered it, but it was not understood at the Clerk's desk. Will the gentleman state his amendment to section 326?

Mr. NORRIS. It is the same amendment, only it comes in at a different place.

The CHAIRMAN. Where does it come in?

Mr. NORRIS. It comes in after the word "rape," in line 13, page 167.

The Clerk read as follows:

Amend by inserting in line 13, page 167, after the word "rape," the words "upon any Indian woman."

Mr. PADGETT. I should like to ask the gentleman from Nebraska who offers the amendment, what interpretation he places upon the words "Indian woman?" How much Indian blood must there be? Suppose she is a half blood.

Mr. NORRIS. I would not want to say. I suppose she would be considered an Indian.

Mr. PADGETT. Suppose she was a woman of one-quarter Indian blood?

Mr. NORRIS. That would be still less Indian.

Mr. ADAMSON. I would like to know how much Indian blood in a woman would exempt a man from the penalty of death.

Mr. GOLDFOGLE. Mr. Chairman, I rise to ask that the section of the bill be read as it will read when amended. There are many in the House without copies of the bill, because they have all been exhausted, and we can not intelligently follow these amendments. I ask that the section may be read as it will read as amended.

The CHAIRMAN. Without objection, the section will be again read by the Clerk as it will read when amended.

The Clerk read the section.

Mr. NORRIS. Mr. Chairman, I noticed that the Clerk read "Indian woman." I think I asked to have that modified by inserting the word "female" instead of "woman."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska as modified.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were 39 ayes and 13 noes.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 327. In all cases where the accused is found guilty of the crime of murder *in the first degree*, or rape, the jury may qualify their verdict by adding thereto, "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment for life.

Mr. McCALL. Mr. Chairman, I have here the Senate bill, so that I can not designate accurately the place where the amendment will come in, but I move to strike out the words in that section as follows:

The jury may qualify their verdict by adding thereto "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid.

So that it will read:

In all cases where the accused is found guilty of the crime of murder in the first degree, or rape, the person convicted shall be sentenced to imprisonment for life.

The intention is to substitute imprisonment for life instead of the death penalty. While it may seem inconsistent with other parts of the bill, the committee will have an opportunity to correct the other parts if the amendment shall be adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 327, after the word "rape," in the second line of the section, strike out all down to and including the word "aforesaid."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. McCALL) there were—ayes 21, noes 35.

Mr. McCALL. I make the point of no quorum.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the penal code and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21926. An act for the organization of the Militia in the District of Columbia;

H. R. 25552. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907;

H. R. 25805. An act to reenact and to amend sections 3646 and 3647 of the Revised Statutes;

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona;

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large;

H. R. 18487. An act for the relief of Charles H. Dunning; and

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace."

WITHDRAWAL OF PAPERS.

Mr. HUBBARD of West Virginia, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. P. Hall, Sixtieth Congress, no adverse report having been made thereon.

Mr. DENBY, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mrs. Elise Boedtcher, Sixtieth Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS IN THE RECORD.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend remarks that I made on the amendment offered by the gentleman from Mississippi.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ORDER OF BUSINESS.

Mr. WATSON. Mr. Speaker, I move that the House take a recess until to-morrow at 11 o'clock.

Mr. CLAYTON. And I move as a substitute that the House do now adjourn.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Is there any motion before the House?

The SPEAKER. There will be in a moment.

Mr. WILLIAMS. I understood the gentleman from Alabama to move that the House do now adjourn. That is a privileged question.

The SPEAKER. The gentleman is quite correct about it.

Mr. WATSON. Previous to that I had moved that the House take a recess until 11 o'clock to-morrow morning. That was before the gentleman from Alabama moved to adjourn.

The SPEAKER. There was a motion made by the gentleman from Indiana to recess, and afterwards the gentleman from Alabama moved to adjourn.

Mr. FITZGERALD. Last session we had a special rule that made the recess privileged over a motion to adjourn, but under the rules now a motion to adjourn takes precedence.

The SPEAKER. The gentleman may be right.

Mr. FITZGERALD. It is impossible to tell whether a gentleman is right until the Speaker has the final say. [Laughter.]

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. CLAYTON) there were 22 ayes and 65 noes.

Mr. PAYNE. I move that the House take a recess until 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York moves that the House take a recess until to-morrow morning at 11 o'clock.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were 38 ayes and 8 noes.

Mr. CLAYTON. I make the point of no quorum.

The SPEAKER. The gentleman from Alabama makes the point of no quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will bring in absent Members; the question is on the motion that the House take a recess until 11 o'clock to-morrow; and the Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 28, answered "present" 5, not voting 189, as follows:

YEAS—164.

Adair	Bennet, N. Y.	Byrd	Cocks, N. Y.
Aiken	Bingham	Calder	Cole
Alexander, Mo.	Birdsall	Calderhead	Conner
Ames	Bonynge	Caldwell	Cook, Colo.
Ashbrook	Brownlow	Campbell	Cooper, Wis.
Bannon	Burnett	Candler	Cox, Ind.
Bartlett, Nev.	Burton, Del.	Carter	Craig
Beall, Tex.	Butler	Chapman	Cravens
Crawford	Guernsey	Lafean	Rhinock
Currier	Hackett	Langley	Robinson
Dalzell	Haggott	Lindbergh	Rothermel
Darragh	Hall	Lloyd	Russell, Mo.
Davenport	Hamilton, Iowa	McCall	Russell, Tex.
Dawson	Hamilton, Mich.	McGuire	Shackleford
Denby	Hamlin	McKinley, Ill.	Sheppard
Denver	Hammond	McLachlan, Cal.	Sherley
Diekema	Haugen	McLain	Sims
Dixon	Hawley	Macon	Slemp
Driscoll	Hayes	Madden	Smith, Cal.
Dwight	Heflin	Madison	Smith, Iowa
Englebright	Henry, Tex.	Malby	Smith, Mich.
Esch	Hill, Conn.	Mann	Smith, Tex.
Fairchild	Hinshaw	Martin	Southwick
Ferris	Holliday	Miller	Stafford
Flood	Houston	Mondell	Stephens, Tex.
Floyd	Howell, Utah	Moon, Pa.	Sulloway
Focht	Howland	Moon, Tenn.	Tawney
Foster, Ill.	Hubbard, Iowa	Morse	Taylor, Ohio
Foster, Ind.	Hubbard, W. Va.	Mudd	Thistlewood
Foulkrod	Huff	Murphy	Tou Velle
French	Hull, Tenn.	Nelson	Underwood
Gardner, Mich.	Humphreys, Miss.	Norris	Volstead
Garner	James, Ollie M.	Olcott	Waldo
Garrett	Johnson, S. C.	Olmsted	Wallace
Gillespie	Keifer	Overstreet	Wanger
Godwin	Kennedy, Iowa	Padgett	Watkins
Goebel	Kennedy, Ohio	Parsons	Watson
Graff	Kimball	Payne	Weems
Graham	Kinkaid	Pollard	Wiley
Griggs	Kitchin	Rainey	Woodyard
Gronna	Knopf	Rauch	The Speaker

NAYS—28.

Adamson	Favrot	Kahn	Randell, Tex.
Bartholdt	Fitzgerald	Kipp	Rodenberg
Bartlett, Ga.	Fornes	Küstermann	Sabath
Booher	Fulton	Lenahan	Smith, Mo.
Burgess	Goldfogle	McDermott	Stanley
Clark, Mo.	Hardy	Moore, Tex.	Williams
Clayton	Helm	Patterson	Wilson, Pa.

ANSWERED "PRESENT"—5.

Beale, Pa.	Goulden	McMorran	Sparkman
Bell, Ga.			

NOT VOTING—189.

Acheson	Ellerbe	Jones, Va.	Pratt
Alexander, N. Y.	Ellis, Mo.	Kelliher	Pray
Allen	Ellis, Oreg.	Knapp	Prince
Andrus	Estopinal	Knowland	Pujo
Ansberry	Fassett	Lamar, Fla.	Ransdell, La.
Anthony	Finley	Lamar, Mo.	Reeder
Barchfeld	Foelker	Lamb	Reid
Barclay	Fordney	Landis	Reynolds
Barnhart	Foss	Laning	Richardson
Bates	Foster, Vt.	Lassiter	Riordan
Bede	Fowler	Law	Roberts
Bennett, Ky.	Fuller	Lawrence	Rucker
Boutell	Gaines, Tenn.	Leake	Ryan
Bowers	Gaines, W. Va.	Lee	Saunders
Boyd	Gardner, Mass.	Legare	Scott
Bradley	Gardner, N. J.	Lever	Sherman
Brantley	Gilhams	Lewis	Sherwood
Brodhead	Gill	Lindsay	Slayden
Broussard	Gillett	Livingston	Small
Brundidge	Glass	Longworth	Snapp
Burke	Gordon	Lorimer	Sperry
Burleigh	Greene	Loud	Spight
Burleson	Gregg	Loudenslager	Steenerson
Burton, Ohio	Hackney	Lovering	Sterling
Capron	Hale	Lowden	Stevens, Minn.
Carlin	Hamill	McCreary	Sturgiss
Cary	Harding	McGavin	Sulzer
Cassel	Hardwick	McHenry	Swasey
Caulfield	Harrison	McKinlay, Cal.	Talbott
Chaney	Haskins	McKinney	Taylor, Ala.
Clark, Fla.	Hay	McLaughlin, Mich.	Thomas, N. C.
Cockran	Henry, Conn.	McMillan	Thomas, Ohio
Cook, Pa.	Hepburn	Marshall	Tirrell
Cooper, Pa.	Higgins	Maynard	Townsend
Cooper, Tex.	Hill, Miss.	Moore, Pa.	Vreeland
Coudrey	Hitchcock	Mouser	Washburn
Cousins	Hobson	Murdock	Webb
Crumpacker	Howard	Needham	Weeks
Cushman	Howell, N. J.	Nicholls	Weisse
Davidson	Hughes, N. J.	Nye	Wheeler
Davis	Hughes, W. Va.	O'Connell	Willett
Dawes	Hull, Iowa	Page	Wilson, Ill.
De Armond	Humphrey, Wash.	Parker	Wolf
Douglas	Jackson	Pearre	Wood
Draper	James, Addison D.	Perkins	Young
Durey	Jenkins	Peters	
Edwards, Ga.	Johnson, Ky.	Porter	
Edwards, Ky.	Jones, Wash.	Pou	

So the motion was agreed to.

After the call of the roll, and before the announcement of the vote, the following occurred:

Mr. SABATH. Mr. Speaker——

The SPEAKER pro tempore (Mr. WATSON). For what purpose does the gentleman rise?

Mr. SABATH. Would a motion to adjourn be in order at this time?

Mr. BUTLER. That requires a second.

The SPEAKER pro tempore. The Chair will read the rule for the information of Members:

At any time after the roll call has been completed the Speaker may entertain a motion to adjourn if seconded by a majority of those present, to be ascertained by actual count by the Speaker.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves that the House do now adjourn.

Mr. KEIFER. I would inquire whether the roll call has been completed?

The SPEAKER pro tempore. The roll call has been completed.

Mr. DALZELL. Mr. Speaker, that motion requires a second.

The SPEAKER pro tempore. The motion requires a second and must be seconded by a majority of those present. The Chair, according to the rule, is under no obligation to entertain the motion; but under the circumstances, the roll call having been completed, the Chair will entertain the motion, provided a majority seconds the motion. As many as desire to second the motion to adjourn will rise and stand until counted. [After counting.] Thirteen gentlemen have arisen. Those who are opposed will rise and stand until counted. [After counting.] Seventy-five gentlemen have arisen in the negative. A majority not having seconded the motion to adjourn, the motion will not be entertained.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HUGHES of West Virginia with Mr. JOHNSON of Kentucky.

Mr. HUMPHREY of Washington with Mr. JONES of Virginia.

Mr. JENKINS with Mr. LAMAR of Florida.

Mr. HEPBURN with Mr. HOBSON.

Mr. HENRY of Connecticut with Mr. HITCHCOCK.

Mr. GILLETT with Mr. HARRISON.

Mr. HARDING with Mr. HAY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. GAINES of West Virginia with Mr. HARDWICK.

Mr. DAVIS with Mr. COOPER of Texas.

Mr. DRAPER with Mr. ELLERBE.

Mr. DUREY with Mr. GILL.

Mr. EDWARDS of Kentucky with Mr. GORDON.

Mr. FASSETT with Mr. GREGG.

Mr. ALEXANDER of New York with Mr. BELL of Georgia.

Mr. ANDRUS with Mr. BRANTLEY.

Mr. BARCHFELD with Mr. BRODHEAD.

Mr. BATES with Mr. BROUSSARD.

Mr. BOUTELL with Mr. BRUNDIDGE.

Mr. BURKE with Mr. BURLESON.

Mr. BURTON of Ohio with Mr. CARLIN.

Mr. CAULFIELD with Mr. CLARK of Florida.

Mr. COOK of Pennsylvania with Mr. COCKRAN.

Mr. PERKINS with Mr. WEBB.

Mr. WOOD with Mr. THOMAS of North Carolina.

Mr. WILSON of Illinois with Mr. TAYLOR of Alabama.

Mr. TOWNSEND with Mr. SULZER.

Mr. TIRRELL with Mr. SPIGHT.

Mr. THOMAS of Ohio with Mr. SPARKMAN.

Mr. SWASEY with Mr. SMALL.

Mr. STERLING with Mr. SLAYDEN.

Mr. SCOTT with Mr. SHERWOOD.

Mr. SHERMAN with Mr. RIORDAN.

Mr. REYNOLDS with Mr. SAUNDERS.

Mr. PRINCE with Mr. RUCKER.

Mr. BURLEIGH with Mr. RICHARDSON.

Mr. PEARRE with Mr. REID.

Mr. MCLAUGHLIN of Michigan with Mr. PRATT.

Mr. MCKINNEY with Mr. PETERS.

Mr. MCCREARY with Mr. PAGE.

Mr. LOWDEN with Mr. MAYNARD.

Mr. LOUDENSLAGER with Mr. MCHENRY.

Mr. LORIMER with Mr. LIVINGSTON.

Mr. LONGWORTH with Mr. LINDSAY.

Mr. LAWRENCE with Mr. LEVER.

Mr. LANDIS with Mr. LEE.

Mr. KNAPP with Mr. LASSITER.

Mr. JONES of Washington with Mr. LAMB.

The SPEAKER pro tempore. On this question the yeas are 164, nays 28, present 5—a quorum. The Doorkeeper will open the doors. The ayes have it, and the motion is agreed to.

Accordingly (at 7 o'clock and 50 minutes p. m.) the House took a recess until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beaufort Harbor, North Carolina (H. Doc. No. 1454)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting a response to the inquiry of the House in relation to hazing at the United States Military Academy (H. Doc. No. 1455)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting report of commission appointed to procure plans and estimates for memorial amphitheater at Arlington, Va. (H. Doc. No. 1456)—to the Committee on Public Buildings and Grounds and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LINDBERGH, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 7639) authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit, reported the same with amendment, accompanied by a report (No. 2180), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCGUIRE, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. R. 76) relative to homestead designations, made and to be made, of members of the Osage tribe of Indians, reported the same without amendment, accompanied by a report (No. 2181), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," reported the same without amendment, accompanied by a report (No. 2182), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes, reported the same without amendment, accompanied by a report (No. 2183), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 4838) to establish a fish hatchery and biological station in the First Congressional District of the State of Georgia, reported the same with amendments, accompanied by a report (No. 2185), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 25393) to establish a fish-cultural station in Tucker County, in the State of West Virginia, reported the same without amendment, accompanied by a report (No. 2186), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 25398) to establish a fish-cultural station in the State of New Jersey, reported the same without amendment, accompanied by a report (No. 2187), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 28177) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," reported the same with amendment, accompanied by a report (No. 2184), which said bill and report were referred to the House Calendar.

Mr. AMES, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 27473) to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross," reported the same with amendments, accompanied by a report (No. 2188), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3568) to amend and correct war records so as to muster in and muster out of service in United States Army Joshua E. Carlton, of Charleston, Tenn., and to grant to him an honorable discharge, reported the same with amendment, accompanied by a report (No. 2178), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 26316) for the relief of A. S. Pease, reported the same adversely, accompanied by a report (No. 2179), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of California: A bill (H. R. 28190) to provide for the sale of isolated tracts of public land in Imperial County, Cal.—to the Committee on the Public Lands.

By Mr. STEVENS of Minnesota: A bill (H. R. 28191) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the city of Stillwater, State of Minnesota—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 28192) to amend and consolidate the acts respecting copyright—to the Committee on Patents.

By Mr. WATKINS: A bill (H. R. 28193) to authorize the city of Shreveport to construct a bridge across Red River—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin (by request): A bill (H. R. 28194) to provide funds for the construction and improvement of works of public character in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. BEDE: A bill (H. R. 28195) for a survey for a 26-foot waterway from Duluth to Buffalo—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: A bill (H. R. 28196) to authorize the Secretary of War to donate one condemned bronze fieldpiece, carriage, and cannon balls to the city of Beloit, State of Wisconsin—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 28197) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Sullivan, State of New York—to the Committee on Military Affairs.

By Mr. LANDIS: A bill (H. R. 28198) providing for the erection of an official summer residence and executive office at West Point, N. Y., for the use of the President of the United States—to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 28199) to authorize the construction of a light-house upon Diamond Shoal by Albert F. Eells and associates and to provide for the purchase thereof by the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: A bill (H. R. 28220) to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

By Mr. TAWNEY: Resolution (H. Res. 573) providing that the House disagree to the conference report on the bill H. R. 23464, etc.—to the Committee on Rules.

By Mr. KEIFER: Concurrent resolution (H. C. Res. 66) relating to the legislative, executive, and judicial appropriation bill (H. R. 23464)—to the Committee on Rules.

By Mr. ESCH: Memorial of the legislature of Wisconsin, asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 28200) granting an increase of pension to Caralton D. Hays—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 28201) granting a pension to George Buzby—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 28202) granting a pension to Helen Lydia Ruger—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 28203) granting an increase of pension to John G. Lang—to the Committee on Invalid Pensions.

By Mr. HAGGOTT: A bill (H. R. 28204) to grant certain lands to the city of Colorado Springs, Colo.—to the Committee on the Public Lands.

By Mr. HAWLEY: A bill (H. R. 28205) granting a pension to Hiram H. Hern—to the Committee on Pensions.

Also, a bill (H. R. 28206) granting an increase of pension to Francis H. Beach—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 28207) granting a pension to William H. H. Himes—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 28208) granting a pension to Henry A. Tortat—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 28209) for the relief of John Jakes—to the Committee on Military Affairs.

Also, a bill (H. R. 28210) for the relief of James Lyons—to the Committee on Military Affairs.

Also, a bill (H. R. 28211) for the relief of Thomas B. Burgess, administrator of Francis B. F. Burgess, deceased—to the Committee on War Claims.

Also, a bill (H. R. 28212) granting an increase of pension to Dominick Roach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28213) granting an increase of pension to William T. Pierson—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 28214) granting an increase of pension to Oskar Van Scheutz—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 28215) for the relief of John H. Layne—to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 28216) granting an increase of pension to Isaac A. Brosius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28217) granting an increase of pension to Leonard H. Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28218) granting an increase of pension to Samuel Clary—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 28219) granting an increase of pension to Michael Fanley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Federation of Church, Charity, and other Organizations in New York City, favoring the Parsons bill (H. R. 24148), establishing a children's bureau in the Department of the Interior—to the Committee on Expenditures in the Interior Department.

By Mr. ASHBROOK: Petition of Uhrichsville (Ohio) Benevolent and Protective Order of Elks, favoring a reservation in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. BARCHFELD: Petition of merchants of Wilkinsburg, Pa., for repeal of duty on hides—to the Committee on Ways and Means.

By Mr. BATES: Petition of Mark Hotchkiss, favoring an increase of duty on wool—to the Committee on Ways and Means.

Also, petition of Electric Light Company of Walford, Pa., favoring removal of duty on electric carbons—to the Committee on Ways and Means.

Also, petition of E. Paxton Cady, of Erie, Pa., favoring the Newlands bill, for creation of a Lincoln memorial—to the Committee on the Library.

Also, petition of Erie Association of Charities, favoring an appropriation for preparatory work of the International Prison Commission—to the Committee on Appropriations.

Also, petition of S. Beach, of Albion, Pa., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie (Pa.) Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of Central Labor Union of Erie, Pa., favoring census printing being done in the Government Printing Office—to the Committee on the Census.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Carlton D. Hayes—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Kennebec County, Me., favoring legislation for parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of James W. Howard, for modification of the duty on crude asphalt and bitumen—to the Committee on Ways and Means.

Also, petition of the Seattle Chamber of Commerce, favoring an appropriation of $1,000,000 to aid in road building in Alaska—to the Committee on Agriculture.

Also, petition of National Civil Service Reform League, against the Crumpacker census bill (H. R. 16954)—to the Committee on the Census.

Also, petition of New York Board of Trade and Transportation, for appropriation to improve the upper Hudson River—to the Committee on Rivers and Harbors.

By Mr. DUREY: Petition of H. J. Werner, of Mechanicsville, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. EDWARDS of Kentucky: Petition of Lick Creek Camp, No. 12745, Modern Woodmen of America, of Ritner, Ky., against their insurance being made equal to the old-line rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of London, Laurel County, Ky., favoring the Littlefield-Bacon bill—to the Commitee on the Judiciary.

Also, paper to accompany bill for relief of Dudley R. Sloan (H. R. 27844)—to the Committee on Pensions.

By Mr. ELLIS of Oregon: Petition of James F. Hutchinson and 34 others, of Union, Oreg., favoring removal of duty from jute grain bags and burlap cloth used in making the same—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Hjalmar Wallin and others, against reduction of duty on farm products—to the Committee on Ways and Means.

Also, petition of Herbert Duxbury and others, of Blair, Wis., against reduction of the duty on farm products—to the Committee on Ways and Means.

Also, petition of citizens of Wisconsin, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

Also, petition of Manufacturers and Shippers' Association of Rockford, Ill., favoring H. R. 22901 (a bill to amend section 6 of the act to regulate commerce)—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Society of Equity, of Madison, Wis., against reduction of duty on farm products—to the Committee on Ways and Means.

By Mr. FULLER: Petition of American Reciprocal Tariff League, of Chicago, favoring a maximum and minimum tariff—to the Committee on Ways and Means.

Also, petition of Municipal Art League, of Chicago, favoring a Lincoln memorial and against placing same near the Union Station—to the Committee on the Library.

Also, petition of the Long Island Railway Company, for increased compensation for handling and carrying mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FULTON: Petition of citizens of Texas County, Okla., favoring H. R. 25809—to the Committee on the Public Lands.

By Mr. HAGGOTT: Petition of citizens of Montrose, Colo., against extradition by any country of political refugees—to the Committee on Foreign Affairs.

By Mr. HASKINS: Petition of Woodbury Grange, No. 391, of Woodbury, Vt., favoring a national highways commission—to the Committee on Agriculture.

By Mr. HEFLIN: Petition of the Methodist Episcopal Church and the Sunday school of the Methodist Episcopal Church South, of Lafayette, Ala., for the passage of a bill to prevent the shipping of intoxicating liquors into prohibition towns, counties, and States—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of Lodge No. 711, Benevolent and Protective Order of Elks, of Tintic, Utah, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. KAHN: Petition of the Chamber of Commerce of San Francisco, Cal., favoring S. 40, to provide transportation for material for the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sunlit Fruit Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. KNOPF: Petition of the Chicago Surgical Trade Association, against removal of duty on surgical instruments—to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of citizens of Kensington, Minn., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the New York child-labor committee, favoring children's federal bureau in the Interior Department (H. R. 24148)—to the Committee on Expenditures in the Interior Department.

Also, petition of New York Typographical Union, favoring census printing in Government Printing Office—to the Committee on the Census.

Also, petition of Gustav F. Richter, of Brooklyn, N. Y., against removal of duty from surgical instruments—to the Committee on Ways and Means.

By Mr. LOUD: Petition of business men of Grayling, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOWDEN: Petition of Dixon (Ill.) Lodge, No. 779, Benevolent and Protective Order of Elks, favoring a reservation for the American elk—to the Committee on the Public Lands.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of William H. H. Himes—to the Committee on Invalid Pensions.

By Mr. MALBY: Petition of various residents of New York City, favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

By Mr. MANN: Petition of the National Shoe Wholesale Association of the United States, against a duty on hides—to the Committee on Ways and Means.

Also, petition of the Chicago Surgical Trade Association, against removal of duty on surgical instruments—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of business men of Watsonville, Cal., against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring S. R. 40, to provide for transportation in American vessels of material used on the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: Petition of the Boston Surgical Trade Association, against removal of duty on surgical instruments—to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of the Free Public Library of Worcester, Mass., against removal of books for public libraries from the free list—to the Committee on Ways and Means.

Also, petition of Boston Chapter of the Massachusetts Society of the Sons of American Revolution, favoring maintenance of Fort McHenry as a garrisoned post—to the Committee on Military Affairs.

By Mr. SPERRY: Resolution of the Baptist Baraca Club, of Middletown, Conn., favoring the antigambling bill—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of retail grocery dealers of St. Paul, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. STURGISS: Petition of National Grange, No. 129, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of the West Virginia Wholesale Grocery Association, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SULZER: Petition of New York Typographical Union, favoring census printing by the Government Printing Office—to the Committee on the Census.

Also, petition of Luyties Brothers, favoring amendment to tariff bill to encourage sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

Also, petition of Francis M. Johnstone, favoring H. R. 24148, to establish in the Department of the Interior a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Merchants' Association of New York, favoring an appropriation of $300,000 to enable a government exhibit at the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the Brotherhood of Locomotive Engineers, Firemen, and Trainmen, against the Watson bill (H. R. 26725) supplementing the safety-appliance act—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Ohio: Petition of F. Ray Truman and others, of Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chardon (Ohio) Grange, No. 1589, for legislation creating a national highways commission and for an appropriation to aid in the improvement and maintenance of public roads—to the Committee on Agriculture.

By Mr. VREELAND: Petition of oil producers of Scio, N. Y., against any change in tariff on crude oil—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of Wellesley (Mass.) Grange, No. 166, Patrons of Husbandry, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petition of C. R. Stugard and 26 other members of Grange No. 27, of Hughesville, Pa., for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Banks and 15 other residents of Tioga, Pa., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of Washington Valley Grange, No. 171, Patrons of Husbandry, of Martinsville, N. J., for H. R. 15837, in aid of highways—to the Committee on Agriculture.

Also, petition of D. P. Forst & Co., of Trenton, N. J., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WOODYARD: Petition of the West Virginia Wholesale Grocers' Association, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the West Virginia Wholesale Grocers' Association, favoring the Sherley amendment to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 18, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Chair announces the appointment of the junior Senator from Mississippi [Mr. MCLAURIN] to read Washington's Farewell Address on the 22d instant, pursuant to the order of the Senate of January 24, 1901.

MILITARY ACADEMY AT WEST POINT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, by direction of the President and in response to a resolution of the 4th instant, all the papers called for in the matter of hazing at the United States Military Academy at West Point since January 1, 1908 (S. Doc. No. 731), which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 21492. An act to authorize the sale of certain public lands;

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880; and

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 20247) to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

The message further announced that the House had disagreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLETT, Mr. BINGHAM, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution authorizing the conferees on the disagreements of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, to take into consideration as if in disagreement the portion of the bill relating to the salary of the Secretary of State and also to report on any provision in relation to the law respecting that salary, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 8708. An act authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association;

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy;

H. R. 13851. An act providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.;

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906; and

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

CREDENTIALS.

Mr. NIXON presented the credentials of FRANCIS G. NEWLANDS, chosen by the legislature of the State of Nevada a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint memorial of the legislative assembly of the Territory of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Council joint memorial 4. By Mr. Hanley.

Memorial asking the immediate admission of New Mexico into the Union as a State in compliance with the recent pledges of the two great political parties of the United States.

Your memorialists, the thirty-eighth legislative assembly of the Territory of New Mexico, representing the united sentiment of the people of this Territory, as well as the sentiment of the people of the various States of the Union, as repeatedly expressed in party platforms of the two great political parties of the country, and especially in the two last national platforms of the Republican and Democratic parties of the United States, renew their demand for the admission of this Territory into the Union as a State.

We have now arrived at a point in our history when to further delay this much-desired boon to us would be to discriminate against us as American citizens without cause or excuse. Our population, our wealth, our great area, and our admirable system of public schools are so well and favorably known that it is hardly necessary to refer to them again, but lest all of our Senators and Representatives may not have kept our steady progress in mind, we, at the risk of repetition, submit a few facts for their consideration:

On the 1st day of January, 1909, our population was		400,000
Our gold production for the year was		$300,000
Our silver production was	ounces	500,000
Our copper production was	pounds	8,000,000
Our lead production was	tons	2,000
Our coal production was	do	2,500,000
Our iron production was	do	125,000

There are in this Territory 120 newspapers, 70 banks, 3,000 miles of railroad, 2,500,000 acres of land under cultivation, 400,000 acres under irrigation, 2,000,000 acres capable of irrigation, 13,000,000 acres capable of dry farming, 40,000,000 acres open for private entry. Our taxable property has a valuation of more than $250,000,000. For the last sixty years we have been contributing our money to the support of the General Government without any voice as to how the money thus contributed should be expended. The system of government under which we exist is not only unrepublican, but in its character is autocratic, and opens the door for many abuses. A territorial form of government is wholly incompatible with the interest of the people. It is intolerable to the average American citizen, and is only intended to endure for the brief time required to prepare for statehood. A procrastination of this

right is not justified beyond the point of the inability of the people to support and maintain a state government.

To keep a Territory like New Mexico in territorial bondage when the necessity for so doing has long since ceased to exist, is an unpardonable wrong to over 400,000 people, whose record is that of unswerving loyalty and devotion to the General Government: Therefore be it

Resolved, That the secretary of the Territory be, and he hereby is, directed to transmit a certified copy of this memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the House of National Representatives, to the members of the committees on Territories in both Houses of Congress, and to individual Members and to the Delegate in Congress from this Territory.

CHAS. A. SPIESS,
President of the Council.

WM. F. BROGAN,
Chief Clerk of the Council.

E. A. MIERA,
Speaker House of Representatives.

E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 10th day of February, A. D. 1909.

NATHAN JAFFA,
Acting Governor of the Territory of New Mexico.

Filed in office of secretary of New Mexico, February 11, 1909, 10.15 a. m.

NATHAN JAFFA, *Secretary.*

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing copy of council joint memorial No. 4, passed by the thirty-eighth session of the legislative assembly of the Territory of New Mexico and approved on February 10, A. D. 1909, with the enrolled and engrossed original now on file in this office, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at Santa Fe, the capital, this the 11th day of February, A. D. 1909.

[SEAL.]

NATHAN JAFFA,
Secretary of New Mexico.

The VICE-PRESIDENT presented a joint memorial of the legislature of Utah, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Mr. Wilson.

Memorial asking an appropriation of 3,000,000 acres of arid land for building a state capital and the improvement of public roads of the State of Utah.

Memorial from the governor and legislature of the State of Utah to the President, the Senate, and the House of Representatives of the United States.

To the President of the United States, and to the Senate and House of Representatives of the United States of America in Congress assembled:

The governor and the legislature of the State of Utah respectfully ask that there be donated to the State of Utah 3,000,000 acres of public lands, nonmineral and unallotted, arid and incapable of irrigation, within the State of Utah, to be sold by the State under such rules as Congress may prescribe, the proceeds to be applied equally to the improvement of the public roads of the State and the construction of a statehouse or capitol building for the State of Utah.

Your memorialists represent that the National Government now has within the State of Utah over 37,000,000 acres of public land subject to homestead entry.

Residence thereon while reclaiming can not reasonably be expected, and there is no law now in effect by which title to this land can be transferred to the State.

The cash proceeds of the sale of lands, as suggested in this memorial, will enable Utah to penetrate all sections of the State with good highways. The effect will be to open regions not now considered desirable, and much of the land not distinctly arid, but never likely to be taken up by settlers, will then become in immediate demand.

The mining interests of our State are among its most important assets. For fifty years prospectors have traversed its hills and mountains. Many prospects have been located and many abandoned mines await the advent of roads to mark their development. Supplementing the big highway, to be made possible by the present plan, will be the building of connecting and tributary roads leading to the main line, at the expense of our citizens.

Communication throughout the State will then be rendered easy and pleasant. Settlement, with the consequent appreciation in land values, will naturally follow. Farms feel the influence of good roads, and the fences, the buildings, and even the interior furnishings of the houses will improve with the improved outdoor means of travel.

Utah should have a statehouse. The material is in the State, and its use will vastly benefit every interest of our Commonwealth.

In States where swamp lands were found the Federal Government has ceded large tracts of these lands, and they have been advantageously disposed of for the good of the State and the good of the Nation.

By way of summary, we ask the Government for land not of present value to the Nation and capable under present conditions of becoming valuable. If the grant is made, the value of all the land remaining in government ownership will be greatly increased.

Resolved, That copies of this memorial be engrossed and forwarded, one each to the President, the Senate, and the House of Representatives, to Senator REED SMOOT, Senator GEORGE SUTHERLAND, and Congressman JOSEPH HOWELL, with the request that Utah's congressional delegation use every legitimate effort to cause the provisions of this memorial to be enacted into law by the Congress of the United States.

HENRY GARDNER,
President of the Senate.
E. W. ROBINSON,
Speaker of the House.

Approved, February 11, 1909.

[SEAL.]

WILLIAM SPRY, *Governor.*

Attest:

C. S. TINGEY, *Secretary of State.*

This is to certify that senate joint memorial No. 1, by Mr. Wilson, entitled "A memorial asking an appropriation for 3,000,000 acres of arid land," etc., originated in the senate on the 22d day of January, 1909, and was passed by the senate on the 2d day of February, 1909, by the following vote: Ayes 14, nays 0, absent 4.

H. L. CUMMINGS,
Secretary of the Senate.

This is to certify that senate joint memorial No. 1, by Mr. Wilson, was received in the house on the 3d day of February, 1909, and was passed by the house on the 4th day of February, 1909, by the following vote: Ayes 40, nays 0, absent 5.

ALEX BUCHANAN, Jr.,
Chief Clerk of the House.

Transmitted to the governor on the 10th day of February, 1909.

H. L. CUMMINGS,
Secretary of the Senate.

The VICE-PRESIDENT presented a memorial of the grain committee of the Board of Trade of Louisville, Ky., remonstrating against the passage of the so-called "McCumber bill," providing for the inspection and grading of grain under federal control, and praying for the adoption of uniform standards for the grading of grain throughout the United States, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Tucson, Territory of Arizona, praying for the passage of the so-called "statehood bill," which was referred to the Committee on Territories.

He also presented petitions of the Council of Jewish Women, of the Home and School Visiting Committee, and of the Public Education Association, all of New York City, in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a petition of the Ceramic Society of Columbus, Ohio, praying that the appropriation for the maintenance of the clay industry be increased from $15,000 to $25,000, which was referred to the Committee on Appropriations.

Mr. PLATT presented a petition of Local Lodge No. 161, Benevolent and Protective Order of Elks, of Saratoga, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Stafford Grange, No. 418, Patrons of Husbandry, of Greene County, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Paddock Cork Company, of Brooklyn, N. Y., remonstrating against the adoption of certain proposed amendments to the agricultural appropriation bill relating to the Bureau of Chemistry, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Public Education Association of New York City, N. Y., and a petition of the Parish Club of the Church of the Ascension, of Mount Vernon, N. Y., praying for the enactment of legislation to create a national children's bureau in the Department of the Interior, which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Grocers and Butchers' Association of Chicago, Ill., remonstrating against the passage of the so-called "Sherley bill," amending the present bankruptcy law, and praying for the passage of the so-called "Nelson bankruptcy bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry business firms of Washburn, Ill., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Surgical Trade Association of Chicago, Ill., praying for the repeal of the duty on medical and surgical instruments, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Glen Ellyn, Ill., praying for the enactment of legislation to prohibit the importation and sale of opium and also to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on Finance.

He also presented a petition of the Manufacturers and Shippers' Association of Rockford, Ill., praying for the adoption of certain amendments to the present interstate-commerce law relative to promoting the business interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. ANKENY presented a memorial of sundry citizens of Pullman, Wash., remonstrating against the passage of the so-called "Porter bill," changing the present standard of the bushel to that of the Winchester standard, which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. DEPEW presented a petition of Local Grange No. 1073, Patrons of Husbandry, of Vestal, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Typographical Union No. 6, of New York City, N. Y., remonstrating against the printing in connection with the Census Office being given to private concerns, which was referred to the Committee on the Census.

He also presented petitions of Local Lodge No. 31, of Syracuse; of Local Lodge No. 863, of Port Chester; of Local Lodge No. 24, of Rochester; and of Local Lodge No. 550, of Kingston, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SUTHERLAND presented a memorial of the legislature of Utah, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Mr. Wilson.

Memorial asking an appropriation of 3,000,000 acres of arid land for building a state capitol and the improvement of public roads of the State of Utah.

Memorial from the governor and legislature of the State of Utah to the President, the Senate, and the House of Representatives of the United States.

To the President of the United States, and to the Senate and House of Representatives of the United States of America in Congress assembled:

The governor and the legislature of the State of Utah respectfully ask that there be donated to the State of Utah 3,000,000 acres of public lands, nonmineral and unallotted, arid and incapable of irrigation, within the State of Utah, to be sold by the State under such rules as Congress may prescribe, the proceeds to be applied equally to the improvement of the public roads of the State and the construction of a statehouse or capitol building for the State of Utah.

Your memorialists represent that the National Government now has within the State of Utah over 37,000,000 acres of public land, subject to homestead entry.

Residence thereon while reclaiming can not reasonably be expected, and there is no law now in effect by which title to this land can be transferred to the State.

The cash proceeds of the sale of lands, as suggested in this memorial, will enable Utah to penetrate all sections of the State with good highways. The effect will be to open regions not now considered desirable, and much of the land not distinctly arid, but never likely to be taken up by settlers, will then become in immediate demand.

The mining interests of our State are among its most important assets. For fifty years prospectors have traversed its hills and mountains. Many prospects have been located and many abandoned mines await the advent of roads to mark their development. Supplementing the big highway, to be made possible by the present plan, will be the building of connecting and tributary roads, leading to the main line, at the expense of our citizens.

Communication throughout the State will then be rendered easy and pleasant. Settlement with the consequent appreciation in land values will naturally follow. Farms feel the influence of good roads, and the fences, the buildings, and even interior furnishings of the houses will improve with the improved outdoor means of travel.

Utah should have a statehouse. The material is in the State, and its use will vastly benefit every interest of our Commonwealth.

In States where swamp lands were found the Federal Government has ceded large tracts of these lands, and they have been advantageously disposed of for the good of the State and the good of the Nation.

By way of summary, we ask the Government for land not of present value to the Nation, and incapable under present conditions of becoming valuable. If the grant is made the value of all the land remaining in government ownership will be greatly increased.

Resolved, That copies of this memorial be engrossed and forwarded, one each to the President, the Senate, and the House of Representatives, to Senator REED SMOOT, Senator GEORGE SUTHERLAND, and Congressman JOSEPH HOWELL, with the request that Utah's congressional delegation use every legitimate effort to cause the provisions of this memorial to be enacted into law by the Congress of the United States.

HENRY GARDNER,
President of the Senate.
E. W. ROBINSON,
Speaker of the House.

Approved February 11, 1909.
[SEAL.]
WILLIAM SPRY,
Governor.

Attest:
C. S. TINGEY, *Secretary of State.*

This is to certify that senate joint memorial No. 1, by Mr. Wilson, entitled, "A memorial asking an appropriation for 3,000,000 acres of arid land," etc., originated in the senate on the 22d day of January, 1909, and was passed by the senate on the 2d day of February, 1909, by the following: Ayes 14, nays 0, absent 4.

H. L. CUMMINGS,
Secretary of the Senate.

This is to certify that senate joint memorial No. 1, by Mr. Wilson, was received in the house on the 3d day of February, 1909, and was passed by the house on the 4th day of February, 1909, by the following vote: Ayes 40, nays 0, absent 5.

ALEX BUCHANAN, Jr.,
Chief Clerk of the House.

Transmitted to the governor on the 10th day of February, 1909.

H. L. CUMMINGS,
Secretary of the Senate.

Mr. BANKHEAD presented a petition of sundry citizens of Tuscaloosa, Ala., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Tuscaloosa, of the Woman's Christian Temperance Union of Lafayette, of the congregation of the Methodist Episcopal Church South of Lafayette, and of sundry members of the Sunday School of the Methodist Episcopal Church South of Lafayette, all in the State of Alabama, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GORE presented a memorial of the legislature of Oklahoma, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint memorial and petition 4. By Mr. Lincoln.

The legislature of the State of Oklahoma to the Hon. James Wilson, Secretary of Agriculture, Washington, D. C.:

Whereas the Deep Fork River, flowing through seven of the counties of the State of Oklahoma, is, on account of frequent overflows caused by its winding channel and the obstructions therein, a menace to the lives, health, and property of the people residing in and along the Deep Fork Valley; and

Whereas a movement is now on foot to straighten the channel of said river, thereby draining said valley, preventing said overflows, removing the menace to health and property, and reclaiming a vast area of the richest lands in the United States; and

Whereas a large per cent of said lands is now owned by full-blood Indians, wards of the Government, whose lands are nontaxable; and

Whereas the draining of Deep Fork River, as above, has been pronounced by competent surveyors and engineers as being practicable and feasible and would result in exempting the said valley from overflow: Therefore be it

Resolved by the house of representatives of the State of Oklahoma (the senate concurring herein), That the Secretary of Agriculture of the United States be, and he hereby is, petitioned to authorize and cause the immediate survey of the Deep Fork River, to the end that the proper and necessary steps may at once be taken to straighten the channel of said river; and be it further

Resolved, That copies hereof be forwarded to the honorable Secretary of Agriculture and to our Senators and Representatives in Congress.

BEN F. WILSON,
Speaker of the House of Representatives.

Attest:
GEO. W. BELLAMY,
President of the Senate.

Mr. GALLINGER. I present a resolution adopted by the house of representatives of the State of New Hampshire relative to the policy of tariff revision. The resolution is very brief, and I ask that it be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF NEW HAMPSHIRE,
HOUSE OF REPRESENTATIVES,
Concord, February 16, 1909.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: I am directed by the house of representatives to transmit the following resolution, passed unanimously by that body:

"Resolved by this body, That the policy of tariff revision announced by President-elect William H. Taft be, and the same hereby is, heartily indorsed, and that the clerk of the house be directed to send a copy of this resolution to President-elect William H. Taft and one to each member of our delegation in Congress."

Very respectfully,
HARRIE M. YOUNG, *Clerk.*

Mr. GALLINGER presented a petition of local grange, Patrons of Husbandry, of Richmond, N. H., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 879, Benevolent and Protective Order of Elks, of Claremont, N. H., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of Edward E. Perry, of Washington, D. C., remonstrating against the enactment of legislation to prohibit the sale of firearms in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BULKELEY presented a petition of Local Grange No. 58, Patrons of Husbandry, of West Hartford, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 372, Benevolent and Protective Order of Elks, of Torrington, Conn., praying for the enactment of legislation to create a national reserve in

the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PAGE presented a petition of Trout River Grange, No. 355, Patrons of Husbandry, of East Berkshire, Vt., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Local Lodge No. 1135, Benevolent and Protective Order of Elks, of Elkins, W. Va., and a petition of Local Lodge No. 482, Benevolent and Protective Order of Elks, of Clarksburg, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a memorial of the Central Labor Union, of Lincoln, Nebr., remonstrating against the adoption of the piecework system in the navy-yards throughout the country, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 159, Benevolent and Protective Order of Elks, of Hastings, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Commercial Club, of Omaha, Nebr., remonstrating against the repeal of the duty on wool, which was referred to the Committee on Finance.

He also presented a petition of sundry merchants of Nebraska City, Nebr., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

CHOCTAW AND CHICKASAW ROLLS.

Mr. OWEN. I present a memorial of the Choctaw Indians remonstrating against the reopening of the Choctaw and Chickasaw rolls. I move that the memorial be printed as a document (S. Doc. No. 730) and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McENERY, from the Committee on Public Lands, to whom was referred the bill (S. 9018) to amend the act of Congress approved March 3, 1903, entitled "An act to amend section 1 of the act of Congress approved March 14, 1898, entitled 'An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska,'" reported it without amendment and submitted a report (No. 1029) thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 15th instant, proposing to appropriate $5,000 for compensation and expenses necessary for the representation of the United States at the third international conference on maritime law, to be held at Brussels, Belgium, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Commmittee on Appropriations, which was agreed to.

Mr. BANKHEAD, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 21167) to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary, reported it without amendment and submitted a report (No. 1030) thereon.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. OVERMAN on the 15th instant, proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable point in the State of North Carolina, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 11th instant, proposing to appropriate $80,000 for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. DICK, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7048) for the relief of Serapio Romero, reported it without amendment and submitted a report (No. 1031) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 8929) withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described, reported it with an amendment and submitted a report (No. 1032) thereon.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (H. R. 25396) for relief of applicants for mineral surveys, reported it without amendment and submitted a report (No. 1033) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, reported it with amendments and submitted a report (No. 1034) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 15th instant, proposing to appropriate $70,000 for the construction of two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

CONDEMNED CANNON FOR GRAND ARMY OF THE REPUBLIC.

Mr. KEAN. There is a short measure on the calendar, the joint resolution (H. J. Res. 227) authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic. I ask unanimous consent for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORT OF RANIER, MINN.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 9017) for the establishment of a subport of entry at Ranier, Minn., to report it favorably without amendment, and I submit a report (No. 1024) thereon. I ask for the present consideration of the bill. It is very short.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALMON M. ALLEN.

Mr. HEYBURN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 8192) permitting Salmon M. Allen to make second homestead entry, to report it favorably without amendment, and I submit a report (No. 1028) thereon.

Mr. PILES. I ask for the present consideration of the bill just reported by the Senator from Idaho.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNED CANNON FOR DELAWARE.

Mr. du PONT. I report back favorably from the Committee on Military Affairs, without amendment, the bill (S. 9316) to authorize the Secretary of War to furnish a condemned cannon to the State of Delaware, and I submit a report (No. 1027) thereon. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAUL C. JACOBSON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 287 submitted by Mr. NELSON on the 15th instant, re-

ported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Paul C. Jacobson, father of Walter Jacobson, late a member of the Capitol police force, in the employ of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

CONDITIONS AT ARMY POSTS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably Senate resolution No. 280, submitted by the Senator from West Virginia [Mr. SCOTT] on the 5th instant. I will state that it is the same resolution that was passed at the last session of Congress, and the Committee on Military Affairs asked to have another resolution passed for this session. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military reservations, posts, and stations of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpœna witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties, the expenses incurred to be paid out of the contingent fund of the Senate.

CONDEMNED CANNON FOR WHEELING, W. VA.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 132) authorizing the Secretary of War to donate two condemned cannon to the city of Wheeling, W. Va., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREVENTION OF TRACHOMA.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 28164) for the investigation, treatment, and prevention of trachoma among the Indians, to report it favorably without amendment, and I submit a report (No. 1025) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $12,000, to be immediately available, to enable the Commissioner of Indian Affairs to investigate, treat, and prevent the spread of the disease of trachoma among the Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CONSERVATION COMMISSION.

Mr. PLATT. I move to reconsider the vote by which Senate resolution No. 283, reported by me on the 8th instant from the Committee on Printing, relative to the printing of the special message of the President of the United States transmitting the report on the National Conservation Commission, was adopted.

The motion to reconsider was agreed to.

Mr. PLATT. I am directed by the Committee on Printing to modify the resolution by inserting the words "and illustrations," so that it will read as follows:

Resolved, That the special message from the President of the United States transmitting a report of the National Conservation Commission, with accompanying papers and illustrations, be printed in full as a document, taking No. 676 of the present Congress, the number of the document containing the special message of the President transmitting this report.

The resolution as modified was considered by unanimous consent and agreed to.

ISAAC N. FORDYCE.

Mr. BULKELEY. From the Committee on Military Affairs, I report back favorably, without amendment, the bill (H. R. 12760) to correct the military record of Isaac N. Fordyce, and I submit a report (No. 1026) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Isaac N. Fordyce shall hereafter be held and considered to have been honorably discharged from Captain Gilmore's company, First Regiment West Virginia Volunteer Cavalry, as of date of November 19, A. D. 1862; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CLARKE of Arkansas introduced a bill (S. 9393) for the relief of Prairie County, in the State of Arkansas, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. McLAURIN introduced the folowing bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9394) for the relief of the Presbyterian Church at Greenville, Miss.; and

A bill (S. 9395) for the relief of the legal representatives of John Lewis Tindall, deceased.

Mr. BANKHEAD introduced a bill (S. 9396) to provide for circuit and district courts of the United States at Florence, Ala., which was read twice by its title and referred to the Committee on the Judiciary.

Mr. SCOTT introduced a bill (S. 9397) for the relief of the trustees of the Mouth of Greenbrier Baptist Church, of West Virginia, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a bill (S. 9398) providing for the platting and selling of the NW. ¼ of sec. 15, T. 7, R. 10 W., of the Indian meridian, in the State of Oklahoma, which was read twice by its title and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9399) granting an increase of pensions to Daniel T. Rose; and

A bill (S. 9400) granting an increase of pension to George W. Butterfield.

Mr. HANSBROUGH introduced a bill (S. 9401) authorizing the issuance of annuities for old age for employees of the Government and for such other persons as choose to avail themselves of the provisions of this act, which was read twice by its title and referred to the Committee on Finance.

Mr. TALIAFERRO introduced a bill (S. 9402) for the relief of John H. Layne, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CURTIS introduced a bill (S. 9403) relating to the collection of internal revenue and the issuing of stamps or receipts therefor, and for other purposes, which was read twice by its title and referred to the Committee on Finance.

Mr. WARREN introduced a bill (S. 9404) granting an increase of pension to Arthur Mahar, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 9405) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana, which was read twice by its title and referred to the Committee on Commerce.

Mr. CURTIS introduced a joint resolution (S. R. 135) to provide for the printing of 210,000 copies of the Special Report on the Diseases of Cattle, which was read twice by its title and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SIMMONS submitted an amendment proposing to appropriate $20,000 for the investigation and for experiments in the manufacture of paper from cornstalks and cotton stalks, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. McLAURIN submitted an amendment proposing to appropriate $980 to pay the claim of David Stewart, administrator of Paul Bentalou, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MILTON submitted an amendment proposing to appropriate $250,000 for the construction of a steam revenue cutter of

the first class for service at Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Commerce.

Mr. OVERMAN submitted an amendment proposing to appropriate $15,000 to increase the limit of cost for the site and public building at Salisbury, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. du PONT submitted an amendment proposing that the annual salary of the United States attorney for the district of Delaware shall be, after the beginning of the fiscal year 1910, $3,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. GORE submitted an amendment proposing to secure by purchase, condemnation, or otherwise the site for the federal building in the city of Lawton, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to acquire by purchase, condemnation, or otherwise, the site for the federal building in the city of Lawton, Okla., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FORAKER submitted an amendment authorizing the Secretary of the Treasury to cover into the general fund of the Treasury any unexpended balance that may remain of the appropriation of $3,000,000 made by the deficiency act of March 3, 1899, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

IMPROVEMENT OF ARKANSAS RIVER.

Mr. CLARKE of Arkansas submitted the following concurrent resolution (S. C. Res. 101), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view of ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year, and if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved.

WATER FOR POWER PURPOSES.

Mr. STONE. Mr. President, I have in my hand an opinion rendered by the President-elect while Secretary of War relating to the utilization of water for power purposes and a letter from the Chief of Engineers of the Army to the Secretary on the same subject. They are not very long, and I ask that they may be printed in the RECORD for information.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CIRCULAR No. 14.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 4, 1905.

The following report on a bill introduced and considered at the third session of the Fifty-eighth Congress is published for the information of officers of the Corps of Engineers in charge of river and harbor works, it being thought that the important legal propositions discussed, and a knowledge of the department's position regarding the subject-matter, may be of interest and value:

WAR DEPARTMENT,
January 17, 1905.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, U. S. Army, of yesterday's date, and to drafts of bills therein referred to. The report seems to me to be very comprehensive, accurate, and instructive.

WM. H. TAFT,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 16, 1905.

Hon. WM. H. TAFT,
Secretary of War.

SIR: 1. I have the honor to return herewith a letter, dated the 13th ultimo, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon H. R. 16298, Fifty-eighth Congress, third session—

"A bill to provide for and regulate the use of the navigable rivers and streams of the United States for manufacturing, industrial, and other purposes by means of water power obtained therefrom."

2. There are two distinct propositions embraced in the bill, as follows:

(*a*) To authorize the Secretary of War to grant leases and licenses to private persons or corporations for the use of water power created by dams and other structures built by the Government on navigable waters for the benefit of navigation.

(*b*) To empower the Secretary of War to authorize private persons or corporations to construct dams and other structures, and to develop and use water power, at points on navigable rivers where the Government has not built such structures.

3. In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce, Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

4. Many of the provisions of the bill under consideration appear to conflict with these principles of law, and particularly sections 3 and 6, which propose to confer upon the United States, and upon any lessee or grantee under the provisions of the bill, the power to condemn any land or other property bordering on or adjacent to the river or stream to be used. Eminent domain is the right to take property for public uses, and is inherent in the United States by virtue of its sovereignty. Private property can be expropriated by the Federal Government, however, for public purposes only—that is, when it is necessary for the use of the Government in the exercise of any of its legitimate powers. To take, or to authorize the taking of the property of one individual for the use and benefit of another in carrying on a private business or industry, as proposed by the bill, is not a proper exercise of the right of eminent domain. There may be certain enterprises of a quasi-public character, such as electric-light and railway companies, that would desire to avail themselves of the use of water power, and to which the right to condemn private property could properly be granted; but the granting of such right is believed to be a function of the States, inasmuch as the organization and incorporation of these enterprises, as well as the title and ownership of the property affected, are matters for state control and regulation. In view of the foregoing, I am unable to recommend favorable consideration of the bill in its present form.

5. To legislation authorizing the Secretary of War to lease water power created by works constructed by the Government, I see no special objection, but I know of no demand for it in the public interest.

The right of Congress to regulate, control, and dispose of such water power is believed to be unquestionable, inasmuch as the power constitutes a valuable property created at the public expense, and when utilized by private persons or corporations should be paid for. Whether a general policy of this kind should be adopted, however, is a question that should be very carefully considered. Locks and dams are built and operated for the purpose of facilitating navigation and commerce, and nothing should be permitted that would tend to impair their usefulness or interfere with their operation for this purpose. Partnerships or quasi partnerships between the Government and private persons or corporations have not been generally favored in the past, as experience has shown that they are apt to be attended by many annoying complications. I do not believe that sufficient revenue would be derived from renting water power to compensate for the trouble and inconvenience that might ensue from the adoption of such a policy. Congress has heretofore authorized the renting of land and water power at the locks and dams on the Muskingum River and Green and Barren rivers; but it is understood that this was done for the reason that at the time these works came into the possession of the United States there was in existence a number of leases granted by the former owners which constituted an easement on the property, some of which leases had many years to run. In cases where a new privilege is asked, it has been customary to invite public competition, setting a minimum price; but no active competition has been developed. There is also one company which uses land and water power at Lock No. 4 on the Kentucky River, under a lease granted by the State of Kentucky, which expires in 1977. During the past fiscal year there were in existence 27 different leases, and the total gross revenue received by the Government was only $4,500, and in a number of instances in the past the Government has been compelled to resort to suits against lessees to collect the rental. While many applications would be made for permission to use government water power, if no charge was made therefor, it is believed that few leases would be made, and then only at favored localities, if adequate compensation were exacted. In the river and harbor act of June 13, 1902, Congress authorized the leasing of water power at the locks and dams on the Cumberland River. Before the enactment of this law a number of persons appeared to be desirous of using water power in this river, but although the law has been in existence more than two years not a single lease has been applied for or granted. If, however, Congress should decide to adopt this policy, I beg to recommend that the legislation take the form of the accompanying draft of a bill which, in my opinion, is so drawn as amply to protect the interests of the Government.

6. Regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States, it should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by state laws on the subject of private property. As above set forth, the Federal Government can regulate and control it only to such extent as may be necessary in the interest of navigation. Sections 9 and 10 of the river and harbor act of March 3, 1899, cover cases of this kind, and under this law the interests of the Government can, in my opinion, be better protected than by a law general in its scope, as contemplated by the bill. I do not favor the proposed legislation, but if any is enacted, it should be permissive in its character, simply giving the consent of Congress, with suitable limitations, to the erection of the necessary structures in navigable streams for the development of water power, this consent to be executed through the Chief of Engineers and the Secretary of War, to whom should be left entire control in the matter of plans and details.

A draft of a bill embodying these views is submitted herewith for the consideration of the committee.

Very respectfully,

A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

By command of Brigadier-General Mackenzie:

FREDERIC V. ABBOT,
Major, Corps of Engineers.

Hearing before Hon. William H. Taft, Secretary of War, in connection with the development of the Illinois Valley water power:

WAR DEPARTMENT, DISTRICT OF COLUMBIA,
February 23, 1907, 10.30 a. m.

Present, Brig. Gen. Alexander Mackenzie, Chief of Engineers, United States Army; Mr. I. Randolph, representing the State of Illinois; Hon. H. M. SNAPP, Mr. J. W. Woermann, and Mr. Charles A. Monroe, representing the Economy Light and Power Company.

Secretary TAFT. Gentlemen: As I understand this application, it is to prevent me from granting a permit to any person on the Des Plaines River to build a dam for water-power purposes, on the ground that the State is interested in supervising that matter itself. Is that about the size of it?

STATEMENT OF MR. I. RANDOLPH ON BEHALF OF THE STATE OF ILLINOIS.

The position of the State, as I understand it, is this: I am appearing in this matter at the present time for the State, because, as I understand, the Sanitary District has no interest in the present application whatever. The work of the Sanitary District, however, has made possible the development of very, very important water power on the Des Plaines and Illinois rivers. Prior to the completion of that work the water powers on the Des Plaines River were inconsequential. They amounted to but little. The water power on the Illinois River was somewhat better. There was no development at Marseilles. But the opening of the sanitary district naturally has turned into those rivers a permanent volume of water, which makes the development of the water powers possible on quite a valuable scale.

The interest of the State in this is to see that this asset is developed to the fullest extent and that it shall be so developed as not to interfere with the creation of a waterway such as the State hopes to see put through. * * *

Mr. SAPP. If the General Government has no right either in this property or to the water power developed thereby, there can properly be no determination of this matter by any of the officers of the Government. Now, as a matter of fact, all the property interest in the Des Plaines Valley belongs to private parties. There is absolutely no public ownership of any land in the Des Plaines Valley. The stream is not a navigable stream. In low water the entire flow of the Des Plaines River would come probably through a 6-inch pipe. It falls down hill, falling 100 feet in less than 30 miles. Neither the flow of the water nor the contour of the land makes the stream navigable, and it has been so held.

Secretary TAFT. You say the Des Plaines River is not a navigable stream?

Mr. SAPP. It is not a navigable stream either in law or in fact. It could not be navigated in low water, in the natural condition of the river, by a birch-bark canoe.

Secretary TAFT. How do we get any jurisdiction of it, General Mackenzie?

Mr. SAPP. Let me answer, Mr. Secretary, as a lawyer. You undoubtedly have none, and I was going to bring to the attention of the Secretary——

Secretary TAFT. Why do you come here for a permit, then?

Mr. Sapp then explains that they did not come for a permit, but for advice to be more safe to proceed.

Mr. Randolph then states that the river is meandered by the surveys, and thinks that might make it navigable. Secretary Taft answers that has nothing to do with determining whether the river is navigable. A long conversation follows, after which Secretary Taft rendered the following decision, taken down in shorthand and now on file in the War Department with the Chief of Engineers:

OPINION.

There are two answers to the contention of the State of Illinois in this matter. The application, if I understand it—and it is rather informal than otherwise—is for this department to take no official action which may interfere with the state control of the water power, which may be developed in the Des Plaines River under a proposed improvement by the construction of a 14-foot waterway; and also to take no action which may interfere with the waterway as a waterway.

There are two answers to that. The department is not going to take any action, and has not taken any action. The advisory step, taken at the instance of Mr. Sapp, or the persons who intended to put some sort of water-power construction in the Des Plaines River, was extra official, and really was beyond the authority of the Chief of Engineers, except as he was accommodating to express an opinion in the interest of explanation. The truth is that the Des Plaines River, not being a navigable stream, no permit was necessary to put any obstruction into it which the War Department could prevent. *But even if it had been a navigable stream, and even if the application had been made, and properly made to this department, to say whether this would interfere with navigation if the department concluded it would not interfere with navigation, then it is not within the power of the department to withhold its expressing such an opinion and granting such a permit, so far as the United States is concerned, for the purpose of aiding the State in controlling the water power.* If the State has any control over the water power, which it may exercise in conflict with the claimed rights of the riparian owner, then it must exercise it itself, through its own legislation and through its own executive officers. All the United States does, assuming it to be a navigable stream, is merely to protect the navigation of the stream. *With reference to the water power, it has no function except in respect to water power, which it itself creates by its own investment in property that it itself owns;* and then, of course, it may say how that water power shall be used.

But with respect to the water power on a navigable stream, which may be exercised without interference with the use of the river for navigation purposes, that is controlled by the laws of the State. It is controlled by the riparian ownership and by the common law as it governs those rights. Therefore I do not see, with reference to this matter, that this department has any function to perform or which it can perform.

It has merely offered a friendly suggestion, with reference to a possible improvement of the river, which has not been authorized and which until it is authorized can not be regarded as giving any right to this Government to interfere in the use of the stream, the proposed action of the private owners here would not be in conflict with such a plan. That is an expression of an opinion with reference to existing plans, but not with respect to existing conditions.

Therefore what General Mackenzie has done, out of the kindness of his heart, does not commit this department to any assertion of authority in the matter and certainly does not carry us to the necessity of retracing our steps and saying that they shall go on with this when we had not any power to interfere at all.

It is not that we approve this; it is not that we disapprove it. It is that we have nothing whatever to do with it. That is the truth of it. If the State wishes to control the matter of the water power, then it is for the legislature, through which it can express that view, in so far as it may constitutionally affect it by legislation.

General MACKENZIE. That is virtually what was told the governor, Mr. Secretary, and this is the result of one of our indorsements.

Secretary TAFT. All right; I think that disposes of it.

PREVENTION OF TRACHOMA.

Mr. BURKETT. Mr. President, in common with a good many Senators, I have been receiving a circular letter with reference to some questions concerning immigration. After receiving a good many of them, I sent some copies to the Bureau of Immigration and Naturalization and asked for information upon the question. I have this morning with me a copy of the circular that has been coming to us by the hundred. I ask to have it put in the RECORD, and also to have read to the Senate the reply of the Commissioner-General of Immigration.

There being no objection, the circular letter was ordered to be printed in the RECORD, as follows:

HON. E. J. BURKETT.
United States Senate, Washington, D. C.

DEAR SIR: The undersigned takes liberty to call your attention to the inhuman and often brutal treatment of German-Russian immigrants on account of the disease of their eyes. Numerous cases have been published in the Dakota Freie Presse, where immigrants, before leaving their country, had their eyes examined by a specialist, were then examined at the port before boarding the steamer and were declared healthy; but on arrival at Ellis Island were refused to land on account of suffering from trachoma, which, in many cases, was not at all trachoma, according to the diagnosis of European specialists, but simply an inflammation of the eyes from being exposed to wind, dust, bad air in the steerage, and sleeplessness, which could easily be cured within a short time, were they given the proper treatment. But, as the practice now is, the sick members of the family are sent back to Europe regardless of the helpless condition in which they are. After having sold all their property in the old country, they, in many cases, have just enough money to pay their fare to the destination in some German-Russian settlement in the United States, where relatives and friends would take care of them. After being examined by specialists in Europe they board the steamer convinced of being healthy. Now imagine their fate, when, at their arrival at Ellis Island and near their destination, they are told that one or more of their children will not be allowed to land, and will be returned to where they came from! Often the whole family returns heartbroken, ruined, homeless, hopeless, to lead the life of paupers; often the mother, with the refused children, returns to the old country, while the father, with the admitted children, goes on to find a homestead in the prairies of the Dakotas or some other State. In some cases the mother will find work as a washerwoman or servant in Liverpool, Antwerp, Bremen, or Hamburg, while her sick children are treated and her husband over here works diligently to earn money enough to support his beloved ones on the other side of the ocean. After the children have been declared cured, they and mother again board the steamer and sail for America, but often they will be turned out a second time, and there are cases where people have tried three times in vain to land on our shores.

Our Constitution is built upon a humane basis; our laws are more humane than those of European countries; still our President Roosevelt appeals in his last message to our courts to give our Constitution and laws a more humane appliance. If anywhere more humanity is needed in the appliance or execution of our immigration laws, and I believe the remedy will be found if the cause of the evil is known. It is un-American to destroy family happiness. We have recently appropriated $800,000 for the sufferers in Italy. Perhaps one-eighth of this amount would avoid all the suffering that is now brought to hundreds or thousands of families every year through the enforcement of our immigration laws.

There are, in my opinion, many ways to a remedy. One would be to station an American physician in each European port, where the inspection should be final. An immigrant, who passes such examination before he goes on board should be allowed to land here. Another and a more humane idea would be to erect a proper hospital at Ellis Island, where all those suffering from trachoma or inflamed eyes should be treated and cured at a minimum expense to themselves. If our Government would erect such a hospital, employ specialists, and cure the suffering immigrants, they or their relatives would willingly agree to pay for their board rather than be returned to Europe. Thousands of German-Russians, now prospering American citizens, would gladly contribute to such humanitary institutions, as many expressions to the Dakota Freie Presse indicate.

Something ought to be done to take this brutal point from our Immigration law and prove to the world that we are a humane nation in every respect. To this end I most respectfully ask your help and cooperation. It might be advisable to have a committee appointed to investigate this matter and to find ways and means for a remedy. I would refer you to Dr. C. C. Young, of Wichita Falls, Tex., who has made some personal investigations in the matter, and who could give you some valuable information. By giving this matter your best attention and quick action you will earn the gratitude of the entire German-Russian population of the United States.

Yours, very respectfully,

NIC. OCHSNER, *Sutton, Nebr.*

The VICE-PRESIDENT. The Secretary will read the letter sent to the desk by the Senator from Nebraska.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF IMMIGRATION AND NATURALIZATION,
Washington, February 17, 1909.

Hon. E. J. BURKETT,
United States Senator, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, transmitting several copies of a printed circular letter bearing various signatures, the purport of this circular being that Russian-German immigrants are improperly treated and discriminated against in the matter of medical examination at Ellis Island, which results in their rejection on account of being afflicted with the disease known as "trachoma."

The party who prepared this circular evidently believes that the passing of these persons by medical examiners employed by the steamship companies at foreign ports should be all-sufficient, but it only need be pointed out that the immigration act of February 20, 1907, prescribes that the physical and mental condition of aliens shall be determined by duly designated United States Public Health and Marine-Hospital surgeons. The assertion that there is discrimination against one particular class of arrivals is *hardly* worthy of denial, as you will realize how improbable such a condition could be.

The steamship companies are under penalty of $100 for each alien brought to this country who is afflicted with a loathsome or dangerous contagious disease that might have been detected at the port of embarkation by a competent medical examination; that the companies may fail to carry out their obligation to their passengers by adopting proper measures to avoid the hardship of a fruitless voyage is something that this Government can not control, except by the imposition of fines of the character mentioned, and there has been no leniency shown with respect to enforcing this feature of the law. On the other hand, large numbers of arriving aliens who have been found to be diseased were allowed hospital treatment at the expense of their relatives or of the Government, to avoid the peculiar hardship which is always involved in separating the members of a family.

The suggestion that medical officers employed by this Government be stationed at the various foreign ports of embarkation is impracticable, as this proposition was exhaustively considered some time ago and it was ascertained through the Department of State that several of the foreign governments objected to the assignment of American medical officers at their ports for the purpose of examining aliens about to embark for the United States. Furthermore, such examination would not satisfy the requirements of section 17 of the immigration act, which prescribes a medical examination at the port of entry and which would undoubtedly lead to the rejection of many aliens for physical causes which could not be detected at the time of embarkation, but would, nevertheless, bring such aliens within one or more of the classes specifically excluded by the statute. The hardships incident to deportation would therefore only be partially mitigated by the adoption of the plan suggested.

In conclusion, I desire to invite your attention to the fact that the circular letter referred to carefully refrains from mentioning any specific case as a basis for the allegations therein contained; and if you would like to examine the papers relating to the cases in which Dr. C. C. Young, of Wichita Falls, Tex., was interested, the files are open for your inspection, and I invite you to examine them, feeling certain that after doing so you will concur in the conclusion that Doctor Young has been accorded more consideration than the methods which have been adopted by him really justify.

Respectfully,
DANL. J. KEEFE,
Commissioner-General.

Mr. BURKETT. I move that the letter and the circular be printed in the form of a document (S. Doc. No. 729) and referred to the Committee on Immigration.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 17, 1909:

S. 9295. An act in relation to the salary of the Secretary of State.

On February 18, 1909:

S. 1574. An act to create the Calaveras Bigtree National Forest, and for other purposes; and

S. 3969. An act to amend the laws of the United States relating to the registration of trade-marks.

HOUSE BILLS REFERRED.

H. R. 21492. An act to authorize the sale of public lands was read twice by its title and referred to the Committee on Public Lands.

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880, was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain was read twice by its title and referred to the Committee on Foreign Relations.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire to call up the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, and I ask that the formal reading of the bill be dispensed with and that the committee amendments be first considered.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Pennsylvania?

Mr. LA FOLLETTE. Mr. President, I interpose an objection for a moment, to say just a few words, if I may be permitted.

This bill was reported yesterday from the committee. It is a bill of thirty-odd pages and carries, as I am informed upon inquiry, some $235,000,000. The bill does not show on its face the total amount appropriated. It is accompanied by a report of five lines, which gives no information whatever with respect to the changes that have been made in the bill by the Senate committee.

If I understand the request the chairman has just made, it is to take up the consideration of this bill for action upon the Senate committee amendments at once. It is proposed to proceed without any statement by the chairman as to the changes made by the Senate committee to the House bill and without any light whatever that will aid Senators intelligently to pass upon these amendments.

Mr. President, I make a protest against this form of proceeding. This bill has been in the possession of the Committee on Post-Offices and Post-Roads for twenty days. They found it necessary to spend that amount of time upon it. It seems to me that the Senate is entitled to a little time after the printing of a bill to examine it and make some inquiry in respect to it. It is not an unreasonable request to make of the chairman that the bill shall go over at least for one day. Even that allows small opportunity to Senators who feel a responsibility for legislation to make any investigation.

Mr. PENROSE. Mr. President, the bill reached the Senate from the House January 28, and it has been accessible to any Member of this body since that date. The Senate Committee on Post-Offices and Post-Roads has made very few changes in the bill as it came from the House. About $56,000 has been added to this enormous appropriation by the Senate Committee on Post-Offices and Post-Roads, or rather there is that difference between the amount carried by the bill as it passed the House and the bill as reported from the Senate Committee on Post-Offices and Post-Roads.

What few changes have been made in the bill have, I believe, with one single exception, been made on the particular and special request of the Postmaster-General or one of the Assistant Postmasters-General. Within my recollection, and I have been ten years upon the Committee on Post-Offices and Post-Roads, there has not been a bill reported that required less explanation or in which fewer changes have been made than the present measure.

I hope the Senator from Wisconsin will not delay the proceedings on the bill by persisting in his objection.

Mr. LA FOLLETTE. I am very glad to have had that much explanation given with respect to the bill and the changes made in it. Since the opening of the session, about thirty minutes ago, when I found the printed bill upon by table, I have made some calculations with respect to decreases and increases in its appropriations. It appears that the decreases amount to $198,000, and the increases to some $337,000, a net increase of $139,000 in the bill as it came from the House. I may be mistaken about it, because I have had to make my calculations very hurriedly.

Mr. PENROSE. The Senator has made them hurriedly, and he is mistaken.

Mr. LA FOLLETTE. I want to say just this, Mr. President, that I protest against any bill of this magnitude and importance coming to the Senate without a report that gives any information whatever with respect to it. And I object to the implied criticism which confronts a Senator every time he rises here to make what is only a reasonable and proper request for an opportunity to get a little information before he is required to vote upon these important matters.

I hope the chairman will feel that the exigencies of the situation are not such as to compel him to force the consideration of the bill to-day. A day might disclose changes that would lead a Senator to wish to visit the Post-Office Department, since we have no report and no information furnished with respect to these changes.

I for one would like to have an opportunity to read the bill with some care, such as I can not give to it in the confusion of the session. I trust the chairman will grant that indulgence, and permit the bill to go over until to-morrow morning. For my part I should be perfectly willing that the session should start earlier to-morrow morning, but I should like that small opportunity to inform myself with respect to the bill.

Mr. PENROSE. As the reading of the bill progresses I shall very cheerfully give the Senator any information he may desire as to any item. He could not in twenty-four hours know much more about the bill than he does to-day.

Mr. LA FOLLETTE. If the Senator will permit an interruption, that method of proceeding places every Senator who makes an inquiry completely at the mercy of the view of the Senator who is informed and who makes the explanation. Sometimes a Senator finds, when explanations have been made, that if he could have had a little further information than was given he might have arrived at a very different conclusion with reference to the matter. Or he might have interrogated the Senator making the explanation and still more light might be thrown upon the subject. I believe that we shall make more progress and better progress with the consideration of this bill and every other appropriation bill if a reasonable time is allowed after the bills are reported before their consideration is forced upon the Senate.

Mr. PENROSE. I should like to ask the Senator whether he has made any effort up to the present time by reading the testimony taken before the Committee on Post-Offices and Post-Roads of the House or in any other way to familiarize himself with this subject?

Mr. LA FOLLETTE. I have not been able to give any attention to that subject. Now, I am frank to say that one reason why it seems to me that in a degree that matter would be somewhat fruitless is that we never know what changes are to be made. A bill comes to the committee of the Senate from the House. It may be wholly changed, and the Senator and all of us, I think, are pressed with the duties that devolve upon us. A Senator does not want to make a fruitless expenditure of time upon a bill. If he could know that the testimony taken before the other body and the bill as it came from the other body would be subjected to very few changes, and the testimony which he wades through would have application to the bill in the form in which it is to come before the Senate, then it would be a very different proposition.

The Senator says there are very few changes made in this bill. I find on running it over that they appear on a great many pages. I do not know the significance. I should like to know.

Mr. PENROSE. Mr. President, I shall be very glad, as the reading of the bill progresses, to explain anything that the Senator may desire and which may be obscure to him, but I must persist in my request.

Mr. LA FOLLETTE. Then I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made.

Mr. PENROSE. I move that the Senate proceed to the consideration of the post-office appropriation bill.

Mr. LA FOLLETTE. Mr. President, I think I have made my purpose clear here. I am not obstructing legislation.

Mr. PENROSE. I have made a motion, and debate is out of order.

Mr. LA FOLLETTE. I am seeking, and will get if I can, light on these important bills.

Mr. PENROSE. I have moved that the Senate proceed to the consideration of the post-office appropriation bill.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of House bill No. 26305.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. PENROSE. I ask that the formal reading of the bill be dispensed with, and that it be read for the purpose of the consideration of the committee amendments.

Mr. LA FOLLETTE. To that I object, Mr. President.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I hope the Senator from Wisconsin will be attentively at his desk while the bill is being read.

Mr. LA FOLLETTE. Mr. President, I discharge my duty on this floor as I see it without any suggestion from the Senator from Pennsylvania.

Mr. PENROSE. I ask that the bill be read.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. GARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. I yield to the Senator from South Carolina, as he has given notice to the Senate that he desires to address the Senate this morning.

THE IMMIGRATION COMMISSION.

Mr. GARY. Mr. President, I ask that Senate resolution No. 279 be now laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution referred to by the Senator from South Carolina, which will be read.

The Secretary read resolution No. 279, submitted by Mr. GARY on the 4th instant, as follows:

Resolved, That the Immigration Commission, created by section 39 of "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, be, and hereby is, directed to report forthwith to the Congress a brief summary of its acts, doings, and present work, together with an itemized statement of its expenditures, giving the amounts, purpose for which spent, to whom and for whom or what paid, and a list of all persons that have been or now are employed by the commission, directly or indirectly, their residence at time of appointment, the length of service, salary paid, and all allowances, and such other information as will give the Senate an idea of the amount of money and length of time it will take the commission to complete its labors and make its recommendations and final report.

Mr. GARY. Mr. President, in view of the short time remaining of this session, and the large number of appropriation bills yet to be acted upon, I am not unmindful that the time of this body is precious. I would be loath to consume any part of it, but, for reasons that must be manifest, I must speak now or not at all. Besides, Mr. President, there is no problem of more vital interest to the American people, or one more urgently calling for solution, than the problem of immigration. The subject embraces not only the constant importation of hordes of illiterate, unassimilable, and undesirable citizens from the cesspools of Europe, but it embraces the invasion of the Pacific slope by the yellow man from the Orient as well. Whatever may be the feelings excited in us when we consider the two classes, whether they be feelings of admiration or disgust and loathing, still the ultimate effect upon the peace, morality, and homogeneity of our race will be the same from each class if the importation is unchecked. He must, indeed, be an optimist with childlike faith who can contemplate the situation without concern for the future of our country, now menaced on both the Atlantic and Pacific coasts.

The problem is one which, like Banquo's ghost, will not down, no matter how much we may desire to repress or shun it. But it should be approached with the calmest judgment, the highest patriotism, and the most enlightened statesmanship; and, as the Senator from Nevada well says, "No question involving such important considerations as race homogeneity and domestic industrial peace can safely be turned over to diplomacy."

It will be recalled that the Congress of the United States, on account of a disagreement between the two Houses on the enactment of an immigration restriction bill that would tend to solve the problem, inserted a provision in the immigration act, for the appointment of a commission of nine, composed of three Senators, three Representatives, and three laymen, to be appointed by the President, for the purpose of making an investigation, in the United States and abroad, of the subject of immigration with a view of determining what the conditions are and with a view of determining what legislation should be enacted. This commission was appointed two years ago. The provision which created the board required that a report should be made to Congress. It will be recalled, too, that this commission is practically unlimited as to the amount it may spend, and is unlimited as to the number of persons it may employ in its service. Whether or not the provision creating this immigration commission was enacted for the purpose of sidetracking and preventing needed legislation, as some have asserted, is not for me to say. Such a suggestion would serve no good purpose at this time. It is proper to say, however, that from a commission so constituted and so unhampered, the American people had a right to expect, before now, some light and some suggestion as a basis for legislation against the evil conditions that surround us, and which each day multiply. The books of the auditor and vouchers show that this commission has already expended upward of $358,000, and the end is not yet.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. GARY. I do.

Mr. FLINT. I should like to ask the Senator a question just at that point. Does the Senator know what salaries are being paid to these commissioners?

Mr. GARY. I was coming to that. I know the salaries of some of them. There is a professor in one of the colleges who, as one of the commission, if I am reliably informed, gets a salary of $7,500 a year and two hundred or three hundred dollars a month expenses. There is among the employees a secret-service man, as I understand, who has been at work in

the southern part of California and on the Mexican border. His salary would amount to seven or eight thousand dollars a year, as he drew over a thousand dollars for the month of March, 1908. I presume he gets about that amount monthly. As to the salaries of the others, I am not informed.

Mr. DILLINGHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. GARY. Certainly.

Mr. DILLINGHAM. Mr. President, I think it is only fair to the appointing power that a statement should be made as to the salaries of the commissioners. The Senator from South Carolina is aware that there are three Senators upon this commission and three Members of the House of Representatives, who receive no salary whatever, and that every member of that commission is giving a very large amount of work to the purposes of the commission.

Under the act the President appointed three commissioners—Professor Jenks, of Cornell University; Mr. William R. Wheeler, of California; and Doctor Neill, the Commissioner of Labor. The President fixed their salaries at the sum received by Members of Congress—that is, $7,500 a year. Professor Jenks is receiving that salary and giving substantially all of his time to the work.

Mr. Wheeler is the Assistant Commissioner of Commerce and Labor, receiving a salary of $5,000 a year from that source, and he receives the balance of $2,500 under this act. I can say the same as to Doctor Neill, who is the Commissioner of Labor.

Mr. BAILEY. I want to say that there never was an hour when this man Neill could earn one-third of $7,500 a year outside of the government service.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from California?

Mr. GARY. Certainly.

Mr. FLINT. I simply want to ask the Senator from Vermont [Mr. DILLINGHAM] another question before he takes his seat, in reference to whether these commissioners are devoting their entire time to this work and receiving a salary of $7,500 a year?

Mr. DILLINGHAM. Mr. President, I understand that Professor Jenks is giving substantially all of his time to the work. As to the other two commissioners, they are engaged in the work I have already indicated, in the positions which I have named, and the salaries received there are deducted from the salaries fixed by the President for their services as members of the commission.

Mr. NEWLANDS. Mr. President——

Mr. FLINT. In other words, Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Nevada?

Mr. GARY. Certainly.

Mr. NEWLANDS. I understood the Senator from South Carolina to state that the total expenses thus far had been about $350,000.

Mr. GARY. Three hundred and fifty-eight thousand dollars.

Mr. NEWLANDS. They have been $358,000. The Senator from Vermont [Mr. DILLINGHAM] has stated that the salaries in the aggregate amount to about $22,500 a year—three salaries of $7,500 each.

Mr. BACON. Not that much, for the salaries received from other sources are deducted.

Mr. NEWLANDS. Yes; as the Senator from Georgia well says, the salaries received from other sources by the Assistant Secretary of Commerce and Labor and the Chief of the Bureau of Labor, I believe it is, must be deducted, amounting to about $10,000, so that the total amount paid for salaries out of this appropriation is $12,500 per annum. I inquire of the Senator what the remainder of this large sum of $358,000 is made up of?

Mr. DILLINGHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. GARY. Certainly.

Mr. DILLINGHAM. If I may be allowed to make a suggestion at this point, it may save time. Of course, I had no intimation what was to be said by the Senator from South Carolina or what direction this debate would take. I have not, of course, with me this morning the papers and data with which to answer all these questions. Had I known the discussion was to take this trend, I would have had them. I do not run away from any inquiry. I do not run away from any debate on this subject. I heartily favor the resolution or a substitute which will make it even better than it is, which I understand the Senator from South Carolina desires to offer; and I would be very glad this morning if the Senator could be allowed to make his speech. I will favor his resolution, and I will see that the commission sends to the Senate the fullest kind of a report upon every subject covered by it.

Mr. BACON. I desire to ask the Senator from South Carolina, with his permission, by whom were the appointments to be made?

Mr. GARY. By the commission, I assume. That is the information we want to secure by this resolution.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. GARY. Certainly.

Mr. MONEY. The Senator said, or I thought he said, that the President had fixed the salary of the men appointed at $7,500 a year. Was that authority given him by the act?

Mr. GARY. The appointment of the citizen members of the Immigration Commission is an absolutely distinct, separate, and independent matter from the special commission appointed February 24, 1906, and about the legal creation of this latter special commission I do not know. I was merely bringing it up to show that the employment of Michael Clayton, who was paid at the rate of $7,000 or $8,000 a year, was simply a duplication of work.

Mr. MONEY. Is the Senator able to tell me by what authority the President of the United States fixes the pay of anybody whom he appoints?

Mr. GARY. As I said, I do not know what legislative authority the President had for appointing the special commission which he appointed on February 24, 1906. The immigration act of February 20, 1907, gave him authority to appoint three citizen members of the immigration commission created thereby, and to fix the salaries of these three.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the junior Senator from South Carolina yield to the senior Senator from South Carolina?

Mr. GARY. Certainly.

Mr. TILLMAN. Has the Senator discovered that this man Clayton has given any new information, or is he merely traveling over the same old route and repeating practically the same information that the other officers have already given?

Mr. GARY. That is the point I was making, that he is simply duplicating the work that has recently been done by a special commission appointed by the President and by Commissioner Braun, who had done it officially and filed his report with the Department of Commerce and Labor, and a part of whose report is to be found in the annual report of the Commissioner-General for 1907.

Mr. BACON. If the Senator from South Carolina will permit me, I should like to ask the Senator form Vermont a question.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. GARY. Certainly.

Mr. BACON. The Senator from Vermont stated that the three commissioners, outside of the Members of the Senate and House serving on the commission, had had their pay fixed by the President. I understood him to say that.

Mr. DILLINGHAM. By the President.

Mr. BACON. Does the act authorize that?

Mr. DILLINGHAM. I do not remember whether there is a special provision in the act for that; but my impression is that such a provision was inserted.

Mr. BACON. I hope the Senator will look at the act and inform us, because, while it is true that we are to have the report subsequently, when this matter passes from our attention we do not have time to look up these reports, and I should like to know, while this debate is going on, whether or not the act does authorize this, or whether the President has done it voluntarily.

Mr. DILLINGHAM. I will procure a copy of the act and look that up.

Mr. GARY. Mr. President, to proceed at the point where I left off when interrupted.

On the pay roll there is one man whose salary is $7,500 per annum in addition to his expenses, which amount to about $200 per month. I am reliably informed that this man has not lost a day from his regular work as professor since his employment by the commission. He is ready to report as to his work, yet his salary continues. Another expensive employee of the Immigration Commission is Michael Clayton. According to the CONGRESSIONAL RECORD, under date of January 26, ultimo, this secret-service man has been looking into the smuggling of Japanese and Chinese coolies over the Mexican border, a matter fully investigated by a special commission, composed of R. M. Easley, J. W. Jenks, and J. B. Reynolds, appointed by the President February 24, 1906, whose report is in the hands

of the Department of Commerce and Labor, and by such able, fearless investigators as Marcus Braun, whose findings of enormous smuggling were published in part by the Commissioner-General in his annual report for 1907. Clayton's total salary and allowances for the month of March, 1908, were $1,025, made up of $20 per diem compensation, $8 per diem hotel allowance, and over $5 per diem traveling expenses.

There are many and apparently well-founded complaints as to the lax enforcement of such restriction laws as we now have which are intended to prohibit the importation of undesirable aliens. There are complaints that the existing laws are inadequate; yet the light so much desired and the suggestions so impatiently awaited, have not been forthcoming. The resolution we are considering seeks to bring forth at an early day a report from this commission.

That the existing conditions are viewed with alarm by thoughtful men, men who have the welfare of our country at heart, must be obvious to all. The action of state legislatures, immigration conferences, national and state farmers' unions, patriotic societies, commercial clubs, newspapers, and all other organizations, societies, and representatives of public opinion, show most conclusively that the subject is a live one and one demanding attention. Certainly the agricultural elements of the South and West are alive to the situation and are calling in no uncertain tones that something be done to check the influx. Listen to the demand, if you please, of the representatives of two millions of farmers assembled in national convention:

Resolved, That the Farmers' Educational and Cooperative Union of America, in national convention assembled, at Memphis, Tenn., this 8th day of January, 1908, and representing two millions of farmers, urge upon Congress the immediate abolition of the federal bureau of distribution and the speedy enactment of laws substantially excluding the present enormous alien influx, by means of an increased head tax, a money requirement, the illiteracy test, and other measures; and that we call upon our public and especially our state officials, to prevent the agricultural sections from becoming a dumping ground for foreign immigration.

Of the same tenor are the resolutions passed in June, 1907, by the last National Council Junior Order United American Mechanics, representing thousands of patriotic workingmen.

To the same effect and equally as strong are the resolutions passed by the American Federation of Labor at its last annual convention at Denver, Colo., November 14, 1908.

Equally emphatic are the resolutions passed by the General Assembly of the Knights of Labor at Washington, D. C., November, 1908.

From another source, but quite as significant, are the resolutions of the legislature of the State of Virginia passed last winter unanimously by both houses:

Resolved by the senate of Virginia (the house of delegates concurring), That our Representatives in both Houses of Congress be, and they are hereby, requested to oppose in every possible manner the influx into Virginia of immigrants from southern Europe, with their Mafia and Black Hand murder societies, and with no characteristics to make them with us a homogeneous people, believing as we do that upon Anglo-Saxon supremacy depends the future welfare and prosperity of this Commonwealth, and we view with alarm any effort that may tend to corrupt its citizenship.

I might also cite the message of President Roosevelt to Congress in December, 1905, a short time before this commission was created, in which he says:

The question of immigration is of vital interest to this country. In the year ending June 30, 1905, there came to the United States 1,026,000 alien immigrants. Moreover, a considerable proportion of it, probably a very large proportion, including most of the undesirable class, does not come here of its own initiative, but because of the activities of agents of transportation companies. These agents are distributed throughout Europe, and by offer of all kinds of inducements they wheedle and cajole many immigrants, often against their own interests, to come here. The most serious obstacle we have to encounter in the effort to secure proper regulation of immigration to these shores, arises from the detrimental opposition of foreign steamship lines, who have no interest whatever in the matter, save to increase the returns on their capital by carrying masses of immigration hither in the steerage of their ships.

As bearing out the statement of the President, as to the agencies responsible for the existing conditions, we might mention an extract from the report of the commissioner-general for 1907, where he says:

Another year's experience but emphasizes and confirms the conviction that a considerable part of the large immigration of the past few years is forced or artificial. Two separate and distinct factors are from interested motives responsible for such of the immigration as is not natural: first, the violators and evaders of the contract labor feature of the law; and, second, the steamship runners and agencies.

And speaking of the influence toward immigration of letters from previous immigrants in this country he says:

The worst of it is that there are evidences that this endless chain-letter scheme is seized upon by the promoters and money lenders to further their interests, and no opportunity lost to encourage both the writing and extensive dissemination of such missives. When this is done the line is passed between natural and forced immigration, and the machinations of the promoter and usurer become a menace to the aliens directly, and to the welfare of this country incidentally.

This steamship activity, of course, has been made possible by the changed character of steamship construction, the recent building of fleet steel ocean liners, and has brought about, owing to our feeble laws and their lax administration, a startling change in the character of our immigration. One of the most noticeable effects has been the shifting of its source from the kindred peoples of northwest Europe to the alien brownish races of southeast Europe. That the profit-making choice by these foreign steamship lines and the connivance of certain European governments are not giving us the best, even of these peoples, but much of their poorest, are matters of repeated official record. Our inspector, Marcus Braun, a foreigner by birth and a resident of New York City by choice, who was sent abroad on a tour of inspection several years ago, made the astonishing discovery of documentary evidence that the Hungarian Government had actually made a contract with the Cunard Steamship Line to deliver for transportation to this country a minimum of 30,000 Hungarians annually. The Austrian officials, of course, were soon ready with plausible explanations, but Mr. Braun's report clearly demonstrates that that Government was not engaged in any philanthropic or altruistic enterprise.

It was a plain bargain to dump upon our shores at least 30,000 of her worst, most degraded slum population, if not her criminal and social outlaws and outcasts. It is a series of facts of this character which leads Mr. Braun to conclude that some European governments, as well as private individuals and interested societies, still regard the United States as a dumping ground for thousands of their most undesirable persons. A knowledge of the actual conditions, he concludes, would drive the blood of humiliation to the face of every good American, whether native or naturalized, and a description of them would defy the pen of a Macaulay. That these scandalous conditions still exist is evidenced by the more recent report of Dr. Maurice Fishberg; by the letters of Mr. Herbert F. Sherwood, correspondent of the Liberal Immigration League, a propagandist organization, who was with the commission on its European junket two years ago this coming summer; and by the still more recent official report of Special Inspector John Greenberg, who visited Europe last summer, and whose report is now in the hands of the Department of Commerce and Labor.

It is unlikely, Mr. President, that these foreign corporations will at any time in the near future be brought to a realization of the enormity of their sins or of the great injustice their greed is doing the American people, for—

If self the wavering balance shake,
'Tis rarely right adjusted.

We must, therefore, expect a continuation of this conduct on the part of steamship companies and look upon the past as but a harbinger of what may be expected in the future, unless the Congress of the United States shall call a halt and shall by drastic legislation put a stop to this traffic in human flesh. If further evidence is needed to show that the question is a live one, we might point to the threatened legislation of California—legislation the enactment of which could be prevented only by the powerful influence of the President—and to the legislation enacted in Nevada, which even the power of the President could not prevent.

But, Mr. President, we must speak of the yellow man with bated breath. We may scarcely think strongly about him without the suggestion that some treaty right has been infringed, and the resultant need of four battle ships is proclaimed. But we may as well face the situation now, unpleasant though it be. The history of the world does not record an instance where two races have at one and the same time occupied the same territory upon terms of equality. One must be subservient to the other or they must assimilate. Where two races are trying to occupy the same territory, one of three conditions must be brought about inevitably—either amalgamation, extermination, or subordination of one to the other. Who knows anything of the Japanese character knows that he will not stand for either amalgamation or extermination nor for subordination longer than the conditions make it necessary. It seems to me, therefore, that before the situation has attained unmanageable proportions, or before it shall have become acute, it would be the part of wisdom for Congress to enact and enforce such prohibitive laws as will stop the incoming tide from the Orient. But I will not pursue this branch of the subject further, except to say that sooner or later we must meet the situation, and the sooner it is met and some adjustment made the better it will be for all parties concerned. If the assertion of supposed rights by the Japanese is vexatious now, what is to make it less annoying in the future?

The other branch of the subject, viz, the flooding of the East and Middle West by an ever-increasing stream of illiterate Hungarians, Poles, Greeks, Turks, Syrians, Arabs, and South Rus-

sians, is still more dangerous because more insidious. As the Manufacturer's Record says in an editorial:

This mongrelism, congesting the great cities of the East, is a far greater menace to American labor, American institutions, and American life than the comparatively pure stock of the Japanese and Chinese of the West.

Who, Mr. President, can contemplate the situation without feelings of loathing and abhorrence for the miserable creatures and apprehension for the effect upon our Anglo-Saxon civilization and democratic institutions? I can not give you a better picture of that situation than by quoting from Dr. Francis A. Walker, who, writing ten years ago, said:

The immigrant of the former time came almost exclusively from western or northern Europe. We have now tapped great reservoirs of population then almost unknown to the passenger lists of our arriving vessels. Only a short time ago the immigrant from southern Italy, Hungary, Austria, and Russia together made up hardly more than 1 per cent of our immigration. To-day the proportion has risen to something like 40 per cent, and threatens soon to become 50 to 60 per cent, or even more. The entrance into our political, social, and industrial life of such vast masses of peasantry, degraded below our utmost conceptions, is a matter which no intelligent patriot can look upon without the gravest apprehension and alarm. These people have no history behind them which is of a nature to give encouragement. They have none of the inherited instincts and tendencies which made it comparatively easy to deal with the immigration of the olden time. They are beaten men of beaten races, representing the worst failures in the struggle for existence. Centuries are against them as centuries were on the side of those who formerly came to us. They have none of the ideas and aptitudes which fit men to take up readily and easily the problem of self-care and self-government, such as belong to those who are descended from the tribes that met under the oak trees of old Germany to make laws and choose chieftains.

In this connection I would ask your especial attention to a statement made by Gen. Theodore A. Bingham, police commissioner of New York City, published in the Cincinnati Inquirer June 20, 1907, couched in modest and discreet language, yet reciting a condition that ought to arrest our attention:

There is another very important thing about this crime business. I don't want to say anything that would be indiscreet, but unquestionably the hordes of immigrants that are coming here have a great deal to do with crimes against women and children.

You will notice that these particular crimes are done by fellows who can't talk the English language. It is this wave of immigration that brings to New York the hundreds of thousands of criminals who don't know what liberty means, and don't care; don't know our customs, can not speak the English language, and are in general the scum of Europe.

Was it for the like of these, Mr. President, that our forefathers braved the hardships and dangers of the wilderness and wrested this land from the savage red man? Was it for the like of these that, later, our sires defied the arrogance of tyrants, that Anglo-Saxon and democratic government might be planted and fostered here? Was it for the South Russian—dull and apathetic, brutalized by long centuries of ignorance, privation, and tyranny; for the Greek, more debased than the Russian, because of his greater intelligence for evil, unscrupulous, quick with the tongue and also not slow with the knife that strikes from behind and in the dark; for the peasants from the Balkans, equally immoral and degraded, but less stolid than the Russian; for the chafferer, fawning and cringing, schooled to duplicity and assassination through long centuries beneath the Turkish lash; for the Hun, turbulent, savage, still half a barbarian; for the Italian, more especially him of Sicily, in picturesque rages, stiletto in his boot, murder in his heart, too often a black heart, bound either as an accomplice, or as a prey to his own black hand?

If it was for these and the like of them that our forefathers fought, bled, and died, then it were better, far better, that America had been left as a happy hunting ground for the red man, better that Boston commons had never resounded with the cry of the patriot, better that Kings Mountain had never been fought.

O, not yet mayst thou
Unbrace thy corslet, nor lay
By thy sword; nor yet, O,
Freedom, close thy lids in
Slumber, for thine enemy
Never sleeps, and thou
Must watch and combat
Till the day of the new
Earth and Heaven.

But let us look a little further and see what manner of people the steamships are dumping down upon us, and simply because so much per head goes into the company's treasury. For the fiscal year ending June 30, 1907, 1,285,349 aliens were admitted to the United States. This was an increase of over 11 per cent of the previous year (1,100,735), which was also preceded by a banner year.

It is true that for the past fiscal year, ending June 30 last, immigration decreased to 782,870 plus 141,825 "nonimmigrant" aliens. Of this number, only 63,128 had ever been in the United States before. This would leave a new net alien addition to our population of at least 708,840 foreigners for 1908, and it is the assimilation and Americanization of these vast hordes, ever increasing in larger and larger influxes with the return of prosperous times, that constitutes our immigration problem.

About 80 per cent of the present immigration comes from extremely southern and eastern Europe and western Asia, whereas a quarter of a century ago we received practically no emigrants from these sections. This immigration is composed of Slav and Iberic or Mediterranean races, far less capable of amalgamation and absorption than the kindred peoples of northwest Europe which used to come to us and made such good frontiersmen. As a matter of fact, it is the coming and competition of these aliens, with their low standards of living, that have caused the decline in the number of assimilative Baltic peoples.

As to the percentage of able-bodied, strong-minded men and women, it is difficult to speak with any statistical accuracy. The present laws are designed somewhat to keep out the weak-minded and weak bodied, but under its present administration most of them either escape detection, owing to the superficial inspection, or are admitted under bond. This is well shown by the fact that at least one insane or weak-minded, newly landed immigrant is picked up in two boroughs of New York City every day, and also the fact that the States of Massachusetts and New York deliver every day into the hands of immigration authorities from three to four immigrants for deportation, who have become public charges, generally within two or three months after landing. I would call attention to the last report of Theodore Bingham, police commissioner of New York, as showing the insufficiency of our present laws or their lax enforcement when it comes to dealing with the criminal immigrant:

We are trying to handle medieval criminals, men in whose blood runs the spirit of the vendetta, by modern Anglo-Saxon procedure. It is wrong to allow these people to slip into this country. But besides allowing this we give them, once in, every chance to work their blackmail without getting caught. Against this sort of crime our laws are weak. Either they must be kept out, or else a system of procedure must be devised which is potent and immediate enough to handle that sort of crime.

The case of an alien who was arrested on November 27, 1908, will illustrate something of the difficulty the police department works under in trying to keep the city clear of alien criminals.

On November 17, 1908, a warrant was requested for the arrest for deportation of an Italian from Naples. On November 20, 1908, the warrant was issued. On November 27, 1908, the man was arrested and delivered to Ellis Island.

The penal certificate of the man stated that he had been sentenced to eight days' solitary confinement in March, 1908, by the judge of the tribunal of Naples. Besides this, a letter from the Minister of the Interior of Italy stated that this man had committed a brutal murder in Naples, that he attempted to kill his own wife, that he had attempted to kill another man, and that while in the employ of the post-office department he had robbed the mail. The letter went on to say, that on July 10, 1908, this alien was sentenced in his absence, by the court of assize, Naples, Italy, to life imprisonment. All this information was given to the United States authorities.

On December 15, 1908, this alien was discharged from Ellis Island and is now at large in New York City.

The case of another man shows how the United States seems to insist on keeping these blackmailers here.

A man who is at present confined in New York State prison, serving a sentence of two and one-half years for attempted extortion, was arrested in Italy twenty-seven times and convicted twenty-five times. When he was sentenced to State's prison here he had been in this country less than three years. The police department tried to get a warrant for his arrest so he could be deported. The warrant was refused on the ground that the man had, by serving three years in prison, been here more than three years."

Shall we permit a condition so revolting to continue? We look to the commission to tell us how to stop it.

As to the character of the present immigration, I think the opinion of such a man as Hon. William Williams, a recent commissioner of immigration at the port of New York, through which comes the bulk of the influx, is the most reliable information that can be obtained. In his annual report (1903) he said:

The present laws do not reach a large body of immigrants who are generally undesirable, because unintelligent, of low vitality, poor physique, able to perform only the cheapest kind of labor, desirous of settling almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wage-worker, and unfitted either mentally or morally for good citizenship. It would be quite impossible to accurately state what proportion of last year's immigration should be classified as undesirable. I believe that at least 200,000 came here (631,885 entered through Ellis Island), who, although they may be able to earn a living, yet are not wanted and will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards. Their coming has been a benefit chiefly, if not only, to the transportation companies which brought them over.

As to the number of children, middle-aged, and aged people, about 5 per cent are under the age of 14 years, many of whom are still brought in by Greek padrones to work in bootblacking and other similar establishments, where the worst kind of child labor prevails; 85 per cent are between the ages of 14 and 44 years. About one-fourth are females and three-fourths males. From one-fourth to one-third of the adults can not read or write a single line in any language or dialect, not even their own.

But, to return to the question of the congestion of the present immigration in our large cities, let me call your attention to what

the Commissioner of Labor says in his seventh annual report, where he points out that of the slum population of Baltimore 77 per cent are foreigners, of Chicago 90 per cent, of Philadelphia 91 per cent, and of New York City 95 per cent, and that southeast Europe furnishes from twenty to seventy-one times as many as does northwest Europe to these congested districts, where they are such a fertile field for the irresponsible agitator and corrupt boss.

A year or two ago Mayor McClellan directed Doctor Darlington, president of the New York City Board of Health, to make a special investigation of the push-cart nuisance. At the conclusion of his investigation Doctor Darlington reported, among other things:

I have heard the assertion that immigration is necessary to carry on our public works, to build railroads, to dig canals, and the like. But the present immigrants now coming over do not come for that purpose and will not do that sort of work. No, they prefer to become push-cart peddlers and to live in our cities in poverty, breeding crime and disease. They occupy our streets, the streets for which our taxpayers have paid heavily. They interfere with traffic and break the laws of sanitation which we have decided are necessary for the preservation of public health.

Now, it is proposed by certain interests to distribute this slum population over the South and West in order to make room for more of the same kind, and one even finds such a paper as the Jacksonville (Florida) Metropolis publishing matter sent out by the railroads under the caption of "Immigration labor for the South."

The Manufacturers' Record tells us that Congress is likely to be asked to set aside a fund for transporting laborers from one place to another and to be thus used on a loan basis, and the reason for this fund is given as follows:

For lack of funds for transportation thousands of aliens living in large cities and who appeal for work are deprived of obtaining remunerative employment. From all parts of the country the cry comes for efficient help, but the laborer in many instances is unable to go because he has not the means to pay his railroad fare. This is the situation confronting the Department of Commerce and Labor, who are trying to promote a beneficial distribution of aliens among the States and Territories desiring laborers.

The editor commenting on this plan, which is nothing more than a plan to relieve congestion in the principal cities and a plan to make more room in which to dump still more immigrants, pertinently says:

"It must be confessed that these southern immigration schemes and other sociological, educational, and economic movements engineered from New York disregard the fact of the South's forty years' fight for the maintenance of white civilization. It must be confessed that if the diverse schemes succeed white civilization must pass from a portion of the South. What care the schemers for that, and what care they for the disinterested warnings as long as the public mind of the South can be diverted from the fundamental questions?"

I take occasion to say just here, lest I be misunderstood, that I, in common with many other Southerners, would welcome to our midst homeseekers, whether they be of foreign or native birth, who from choice have embraced our form of government and wish to be part and parcel of us, and will work with us to build up the waste places and contribute to a free and stable government. But, Mr. President, it is better that our uncultivated lands should forever lie fallow, and our water power go unharnessed to the sea, than that we should be overrun by a lot of aliens from southern Europe, who have been brought here through the cupidity of steamship companies, and who have not left behind them and do not intend to forsake their Black Hand and Mafia methods, and who contribute nothing worth having to the common good. Much is being said about the development of the South's resources in connection with the alien-labor agitation. For myself, I have but little patience with such agitation. I do not see the necessity for all this hot haste to use up the country's treasure, and at the same time make such an outcry for the conservation of our natural resources. Our forests are almost gone and our public domain is exhausted. The South has prospered marvelously and bids fair to make even more rapid strides. This has been accomplished without the aid of such immigration as that which now comes to our principal ports. Without them our white civilization has been maintained, and I, for one, am willing to deal with the future without their aid.

Statistics are always tiresome and dull reading, but at the risk of being tiresome and prolix I must quote a few figures for our information. As to the statistics on crime, pauperism, and insanity according to the census of 1890 (part 2, pages 169, 174, 182), comparing an equal number of foreign element and the native element, we find that the foreigners furnished one and one-half times as many criminals and two and one-third times as many insane, and three times as many paupers. When it comes to the children of native-born parentage and foreign-born parentage, those of foreign parentage are found to be three times as criminal as those of the native parentage.

According to the annual report of the Commissioner-General of Immigration for 1904, the foreign born in all the public institutions of the United States constitute 28 per cent, whereas there were but about 10,000,000 foreign-born persons out of a population of 80,000,000 of people. His report also shows that there were 44,985 alien inmates of penal, reformatory, and charitable institutions in the United States, 64 per cent of whom were Slavic, Iberic, or Mediterranean races, and that out of the 800 confined for murder 253 were Italians, and of 373 confined for attempt of murder 139 were Italians. According to the last annual report of the commissioner-general the number of aliens confined in our penal, insane, and charitable institutions has increased during the past four years from 44,985 to 60,501, an increase of 15,516, or about 34 per cent.

In New York State, which has a population one-fourth foreign and three-fourths native, from one-half to three-fourths of the inmates of public state institutions are foreigners, who cost that State over $10,000,000 annually—a very fitting sacrifice to those foreign gods of transportation. But more important are facts from an official report like that of Chief Magistrate Wahle's concerning the criminal prosecutions in the city of New York for 1905. He says that there was an increase for the year of 18,388 arraignments (25 per cent), and that all of this increase were southeast Europeans.

We have undertaken to show that the question of immigration is a vital pressing question and that we must face it. We have undertaken to show that on account of the greed of the steamship companies and other subagencies throughout Europe the greater percentage of the immigrants coming to our shores is of persons steeped in degradation and in the lowest intellectual and physical class. What will be the effect of this admixture of the lowest types of humanity with the Anglo-Saxon race is a question that ought to concern all who are proud of our Anglo-Saxon lineage and of our achievements in the past. That our type of national character is in serious danger from the interbreeding of native and alien stocks in the country has been affirmed on numerous occasions and by those whose opinions we should heed. A recent study by Alfred P. Schultz, just published, called "Race or Mongrels," clearly points this out. In this book Mr. Schultz shows that all the great races of history, such as the Chaldeans, Assyrians, Medes, Persians, Phoenicians, Hindoos, Egyptians, Greeks, and Romans were great only so long as, like the Jews, they kept their race free from mixture with alien types. In opposing the views of the superficial optimists, who claim that all sorts and conditions of races can be somehow welded together to produce a new and wonderful breed, Mr. Schultz relies upon the recent discoveries in biology, tending to show the paramount importance of heredity. He says:

As well expect to produce a more perfect dog by breeding together at random a dozen different kinds. It is no less rational to expect to make mongrels into refined dogs by teaching them tricks than to imagine that a few years of schooling, flag exercises, and civic instructions will make the deteriorated half-breed of Southern Europe into desirable American citizens. The ideas, ideals, and institutions of a nation change with its racial composition. Crossing must cease or America will develop into another Imperial Rome.

Recently a Canadian editor, after acknowledging the many virtues of the New Englander, stated with some condescension:

You are becoming a race of mongrels. For years you have admitted, without let or hindrance, the scum of Europe to your citizenship, and you are now beginning to reap the consequences. That is why your politics are so corrupt, your trusts so tyrannical, your public sentiment so unorganized and feeble, your Anglo-Saxon and Teutonic traditions of conservatism and civic and financial morality so nearly extinct. "Canada, not the United States," he concluded with sublime faith, "is destined to be the new world Anglo-Saxon nationality of the future."

I might add in passing that it is significant that Pan, who was the son of everybody, was the ugliest of the gods.

Recently, as pointed out by the Canadian editor, a decided change has taken place in the character of our population in certain localities. The early Anglo-Saxon and Teutonic people who gave us our principles of liberty, our democratic institutions, and, in fact, our very civilization itself, have been overcome. Chicago has become one of the largest Polish cities in the world, New York one of the largest Italian cities, and Boston one of the largest Slav-Iberic cities. It is in these large northern cities, with their vast majority of persons of foreign extraction, that is, foreign birth or foreign parentage, that aggressive rottenness and dishonesty in municipal affairs is attracting public opinion and condemnation. It is in these large foreign cities of the North that popular government, as our Teutonic and Anglo-Saxon forefathers conceived it, has been displaced by the despotic boss; and a profound distrust of democracy has taken hold upon the educated and property-

holding classes, who fashion public opinion. Of late attempts have been made in a number of these cities, with their vast foreign population, to limit materially local self-government. A little over a year ago there was created in Boston a finance commission, composed of the very best citizens, for the purpose of investigating and reporting on the existing intolerable municipal conditions. The report of that commission has just been made and deals exhaustively with the situation. Among other things, the commission says:

The present electoral machinery is wholly unsuited for the requirements of successful municipal government through popular suffrage;

and recommends to the legislature the passage of a bill which will completely change the present form of city government, and divide the responsibility between the people of Boston and the legislature. This, mind you, was the once refined and cultured Boston, the Arcady of America; Boston, that has now become so infested with aliens, thought to be incapable of self-government, that it is asked that the municipal government be divided between the people of Boston and the legislature of Massachusetts. It is not surprising that schemes are being devised and ways and means provided whereby this congested mass of humanity may be pushed on to the South and West. It is history repeating itself. But if you will insist on permitting these steamship companies to bring such people to your ports for the sake of the revenue that is in the traffic, then we say keep them, even if the dose does choke you. Do not push them off on us. We will get on without them. This admonition is unnecessary, however, for the reason that the immigrant that is now being admitted can not be induced, cajoled, or even forced to leave the large cities.

In the light of what has just been related, may we not exclaim with Associate Justice Brewer:

May not the original Anglo-Saxon stock be submerged? Will republican institutions stand the continuous influx of people who know nothing of self-control and who look upon all government as an enemy? We have boasted that our liberty was a liberty of law, and left no room for revolution or riot, but certain occurrences in Colorado and elsewhere have shown that this is not always true. May not the forces against law become strong enough to break it down? Is not the Anglo-Saxon principle of liberty worth preserving, even if it should be necessary to restrict or put a stop to immigration? It is a question, at any rate, that should not be settled by sentiment, nor will it do to say that we have done well enough in the past and are likely to do as well in the future.

Much to the point is the extract from the American Commonwealth by Hon. James Bryce, author, volume 2, pages 862 and 863:

Within the past decade new swarms of immigrants have invaded America, drawn from their homes in the eastern part of Europe by the constant cheapening of ocean transit, and by that more thorough drainage, so to speak, of the inland regions of Europe, which is due to the extension of railroads. These immigrants, largely of Slavonic race, come from a lower stratum of civilization than the German immigrant of the past, and since they speak foreign tongues are less quickly amenable to American influences and probably altogether less improvable than are the Irish. There seems to be a danger that if they continue to come in large numbers they may retain their own low standard of decency and comfort and menace the continuance among the working classes generally of that higher standard which has hitherto prevailed in all but a few spots in this country.

Certainly, Mr. President, a too rapid filling up of our country with foreign elements is sure to be at the expense of national character and Anglo-Saxon homogeneity, when such elements belong to the lowest classes in their own respective homes.

I have quoted frequently and at length from men who have been in a position to see the situation and have studied it and have suggested remedies.

Certainly, Mr. President, the country awaits the report of the commission that it may insist on legislation that will check this menace to our civilization; a menace that is obvious to all, except the steamship companies and the commission. Will the commission give us its report, or will it continue to pay high-priced professors and say nothing?

Mr. President, what will be the outcome of our unhappy condition only God in his infinite wisdom may know. But, sir, we should be warned by the teachings of history. We are told that fifteen hundred years ago Theodosius the Great induced large colonies to migrate from the countries from which a large portion of our immigration is now coming into the Roman Empire. They did not assimilate with the inhabitants of the empire. Patriotism decayed. The national spirit became extinct. The immigrants became a peril, and finally caused the downfall of the empire. Let us heed the lesson.

It has long been our boast that America offers an asylum for the oppressed of all nations, and Liberty Enlightening the World stands beckoning such to our shores. It is time, Mr. President, that this sentiment should be relegated to the limbo of things to be forgotten and give place to the more practical sentiment that our own must be provided for. How long, Mr. President, at the present rate, before the conditions here will be similar to what they are now in southeastern Europe? If we believe the evidence, the day is not far distant. Our bread lines are each day lengthening, and, if the newspapers are to be believed, the selling of human beings into slavery is a condition and not a theory. Well may we ponder, then, the warning words of Thomas Bailey Aldrich in the beautiful verses entitled "Unguarded Gates:"

Wide open and unguarded stand our gates,
And through them press a wild, a motley throng—
Men from the Volga and the Tartar steppes,
Featureless figures of the Hoang-Ho,
Malayan, Scythian, Teuton, Kelt, and Slav,
Flying the Old World's poverty and scorn;
These bringing with them unknown gods and rites,
Those tiger passions, here to stretch their claws.
In street and alley what strange tongues are these,
Accents of menace alien to our air,
Voices that once the tower of Babel knew!
O Liberty, White Goddess! is it well
To leave the gate unguarded? On thy breast
Fold Sorrow's children, soothe the hurts of fate,
Lift the downtrodden, but with the hand of steel
Stay those who to thy sacred portals come
To waste the gift of freedom. Have a care
Lest from thy brow the clustered stars be torn
And trampled in the dust. For so of old
The thronging Goth and Vandal trampled Rome,
And where the temples of the Cæsars stood
The lean wolf unmolested made her lair.

Mr. President, I desire to offer what I send to the desk as a substitute for the resolution which is now before the Senate.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from South Carolina offers a substitute for the pending resolution, which will be read.

The Secretary read the substitute, as follows:

Resolved, That the Immigration Commission created by section 39 of an act to regulate the immigration of aliens into the United States, approved February 20, 1907, be, and hereby is, directed to report to the Senate a summary of its doings and present work, together with a statement of its expenditures, the number of its employees, the capacity in which they are employed, the salaries paid and all allowances, and such other information as will give the Senate an idea of the amount of money and length of time which will be required for the commission to complete its labors and make its recommendations and final report.

Mr. DILLINGHAM. Mr. President, as a member of the commission mentioned in the resolution, I want to ask for the adoption of the resolution, that the commission may be able to lay before the Senate the information requested. I do this because the commission has been engaged in the investigation of every question that has been suggested by the Senator from South Carolina in his admirable address this morning, and is now engaged in the investigation not only of those, but of very many other questions; and I feel that when the work is completed it will be one which the Senate will appreciate as having value—information that is authentic and which has been secured from a scientific standpoint and which will materially aid Congress in legislating along these lines. In order that the Senate may know what the commission is doing, I really hope the resolution will be adopted.

Mr. FRAZIER. I wish to ask the Senator from Vermont a question before he resumes his seat.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Tennessee?

Mr. DILLINGHAM. Certainly.

Mr. FRAZIER. It was stated by the Senator from South Carolina in the course of his address that a certain person was employed in making an investigation along the border between Texas and Mexico, and that that person was receiving a salary of from $7,000 to $8,000 and traveling and other expenses.

I observe from the immigration act, under which the commission has been acting, that the President is authorized to appoint three commissioners and to fix their compensation, but I do not observe that the President is authorized to appoint anyone else. I ask the chairman of the commission who appointed the gentleman referred to and fixed his compensation?

Mr. DILLINGHAM. I have not the papers before me at this time, and I can not speak with certainty. He was employed in connection with work conducted by Professor Jenks.

Mr. BAILEY. Employed on the secret-service force?

Mr. DILLINGHAM. I shall be very glad to make inquiries about that and see that a report is made.

Mr. FRAZIER. I should like to ask the Senator further——

Mr. PENROSE. Mr. President, I call for the regular order. This debate is entirely out of order. I yielded for the Senator from South Carolina, but the post-office appropriation bill is really before the Senate. I must insist on the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Pennsylvania demands the regular order.

Mr. WARREN. As conference reports are always in order, I will ask the Senator from Pennsylvania to yield to me.

Mr. PENROSE. I will yield for that purpose, but after that, in justice to the large number of gentlemen interested in the post-office appropriation bill who are here waiting for its consideration, I must insist that the Senate proceed with it.

Mr. NEWLANDS. I will ask the Senator whether, following the Senator from Wyoming, he will not allow me to proceed for five minutes upon this line of discussion?

Mr. TILLMAN subsequently said: Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. For what purpose?

Mr. TILLMAN. I wish to ask the Senator if he will not consent to have the resolution which my colleague sent to the desk adopted?

Mr. DILLINGHAM. There is no objection whatever to it.

Mr. TILLMAN. There is no objection to it.

Mr. DILLINGHAM. There will be no debate.

Mr. PENROSE. Under the circumstances I yield.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from South Carolina [Mr. GARY].

The resolution was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

House concurrent resolution 67.

Resolved by the House of Representatives (the Senate concurring), That the conferees on the disagreements of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, be, and hereby are, authorized to take into consideration as if in disagreement the portion of the said bill relating to the salary of the Secretary of State, and also to report on any provision in relation to the law affecting said salary.

Mr. WARREN. I move that the resolution be agreed to.

The resolution was agreed to.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, further insisting on its disagreement to the amendments of the Senate thereto, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and accede to the request for a conference, the Vice-President to appoint the conferees on the part of the Senate.

Mr. BAILEY. Would it be in order to move that the Senate recede from its amendments increasing the salaries?

Mr. WARREN. There are in disagreement a great many matters besides that, and this covers them all.

Mr. BAILEY. So far as I am concerned, I should like myself to yield to the House disagreement to our amendments increasing those salaries, but as there are other matters in conference I will not insist on that at this time.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER.

MAJ. C. DE W. WILLCOX.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

In compliance with the resolution of the Senate of February 16, 1909 (the House of Representatives concurring), I return herewith Senate bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 18, 1909.*

Mr. BACON. In connection with the message just received from the President, I offer a concurrent resolution authorizing the enrollment of the bill.

The concurrent resolution (S. C. Res. 100) was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France, be, and is hereby, rescinded, and that in the reenrollment of the bill the word "Wilcox," in line 3 of the bill, is stricken out and the word "Willcox" substituted therefor; also amend the title so as to read: "An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France," so as to correctly spell the name of the prospective recipient, inaccurately stated in the bill.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. I desire to ask if the vote of the Senate taking up the post-office appropriation bill did not of itself displace the regular order existing when that vote was taken?

The VICE-PRESIDENT. If the motion had been made after the hour of 2 o'clock, the Chair is of opinion that it would, but having been made in the morning hour, the Chair is of opinion that it does not displace the unfinished business.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. PENROSE. Now, Mr. President, I ask that the Senate proceed with the post-office appropriation bill.

Mr. NEWLANDS. I ask the Senator from Pennsylvania whether he will allow me to proceed for about five minutes upon the question discussed by the Senator from South Carolina [Mr. GARY].

Mr. PENROSE. There is nothing before the Senate on that subject. We have just adopted the resolution.

Mr. NEWLANDS. I understand, but I wish to say a few words upon the subject.

Mr. PENROSE. I yield to the Senator from Nevada for five minutes.

RESTRICTION OF IMMIGRATION.

Mr. NEWLANDS. Mr. President, I am sure we are all of us very much indebted to the Senator from South Carolina [Mr. GARY] for his very able and comprehensive speech regarding the most serious and important national problem of our time, the race question. We have to-day in our midst ten million of black people, manumitted about forty-five years ago, and suddenly and mistakenly admitted to an equality of political rights with us. We have the problem before us relating to that race, involving the question as to whether these rights, so improvidently granted, should not be either withdrawn or modified, involving the question as to whether the Nation in a cooperative and helpful, and not in an intrusive, way should aid the Southern States in the development of this infant race toward self-control, involving the question as to whether some form of assisted emigration of the blacks from our country should not be evolved that would diminish the existing dangers of race complications.

We have also a duty to perform to seven million brown people in distant islands, in whose favor we are called upon to discharge a sacred trust leading to ultimate independence.

We have confronting us in Europe three hundred million people of the white race, whose surplus population of those countries is eager to come to our shores. We have confronting us in Asia one billion people of the yellow and brown races, multitudes of whom desire to come to this country of unrivaled resources, of high wages, of agreeable climate, and abundant opportunities. We are thus called upon to face the race question in various forms.

My belief with reference to the black race now in our midst is that the time has come for the tolerant consideration of some form of national legislation that will recognize the national character of the problem, and whilst humane to the black race will be cooperative and helpful to the white race in their struggle for race integrity and supremacy.

So far as the immigration of foreign races of whatever color to this country is concerned, my belief is that it is purely a domestic question, to be settled by national legislation and not by diplomacy, and that, without mentioning or referring to any foreign race invidiously, we should declare by law that immigration to this country shall be restricted to the white race alone, except for the purposes of travel, education, and international trade, and that the immigration of the white race to this country shall be restricted to those whose physical constitution, character, and training will fit them ultimately for American citizenship.

This question has become a live question within the last few months by reason of the action of the legislatures of various States in the West, expressive of their realization of the danger of race complication. Upon this subject I have had some correspondence with the governor of my State, and have made a public statement regarding the form which the legislative expression of the States affected should take, and I ask that clippings from the Washington Post containing such matter be printed in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[Washington Post, February 5, 1909.]

THE JAPANESE QUESTION.

Letter of Hon. Francis G. Newlands to Governor Dickerson, of Nevada.

UNITED STATES SENATE,
Washington, D. C., February 3, 1909.

Hon. DENVER S. DICKERSON,
Carson City, Nev.

MY DEAR GOVERNOR: With a view to moderating any action tending to create friction between Japan and this country, I take the liberty of suggesting to the legislature, through you, a plan of action which, whilst indicating a proper solicitude for relations of frendship and amity with Japan, will mark clearly our purpose to maintain this country as the home of the white race, free from such racial competition and antagonism on our own soil as will surely breed domestic violence and international hatred.

Entertaining no prejudice against any foreign race, and particularly admiring the vigor, courage, and patriotism of the people of Japan, and disposed to advance rather than to thwart her career of national greatness, we of the West are yet profoundly impressed with the view that the United States, possessing a vast territory as yet undeveloped and capable of supporting many times our present population, with natural resources unrivaled anywhere, with climates adapted to every people, will, with the cheapening of transportation, draw to itself the surplus population of all peoples.

Nature has classified the peoples of the world mainly under three colors—the white, the black, and the brown. Confronting us on the east lies Europe, with a total population of about 300,000,000 white people We are finding it difficult to assimilate even the immigrants of the white race from that Continent, and have been obliged to carefully restrict such immigration. We have drifted into a condition regarding the black race which constitutes the great problem and peril of the future. Confronting our Pacific coast lies Asia, with nearly a billion people of the brown race, who, if there were no restrictions, would quickly settle upon and take possession of our entire coast and intermountain region. History teaches that it is impossible to make a homogeneous people by the juxtaposition of races differing in color upon the same soil.

Race tolerance, under such conditions, means race amalgamation, and this is undesirable. Race intolerance means, ultimately, race war and mutual destruction, or the reduction of one of the races to servitude. The admission of a race of a different color, in a condition of industrial servitude, is foreign to our institutions, which demand equal rights to all within our jurisdiction. The competition of such a race would involve industrial disturbance and hostility, requiring the use of a large armed force to maintain peace and order, with the probability that the nation representing the race thus protected would never be satisfied that the means employed were adequate. The presence of the Chinese, who are patient and submissive, would not create as many complications as the presence of the Japanese, whose strong and virile qualities would constitute an additional factor of difficulty. Our friendship, therefore, with Japan, for whose territorial and race integrity the American people have stood in active sympathy in all her struggles, demands that this friendship should not be put to the test by bringing two such powerful races of such differing views and standards into industrial competition upon the same soil.

This can be prevented either by international treaty or by national laws regulating, restricting, or preventing immigration. International negotiation and treaty is, in my judgment, an unsatisfactory method. It requires a nation with which we have treaty relations to prevent its own people from going where they will, a restriction which we would never in any treaty apply to our own people. We would therefore be asking other nations to put a restriction upon the movements of their people which we would refuse to prescribe regarding our own. There is but one consistent position to assume, and that is to relegate the whole question to domestic legislation in each country, permitting each to make such laws regarding the regulation, restriction, or prevention of immigration as it sees fit. The time has come, in my judgment, when the United States, as a matter of self-protection and self-preservation, must declare by statutory enactment that it will not tolerate further race complications. Our country should by law, to take effect after the expiration of existing treaties, prevent the immigration into this country of all peoples other than those of the white race, except under restricted conditions relating to international commerce, travel, and education; and it should start immediately upon the serious consideration of a national policy regarding the people of the black race now within our boundaries which, with a proper regard for humanity, will minimize the danger to our institutions and our civilization.

Japan can not justly take offense at such action. She would be the first to take such action against the white race were it necessary to maintain the integrity of her race and her institutions. She is at liberty to pursue the same course. Such action constitutes no charge of inferiority against the race excluded; it may be a confession of inferiority in ability to cope economically with the excluded race. It involves no insult, or the possibility of war, for Japan could not possibly sustain a war, even were her finances in better condition than they are now, without the sympathy of the world as to the justness of her cause.

I give this utterance reluctantly, for I am not disposed to participate in the prevailing sensationalism; but the issue has been made; the public attention is called to the question; and failure upon the part of our western communities to meet it candidly and courageously might be regarded in the Eastern States, whose people are unfamiliar with the economic and social dangers attendant upon Asiatic immigration, to believe that we have abandoned our convictions and acquiesce in the view that a great question of national and domestic policy shall be turned over to the bargaining of diplomats. I am opposed to sporadic legislation, here and there, by the various States, intended to meet only certain phases of what constitutes a national peril, phases which will necessarily be covered by broad national legislation. I am opposed to terms of opprobrium and of insult. Japan deserves from us only respect and admiration; we deserve from her a proper regard for the integrity of our race and institutions. A temperate declaration made at this time by the legislatures of the Western States upon the lines here indicated will aid much to advance the enlightened, calm, and forceful presentation of this question in such a manner as shall convince the judgment of the world, including that of Japan herself. Thus, upon the expiration of the present treaty with Japan and without attendant attacks upon Japanese sensibilities, public opinion will be so shaped as to force a calm and rational solution of the question by purely domestic and national legislation.

Very sincerely, yours,

FRANCIS G. NEWLANDS.

[From Washington Post, February 8, 1909.]

RACE SOLUTION IN LAW—SENATOR NEWLANDS URGES BROAD NATIONAL LEGISLATION—NOT MATTER FOR DIPLOMACY—NEVADA SENATOR SUGGESTS RESOLUTION.

Senator NEWLANDS, of Nevada, in a statement given out last night, asserted that there should be broad national legislation covering the whole Japanese question.

"The legislation proposed by the Pacific coast States intended to meet certain phases of what constitutes a national peril has been opposed by the President as involving violation of our treaty with Japan and imperiling her friendship," said Senator NEWLANDS.

"While the Western States will in all probability patriotically yield to such suggestion, there is danger that the abandonment of such legislation may be misunderstood by the Eastern States, whose people are unfamiliar with the economic and social dangers attendant upon Asiatic immigration, and that they may think that we acquiesce in the view that a great question of national and domestic policy should be turned over to the negotiation of diplomats. No question involving such important considerations as race homogeneity and domestic industrial peace can safely be turned over to diplomacy.

URGES BROAD LEGISLATION.

"There should be broad national legislation covering the whole question, and thus necessarily covering the parts of the question which state legislation in the West seeks to cover."

Continuing, the Senator stated that the Nevada legislature should, in his judgment, as a substitute for all pending measures, adopt resolutions making the following declarations:

"That the race question is now the most important question confronting the Nation; that already we have drifted regarding the black race into a condition which seriously suggests the withdrawal of the political rights heretofore mistakenly granted—the inauguration of a humane national policy which, with the cooperation and the aid of the Southern States, shall recognize that the blacks are a race of children, requiring guidance, industrial training, and the development of self-control, and other measures intended to reduce the danger of the race complication, formerly sectional, but now becoming national.

SITUATION ON ATLANTIC.

"That confronting us on the Atlantic is Europe, with a total population of 300,000,000 white people, whose surplus seeks outlet on our soil; that we have found it difficult to assimilate even the immigrants of the white race from that Continent and have been obliged by law to carefully restrict such immigration.

"That confronting us on the Pacific lies Asia, with a population of 1,000,000,000 people of the yellow and brown races, who, if unrestricted, would overwhelmingly immigrate to our country of unrivaled resources, of high wages, and almost unlimited capacity to support additional population; that preeminent among these people stands Japan—strong, aggressive, high-spirited, qualities which the American people admire, but which, if given play on American soil, would develop the strongest form of race antagonism.

CAN NOT ASSIMILATE RACES.

"That history teaches that it is impossible to develop a homogeneous people by the juxtaposition of races differing in color upon the same soil; that under such conditions race tolerance means an undesirable race amalgamation, and that race intolerance means ultimately race war, or the reduction of one of the races to servitude.

"That, therefore, our duty to our race and our institutions and the maintenance of friendship with races differing in color alike demand that we abandon the attempted adjustment of these questions by international treaty and pass a national law to take effect upon the expiration of existing treaties emphatically declaring that our country is open to white immigration alone; that such immigration shall be restricted to those of a constitution, character, and training that will ultimately fit them for American citizenship; and that other races shall be excluded from immigration except for purposes of trade, travel, and education."

NO GROUND FOR OFFENSE.

Senator NEWLANDS adds that dignified legislative action of this kind could not be made the ground of offense by any nation affected; that Japan herself would be the first to take similar action were the integrity of her race and her institutions threatened; that the United States always had been friendly to Japan in her struggles to maintain and protect her territorial and racial integrity; and that such action was entirely consistent with absolute friendliness between the nations.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. The regular order, Mr. President.

The Senate proceeded to consider the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill, and read to page 3, line 16.

Mr. LA FOLLETTE. Mr. President, I was not able to follow the reading of the bill.

The VICE-PRESIDENT. The Secretary is reading at line 16, on page 3.

Mr. LA FOLLETTE. Did the Secretary read all of page 2?

The VICE-PRESIDENT. He read all the original matter on that page, not the amendment.

Mr. LA FOLLETTE. My attention was diverted for a moment.

Mr. BURKETT. I should like to ask the chairman of the committee in regard to the new provision at the bottom of page 2. Is that the same as in the old law? There was a provision in reference to that subject last year. What change is made in this provision?

Mr. PENROSE. I would suggest that the formal reading of the bill be gone through with. That is what was demanded.

Mr. BURKETT. I did not understand that.

Mr. PENROSE. We will then take up the bill for the consideration of committee amendments and such other amendments as may be submitted.

Mr. BURKETT. I beg pardon; I thought the Secretary was reading the committee amendments.

The VICE-PRESIDENT. The text of the bill is being read. The Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

Mr. PENROSE. Mr. President, I now ask that the Senate proceed with the consideration of the amendments to the bill reported by the Committee on Post-Offices and Post-Roads. The first amendment is on page 2. I ask the Secretary to read that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after line 16, it is proposed, by the Committee on Post-Offices and Post-Roads, to insert the following amendment:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day, $325,000: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home or their designated domicile for a period not exceeding twenty consecutive days at any one place and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more.

Mr. PENROSE. Mr. President, this amendment and the one on page 3, beginning on line 12, are simply a transfer of two paragraphs which were in the bill as it came to the Senate from the House of Representatives, and which paragraphs are to be found on page 31 of the bill. They are existing law, and got into the bill in the House of Representatives in the wrong place on account of a point of order being raised against them. They went out of the bill and were subsequently put in on the floor of the House, when it was discovered they were existing law. Therefore they are no alteration of the bill as it comes from the House of Representatives.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. PENROSE. Yes.

Mr. BURKETT. Mr. President, I rose, hearing the bill for the first time, to ask the Senator from Pennsylvania a question in reference to this section jointly with the section on page 22. I observe that, in speaking, he stated that the paragraph which has just been read is the old law. What provision has the committee made for, and does the provision on page 22, in conjunction with this, give allowance for expenses to railway postal clerks while absent from home on duty?

Mr. PENROSE. Does the Senator from Nebraska desire an answer now, or would he prefer to wait until later?

Mr. BURKETT. I would say to the Senator that I am going to be called out for a meeting of the Committee on Agriculture, there being a hearing before that committee on the agricultural appropriation bill.

I am interested in the matter of the expenses of railway postal clerks while they are absent from home. The amendment on page 22 would seem to cover that matter, but the amount seems to me to be too small. I would ask the Senator if that is intended to cover the matter—if the committee has given it consideration, and with what result?

Mr. PENROSE. Mr. President, the committee made an effort to cover the situation referred to by the Senator from Nebraska, and an amendment was introduced by me in the Senate, which I ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $2,000,000: *Provided*, That from and after July 1, 1909, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed $1 per day, while away from the terminal where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.

Mr. PENROSE. Mr. President, that amendment would cover the situation concerning which the Senator makes his inquiry. Almost every member of the Post-Office Committee was anxious to provide for this very meritorious class of employees. There can be no argument against the equity and justice of granting this per diem allowance.

It was thought, however, Mr. President, that the fact that this allowance at the present time would add nearly $2,000,000 to this appropriation bill, and that other amendments, likewise looking to the relief of conditions among the employees of the Post-Office Department, would add five or six million dollars more, with a deficit in the Post-Office Department for this year of some $15,000,000, and an estimated deficit of $25,000,000 for the approaching fiscal year, it was not reasonable to expect or practical to incorporate this very meritorious provision in the bill at this time.

The proposed amendment was referred by the committee to the Postmaster-General, and I ask the Secretary to read his reply.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 6, 1909.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

MY DEAR SENATOR: In response to your letter of the 4th instant, transmitting an amendment intended to be proposed by yourself to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, etc., and requesting my opinion regarding its merits, I have the honor to advise you as follows:

The first part of the proposed amendment covers the provision of law incorporated in the existing and preceding appropriation bills for a number of years, authorizing the payment of actual and necessary expenses of division superintendents, assistant division superintendents, and railway postal clerks while actually traveling on business of the department and away from their several designated headquarters, and in the latter part a further provision, which has not yet been incorporated in any bill which has become law, for paying railway postal clerks their actual and necessary traveling expenses, not to exceed $1 per day, while away from the terminals where their runs, or series of runs, begin and end, when actually on duty.

With reference to the provision first referred to, I have called your particular attention to it by my letter of the 4th instant, and asked that the paragraph covering it, which went out of the bill on a point of order during its consideration in the House, be restored. This provision is necessary for the proper administration of the service and has been carried for a number of years.

With reference to the second, that is, the proposal to pay railway postal clerks their traveling expenses while on their runs, I recommended in my annual report to Congress the careful consideration of the same "as soon as the postal revenues justify." In my letter to you of the 4th instant, advising you with reference to the amendment intended to be proposed by Senator BURROWS, and which has the same object as the amendment under consideration, although it is there proposed in the form of an increase in salaries, I stated that I am unable to indorse at this time the provision of any amendment providing for increase in salaries in the postal service, and gave my reasons therefor. While the amendment which you propose does not provide for this increase as increase in salary, the effect of it is substantially the same, so far as the reasons are concerned, which prevent me from giving it my approval, namely, the state of the revenues. Therefore, in view of the probable amount of the deficit in the postal revenues for the coming year, I can not at this time give the amendment my approval.

Faithfully, yours,

G. V. L. MEYER.

Mr. PENROSE. Mr. President, I desire to state further to the Senator that there is no more sincere friend of the class of employees affected by the proposed amendment that I am. I recognize the dangers of their employment, the high qualifications they must possess, the vast and extensive knowledge they must have to sort the letters in the railway cars and to attend to the complicated and multitudinous duties of their occupation; but it is obvious that we can not borrow money to raise salaries. A presentation of the condition of the Post-Office Department for this year and for the approaching year is a sufficient answer to any proposition involving a salary increase of $2,000,000 in this case, and some seven or eight million dollars additional, making $10,000,000 more, over and above the impending deficit.

Mr. BURKETT. Mr. President, I will say in reply to the Senator from Pennsylvania, understanding, as I have, that the membership of the committee were very favorably disposed to this particular amendment, I had expected or, in fact, understood until quite recently that this kind of an amendment would be recommended. Had it been otherwise, I should have been prepared to bring in some figures and some comparisons of salaries and have tried to show to the Senate the merits of this particular amendment.

In general, as Senators will bear me out, I have not been very much disposed to favor salary increases. My record in that

particular is pretty straight. I voted against all of the recent salary increases, and, in fact, against the increase of my own salary. But it has seemed to me for a long time that there has been practiced an injustice to the railway mail clerks in comparison with almost all other government employees.

I think we have not a more efficient body of employees or a harder working body of employees in all the government service than the railway mail clerks. Their hours are long; their duties are arduous; their work is exacting; their risk of life and of limb is very great. They are required to be away from home a great deal of the time, and, so far as I can now recall, they are practically the only government employees required to be away from home by their service for whom we make no allowance for expenses.

Of course it may be answered in some particulars that the salary compensates for it; but, as I said in the beginning, the salary of the railway mail clerk is not adequate to compensate for it. In fact, the salary to start with is very small. They are about the smallest salaries that the Government pays for the kind of service and the degree of service which it requires of these clerks. In fact, as a Senator suggests to me, it is the smallest salary the Government pays for any kind of service. Those clerks are the poorest paid to start with. They are required to be away from home, and we make no provision for their expenses.

It has occurred to me that the time has come when we ought to do justice to them. We require much of them. Their work is both manual and mental. I have at times looked over some of the examinations they are required to take; I have investigated somewhat the amount of preparation they have to undergo for their work; and I undertake to say that there is not an employee in the government service, from the very highest to the lowest, in all the category of public servants who is called upon continually to be studying for their work. Ever so often they must pass examinations, and in preparation for it must be always at work, always at study. When they get one State studied up, they have to study up another State, and then study up groups of States. In fact, they have to study all the while to prepare themselves for their work. They do it; and it seems to me Congress could well afford to remedy this matter at the present time.

Of course we are all proud of the mail service. It is the particular part of our governmental service that we take pride in. The work is most efficient, and the men are of a very high order. By their industry and faithfulness and application they have made it the great success that it is. No private business is handled so efficiently as the railway mail clerk performs his service. We want it to be such; we require it to be such; and we want to keep it such. We require these men to prepare themselves for efficient service, and we ought to encourage them by more than words. It seems to me it is unjust to go on, year after year, without providing for taking care of their expenses when they are away from home. I may say also that the country appreciates this, for I have had many letters and resolutions from commercial clubs urging an increase in their salaries by way of this expense allowance.

I realize the strength of the argument which the Senator from Pennsylvania suggests; I realize that it is going to cost, perhaps, a million or two million dollars to pay the expenses; and I appreciate the condition of the Treasury. However, we increased salaries here the other day without much concern, apparently; salaries, too, which, in my judgment, were not entitled to be increased as much as the salaries of the men in the Railway Mail Service. We increased the salaries of men who were getting up into the thousands of dollars. We increased them on the theory that those men, or some of them, were cut off from the opportunities of private life, from engaging in commercial pursuits—in short, from making money. That was a very effective argument, I confess, although I did not vote for the increases. But, Mr. President, I should like to know where there is anybody more cut off from commercial pursuits, who is more taken away from the affairs of everyday life, who is more cut off from any possibility of making money for their old age, who is more deprived of all such opportunity—in short, who is more a slave to his work, than the railway mail clerk.

For one I do not quite share the conservatism of the committee in this particular. Yet I am not one, as I have said, who wants to go headlong increasing salaries. I am for this because I think it is right. We must give concern to our Treasury. But it seems to me we ought to distinguish between justice and extravagance. If the Post-Office Department is running behind, there is something wrong with the Post-Office Department, either in its management or because we are not charging enough for the service. We can not afford to keep salaries down improperly or unjustly in order to make up deficiencies in the Post-Office Department. We ought to pay living and just salaries, sufficient to take care of the employees, and we should charge the traffic enough to sustain it, or else we ought to reorganize the service so as to cut down expenses somewhere else.

I am not going to criticise in any way the Post-Office Department, because I do not know of any place that is particularly vulnerable at this moment. I suspect there are some places where more money is spent than is necessary, but we all know the government service is not perfect. It perhaps never will be perfect. We will never be able to run the Post-Office Department with as little expense as a private individual, perhaps, could run it. There will always be some place open to assault. But yet I undertake to say that if the price we charge is enough, then there is extravagance somewhere which ought to be cut out, because when you charge enough for a service which is as large as the post-office service and as comprehensive and as extensive, it ought to warrant paying the people who do the work an honest, fair wage.

I am about to be called out of the Chamber to attend a meeting of the Committee on Agriculture. I shall try to get back by the time this paragraph on page 22 is reached, which I see is just the same in the first part as the amendment the Senator from Pennsylvania introduced; and if the Senator from Pennsylvania or somebody else does not introduce the amendment, I am going to offer the rest of the amendment of the Senator from Pennsylvania to this amendment on page 22, and test the Senate and take its judgment upon allowing to the railway mail clerks their necessary expenses when absent from home and on duty. As I have said, I hope the Senator from Pennsylvania, who introduced the amendment, and who, as he says, is very friendly to it, may deem it proper to offer it, if not as a committee amendment, then as an individual amendment to the committee amendment. But if he does not, I will offer the rest of that amendment as an amendment to the committee amendment, so that it will be just as the Senator introduced it originally, taking advantage of his knowledge and information on the subject as to its being drawn properly and in the right form and manner.

Mr. PENROSE. Mr. President, I am very glad the Senator from Nebraska [Mr. BURKETT] has made the statement he has and has raised this point. I entirely concur in his views as to the meritorious claims of this particular class of employees. I think, however, it ought to be borne in mind that the House bill has made provision for a considerable increase in the $1,300 grade. On page 3 of the House report on the post-office appropriation the Senator will read:

> Ample provision has also been made to equalize the pay of railway postal clerks now employed in the $1,200 grade on apartment-car service upon lines where full railway post-office car service is also in operation by promotion of such clerks to the $1,300 grade.

As I understand, that provision of the House will affect and secure a promotion from $1,200 to $1,300 a year for about 600 employees of the Railway Mail Service, the total number of such employees being a little over 15,000. This makes an increase in the amount of that item over last year, as already provided for in the House, of $877,300 especially for this class of employees.

I am informed that when the bill was pending in the House committee the committee was willing to increase the salaries of all the employees in the Railway Mail Service actually engaged away from home by $50, and the amendment of the Senator from Michigan offered in this body provides for an increase of salary of $100. Neither proposition was acceptable to the railway mail clerks. They preferred to have no increase whatever unless they could get what is known as the "per diem allowance." So it must be borne in mind that the House has added very considerably to this bill at the present session in favor of these employees and that the proposition which was made was not acceptable.

As far as I am concerned, I shall be only too glad at another session, in a better condition of the postal revenues, to cooperate to the fullest extent with the Senator from Nebraska in placing the relations of these employees with the department upon a satisfactory basis.

Mr. BURKETT. In reply to the Senator, I call attention to how very small, after all, this raise is. Less than 4 per cent of the clerks have been raised less than 10 per cent. In short, it has simply been an outlet for those in the lower grade who have been entitled to promotion, which is very small, after all, and does not meet the other 96 per cent who are still more in need of it, because many of them are getting still less salary and have no allowance for their expenses when they are away from home.

Mr. PENROSE. I admit it is not substantial, but it shows a disposition to relieve the situation.

Mr. BURKETT. I am willing to admit that the disposition is very good, but, of course, the disposition does not pay the bills of these employees when they are away from home. This little raise, as to 4 per cent, does not affect the great 96 per cent of them, most of whom, I say, get smaller salaries, and whose expenses are just the same as those getting higher salaries.

Mr. PENROSE. I should like to remind the Senator of the fact that only 50 per cent of these employees are away from home or would be able to take advantage of the per diem allowance.

Mr. SIMMONS. Mr. President, I understood the Senator in charge of the bill to say that the reason the committee did not incorporate in the bill his amendment just read, in reference to the per diem of mail clerks, was the condition of the Treasury. I should like to ask the Senator if that was the only reason why the amendment was not incorporated in the bill?

Mr. PENROSE. If the postal revenues would permit it, I do not know of any amendment that I would vote for more readily, as far as I am concerned, than this per diem allowance.

Mr. SIMMONS. I desire to ask the Senator——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS. Certainly.

Mr. BURKETT. As I have to go out of the Chamber, I should like to offer the rest of the amendment, so that it may be pending, if the Senator will permit me. Then I can leave the Chamber. I realize that it is out of order, because we have not reached the point where it would be appropriate—page 22. I should like to offer the amendment and have it pending, if there is no objection.

Mr. PENROSE. Let it lie on the table.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment at the present time.

The SECRETARY. On page 22, after line 4, in place of the amendment of the committee at that point, it is proposed to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $2,000,000: *Provided*, That from and after July 1, 1909, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed $1 per day, while away from the terminal where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as pending and will be considered when the committee amendment is reached.

Mr. SIMMONS. Mr. President, like the Senator who has just occupied the floor, I have to leave the Chamber to attend a meeting of a committee; and if it will not interrupt the arrangement the Senator from Pennsylvania has in mind, I should like to ask him now, in advance of reaching that part of the bill, one or two questions with reference to the salaries of other post-office employees.

Mr. PENROSE. I shall be very glad to answer the Senator if I am able.

Mr. SIMMONS. I observe that the bill as it came to us from the House provided for an increase in the salary of 50 per cent of the clerks and carriers in first-class offices.

Mr. PENROSE. On that point I intend to offer an amendment to reduce it to the present law.

Mr. SIMMONS. The committee does not report in favor of incorporating that provision.

Mr. PENROSE. That was an oversight in reporting the bill, the only one, I believe; and I have been directed by the committee to report an amendment reducing those clerks and restoring existing conditions.

Mr. SIMMONS. Then there will be no increase, so far as the committee's action is concerned, in the salaries of clerks and employees in first-class offices?

Mr. PENROSE. There will not be.

Mr. SIMMONS. As the bill came to us from the House, the salary of 50 per cent of the clerks in second-class offices—not carriers, but clerks—was increased. Does the committee retain that provision of the House, thereby increasing the salary of the clerks in second-class offices?

Mr. PENROSE. I understood the Senator's inquiry was regarding clerks in first-class offices.

Mr. SIMMONS. My first inquiry was as to clerks and carriers in first-class offices.

Mr. PENROSE. That was provided for last year.

Mr. SIMMONS. Now, I am asking the Senator with regard to clerks and carriers in second-class offices, because I understood the action of the House raised the salaries of clerks in second-class offices, but did not raise the salaries of the carriers.

Mr. PENROSE. In second-class offices?

Mr. SIMMONS. In second-class offices.

Mr. PENROSE. Yes; that is right. I intend to offer an amendment to put the clerks back to the existing condition.

Mr. SIMMONS. So that there will be no increase in the salary?

Mr. PENROSE. Not if the Senate adopts my amendment.

Mr. SIMMONS. Not in first or second class offices?

Mr. PENROSE. Yes; in first-class offices, because that was provided for at the last session of Congress, and the pending bill does not affect in any way the conditions existing under the law already in force regarding first-class offices.

Mr. SIMMONS. I understand. Under the general classification act there are certain automatic promotions which regulate themselves. The question I ask the Senator now is, Does the bill make any increase in the salary of these clerks not already provided for by existing law?

Mr. PENROSE. I can assure the Senator, so far as I have information or as far as I can read the bill, that there is no change in the condition of first-class post-offices, either as regards the grade, salary, or promotion of clerks or carriers, other than that already existing and provided for in the last post-office appropriation act. The only change made in relation to the clerical force is in second-class offices.

Mr. SIMMONS. I desire to ask the Senator in charge of the bill if the failure to make this increase as provided in the bill as it came to us is on account of the condition of the Treasury?

Mr. PENROSE. I propose to offer an amendment to strike it out.

Mr. SIMMONS. To strike out the increase made by the House?

Mr. PENROSE. To strike out the increase made by the House.

Mr. SIMMONS. Is that on account of the condition of the Treasury?

Mr. PENROSE. Yes.

Mr. CLAY. Just a word, Mr. President, with the Senator's permission.

The Senate Committee on Post-Offices and Post-Roads, in my judgment, has been very considerate of the railway mail clerks. During the last session of Congress the Committee on Post-Offices and Post-Roads inserted——

Mr. SIMMONS. I will say to the Senator that we are not talking about railway mail clerks at this particular time.

Mr. CLAY. I understand.

During the last session of Congress the committee added an item of over a million dollars for the purpose of paying the expenses of railway mail clerks when away from home, and that item went to conference and was defeated in conference by the House conferees. It is true that at this session the Senate Committee on Post-Offices and Post-Roads added, I believe, a little over $6,000,000 to the bill—an item of $2,000,000 to pay the expenses of railway mail clerks when away from home and an item of a little over $4,000,000 to increase the salaries of the rural free-delivery carriers.

Mr. President, when we began to add the increases and saw the condition of the post-office appropriation bill, we found that the bill carried $6,000,000 more than the estimates made by the different offices of the department. The Postmaster-General came to us and said that the condition of the Treasury at this time was such that it was impossible to allow those amendments without creating a deficit of over $20,000,000 in the Post-Office Department revenue during the next year, and the Committee on Post-Offices and Post-Roads got together, reconsidered their action, and determined to strike off every single one of those amendments and the increase made by the House. Consequently this bill comes from the Committee on Post-Offices and Post-Roads without any increase, except between fifty and sixty thousand dollars, as I understand.

It is true that the House increased a certain number of clerks in the first-class offices, but the committee unanimously adopted an amendment, and the Senator in charge of the bill, the chairman of the committee, as I understand, will offer it at the proper time, reducing them, and it will probably be adopted without any opposition.

We realized that while these amendments were meritorious, and while we were exceedingly anxious to adopt a part of them, it became the duty of Congress to examine critically the financial situation in regard to affairs in our country and to make appropriations accordingly; and we might just as well realize that if the receipts continue to fall off monthly as they are falling off at this time, in eleven months from to-day there will not be a dollar of surplus in the Treasury of the United States.

We had in the Treasury twelve months ago a surplus of over $250,000,000, I think. I understand that your total surplus at the present time will amount to about $130,000,000, and I have been informed—it is true the Secretary of the Treasury has not said so to me, but I have been informed from sources I can not question—that the Treasury Department is alarmed to-day at the situation, believing that in less than twelve calendar months, instead of there being a surplus, we will have to raise more money than we are producing at the present time. We may just as well realize that that is true beyond question.

The tariff has to be revised during the extra session of Congress, and it will probably take five or six months to revise it. You can not hope to have it done at an earlier day. Observation and study convince me that during the time you are changing the tariff schedules, fixing lower or higher rates, undoubtedly your customs dues will fall off.

You can not expect to receive so much money by reason of customs dues the year you are revising the tariff as you probably will receive afterwards. It is naturally true that merchants and importers buying goods and bringing them into this country will wait upon Congress and see how you revise the tariff before they go to foreign countries and buy goods.

The Committee on Post-Offices and Post-Roads simply got together and determined to cut off these expenditures this year, because we did not have the money to pay for them. Any business man who thoroughly understands his business will never continue to pay out more money than he is making. He will change his business methods so as to make receipts and expenditures correspond. The House committee made the bill $400,000 larger than the estimates, and if we had insisted upon our amendments it would have been nearly $7,000,000 larger than the estimates.

Something has been said about the Post-Office Committee rushing this matter through. We met last Monday for the purpose of considering this bill. I agree with the Senator from Wisconsin [Mr. LA FOLLETTE] that we ought to consider thoroughly every appropriation bill, but in legislating I have always found that you must take the practical side of questions. I do not know how we can give a week or four or five days to every one of the appropriation bills from now on. If we do, we will be able to pass but a few more.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. With pleasure.

Mr. LA FOLLETTE. I am a little surprised at the information the Senator from Georgia gives the Senate with respect to the first meeting of the Committee on Post-Offices and Post-Roads for the consideration of this bill. He says it was last Monday. That, I believe, would make the first meeting some thirteen days after the committee received the bill. I do not like to criticise at all, but as a Member of this body I just want to get a fair chance to look at the making of this legislation, appropriating more than $200,000,000 of the people's money.

It seems to me if the committee had met with reasonable promptness after receiving the appropriation bill from the House and had considered it, it might have been reported ten days ago. Then there would have been no call to put it through under the committee whip. There would then have been ample time to read it before being compelled to vote upon its provisions.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. CLAY. I yield with pleasure.

Mr. PENROSE. Of course when a bill comes to the Senate from the House it is necessary to do a good deal of preliminary work. Not a moment was lost, I can assure the Senator. Amendments proposed had to be referred to the department, replies received, and a great deal of preliminary work had to be done outside of that studious attention which was probably personally given by every member of the committee before the committee met to the documents relating to the bill, which the Senator from Wisconsin admits he has never read up to the present time.

I should like to call the attention of the Senate to the fact that there are 10 appropriation bills pending before this body at the present time. We have after to-day, eleven legislative days on which to transact business. One of those, Saturday, the 27th instant, is practically reserved for memorial proceedings; another day is set aside for the discussion of the Brownsville affair, leaving nine days for 10 appropriation bills. In addition to that, there are three conferences in session, one over the naval appropriation bill and two others—the District of Columbia appropriation bill, I believe, and the legislative appropriation bill. Those conferences have to make reports to this body and to the other branch of Congress, and it is a safe prediction that some of them may lead to prolonged debate.

Therefore, when the Senator from Wisconsin asks to have bills go over in this way, so that he may have an opportunity to read the measure or familiarize himself with it, a slight inspection of the business of the Senate in the last ten days of the Congress must convince any Senator that such a suggestion is impracticable and could not be for a moment considered.

It is not the fault of the Senate that this is the condition. It is the fault of the Constitution of the United States, which declares that on the 4th of March next this Congress shall go out of existence. It is not the fault of the Senate that these bills do not get here until a late period in the session. It is owing to the fact they have to be first introduced in the House, referred to their appropriate committees, and be duly considered. I have frequently thought it was a mistake that they come here so late, and that a full consideration of them is often impossible. That is particularly true of the river and harbor bill, which on more than one occasion has been defeated on that account, and which on more than one occasion has failed to include meritorious items that ought to have been in the bill simply because it was impossible by reason of the expiration of the Congress on the 4th of March to have them considered.

I think a dispassionate view of the subject will convince every Senator that it is impossible unduly to prolong the consideration of these bills, and that if there is any Senator who desires to render himself perfectly familiar with the subject he owes it at least to the Senate to have spent some time up to the present in familiarizing himself with the matters contained in the bill.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Just to say one word, Mr. President. I certainly do not want to discuss this subject with any feeling. I believe that the business of this great body and of the other branch of Congress can be transacted under the Constitution with deliberation within the time fixed by the Constitution for that purpose. My observation since I have been a Member of this body is that the appropriation bills get in here about as late for the long session as they do for the short session. It simply seems to be a part of a system which prevails that these most important legislative acts shall have little consideration. If these bills arrive from the other branch of Congress so late that there is not time to give them adequate consideration, and if, because of this, the appropriation bills should fail, the responsibility for such failure would rest upon the other branch.

This is a coordinate branch of the Congress and is entitled to a reasonable time to consider legislation, whether it be appropriation bills or bills of any other character.

It should not be forgotten, Mr. President, that these appropriation bills are made the vehicle for new legislation that ought to have consideration independent of appropriations. Under the rules of the Senate, as construed by the Senate, whenever the Senate by vote chooses so to construe them, it is possible to put almost any legislation on appropriation bills. This construction of the rules by vote of the Senate to permit the enactment of general legislation on an appropriation bill in one case is often entirely inconsistent with the vote of the Senate in another case. The rules are made and unmade at will. In this way it is possible to put through legislation here that could never pass this body if brought up and considered on its merits as an independent measure. If the increases in salaries incorporated in one of the appropriation bills here, aggregating something more, as I now remember, than half a million dollars, raising the salaries of the Vice-President and of the Speaker of the House from $12,000 to $15,000 per year, and raising the salaries of the members of the Cabinet and the federal judiciary in a like proportion—if those propositions had been considered independently and upon their merits, in my opinion they could not have passed this body.

I am certain that Senators who have made a careful study of the rules of the Senate and whose opinions are heeded here expressed the belief that the construction put upon the rules by the Senate in order to incorporate that provision in the appropriation bill and put it through was forced because the appropriation bill was behind it. A freer expression of their opinion would have been that the Senate rules were violated in order to put that legislation through. Indeed, I now happen to remember that the Senator from Maine rose in his place and said that in voting for the proposition he did not vote that the legislation put upon an appropriation bill was proper under the rules, but that he took the latitude which he felt he had a right to take to vote for it for other reasons.

Mr. President, I am not going to offer any defense to the criticism of the Senator from Pennsylvania that I did not give sufficient attention to an examination of this bill before it was reported to the Senate. I might say, if we were indulging in that sort of a discussion here, that if the chairman of this great committee had been in attendance upon the Senate for a number of days his committee might have been brought together for an earlier consideration of the bill, and then Senators would have been given an opportunity after it was reported to learn its provisions and to study it with some care.

But I propose, Mr. President, to insist from time to time upon the importance and the necessity of having these appropriation bills earlier, and to insist as a right as a Member of this body on a fair opportunity to examine them after they are reported from the committees and we know what they are to be.

I shall exercise my right as a Member of the Senate in no dilatory tactics further than to insure the opportunity to make some reasonable investigation of bills after they are reported. I suggest to the chairman of the Committee on Post-Offices and Post-Roads and to the chairmen of committees charged with other appropriation bills that we sometimes make haste slowly by being unreasonable. I asked for one day in which to look at this great bill. I know that I voiced the wishes of many Senators on this floor when I made that request. I believe that much time spent in useless debate might have been saved if that request had been granted.

Men who are asked to vote for these great propositions with their eyes shut and who are not disposed to do it are obliged, because they are in the dark with respect to the subject-matter, to ask a great many questions, inducing debate and prolonging it, when it would not be necessary if they could have a reasonable opportunity to examine the bill.

I was obliged to leave the floor in order to avail myself of the time to make such investigation as I could, and was denied the privilege of hearing the Senator from South Carolina [Mr. GARY], to whom the Senator from Pennsylvania yielded very readily, and very properly, too. I did not have an opportunity to hear the remarks that the Senator submitted upon a subject of very great importance to the country. I at once put myself in communication with the Post-Office Department in an effort to secure information which I am entitled to have, and which I was informed could not be furnished to me immediately upon call.

I want to say—and I say it in the right spirit, too—with respect to the other appropriation bills, it is not necessary, for my benefit, to read the list of those which remain to be passed every time debate is asked on an appropriation bill. And I say further to those in charge of these bills, you will make more progress with the business of this session if you will report the bills out and give reasonable opportunity—a day, at least—for Senators to get acquainted with their provisions.

Mr. CLAY. Mr. President, I am about through and I know time is valuable. I believe the Senate will bear me out that during the twelve years I have been here I have never taken the floor yet for the purpose of killing time. I have been a member of the Committee on Post-Offices and Post-Roads for nearly twelve years—it will be twelve years the 4th of next March—and I do not think I have ever missed more than one meeting of that committee.

Now, I do not agree with the Senator who has just taken his seat that there is ample time during this short session of Congress to discuss at length the appropriation bills.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. Certainly, with pleasure.

Mr. LA FOLLETTE. The Senator from Georgia does not quote me correctly.

Mr. CLAY. I do not desire to misquote the Senator.

Mr. LA FOLLETTE. I did not say to discuss at length all these appropriation bills, or to discuss at length, necessarily, any of them, but to investigate them and to determine what debate would be beneficial to this body and the country upon each one of them.

Mr. CLAY. I say I doubt if we have the time during the short session of Congress to thoroughly investigate and to discuss the different appropriation bills.

I will tell you another thing. My observation has been that, at either the short or the long session of Congress, these bills are largely made up by the respective committees to which they have been referred. We have 14 appropriation bills. We have 80 working days in a short session of Congress. If you take 14 and divide it into 80, it gives only 5 working days and a fraction for every appropriation bill, leaving out all other legislation. I believe the time will come—and it has come now—in the history of this country when Congress ought to change its session. I do not believe that we ought to confine the short session of Congress from the 1st of December to the 4th day of March. We ought to meet in January and remain in session six months, so as to have ample time to thoroughly consider these appropriation bills and the needs of the country.

So far as I am concerned, there has not been a day in fifteen days that I have not attended a committee meeting, and I presume other Senators are situated the same way. Take the Committee on Appropriations; take the Committee on Post-Offices and Post-Roads, and other committees; they have to convene with a view and purpose of considering their work without conflicting with each other——

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. Certainly.

Mr. LA FOLLETTE. I have not attended committee meetings every day for fifteen days, Mr. President; and there are other Members of this body who have not been called upon to do so. I have attended the meetings of the committees of which I am a member. I wish to suggest to the Senator from Georgia, and to other Senators, that if there was a little different distribution of the committee service here the burdens of a few of the Senators would not be quite so heavy. There are about seven committees that transact all the business of this body, and some fifty-odd Senators are not members at all, who are assigned to the important duty of Standards, Weights, and Measures, or the Investigation of the Potomac River Front, or the Expenditures in the Agricultural Department, a committee which, I think, has never had a meeting.

A majority of the Senators in this body are assigned to committees that are not transacting the important business of the legislation which is now pressing for consideration. I will not trench further on the time of the Senator.

Mr. CLAY. Go ahead.

Mr. LA FOLLETTE. It is a subject that I will recur to from time to time during the remainder of this session. I will not take more of the Senator's time now. I thank him for yielding.

Mr. CLAY. Mr. President, I can not say all I want to say this morning. I know the time of the Senate is precious. So far as I am concerned, I believe we ought to get through during this session every single appropriation bill, and I believe that when the extra session of Congress is convened we ought to consider nothing except tariff legislation, and to consider it thoroughly in the least possible time. I believe that the American people ought to know at the earliest practicable day what are the schedule rates fixed, in order that business may adjust itself. I believe it to be the duty of Congress to arrange those schedules and to make such substantial revisions as justice and the best interests of the country demand at the earliest practicable and possible day. I do not believe that a more serious danger could threaten the business interests of this country than to sit here eight or ten months and discuss tariff schedules before they are fixed. The manufacturers and the farmers and the business interests of this great country want to know at the earliest possible day what Congress is going to do in regard to the tariff, and so believing I believe it to be the duty of Congress to pass every one of these appropriation bills, if we can possibly do so, at this session of Congress. Hereafter change the time of the meeting of Congress. The country has outgrown these short sessions of Congress, and the business interests of the country demand that Congress shall convene in January and remain in session for six months, so as to have these appropriation bills thoroughly considered, and all other legislation necessary for the best interest of the country. The appropriation bills do not receive that careful attention their importance demands at the short session of Congress.

Mr. LA FOLLETTE. Mr. President, I agree with the Senator from Georgia that the extra session is going to be a very important one. No legislation could be of greater concern to the business interests of the country than the legislation which will be dealt with at that time. But I hope that the suggestion of the Senator from Georgia that that legislation is to be put through on "greased ways" will not materialize when the session comes.

Mr. CLAY. I did not catch the Senator's remark.

Mr. LA FOLLETTE. I used a figure of speech that the great tariff bill should not be put through on a greased runway.

Mr. CLAY. The Senator from Georgia never insisted upon any such proposition. The Senator from Georgia insisted that the tariff ought to be honestly and thoroughly revised, as the best interests of the country demand, at the earliest possible day.

Mr. LA FOLLETTE. But he suggested a time limit for the consideration of that bill.

Mr. CLAY. The Senator from Wisconsin does not desire to misquote me. I did not fix any time. I said we ought to consume the necessary time to revise the tariff thoroughly and to the best interests of the country, and that we ought to work continuously for the purpose of accomplishing those results without any delay.

Mr. LA FOLLETTE. I have no desire to misquote the Senator from Georgia. I understood him to name some months within which that bill ought to be disposed of. But be that as it may, I hope to see the tariff bill, when it comes over to this body from the House, where it will originate, thoroughly discussed paragraph by paragraph.

However, Mr. President, the Senate will not be able to take up the debate upon the tariff bill until it receives the bill from the House. I do not conceive that it would be such a terrible calamity to this country if the proper consideration of some appropriation bill should carry it over to the extra session. Legislative committees would then have to be appointed, and bills now in committees and on the calendar which have not been able to get any consideration here, for one reason or another, could then receive consideration.

Mr. President, we are having the old experience over and over again. At the beginning of every session resolutions are introduced. They are discussed and legislation waits. We give over the time of the Senate and the time of the House through the early part of the session to unimportant matters, and it seems sometimes to an observer for the very purpose of consuming time and preventing the consideration of business for which the people of this country wait, and wait in vain. Then, all the latter part of the session is taken up with the appropriation bills, to the exclusion of everything else.

We never hear any complaint from the Senators who control the order of business here because of this waste of time at the beginning of the session. They then let debate take its course. It goes on and on, day after day, week after week, productive of nothing but talk—talk that serves to prevent the consideration of measures that have waited a quarter of a century for the attention of Congress.

It was just such methods that for nine years prevented the consideration of the amendment to the interstate-commerce act, after the decision in the maximum-rate case. The Interstate Commerce Commission appealed to Congress for an amendment to restore to them the power to determine what reasonable rates should be.

It was not until public opinion finally gathered volume and strength enough to make itself felt here. After nine years of persistent appeal from the Interstate Commerce Commission, and after the President of the United States, in three successive messages, had urged the consideration of these repeated recommendations of the commission—I say it was not until after nine years of that sort of thing; nay, more than that, it was not until after a national association had been formed by the business men of this country, leading shippers, and leading merchants——

Mr. PENROSE. Mr. President——

Mr. LA FOLLETTE. Organized into—I do not yield for just a moment; I will yield in a few moments——

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. PENROSE. I wanted to ask the Senator whether this was the lecture he has been recently giving? It has a familiar sound. [Laughter.]

Mr. LA FOLLETTE. Well, Mr. President, the Senator does not gain any time by interruptions or observations of that sort. It has a familiar sound, and it will have a more familiar sound, I will say to him.

When the legislation that was urged as a public necessity, I say, by the great Interstate Commerce Commission, created by this body, clothed by this body not only with the power but having the obligation imposed upon them at each session of Congress to report to Congress what legislation the country needed with respect to railway rate regulation—I say, after nine years of their appeal, and after three successive annual messages from the President of the United States urging that legislation—it took the organization of a national association of business men, maintaining here at the capital a strong organization, to appeal to the representatives of the people to do the business of the people that the country demanded, before any pretense was made to legislate upon the subject.

The same is true as to other important measures. It took seventeen years of organized national effort to put through Congress a pure-food law to protect the lives and the homes of this country. For forty years the Postmasters-General have recommended, when they have touched the subject at all, the establishment of postal savings banks.

Mr. President, I only want to say this in conclusion: We will get along faster with these appropriation bills if we are given a little time to look them over after they have been reported from the committees. So far as I am concerned, there will be no factious or obstructive tactics pursued if that opportunity is afforded. That is all I ask.

Mr. PENROSE. Mr. President, I shall not sit silent in my seat while misstatements are made or claptrap statesmanship is attempted. The Committee on Post-Offices and Post-Roads has been criticised by the Senator from Wisconsin [Mr. LA FOLLETTE], and the method of selecting committees has likewise been criticised by him.

I make the statement, without fear of contradiction, that he has been on the Committee on the Census during his service in this Senate and has failed to attend a single meeting of that committee. I make the statement, without fear of contradiction, that he is on the Committee on Claims, and has only attended once or twice in all his service a meeting of that committee, and that attendance was only to bring up some trivial claims bill. I make the statement, without fear of contradiction, that he has been, until recently, on the Committee on Pensions, a committee holding and considering one of the largest appropriation bills pending before Congress every year, and that, according to the unanimous testimony of all his colleagues on that committee, regardless of party, he has hardly ever attended a session of that committee. I make the statement, without fear of contradiction from him or any other Senator, because the statement is confirmed by the testimony of every member of the committee, regardless of party, that on the important Committee on Indian Affairs, considering every year a most important appropriation bill, important to his constituents and to the great western country, he has seldom been present and has never rendered useful service thereon; and that while he indicates this craving for future committee assignments, he is already on two committees with appropriation bills, and pays no attention to either of them.

Mr. GALLINGER. And he has been in the Senate four years.

Mr. PENROSE. He has been in the Senate four years; and there is no Member of this body—and I cite the records of the Senate as my proof—who has a larger record for absenteeism than himself. It ill becomes him to criticise other Senators or any committee for negligence, inattention, or absenteeism.

I further make the statement that when he is here it is but to delay the business of the Senate, to hold up the transaction of the public business, and to embarrass those who, under their oath of office and in the conscientious discharge of their duties, are endeavoring to carry the burdens of the senatorial office. These sentiments I believe my colleagues will voice, and I shall not sit here—and I desire to give notice to the Senator from Wisconsin—and listen to arguments that better become the vendor of a patent medicine from the tail end of a cart in a remote village in Wisconsin than they do the deliberation and the dignity of the Senate of the United States. [Laughter and applause.]

The VICE-PRESIDENT. The Chair must admonish occupants of the galleries that applause is not permitted under the rules of the Senate.

Mr. LA FOLLETTE. Mr. President——

Mr. GALLINGER rose.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. GALLINGER. I rise to a question of order, Mr. President. I ask that Rule XIX be read.

The VICE-PRESIDENT. The Secretary will read Rule XIX at the request of the Senator from New Hampshire.

The Secretary read as follows:

RULE XIX.

DEBATE.

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. GALLINGER. Mr. President, I do not propose to invoke this rule, but I think the Senator from Wisconsin [Mr. LA FOLLETTE], who has spoken three or four times on one question, when the rules only permit him the privilege of speaking twice, ought not to delay the Senate unduly. I shall not ask that the rule be enforced now, but I simply wished to call it to the attention of the Senate; that was all.

Mr. LA FOLLETTE. Mr. President, I do not ask for any indulgence from the Senator from New Hampshire [Mr. GAL-

LINGER], or any other Senator here, with respect to the rules. I purpose to observe the rules of this body in debate. They have been enforced sometimes with undue strictness, I have thought, with reference to myself. I have had them applied to me when debate has been permitted to run on here, and Senators took the floor as many times as they pleased upon a single amendment. I can very easily delay the brief reply which I wish to make to the Senator from Pennsylvania [Mr. PENROSE] until another amendment is pending before this body and keep entirely within the rules; but what I have to say will compass but a moment of time, and I will say it now, unless I am called to order.

It is of little value, I presume, to utter a contradiction here to much that has been said. It puts the word of one Senator against that of another. I have not attended the meetings of some of the committees to which I was assigned. I attended the meetings of the Committee on Claims once or twice. It was not a committee upon which I felt I could render any service, and I asked the Senate to relieve me from further service upon it. The Committee on the Census, in the early part of this session, had legislation under consideration, and that is the only legislation that I have been informed has been before that committee since I have been a member of it. I was absent at my home in Wisconsin immediately following the holiday recess for about one week, and during that time the bill was under consideration and was reported.

I think I have been reasonably diligent in my attendance upon the Committee on Indian Affairs. I do not believe that the Senator has the warrant and authority of my associates and colleagues upon that committee for any such statement as he has made.

Mr. PENROSE. The unanimous testimony of the members of that committee is that of nonattendance.

Mr. LA FOLLETTE. I would have more confidence, I would say, in that statement if Senators who are members of that committee made the declaration themselves.

I was absent from the sessions of this Senate for two months last session, confined to my home in this city by a severe illness. During that time the chairman of the Committee on Interstate Commerce [Mr. ELKINS], in discussing legislation here, referred to my absence as a political mission in Wisconsin. It was very unjust.

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. LA FOLLETTE. I can cite the Senator to the statement. I yield.

Mr. ELKINS. I have no remembrance of it whatever.

Mr. LA FOLLETTE. I will tell the Senator what bill was under consideration here at the time. It was the railroad coemployee bill. I will bring to the Senator's attention the exact language that he used.

Mr. ELKINS. I wish the Senator would, and I ask him now to do so, because I have no remembrance of it whatever, and I think the Senator is mistaken. Whatever was said is in the RECORD.

Mr. LA FOLLETTE. It is in the RECORD, and I will bring it to the Senator's attention. I did not consider it, Mr. President, of importance enough to bring it up here until on this occasion. Except for the absences enforced by sickness since I have been a Member of this body, and such absence as was necessary in the preparation for discussion upon the floor of the Senate of important legislation, I have not been absent a day since I have been a Member of this body, excepting five days following the holiday adjournment of this present session. At that time I was at my home, superintending the publication of the magazine which I am issuing, and it seemed absolutely necessary that I should give a few days of attention to that business at that time. Other than that, I have been in attendance upon the sessions of the Senate since I have been a Member of it every day.

With reference to the character of my work when I am here, Mr. President, the RECORD speaks for that. The opinion of the Senator from Pennsylvania, with respect to that, counts for nothing with me. Against his coarse and vulgar assault I put my record since I have been a Member of this body.

Let me say to him and to other Senators here who do not agree with me with respect to matters of legislation, You can take no course which will deter me from exercising my rights upon this floor and expressing my views upon legislation and upon the orderly conduct of the business of this body. If you were better acquainted with me, you would know that.

Mr. GALLINGER. Regular order, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 3, after line 11, to insert:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, $35,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster-General," on page 11, line 10, before the word "hundred," to strike out "nine" and insert "seven;" and in line 11, before the word "eight," to insert "fifty," so as to make the clause read:

In all, $31,758,500.

Mr. LA FOLLETTE. My attention was distracted for a moment. I ask on what page is the amendment which has just been read?

The VICE-PRESIDENT. On page 11, line 10.

Mr. PENROSE. Mr. President, this amendment was discussed by the Senator from Georgia [Mr. CLAY] a short time ago. I then stated that I had been directed by the committee to offer four or five amendments——

Mr. LA FOLLETTE. Mr. President, I do not find the amendment.

Mr. PENROSE. I have the floor, Mr. President.

The VICE-PRESIDENT. It is the amendment on page 11, line 10.

Mr. PENROSE. I believe I have the floor. I have not yielded the floor to the Senator from Wisconsin for the purpose of making an inquiry.

Mr. LA FOLLETTE. I do not know whether or not the Senator has the floor. I was in my seat and addressed the Chair, and was recognized by him.

The VICE-PRESIDENT. Senators will be in order. The Senator from Wisconsin rose to make a proper inquiry.

Mr. PENROSE. I have no doubt——

The VICE-PRESIDENT. The Chair will answer the Senator from Wisconsin. The amendment is in line 10, page 11. The Senator from Pennsylvania is in order.

Mr. PENROSE. I did not understand, Mr. President, that I had yielded to the Senator from Wisconsin for the purpose of making an inquiry.

The VICE-PRESIDENT. The Senator from Pennsylvania.

Mr. PENROSE. As I have heretofore explained, I now offer by direction of the Committee on Post-Offices and Post-Roads several amendments to the phraseology of the following paragraphs to correspond with the reduction of the total amount.

The VICE-PRESIDENT. The amendments proposed by the Senator from Pennsylvania on behalf of the committee will be stated.

The SECRETARY. On page 7, at the end of line 23, after the word "stations," it is proposed to strike out "eighty-four," and insert "sixty."

The amendment was agreed to.

The SECRETARY. On page 8, line 9, after the word "stations," it is proposed to strike out "one hundred and thirteen" and insert "one hundred and eighteen."

The amendment was agreed to.

The SECRETARY. On page 8, line 20, after the word "stations," it is proposed to strike out "one hundred and seventeen" and insert "one hundred and five."

The amendment was agreed to.

The SECRETARY. On page 9, line 6, after the word "stations," it is proposed to strike out "one hundred and sixty-two" and insert "one hundred and twenty-two."

The amendment was agreed to.

The SECRETARY. On page 9, line 18, after the word "stations," it is proposed to strike out "four hundred and thirteen" and insert "three hundred and sixty-nine."

The amendment was agreed to.

The SECRETARY. On page 10, line 5, after the word "stations," it is proposed to strike out "six hundred and thirty" and insert "six hundred and six."

The amendment was agreed to.

The SECRETARY. On page 10, line 14, after the word "stations," it is proposed to strike out "six thousand nine hundred and sixty-one" and insert "five thousand six hundred."

The amendment was agreed to.

The SECRETARY. On page 10, line 19, after the word "stations," it is proposed to strike out "seven thousand eight hundred and fifteen" and insert "eight thousand three hundred and fifteen."

The amendment was agreed to.

The SECRETARY. On page 10, line 24, after the word "matter," it is proposed to strike out "six thousand" and insert "seven thousand."

The amendment was agreed to.

Mr. PENROSE. The amendment of the committee on page 11, line 10, was stated by the Secretary, but has not yet been acted upon.

The VICE-PRESIDENT. The question is on agreeing to the amendment referred to by the Senator from Pennsylvania.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 13, line 18, before the word "thousand," to insert "and seventy-five," so as to read:

For rent, light, and fuel for first, second, and third class post-offices, $3,975,000, of which sum not to exceed $50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 14, line 6, before the word "thousand," to insert "and fifteen," so as to make the clause read:

For miscellaneous items necessary and incidental to post-offices of the first and second class, $315,000.

The amendment was agreed to.

The next amendment was, on page 14, line 20, after the word "service," to insert "and for the pay of letter carriers in second-class post-offices eligible for promotion to the fifth grade, $155,000;" in line 22, before the word "twenty-nine," to insert "In all;" in line 23, before the word "hundred," to strike out "four" and insert "six;" and in line 23, before the word "thousand," to strike out "sixty-eight" and insert "twenty-three," so as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service, and for the pay of letter carriers in second-class post-offices eligible for promotion to the fifth grade, $155,000. In all, $29,623,500.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the word "thousand," to strike out "and twenty," so as to make the clause read:

For pay of letter carriers, substitute and auxiliary letter carriers at new offices entitled to city delivery service, $100,000, of which sum $20,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 16, line 23, before the word "dollars," to strike out "one million" and insert "nine hundred thousand;" and in the same line, after the word "dollars," to strike out "and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, $1,388,759, under the provisions of the law, for a period not exceeding ten years," so as to make the clause read:

For the transmission of mail by pneumatic tubes or other similar devices, $900,000.

The amendment was agreed to.

The next amendment was, on page 18, line 6, before the word "thousand," to strike out "and sixty-eight," so as to make the clause read:

For inland transportation by railroad routes, $46,500,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to insert:

That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of mails on railroad routes from and after the 1st day of July, 1910, upon the conditions and at the rates provided by law, the average daily weight to be ascertained, in every case, by the actual simultaneous weighing of the mails for thirty-five successive days, commencing on such date as the Postmaster-General may designate each year, and the result to be stated and verified in such form and manner as the Postmaster-General may direct, and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer route or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route; and the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route, and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law.

Mr. LA FOLLETTE. Mr. President, is this the amendment on page 18?

The VICE-PRESIDENT. It is the amendment on pages 18 and 19.

Mr. LA FOLLETTE. I should like to ask the chairman of the committee in charge of this bill, approximately, what additional cost that will impose upon the Post-Office Department annually?

Mr. PENROSE. Mr. President, I would say for this amendment that it is the same amendment, I believe, in identical phraseology——

Mr. LA FOLLETTE. I understand that.

Mr. PENROSE. If the Senator will wait one moment until I lead up to his question—which passed the Senate at its last session without any opposition. It is strongly recommended by the Postmaster-General, and when the matter comes up for debate, if it does, I shall have his letter read.

At the last session of Congress the amendment went out in the House, and I have no idea that the House will concur in it this year. Rather than have any prolonged debate I would be willing to sacrifice the paragraph; and, in any event, if it is going to lead to any prolonged debate now, I would suggest that we pass this item over and finish the remainder of the bill.

As to the exact increase that this will cause the department, I believe the Senator from Montana [Mr. CARTER] has looked a little more carefully into the matter than I have, and I would ask him to explain it.

Mr. CARTER. Mr. President, the mail is now being weighed in one-fourth of the country every year. As the Senator from Wisconsin [Mr. LA FOLLETTE] knows, the country is divided into four districts, and all the mail in each district is weighed once in four years. The purpose of the department in making the recommendation is to secure uniform weighing throughout the country simultaneously. A slight computation will show that the weighing every four years in a given district is conducted for one hundred and five days consecutively. This amendment proposes to have weighing done throughout the whole country for a period of thirty-five days each year.

The exact difference in cost between weighing each year for thirty-five days or once in four years for one hundred and five days is somewhat difficult to compute. The opinion of the department, as expressed by the officers whom I have consulted, is that there will be no considerable increase of expense, although there probably will be some increase in computations at Washington. I believe that is the view the department has expressed on the subject.

The letter of the Postmaster-General on this phase of the questions contains a statement which I will read, from page 159 of the print of the appropriation bill of last year, which is available at the room of the committee, and I think in the document room. After certain computations the statement runs as follows:

From the above it appears that the probable expense of a one hundred and five days' weighing (that is, ninety working days, as provided for by present law) would be $1,388,461.78. This covers the expense of weighing the mails throughout the entire country, and covers a period of four years. It also appears that the cost of a thirty-five days' weighing for the entire country would be approximately $462,820.59, but for one year's weighing only. The cost, therefore, of the weighings for four years upon this basis would be four times this amount, or $1,851,282.36. Therefore the difference between these aggregates would be $462,820.58, and represents the increased cost for a period of four years if annual weighings upon the thirty-five days' basis were inaugurated, or an average increase per anum of $115,705.14.

That is a computation which is only approximate, but is probably pretty liberal in allowance.

Mr. LA FOLLETTE. I was not able to hear plainly enough to determine just what the $115,000 refers to. I caught the figures, but lost the rest of it.

Mr. CARTER. The annual increase would be, according to the statement of the Postmaster-General——

Mr. LA FOLLETTE. That is, the increase in expense?

Mr. CARTER. In the expense of weighing annually instead of quadrennially.

Mr. LA FOLLETTE. Yes, sir.

Mr. CARTER. For thirty-five days annually instead of one hundred and five days every four years, it would make an additional expense of $115,705.14 per annum.

Mr. LA FOLLETTE. Let me ask the Senator, before he takes his seat, at what time in the year the mails would be weighed under the proposed amendment, if he has the information?

Mr. CARTER. That has been thoroughly considered at different times. First, it was proposed to fix the date upon which the weighing should commence, but it was suggested, and, I think, very aptly, too, that this would warn the railroads of the time when the weighing was to occur and perchance aid in padding the weights at that time. In order to guard against such a contingency the Postmaster-General is given authority to fix the date at which the weighing shall begin, and, it is assumed, would fix a date covering a period following, which would give a fair average for the year.

Mr. LA FOLLETTE. I should like to propound another inquiry to the Senator from Montana, who seems to be informed

about this amendment. What probable increase will this reweighing of the mails make in the amounts that the railroads will receive from the Government for carrying the mail?

Mr. CARTER. That, of course, depends upon the growth of the country. I believe the average increase in four years, for a period of many years past, has been about 28 per cent in the weight of the mail, or 7 per cent per year. I think the increase is somewhat less than 28 per cent, and the annual increase, therefore, between 6 and 7 per cent. Seven per cent may be a round statement, or 6 per cent may be. The mail increases in volume more rapidly some years than other years, but there has not been a decrease, so far as I am advised, during any year over a preceding year.

According to the figures stated, the increase of weight each year would be between 6 and 7 per cent of the aggregate weight of the preceding year. The amount of expense I have not computed, and it could not be computed without taking into consideration the fact that the adjustment occurs every four years. This would subdivide it. Probably the average weight of the mail for the period of four years would be about one-half the increase during the four years, or, say, not to exceed 14 per cent—7 per cent per year. The exact amount in dollars and cents can not well be computed, because we are not advised as to what the weights will be. The Senator can make a computation, I presume, upon the theory that there will be 6 to 7 per cent increase annually.

Mr. LA FOLLETTE. I have not been able since the bill came up for consideration to get any data from which I could make that computation. A member of the House Committee on the Post-Office and Post-Roads sent me a statement referring to this very amendment, from which I read the following:

This amendment will mean an increase of cost in the transportation of the mails of $2,500,000 to $3,000,000.

That is, it will increase the pay of the railroad companies for transporting the mails to that amount.

It will be remembered, Mr. President, that at the time the last appropriation bill was passed, two years ago, there was an effort to incorporate into the bill an amendment with respect to the divisor employed by the Post-Office Department in computing mail weights for a week's weighing, as I remember now—I am stating it from recollection—it having been the practice of the Post-Office Department to weigh the mails for a certain number of days and then compute the average by using as a divisor, not the number of days on which the mails had been actually weighed, but by using a smaller divisor, resulting in a false average and in paying the railroads for carrying the mails several million dollars a year more than they were justly entitled to receive. I recall that an amendment to correct this evil practice was placed upon the post-office appropriation bill in the Senate, and that it was dropped from the bill in conference.

I am informed that the Post-Office Department, recognizing the justice of the purpose of that amendment and the wrongfulness of the established practice in the department, made new rules for weighing the mails and corrected the wrong.

The result of that action has been a reduction in the compensation which the railroads receive, as the railroads now claim, of three or four million dollars.

This proposed new system of weighing, according to the information which has been submitted to me and which I just read, stating my authority, will give the railroads more than half as much extra pay as they have lost by reason of the correction of the average weights of mail matter carried.

No one will contend that the railroad companies ought to carry the mail for less than is reasonable. This proposition to weigh the mail once a year instead of once in four years, upon its face, looks reasonable. If the companies received no more than a reasonable sum for their service, it is not just that the weights should be fixed at a given period, and they be required through four years from that period to carry the mail at that weight, while there is a constant increase in the weight each year throughout the four-year period. But, Mr. President, I am confident that the railway companies are grossly overpaid for their services in transporting the mails, and that, equitably, they have not in fact any claim to make for an increase in pay because of any possible increase in weight, however fair it may appear upon its face.

Mr. President, the Senator from Pennsylvania excused his opposition to the increase in pay for employees in the Railway Mail Service on the ground that it is necessary to protect the Treasury against the draught which would have resulted from the adoption of that amendment. If he had applied the same rule and been as considerate in protecting the Treasury against the large increase which this amendment will certainly make in favor of the railroads, he would not have reported it for concurrence, because it can only result in making a tax of some two or three million dollars upon the Treasury.

Mr. President, in view of that fact, I make the point of order that this amendment is general legislation upon an appropriation bill.

Mr. PENROSE. Before a ruling is made, I should like to correct a statement——

Mr. LA FOLLETTE. I withhold the point of order.

Mr. PENROSE. Made with a looseness that is not unusual with the Senator from Wisconsin, that two or three million dollars are involved in this amendment. From the best investigation which I can make I find that it is a matter of about $100,000 additional cost, with perhaps a saving to the Government by the adoption of the paragraph. But, as I told the Senator in the beginning, I do not care whether the amendment remains in the bill or not.

Mr. LA FOLLETTE. Before I raise the point of order again I will say that the Senator from Pennsylvania evidently heard only a part of what I said on the subject. I understand perfectly well that the extra cost of weighing the mail once a year is something over $100,000. I was able, in the rush this morning, to get that information over the telephone from the Postmaster-General. That was as near as he could estimate it.

But in addition this amendment will impose upon the Treasury a tax of some two or three million dollars in the form of additional pay to the railroads; and I am informed by the same authority upon which I make this statement—a member of the Committee on Post-Offices and Post-Roads of the House—that there has been a large railway lobby here asking the enactment of this proposition. I do not know whether they constitute the people referred to by the Senator from Pennsylvania this morning when he said that there were gentlemen waiting who were anxious to have the bill disposed of.

Mr. President, I make the point of order against the amendment.

Mr. CARTER. I ask the Senator from Wisconsin to withhold the point of order.

Mr. LA FOLLETTE. I withhold it for a moment.

Mr. CARTER. Mr. President, in order that the persuasive reasons advanced by the Postmaster-General—presented to the committee in the form of letters last year on the amendment then adopted, which was identical with the one now under consideration—may appear, I ask unanimous consent to insert in the RECORD as a part of my remarks the letters of the Postmaster-General relating to this question. They are instructive and set forth the reasons that impelled the committee to place the amendment in the bill.

The VICE-PRESIDENT. Without objection, permission is granted.

The letters referred to are as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 23, 1908.

Hon. BOIES PENROSE,
Chairman of Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the request to be advised with reference to the bill S. 6157, introduced by Senator CARTER on March 16, 1908, "To provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails," I have to state as follows:

The bill is identical, with one exception, with the revision made by the department of a draft of a provision submitted by the House Committee on the Post-Office and Post-Roads, and with the changes hereinafter suggested meets with the approval of the department, provided the Congress sees fit to thereby increase the expenditures for transportation of the mails by railroad routes. The compensation for carrying the mails on each route is now adjusted upon a quadrennial weighing. Such adjustment continues without change in the rate of pay for the succeeding four years. Inasmuch as the country is growing rapidly and the weights of mails are therefore proportionately increasing, it is often insisted by railroad companies that if the rate of compensation is no more than adequate at the time of the weighing (and they claim that it is not) it becomes inadequate for the increased service performed before the net quadrennial weighing. An annual weighing would give a readjustment upon the annual increase of the weights of mails and would appear to be equitable and fair. It should, however, be borne in mind that such a provision would increase the gross amount paid for such transportation of the mails and would also add to the annual expense incident to the weighing of the mails. Under the present practice the routes are weighed once in every four years.

The increase in the weight of mails occurring during a four-year period is not represented by increase in rate of compensation until the adjustment for the succeeding term, which adjustment continues for the next succeeding four years. Under the provisions of this bill the adjustment would continue for only one year and the companies would receive the increased compensation each succeeding year for the increase in weight for each preceding year.

A careful estimate has been made as to the probable increase in the expense for the weighing of the mails—that is, for weighers, tabulators, etc. The following table will show the actual cost for the last four weighings by sections, the estimated cost for each of said sections for thirty-five days based upon the actual cost for the weighing period, and

the estimated cost by sections for one hundred and five days based upon the same rate:

Weighings.	Number of days.	Actual cost paid weighers, etc.	Estimated cost if weighing had lasted only 35 days.	Estimated cost if weighing had continued for 105 days.
Second section, 1904	84	$108,521.79	$45,217.55	$135,652.65
First section, 1904	70	280,817.17	122,094.42	366,283.26
First section, 1905	91			
Fourth section, 1906	105	296,726.66	98,908.89	296,726.66
Third section, 1907	105	589,799.21	196,599.73	589,799.21
Total			462,820.59	1,388,461.78

From the above it appears that the probable expense of a one hundred and five days' weighing—that is, ninety working days, as provided for by present law—would be $1,388,461.78. This covers the expense of weighing the mails throughout the entire country, and covers a period of four years. It also appears that the cost of a thirty-five days' weighing for the entire country would be approximately $462,820.59, *but for one year's weighing only.* The cost, therefore, of the weighings for four years upon this basis would be four times this amount, or $1,851,282.36. Therefore the difference between these aggregates would be $462,820.58, and represents the increased cost for a period of four years if annual weighings upon the thirty-five days' basis were inaugurated, or an average increase per annum of $115,705.14.

As to the specific provisions of the bill, I have the following to say:

In lines 9 and 10 provision is made for commencing the weighing the first Monday in March each year. It is believed in the Department that such a provision would be inadvisable. It has been customary to weigh the mails in the New England section, for instance, in the fall of the year, for the reason that it is believed to furnish a better average than a weighing at any other season. There are a few exceptional cases also, such as summer routes, where it becomes necessary to weigh at a different season than that during which other routes are weighed. Moreover, where the period is absolutely fixed by law there would be no discretion left in the Postmaster-General to extend a weighing to meet unusual and extraordinary emergencies that might arise in special localities. In lieu of this provision I would suggest the words, following the word "days," in line 9, "at such time, each year."

The bill further provides for the use of the whole number of days included in the weighing period as a divisor for obtaining the average daily weight. This will give legislative expression to the present practice of the department, based upon my order No. 412, of June 7, 1907.

The bill further provides for an equalization of cost of transportation where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service. This will give legislative expression to the practice of the department recently adopted.

The immediate administrative difficulty in administering such a law will be in the completion of the adjustments with the present limited force of the Division of Railway Adjustments. It is apparent that so far as computations for adjustments and the work consequent thereto are concerned there will be four times the amount of work that is now required. It will be impossible for the present force to complete that work within the time necessary to make proper payments to the railroad companies. It is believed, however, that this difficulty can be overcome until adequate provision is made in the legislative bill for additional force if provision is made which will permit not only the tabulation to be done at Washington, but the employment of tabulators in assisting upon the computations and adjustments. In order to clearly provide for this work, it is suggested that the last paragraph of the proposed bill be modified by the insertion of the words "and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations" after the word "Columbia," in line 21.

The provision, as changed by these suggestions, would read as follows:

"That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of the mails on railroad routes from and after the 1st day of July, 1909, upon the conditions and at the rates provided by law, the average daily weight to be ascertained in every case by the actual weighing of the mails for thirty-five successive days, at such times each year after June 30, 1908, and the result to be stated and verified in such form and manner as the Postmaster-General may direct; and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route. And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

"And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

Faithfully, yours,

G. v. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 23, 1908.

Hon. BOIES PENROSE,
Chairman of Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring further to the request to be advised in regard to bill S. 6157, introduced by Senator CARTER on March 16, 1908, "To provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails," and to my letter of the 23d instant, I wish to call more specific attention to the practice of the department in regard to the equalization of cost of transportation where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the service, which the bill provides for as a matter of legislation, among others.

In my annual report for the fiscal year ended June 30, 1907, on page 24 attention was called to this new feature of economy in readjustments, and I said as follows:

"The elements of expedition, efficiency, and economy are given consideration in arranging for the transportation of mails on railroads. Where through mails are concerned, the department often has the choice of competing routes. A competing route may be shorter than another, it may be more economical by reason of being a land-grant route, or it may perform important terminal or transfer functions which must otherwise be provided for by the department. After the transportation of the mails has been established over a route and the train schedules remain satisfactory it is not advisable to divert mails merely because a competing route offers to make a satisfactory schedule. The facts that the transportation has been established over such route, that the company has furnished the necessary facilities for their carriage, and that railway postal clerks have been assigned to duty with reference to such mail routing are given due consideration, and if the company carrying the mails can furnish as advantageous service as the competing company it is not advisable to take the mails away from it. Where the department has the opportunity of dispatching mails by competing routes, one of which is shorter or otherwise less expensive than the other, it appears to be but just to the Government, when such mails are allowed to remain with the longer or more expensive route, to reduce the compensation paid therefor by the amount which the Government would save if the mails in question were dispatched by the shorter or less expensive route.

"Accordingly the policy has been inaugurated of effecting such a saving in cases of this character arising at the beginning of a contract term, and has been applied in some prominent instances in the readjustments in the third contract section."

While it is impracticable at present to give an accurate statement of the amount of saving to the Government which will result for one contract term even upon the application of this principle to the whole service, it may nevertheless be asserted with entire assurance that the economy will be very considerable. This will be apparent when it is remembered that there is a movement of large volumes of through mails between large commercial and postal centers of the country, as, for instance, between New York and Chicago, New York and Washington, Washington and Jacksonville, Chicago and St. Louis, St. Louis and Kansas City, Chicago and Union Pacific Transfer, Iowa, and the Middle West centers and the Southwest and West. Specific figures can not be given, however, until weighings are had, the mails concerned segregated, and the weights ascertained and their values determined. The importance of such economy is indicated, however, by the facts in one case in the third contract section, where the department secured the benefit of an equalization of the cost of transporting through mails between Chicago, Ill., and Union Pacific Transfer, Iowa. That computation has been completed and indicates the probable saving of approximately $20,000 a year. This is but one case, and it is believed that the department's efforts in this direction will result in a large annual saving to the Government. While it is the purpose of the department to continue this practice, the desirability of a specific direction by Congress to the same effect is recognized.

Faithfully, yours,

G. v. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 5, 1908.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the request of Senator CARTER that the committee be furnished with a statement of the increase in weights of mails carried by railroads over the entire country for the past four years, I have the honor to submit the following:

It is impracticable to furnish a statement of the increase in the average daily weights for the entire country for any one period of four years, inasmuch as the country is divided into four weighing sections and the weighing of these succeed each other annually, thus making a weighing in any one section occur once only in four years, but not simultaneous with weighings in other sections. The increase in average daily weights at these several weighings will practically represent, however, the increase in the average daily weights for the entire country, providing the weighings were held simultaneously. The following statement will show these increases:

Section 1, weighed 1901, adjusted from July 1, 1901, to June 30, 1905: Increase in average daily weight shown by this weighing 908,436 pounds, or 28.66 per cent.

Section 2, weighed in 1900, adjusted from July 1, 1900, to June 30, 1904: Increase in average daily weight shown by this weighing 219,898 pounds, or 24.27 per cent.

Section 3, weighed in 1903, adjusted from July 1, 1903, to June 30, 1907: Increase in average daily weight shown by this weighing, 559,798 pounds, or 11.97 per cent.

Section 4, weighed in 1902, adjusted from July 1, 1902, to June 30, 1906: Increase in average daily weight shown by this weighing, 1,089,355 pounds, or 69.02 per cent.

Total increase in average daily weights for all sections, 2,777,487 pounds, or 26.89 per cent.

This represents approximately the increase in the average daily weight of the mails for a period of four years.

Faithfully, yours,

G. v. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 15, 1908.

Hon. BOIES PENROSE,
Chairman of Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your attention is respectfully invited to the recommendation made in my report for the fiscal year ended June 30, 1907, upon pages 23 and 24, as follows:

"The act of March 3, 1875 (18 Stat. L., 341), authorizes the payment of the expenses of weighing the mails from the appropriations for rail-

road transportation. The weighing is done in cars and at railroad stations by employees of the department. The results are tabulated in the offices of the superintendents of railway mail service at division headquarters and are then certified to the department, where the average daily weights are computed. For the purpose of securing the greatest economy and uniformity of method it is desirable to have the tabulations made in the department. I therefore recommend that Congress authorize the renting of suitable quarters in Washington to accommodate the special force of tabulators employed upon this work."

I therefore have the honor to recommend to your favorable consideration the enactment into law of the following provision, namely:

"And out of the appropriation for inland transportation by railroad routes the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

This provision might properly be placed under the paragraph relating to inland transportation by railroad routes, following line 20, page 18, of the postal bill, H. R. 18347, as referred to your committee.

In further explanation of this recommendation, I have the honor to submit the following:

The country is divided into four contract sections, and the mails are weighed, as provided for by law, not less frequently than once every four years. These weighings are ordered by the Second Assistant Postmaster-General, through the division of railway adjustments, and are conducted by the Railway Mail Service. Weighers are employed from available substitute railway postal clerks and others who are employed temporarily during the period. Besides those who actually weigh the mails, there are employed a certain number called "tabulators," who receive the weight cards from the clerks who weigh the mails, adjust all irregularities, and tabulate the weights that are so received daily by trains upon one sheet for each route, which, when completed, shows the total weights taken on and put off for the whole period of the weighing at each station upon the route. This weight circular is certified by the superintendent of the Railway Mail Service and is forwarded to the department, division of railway adjustments. This last-named division has charge of the adjustments of pay, and the clerks, under the direction of the superintendent of railway adjustments, compute the average daily weights for each route, using therefor the weight circular above mentioned.

It will be apparent that the work of tabulation is essentially a part of the computation of the average daily weight, and therefore of the Division of Railway Adjustments. If these tabulations were done at Washington, under the direction of the superintendent of that division, it would serve good administrative purposes. The force engaged upon the work could be better selected. They would work under one direction and according to a uniform method of procedure. Being employed at one place instead of two, three, or more, the incidental expenses would necessarily be less. Working under one direction and supervision, their services would be more efficient and more economically applied, and the number employed would consequently be less. One special feature about the matter should not be overlooked, even if there was no economy to be attained—that is, that these steps which are preliminary to the adjustment of railroad pay, a subject of such magnitude and importance, should be conducted with the greatest care in order that there may be no errors, mistakes, or wrong certifications. It is evident that this feature could be best accomplished by having these tabulations done at one point and under the direction of the division which makes and is responsible for the computations.

The expense of the weighings are paid out of the appropriation for the transportation of the mails in accordance with continuing authority of law. (Act of Mar. 3, 1875, ch. 128, 18 Stat. L., 341.) There is no additional authority of law required to have the work done and paid for by the employment of tabulators at Washington. The only difficulty in the way is that there is no office room in the department to provide for such additional clerks, and it would be necessary to rent quarters outside. It was for this purpose that the matter was brought to the attention of Congress, in order that authority might be secured to rent such quarters. The payment for the same could be made under the act above referred to. The reason that it is necessary to have additional legislation to authorize such rental is because by the act of March 3, 1877 (19 Stat. L., 370), it is provided that no contract shall be made for the rent of any building or part of any building to be used for the purposes of the Government in the District of Columbia until an appropriation therefor shall have been made in terms by Congress.

It will be seen, therefore, that this recommendation does not involve any additional expenditure excepting what would be incident to the specific authority to rent quarters in Washington for the tabulators. It is now necessary to rent rooms at some division headquarters for this work. It is believed that upon the whole economy of expenditure would be obtained as well as greater efficiency and better administration secured.

Faithfully, yours,

G. v. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 15, 1908.

Hon. BOIES PENROSE,
Chairman of Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your attention is respectfully invited to the recommendation made in my report for the fiscal year ended June 30, 1907, upon page 25, the purpose of which was to secure consideration of needed legislation to enable the department to readjust the rates of pay for railroad mail transportation in cases of the diversions of mails during a contract term. The reasons therefor are fully set forth on page 25 of my report and in the report of the Second Assistant Postmaster-General, on page 144 of the annual report for the Post-Office Department. I have set forth in my report upon the page referred to the specific language of a proposed provision of law, as follows:

"When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom, the Postmaster-General may, in his discretion, ascertain the effect of such diversion by a weighing of the mails so diverted for such number of successive working days as he may determine and have the weights stated and verified to him as in other cases, and readjust the compensation upon the routes affected accordingly: *Provided*, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on either of the routes affected."

This has been prepared in the office of the Second Assistant Postmaster-General by the officer who is charged with the duty of making adjustments and is believed to fully meet the requirements. It might properly be placed under the paragraph relating to inland transportation by railroad routes, following line 20, page 18, of the postal bill (H. R. 18347), as referred to your committee. I have the honor to recommend this to your favorable consideration.

Faithfully, yours,

G. v. L. MEYER.

Mr. PILES. I should like to ask the Senator from Montana to state what those reasons are. The papers will be put in the RECORD, but I should like to know now for my own information what the reasons are.

Mr. CARTER. Mr. President, the system of accounting in the Post-Office Department is very unsatisfactory. Some two years ago or more—indeed, three, I think—a joint committee of the two Houses was appointed to investigate the cost of carrying second-class mail matter through the mails. It had been alleged, and, I believe stated, repeatedly in the reports of the Postmasters-General, that it cost 7 cents per pound to carry second-class mail matter, whereas we were receiving only 1 cent per pound for the service. If the statement made in the Postmaster-General's report proved true, it followed, of course, that we were losing 6 cents on every pound of second-class matter carried through the mail.

The joint committee of the two Houses undertook to ascertain the correctness of the statement with reference to the 7 cents per pound. The accountants of the Post-Office Department were summoned, the Postmaster-General was brought forward, several of his assistants were examined, and we found that the Post-Office Department was utterly unable with its system or lack of system to tell anything about the cost of doing any part of the business being conducted. They alleged that one of the great difficulties in the way of stating what the second-class mail matter cost rested in the fact that the weighing over the country was not simultaneously done—that the division of the country into four districts rendered it impossible to tell, for instance, the average distance one of the monthly magazines was carried in the mail, the average distance a daily paper was carried in the mail, the average distance a weekly paper was carried in the mail, the average distance that any of the matter admitted as second-class matter was carried. That followed because the country was divided into sections, some small and some large, geographically. It was stated that if they could weigh simultaneously all over the country they could with almost unvarying certainty determine the distance parcels were carried, the amount originating at different points, and the destination of the average, and thus be able to inform the committee of the cost of doing this kind of business.

Later on, evidently impressed by the infirmity of the accounting system, being desirous of getting such data as would enable the department from time to time to make a statement of the cost, the Postmaster-General called for this annual weighing. The committee reduced the railroad pay, as I remember, about the time this recommendation was made to the amount of about $6,000,000 per annum—between $4,000,000 and $6,000,000—by reducing rates per mile and by a percentage reduction on the routes carrying lighter mail.

Following that reduction, for the purpose, as stated at the time, of getting accurate figures upon which the department could act, stating the cost, the annual weighing was recommended by the Postmaster-General and inserted in the bill.

Mr. LA FOLLETTE. If no other Senator desires to add anything to the discussion upon the paragraph, I raise the point of order.

The VICE-PRESIDENT. What is the point of order?

Mr. LA FOLLETTE. That the amendment under consideration is general legislation upon an appropriation bill.

Mr. PENROSE. I desire to say that I recognize the force of the point of order, and, as I said at the beginning, I have no desire to press this amendment if it will lead to any debate or if any Senator objects to it.

The VICE-PRESIDENT. The Chair is clearly of the opinion that the point of order is well taken, under paragraph 3 of Rule XVI, and therefore sustains the point of order. The Secretary will state the next amendment of the committee.

Mr. LA FOLLETTE. I rose to offer an amendment to a provision on page 20, but it just occurs to me that we are now considering only committee amendments, and that as the amendment is to the House text, it is not in order at this time.

The VICE-PRESIDENT. The amendment is in order now.

Mr. LA FOLLETTE. If it will be in order later, after the Senate committee amendments shall have been disposed of, I will withhold it until then.

The VICE-PRESIDENT. Without objection, it may be presented after the committee amendments shall have been disposed of.

The next amendment of the Committee on Post-Offices and Post-Roads was, in the item for Railway Mail Service, on page

21, line 18, before the word "thousand," to strike out "sixty-five" and insert "fifty-five," so as to make the clause read:

For substitutes for clerks on vacation, $55,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $23,000.

The VICE-PRESIDENT. The Senator from Nebraska [Mr. BURKETT] offered an amendment to the amendment, which is pending.

Mr. PENROSE. I ask to have inserted in the RECORD a short letter from the Postmaster-General explaining the amendment as it has been put in the bill.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 4, 1909.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

SIR: H. R. 26305, passed by the House of Representatives January 27, 1909, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, makes no provision for traveling expenses for the officials of the Railway Mail Service, the following paragraph having been dropped out of the bill:

"For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $23,000."

I would respectfully recommend that this paragraph be inserted after line 24, on page 19, of the bill as introduced in the Senate and referred to the Committee on Post-Offices and Post-Roads.

Faithfully, yours,

G. v. L. MEYER, *Postmaster-General.*

Mr. ALDRICH. The amendment just read is subject to the point of order, which will be made. I do not know whether or not the Senator from Nebraska [Mr. BURKETT] desires to be in the Senate when it is made.

Mr. BAILEY. Pass over the paragraph.

Mr. LA FOLLETTE. I have sent the secretary of the Senator from Nebraska to the committee room. I will ask that it be passed over for the moment. The Senator will be on the floor within a few moments.

Mr. PENROSE. I suggest that it be passed over.

The VICE-PRESIDENT. It will be passed over, in the absence of objection.

The next amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Fourth Assistant Postmaster," on page 25, line 24, before the word "thousand," to insert "and fifty," so as to make the clause read:

For stationery, including all money-order offices, $150,000.

The amendment was agreed to.

Mr. PENROSE. I ask permission to have inserted in the RECORD a letter from the Postmaster-General explaining the reasons for the increase.

The VICE-PRESIDENT. Without objection, permission is granted.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C. February 2, 1909.

MY DEAR SENATOR: In the post-office appropriation bill, reported from the Committee on the Post-Office and Post-Roads of the House of Representatives (H. R. 26305), several of the appropriations under the control of the Fourth Assistant Postmaster-General have been reduced.

The estimates for the fiscal year ending June 30, 1910, as recommended by this office, are exactly the same as the appropriation granted for the fiscal year ending June 30, 1909.

Earnest protest is made against the decrease in the amounts asked for in two appropriations, namely, for "stationery, including all money-order offices," and for "supplies for the city-delivery service, including letter boxes, letter-box fasteners, package boxes, posts, furniture, satchels, straps, baskets, time cards, time-card frames, time-recorder supplies, maps, transfer designs, and stencils."

The department's estimate for stationery was $150,000; this bill reduces the amount to $100,000.

On January 31, 1909, $109,777.97 had been expended from this appropriation, leaving a balance of $40,222.03, which balance will undoubtedly be expended before June 30, 1909.

In order to maintain the present high standard of efficiency covering the distribution of supplies, this appropriation should be at least as great as is provided for in the current appropriation act.

This statement applies with equal force to the appropriation covering supplies for the city-delivery service.

On the 31st day of January, 1909, $51,351.62 had been expended from the total appropriation of $90,000, leaving a balance of $38,648.38, which it will undoubtedly be necessary to expend during the remainder of the present fiscal year.

Respectfully,

G. v. L. MEYER.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 26, line 16, before the word "thousand," to strike out "five" and insert "eight," so as to make the clause read:

For blanks, books, and printed matter of urgent or special character, including the preparation, publication, and free distribution by postmasters to the public of a pamphlet containing general postal information, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, $8,000.

The amendment was agreed to.

Mr. PENROSE. I should like to have unanimous consent to insert in the RECORD a short letter from the Acting Postmaster-General explaining the amendment.

The VICE-PRESIDENT. Without objection, the letter will be inserted in the RECORD, without reading, as requested by the Senator from Pennsylvania.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, February 5, 1909.

MY DEAR SENATOR: It was recently decided to extend the use of lead-sealed registered sack jackets in the Railway Mail Service, as it is believed that the more general use of the lead seal will be in the interest of economy, and also promote expedition in the Railway Mail Service. These seals must be purchased out of the appropriation—

"For blanks, books, and printed matter of urgent or special character, including the preparation, publication, and free distribution by postmasters to the public of a pamphlet containing general postal information, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, $5,000"—

which is under the control of the Fourth Assistant Postmaster-General.

There remains of this appropriation a balance of but $310.95, and in order to put into effect as soon as possible the plan referred to an appropriation of $1,000 for the purpose has been asked for in the general deficiency bill.

To continue the plan during the next fiscal year will necessitate an estimated expenditure of $3,000, and it is therefore requested that the amount carried in the above appropriation in the post-office appropriation bill now before your committee be increased from $5,000 to $8,000.

Respectfully,

C. P. GRANDFIELD,
Acting Postmaster-General.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 28, after line 11, to insert the following provisos:

Provided further, That the Postmaster-General, for the purpose of ascertaining the practicability of establishing a local parcel-post system on the rural delivery routes throughout the United States, be, and he is hereby, authorized and directed to experiment, and report to Congress not later than January 1, 1910, the result of such experiment, by establishing a local parcel-post system in two counties in the United States for packages originating on the rural delivery routes in said two counties, for delivery by rural carriers to patrons thereof, at such rates and under such regulations as he may prescribe: *Provided further*, That nothing herein contained shall be taken as authorizing the acceptance or delivery at the special rates of postage so prescribed of any parcel offered by any person acting as agent or representative, upon commission or otherwise, for any person or company not resident on such rural delivery routes: *And provided further*, That only such parcels shall be received for delivery at the special rates of postage so prescribed as are offered by bona fide merchants or dealers whose regular places of business are on rural delivery routes covered by this act, in the ordinary and regular course of their business, and by residents on such routes in their individual capacity; and the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions.

Mr. BAILEY. I desire to make a point of order against the amendment.

Mr. President, I submit that that amendment is general legislation, and plainly obnoxious to subdivision 3 of Rule XVI.

Mr. PENROSE. A similar objection was sustained to this paragraph last year, and I do not suppose it has grown immune since then.

The VICE-PRESIDENT. The Chair is of opinion that the proposed amendment is in contravention of the rule cited by the Senator from Texas. The Chair, therefore, sustains the point of order.

The next amendment was, on page 29, after line 15, to insert:

That so much of the unexpended balance of the appropriation of $300,000 for the special weighing of the mails, provided for by the act of March 2, 1907, making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1908, and for other purposes, as may be necessary, not exceeding $1,411.32, is hereby made immediately available for the payment of services rendered by temporary clerks and employees engaged upon the work at Washington, D. C., in lieu of leave of absence with pay earned and not received.

The amendment was agreed to.

Mr. PENROSE. I should like to have inserted a letter from the Postmaster-General and accompanying statements in connection with this amendment, if there is no objection.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 4, 1909.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

MY DEAR SENATOR: The act making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1908, pro-

vided for a special weighing of the mails and appropriated $300,000 to pay the expenses. This weighing was duly had and a report to the Postmaster-General made according to law and is printed as House Document No. 910, Sixtieth Congress, first session. By strict economy and efficient management the work was completed without the expenditure of the amount appropriated, there being $83,044.59 remaining unexpended.

In order to complete the work it was necessary during the latter part of the service to utilize the efforts of the special force of temporary clerks employed upon it to the greatest extent possible. Accordingly many of them worked overtime, for which no compensation could be paid, and relinquished such leave as was due them under the rules and practice of the department in order that all work connected with the undertaking might be completed in accordance with the plans of the department. It was the intention to grant such persons the leaves of absence to which they were entitled following June 30, 1908, but the Auditor for the Post-Office Department and the Comptroller of the Treasury decided that the appropriation lapsed after that date, and that this understanding had with the employees was not such a contract as would permit the payment of any part of the appropriation therefor subsequent to that time. The result was that by reason of the special industry and consideration shown by these clerks in the prosecution of the work as desired by the department, they lost their leave and pay for the same. The services of all employees remaining were discontinued on June 30, 1908.

I hand you herewith a memorandum giving the names and the amount due each one of the clerks who were so employed. The aggregate is $1,411.32, and I have the honor to recommend that a paragraph be included in the appropriation bill for the Post-Office Department authorizing the payment of these amounts. The following phraseology is suggested:

"That so much of the unexpended balance of the appropriation of $300,000 for the special weighing of the mails provided for by the act of March 2, 1907, making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1908, and for other purposes, as may be necessary, not exceeding $1,411.32, is hereby made available for the payment of services rendered by temporary clerks and employees engaged upon the work at Washington, D. C., in lieu of leave of absence with pay earned and not received."

Faithfully, yours,

G. v. L. MEYER.

List of clerks who have been granted leave of absence, effective in July, which were subsequently revoked.

Name.	Salary.	Period covered.	Amount.
Mrs. Mamie C. Carrico	$1,100	July 1-6	$17.74
Mrs. Laura W. Bechtel	1,000	July 1-2	5.38
Nora V. Clowe	1,000	July 1	2.69
Avis B. Damon	1,000	July 1-2	5.38
Mary A. Dodge	1,100	July 1-7	20.70
Rosa Lee	1,000	July 1-8	21.51
Zula R. Nell	1,000	July 1-6	16.13
Augusta Nicolai	1,000	July 1-7	18.82
Mrs. Alwilda B. Peake	1,000	July 1-6	16.13
Ethel L. Roach	1,100	July 1-6	17.74
Mary P. Shallenberger	1,000	July 1-3	8.06
Mrs. Carrie J. Yarnell	1,000	July 1-7	18.82
Total			169.10

Clerks who were entitled to leave in July, but were not granted any leave because of the decision of the comptroller that no payment could be made for personal services out of the appropriation for the special weighing of the mails after June 30, 1908.

Name.	Salary.	Time due.			Amount.
		Days.	Hours.	Minutes.	
Ashby, Margaret	$1,000	1	5	15	$4.59
Bashford, Mrs. Augusta	1,200	17	2	0	55.76
Bohnke, Hubert C. R.	1,000	23	4	20	63.36
Carr, Margaret E.	1,200	7	5	55	25.11
Claytor, Elizabeth C.	1,200	16	0	30	51.81
Cook, Samuel B.	1,200	20	0	5	64.52
Dunlop, Maude D.	1,200	13	4	0	43.78
Erb, Mrs. Belle P.	1,100	14	5	50	43.72
Fridley, Daisy F.	1,200	22	3	30	72.58
Getty, Arthur R.	1,000	15	4	35	42.04
Jones, J. Arthur	1,200	17	2	55	55.99
Keenan, Mabel	1,200	8	0	30	26.04
Little, Clara U.	1,200	22	5	20	73.27
Lloyd, Alice L.	1,100	1	5	25	5.07
Loveless, Daisy L.	1,200	20	3	0	65.99
Lyon, Malcom P.	1,000	22	5	5	61.06
McCormick, Frank H.	1,100	6	6	5	20.27
Metcalf, Mrs. Elizabeth A.	1,200	15	6	25	51.15
Murphy, William A.	1,200	6	1	0	19.81
Roberts, Mrs. Mary R.	1,200	24	4	15	79.26
Ryan, Edith P.	1,100	16	0	45	47.52
Schmidt, Mattie L.	1,000	10	2	40	27.83
Slater, William F.	1,200	16	0	0	51.61
Shallenberger, Ella L.	1,200	11	1	10	35.94
Stevenson, Harcourt L.	1,200	16	4	15	53.45
Walsh, Patrick H.	1,200	16	4	0	53.45
Weschler, Agnes M.	1,100	1	5	15	5.06
White, Samuel A.	1,100	14	2	25	42.24
					1,242.22
					169.10
					1,411.32

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, February 15, 1909.

Hon. W. R. ANDREWS,
Clerk Committee on Post-Offices and Post-Roads,
United States Senate.

MY DEAR COLONEL: Referring to our conversation over the phone in regard to the proposed paragraph allowing pay to the temporary clerks engaged on the special weighing for their services rendered in lieu of leave earned and not received, I inclose herewith a copy of the paragraph submitted, with the slight change, which you will observe, of the insertion of the word "immediately" before the word "available." This will enable us to pay these clerks upon the passage of the bill; otherwise they will have to wait until after July 1.

Very truly, yours,

JOSEPH STEWART,
Second Assistant Postmaster-General.

So much of the unexpended balance of the appropriation of $300,000 for the special weighing of the mails provided for by the act of March 2, 1907, making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1908, and for other purposes, as may be necessary, not exceeding $1,411.32, is hereby made immediately available for the payment of services rendered by temporary clerks and employees engaged upon the work at Washington, D. C., in lieu of leave of absence with pay earned and not received.

The next amendment was, on page 30, after line 2, to insert:

That section 3834 of the Revised Statutes be amended by striking therefrom the following words: "and where an office is designated as a money-order office, the bond of the postmaster shall contain an additional condition for the faithful performance of all duties and obligations in connection with the money-order business."

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to insert:

That to provide officers and enlisted men of the Navy and Marine Corps with facilities for the remittance of sums of money, pay officers of the navy are authorized to issue postal orders payable at any designated money-order office in the United States, the Philippine Islands, and the Canal Zone, under such regulations as the Postmaster-General and the Secretary of the Navy may jointly prescribe: *Provided*, That the regular bonds of pay officers of the navy shall cover the faithful performance of this duty, and no additional bond shall be required therefor, and that all moneys received for such orders by pay officers shall be accounted for in their regular returns: *And provided further*, That no additional compensation shall be given to pay officers of the navy for the performance of this duty.

The amendment was agreed to.

The next amendment was, on page 31, after line 15, to strike out:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day, $325,000: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to strike out:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, $35,000.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment, on page 22, which was passed over.

Mr. LA FOLLETTE. The senior Senator from Nebraska [Mr. BURKETT] has just sent word that he has found it impossible to leave the room of the Committee on Agriculture and Forestry, and he asked to have presented for him the amendment, which I think he left with the clerk, in lieu of the paragraph proposed by the committee.

The VICE-PRESIDENT. It was offered by unanimous consent and regarded as pending. It is the pending amendment. The Secretary will read, for the information of the Senate, the amendment proposed by the Senator from Nebraska.

The SECRETARY. In place of the committee amendment, on page 2, lines 5 to 10, inclusive, it is proposed to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $2,000,000: *Provided*, That from and after July 1, 1909, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed $1 per day, while away from the terminal where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.

Mr. ALDRICH. I make the point of order on the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. ALDRICH. That it is general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and sustains the point of order. The question is on agreeing to the amendment of the committee on page 22. It will be stated.

The SECRETARY. On page 22, after line 4, the committee report to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $23,000.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer an amendment, to follow the word "dollars," in line 7, on page 20.

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment, which will be read by the Secretary.

The SECRETARY. On page 20, line 7, after the word "dollars," it is proposed to insert the following proviso:

Provided, That the Postmaster-General shall make an investigation and report to Congress at its next session the cost of building and maintaining post-office cars.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, it is possible that a point of order will be made against the amendment, but before it is made I wish to submit some reasons for offering it.

It is proposed in the bill, as it now stands, to pay to the railroad companies of this country for the rental of railway mail cars used in the service $4,800,000. This large amount is to be paid to the railroad companies for the use of the post-office cars in which the mail is carried and is additional to the $46,000,000 paid for carrying the mails.

In the brief time I have had to-day I have not been able to investigate the reports of the different Postmasters-General with reference to this particular proposition, but I remember that while I was a Member of the House in 1887 Postmaster-General Vilas made a recommendation in his annual report of that year. I have it before me, and I will read briefly from it for the information of the Senate.

This bill, carrying as it does $4,800,000 for car rental, makes an allowance to the railroad companies of the country for the mere use of these cars $4,229 per car, on the average. I do not know that any observations of mine or any authorities that I might offer here are needed to emphasize the fact that that is an extravagant rental for the use of those cars.

Mr. KEAN. Mr. President, unless the Senator cares to go on with his remarks, I wish to say that I am going to make a point of order on the amendment.

Mr. LA FOLLETTE. I do care to go on with my remarks for a little time, as I stated when I rose.

Mr. KEAN. I will certainly withhold it, then.

Mr. LA FOLLETTE. Postmaster-General Vilas, in his report in 1887, had this to say upon the subject of the rental of cars at that time, and I read only briefly from his report:

It is within bounds to affirm that all these cars—

That is, the railway mail cars—

might be to-day purchased or their duplicates manufactured for $1,600,000; add for cleaning, etc., as above—

That is, the care of the cars and keeping them in order for use. I ought to have said that this compensation is not only for rental, but requires the railroad companies to keep the cars in use in order—that is, cleaned and repaired. But Postmaster-General Vilas took all that into account in the recommendation he made which followed the portion of his report from which I am now reading:

It is within bounds to affirm that all these might be to-day purchased, or their duplicates manufactured, for $1,600,000; add for cleaning, etc., as above, at $720 per year each for 342 in use, $246,240, the total is reached of but $1,846,240. Yet simply for the use of these cars for the last year, including cleaning, etc., the department was under the annual rate of charge by the existing system of $1,881,580; and the estimate deemed necessary to submit in prudent provision for the coming fiscal year, on the same basis, is $2,000,000.

Reference to special instances in the annexed table of the longer lines discovers greater disparity than the average. In illustration, $59,037.75 is annually paid on one line for the use of 4 cars that might be built and fully equipped in the best modern style for less than $17,500. And this in addition to the full-weight pay for transportation, amounting in the case mentioned to $504,573.69.

Instead, then, of appropriating $2,000,000 to rent the use of these cars for the coming year, why should not the appropriation be of a smaller sum to buy them, and of another—say $250,000—for their keeping, the two together not aggregating the proposed rent? The department will thereafter gain at least $1,500,000 per year while sustaining the cost of casualties.

Mr. President, conditions have changed somewhat since that time. The cost of manufacturing cars has increased somewhat, I have no doubt, but, all that considered, it seems to me an unjustifiable extravagance to pay an annual rental for these railway mail cars almost sufficient to enable the Government to build and own the cars. These cars are railway post-offices. They are post-offices like the local post-offices, except that they are movable. The Government appropriates large sums of money to erect post-office buildings all over this country, and it is simply logically carrying out the plan of the Government owning its own post-office buildings. Here it can be done at an enormous saving to the taxpayers of the country.

If the committees of Congress are anxious to reduce this growing deficiency of the Post-Office Department, here, I submit, is a pretty good place to begin.

Mr. President, in view of the changed conditions since the time when this report was made, I have thought it best to offer the amendment in the form in which I submit it; that is, that the Postmaster-General be asked to make an investigation and report to the next Congress his conclusions with respect to this matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. KEAN. I make the point of order that it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes general legislation, and is therefore in contravention of the rule. The Chair sustains the point of order.

Mr. McCUMBER. I move to add at the end of the bill the following:

That on and after July 1, 1909, all rural carriers now serving daily routes of 24 miles or more shall receive as compensation for such service the sum of $1,200 per annum, payable in equal monthly installments; those serving daily routes of less than 24 miles shall receive as compensation such proportion of $1,200 as the miles of the routes served by them bears to 24 miles: *Provided*, That fractions of 1 mile shall not be considered in fixing such salary: *And provided further*, That no compensation shall be less than $600.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I should like to ask the Senator in charge of the bill a question or two before giving my reasons for the amendment. I should like to ask the Senator from Pennsylvania what is the compensation of those delivering mail in the cities at the present time?

Mr. PENROSE. They are graded; the lowest grade being $600 and the highest $1,200.

Mr. McCUMBER. Thank you. I understand that they are graded according to length of service. They average perhaps——

Mr. PENROSE. I should like to correct the Senator in that statement. They are graded on an efficiency record, I understand, promotions being made according to efficiency.

Mr. McCUMBER. Very well. The probabilities are that to 90 per cent at least within a year or two there will be paid $1,200 per annum for each person engaged in city delivery. I notice that the rural-route delivery men receive all the way from $540 to $900 per annum, according to the length of their routes.

This amendment is intended to bring about as near as practicable a proper relation between the compensation paid one class of letter carriers and the compensation paid another class. I can see no good reason why the person delivering in a city, carrying a little sack with him—his only implement or vehicle, and that not even at his expense—should receive a greater compensation than the man who must drive in the country from 15 to 25 miles and must keep at least three horses and in most cases four, who must keep vehicles and must pay for provisions for those horses during that time.

It is safe to say that, considering the number of horses necessary for continuous work during the entire year, on an average four would not be too many. It is safe to say also, Mr. President, that those horses will depreciate in value, used on the road in all kinds of weather, under all conditions, about 20 per cent per year, and that the vehicles used will depreciate about the same amount per year. So the result is, when you get through, that the highest salary of the rural carrier is not more than about $700. I had an estimate before me some time ago from one of the letter carriers in the country to the effect that during the months of January, February, and March he paid more for horse feed than he got back in salary for the work during that particular period.

I appreciate the fact that the Senator from Pennsylvania is attempting to hold this bill as low as possible, considering the state of the Treasury, but this Congress has been voting pretty large salaries, in very many instances far beyond that which I think just and right; and it seems to me that the proper place to raise a salary should be to the man who is not receiving a proper compensation rather than taking those who are receiving the highest possible compensation. If there is any cutting to be done, it should be done in other lines than in the matter of the

salaries of those who perform the great service in carrying the mails through the country in all times of the year and under all conditions of climatic changes.

If the Senator would visit some of the Western and Northwestern States during the months of January, February, and March, the periods in which we are likely to have blizzards, and understand and appreciate the courage it takes for a carrier to venture out under such conditions, and the necessary expenses that are connected with those trips which are not taken into consideration, he would agree with me that the rural carriers are grossly underpaid, and that we should do something to raise the price paid for the services of the rural carriers so that their compensation may bear a just relation to that of other mail carriers.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

Mr. ALDRICH. I feel constrained to make the point of order that it is general legislation.

Mr. McCUMBER. I did not understand what the point of order is. The amendment simply provides for the payment of the salaries of certain classes. I can not understand that it is general legislation any more than the whole bill is general legislation.

Mr. ALDRICH. It is an additional item in the appropriation bill not estimated for and not recommended by a standing committee.

Mr. McCUMBER. I did not understand the Senator.

Mr. ALDRICH. It adds to an item in the bill, and it is not estimated for.

Mr. McCUMBER. You may make the point of order on that ground, but not on the ground of general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and therefore sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARMY APPROPRIATION BILL.

Mr. WARREN. From the Committee on Military Affairs I report back, with amendments, the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, and I submit a report (No. 1035) thereon. I wish to give notice that I shall ask the Senate to take up the bill at the earliest practicable moment.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. LA FOLLETTE. Mr. President, I should like to inquire of the Senator from Wyoming if by that notice he means that the bill will be taken up to-morrow?

Mr. WARREN. I shall be glad to take it up to-morrow, but I expect to wait until the course of business to-morrow may be developed. The bill will be printed.

Mr. LA FOLLETTE. The bill will not be accessible to the members of the Senate until to-morrow?

Mr. WARREN. Not until to-morrow morning.

Mr. LA FOLLETTE. And I would now request the Senator to allow one day for the examination of the bill after it is printed before he takes it up.

Mr. WARREN. Mr. President, I drew the attention of the Senate to the fact that I was reporting it to-night for the purpose of having Senators in the morning and during the early part of the day examine the bill and the report of the committee that accompanies it. I shall not undertake to crowd it early; but I want to get it up, if I can, some time during the day to-morrow and proceed as far as we may, or finish the bill, as the case may be.

Mr. LA FOLLETTE. I inquire if the bill is accompanied by a report?

Mr. WARREN. It is.

Mr. LA FOLLETTE. Is it a report which deals with the subject with some fullness?

Mr. WARREN. First, the report of the House committee will explain the bill as it was reported to the House; second, the report of the Senate committee will show every change made in the bill as it came from the House, giving the different items and the amount of increase or decrease.

Mr. LA FOLLETTE. And the reasons for the change?

Mr. WARREN. The reasons are not given in the report, but the reasons will be forthcoming from time to time from the estimates and from other papers, if they are asked for.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 19, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1909.

SECRETARY OF EMBASSY.

Gustave Scholle, of Minnesota, to be third secretary of the embassy of the United States at Berlin, Germany, vice Arthur Orr, appointed to be third secretary of the embassy at London.

CONFIRMATIONS.

Nominations confirmed by the Senate February 18, 1909.

CONSULS.

Dominic I. Murphy to be consul at St. Gall, Switzerland.

Isaac A. Manning, of Oregon, to be consul at La Guaira, Venezuela.

THIRD SECRETARY OF EMBASSY.

A. Campbell Turner to be third secretary of the embassy of the United States at Constantinople, Turkey.

UNITED STATES ATTORNEY.

Charlton Reid Beattie to be United States attorney for the eastern district of Louisiana.

MEMBER OF EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa to be a member of the executive council of Porto Rico.

ASSOCIATE JUSTICE SUPREME COURT OF HAWAII.

Arthur A. Wilder to be associate justice of the supreme court of the Territory of Hawaii.

CIRCUIT JUDGE FOR HAWAII.

Alexander Lindsay, jr., to be second judge of the circuit court of the first circuit of the Territory of Hawaii.

POSTMASTERS.

CALIFORNIA.

James S. Bridenstine, at Holtville, Cal.
Eli H. Wells, at Willits, Cal.

FLORIDA.

Charles N. Hildreth, jr., at Liveoak, Fla.

HAWAII.

Charles A. De Cew, at Waialua, Hawaii.
Arthur J. Stillman, at Kohala, Hawaii.

LOUISIANA.

Lavinia Insley, at Delhi, La.
Charles Moritz, at Vidalia, La.
Jacob Pionsky, at Washington, La.

NEW YORK.

Hiro J. Settle, at Ballston Spa, N. Y.

OREGON.

Edgar Hostetler, at The Dalles, Oreg.

PENNSYLVANIA.

Lehman E. Gantt, at Newport, Pa.
Aaron Hostetter, at Hanover, Pa.
Lyman L. Shattuck, at Pleasantville, Pa.

SOUTH CAROLINA.

Bernhard Levy, at Walterboro, S. C.
Albert S. Powell, at Piedmont, S. C.

WEST VIRGINIA.

William R. Brown, at West Union, W. Va.

WISCONSIN.

Charles F. Fine, at Hillsboro, Wis.
Martin A. Lien, at Black River Falls, Wis.
Frank J. Wiley, at Hancock, Wis.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 18, 1909.*

[*Continuation of legislative day of Monday, February 15, 1909.*]

The recess having expired, the House was called to order at 11 o'clock a. m. by the Speaker.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a report from the Commitee on Rules, which the Clerk will read.

The Clerk read as follows:

House resolution 573.

Resolved, That the conference report on the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, be, and hereby is, disagreed to; that the House insists on its disagreement to the Senate amendments to the said bill and asks a further conference with the Senate.

House concurrent resolution 67.

Resolved by the House of Representatives (the Senate concurring), That the conferees on the disagreements of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, be, and hereby are, authorized to take into consideration as if in disagreement the portion of the said bill relating to the salary of the Secretary of State, and also to report on any provision in relation to the law affecting said salary.

Mr. DALZELL. Mr. Speaker, on that I ask the previous question.

Mr. LIVINGSTON. Mr. Speaker, may I ask the gentleman from Pennsylvania if there will be any time for discussion?

Mr. DALZELL. Mr. Speaker, there will be twenty minutes on a side for discussion after the previous question is ordered.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 51, noes 30.

Mr. WILLIAMS. Mr. Speaker, I am afraid I will have to call the attention of the Chair to the fact there is no quorum present.

The SPEAKER. It is evident that a quorum is not present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as favor ordering the previous question will, as their names are called, answer "aye," those who are opposed will answer "no," those who do not vote will answer "present," and the Clerk will call the roll.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry. Did not the motion of the gentleman from New York [Mr. PAYNE] carry this matter over until to-morrow? Was not that the language of it, that it should be called up immediately after the reading of the Journal?

The SPEAKER. But, without deciding as to whether it carried it over to the calendar or legislative day, the Committee on Rules, which has the privilege of reporting at any time for the consideration of the House, report this resolution, and if the House should adopt this proposed order of business that is the subsequent action of the House.

Mr. CLARK of Missouri. The query, Mr. Speaker, was, Was not the motion of the gentleman from New York [Mr. PAYNE] to take this matter up to-day immediately after the reading of the Journal?

The SPEAKER. It was not. Aside from that, a majority of the House can at any time change its order of business and consider any bill or any matter that is pending under the rule.

Mr. CLARK of Missouri. Is this to-day or yesterday?

The SPEAKER. It is the calendar day of to-day; it is the legislative day of last Monday. The Clerk will call the roll.

The question was taken; and there were—yeas 157, nays 107, answered "present" 6, not voting 115, as follows:

YEAS—157.

Allen	Cassel	Englebright	Hall
Ames	Chapman	Esch	Hamilton, Mich.
Anthony	Cocks, N. Y.	Fairchild	Haskins
Barchfeld	Cole	Focht	Hawley
Barclay	Conner	Fordney	Hayes
Bartholdt	Cook, Colo.	Foss	Henry, Conn.
Bartlett, Nev.	Cook, Pa.	Foster, Vt.	Hepburn
Bates	Cooper, Wis.	Foulkrod	Higgins
Beale, Pa.	Cousins	French	Hill, Conn.
Bede	Dalzell	Gaines, W. Va.	Hinshaw
Bennet, N. Y.	Darragh	Gardner, Mass.	Holliday
Bingham	Davis	Gardner, N. J.	Howell, N. J.
Bonynge	Dawson	Gillett	Howland
Boutell	Diekema	Goebel	Hubbard, Iowa
Boyd	Douglas	Graff	Hubbard, W. Va.
Bradley	Draper	Graham	Hughes, W. Va.
Brownlow	Durey	Greene	Hull, Iowa
Butler	Dwight	Gronna	Humphrey, Wash.
Calder	Edwards, Ky.	Haggott	Jenkins
Campbell	Ellis, Oreg.	Hale	Kahn
Keifer	McKinley, Ill.	Parker	Stevens, Minn.
Kennedy, Iowa	McKinney	Parsons	Sturgiss
Kennedy, Ohio	McLaughlin, Mich.	Payne	Sulloway
Kinkaid	Madden	Perkins	Swasey
Knapp	Madison	Pollard	Tawney
Knowland	Marshall	Porter	Thistlewood
Lafean	Martin	Pray	Townsend
Landis	Miller	Reeder	Volstead
Langley	Mondell	Reynolds	Waldo
Laning	Moon, Pa.	Rodenberg	Wanger
Law	Moore, Pa.	Scott	Washburn
Lawrence	Morse	Slemp	Watson
Lindbergh	Mudd	Smith, Cal.	Weeks
Longworth	Needham	Smith, Iowa	Wheeler
Loud	Nelson	Smith, Mich.	Wilson, Ill.
Loudenslager	Norris	Snapp	Wood
Lovering	Nye	Sperry	Young
McCall	Olcott	Stafford	
McGuire	Olmsted	Steenerson	
McKinlay, Cal.	Overstreet	Sterling	

NAYS—107.

Adair	Fitzgerald	Hull, Tenn.	Reid
Adamson	Flood	Humphreys, Miss.	Rhinock
Alexander, Mo.	Floyd	James, Ollie M.	Robinson
Ashbrook	Fornes	Johnson, Ky.	Rothermel
Bartlett, Ga.	Foster, Ill.	Johnson, S. C.	Rucker
Booher	Fulton	Kimball	Russell, Mo.
Brantley	Garner	Kipp	Sabath
Brodhead	Garrett	Kitchin	Shackleford
Brundidge	Gillespie	Lassiter	Sheppard
Burleson	Godwin	Lee	Sherley
Burnett	Goldfogle	Lenahan	Sherwood
Byrd	Gordon	Lever	Sims
Caldwell	Goulden	Lindsay	Slayden
Candler	Gregg	Livingston	Smith, Mo.
Caulfield	Hackney	McHenry	Smith, Tex.
Clark, Mo.	Hamill	McLain	Spight
Clayton	Hamlin	Macon	Stanley
Cockran	Hardwick	Mann	Stephens, Tex.
Cooper, Tex.	Hardy	Padgett	Sulzer
Cox, Ind.	Harrison	Page	Thomas, N. C.
Craig	Hay	Patterson	Tou Velle
Cravens	Heflin	Peters	Wallace
Crawford	Helm	Prince	Webb
Davenport	Henry, Tex.	Rainey	Wiley
Denver	Hitchcock	Randell, Tex.	Williams
Dixon	Hobson	Ransdell, La.	Wilson, Pa.
Ferris	Houston	Rauch	

ANSWERED "PRESENT"—6.

Andrus	Griggs	McMorran	Sherman
Currier	McDermott		

NOT VOTING—115.

Acheson	Dawes	Huff	Nicholls
Aiken	De Armond	Hughes, N. J.	O'Connell
Alexander, N. Y.	Denby	Jackson	Pearre
Ansberry	Driscoll	James, Addison D.	Pou
Bannon	Edwards, Ga.	Jones, Va.	Pratt
Barnhart	Ellerbe	Jones, Wash.	Pujo
Beall, Tex.	Ellis, Mo.	Keliher	Richardson
Bell, Ga.	Estopinal	Knopf	Riordan
Bennett, Ky.	Fassett	Küstermann	Roberts
Birdsall	Favrot	Lamar, Fla.	Russell, Tex.
Bowers	Finley	Lamar, Mo.	Ryan
Broussard	Foelker	Lamb	Saunders
Burgess	Foster, Ind.	Leake	Small
Burke	Fowler	Legare	Southwick
Burleigh	Fuller	Lewis	Sparkman
Burton, Del.	Gaines, Tenn.	Lloyd	Talbott
Burton, Ohio	Gardner, Mich.	Lorimer	Taylor, Ala.
Calderhead	Gilhams	Lowden	Taylor, Ohio
Capron	Gill	McCreary	Thomas, Ohio
Carlin	Glass	McGavin	Tirrell
Carter	Guernsey	McLachlan, Cal.	Underwood
Cary	Hackett	McMillan	Vreeland
Chaney	Hamilton, Iowa	Malby	Watkins
Clark, Fla.	Hammond	Maynard	Weems
Cooper, Pa.	Harding	Moon, Tenn.	Weisse
Coudrey	Haugen	Moore, Tex.	Willett
Crumpacker	Hill, Miss.	Mouser	Wolf
Cushman	Howard	Murdock	Woodyard
Davidson	Howell, Utah	Murphy	

The following pairs were announced:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. MCMORRAN with Mr. PUJO.

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. ACHESON with Mr. ANSBERRY.

Mr. ALEXANDER of New York with Mr. BEALL of Texas.

Mr. BANNON with Mr. BELL of Georgia.

Mr. BIRDSALL with Mr. BOWERS.

Mr. BURKE with Mr. BROUSSARD.

Mr. BURLEIGH with Mr. BURGESS.

Mr. BURTON of Delaware with Mr. CARLIN.

Mr. BURTON of Ohio with Mr. CLARK of Florida.

Mr. CALDERHEAD with Mr. DE ARMOND.

Mr. CHANEY with Mr. EDWARDS of Georgia.

Mr. COOPER of Pennsylvania with Mr. FAVROT.

Mr. CRUMPACKER with Mr. GILL.

Mr. CUSHMAN with Mr. GLASS.

Mr. DAVIDSON with Mr. GRIGGS.

Mr. DENBY with Mr. HACKETT.

Mr. DRISCOLL with Mr. HAMILTON of Iowa.

Mr. ELLIS of Missouri with Mr. HAMMOND.
Mr. FASSETT with Mr. HOWARD.
Mr. FOELKER with Mr. HUGHES of New Jersey.
Mr. FOSTER of Indiana with Mr. JONES of Virginia.
Mr. FULLER with Mr. LAMAR of Missouri.
Mr. GILHAMS with Mr. LAMAR of Florida.
Mr. GUERNSEY with Mr. LAMB.
Mr. HAUGEN with Mr. LEAKE.
Mr. HOWELL of Utah with Mr. LEGARE.
Mr. KNOPF with Mr. LLOYD.
Mr. KÜSTERMANN with Mr. MCDERMOTT.
Mr. LORIMER with Mr. MAYNARD.
Mr. LOWDEN with Mr. MOON of Tennesseee.
Mr. MCCREARY with Mr. MOORE of Texas.
Mr. MCLACHLAN of California with Mr. MURPHY.
Mr. MCMILLAN with Mr. RICHARDSON.
Mr. MALBY with Mr. RUSSELL of Texas.
Mr. MOUSER with Mr. RYAN.
Mr. MURDOCK with Mr. SAUNDERS.
Mr. PEARRE with Mr. SMALL.
Mr. ROBERTS with Mr. TALBOTT.
Mr. SOUTHWICK with Mr. TAYLOR of Alabama.
Mr. TIRRELL with Mr. SPARKMAN.
Mr. WOODYARD with Mr. UNDERWOOD.
Mr. FOWLER with Mr. WATKINS.
Mr. HARDING with Mr. WILLETT.
Mr. BENNETT of Kentucky with Mr. POU.
Mr. MCGAVIN with Mr. PRATT.
Mr. LOVERING with Mr. NICHOLLS.
Mr. DAWES with Mr. ESTOPINAL.
Mr. THOMAS of Ohio with Mr. GAINES of Tennessee.
Mr. HUFF with Mr. ELLERBE.
Mr. COUDREY with Mr. CARTER.
Mr. ANDRUS with Mr. AIKEN.
Mr. CAPRON with Mr. O'CONNELL.
Mr. GARDNER of Michigan with Mr. BARNHART.
Mr. VREELAND with Mr. HILL of Mississippi.
Mr. JACKSON with Mr. WOLF.
Mr. CARY with Mr. WEISSE.
Mr. ADDISON D. JAMES with Mr. LEWIS.

The SPEAKER. On this vote the ayes are 157, the noes 107, answered "present" 6. The ayes have it, and the previous question is ordered. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes. The Doorkeeper will open the doors.

Mr. DALZELL. Mr. Speaker, there is not, in my judgment, any necessity for spending very much time in a discussion of this proposition. This resolution becomes necessary in order to relieve the House and the Senate from a legislative tangle in which they have become involved by reason of taking inconsistent action with respect to the salary of the Secretary of State at two separate times. The legislative, executive, and judicial appropriation bill passed the House on the 11th of December, and passed the Senate on the 22d of January. On the 26th of January it was sent to conference. At the time that the bill went to conference, under existing law, the salary of the Secretary of State was $12,000 per annum; and that bill made an appropriation, in accordance with the law, for the payment of $12,000 for the ensuing fiscal year. On the 11th day of February the Senate passed a bill, and on the 15th the House passed the same bill providing that the salary of the Secretary of State should be reduced from $12,000 to $8,000, and that it should take effect so as to reduce the salary to $8,000 from the 4th of March and for the ensuing fiscal year. The situation, then, was this: The legislative, executive, and judicial appropriation bill had been passed pursuant to law and made provision for the salary that was then required by law. When this subsequent action was taken reducing the salary, this bill was in conference, and the question, therefore, as to the inconsistency of the two provisions was not presented to the House or the Senate until the report of the committee of conference was presented yesterday. It becomes necessary now, therefore, to reconcile the action of the House and Senate on these two different occasions, and the purpose of this rule is to effect this reconciliation.

The rule proposes to disagree to the Senate amendments to the legislative, executive, and judicial appropriation bill, to further insist on the House disagreement, and ask for a further conference. Second, the rule further proposes a concurrent resolution conferring upon the conferees the right to take into consideration as if in disagreement the portion of the bill relating to the salary of the Secretary of State, and authorizing the committee to report on any provision in relation to the law affecting said salary, so that the House and Senate may have an opportunity upon the coming in of the conference report to relieve itself from this legislative difficulty. I reserve the balance of my time.

Mr. OLMSTED. Will my colleague allow me to ask him one question?

Mr. DALZELL. Certainly.

Mr. OLMSTED. As I understand, the difficulty is this: That the pending appropriation bill, carrying $12,000 salary for the Secretary of State, having passed the House and also having passed the Senate without any amendment, that salary is not within the province of the committee of conference to consider at the present time, and it can not take action in this matter; hence the necessity of passing this resolution giving the conferees that power.

Mr. DALZELL. That is what I said. I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, a friend of mine this morning said he was very proud indeed that he was a Member of this House, it being the only House of Representatives that had ever been called into consultation in forming a President's Cabinet. [Laughter.]

The gentleman from Pennsylvania [Mr. DALZELL] is right; the object of this resolution is to untie a legislative knot, to "get out of a legislative tangle." Men who undertake to do indirectly that which they are forbidden by constitutional law to do directly are very apt to find themselves in a legislative tangle before they are through with it. [Applause on the Democratic side.] Beating the devil around the stump is always a tortuous and sometimes an embarrassing procedure to all men.

I do not feel like saying any more about this question. Everybody understands the situation. I now yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, this is a very remarkable performance, a spectacular performance. On last Monday, when the bill to reduce the salary of Secretary of State, reported by the gentleman from West Virginia [Mr. GAINES], was up for action, numerous appeals were made from this side of the floor for one hour of debate, but acting, as I have a right to infer, under the direction of those in immediate authority in this House, time for discussion was denied. There was too much business to attend to. The session was fast drawing to a close, and no time could be given for debate. At that time the usual, the ordinary rules of this House, cursed and denounced by everybody, were in force. Under those rules a two-thirds vote of this body was required to pass the bill. It failed to receive the requisite two-thirds vote. Now, let me say if this had been a measure pertaining to the welfare of 20,000,000 farmers of our country, if it had related to the heroic and valiant old soldiers of our country, if it had pertained to the interest of 200,000 working people of this country, the Chair would have ruled, as the gentleman from West Virginia [Mr. GAINES] stated, that we have too much legislative work demanding attention to stop now to seek some device, some subterfuge, by which to pass such legislation. But I desire to call attention to the fact that under the peculiar circumstances and conditions the Speaker vacated his chair, convened his Committee on Rules, and within about twenty minutes of time that committee brought in a special rule here by which the first legislative knot was untied, by which the will as expressed under the ordinary rules which govern this House was perverted and the House was compelled, under the rule brought in by the Committee on Rules, to permit this legislation to pass. It went from us, and I presume to the President, and I suppose has received his approval.

But to-day we have another legislative knot which this House, in the closing hours of this session, is called upon to unravel and untie. Let me say to the gentlemen that the old Constitution which you are to-day further seeking to evade, annul, and repeal by your action is still in force in this country. And let me suggest that another old volume, a book seldom ever reflected upon or remembered by those in the majority here, but a book held sacred by the fathers of our country, declares somewhere—I am not sure that I quote it exactly; but if I fail, I put the responsibility on my distinguished colleague from Missouri [Mr. CLARK], because he told me it was right—this book says, "Verily, verily, I say unto you Republicans, the way of the transgressor is hard." [Laughter.] I want to say to you that you may unravel in your way this legislative knot; you may again unshackle the fetters of the Constitution which bar the gentleman whom you seek to qualify for a place, but, like Banquo's ghost, the Constitution of the United States, which still survives in the memory of patriots, will arise to confront you and will not down at your bidding.

Mr. Speaker, I am not going to consume time, because I realize that we have no time for debate. Twenty minutes on a side

is wholly insufficient to permit a discussion of this question. I yield back to the gentleman from Mississippi [Mr. WILLIAMS] the remainder of the time allotted to me. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I desire to call attention to the most monstrous legislative or parliamentary situation that has ever existed. The Committee on Rules have done many extraordinary things, but certainly it is wonderful to find them reporting a resolution in a form prohibited by the Revised Statutes of the United States. I doubt if in any legislative body there ever was such a combination as is found in this resolution.

There is, first, a simple House resolution providing that the conference report be disagreed to, that the House further insist upon its disagreement to the Senate amendments, and that the House ask a conference with the Senate. Then in the next paragraph there purports to be a concurrent resolution, it reading "*Resolved by the House of Representatives (the Senate concurring)*, That the conferees," and so forth, be authorized to do certain things. Section 9 of the Revised Statutes provides:

No enacting or resolving words shall be used in any section of an act or resolution of Congress except the first.

Of course the Committee on Rules should not be expected to be familiar with the provisions of the Revised Statutes regulating the form of resolutions. [Laughter.] But this committee have attempted to do what I have stated; they have endeavored to do this extraordinary thing of combining a simple and a concurrent resolution. Perhaps the Speaker, or the Committee on Rules, or the Clerk of the House, or that distinguished gentleman so necessary to the proper procedure of this House may be able to tell in just what particular form the House will send this resolution to the Senate, as House or as a concurrent resolution. One part of the resolution necessarily must be sent to the Senate. Who will have authority to decide whether to cut off that part which is concurrent from that part which is simple?

Perhaps another rule will be brought in authorizing the Clerk of the House to retain the part purporting to be the House resolution and to send over that part which purports to be a concurrent resolution. However, Mr. Speaker, this illustrates the difficulties that are likely to embarrass great men when they attempt to trifle in a dignified manner with important matters. It might have been proper to have permitted the House, in an orderly way, to have disagreed to the conference report, to have permitted the Senate to ask that the bill be returned to them, and then have the Senate vacate its proceedings and take the bill up properly and regularly and propose an amendment to the particular item involved; but the insistence of certain distinguished gentlemen to hasten to its completion this act compels the commission of a parliamentary atrocity. I know of no other way to describe it. I doubt if the future historian of parliamentary business will be able to understand how this particular combination was ever possible in the House of Representatives, controlled by the party of that great parliamentarian, the late Thomas B. Reed. [Laughter.]

I present my congratulations to the Speaker and to that able committee over which he presides with so much skill and good nature. [Laughter.] Of course it was not to be expected that even if this objection had been suggested to his committee, they would have paid the slightest attention to it, accustomed as they are to overriding the minority, ignoring them, and depriving the representatives of the people of their simple rights. Who could expect they would either respect the rights of their own members or the provisions of the Revised Statutes of the United States?

Mr. MANN. Does the gentleman think that they would stop at overriding the law after overriding the Constitution?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for two minutes more.

Mr. WILLIAMS. I will yield two minutes more to the gentleman.

Mr. FITZGERALD. I did not agree with many of my colleagues that what was done the other day was an evasion of the Constitution. But I realize now that there was at least a secret suspicion in the minds of the majority of this House that there was such an evasion, because, if that were not so, they would have hesitated before they would have violated the ninth section of the Revised Statutes. Sometimes I have felt some excuse for not being familiar with the five thousandth or the six thousandth section of the Revised Statutes of the United States; but as a Member of Congress, with some slight pretensions as a lawyer, I certainly should not wish to confess that I had not read the ninth section of the Revised Statutes. [Laughter.]

Mr. OLMSTED. Will the gentleman yield?

Mr. FITZGERALD. Yes; if the gentleman will be quick, for I have only a few minutes.

Mr. OLMSTED. I would like to inquire whether the gentleman thinks an act of a former Congress can bind a subsequent Congress in its own rules and procedure?

Mr. FITZGERALD. I think it can, but not a Republican House of Representatives, considering what has been done. I had in mind, Mr. Speaker, and if I be permitted, I shall ask the Speaker to rule whether this resolution can be voted on in its present shape, even under the operation of this special rule. Certainly it would be more in conformity with order if the Speaker should make his own committee retire and conform to the laws of the United States rather than to persist in having the House under his leadership violate the law. I shall at the proper time submit the question. I expect, however, to be treated as I have always been, but I have at least called the attention of the country to the terrible straits the Republican majority is at times brought in its attempts to enact legislation. [Laughter.]

Mr. DALZELL. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] is never so much in his glory as he is when out in search of mare's nests. He succeeded in finding one this morning. There is no trouble about the resolution. The first part of it is notice to the Senate of what action has been taken by the House with respect to the conference report. The second part is an independent House resolution, which I presume the Senate, without the aid of the gentleman from New York [Mr. FITZGERALD], will find the means of passing upon.

Mr. FITZGERALD. Oh, the gentleman need not be offended with me because he did not know of the ninth section of the Revised Statutes. [Laughter on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] stated the facts and the sequence of events with such accuracy and clearness that I simply wish to add a word as to one item, and that is that when this conference report was agreed upon by the conferees of the two Houses, although at that time the question of the eligibility of Mr. KNOX had been raised, it had not been suggested to either House to remedy it by repealing the salary law. Consequently that point was not before the minds of the conferees. If it had been, of course we would have had no power to change it at all, inasmuch as it was not in conference; but I think we might have been more liable to have thought of the fact that this appropriation law does conflict with the law which it was then contemplated to pass, though I am sure none of the conferees and apparently none of the individuals in either House or Senate who were particularly interested in managing the removal of that ineligibility thought of the fact that this bill did again increase the salary to $12,000. Apparently nobody thought of it until yesterday, when it occurred to one of the Republicans upon the Committee on Appropriations; and instead of suggesting the fact to his colleagues on the committee who had the bill in charge, so that they might consider the proper remedy, or instead of trying to discover himself some way to remedy it [laughter], he brought the fact in upon the floor of the House, and great confusion resulted. [Laughter.]

Yesterday we did not conceive at the moment just how the anomalous situation was to be remedied; consequently it was postponed until to-day, and this rule comes in to give the conferees jurisdiction which they otherwise would not have. I wish to say, also, one word in response to what was suggested yesterday by the gentleman from Ohio, that undoubtedly next year the salary of the Secretary of State would be again raised to $12,000. I do not know whether that is contemplated, but I want to say that for myself I do not believe it is contemplated, and I do not think it ought to be done, and if I am a member of the Committee on Appropriations at that time I certainly shall oppose it. I think in good faith the repealing of the salary was intended to cover the entire time of service during which the eligibility was in question, and I think the salary of the Secretary of State ought to continue at $8,000 during that period, and that is for two years from the next 4th of March.

Mr. DALZELL. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, in order to emphasize the remarks made by my associate manager of the bill, the House should know that the bill was reported to the House December 10, 1908, was passed by the House December 11, 1908, reported

to the Senate January 14, 1909, and passed by the Senate January 22, 1909. The report of the committee of conference was made to the House February 10. It then went to the table of the Speaker and, under the rule, was published for the information of the House. On the 15th the House took up the question of the eligibility of the reported-to-be-appointed Secretary of State. The report of your managers was on the Speaker's table, and the first opportunity that the committee of conference had in respect to the matter was when it brought the bill to the House yesterday for the approval of the House. There was no power, unless by specific action of the House, that could transfer that bill to the managers on the part of the House. It came before the House. On the suggestion of the gentleman from Ohio [Mr. KEIFER] the antagonism of the two acts of legislation, the one recommended in the report of the managers on the 10th and the other by the action of the House on the 15th, was brought to the attention of the House. It was the fault, if it may be so called, of such conditions that antagonized the rules of the House. Such being the case, there was only one authority to adjust the difficulty and that was the action of the House that referred the whole question to the Committee on Rules and approved my motion that the question go over until to-day.

Mr. DALZELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. DALZELL. Mr. Speaker, I yield one minute to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, in a nutshell, so far as the conferees are concerned, this is the condition of this matter: When the bill passed the Senate and the House and went to conference, we kept in the bill the legal salary of the Secretary of State. The conferees reported that bill, with its disagreements, to this House five days before the question of the eligibility of the anticipated Secretary of State was raised by a bill in the House. The House had possession of the conference report. We could not get it. It was not our business to ask for it. It was the mistake of this House in passing that bill relieving Mr. KNOX of his ineligibility without at the same time looking to the clause in the appropriation bill that was then on the table of the Speaker.

Mr. CLARK of Missouri. Oh, the fault was not ours, because we voted against the whole thing. [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I will ask the gentleman from Pennsylvania if he proposes to use the balance of his time in one speech?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Mr. Speaker, I have only to say, in connection with the last three speeches, that the explanations and apologies are abundant, if not satisfactory. [Laughter.]

I now yield the balance of my time to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, I am one of those who opposed the proposal to qualify by suspension of the ordinary law one man for appointment as Secretary of State. I think that opposition has been justified by all the experience of the House since the passage of that special legislation. Its effect, as the gentleman from Missouri [Mr. CLARK] very well pointed out, was that after Congress had increased the salaries of cabinet officers for the avowed purpose of obtaining the best service it proceeded to reduce the salary of the chief cabinet officer in order to obtain the very best service [laughter], a performance which may be consistent with the present exigencies of the Republican party, but is scarcely consistent with the procedure of an orderly government according to the standards of any civilized community.

Now, Mr. Speaker, a legitimate and inevitable consequence of such a departure from uniformity in the laws is this rule so admirably described by the gentleman from New York, my colleague [Mr. FITZGERALD], and which proposes to do what? Not to adjust differences between the two Houses, because there are none on this question, but to create a difference for the very purpose of adjusting it. [Laughter.] Has anything so absurd ever been witnessed outside of opera bouffe? You are actually appointing a conference to agree on a disagreement that does not exist. [Laughter]. I do not know, Mr. Speaker, how far this Committee on Rules can go in the perpetration of absurdities. The gentleman from New York, my colleague, has given us some faint suggestion of what they may do with laws that happen to be inconvenient, and the gentleman from Illinois [Mr. MANN] suggests that they have already shown what they can do with the Constitution. [Laughter.]

It remains for them to show what liberties they can take with common sense. [Laughter and applause.] Now, I do not believe there is the slightest disposition on the part of Members here who tried to save Congress from perpetrating the absurdity which is causing so much trouble to obstruct or defeat attempts at reconciling that preposterous performance with some conception of orderly procedure. We have no desire to throw the business of the country into confusion or to bring discredit upon this legislative body merely to emphasize the ridiculous character of the proposals we condemned. It seems to me, Mr. Speaker, that the majority under the lead of the Committee on Rules has succeeded in bringing Congress down to the level of opera bouffe. Let us see if the minority can offer a suggestion for bringing it back to something like dignity and orderly procedure.

To effect the purpose the majority has in view, I do not think it necessary to adopt this absurd rule. I do not think it necessary for us to appoint a conference to reconcile differences where there are no differences. It seems to me this difficulty will be removed if we pass an entirely new appropriation bill now. With the aid of your Committee on Rules, that can be done in about three and a half minutes, I think. [Laughter.]

If we pass an entirely new appropriation bill identical in every respect with the one now before us, except in making the salary of the Secretary of State $8,000 instead of $12,000 a year, and send that bill to the Senate, the existing bill can lie upon the table here and the Senate will take upon the new bill precisely the same action it has already taken. We will then have given force and effect to the intention of both Houses while acting all the time in strict accordance with the rules governing this body and the laws of the land. I make that suggestion to the Committee on Rules and to the majority with no other motive than a desire to maintain the dignity and promote the effectiveness of this House. Being consistent with common sense, it has nothing to commend itself to the favor of the Committee on Rules [laughter] except, perhaps, the necessities of the situation. [Laughter and applause.]

Mr. WILLIAMS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two and a half minutes remaining.

Mr. WILLIAMS. I yield them to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I have made so many speeches about this matter that I do not believe I care to make any more, except I want to emphasize the outrageous and, it seems to me, almost idiotic manner in which the business of this House is conducted. We fooled away almost the entire time before Christmas. We might just as well have been debating these appropriation bills and gotten things straightened out as to have fooled away that entire time, and every two years regularly——

Mr. GILLETT. Will the gentleman allow me to say that we passed this very appropriation bill before Christmas?

Mr. CLARK of Missouri. Well, what was the Senate doing all that time?

Mr. TAWNEY. What can the Senate do in respect to appropriation bills until the House acts?

Mr. CLARK of Missouri. But the gentleman from Massachusetts said we passed this bill before Christmas and the Senate had all that time and it has fooled away the time, if the Speaker will not call me to order for making that remark——

Mr. MANN. The gentleman ought to go to the Senate and make that statement.

Mr. CLARK of Missouri. I would like to go to the Senate very much. [Great laughter and applause.]

Mr. MANN. And the gentleman would be a great addition to the Senate.

Mr. CLARK of Missouri. I think so, too. [Great laughter.]

Mr. PAYNE. Why not ask unanimous consent?

Mr. CLARK of Missouri. I would if I thought I could get it. [Renewed laughter.] But every two years at this season of the year just exactly this kind of disorderly proceeding takes place for several days. Everything is rushed through. Is my time out?

The SPEAKER. The gentleman's time has expired.

Mr. CLARK of Missouri. I am glad of it. [Renewed laughter.]

Mr. DALZELL. I yield the balance of my time to the gentleman from Ohio. [Applause.]

Mr. KEIFER. Mr. Speaker, the distinguished gentleman from Missouri [Mr. CLARK] complains that we lose time in various ways in the House of Representatives, and has gone so far as to criticise the Senate. I was under the impression that the rules that usually come from the Committee on Rules are sufficiently drastic in hastening the House to a conclusion upon any question on which they bring in a rule; and I am surprised at the criticism now. The distinguished gentleman from

New York [Mr. COCKRAN] criticises the present proposed rule because, he says, we are seeking by it to create a difference between the Senate and the House. We are not seeking to do that, but we are seeking to do that which I know the Senate, I believe unanimously, desires to have done; and that is to fix the salary of the Secretary of State at $8,000 per annum in harmony with a bill very recently passed by both Houses of Congress. Their recent votes on this subject tell us that, at least.

Now, I think we are all willing, having heard from each member of the conference committee, to exonerate that committee from any blame attaching to this matter, which seems to be considered as a dilemma. That conference committee, whether Republicans or Democrats, of either the Senate or House, seem not to have had their attention called to the fact that the bill as it was originally introduced in the House, passed through the House, and passed through the Senate fixed the salary of the Secretary of State at $12,000 for the ensuing fiscal year, which was proper to be done at the time the bill passed each House.

I agree, Mr. Speaker, with some gentlemen on the other side when they speak of the inconsistency that will exist as coming from this matter of having the chief, or head, of the Cabinet of the United States performing his duties at a salary of $4,000 less than that of each of the other members of the Cabinet and $2,000 less than his own assistant.

Mr. LIVINGSTON. The gentleman is mistaken. The conferees on the part of the House and the Senate not only had their attention brought to the fact that that particular bill carried $12,000 for the salary of the Secretary of State, but we passed it and we approved it. What we did not know was that you would so override the Constitution that it would absolutely require a change.

Mr. KEIFER. Now, Mr. Speaker, I do not want to enter the conflict between the distinguished gentleman from Georgia and that other member of the committee, the distinguished gentleman from Massachusetts [Mr. GILLETT], who has just spoken on this subject, and who has just told us that they did not have their attention called to it; and, in a somewhat critical way, he complained in his speech just made that I did not relieve the conferees of their difficulty here on the floor by not discovering earlier the trouble and by not rushing up to them at an earlier time than I did and telling them all about it so that it might have been remedied in some other and less notorious way.

Mr. GILLETT. I made no complaint; I just stated the facts.

Mr. KEIFER. Oh, the inference was very clear. The fact about it is that I was a little late in getting to the House yesterday and had to look at the bill after my arrival to be sure that they had not dealt with it or castrated it in some way so as to relieve it of the inconsistency. [Great laughter.] Mr. Speaker, while I was doing that, the distinguished gentleman from Missouri [Mr. CLARK] was upon the floor making a speech, and I thought that was a good time to interrupt his learned remarks and call attention to this matter, which was the earliest opportunity I had, and I had no chance to take the gentleman from Massachusetts out and tell him of the trouble. They say I ought to have made the discovery earlier and not, as I did, disclosed it to the world. [Laughter.] I am sorry I was not more thoughtful or more industrious in investigating the great legislative, executive, and judicial bill; but my duties were not greater than those of others, certainly not greater than those of the conferees having charge of the bill.

Now, another complaint of the gentleman from Massachusetts is that I offered no remedy. In that he fell into a mistake, for I offered as promptly as I could, through that marvelous basket we have down there at the Clerk's desk, a House concurrent resolution that was not subject to any objection on account of its being in conflict with section 9 of the Revised Statutes——

Mr. FITZGERALD. I would assume that the gentleman from Ohio was familiar with the Revised Statutes.

Mr. KEIFER. Well, of course I do not think I would have introduced concurrent resolution No. 66 if I had not been, and it was not subject to any possible criticism. But, Mr. Speaker, the present report and resolution from the Committee on Rules is perfectly plain, perfectly clear, and will relieve the situation completely in all respects. The Senate will receive the first resolution that we will pass, disagreeing to all the amendments of the Senate, and with it the concurrent resolution, the second one, giving to the conferees the right to regard the matter of the compensation of the Secretary of State as in dispute and within their jurisdiction to report upon. This great legislative, executive, and judicial appropriation bill will again be in conference in every respect, and the conferees can treat the salary of the Secretary of State as also in conference, and they can settle it very promptly.

It seems to me clear that if Mr. KNOX becomes eligible to hold the office of Secretary of State March next Congress can then restore the salary of that office to $12,000 per annum and not violate the Constitution of the United States.

The SPEAKER. All time has expired.

Mr. FITZGERALD. I ask unanimous consent that this report be recommitted to the Committee on Rules in order to bring it in in conformity with the statute.

Mr. DALZELL. Regular order, Mr. Speaker.

Mr. FITZGERALD. What are we to vote on?

The SPEAKER. On the adoption of the rule which requires a majority of the House.

Mr. FITZGERALD. Are we voting on the rule or the resolution?

The SPEAKER. On the resolution. If the resolution is adopted——

Mr. FITZGERALD. What kind of a resolution are we voting on, Mr. Speaker?

The SPEAKER. The whole resolution that is pending.

Mr. FITZGERALD. The Speaker is aware that we can not vote on a simple resolution and a concurrent resolution at the same time, even under the rules of this House.

The SPEAKER. Well, the vote now comes upon the resolution as it is presented to the Chair.

Mr. FITZGERALD. I make that point of order, Mr. Speaker.

The SPEAKER. What point of order?

Mr. FITZGERALD. That the House can not vote at one time upon a simple and a concurrent resolution.

The SPEAKER. If the gentleman puts it in that shape, the Chair would overrule the point of order.

Mr. FITZGERALD. I assumed that the Chair would be compelled to do that under the exigencies of the occasion.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Division!

The House divided; and there were—ayes 184, noes 140.

Mr. WILLIAMS. Mr. Speaker, I now ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 125, answered "present" 5, not voting 71, as follows:

YEAS—184.

Alexander, N. Y.	Durey	Hughes, W. Va.	Norris
Allen	Dwight	Hull, Iowa	Nye
Ames	Edwards, Ky.	Humphrey, Wash.	Olcott
Andrus	Ellis, Oreg.	Jenkins	Olmsted
Anthony	Englebright	Johnson, Ky.	Overstreet
Bannon	Esch	Jones, Wash.	Parker
Barchfeld	Fairchild	Kahn	Parsons
Barclay	Fassett	Keifer	Payne
Bartholdt	Focht	Kennedy, Iowa	Pearre
Bartlett, Nev.	Fordney	Kennedy, Ohio	Perkins
Bates	Foss	Kinkaid	Peters
Beale, Pa.	Foster, Ind.	Kipp	Pollard
Bede	Foster, Vt.	Knapp	Porter
Bennet, N. Y.	Foulkrod	Knopf	Pray
Bennett, Ky.	French	Knowland	Reeder
Bingham	Gaines, W. Va.	Lafean	Reynolds
Birdsall	Gardner, Mass.	Landis	Robinson
Bonynge	Gardner, N. J.	Langley	Rodenberg
Boutell	Gillett	Law	Rothermel
Boyd	Goebel	Lawrence	Scott
Brownlow	Graff	Lever	Slemp
Burke	Graham	Longworth	Smith, Cal.
Burleigh	Greene	Loud	Smith, Iowa
Burton, Del.	Griggs	Loudenslager	Smith, Mich.
Butler	Gronna	Lovering	Sperry
Calder	Guernsey	Lowden	Stafford
Campbell	Hackney	McCreary	Steenerson
Capron	Haggott	McGuire	Sterling
Cassel	Hale	McHenry	Stevens, Minn.
Chapman	Hall	McKinlay, Cal.	Sturgiss
Clayton	Hamilton, Mich.	McKinley, Ill.	Sulloway
Cocks, N. Y.	Harding	McKinney	Swasey
Cole	Haskins	McLachlan, Cal.	Tawney
Conner	Haugen	McLaughlin, Mich.	Taylor, Ala.
Cook, Pa.	Hawley	Madden	Taylor, Ohio
Cooper, Wis.	Henry, Conn.	Madison	Thistlewood
Cousins	Hepburn	Malby	Tirrell
Crawford	Higgins	Martin	Volstead
Cushman	Hinshaw	Miller	Vreeland
Dalzell	Holliday	Moon, Pa.	Wanger
Davidson	Howard	Moore, Pa.	Washburn
Davis	Howell, N. J.	Morse	Watson
Dawson	Howell, Utah	Mouser	Weeks
Diekema	Howland	Mudd	Wheeler
Douglas	Hubbard, Iowa.	Murdock	Wilson, Ill.
Draper	Hubbard, W. Va.	Needham	Wood

NAYS—125.

Adair	Ashbrook	Brantley	Byrd
Adamson	Bartlett, Ga.	Brodhead	Caldwell
Aiken	Beall, Tex.	Brundidge	Candler
Alexander, Mo.	Bell, Ga.	Burleson	Carter
Ansberry	Booher	Burnett	Caulfield

Clark, Fla.	Goldfogle	Lenahan	Russell, Mo.
Clark, Mo.	Gordon	Lewis	Sabath
Cockran	Gregg	Lindbergh	Shackleford
Cook, Colo.	Hamill	Lindsay	Sheppard
Cooper, Tex.	Hamilton, Iowa	Livingston	Sherley
Cox, Ind.	Hamlin	Lloyd	Sherwood
Craig	Hammond	McCall	Sims
Cravens	Hardwick	McDermott	Slayden
Darragh	Hardy	McLain	Small
Davenport	Harrison	Macon	Smith, Mo.
Denby	Hay	Mann	Smith, Tex.
Denver	Hayes	Marshall	Spight
Dixon	Heflin	Moon, Tenn.	Stanley
Ellerbe	Helm	Moore, Tex.	Stephens, Tex.
Ferris	Henry, Tex.	Murphy	Sulzer
Fitzgerald	Hitchcock	Nelson	Talbott
Flood	Hobson	Padgett	Thomas, N. C.
Floyd	Houston	Page	Tou Velle
Fornes	Hull, Tenn.	Patterson	Waldo
Foster, Ill.	Humphreys, Miss.	Prince	Wallace
Fulton	James, Ollie M.	Rainey	Webb
Garner	Johnson, S. C.	Randell, Tex.	Wiley
Garrett	Jones, Va.	Rauch	Williams
Gill	Kimball	Reid	Wilson, Pa.
Gillespie	Kitchin	Rhinock	
Glass	Lassiter	Richardson	
Godwin	Lee	Rucker	

ANSWERED "PRESENT"—5.

Currier	Goulden	McMorran	Sherman
Gardner, Mich.			

NOT VOTING—71.

Acheson	Ellis, Mo.	Lamar, Fla.	Roberts
Barnhart	Estopinal	Lamar, Mo.	Russell, Tex.
Bowers	Favrot	Lamb	Ryan
Bradley	Finley	Laning	Saunders
Broussard	Foelker	Leake	Snapp
Burgess	Fowler	Legare	Southwick
Burton, Ohio	Fuller	Lorimer	Sparkman
Calderhead	Gaines, Tenn.	McGavin	Thomas, Ohio
Carlin	Gilhams	McMillan	Townsend
Cary	Hackett	Maynard	Underwood
Chaney	Hill, Conn.	Mondell	Watkins
Cooper, Pa.	Hill, Miss.	Nicholls	Weems
Coudrey	Huff	O'Connell	Weisse
Crumpacker	Hughes, N. J.	Pou	Willett
Dawes	Jackson	Pratt	Wolf
De Armond	James, Addison D.	Pujo	Woodyard
Driscoll	Keliher	Ransdell, La.	Young
Edwards, Ga.	Küstermann	Riordan	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. ROBERTS with Mr. RANSDELL of Louisiana.

The SPEAKER. Upon this vote the ayes are 184 and the noes are 125; present 5. The resolution is agreed to, and the Chair will appoint the following conferees——

Mr. FITZGERALD. Mr. Speaker, I move the following instructions.

The Clerk read as follows:

Mr. BINGHAM, Mr. GILLETT, and Mr. LIVINGSTON.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD. It is in order to move to instruct the conferees, and I rise for that purpose.

Mr. MILLER. I demand the regular order.

Mr. FITZGERALD. This is a privileged motion.

The SPEAKER. The Chair will hear the gentleman on the question as to whether it is a privileged motion.

Mr. FITZGERALD. The House has just voted to disagree to the Senate amendments and ask for a conference, and under the universal practice of the House it is then in order for the House, if it desires, to instruct the conferees. The motion, it is true, must be made before the conferees are appointed, but I submit that I was on my feet asking for recognition for the purpose of asking that the instructions be given. The resolution adopted simply asks for a further conference with the Senate.

The SPEAKER. The gentleman from New York offers the following resolution.

The Clerk read as follows:

House resolution 575.

Resolved, That the managers on the part of the House be instructed to insist on their disagreement to the Senate amendments 64, 65, 66, and 67.

Mr. FITZGERALD. These are the amendments providing for increase in the office of Secretary of State, and I move the previous question on the resolution.

Mr. DALZELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DALZELL. I was not here when the resolution was offered, but it seems to me that the resolution covers no more than is covered in the rule already adopted.

The SPEAKER. The Chair is trying to ascertain. Without objection, the Clerk will again report the resolution offered by the gentleman from New York.

The Clerk again reported the resolution.

The SPEAKER. Without objection, the Clerk will read the amendments, so that the House may understand what they are.

The Clerk read as follows:

Page 45, line 10, after the word "dollars," insert: "Undersecretary of State, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided by law, $10,000."

Page 45, line 16, after the word "each," insert: "Fourth Assistant Secretary of State, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided by law, $4,500."

Page 46, line 11, after the word "dollars," insert: "Said private secretary and clerk to the Secretary of State to be appointed by the Secretary of State; private secretary to the Undersecretary of State, $2,500; clerk to the Undersecretary of State, $1,500, to be appointed by the Secretary of State."

Page 46, line 21, after the word "each," insert: "Private messenger to the Secretary of State, $1,000."

The SPEAKER. The Chair recognizes to control the time the gentlemen on the committee in charge of the bill.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order. I was recognized and made a motion.

The SPEAKER. The gentleman has offered his resolution of instructions.

Mr. FITZGERALD. I debated it, and no question was raised as to my right to the floor.

The SPEAKER. The Chair does not understand that the gentleman has debated it or was recognized for debate. The Chair's recollection of the rule is that while in the opinion of the Chair this resolution is in order, the practice, as the Chair recollects, has been unvarying to recognize the gentlemen on the committee in charge of the bill to control the time.

Mr. FITZGERALD. But I submit that that is not this case. This bill has been disposed of by the resolution just adopted. I made a motion in time, and the Chair could not take me from the floor and recognize somebody else to debate my motion.

The SPEAKER. The Chair's ruling is along the line of practice extending over a long time; and the unvarying practice has been in the settlement of matters touching conference reports to recognize a motion that is in order, namely, in this case to instruct the conferees on the part of the House to recognize to control the time the man in charge of the bill, whether it be a friend or an enemy. The practice is very well settled, and therefore the Chair must recognize the gentleman having charge of the bill, in this instance the gentleman from Massachusetts [Mr. GILLETT].

Mr. FITZGERALD. But I submit that the gentleman from Pennsylvania [Mr. BINGHAM] must be recognized under these circumstances, as he is in charge of the bill.

The SPEAKER. Very well, but the other gentleman is on the conference committee.

Mr. BINGHAM. Mr. Speaker, I move the previous question.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania to move the previous question.

Mr. FITZGERALD. If I had been recognized, I should have made that motion, and we would have saved all of this time.

The SPEAKER. The Chair accepts the gentleman's apology. [Laughter.] The question is on agreeing to the resolution.

The question was taken, and on a division (demanded by Mr. FITZGERALD) there were—ayes 110, noes 130.

Mr. FITZGERALD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 144, answered "present" 4, not voting 87, as follows:

YEAS—151.

Adair	Edwards, Ky.	Hayes	Lloyd
Aiken	Ellerbe	Heflin	McDermott
Alexander, Mo.	Ellis, Oreg.	Helm	McGuire
Ansberry	Ferris	Henry, Tex.	McHenry
Bartlett, Ga.	Fitzgerald	Higgins	McLain
Beall, Tex.	Flood	Holliday	Macon
Bell, Ga.	Floyd	Houston	Mann
Booher	Foster, Ill.	Howard	Marshall
Brantley	Fulton	Hull, Iowa	Maynard
Brodhead	Garner	Hull, Tenn.	Moon, Tenn.
Brundidge	Garrett	Humphrey, Wash.	Moore, Pa.
Burgess	Gill	Humphreys, Miss.	Moore, Tex.
Burleson	Gillespie	James, Ollie M.	Morse
Burnett	Glass	Johnson, Ky.	Murphy
Carter	Godwin	Johnson, S. C.	Nelson
Clark, Fla.	Goldfogle	Jones, Va.	Norris
Clark, Mo.	Gordon	Jones, Wash.	Padgett
Clayton	Goulden	Kennedy, Iowa	Page
Cockran	Gregg	Kimball	Parker
Cooper, Tex.	Griggs	Kipp	Perkins
Cox, Ind.	Hackett	Kitchin	Pollard
Craig	Haggott	Lamb	Pou
Cravens	Hamilton, Iowa	Lassiter	Prince
Crawford	Hamlin	Lee	Rainey
Darragh	Hardwick	Lenahan	Ransdell, La.
Davenport	Hardy	Lever	Rauch
Dawson	Harrison	Lewis	Reid
Denver	Haugen	Lindbergh	Rhinock
Dixon	Hay	Lindsay	Richardson

Robinson	Sherwood	Stanley	Volstead
Rucker	Sims	Stephens, Tex.	Waldo
Russell, Mo.	Slayden	Sulzer	Wallace
Russell, Tex.	Small	Talbott	Watkins
Ryan	Smith, Iowa	Thistlewood	Webb
Sabath	Smith, Mo.	Thomas, N. C.	Wiley
Shackleford	Smith, Tex.	Tirrell	Williams
Sheppard	Spight	Tou Velle	Wilson, Pa.
Sherley	Stafford	Underwood	

NAYS—144.

Allen	Davidson	Hobson	Needham
Ames	Davis	Howell, Utah	Nye
Andrus	Denby	Howland	Olcott
Anthony	Diekema	Hubbard, Iowa	Olmsted
Bannon	Douglas	Hubbard, W. Va.	Overstreet
Barchfeld	Draper	Hughes, W. Va.	Parsons
Barclay	Durey	Jenkins	Pearre
Bartholdt	Dwight	Kahn	Peters
Bartlett, Nev.	Ellis, Mo.	Keifer	Porter
Bates	Englebright	Kennedy, Ohio	Pray
Bingham	Esch	Kinkaid	Reeder
Birdsall	Fairchild	Knapp	Reynolds
Bonynge	Fassett	Knopf	Roberts
Boutell	Fordney	Knowland	Rodenberg
Bradley	Foster, Ind.	Küstermann	Scott
Brownlow	Foster, Vt.	Landis	Smith, Cal.
Burke	Foulkrod	Langley	Smith, Mich.
Burleigh	French	Law	Sperry
Burton, Del.	Gaines, W. Va.	Lawrence	Steenerson
Burton, Ohio	Gardner, Mass.	Longworth	Sterling
Butler	Gardner, N. J.	Loudenslager	Stevens, Minn.
Calder	Gilhams	Lowden	Sturgiss
Campbell	Gillett	McCall	Sulloway
Capron	Goebel	McCreary	Swasey
Cassel	Graff	McKinlay, Cal.	Taylor, Ala.
Caulfield	Graham	McKinley, Ill.	Taylor, Ohio
Chaney	Greene	McKinney	Townsend
Chapman	Gronna	McLachlan, Cal.	Vreeland
Cocks, N. Y.	Guernsey	McLaughlin, Mich.	Washburn
Conner	Hamilton, Mich.	Madden	Watson
Cook, Colo.	Harding	Madison	Wheeler
Cook, Pa.	Haskins	Malby	Wilson, Ill.
Cooper, Wis.	Henry, Conn.	Martin	Wood
Cousins	Hepburn	Moon, Pa.	Woodyard
Cushman	Hill, Conn	Mouser	Young
Dalzell	Hinshaw	Mudd	The Speaker

ANSWERED "PRESENT"—4.

Adamson	Currier	McMorran	Sherman

NOT VOTING—87.

Acheson	De Armond	Howell, N. J.	O'Connell
Alexander, N. Y.	Driscoll	Huff	Patterson
Ashbrook	Edwards, Ga.	Hughes, N. J.	Payne
Barnhart	Estopinal	Jackson	Pratt
Beale, Pa.	Favrot	James, Addison D.	Pujo
Bede	Finley	Kellher	Randell, Tex.
Bennet, N. Y.	Focht	Lafean	Riordan
Bennett, Ky.	Foelker	Lamar, Fla.	Rothermel
Bowers	Fornes	Lamar, Mo.	Saunders
Boyd	Foss	Laning	Slemp
Broussard	Fowler	Leake	Snapp
Byrd	Fuller	Legare	Southwick
Calderhead	Gaines, Tenn.	Livingston	Sparkman
Caldwell	Gardner, Mich.	Lorimer	Tawney
Candler	Hackney	Loud	Thomas, Ohio
Carlin	Hale	Lovering	Wanger
Cary	Hall	McGavin	Weeks
Cole	Hamill	McMillan	Weems
Cooper, Pa.	Hammond	Miller	Weisse
Coudrey	Hawley	Mondell	Willett
Crumpacker	Hill, Miss.	Murdock	Wolf
Dawes	Hitchcock	Nicholls	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. BENNET of New York with Mr. FORNES.

Until further notice:

Mr. WEEKS with Mr. SAUNDERS.

Mr. BOYD with Mr. ROTHERMEL.

Mr. WANGER with Mr. ADAMSON.

Mr. TAWNEY with Mr. LIVINGSTON.

Mr. PAYNE with Mr. RANDELL of Texas.

Mr. MILLER with Mr. O'CONNELL.

Mr. LOVERING with Mr. HITCHCOCK.

Mr. HAWLEY with Mr. HAMILL.

Mr. FOSS with Mr. HACKNEY.

Mr. FOCHT with Mr. CANDLER.

Mr. DRISCOLL with Mr. CALDWELL.

Mr. COLE with Mr. BYRD.

Mr. BEDE with Mr. ASHBROOK.

Mr. ALEXANDER of New York with Mr. PATTERSON.

Mr. LAFEAN with Mr. BROUSSARD.

The result of the vote was announced as above recorded.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

H. R. 16551. An act to pay C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander;*

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 27342. An act to amend the military record of David H. Dickinson;

H. R. 25064. An act for the relief of Angeline C. Burgert;

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians; and

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic.

The message also announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma.

S. 9182. An act to increase the limit of cost for the acquisition of additional land for the site of the new post-office and court-house at Duluth, Minn.;

S. R. 83. Joint resolution for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai;

S. R. 129. Joint resolution authorizing the Secretary of War to donate two condemned cannon to the State of Florida; and

Senate concurrent resolution 99.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells be, and hereby is, rescinded, and that in the reenrollment of the bill the following amendment be made so as to comply with the form adopted by the Secretary of War:

Strike out all after the enacting clause and insert as follows:

"That in the administration of the pension laws Adolphus Erwin Wells, of North Carolina, shall hereafter be held and considered to have been mustered into the military service of the United States as a private of Company E, Ninth Regiment Tennessee Cavalry, on the 16th day of June, 1864, to have served continuously as such to the date of the muster out of said company and regiment, and to have been honorably discharged from the military service of the United States on the date of the muster out of said company and regiment."

The message also announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

ENROLLED BILLS SIGNED.

Mr WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 13851. An act providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.;

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians;

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 16551. An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95 for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander;*

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 27342. An act to amend the military record of David H. Dickinson; and

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 8708. An act authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes—to the Committee on Indian Affairs.

S. 9182. An act to increase the limit of cost for the acquisition of additional land for the site of the new post-office and court-house at Duluth, Minn.—to the Committe on Public Buildings and Grounds.

S. R. 83. Joint resolution for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai—to the Committee on Claims.

S. R. 129. Joint resolution authorizing the Secretary of War to donate two condemned cannon to the State of Florida—to the Committee on Military Affairs.

RIVER AND HARBOR IMPROVEMENT.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent to have reprinted as a House document (H. Doc. No. 1462) a letter from Brig. Gen. W. L. Marshall, Chief of Engineers of the United States Army, transmitting a memorandum of revised estimates for maintenance of certain works of river and harbor improvement during the fiscal year ending June 30, 1910, with certain corrections.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask whether this will interfere with the order of business under which we are now operating?

The SPEAKER. This is a request for a reprint of a letter as a House document.

Mr. MANN. And it will not interfere with the Order of Business No. 5.

The SPEAKER. It will be printed if consent is given. If not, it will not be printed. Is there objection?

Mr. MANN. A parliamentary inquiry, Mr. Speaker, as to whether this will take us off the order of business in which we are now engaged?

The SPEAKER. How can it interfere with the order of business if it is printed as a House document by unanimous consent?

Mr. MANN. The fact that unanimous consent is asked and given is the reason I make the inquiry—as to whether that takes us out of the Order of Business No. 5?

The SPEAKER. It does not. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SUBSTITUTE FOR WOOD PULP.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to have reprinted House Report 2142, with certain corrections, touching the bill (H. R. 24328), to provide a substitute for wood in the manufacture of paper.

The SPEAKER. Is there objection?

There was no objection.

PENAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal code, with Mr. CURRIER in the chair.

The CHAIRMAN. The House is in the Whole House on the state of the Union for the further consideration of the bill H. R. 11701, the penal code bill. When the committee rose on yesterday, an amendment was pending offered by the gentleman from Massachusetts [Mr. MCCALL], and on agreeing to that amendment a division had been called for. Without objection, the Clerk will again report the amendment. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Strike out section 327.

Mr. MOON of Pennsylvania. Mr. Chairman, I call for a vote.

The committee divided; and there were—ayes 12, noes 46.

So the amendment was rejected.

The Clerk read as follows:

Also all other sections and parts of sections of the Revised Statutes and acts and parts of acts of Congress, in so far as they are embraced within and superseded by this act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this act had not been passed.

During the reading of section 338 the following occurred:

Mr. SABATH. Mr. Chairman——

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. MOON of Pennsylvania. Will the gentleman from Pennsylvania suspend until the reading of the section is completed?

Mr. SABATH. The section has been completed.

The CHAIRMAN. Only the paragraph; the Clerk is reading by sections.

Mr. MOON of Pennsylvania. This is all in one section.

Mr. SABATH. Repealing all these laws and parts of acts, is that all in one section?

Mr. MOON of Pennsylvania. That is all in one section.

The CHAIRMAN. Almost the entire chapter seems to be one section.

Mr. SABATH. That is all one section?

The CHAIRMAN. Yes; amendments will be in order, as soon as the reading of the section is completed, to any part of the section.

The Clerk resumed, and concluded the reading of the section.

Mr. MOON of Pennsylvania. Mr. Chairman, I rise to offer a committee amendment to section 338, which includes the repealing provisions. This amendment is made necessary by the fact that during the pendency of this bill and after it was reported to the House two different laws were enacted, one regulating the transportation of explosives in interstate commerce, and the other, which was passed in May last, in regard to presenting false claims to some of the departments of the Government. Those new laws passed by the House were substituted by this committee for the report that they had made, and therefore it becomes necessary to perfect that repealing clause, to repeal the existing sections of the law that they take the place of, and this is merely a formal amendment for that purpose.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

At the bottom of page 187 insert the following:

"An act entitled 'An act to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation,' approved May 30, 1908.

"An act entitled 'An act to amend section 5438 of the Revised Statutes,' approved May 30, 1908."

The question was taken, and the amendment was agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer an amendment to come in at the bottom of page 187.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the bottom of page 187 insert that part of the act of March 1, 1875, which reads:

"No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than $5,000."

Mr. BARTLETT of Georgia. Mr. Chairman, I propose in this repealing section to include that portion of the act of 1875, March 1, known as the "enforcement and reconstruction act."

Mr. MOON of Pennsylvania. Will the gentleman permit a question?

Mr. BARTLETT of Georgia. Right now; yes.

Mr. MOON of Pennsylvania. That section which the gentleman asks to have repealed is not in the criminal code at all.

Mr. BARTLETT of Georgia. It is in this bill; yes. It can be found in section 22 in this bill upon which we are now acting. In fact, this amendment is this section taken from this bill.

Mr. MOON of Pennsylvania. I could not understand it from the reading.

Mr. BARTLETT of Georgia. I know that, because I cut it out of a section of this bill which we have adopted, on which we are now acting, and sent it up to the Clerk's desk.

Mr. MOON of Pennsylvania. I simply asked for information, because I could not tell from the reading.

Mr. BARTLETT of Georgia. I am surprised at the gentleman from Pennsylvania asking the question, because he is so familiar with this bill I thought he would have recognized it at once.

Mr. MOON of Pennsylvania. Permit me to say to the gentleman from Georgia I could not hear——

Mr. BARTLETT of Georgia. I will take that back, then.

Mr. MOON of Pennsylvania (continuing). And understand what the gentleman proposed to offer, from the reading from the desk.

Mr. BARTLETT of Georgia. It is on page 14 of the bill.

Mr. Chairman, I merely want to call the gentleman's attention to section 23, page 14, of this bill we are considering.

Now, Mr. Chairman, I do not care so much about the section that provides the qualification of jurors in the federal courts, but the point I make upon this statute, and why I ask to have it repealed, is this: The Supreme Court in a number of cases have decided that the right to determine the qualification of jurors in the state courts is a matter entirely for the determination of the legislatures of those States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BARTLETT of Georgia. Division!

The Committee divided; and there were—ayes 48, noes 15.

So the amendment was agreed to.

Mr. SULZER. Mr. Chairman, my purpose in taking the floor at this time is to say a few words on a topic of much moment—good roads. I am now, always have been, and always expect to be in favor of good road building. There is no subject at the present time of more importance to all the people than the proposition to construct good roads by governmental aid along economic and constitutional lines.

The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers of our country will increase our wealth and our greatness and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever.

Now, Mr. Chairman, I want to say again that I take an abiding interest in this all-absorbing question for better highways by some plan of governmental assistance. I know it can be done honestly, economically, and constitutionally. I am not committed to any pet scheme. I have no vanity in the matter. I care not who gets the glory so long as the people get the results.

I am for the cause, and in the fight to stay. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and they will help every section of our vast domain. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country, bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearth sides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessaries of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and greater and grander and broader.

Good roads, sir, are the arteries of the industrial life of a great and powerful people. Good roads make a good country. In a government such as ours all sorts and conditions of men and women are more or less absolutely dependent upon the best and speediest means of communication and transportation. If you say that good roads will only help the farmers, I deny it. The farmers who produce the necessaries of life are less dependent than the millions and millions of people who live in our cities. The very lives of the latter depend on the farmers—the producers of the necessaries of life. The most superficial investigation of this subject will clearly prove that good roads are more important to the consumers than they are to the producers of the country.

But the burdens of life fall thickest and hardest on the farmer; and he gets less for the taxes he pays than any other class of people in the land. The least the Government can do for him is to help him get decent highways. I am with the farmers in this fight for good roads. I am with the rural districts of our land in their struggle for better transportation facilities, and in Congress, or out of Congress, I shall do all in my power to hasten the consummation they desire—the ability to go and to come along good roads without exhausting the time and the effort and the utility of man and beast.

The fathers of the Republic wisely recognized the importance of this question. Washington and Jefferson advocated good roads and projected the construction of a great highway from the Capital to the Mississippi Valley. The far-seeing statesmen of the early days of our national existence championed and passed measures to better the means of transportation. They knew that of all human agencies the one which has done most for civilization has been the building of good roads—the abridgment of distance, the shortening of time—in the facility of communication. They realized the necessity of good roads, how important they were to the country, to its growth and its development; and to mankind, morally, physically, intellectually, and industrially; removing national and provincial antipathies, and binding together all sorts and conditions of people in the brotherhood of man.

The farsighted wisdom of Julius Cæsar built from the imperial exchequer the magnificent roads that led in all directions to eternal Rome. The great Napoleon—Cæsar like—built the roads of France that center in Paris from the general funds of the Government; and these French roads have done more than any other single agency to encourage the thrift and increase the industry and insure the contentment of the people of France. Cæsar and Napoleon were the great road builders of ancient and modern times, and their foresight and their judgment demonstrated the beneficial results that follow, like the night the day, the building of great governmental highways.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print in the RECORD some addresses and letters in connection with my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none and the request is granted.

The matter referred to follows:

ADDRESS OF PRESIDENT ROOSEVELT READ AT THE NATIONAL GOOD ROADS CONGRESS, CHICAGO, JUNE 15, 1908.

When we wish to use descriptive terms fit to characterize great empires and the men who made those empires great, invariably one of the terms used is to signify that that empire built good roads. When we speak of the Romans, we speak of them as rulers, as conquerors, as administrators, as road builders. There were empires that rose over night and fell over night, empires whose influence was absolutely evanescent, which have passed away without leaving a trace of their former existence; but wherever the Roman established his rule, the traces of that rule remain deep to-day, stamped on the language and customs of the people, or stamped in tangible form on the soil itself. And so passing through Britain fifteen centuries and over after the dominion of Rome passed away, the Roman roads, as features, still remain; going through Italy, where power after power has risen and flourished and vanished since the days when the temporal dominion of the Roman emperors transferred its seat from Rome to Byzantium—going through Italy after the Lombard, the Goth, the Byzantine, and all the people of the middle ages that have ruled that country—it is the imperishable Roman roads that reappears.

The faculty, the art, the habit of road building marks in a nation those solid, stable qualities which tell for permanent greatness. Merely from the standpoint of historic analogy we should have a right to ask that this people which has tamed a continent, which has built up a country with a continent for its base, which boasts itself, with truth, as the mightiest republic that the world has ever seen, which I firmly believe will in the century now opening rise to a position of headship and leadership such as no other nation has ever yet attained—merely for historic analogy, I say we should have a right to demand that such a nation build good roads. Much more have we the right to demand it from the practical standpoint. The great difference between the semibarbarism of the middle ages and the civilization which succeeded it was the difference between poor and good means of communication. And we to whom space is less of an obstacle than ever it was in the history of any other nation, we who have spanned a continent, who have thrust our border westward in the course of a century and a quarter until it has gone from the Atlantic to the Alleghenies, from the Alleghenies down into the valley of the Mississippi, across the Great Plains, over the Rockies to where the Golden Gate lets through the long, heaving waters of the Pacific, and finally to Alaska, to the arctic regions, to the tropic islands of the sea—we who take so little account of mere space must see to it that the best means of nullifying the existence of space are at our command.

Of course, during the last century there has been an altogether phenomenal growth of one kind of road wholly unknown to the people of an earlier period—the iron road. The railroad is, of course, something purely modern. A great many excellent people have proceeded upon the assumption that somehow or other having good railroads should be a substitute for having good highways, good ordinary roads. A more untenable position can not be imagined. What the railroad does is to develop the country, and of course its development implies that the developed country will need more and better roads.

A few years ago it was a matter of humiliation that there should be so little attention paid to our roads; that there should be a willingness not merely to refrain from making good roads, but to let the roads that were in existence become worse. I can not too heartily congratulate our people upon the existence of a body such as this, ramifying into every section of the country, having its connections in every State of the country, and bent upon that eminently proper work of making the conditions of life easier and better for the people whom, of all others, we can least afford to see grow discontented with their lot in life—the people who live in the country districts. The extraordinary, the wholly unheard-of, rate of our industrial development during the past seventy-

five years, together with the good sides has had some evil sides. It is a fine thing to see our cities built up, but not at the expense of the country districts. The healthy thing to see is the building up of both the country and city go hand in hand. But we can not expect the ablest, the most eager, the most ambitious young men to stay in the country, to stay on the farm, unless they have certain advantages. If the farm life is a life of isolation, a life in which it is a matter of great and real difficulty for one man to communicate with his neighbor, you can rest assured that there will be a tendency to leave it on the part of those very people whom we should most wish to see stay in it. It is a good thing to encourage in every way any tendency which will tend to check an unhealthy flow from the country to the city.

There are several such tendencies in evidence at present. The growth of electricity as a means of transportation tends to a certain degree to exercise a centrifugal force to offset the centripetal force of steam. Exactly as steam and electricity have tended to gather men in masses, so now electricity, as applied to the purposes which steam has so long claimed as exclusively its own, tends again to scatter masses. The trolley lines that go out in the country are doing a great deal to render it more possible to live in the country and not to lose wholly the advantages of the town. The telephone is not to be minimized as an instrument with a tendency in the same direction; and rural free delivery is playing its part along the same lines. But no one thing can do more to offset the tendency toward an unhealthy growth from the country into the city than the making and keeping of good roads. They are needed for the sake of their effect upon the industrial conditions of the country districts; and I am almost tempted to say they are needed for the sake of social conditions in the country districts. If winter means to the average farmer the existence of a long line of liquid morasses, through which he is to haul his goods, if bent on business, or to wade and swim if bent on pleasure; if winter means that after an ordinary rain the farmer boy or girl can not use his or her bicycle; if a little heavy weather means a stoppage of all communication not only with industrial centers, but with the neighbors, you must expect that there will be a great many young people of both sexes who will not find farm life attractive. It is for this reason that I feel the work you are doing is so preeminently one in the interest of the Nation as a whole. I congratulate you upon the fact that you are doing it. In our American life it would be hard to overestimate the amount of good that has been accomplished by associations of individuals who have gathered together to work for a common object which was to be of benefit to the community as a whole; and among all the excellent objects for which men and women combine to work to-day, there are few indeed which have a better right to command the energies of those engaged in the movement, and the hearty sympathy and support of those outside, than this movement in which you are engaged.

ADDRESS OF WILLIAM JENNINGS BRYAN, READ AT THE NATIONAL GOOD ROADS CONGRESS, DENVER, JULY 6, 1908.

I have become exceedingly interested in this subject, as I have studied it. In fact, I have been thinking how many questions there are that enlist the thought and arouse the interest of those who seek to do something for their fellow men. If we attend a meeting of home missionaries we are surprised to find how much need there is in this country for home missionary work; and after we have listened to the speeches made at such meetings we make up our mind that the work of the home missionary is an exceedingly important work. If we attend a meeting of the foreign missionary society, we are amazed to find what a large world this is, how much sacrifice has been made by foreign missionaries, and how extended is their field of labor. If we attend an educational meeting and hear great educators speak, we wonder that we could have been so ignorant of the great forces at work for the uplifting of our people, and we are astonished to find how many people there are with all our schools, public and private, who are yet illiterate. And then, if we go to a prison congress and hear people talk about the various means of reforming people, why, we find that there is another wide field for energy. And so with many other kinds of work, not to speak of political work. And as I have gone from one of these meetings to another I have been more and more impressed with the largeness of the vineyard in which people can work if they really want to work. And then, when I read in the paper that some one has committed suicide because there was nothing for him in the world, I can not help thinking that if one has a proper conception of life and measures it by its outflow and not by its income, he will find so much to do that he will never despair.

The expenditure of money for the permanent improvement of the common roads can be defended, first, as a matter of justice to the people who live in the country; second, as a matter of advantage to the people who do not live in the country; and third, on the ground that the welfare of the Nation demands that the comfort of country life shall, as far as possible, keep pace with the comforts of city life.

It is a well-known fact, or a fact easily ascertained, that the people in the country, while paying their full share of county, state, and federal taxes, receive, as a rule, only the general benefits of government, while the people in the cities have, in addition to the protection afforded by the Government, the advantage arising from the expenditure of public moneys in their midst. The county seat, as a rule, enjoys the refreshing influence of an expenditure of county money out of proportion to its population. The capital of a State and the cities where the state institutions are located, likewise receive the benefit of an expenditure of public money out of proportion to their population. When we come to consider the distribution of the moneys collected by the Federal Government, we find that the cities, even in a larger measure, monopolize the incidental benefits that arise from the expenditure of public moneys.

An analysis of the expenditures of the Federal Government will show that an exceedingly small proportion of the money raised from all the people gets back to the farmers directly; how much returns indirectly it is impossible to say, but certain it is that the people who live in the cities receive by far the major part of the special benefits that come from the showering of public money upon the community. The advantage obtained locally from government expenditures is so great that the contests for county seats and state capitals usually exceed in interest, if not in bitterness, the contests over political principles and policies. So great is the desire to secure an appropriation of money for local purposes that many will excuse a Congressman's vote on either side of any question if he can but secure the expenditure of a large amount of public money in his district.

I mention this because it is a fact that I have not referred to. The point is, that the farmer not only pays his share of the taxes, but more than his share, yet very little of what he pays gets back to the farmer.

People in the city pay not only less than their share, as a rule, but get back practically all of the benefits that come from the expenditure of the people's money. Let me show you what I mean when I say that the farmer pays more than his share. The farmer has visible property, and in every form of direct taxation visible property pays more than its share. Why? Because the man with visible property always pays. If he has an acre of land the assessor can find it; if he has horses, they can be counted; his cattle can be enumerated. If he has pigs, they begin to squeal when the assessor approaches; he can not hide them. The farmer has nothing that escapes taxation; and in all direct taxation, he not only pays on all he has, but the farmer who has visible property has to pay a large part of the taxes that ought to be paid by the owners of invisible property, who escape taxation.

And when we come to indirect taxation, the farmer's share is even more, because when you collect taxes on consumption, you make people pay, not in proportion to what they have, but in proportion to what they need. And God has so made us that the farmer needs as much as anybody else, even though he may not have as much as other people with which to supply his needs. In our indirect taxation, therefore, for the support of the Federal Government, the farmer pays even more out of proportion to his wealth. And then, when we remember that when we collect taxes on consumption, we make the farmer pay not only that which is imported, but upon much of that which is produced at home, we find that the farmer's burden is not measured by what the Treasury receives, but is frequently many times what the Treasury receives. While in indirect taxation the burden upon the farmer is far greater than it ought to be, yet when you trace the expenditure of public moneys distributed by the Federal Government you find that even in a large measure special benefits are to the great cities and not to the rural communities. This point I desire to emphasize and make clear.

The improvement of the country roads can be justified also on the ground that the farmer, the first and most important of the producers of wealth, ought to be in position to hold his crop and market it at the most favorable opportunity, whereas at present he is virtually under compulsion to sell it as soon as it matures, because the roads may become impassable at any time during the fall, winter, or spring. Instead of being his own warehouseman, the farmer is compelled to employ middlemen and share with them the profits upon his labor.

I believe, as a matter of justice, the farmer ought to have roads that will enable him to keep his crop and take it to the market at the best time, and not place him, as he is placed to-day, in a position where they can run down the price of what he has to sell just when he must sell, and then, when he has disposed of it, run the price up and give the speculator what the farmer ought to have.

The farmer has a right to insist upon roads that will enable him to go to town, to church, to the schoolhouse, and to the homes of his neighbors, as occasion may require, and, with the extension of rural delivery, he has an additional need for good roads, in order that he may be kept in communication with the outside world.

A great deal has been said, and properly so, in regard to the influence of good roads upon education. In the meeting held at Raleigh, N. C., the speeches which I had the pleasure of reading placed great emphasis upon the fact that it is impossible to have a school system such as we ought to have unless the roads are in condition for the children to go to school.

I was thinking this morning that while we are building great libraries in the cities, we do not have libraries in the country, and there ought to be a library in every community. Instead of laying upon the farmer the burden of buying his own books, we ought to make it possible for the farmer to have the same opportunity as the people in the cities to use the same books, and thus economize on the expense of a library. Have you ever thought what an advantage the child in a city has over the child in the country? Our country schools teach the lower grades, with only a few students, except at great expense. In cities when a child gets through the graded school, still living at home and without expense to himself or his parents, he is able to go through the high school; but if the country boy or girl desires to go from the graded school to the high school, as a rule it is necessary to go to the county seat and there board with some one. So the expense to the country child is much greater than to the child in the city.

As you study this subject you find it reaches out in every direction, that it touches us at every vital point. What can be of more interest to every parent than bringing instruction within the reach of every child? It does not matter whether a man has children himself or not; he may have a small family, like the graduates of Yale and Harvard are said to have—they average about three—or he may have a family large enough to excite the admiration of the President. No matter whether he has few children or many, every citizen of a community is interested in the intellectual life of that community. Sometimes I have heard people complain because, having few children, they thought themselves overburdened with taxes for the education of other people's children. My friends, the man who has no children can not afford to live in a community where there are children growing up in ignorance, and the man with none has the same interest as the man with many, barring the personal pride of the parent.

Anything, therefore, that contributes to the general diffusion of knowledge, anything that makes more educated boys and girls throughout our country, is a matter of intense interest to every citizen, whether he be a father of a family or not; whether he lives in the country or in the town.

And ought not the people to have an apportunity to attend church? Why, my friends, I am coming to believe that what we need in this country, even more than the training of the intellect, is the development of the moral side of our natures. I believe with Jefferson that the church and the state should be separate. I believe in religious freedom, and I would not have any man's conscience fettered by act of law. But I do believe that the welfare of this Nation demands that man's moral nature shall be educated in keeping with his brain and his body. In fact, I have come to define civilization as the harmonious development of the body, the mind, and the heart. And we make a mistake if we believe that this Nation can fulfill its high destiny and mission, either with mere athletes or even with scholars. We need the education of the moral sense. And if these good roads will enable men, women, and children to go more frequently to church and there receive the inspiration that comes from the holding up of the life of the Man of Galilee, that alone is reason enough for good roads.

Then, too, I am satisfied that the people of the country do not have enough social life. It is one of the things that we all should regret, that the extremes of society have been pushed so far apart, that some who think themselves at the top know nothing but society, while those who are declared to be at the bottom know nothing of society.

Again, the people of the towns, especially the rural towns, are interested in making it possible for the people in the country to reach their local market or trading place during all times of the year, for, throughout the agricultural portion of the country at least, the villages and the cities rest upon and derive their support from the farms.

I think I ought to make this plain. I once said in a speech (1896), "Burn your cities and leave our farms, and your cities will spring up again as if by magic. But destroy our farms and grass will grow in the streets of every city in the country." I thought I was stating a truth; I never supposed it could be distorted, but when the election was over I received a dodger which had been circulated just before the election saying in big letters: "Burn the cities," without anything else, and it was declared to be the utterance of "Anarchist Bryan." So I think it is necessary to qualify the statement a little and assure you that I do not want to destroy the cities; I simply want to remind you of a very patent fact, and that is, that the cities rest upon the country; that the farm is the life of the cities, and that, especially in the agricultural communities, the people in the cities are intensely and vitally interested in enabling the people of the country to get into the towns to do their trading. Sometimes I have heard country merchants express dissatisfaction because the people of the country sometimes buy of the mail-order houses. If the country merchant wants to keep the trade at home, let him help to make roads good between the patron and his store. That is the best way. He can not expect that people who are prevented from going to town will refuse to utilize the best means of supplying their needs. I repeat that people in the town are interested in making it possible for the people of the country to get into town.

There is a broader view of this question, however, that deserves consideration. The farm is, and always has been, conspicuous because of the physical development it produces, the intellectual strength it furnishes, and the morality it encourages. The young people in the country find health and vigor in the open air and in the exercise which farm life gives; they acquire habits of industry and economy; their work gives them opportunity for thought and reflection; their contact with nature teaches them reverence, and their environment promotes good habits. The farms supply our colleges with their best students, and they also supply our cities with leaders in business and professional life. In the country there is neither great wealth nor abject poverty—"the rich and the poor meet together" and recognize that "the Lord is the Father of them all." There is a fellowship and, to use the word in its broadest sense, a "democracy" in the country that is much needed to-day to temper public opinion and protect the foundations of free government. A larger percentage of the people in the country than in the city study public questions, and a smaller percentage either corrupt or corrupted. It is important, therefore, for the welfare of our Government and for the advancement of our civilization that we make life upon the farm as attractive as possible. Statistics have shown the constant increase in the urban population and the relative decrease in the rural population from decade to decade. Without treading upon controversial ground or considering whether this trend has been increased by legislation hostile to the farm, I may suggest that the Government is in duty bound to jealously guard the interest of the rural population and, as far as it can, make life inviting. And it may be added, comfort is a relative rather than a positive term. Transportation by wagons did not seem slow until the steam engine made more rapid travel possible. The tallow candle seemed bright until it was dimmed by oil, gas, and electricity; the flint and the steel were convenient enough until the friction match displaced them. In the employment of modern conveniences the city has considerably outstripped the country; and naturally so, for, in a densely populated community the people can by cooperation supply themselves with water, light, and rapid transit at much smaller cost than they can in a sparsely settled country; but it is evident that during the last few years much has been done to increase the comforts of the farm.

In the first place, the rural delivery has placed millions of farmers in daily communication with the world. It has brought not only the letter, but the newspaper, to the door. Its promised enlargement and extension will make it possible for the wife to order from the village store and have her purchase delivered by the mail carrier.

The telephone is also a great boon to the farmer. It lessens by one-half the time required to secure a physician in case of accident or illness—an invention which every mother can appreciate. In a hundred ways it saves time and steps.

The improvements in the methods of manufacturing gas, and the invention of machines suitable for family use, must not be overlooked. It is now possible for every farmer to install, at a small expense, a gas plant sufficient for the production of the light necessary for his house. While the extension of the system of private water plants has not been quite so rapid, it is still very marked. Probably no one modern convenience enjoyed in the cities is more missed in the country than the water system that supplies the kitchen and the bathroom. No woman who lives, or visits a while, in the city can return to the country without noticing the difference between the faucet and the pump.

The extension of the electric car line also deserves notice. It is destined to enlarge the limits of the city and to increase the number of 1, 2, 5, and 10 acre farms at the expense of flats and tenement houses. The suburban home will bring light and hope to millions of children.

But after all that has been done and is being done by the improvements above referred to there still remains a pressing need for better country roads, a need emphasized and made more apparent by the pavement of city streets. As long as mud placed an embargo upon city traffic the farmer could bear his mud-made isolation with less complaint, but with the improvement of city streets and with the establishment of parks and boulevards the farmers' just demand for better roads finds increasing expression.

Just to what extent action should be taken by the Federal Government, the state government, the county, and the precinct, or in what proportion the burden should be borne is a quesion for discussion, but that country roads should be constructed with a view to permanent and continuous use is scarcely open to debate.

There must be recognition of disease before there can be an intelligent discussion of a remedy; but when the disease is once located, the people may be depended upon to find not only a remedy, but the right remedy. The people are beginning to realize that bad roads are indefensible and are prepared to consider the remedy. I have discussed simply the disease, and have tried to point out that we are not helping the farmer to keep up with the progress of the town people. I have tried to show that from every standpoint, from the farmers' standpoint, from the standpoint of the citizen of the town, and from the broader standpoint of the patriot the farmer's interest must be looked after. And when this disease of bad roads is once understood, then you can trust the intelligence of the American people to do whatever is necessary. Meetings like this will not only emphasize the fact that bad roads are intolerable, but will bring out men who are interested in these questions, who have studied them and can present remedies for your consideration. And I have such confidence in the patriotism and intelligence of the American people that I believe that in the clash of ideas and conflict of views the best will always be triumphant, the people having the benefit of the combined wisdom of all the people.

In some countries the people have not the right to suggest, not even the right to pass upon a suggestion; but under our form of government the people not only have a right to sit in judgment upon every suggestion made, but have the right of suggestion, and in this "multitude of counsel there is safety."

ADDRESS BY EX-GOVERNOR N. J. BACHELDER, MASTER NATIONAL GRANGE, AT THE NATIONAL GOOD ROADS CONGRESS, DENVER, COLO., JULY 6, 1908.

Mr. Chairman and Gentlemen:

As master of the National Grange I am pleased to have this opportunity for presenting some considerations of this important question from the farmer's standpoint. The farmers have a common interest with all other advocates of road improvement; and although there may be differences of opinion as to methods, we are all working for the same ultimate purpose—the establishment of a complete system of properly constructed roads in all sections of the country. How such a road system can be secured is a problem that more directly concerns the farmers than any other class, and it may be safely said that the question of better roads is essentially a farmers' question.

It is true that all industrial interests are affected by the nature and conditions of the roads over which the products of our farms are transported to market, but it is the farmers who suffer most from the inferior roads which constitute so large a percentage of the road system of the United States. And I am confident that it is to the farmers that we must look as the active force and influence that will secure the enactment of the legislation needed to bring about that improvement in road conditions that we all desire.

And here I wish to refer briefly to the seeming conflict of interests between the farmers and the owners of motor vehicles, which has in some districts given rise to pronounced antagonism and hostile legislation. That since the introduction and general use of the automobile there have been many instances of gross disregard by the drivers of motor vehicles of the public's right to the use of our highways can not be denied. The coming of the automobile has brought with it the victims of speed mania who, in their mad desire to beat records, drive their high-powered machines along country roads at a speed dangerous to all others using these roads. It is only natural that the farmers, on whom in most sections of the country the chief burden of constructing and maintaining public roads has fallen, should resent the violation of their right to use these roads in safety and should have sought to have severe penalties imposed on the offending parties. For myself I may say that I believe that the attitude of the farmers toward the automobile was to a large extent justified by the outrageous conduct of drivers of these vehicles. It is doubtless true, as is often asserted, that the "speed maniacs" constitute a very small percentage of the total number of automobile users. I am pleased to know that the abuses complained of in the earlier years of the automobile have to a large extent disappeared, and trust that through the influence of the automobile clubs and associations there may be brought about a willingness to respect the rights of all the people to the use of the highways that will give no occasion for hostility toward the orderly reasonable use of the automobile.

I realize that the motor vehicle is here to stay and that it is a factor that must be taken into consideration in discussing the improvement of our roads. The question as to how far it creates new problems of road maintenance and repair I must leave to the expert roadmakers, and would only suggest that it is important that all the facts relating to the effects of automobile traffic on improved roads should be ascertained before raising needless alarm over the alleged destructive tendencies of the inflated rubber tire.

One phase of the development of the motor vehicle that is of special interest to the farmers is the possibilities of the commercial truck or power-operated farm wagon. It would seem that here is a very large field for an industry that will be profitable to both the farmers and the manufacturers of such vehicles. With improved roads the use of motor trucks for the conveyance of farm products to market should become general in all sections of the country, thus enabling the farmer to market his crops more quickly and at less expense. I believe that no injury is caused to macadam roads by these commercial vehicles, but, on the contrary, their solid rubber tires operate practically as rollers and serve to keep such roads in good condition.

In this connection I wish to emphasize the fact that the road question in the United States is not only a farmers' question, but, first of all, a question of the commercial use of the highways. To the farmer the roads are the means of transporting his products to market, and it is from this point of view that the farmers will insist that all plans for road improvement must be considered. Over our country roads there are annually hauled nearly 200,000,000 tons of staple farm products, and if to this we add the smaller products, such as fruit, milk, eggs, etc., and the fertilizers, feed, coal, lumber, etc., taken from the town to the farm, we will have an aggregate of at least 250,000,000 tons carried for long or short distances over our highways. These figures show the enormous importance to the farmers of a system of improved roads that would enable them to reduce the cost of hauling this volume of freight from one-half to two-thirds of what it now costs them. It is estimated by competent authorities that over the ordinary country road the farmer draws an average load of 2,000 pounds an average distance of 12 miles, at a cost of $3, and it has been shown that with improved roads the cost of moving the same load that distance would be but little more than $1. Making allowance for exceptional cases, it is certain that the cost of transporting a ton of farm products over improved roads is not one-half the cost over earth roads. Under a general system of improved roads the cost of hauling these 250,000,000 tons would be cut in two, thus effecting a direct saving to the farmers of the country of at least $125,000,000 annually.

Nor is this the only saving to the farmers that would be effected through improved roads. Because of bad roads the farmers or their hired men must now spend twice as much time on the road as would be required under a proper road system. In bad weather the roads are often impassable, so that time must be taken from farm work in fine weather to get the crops to market. With a system of good roads over which farm products could be hauled in one-half of the time now necessary, the farmers would have just so much additional time for other work and could therefore greatly increase the productivity of their farms.

It is not needful that I should occupy your time with any extended statement of the benefits of good roads. The direct saving in dollars and cents is only one of the many advantages to the farmers that would result from improved roads. There can be no question but that

the deplorable condition of our roads is to a large extent responsible for the dissatisfaction with country life, which drives so many of our people into the towns and cities. Bad roads make farming unprofitable and undesirable. They increase the solitude of life on the farm by making more difficult and less frequent visits to the neighbors, and to the villages and towns. They limit opportunity by forcing the farmer to spend twice as much time in going to and from his markets as he would with a good road system. In short, the greatest drawback to farm life to-day is the condition of the average country road, and the improvement of our roads is of greater importance to the farmers than any other suggested legislative reform.

Nor is it necessary to dwell upon the inferior character of our existing roads. The fact that out of a total road mileage in the United States of 2,151,570 only a fraction over 7 per cent can be called improved speaks for itself.

The facts as to present conditions have long been known to the thoughtful farmers of the country, and they have been the first to realize the urgent need for radical reforms in methods of road construction and improvement. It is true that the farmer is naturally conservative, and perhaps has not taken up the subject of better roads as quickly as the residents of towns and cities would act in a matter vitally affecting their interests, but from my wide acquaintance with the farmers of all sections of the country I am prepared to affirm that they are as a whole awake to the importance of this subject, and ready to do all in their power to further the work of road improvement.

The farmers recognize the need for better roads, and realize how largely such roads would contribute to their comfort and prosperity. They are anxious that well-considered plans for road improvement should be submited to the state and national legislatures, and will do all in their power to aid in securing the adoption of such plans.

It may be asked why, if the farmer favors good roads, the work of road improvement has not made greater progress. The chief reason is to be found in the lack of the money required for the construction and maintenance of improved roads. Many farming sections of the country are still sparsely populated, and the economic condition of the farmers in general is such that they regard it as impossible for them to contribute in taxes the funds necessary for the construction of a permanent road system. While it is true that it would pay even the poorest communities to increase their expenditures for road improvement, it may be said that as a general proposition the means of the farming districts are wholly inadequate to provide for a proper road system.

In view of these conditions the farmers have in recent years come to realize that the road problem is not merely a question for the communities through which the roads run, but one that concerns the people of the States and of the Nation as a whole. They are convinced that as the workers of the towns and cities, the manufacturers, merchants, and indeed all classes and interests, are affected by present road conditions, the people of the entire country should aid in establishing a better system. Believing that appropriations for this purpose should be made from other sources than local taxation, they have aided the movement for state aid for highway improvement which has been in progress for some years past, and their votes have aided in securing action on this matter in various States.

In many States, however, the same conditions which prevent the construction of the needed mileage of improved roads make it impracticable to secure the desired appropriations by the State. The necessity for better roads is admitted, but it is not believed that the States are justified in increasing their tax rate to the extent needful for this purpose.

The general recognition of these conditions has in recent years given rise to a growing demand for national aid for public road improvement. It is urged by the farmers that they do not receive a fair share of the benefits of the money raised by taxes upon the people of the whole country, and that the improvement of the public highways is as equally deserving of federal assistance as is the improvement of our waterways, for which large amounts are annually appropriated by Congress.

The expenditures for river and harbor improvements are justified on the grounds of their importance to the trade and commerce of the country as a whole. The advocates of national aid for better roads believe that the improvement of the public highways is of even greater importance to the people of the entire country, since this is a matter that affects every industrial interest, and will benefit the trade and commerce of every section of the United States.

I have recently had brought to my attention in a striking form the facts as to the relatively small proportion of the Nation's revenue that is devoted to purposes affecting the great agricultural interests of the country. Statistics of the exports from the United States for the ten years ending with 1906 show that nearly 60 per cent (59.13, to be exact) of the exports during that period were the products of our farms, the total value of these products amounting to more than $8,000,000,000. Yet, for the benefit of the industry producing these enormous values, there was expended during the same period less than 1 per cent of the total federal expenditures, met chiefly by indirect taxes paid largely by the farmers of the entire country. During that period Congress appropriated $180,537,000 for the improvement of our waterways and harbors, but not one dollar (unless the few thousands annually appropriated for the Office of Public Roads, United States Department of Agriculture, are so regarded) for the improvement of our highways.

The farmers are determined that this state of affairs shall not continue. They have made up their minds that Congress must devote a share of the annual appropriations to the construction and maintenance of our roads. They are not committed to any special policy as to how these appropriations shall be expended so long as care is taken that the money is wisely devoted to the purpose for which it is intended. Some of us believe that the creation of a national highways commission, with power to organize a sufficient corps of trained road engineers, who, in cooperation with the state and local highway authorities, would supervise the disbursement of the federal grants, would be a satisfactory solution of the problem. This is, however, a matter to be worked out by the committees of the House and Senate which will pass on legislation to establish the general policy of national aid, and I am confident that a plan will be devised that will be satisfactory to Congress, the state and local road officials, and the people of the country as a whole.

National aid will not, as some persons have suggested, lessen the interests of the States, counties, and townships in road improvement. On the contrary, the roads constructed with federal assistance will serve to stimulate everywhere the desire for better roads, and will be the means of ultimately giving the entire country a uniform system of scientifically constructed public highways.

ADDRESS BY JOSEPH KORNS, OF DIXON, ILL., AT THE NATIONAL GOOD ROADS CONGRESS, CHICAGO, JUNE 15, 1908.

I am particularly interested in improving our American roads to an equal excellence with those of European countries.

Why should we be behind any country in this much-needed improvement, when we have every facility at hand except sufficient circulating medium? We all know that we can not build hard roads without a vast expenditure of money, and if we raise the money by taxing the people it will be more than they will be able to stand.

Let the United States Government issue $100,000,000 of legal-tender currency, to be divided equally among all the counties of the United States according to their population, after reducing the population of the cities of each county.

This money to be put into circulation by building hard roads as fast as laborers can be hired for the purpose. This would give employment at living wages for all who are idle.

There are probably over 3,000 counties in the United States, each equipped with its county officials to carry on the building of these roads, and this money should be made payable to the county treasurer of each county as fast as it is earned.

But this money should not draw interest; not until it is paid out for labor, for that is the only thing that gives it value. It will then be wealth created by labor. It will then go out through the world drawing the same interest that any gold or silver dollar will draw and have the same value as a purchasing power.

Let this issue be continued from time to time until the amount of money in circulation reaches $40 per capita. We now have about thirty in circulation, and it is not enough to carry on the business of this busy land of ours and pay as we go.

"Self protection is the first law of nature," therefore let us be as free and independent American citizens in establishing a sound system of finance; one that will meet the needs of the public, as we were in the establishment of our republican form of Government.

This system of financing will be the most feasible of any yet planned, for it will be furnishing the money directly from the Government to the people, and it will be secured by the prosperity of the people.

Constant employment of labor at good wages produces in a country like ours general prosperity and contentment.

The Congress of the United States can make no mistake in giving us an immediate issue of $100,000,000 of legal-tender currency to be paid out for labor in building permanent public highways.

CLEVELAND, OHIO, *July 3, 1908.*

Mr. ARTHUR C. JACKSON,
President National Good Roads Congress, Denver, Colo.

MY DEAR SIR: I have just received your letter requesting a word from me to the Good Roads Congress, which meets in Denver on the 6th instant. I must first of all express my regret at my inability to be there and participate in the deliberations of the congress, as I had hoped to do. But I must also congratulate the congress on account of the auspicious circumstances under which they meet. After many years of service in the good-roads cause I see many encouraging circumstances, all pointing to the final triumph of the cause. The greatest element in our assured success is found in the fact that all classes of people and all sections of our country are giving an increasing support to this cause. For many years (two or three generations) the slightest attention was paid to this subject, but during the last ten or fifteen years an agitation has been continually going on for the purpose of stimulating support of every kind to the cause of permanent road improvement. At first appeals to the farming communities were met with a stubborn resistance. This was not unnatural when we consider that according to the original theory and practice of road building in this country, the entire burden of cost rested upon the farmers or the owners of agricultural lands in the vicinity where the road was required. The farmers therefore naturally expected that increasing cost for road improvement would be accompanied by greatly increased burdens of expense upon them; but according to the new theory and practice, as advocated by the leading students of this question and adopted by most of the leading States in the Union, the meager funds of those living in the agricultural regions are to be supplemented out of a general fund provided by the State and therefore coming from all kinds of people and property in the entire State, including, of course, the concentrated wealth and population in the great cities. According to the prevailing rule under the new theory, at least one-half the cost of constructing new and permanent roads is paid out of this general fund supplied by the State.

When this new theory and practice was put into operation in many of the leading States of the Union the population in the rural districts soon discovered that they had greatly overestimated the burden of expense which would fall upon them and greatly underestimated the almost immeasurable benefits which resulted from the permanent improvement of the highways. Therefore, the opposition of which I spoke has substantially passed away, and we find the representatives of the great wealth concentrated in cities, in corporations, in railroad companies, and the vast industrial institutions joining hands with the farmers, and all working in harmony in this connection. It is a notable fact that the National Grange, having a membership of more than a million persons, are pledged to the support of the new theory as now set forth and advocated in State and Nation. Meanwhile all the various sections of the country—North, South, East, and West—have expressed increasing favor for the new plan, and what is perhaps most surprising of all is the fact that many southern statesmen, who have followed the traditions of the elders for at least two generations past in opposing national aid in road building, have come forward in late years with high expressions of approval not only for the substantial change of lifting the burden so far as possible from the agriculturist, but of calling on the Government of the United States to aid in the performance of this necessary service. There are probably more Democratic Members of Congress than Republican Members who favor the new proposed policy of national aid in road building. Patrick Henry, the famous governor of Virginia, once said in speaking of the preliminary steps to the Revolution, "Our brethren of the North are already in the field; why stand we here idle?" Paraphrasing this statement, we may well say as to the cause of national aid in road building that our brethren of the South are already in the field; why stand we here idle?

It is by no accident nor by any superinduced or unreasonable expectation that so many of our people in city and in country in the East and in the West, in the North and in the South, have come to adopt this new theory and recommend this new practice by which the abutting owner of land shall be relieved more and more of the burden of building and maintaining public highways and that this burden should be

taken up and carried more and more by the general public, because nothing is more certain than that the public highways belong to the entire body of the people, and are fully, finally, and forever dedicated to their every use, every citizen in every part of this country having an equal right to use every highway in every part of this great country. It was the Yankee poet, Sam Walter Foss, who brought out the thought in beautiful verse that the greatest street in Boston goes by every farmhouse door. An appreciation of this fact has led to a greater and increasing liberality in the treatment of the whole subject; and all students of the matter now understand that the sentiment for the new theory and practice is based not only upon necessity, but also upon equity. Necessity is found in the fact that you can not successfully put the entire burden of cost upon some of the people to maintain a system of highways that belong to and are used by all of the people. Historical investigation also shows that no state or country in the world ever succeeded in building and maintaining a permanent system of highways without the aid of the general government of that state or country. Extensive observation in our own country shows that in the oldest of our States and in the greatest and most progressive, such as Maryland, Virginia, Massachusetts, and New York, no substantial improvement was made in the construction of a permanent system of highways during a period of more than two hundred and fifty years, and until the old theory and practice was changed for the new theory and practice. Therefore, we are driven by necessity to look for a more excellent way than the original policy which placed the burden wholly upon the abutting owner.

Now, as to the equity in the case, we readily find that the concentration of wealth and population in this country, and especially in those States east of the Mississippi River and north of the Ohio, is such that more than one-half of the people and from three-fourths to seven-eighths of the wealth is concentrated in cities, and that under the original theory and practice all this concentrated wealth and population was exempt by law from making any contribution whatever to the system of public highways so necessary to our greater needs and advancing civilization. What, therefore, could be more equitable than a readjustment of the law so as to call upon this great proportion of our people and wealth to contribute its equitable proportion? I am glad to say that the equitable side of the case has been recognized by the progressive element in all the great cities, and that their representatives, not only in the state legislatures but in Congress, have been among the foremost to espouse and support the new plan and so advance the great cause.

I have long contended that the general principle of diminishing the burden of highway construction and maintenance as it has heretofore rested on the owners of agricultural land and placing it more and more on the public at large should be extended beyond the principle of state aid and take in the principle of national aid. Many who acknowledge the equitable principles as applied to state aid deny that these same principles can be wisely extended to the matter of national aid. My contention is that they can be so extended and should be so extended, and that no injustice or lack of equitable principles would appear in the process. I desire to call attention in this connection to the fact that the state governments, as a rule, do not appropriate more than $1 per capita per annum for all of the public uses and public institutions of the State. I also desire to call attention to the more important fact that the Congress of the United States appropriates annually about $10 per capita for every man, woman, and child in the United States—or, in other words, the General Government appropriates for public uses more than ten times as much per capita as the combined aggregate of all of the appropriations of all of the States of the Union. Everyone will readily recall that the first session of the Congress just adjourned appropriated more than a billion dollars for the current year. If our population equaled a hundred million, that would be $10 per capita, but, in reality, it is about $12.50 per capita per annum. I speak of this great aggregate to show that the General Government has and uses the purse strings of the Nation for public purposes. Her revenues are great and ample. Men have differed as to whether the foreigner pays the tariff tax, but I think all agree that so far as the internal revenue is concerned the consumer pays the tax. I estimate that at least half of this revenue comes from the people who live in the rural districts. A million people in the rural districts may consume slightly less of the revenue-producing articles than a million people in a great and prosperous city, but this difference, if it exists, is fairly offset by the fact that a considerable more than half of our population still live in the rural districts, so it is perfectly safe to say that half of the internal revenue received and appropriated by the Government of the United States comes from the people living in the rural districts. Now, I contend that in the very equity of the case they are entitled to an appropriation of a part of this great sum for the necessary improvement of the public highway system. I therefore propose, as a matter of equity, justice, and necessity, that 10 per cent of the internal revenue of the United States should be annually appropriated as a permanent fund, out of which Congress should make appropriations to aid in building and maintaining a permanent system of highways. This appropriation would be available only on the condition that any State or civil subdivision thereof should appropriate at least an equal amount, and probably twice the amount, for the purpose of carrying on this cooperative improvement.

Respectfully submitted.

MARTIN DODGE.

CONSTITUTION OF THE NATIONAL GOOD ROADS ASSOCIATION.

Adopted at Chicago, Ill., November 21, 1900, and amended at Portland, Oreg., June 24, 1905; at St. Louis, Mo., November 15, 1905; at Muskogee, Ind. T., December 6, 1906; and at Chicago, Ill., November 18, 1908.

ARTICLE 1. The name of this organization shall be the National Good Roads Association.

ART. 2. The object of this association shall be to secure good roads and streets in the States, Territories, and possessions of the United States, and promote in every possible way a public interest in them.

ART. 3. The official headquarters of this association shall be in Chicago, Ill. Offices may also be opened and maintained in such other place or places as may be determined by the executive board.

ART. 4. Any person interested in the good roads movement may become a member of the National Good Roads Association upon payment to the association of an annual fee of $1 for each calendar year, or $10 for life membership. Upon acceptance of honorary membership in the association the President and Vice-President of the United States and former occupants of these offices shall be honorary presidents; Cabinet officers, governors of all States and Territories, and former occupants of these offices, honorary vice-presidents; Members of Congress, presidents of educational institutions, mayors of cities, and editors of all regular publications, honorary members. Upon becoming annual or life members of the association the director of public roads, state highway commissioners, and presidents of good roads organizations shall be vice-presidents; and the secretaries of all good roads organizations, assistant secretaries of the association. Life membership for firms, associations, and corporations shall be $25.

ART. 5. The elective officers of this association shall be a president, a first vice-president, a secretary, a treasurer, and seven others, who, with the foregoing president, vice-president, secretary, and treasurer, shall constitute the executive board. They shall be elected by the association at its annual meeting, by ballot, and shall hold their respective offices for one year, or until their successors are duly elected and qualified. All vacancies may be filled by the executive board.

ART. 6. The executive board of this association shall control and direct its work. Three members shall constitute a quorum. The president shall be the executive head of the association, and ex officio member of all committees. He shall preside at all meetings of the association and the executive board. He shall appoint the members of the advisory board and all other committees, unless otherwise directed by the association. He shall countersign all warrants drawn by the secretary upon the treasurer. He shall sign all commissions. In the absence or inability of the president to act, the vice-president shall act; in the absence or inability of the president and vice-president, the executive board shall choose one of its number to act during such absence or inability.

ART. 7. The national advisory board shall be appointed by the president, and shall consist of representative men and women in each State and Territory of the United States who are interested in the objects of this association, whose duty shall be to give the association such aid, information, or suggestions as their time and inclination permit.

ART. 8. The association shall meet annually, on the third Wednesday of November, in the city of Chicago, Ill., for the purpose of electing officers, and for the transaction of any other business in the interest of the association. All classes of members, honorary, life, or annual, may vote upon all questions, at all meetings of the association, in person or by proxy. The president may call special meetings at any time and place.

ART. 9. The president and executive board shall have full power to organize town, city, county, state, national, and international conventions and associations, and arrange for meetings thereof.

ART. 10. These articles shall be in full force and effect from and after their adoption, and they may be amended only at the annual meeting herein provided for the election of officers. If a proposed amendment be published by the secretary in the official call for the annual meeting, a majority vote shall adopt; but any amendment not mentioned in such call may be adopted by a three-fourths vote of the votes cast.

ARTHUR C. JACKSON, *President.*
J. C. BARTHOLF, *Secretary.*

[From address of President Roosevelt at the National Good Roads Association Convention at St. Louis.]

Merely from the standpoint of historical analogy we should have a right to ask that this people which has tamed a continent, which has built up a country with a continent for its base, which boasts itself with truth as the mightiest Republic that the world has ever seen, which we firmly believe will in the century now opening rise to a position of headship and leadership such as no other nation has ever yet attained—merely from historical analogy, I say, we should have a right to demand that such a nation build good roads. Much more have we a right to demand it from the practical standpoint. The difference between the semibarbarism of the middle ages and the civilization which succeeded it was the difference between poor and good means of communication. And we, to whom space is less of an obstacle than ever before in the history of any nation; we who have spanned a continent, who have thrust our border westward in the course of a century and a quarter until it has gone from the Atlantic over the Alleghenies, down into the valley of the Mississippi, across the great plains, over the Rockies, to where the Golden Gate lets through the long-heaving waters of the Pacific, and, finally, to Alaska and the Arctic regions; to the islands of the Orient, the tropic isles of the sea; we, who take so little account of mere space, must see to it that the best means of nullifying the existence of space are at our command. A few years ago it was a matter, I am tempted to say, of national humiliation that there should be so little attention paid to our roads, that there should be a willingness not merely to refrain from making good roads, but to let the roads that were in existence become worse, and I can not too heartily congratulate our people upon the existence of a body such as this. In our American life it would be hard to overestimate the amount of good that has been accomplished by associations of individuals who have gathered together to work for a common object which was to be of benefit to the community as a whole. And among all the excellent objects for which men and women combine to work to-day there are few, indeed, who have a better right to command the energies of those engaged in the movement and the hearty sympathy and support of those outside than this movement in which you are engaged.

[Hon. William Jennings Bryan at the Annual Convention of the National Goods Roads Association.]

I have become exceedingly interested in this subject. * * * The expenditure of money for the permanent improvement of the common roads can be defended, first, as a matter of justice to the people who live in the country; second, as a matter of advantage to the people who do not live in the country; and, third, on the ground that the welfare of the Nation demands that the comforts of country life shall, as far as possible, keep pace with the comforts of city life.

It is a well-known fact, or a fact easily ascertained, that the people in the country, while paying their full share of the federal taxes, receive, as a rule, only the general benefits of government, while the people in the cities have, in addition to the protection of the Government, the advantages arising from the expenditure of public moneys in their midst. The farmer not only pays his share of the taxes, but more than his share; yet very little of what he pays gets back to him. * * * The farmer has nothing that escapes taxation. The improvement of the country roads can be justified also on the ground that the farmer, the first and most important producer of wealth, ought to be in position to hold his crop and market it at the most favorable opportunity, whereas at present he is virtually under compulsion to sell it as soon as it is matured, because the roads may become impassable at any time during the fall, winter, or spring. The farmer has a right to insist upon roads that will enable him to go to town, church, schoolhouse, and to the homes of his neighbors, as occasion may require; and with extension of the rural delivery he has an additional need for good roads in order that he may be kept in communication with the outside world.

Speaking on the subject of good roads and national greatness, at the National Good Roads Association Convention, Gen. Nelson A. Miles said:

"I know of no one element of civilization in our country that has been more neglected than the improvement of our roads, yet this is the element that marks the line between barbarism and civilization in any country. The founders of our Government strongly advocated the necessity of opening up and improving the means of internal communication. The immortal Washington retired from the pomp and circumstance of glorious war to occupy the honorable position of a sovereign citizen, and while conducting the affairs of his plantation was president of a transportation company. The author of the Declaration of Independence, the founder of one of our great universities, and the eminent statesman who gave to us this vast empire west of the Mississippi, was right when he said in a letter addressed to Humboldt:

"'It is more remunerative, splendid, and noble for the people to spend money on canals and roads that will build and promote social intercourse and commercial facilities than to expend it on armies and navies.' He was right again when he said, in a letter to James Ross: 'I experience great satisfaction in seeing my country proceed to facilitate intercommunication of several parts by opening rivers, canals, and roads. How much more rational is this disposition of public money than that of waging war.'

"How true are the words of immortal Jefferson regarding the disposition of public money. We appropriate millions and millions of dollars every year for war—not a dollar for peace. We spend millions and millions of dollars annually for the improvement of our rivers, and not a dollar for the improvement of our roads. We have neglected this important work too long. It is all to our shame. Let us begin; let us follow in the footsteps of the builders of the Republic, and commence now to do something to improve our national roadways."

HOUSE OF REPRESENTATIVES,
Washington, December 28, 1908.

ARTHUR C. JACKSON,
President National Good Roads Congress, Chicago, Ill.

MY DEAR SIR: I beg to acknowledge the receipt of your favor of the 22d, containing a quotation from a letter which you have received from Congressman SULZER, and also a copy of a letter dated December 15, 1908, inclosing two letters, one from Governor Crothers and the other from Mayor Mahool, relative to the holding of the next Good Roads Congress in Baltimore. I heartily concur with Mr. SULZER in his opinion that Baltimore is the most suitable place for the next Good Roads Congress, and you may rely upon me to do everything in my power to aid you in making it a success. The close proximity of Baltimore to Washington will assure you not only of the attention of a number of representative men, but will certainly assure you an attendance of a large number of representative men. I enlisted early, as you know, in the movement for good roads, and you need not hesitate to call upon me at any time for any assistance that I may be able to give in this behalf.

Trusting that you are well and happy, and hoping that I may see you soon, and wishing you a very happy New Year, I am,

Very truly, yours,

GEO. A. PEARRE.

BEAUMONT AND JEFFERSON COUNTY
GOOD ROADS ASSOCIATION,
Beaumont, Tex., January 20, 1909.

DEAR MR. JACKSON: The good roads movement is pretty well under way down here just now; in fact, have interested practically all the counties and parishes which would be traversed by the proposed highway between New Orleans and San Antonio, via Beaumont, and already considerable building of new roads and repairing is being done, and indications are the work will continue on a larger scale in the future.

Recently my attention was directed to an article outlining a plan to connect up by boulevard Atlanta, Ga., and Washington, D. C., and if this is ultimately done no doubt the work will be pushed farther, and perhaps when this New Orleans-San Antonio road is complete there will be one continuous good roadway from the Nation's capital right down into this section.

I find, though, that our local organization is not far-reaching enough, and as I notice article 5 of your constitution and by-laws provides that while your main office shall be in Chicago, such other offices may be maintained for promoting the objects of the congress as the board of directors may determine, the thought occurred to me, as we are so sadly uneducated on good roads, that you could do no better than to establish an office here in Beaumont. I would like very much for you to consider this matter; and if you agree to this, advise me fully.

Hoping to have an early reply, and thanking you in anticipation of your usual prompt attention, I remain,

Yours, very truly, SAM PARK, *President.*

Mr. ARTHUR C. JACKSON,
National Good Roads Congress, Chicago, Ill.

DODGE PARK, MD., VIA LANDOVER,
January 21, 1909.

Mr. ARTHUR C. JACKSON,
President National Good Roads Association,
Opera House Building, Chicago, Ill.

My DEAR SIR: On Monday last I went to Baltimore and had an interview with Mayor Mahool and another with Governor Crothers. They both gave me a very cordial reception and offered to assist in our plan for the National Good Roads Congress in April. The mayor agreed to furnish a hall free for two days and two nights.

When I called on the governor I asked him to issue a proclamation setting forth the nature of the congress, and indorsing the cause which we represent. This, though a new idea to him, he agreed to do, and seemed well pleased with the suggestion. I shall urge the governor to request the attendance of the people of the State. He also agreed to appoint a committee of 100, as a preliminary step, much in the same way that I did as a preliminary to the Ohio state convention. The mayor of Baltimore agreed to appoint 100 delegates from the city of Baltimore, and the governor will appoint probably an equal number at large from the State. Then the mayors of all other cities outside of Baltimore will be requested to appoint five delegates, and each board of county commissioners a like number. Also the farmers' clubs and the local conventions will appoint a like number. This, I figure, will amount to a thousand delegates from the State of Maryland, and I assured the governor that the national association will undertake to secure a like number from the other States and the District of Columbia, including many Members of Congress.

On Wednesday morning I went to Washington and met Mr. Bartholf, whom I introduced to Senator BANKHEAD, Senator DICK, and many other Members of Congress. I explained to Mr. Bartholf what I had done in Baltimore and urged him to go forward to-day and supplement the work. I am expecting that you will come on immediately after the Illinois convention and take up the work more fully. My plan is to ask the governor of every State to appoint a number of delegates to attend the convention. The proceedings should be published in full and circulated among the people as a means of instruction. Senator BANKHEAD and Senator DICK and Congressmen PEARRE and SULZER assured me that they would attend the convention and make speeches in favor of national aid.

Yours, truly, MARTIN DODGE.

The National Good Roads Association Convention and Illinois State Good Roads Convention, Auditorium Hotel, Chicago, Lincoln's Birthday, February 12, 1909.

GOOD ROADS AS LINCOLN HONOR—NATIONAL ASSOCIATION WILL MEET ON CENTENNIAL ANNIVERSARY TO URGE GREAT MEMORIAL HIGHWAYS.

The National Good Roads Association, which was organized in Chicago in 1900, will hold a national good roads convention at the Auditorium Hotel the centennial anniversary of Abraham Lincoln's birth, February 12.

Arthur C. Jackson, the president of the association, is urging as a national recognition of the centennial the beginning of a system of national highways to connect Washington with the capital of every State and Territory.

The governors of all States and mayors of all large cities are being invited to name delegates. (Chicago Tribune.)

CITY PLANS BIG "LINCOLN DAY."

National highways to connect Washington, D. C., with every State capital in the country may be the outcome of one of the many meetings to be held in Chicago in celebration of the one hundredth anniversary of the birth of Abraham Lincoln, on February 12.

The National Good Roads Association will meet at the Auditorium Hotel and the plan will be presented by President Arthur C. Jackson to the members of the association and the governors and prominent men of many States. The association has already declared itself in favor of the issuance of state and county bonds and the employment of convict labor in the construction of highways.

It is estimated that more than 200,000 Chicagoans will take active part in the celebration of Lincoln Day, and that more than 200 meetings will be held in various parts of the city. All school buildings having assembly halls will be used for meetings during the afternoon, and in the evening three monster mass meetings at national guard armories and one at the Auditorium have been arranged. (Chicago American.)

February 12 next, will be the one hundredth anniversary of the birth of Abraham Lincoln. Following the custom of making the centennial celebration of great events more than usually impressive, Governor Deneen has issued a proclamation urging the observance of the day with appropriate exercises by the schools of the State and by all municipal, civic, social, and religious societies and organizations. We hope to see our village schools and all other organizations unite in a service on that day that will do honor to the memory of the man who did so much for the uplifting of the downtrodden and oppressed.

The National Good Roads Association, whose object is to hasten practical legislation for the construction and maintenance of public highways, will hold a convention on February 12, Lincoln's one hundredth anniversary birthday. This is certainly a fitting observance of the event. This association has the indorsement of President Roosevelt, Hon. William Jennings Bryan, Gen. Nelson A. Miles, and hundreds of prominent men of the Nation. Arthur C. Jackson, who is a well-known and practical advocate of good roads, is president of the association. The convention will be held at the Auditorium Hotel, Chicago. (The McLean Lens.)

GOOD ROADS THE SLOGAN—CONVENTION TO BE HELD HERE ON THE LINCOLN ANNIVERSARY—STATE AND NATION WIDE INTEREST IS BEING CENTERED IN THE MEETING AND EXCELLENT RESULTS ARE LOOKED FOR.

That there can be no more fitting observance of the centennial of Lincoln's birth by his home State than the beginning of a system of permanent public highways is to be the slogan of the Illinois state good roads convention to be held in Chicago on February 12, the Lincoln anniversary.

State-wide and nation-wide interest is being centered in this important convention, the object of which is to hasten practical legislation in Illinois for the construction and maintenance of public roads.

LOOK FORWARD TO RESULTS.

A large number of delegates from the National Good Roads Association, which is chartered in Illinois, are to participate, and it is expected the convention will be productive of results. Efforts will be made to obtain speedy action by the state legislature in the formulation of a policy that will provide thoroughfares that neither resemble bogs in damp weather nor present under the best conditions a surface about as easy to ride over as a corduroy road.

It is urged, first of all, that state and county bonds should be authorized for the construction of good roads. This, it is held, would prove an investment that would bring most satisfactory returns. Another recommendation is that convict labor be employed in the construction of public roads.

GOVERNMENT SHOULD GIVE AID.

In the construction and maintenance of post-roads, a consideration that has become of increased importance with the extension of the rural delivery mail system, it is believed the National Government should assume part of the responsibility, giving financial aid for the purpose.

Another article of faith of the good roads advocate is that an adequate system of permanent public roads is a public necessity, the development of which will give employment to all unemployed and be of benefit to all classes and conditions of people.

The call to the Illinois state convention has been sent to many and it is the expectation that the meeting will be one of the most successful the good roads spirit has inspired. The headquarters will be in the Chicago Opera House Building. (Chicago Evening Post.)

WHAT GOOD ROADS COULD DO.

While there is talk of deep waterways in Illinois and the expenditure of money on them, too little attention is given to the subject of good roads. People became hysterical over the proposition to deepen the waterways of the State, but no one pays much attention to a subject that is very much closer to them—that of providing good roads. The tonnage of farm products and other goods hauled over the country roads of the State, through bottomless quagmires in most places when weather is bad, is immeasurably greater than the whole tonnage of all the rivers in and around the State of Illinois. The loss to the public through bad roads is too great to compute in figures. The loss in advantages to the people in the country through having bad roads is another heavy item. The boys won't stay on the farm because when the roads are bad they are separated from city pleasures by miles of bottomless mud. The State of Illinois has unsurpassed resources at her command to build good roads. She is allowing her chances to go unused.

On Lincoln's birthday the good-roads association will hold a convention in Chicago, in which all interested in the subject of good roads should manifest their interest. The object of this convention is to hasten practical legislation in Illinois for the construction and maintenance of public hard roads.

The National Goods Roads Congress, chartered under the laws of Illinois, with which there are associated the governors of 40 States and the mayors of more than 100 cities, and the National Good Roads Association, believe:

1. That there can be by Illinois no more fitting observance of the centennial of Lincoln's birth than the beginning of a system of permanent public highways for the benefit of all the people of the State.
2. That state and county bonds should be authorized for the construction of good roads.
3. In the employment of convict labor on public roads.
4. In additional aid for the construction and maintenance of post roads.
5. That an adequate system of permanent public roads is a public necessity, the development of which would give employment to all unemployed and benefit all classes and conditions of people. (The Girard Anchor.)

"There are questions sometimes arising which range above all party, and all the considerations and interests of party."—Daniel Webster.

It is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of over a billion dollars a year. The saving of this stupendous sum constitutes an economic question of vast importance.

The National Good Roads Association. Chartered under the laws of the State of Illinois to secure good roads and streets in the States, Territories, and possessions of the United States, and to promote in every possible way a public interest in them. "The noblest motive is the public good." National headquarters, 509–510 Chicago Opera House Building, Chicago. Telephone, Main 1908; Automatic 6365.

Board of directors.—Arthur C. Jackson (president), president National Good Roads Congress; Martin Dodge (first vice-president), ex-director office of public roads; F. C. Donald (treasurer), chairman Central Passenger Association, president Chicago Motor Club; James C. Bartholf (editor Vick's Magazine), secretary; Frank G. Soule, assistant secretary-treasurer; Anna Grady, assistant secretary-treasurer; Austin L. Crothers, governor of Maryland; ex-Governor N. J. Bachelder, master national grange; GEORGE A. PEARRE, Member of Congress; WILLIAM SULZER, Member of Congress; Charles B. Soule, field secretary; A. S. Mann, national organizer. New England headquarters, room 2 Old South Building, Boston, George Ward Cook, field secretary.

CHICAGO, *February 3, 1909.*

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: Have you yet secured the insertion of the convention addresses in the RECORD?

Would it not be a point to make in a good roads speech the fact of definite declaration in favor of good roads by the platform of both political parties?

Could you not also make mention of my plan for a national recognition of the Lincoln Centennial, by the beginning of a system of national highways to connect Washington with the capital of every State and Territory?

And could you not write me something for presentation at our national convention here on the 12th instant?

Sincerely, yours,

ARTHUR C. JACKSON,
President.

NATIONAL GRANGE, PATRONS OF HUSBANDRY.

OFFICE OF MASTER.

Officers.—Master, Nahum J. Bachelder, Concord, N. H.; overseer, T. C. Atkeson, Morgantown, W. Va.; lecturer, G. W. F. Gaunt, Mulica Hill, N. J.; steward, J. A. Newcombe, Golden, Colo.; asssitant steward, C. D. Richardson, North Brookfield, Mass.; chaplain, O. S. Wood, Ellington, Conn.; treasurer, Mrs. E. S. McDowell, Rome, N. Y.; secretary, C. M. Freeman, Tippecanoe City, Ohio; gate keeper, A. C. Powers, Beloit, Wis.; Ceres, Mrs. Elizabeth A. Patterson, College Point, Md.; Pomona, Mrs. S. G. Baird, Edina, Minn.; Flora, Mrs. Ira Judson, Balfour, Iowa; lady steward, Mrs. J. M. Walker, Marshallton, Del.

Executive committee.—F. N. Godfrey, chairman, Olean, N. Y.; C. J. Bell, secretary, East Hardwick, Vt.; C. O. Raine, Canton, Mo.; Nahum J. Bachelder, ex officio, Concord, N. H.

Legislative committee.—Nahum J. Bachelder, Concord, N. H.; T. C. Atkeson, Morgantown, W. Va.; Aaron Jones, South Bend, Ind.

CONCORD, N. H.

REPORT OF COMMITTEE ON HIGHWAYS OF THE NATIONAL GRANGE, AND RESOLUTIONS UNANIMOUSLY ADOPTED AT ANNUAL MEETING, NOVEMBER 11–21, 1908.

Your committee on public highways is pleased to be able to report that an increased interest in the subject of road improvement is manifest in all sections of the country. The long-continued agitation by the members of the grange for better roads has served to direct public attention to the subject. so that it can be safely asserted that no other single topic receives so much consideration in the discussion of present-day issues. Evidence of the widespread interest taken in the movement for improved highways is found in the great number of articles on the subject published in the newspapers, magazines, and farm journals; in the increase in number and activity of good roads associations; and in the increased annual appropriations by many States for road improvement. It is a source of gratification to our order that the principle which the state and local granges have long advocated—that the expense of improving our roads should be more largely met out of the public funds, and less by taxes assessed on the property owners of the community through which the roads run—is now generally recognized.

While the enactment of legislation in harmony with this principle has so far been limited to the more prosperous and progressive States, it is certain that ultimately every State will fall in line and take upon itself a large part of the burden of road construction and maintenance. The logical development of the movement for state cooperation with the local road authorities in highway improvement is federal cooperation with the States for the same purpose. The proposition for national aid for our public roads, initiated by the grange and persistently advocated by it, has now attained the status of a great national issue, and it is only a question of time when Congress will enact legislation making suitable appropriations for assisting in the work of road improvement and maintenance.

The nature and extent of the campaign of education in favor of federal aid carried on by the legislative committee of the order during the past year, in accordance with the resolution adopted at our last annual session, will be described in the report of that committee.

We recommend the adoption of the following resolutions:

Whereas the National Grange is conducting a widespread educational campaign for the purpose of creating a public sentiment favorable to the enactment of legislation by Congress making liberal appropriations for assisting the state and local road authorities in the improvement of the public highways; and

Whereas the proposition that a part of the federal revenues, collected in taxes from the people of the whole country, should be devoted to aiding in the construction of improved roads, is just and reasonable, and should be adopted by Congress at the earliest possible date; and

Whereas appropriations out of the national revenues are an essential feature of the movement by the grange to secure the adoption of a general policy of road improvement by the States, counties, and municipalities: Therefore

Resolved, That we reaffirm the resolutions on this subject adopted at the forty-first annual session of the National Grange, and urge the individual members of the order to bring all possible influence to bear on their Senators and Representatives in Congress to the end that the desired legislation may be speedily enacted.

F. N. GODFREY, *Chairman.*

At the annual meeting of the National Good Roads Congress, held at the Chicago Opera House Building, February 12, 1909, as provided in article 3 of the constitution, the following 9 directors were reelected for the ensuing year: Arthur C. Jackson, president; Martin Dodge, first vice-president; James C. Bartholf, secretary; F. C. Donald, Frank G. Soule, Austin L. Crothers, N. J. Bachelder, GEORGE A. PEARRE, and WILLIAM SULZER.

Article 3 of the constitution was amended to provide for a board of 15 instead of 9 directors, at any meeting of which 3 shall constitute a quorum for the transaction of business.

[SEAL.] ARTHUR C. JACKSON, *President.*
J. C. BARTHOLF, *Secretary.*

"There are questions sometimes arising which range above all party, and all the considerations and interests of party."—Daniel Webster.

It is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of over a billion dollars a year. The saving of this stupendous sum constitutes an economic question of vast importance.

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Mr. SABATH. Mr. Chairman, I desire to ask the gentleman whether the new section that is amended has been put in here relating to this section, which is found in line 24? I desire to know whether there is a provision in this bill somewhere enacting this law, or whether you are repealing them?

Mr. SHERLEY. We are repealing no law that is not codified herein.

Mr. SABATH. What I refer to is the act to protect persons of foreign birth against forcible constraint or involuntary servitude, approved June 23, 1874.

Mr. SHERLEY. I understand the gentleman, and that section is reembodied in the codification; otherwise we would not have repealed it.

Mr. SABATH. Can the gentleman give me the number of the section?

Mr. SHERLEY. I can not now, without referring to a table. The best answer that I can make to the gentleman, both as to this inquiry and any similar ones, is this: That we endeavored in this repealing section to only repeal those laws that we carried into the revision. It is a section that required, perhaps, more labor than almost anything else, because it naturally required an entire review of all our work, and the committee spent many weeks not only in going over it, but had an expert employed for many months on it; and we then took his work and verified it. We believe it is accurate. It is an exceedingly

difficult thing to be sure about. Now, if there is any instance where an error has been made, we would be glad to know of it.

Mr. SABATH. There are several sections where you say it is reenacted and in some way amended.

Mr. MOON of Pennsylvania. Not necessarily amended.

Mr. FLOYD. You speak of repealing laws not carried in this bill.

Mr. SHERLEY. Of repealing those laws that are carried in the bill.

Mr. FLOYD. Then I misunderstood the gentleman.

Mr. SHERLEY. In other words, the gentleman will understand that there is no sense in a revision if you leave the old law you have revised in force; and so always in every revision act you have at the close of the act a repealing section that undertakes to repeal each section of the old law that has been carried into the revision, and that is all this section purports to do.

Mr. BARTLETT of Georgia. And everything that we have not repealed by this bill which is now upon the statute books remains in force?

Mr. SHERLEY. Unquestionably, and the purport of that is this, I will say in reply to the gentleman from Georgia, that it is not desired that there shall be a repeal by implication, because that would raise a great many difficult questions. We have undertaken to specify every law that is repealed, and having so undertaken, we then declare that those laws which are not stated as being repealed are to remain in force.

Mr. BARTLETT of Georgia. They would continue in force without being in the bill?

Mr. SHERLEY. I think they would. But the gentleman is aware in every revision there are questions that have come up subsequently as to whether there was not an implied repeal. Now, after trying to make this work as accurate as possible, we have made an elaborate report as to the laws repealed, having set out in detail every section that we provide for in the codification, and then we say that sections not so repealed shall continue in force.

Mr. BARTLETT of Georgia. Well, that is the very thing I am taking the position I do on this bill for, that these sections not only remain, but are approved. So far as I am concerned, I do not intend to vote for the bill. There are many provisions in this bill enacted as a result of the civil war that ought not in this enlightened age to remain on the statute books; and for one I will not vote for the bill, no matter how many good provisions it may contain with those left in.

Mr. SHERLEY. Now, if the gentleman will permit me, in reply to that suggestion——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I move to strike out the last word, and take the time in my own right.

If I was confronted with the proposition as to whether we should enact certain legislation or not, the gentleman would find me with him as to those particular provisions——

Mr. BARTLETT of Georgia. I know that; I have no question about that.

Mr. SHERLEY. But this is the situation which not only confronts me, but confronts every other Member of the House.

There are certain laws now on the statute books. The enactment of this code, or the failure to enact it, will not change those laws that are the relics of the reconstruction acts; so that the only proposition is this: That not having those laws changed one way or the other by the passage of the penal code, are we not warranted in gathering together, into one code, all of the various penal sections that are scattered through many books, so that the law may be known? It seems to me that the fundamental error of the gentleman's position is in assuming that the enactment of this code is the creation of new law. The very purpose of the code is to codify the law and not to make new law, and with the exception of one or two matters that have been put on in committee, there is no change in existing law; and in regard to the sections that gentlemen have in mind, there is absolutely no change. Now, to defeat this bill does not relieve the country of these statutes. It does not help the gentleman's section or my section in getting rid of these statutes. If it did, I might agree with him, but inasmuch as the only result in defeating the code is to leave these sections just as they are, and to leave all the rest of the law in the confusion that it is in as the result of many enactments running over thirty years, it seems to me that the act of wisdom in this case (and I say it with all respect) is to enact this code.

Mr. BARTLETT of Georgia. May I suggest to the gentleman that he can not say that this bill is confined solely to codifying the law. The very title of this bill, that has been time and time called attention to, is "to codify, revise, and amend;" and the gentleman has on a number of occasions voted to repeal some of these laws.

Mr. SHERLEY. In response to that suggestion I simply say to the gentleman that while there are a few amendments, speaking generally, the bill is simply a codification, and that in regard to those sections that the gentleman is complaining of, there has not been a bit of change made by the bill or by the Committee on Revision of the Laws; and the reconstruction act, so far as it exists to-day on the statute book, is not changed a particle in this revision except in this particular, that section 5507, for instance, which was declared by the Supreme Court to be unconstitutional, is dropped out. If a change exists at all, it is a change in the direction that the gentleman desires to go.

Mr. BARTLETT of Georgia. Mr. Chairman, I concede very candidly the strength of the position occupied by the gentleman. I do not controvert that, or that these provisions which are obnoxious to us, and which ought no longer to remain upon the statute book, will remain there, no matter whether we pass this bill or whether we do not. But so far as I am concerned, others may do as they feel inclined to do, but I will not give my vote in sanctioning a proposition that declares that the remaining portions of those sections that we have endeavored to get rid of and are not evidence of good law, but of sectional animosity and feeling, in a day when sectional animosity and feeling have to a great degree disappeared—I will not by my vote consent that they shall remain in the law, when some of them are of doubtful constitutionality, and when the Supreme Court have divided almost evenly once or twice on the question of their constitutionality. I do not propose to vote for this bill so long as these vicious obnoxious reconstruction laws are a part of it.

Mr. WILSON of Pennsylvania. I move to strike out the last three words. I am one of those who on the final passage of this bill will be found voting against it. I will be found voting against it because we are not only called upon to codify, but we are also called upon to revise and amend, and by virtue of the fact that in this section we are repealing the original laws upon which the codification is based, we are called upon to reenact legislation that I believe to be injurious to the welfare not only of the people of the South, but of the people of the entire country.

Take section 19, of this codification. It provides that—

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

We have there a section of law that is entirely too ambiguous for any man thoroughly to understand it. Who is going to be able to determine what a constitutional right is? Certainly no layman can; and I make the assertion here, before a House that is composed of a majority of lawyers, that even the lawyers of the House can not tell what their constitutional rights as citizens are. Our Supreme Court, the best informed body of men in the world on our Constitution, are unable to determine what the constitutional rights of our citizens are. It is frequently the case that our Supreme Court divides on the question of the constitutional rights of citizens, and I take it that there is not a member of the Supreme Court who has not at some time or other, on some question coming before that body, been in the minority, thereby declaring that he did not know what the constitutional rights of our citizens are. And yet the laymen are threatened with severe penalties if they infringe upon the constitutional rights of citizens.

There are other clauses in this revision along the same lines, and, so far as I am concerned, until these things are amended in a codification and a revision of the law I shall be opposed to the adoption of it. If it had simply been a codification, if it had been along that line only, I would accept the report of the committee.

Mr. SHERLEY. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. SHERLEY. The section to which the gentleman refers is word for word the same as section 5508 of the Revised Statutes.

Mr. WILSON of Pennsylvania. I am aware of that fact. I am not contending that it is different from the law as it stands to-day, but I am contending that as a result of our repealing these clauses that we are asked to repeal, we are asked to reenact this clause, and I shall not be a party to it.

Mr. MACON. Mr. Chairman, I rise to oppose the motion of the gentleman from Pennsylvania to strike out the last three

words. I differ with the gentleman from Pennsylvania in his contention when he insists that we ought to vote down this entire penal code rather than sanction anything that is contained within its pages by our vote at this time.

Mr. Chairman, in the State that I have the honor in part to represent we have upon our statutes what is commonly known as the "civil rights law." Our laws have been digested practically every ten years since the enactment of that law through a digester, and he has had to carry this particular law forward from one digest to another along with the other provisions of the law of the State because it had not been repealed by the legislature. But when he redigested the statutes of the State he gave that particular law no additional force and no additional life. The section that the gentleman complains of in this codification has just as much life now as it ever had, and is just as much of a law as it will be if we codify and vote upon this particular penal code a thousand times. We give it no additional force and no additional life whatever. We are simply acting as digesters, nothing more and nothing less.

The digester of my State digests the laws under a special act. The Congress has undertaken to digest the penal laws through committees of the House and Senate by authority of an act of Congress, and we are now passing upon their work. I am sure the gentleman from Pennsylvania and the gentleman from Georgia will not deny that the Committee of the Whole House on the state of the Union has the right to revise the digest of the criminal laws that the committee has brought into the House for its membership to pass upon.

I can not understand, to save my life, how a man who is capable of representing an intelligent constituency can insist that because there is some particular line or provision in this code that does not meet with his favor, therefore he ought to vote against the whole code, containing as it does so many valuable laws.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. MACON. Certainly.

Mr. WILSON of Pennsylvania. Is it not a fact that the laws already exist and the only advantage of this is that you are able to find out what the law is and that it is particularly for the attorneys in trying cases?

Mr. MACON. The gentleman's suggestion in the beginning of his question furnishes a reason for me to insist that what he proposes to do is absolute folly—to vote against a thing that already exists and that his vote can in no wise impair. If this bill is defeated, it will be more difficult to find out what the criminal law is, and I am sure the gentleman does not want to do anything to hinder the people or the lawyers in finding out what the law is. The gentleman will understand, further, that in many States laymen have the right to appear in the courts in their own behalf. If they have the laws codified, they may be able to defend themselves in many cases against unwarranted charges; but if the laws are not codified, they may be forced to employ lawyers and pay them large fees to find the law for them or to represent them in the courts. I insist that, in the interest of the laymen, in the interest of the courts of the country, in the interest of the lawyers, and in the interest of every other conceivable lawful interest, we ought to have a digest of our laws. [Applause.]

Mr. KIMBALL. Mr. Chairman, I shall vote for the adoption of this codification as it will be reported to the House from the Committee of the Whole. I congratulate the committee upon the fact that the end of their labors is in sight and that we shall have an intelligent systematic revision of the criminal laws published in such form as to be handy in the criminal practice. There are some things in it that ought not to be, some things left out that should be inserted, and I want to call the attention of the House to one section which was discussed on this floor last January, but discussed under unfavorable circumstances, because it was just preceding a presidential election. I refer to what is known as "section 84" in the Senate bill.

SEC. 84. It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which presidential and vice-presidential electors or a Representative in Congress is to be voted for, or any election by any state legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be fined not more than $5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than $1,000, or imprisoned not more than one year, or both.

I made the motion to amend that section by adding to it the words "or any other thing of value." As that section stands to-day a corporation can contribute a million dollars to a political campaign fund if the million dollars is not in money, but represented in other property. This law was put upon the statute books in the Fifty-ninth Congress. It is a wise law, and it must have been an oversight that this loophole was left in it. If we are in earnest and in favor of the law, I think we ought to be willing to let it be amended as this amendment suggests, so as to make it effective and efficient to the end and purposes for which it was intended. The election is over, and it looks like our Republican friends do not need contributions from corporations to win the elections, and I hope now that they will consent to let this be changed.

Mr. OLLIE M. JAMES. Does the gentleman make that statement with knowledge of how much they used in the campaign just finished?

Mr. KIMBALL. No; I am not in their confidence. They are too wise to let either my colleague or myself know what is going on around their campaign headquarters. I do not blame them for this. I now ask unanimous consent of the committee that we recur to this section and add this amendment to it, so as to make the law effective.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to recur to the section of the bill to which he has referred, and that the section be amended by unanimous consent in the manner indicated. Is there objection?

Mr. PARSONS. I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

SEC. 339. The repeal of existing laws or modifications thereof embraced in this title shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made.

MONUMENT TO POCAHONTAS.

Mr. OLCOTT. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to print in the RECORD a petition which I now hold in my hand.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print a petition. Is there objection?

Mr. OLLIE M. JAMES. What is the petition about?

Mr. OLCOTT. The petition is in regard to some application that has been made by a Pocahontas memorial association to erect a proper monument to Pocahontas.

Mr. BARTLETT of Georgia. May I inquire why that petition is of so much more importance than the ones we receive every day that it should be printed in the RECORD instead of placed in the basket? I do not want to object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The petition is as follows:

NATIONAL POCAHONTAS MEMORIAL ASSOCIATION,
New York City, February 8, 1909.

To the House of Representatives, Washington, D. C.

GENTLEMEN: The undersigned, officers and members of the National Pocahontas Memorial Association, do hereby emphatically protest against the passage of the bill S. 4453 entitled "An act to aid in the erection of a monument to Pocahontas at Jamestown, Va.," on the following grounds:

1. Priority of organization.

The National Pocahontas Memorial Association was organized and actively working to erect a memorial to Pocahontas at least two years before the people who compose the committee which is asking for the passage of the above-mentioned bill thought of such project, and we hereby affirm that it was the publication of the work that our association was doing that first gave those most interested in the passage of the said bill the idea of the work.

2. Their formal surrender of all claims to their project.

When the National Pocahontas Memorial Association learned that another and smaller committee was being formed in Washington to erect a monument to Pocahontas, we immediately wrote to the persons in that city who were forming the committee, apprising them of our larger and broader organization, which already had been formed under the name of the National Pocahontas Memorial Association, its members residing in many different States, and of the work we had done and were doing, and stating that we thought the people would only support one association, and asking them, the Washington people, to become members of our organization.

To this communication Miss Mary Desha, who was and is the person most interested in the Washington movement, replied, stating their committee was glad to hear of the movement and that the National Pocahontas Memorial Association had accomplished so much, and stated "we will cooperate with you in any manner you may suggest, either as a subcommittee or as a coordinate branch," and asking that they be permitted to direct the work in some of the Southern States, and ended the letter by saying: "We are glad that the memorial is to be a national tribute, and we will be glad to give our influence to your organization. The money that is sent to us will be placed in the hands of Mr. Glover and the terms of transfer arranged later. Awaiting your further instructions, we remain, yours, respectfully." This letter was signed by Miss Desha, as secretary.

To this the National Pocahontas Memorial Association replied that the tone of her letter and the action of her committee pleased us very much; that we accepted the cooperation of the committee which she represented, with pleasure; and that the committee of which she was secretary had been properly incorporated into and made part of the National Pocahontas Memorial Association. We also requested the

names and addresses of the persons to whom she would like to have us send our association literature. We never received a reply to this letter and wrote again, and still no reply, and were much surprised to learn, a short time after, that Miss Desha had made a contract with a sculptor to construct the monument.

3. That the National Pocahontas Monument Association will bring the remains of Pocahontas to her own land.

The National Pocahontas Memorial Association has spent much time, labor, and money in trying to locate the exact place where the remains of Pocahontas now are. In this work they have enlisted the active sympathy and cooperation of many prominent men and women residing in England, and are now in a position to say that we will be successful in this effort and that we will have no difficulty in getting the consent of the British Government to bring the remains to this country.

4. The greater merit of the monument we propose erecting.

The monument which the National Pocahontas Memorial Association proposes to erect will be placed in the city of Washington, the capital of the Nation toward whose birth Pocahontas contributed so much, and will cost $50,000, and will be one of the finest monuments, artistically and architecturally, in this country, and worthy the support of our Government and people and the brave young princess in whose honor it will be erected. A replica of the figure of Pocahontas on this monument will be placed on a pedestal of fine proportions and erected on Jamestown Island. Whereas the movement which this bill supports is a small, inartistic, and really insignificant affair, all done in unseemly haste and unworthy the support of the Government and of the person and events it is supposed to commemorate.

For these reasons and others The National Pocahontas Memorial Association does hereby, rightfully and emphatically, protest against the passage of the aforementioned bill.

Respectfully submitted.

George Tucker Harrison, president, 132 West Seventieth street; Euna C. Atwood, secretary, National Arts Club; William H. Hancock, 244 Riverside drive, New York City; Petro W. Jones, treasurer, 555 Broadway; Harriette M. Johnston-Wood, 6 Wall street; James A. Donegan, 7 Beekman street, New York; Belle de Rivera, 404 West One hundred and fifteenth street, New York City; Thomas W. Pittman, 257 West One hundred and twenty-second street, New York City; Imogene King, 117 West One hundred and fifteenth street, New York City; Elizabeth St. John Matthews, 73 West Ninety-fourth street, New York City; Josephine Pittman Hamilton, 337 West Fourteenth street, New York City.

PENAL CODE.

The Clerk concluded the reading of the bill.

Mr. MOON of Pennsylvania. Mr. Chairman, I send up to the desk a committee amendment, which I ask to have read.

The Clerk read as follows:

Page 189, line 5, strike out the word "eight" and insert the word "nine."

Mr. MOON of Pennsylvania. That is made necessary by the fact that the bill was reported last year.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOON of Pennsylvania. Mr. Chairman, I ask unanimous consent to offer the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

That the Clerk be instructed to renumber the sections, to correct clerical errors, to correct the headnotes to the chapters, to correct the references in one section to other sections, to strike out the brackets, and to correct the punctuation as indicated by the committee.

The CHAIRMAN. Is there objection to the consideration of the order? [After a pause.] The Chair hears none. The question is on agreeing to the order.

The question was taken, and the order was agreed to.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent to recur to section 236 b and 236 c for the purpose of asking unanimous consent to have an amendment made. The amendment is this: To strike out of those two sections the words "or imprisoned not more than two years, or both." I will make this statement and explanation. That is the punishment provided in the first section of the amendment that I offered yesterday regulating the interstate shipments of liquors, and by inadvertence the same punishment was provided in section 236 b and 236 c. I want now to strike out the words "or imprisoned not more than two years, or both," so as to leave the punishment "by fine of not more than $5,000."

The CHAIRMAN. Is there objection to the gentleman's request to recur to the section?

Mr. BARTHOLDT. Mr. Chairman, reserving the right to object, and I do not intend to object, I would like to know whether or not the gentleman would consent to add the word "knowingly" to the second section and the third section of his amendment, the same as is contained in the first section.

The CHAIRMAN. Is there objection?

Mr. SABATH. Mr. Chairman, reserving the right to object, I would like to know what the amendment proposes to do.

Mr. HUMPHREYS of Mississippi. Strike out "or imprisonment not more than two years, or both." That is all.

Mr. SABATH. Instead of fine and imprisonment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

In the added sections 236 b and 236 c strike out the words "or imprisonment not more than two years, or both."

The question was taken, and the amendment was agreed to.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended be passed.

The motion was agreed to.

Accordingly the committee rose.

The Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701, the penal-code bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to suspend the rules and to discharge the Committee on the Revision of the Laws from the further consideration of the act (S. 2982) to codify, revise, and amend the penal laws of the United States, and that said Senate act (S. 2982), without reading, be amended by striking out all after the enacting clause and inserting in lieu thereof, and without reading, the text of the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States, as amended by the amendments agreed to in the Committee of the Whole House on the state of the Union, and to pass the said act (S. 2982) as thus amended, and ask for a conference with the Senate on said act (S. 2982).

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and agree to the following motion, which the Clerk will report.

The Clerk read as follows:

Moves to suspend the rules and to discharge the Committee on the Revision of the Laws from the further consideration of the act (S. 2982) to codify, revise, and amend the penal laws of the United States, and that said Senate act S. 2982, without reading, be amended by striking out all after the enacting clause and inserting in lieu thereof, without reading, the text of the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States, as amended by the amendments agreed to in the Committee of the Whole House on the state of the Union, and to pass the said act S. 2982, as thus amended, and to ask a conference with the Senate on said act S. 2982.

The SPEAKER. Is a second demanded? If not, a second is considered as ordered.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The SPEAKER. Temporarily the Chair will refrain from announcing the committee on conference.

Subsequently the Chair announced as conferees on the penal code bill Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY.

AMENDING RULE XXXVI.

Mr. SHERMAN. Mr. Speaker, I desire to present a privileged report (H. Rept. No. 2191) from the Committee on Rules.

The SPEAKER. The gentleman from New York presents the following privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 576.

Resolved, That section 2 of Rule XXXVI be, and hereby is, amended so as to read as follows:

"2. Stenographers and reporters other than the official reporters of the House wishing to take down the debates and proceedings may be admitted by the Speaker to the reporters' gallery, over the Speaker's chair, under such regulations as he may from time to time prescribe; and he may assign one seat on the floor to the Associated Press reporters, one to the Sun Press Association, one to the United Press Associations, one to the New York Herald Syndicate, and one to the Hearst News Service, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association."

Mr. SHERMAN. Mr. Speaker, this is a unanimous report from the Committee on Rules, and it does simply this: It modifies the rule which authorizes the Speaker to admit to the floor of the House representatives of certain newspaper associations, by adding thereto the association known as the "New York Herald Association" and the "Hearst News Service." It does one other thing. The present rule describes the New York Sun service as the "Scripps-McRae League." Since that rule was adopted the association has changed its name, and the modified rule as now presented makes that change of Rule XXXVI.

Mr. MANN. Is it designed to have any more desks on the floor of the House if this resolution passes?

Mr. SHERMAN. It is designed to authorize the Speaker to permit the representatives of these additional two associations to have such space on the floor as the Speaker assigns to them.

Mr. MANN. As I understand the form of the resolution, is

there room for desks without great inconvenience to Members of the House?

Mr. SHERMAN. This authorizes the Speaker to permit them to occupy the space on the floor that he assigns.

Mr. MANN. But I assume the Committee on Rules in reporting the resolution to this House contemplated an eventual reality and disposed of the question in their own minds and the possibility of having more desks on the floor or of leaving these representatives to do as they best could.

Mr. SHERMAN. Of course it was understood the Speaker would authorize them to have space on the floor, although the Committee on Rules did not discuss at what particular spot on the floor space would be found for these representatives without inconvenience to Members of the House. That was not discussed in the Committee on Rules.

Mr. WALDO. I will ask my colleague what this resolution provides for?

Mr. SHERMAN. It provides for the representatives of two additional associations. Now, the associations entitled to the floor have two representatives each, so that while they require two additional desks, there would be two additional representatives for each desk.

Mr. WALDO. Only adding four more?

Mr. SHERMAN. That is all.

The SPEAKER. The question is on the adoption of the resolution.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield?

Mr. SHERMAN. I yield for a question.

Mr. GARDNER of Massachusetts. "The gentleman" took the floor in his own right.

The SPEAKER. Oh, no; the gentleman retained the floor.

Mr. SHERMAN. I still have the floor.

Mr. GARDNER of Massachusetts. I understood the gentleman to have yielded the floor, and the Chair began to put the question.

Mr. SHERMAN. I still retain the floor.

The SPEAKER. The Chair, where no Member desires to go on——

Mr. SHERMAN. Does the gentleman desires me to yield him some time?

Mr. GARDNER of Massachusetts. Mr. Speaker——

Mr. SHERMAN. I have not yielded the floor.

The SPEAKER. Certainly not.

Mr. GARDNER of Massachusetts. A parliamentary inquiry.

Mr. SHERMAN. Mr. Speaker, I move the previous question. That will settle the business.

The SPEAKER. The gentleman from New York moves the previous question; but the Chair will hear the parliamentary inquiry of the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. The parliamentary inquiry which I wish to make, in view of the fact that the gentleman from New York had not moved the previous question, but had so far yielded the floor that the Speaker had started to put the motion, whether or not any other gentleman wishing to take the floor in opposition was not entitled to the floor?

The SPEAKER. The Chair would answer that parliamentary inquiry by stating that for the convenience of the House, in the transaction of business where matters are not controverted, the Chair, if there seems to be no difference of opinion voicing itself, on his own motion is in the habit of putting the question. Now, then, the Chair was an interloper, and in one sense he is proceeding by unanimous consent in that respect. The gentleman from New York did not yield the floor; and this is one way that the gentleman from Massachusetts voices his objection to the Speaker putting the question to the House. The gentleman from New York is still entitled to the floor.

Mr. SHERMAN. I now demand the previous question, Mr. Speaker.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. GARDNER of Massachusetts. Division!

The House divided; and there were—ayes 140, noes 57.

So the previous question was ordered.

The question was taken, and the resolution was agreed to.

ENLARGED HOMESTEADS.

Mr. MONDELL. Mr. Speaker, I call up the conference report on the bill S. 6155.

The conference report and statement were read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 6155, "An act to provide for an enlarged homestead," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to House amendments numbered 2, 3, 5, 6, 7, 8, and agree to same.

That the Senate recede from its disagreement to House amendment numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert:

"*Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply."

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with amendment as follows:

In lieu of the matter stricken out by said amendment insert:

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two millions acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section."

And that the House agree to the same.

F. W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.
REED SMOOT,
C. D. CLARK,
A. J. MCLAURIN,
Managers on the part of the Senate.

STATEMENT.

The act as it passed the House provided for a 320-acre homestead on nonmineral, nonirrigable, nontimbered, unreserved public lands in the States of Colorado, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico.

The conference report takes the States of California and Idaho out of the list of those to which the law is applicable. The conference report also contains a provision not contained in the House bill restrictive in character and as follows:

"*Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply."

Section 6 of the Senate bill provided for a 320-acre homestead, upon which continuous residence was not required, limited to lands which might be designated by the Secretary of the Interior as not having water fit for domestic purposes. In lieu of these provisions of section 6 the conferees agreed upon provisions, confined to not to exceed 2,000,000 acres in the State of Utah, as follows:

"That whenever the Secretary of the Interior shall find that any tracts of land in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 2,000,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section."

As agreed to by the conferees, the act is as follows:

"That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Col-

orado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres, or less, of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonable compact body, and not over 1½ miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

"SEC. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section 2290 of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section 1 of this act, and shall pay the fees now required to be paid under the homestead laws.

"SEC. 3. That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

"SEC. 4. That at the time of making final proofs as provided in section 2291 of the Revised Statutes the entryman under this act shall, in addition to the proofs and affidavits required under the said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

"SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section 1 of this act under the provisions of section 2289 of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry under this act shall be commuted.

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land in the State of Utah subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 2,000,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section."

FRANK W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.

Mr. MONDELL. Mr. Speaker, I move the adoption of the report.

The conference report was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of the fortifications appropriation bill (H. R. 27054); and pending that I ask unanimous consent that general debate be limited to four hours—two hours to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and two hours by myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of the fortifications appropriation bill; pending which he asks unanimous consent that general debate be closed on this bill in four hours—one-half of the time to be controlled by himself, and one-half by the gentleman from Kentucky [Mr. SHERLEY]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Mr. TOWNSEND in the chair.

Mr. SMITH of Iowa. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, it is not my purpose at this time to make more than a very simple statement. This bill provides for the appropriation of $7,920,111, an amount $1,396,634 less than last year and $9,343,140 less than the estimates.

Does the gentleman from Kentucky [Mr. SHERLEY] now desire to use any of his time personally?

Mr. SHERLEY. I do not desire to use any time for myself.

Mr. SMITH of Iowa. Then I will yield some of my time. I yield fifteen minutes to the gentleman from Iowa [Mr. HUBBARD].

Mr. HUBBARD of Iowa. This House finds itself in a singular position in its relations to the people whom it represents. The popular branch of the greatest legislative body in history, it is removed from the sympathy of the very people whose mouthpiece and agent it is. Coming directly from the people, intended to represent their sentiments, held in close touch with them by the shortness of our term and the frequency of election, it might reasonably be expected that we should have their favor and support; yet, just recently, in an assertion of the dignity and proper place of the House of Representatives, we found ourselves appealing to deaf ears; we were met with either ridicule, indifference, or open hostility almost everywhere. The Senate, whatever may be its popular place, illustrates, in every conflict which occurs between it and the House, an effectiveness as a legislative instrument and a force in the assertion of its own views such as we can not equal.

In the country at large and in the minds of many Members of the House there has been a growing feeling, whether just or unjust, that the House does not occupy the place which it should. By a process of evolution a few Members of the House (one Member in particular) have been invested with inordinate power. We have surrendered our trusteeship and turned ourselves over for legislative guidance to these few; what they favor succeeds; what they oppose fails; their voice is the voice of the House. I recognize both the inevitableness and necessity of leadership in any body of men, but the leadership should be one, in a body like ours, arising naturally from wisdom in council and strength in action, not from a scheme and system of parliamentary rule and law whereby leadership and control become the rightful appurtenances of an office.

In right and in law every Member of this House, within due limits or orderly procedure, is the equal of every other Member. The House itself has no authority to disturb by rule or law that equality. The one who may be chosen as Speaker, by virtue of that position, is invested with the duties and powers of a presiding officer for the maintenance of order in debate, in accordance with the rules of the House, justly and impartially, without distinction of party or person. As Speaker it should not be his function to choose measures, to press forward this one or to hold that one back, to control the exercise of their functions by committees, to exercise the power of recognition at his mere will and pleasure; to require, in practical effect, every Member who may have a bill or a resolution to urge before the House to gain his consent before the matter can even be called to the attention of the body in any place or at any time when effective action can be had.

We are told, first, that such power is not given to the Speaker under the rules of this body, and, second, that the powers exercised under the rules are essential to the effective conduct of the business of the House. I have heard and read with great interest the able defense of the rules made by our parliamentarian and by the gentlemen from Pennsylvania and Illinois. We are assured, in effect, by all of these that any man who is wise enough and has behind him a majority strong and persistent enough can, in time, force through the House any measure which he may see fit to present in spite of the opposition of the Speaker, the Committee on Rules, or any minority of the House. It is repeatedly said that the Speaker is the servant of the majority and can always be controlled by a majority. I suppose that, technically, these statements are correct, but practically they are wholly misleading and untrue. For instance, last year I believe that a large majority of this House was in favor of free wood pulp. Many skillful men, well

acquainted with the rules of procedure of the House, were anxious to bring forward that measure for discussion and action, yet no path could be found before which the Speaker and the committee under his control did not stand as an insuperable obstacle.

The Speaker is given the absolute and uncontrolled power of recognition; from his refusal to recognize there is no appeal; no man, therefore, can even get upon his feet in the House to present any measure to the House, to debate it, to suggest it, to ask for a vote upon it, unless the matter be privileged, without the concurrence and consent of the Speaker.

By his power of appointment his is the hand that deals out place and preferment in the House, and men upon whom he confers such place and preferment, under the existing order, are bound in ties of gratitude to this fellow-Member. Members having measures which are of vital importance to their constituents are dependent, in large part, upon his will and favor, so other ties of gratitude, either in lively expectation or favor conferred, are thus created.

He is the leader, politically, of the majority; the framer and director, in a sense, of its legislative policies. We read in the daily papers of assurances upon the part of the Speaker that certain legislation shall be put through. As such leader of the majority, a position wholly incongruous with that of Speaker, the man who turns against him or refuses to follow the lines of policy marked out by him is irregular, an insurgent, a bolter, met with the frowning looks of his fellows on all sides. Can the exercise of such power as this be left unchecked in the hands of any man, however able and however wise, and we still claim to be a deliberative and representative body? The question is not one of the wisdom of the particular exercise of such power by a Speaker. The power itself, however well administered, is destructive of the principles upon which this House was created. Deny it, who will, as vehemently as may be, we know and feel, and the country knows and feels, with ever-increasing emphasis, that the Speaker sits in such place of unchecked power that his little finger weighs more to create and destroy than all other influences in the House combined.

My own opinion has been, but in this I find myself without support, that there is no necessity for the election of a Speaker from the membership of the House. Many of the abuses which are current would be removed if an able and impartial parliamentarian—for example, Mr. Hinds—were to occupy the place of Speaker unhampered by his obligations as a Member and a partisan. We are, for instance, very frequently told that the Speaker, in refusing recognition to measures for which unanimous consent is asked, exercises merely his right as a Member, but I submit that the exercise upon the floor of the right to refuse unanimous consent upon the part of a Member and the exercise of the presiding officer of such right, in his office or whispered consultation, are two entirely different things. The position of presiding officer in a deliberative assembly and the necessary functions which such an officer must perform are entirely at variance with the place of a partisan leader and the duties of a Member requiring him to take sides for or against measures which may be presented. But if the Speaker of the House is to be a Member, then his power and authority should be circumscribed by even narrower bounds.

It is said that the exercise of these powers on the part of the Speaker is necessary for the conduct of business; that the membership of the House is large; that the number of bills introduced in a session is great; that it is necessary that there should be certain choice of measures to be considered. All of these, it will be noticed, are arguments of convenience, not at all relating to any question of principle. All such arguments discredit the good sense and self-control of the House in the exercise of its proper functions.

In the defense of the power of recognition the picture is drawn of the 400 Members of this House all wildly rising to their feet with one unanimous howl of "Mr. Speaker!" and waving bill or resolution in air, an uncontrolled and uncontrollable mob. From our childhood we have been accustomed to public meetings and deliberative assemblies of all kinds, and it is an unusual thing to find the most unchecked voluntary assembly of American citizens so void of self-control. Every day in the House, in the Committee of the Whole, precisely this opportunity is presented, and debate goes on free, yet with the utmost order. There are but few men that at any one time, in an assemblage such as this, will rise for recognition, and upon the few occasions when confusion might result the House is entirely capable of controlling the situation. In our state legislatures we find entire openness of debate and impartiality of recognition accompanied by none of the terrible consequences portrayed.

The great volume of legislation is pointed out as a reason for restriction and choice. This volume of legislation is an illusory proposition. It is true that we have a great number of bills introduced, but out of the twenty thousand and odd bills which have been pending this session I will venture to say, without accurate estimate, that 80 or 90 per cent of them are purely private bills, of which but very few involve discussion, even in committee, and, coming into the House for action, by far the larger portion of them are absolutely determined by the action of the committee to which they have been referred.

The appropriation bills, while most important, rarely involve partisan dispute. The members of the minority are ordinarily as eager in defense of the committee's action as are those of the majority. The House does not require to be defended against itself by the interposition of the Speaker's authority upon these bills. You can almost count upon the fingers of your two hands the vital and far-reaching measures of public policy which have come before this Congress and the last involving any long-continued discussion, and in these the House needed no protection from a guiding hand.

These suggested objections to broad freedom of action and control on the part of the House are most fallacious. In themselves they discredit the House and emphasize the necessity of the change proposed. For, if it be true that the House, with these rules relaxed, would become an ungoverned mob, that it is incapable of selecting and judging as to what measures are of prime importance, that it can not discuss them and control both the time and temper of the discussion, adjusting itself to the occasion as the occasion arises, then the country is right in its feeling with relation to the House; and we are wasting the public time, temper, and money. The wise course will be for us at the opening of the next session, after the election of a Speaker and a general commission of the wise, to take a recess and return only for the purpose of ratifying their decisions. Whether it be wise or unwise, Congress was not so framed. The very thought of it was that the average representation by the average man presenting fairly the thought of the whole people was more apt to secure, in the long run, right, proper, and just results than any selection of wise men, however excellent they might be. We are not men of genius, we are not great lawyers, we are not great statesmen, we are not learned; the average man here is simply fairly representative of his own community and his own folks. Any set of rules which the skilled only can use, which cuts off the participation of the humblest and least learned man here from a place and part in the deliberations of this body, is a wrong to the very Constitution under which we exist.

Some people seem to think that the Reed rules are the source of the whole trouble. The fact is that the Reed rules accomplished in one direction precisely the object which we are seeking to accomplish now in another direction. The minority, by reason of foolish technicalities in the rules and narrow technical construction of them, was able to hinder and impede the will of the majority, which, in any representative assembly, must be the controlling power. The Reed rules made it possible for the House to do business by the application of common sense in the counting of a quorum and preventing the absurd abuse of the motion to adjourn and to take a recess, as pointed out by the gentleman from Pennsylvania. But in removing these time-honored abuses and leaving intact the power of the Speaker we greatly increased his strength and diminished the power of opposition. The power to filibuster, to obstruct and to hold up legislation, gave to the minority or to any Member in case of need a weapon of offense with which recognition could be compelled and measures forced to consideration. When this was taken away the Speaker was left without let or hindrance to the enforcement of his will. You have rightfully taken from the neck of the House the abuse of technical construction; complete the work by taking from the freedom of the House the unreined power of its servant, the Speaker.

I leave to others more skilled than I the duty of presenting in their purpose and effect the rules which we propose. They do not go as far as I should like to go; but I recognize my own fallible judgment, and I believe that if adopted they will go far toward restoring to the House its proper functions and casting upon it its due responsibility. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER of Vermont having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12760. An act to correct the military record of Isaac N. Fordyce.

The message also announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 67.

Resolved by the House of Representatives (the Senate concurring), That the conferees on the disagreements of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, be, and hereby are, authorized to take into consideration as if in disagreement the portion of the said bill relating to the salary of the Secretary of State, and also to report on any provision in relation to the law affecting said salary.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 100.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France, be, and is hereby, rescinded, and that in the reenrollment of the bill the word "Wilcox," in line 3 of the bill, be stricken out and the word "Willcox" substituted therefor; also amend the title so as to read: "An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France," so as to correctly spell the name of the prospective recipient, inaccurately stated in the bill.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

Mr. SMITH of Iowa. Mr. Chairman, I now yield fifty minutes to the gentleman from Iowa [Mr. HEPBURN]. [Prolonged applause.]

Mr. HEPBURN. Mr. Chairman, it is my purpose to continue the discussion begun by my colleague [Mr. HUBBARD of Iowa], and I do so with very much less of timidity than I have suffered from on previous occasions when I have undertaken to insist that the rules of this House were not inspired. Heretofore the subject of opposition to the divine origin of the rules has been treated with levity or with contempt. No man has had anything more than a mere hearing by sufferance, as much as to say "Go on, gentlemen, discuss this matter as far as you will, but there will be no change in the rules."

I take it that that opinion is not so firmly held as formerly. I notice that on the 8th day of January the gentleman from Pennsylvania [Mr. OLMSTED] made an elaborate defense of the rules of this House. He spoke ably, and from his point of view his speech is an admirable one. The parliamentary clerk of this House not long ago, in an able magazine article, again came to the defense of the rules. That article has been reprinted in our RECORD.

Not a great while ago the gentleman from Pennsylvania published a magazine article that was extensively advertised and believed by many people to be a defense so complete as that answer was impossible.

Mr. Chairman, each one of these gentlemen, in my belief, has attempted to befog the question. It has got to be now in some circles that anyone who dissents from the perfection of the rules is an insurgent, that he is running counter to authority properly established and placing himself almost, if not quite, in the class of the criminal. These gentlemen who defend these rules are not content to let them stand upon their merits, but they try to throw around them the halo of a great name. It is suggested that we who would secure a change are assaulting the Reed rules. Not so. That is a slander upon our purpose. There is not one of the Reed rules that I would change. They in their time were as necessary as the changes that we now propose should be had. Then this House was in the hands of a mob whenever the mob spirit was rife.

Then, under the three privileged motions—to adjourn, to adjourn to a time certain, and to take a recess—under these three privileged motions a half a dozen men could hold the House captive for hours, and thus compel a round of voting that was known as a "filibuster."

The Reed rules were for the purpose of doing away with that irresponsible mob, and the purpose was accomplished by taking from two of these motions their privileged character by giving to the Speaker the power to determine when a motion was dilatory and imposing on the Speaker the right to count a quorum that was present rather than a voting quorum. Those, with the rule enlarging the powers of the Committee on Rules, constituted all the changes known as the "Reed rules." Those, in my humble judgment, are as they should be, and I, at least, would advocate no change.

But, Mr. Chairman, while the House escaped from the power of an irresponsible mob, it has not escaped from the undue and overgrown power of the Speaker. The importance of escaping from this power of the Speaker I hope to make somewhat apparent. And right here let me say, Mr. Chairman, in my belief none of the animadversions upon the Speaker can be imputed to the person of the gentleman who occupies that office in this body. If we are to have a benevolent despot, then the benevolent gentleman who is our despot would be my choice. [Laughter.] If I were to be a Member of the next House, I have no doubt I would cast my vote for him as Speaker. It is not the man, it is the system, the office, that I am in rebellion against. And I rebel against it because, through the power that we have invested in this gentleman, and that he has invested from time to time, by construction of the rules, in himself, we have changed the whole character of our Government.

When the Constitution was ordained, the great plan upon which it was builded was that the political power should be in the hands of the people; that it should be divided into units with absolute equality, and one of these units should be given to each one of the electors. Those units of power were to be exerted through the ballot. From the fact that it was impossible to assemble all the multitudes that possessed this political power the plan of representative government was ordained.

At first these units were grouped, and probably 6,000 of these units were grouped together in a constituency, and they were given a Representative. The fundamental idea, however, was that each one of the Representatives stood upon a plane, invested with the same amount of political power, no more, no less. The idea of the Constitution establishes the equality of Representatives and the equality of constituencies. The 50,000 units of power that I represent are here the equal of those that inhabit the Danville district. They are the equal of any other, and they have the same right to the same potential voice here that any other constituency may have.

But, Mr. Chairman, see what we have done in the way of taking from the constituency that I represent their power and placing it in the hands of the Representative of the Danville district of Illinois. Mr. Chairman, how important is recognition in this House—equality of recognition, the right of every man to deliver the message of his constituents. Under the rules of this House that power is taken away from me. I have no power whatever that is not yielded to me by the gentleman from the Danville district. For more than seventy-five years the rule of recognition in this House was the universal rule that applies in all deliberative bodies of which any of us have knowledge.

I am told that in every parliament, in every legislative convocation the world around, that old rule that required the presiding officer, when not prohibited by another rule, to recognize that man upon whom his eye first rested prevails. It was the rule of this House. It was the rule when the Speaker's chair was made memorable by the occupancy of Henry Clay, of James G. Blaine, of all of the older distinguished men who have given renown to the House by the manner in which they presided over its deliberations. But in the Forty-sixth Congress that rule was changed. In the early part of that Congress the rule read:

When any Member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker, and shall confine himself to the question under debate and avoid personality.

Later on in that same Congress that rule was changed by the interpolation of the words, after "Mr. Speaker," "and on being recognized shall proceed," so that it read:

He shall rise from his seat and respectfully address himself to Mr. Speaker, and on being recognized shall proceed, and shall confine himself to the question under debate and avoid personality.

The interpolation of those words took away from the individual the right to be heard, made him a mendicant at the feet of the Speaker begging for the privilege to be heard, and gave to the Speaker, without appeal, the right to deny to that Member or to his constituency the power and the right to present any matter to this House. There is no appeal, Mr. Chairman, from the decision of the Speaker upon the question of recognition, no matter how arbitrary the decision, no matter how the mailed hand of the tyrant may be present; there is no appeal. His voice is the final voice, and he can stifle when he chooses the voice of any Member in this House.

But gentlemen will say, and the gentleman from Pennsylvania [Mr. OLMSTED] has said, that we have the freest of debate here. Yes. What is our debate to-day? We have now pending

before us a proposition for the expenditure of many millions of dollars for the purpose of defending our coasts, a most important question, the defense of the borders of the Nation.

Yet, under the rules of this House, I am not discussing that. There has to be some safety valve, and therefore, not under the rules, but under the procedure of the House, the methods of the House, the interpretations of the Speaker of the rules, and, in turn, of the procedure of the House, I am permitted not to discuss the question, not to engage in debate with some gentleman, but to deliver my views upon a question entirely outside of the record before us. Then, we have our five-minute debate, where, I believe, we are required to confine ourselves to the subject. The most of it is the uniform subject of striking out the last word or the two words next to the period, or some important question of that kind. That is the kind of debate that we have, and that is all the kind; but suppose that I want to call up a bill for the consideration of this House, how am I to do it? I must go to the Speaker, I must negotiate with the Speaker, I must get the good will of the Speaker, with regard not to myself but to my proposition. If I can not succeed, if he disapproves of the subject, he will not recognize me; but we have a day—it occurs once a month—when motions to suspend the rules may be made, and with the aid of a two-thirds vote propositions may be enacted into law; but, again, I have no rights in that day. I can only participate provided I can satisfy the Speaker that the proposition that I want determined by a two-thirds vote is such that it meets his approval. If it does not, I can not even have the poor advantage of appealing to the House for a two-thirds majority in support of my measure.

I insist, Mr. Chairman, that this kind of procedure is degrading to the membership of the House. [Applause.] No Member ought to be compelled to go to another man, his equal and no more, a representative of a constituency in no whit superior to his own, and ask for the poor privilege of calling his measure to the attention of the House. [Applause.] And I do not hesitate to assert that if our constituents knew what we had done with their power, how we have betrayed our trust, how we have turned over their rights to another man, how we have imposed this wonderful difference between one constituency and another, not one of us would get back again. [Applause.]

Mr. Chairman, gentlemen say that this power is necessary. I deny it, and in support of my denial I make profert of the experience of the world up to fifty years ago. The innovation "became necessary" then, never before. Everywhere else in the world this power is withheld from one man. But, Mr. Chairman, our rules provide for difficulties that may result from too much of zeal on the part of Members to get their business before the House, for the rules provide, clause 2 of Rule XIV, what shall be done when two or more Members rise at once. There is when the mob comes, as told in our illustrations and referred to by my friend, when a hundred men are on their feet clamoring for recognition. It is then that this rule gives peace and quiet to the assembly. I read:

When two or more Members rise at once the Speaker shall name the Member who is first to speak.

Mr. Chairman, that has been the rule; that was the old rule before the innovation that I have spoken of, occurring in the Forty-sixth Congress. But, Mr. Chairman, this is only a small portion of the betrayal of the trust that is reposed in the membership of this House. Experience in this body teaches us that more and more the legislation becomes legislation by committees. The deliberations, the investigations, the broadest discussion, all occur, or largely occur, in the committee room, and we are disposed more and more each year to rely upon the judgment of our colleagues who have instituted these investigations and who have arrived at the conclusions that they lay before us in their reports. So that the question of who shall constitute the committees every year becomes a more and more important one as this practice of reliance upon the committees becomes more and more the usage of the House. Our committees are appointed, how? By the Speaker. Unrestrained, he is absolutely powerful, and his voice alone is heard in these appointments.

No matter how important a subject may be, the Speaker determines who the committee shall be composed of that is to consider that subject. Ah! but not only that; if the Speaker were an unjust man and had made a mistake in his constitution of a committee, he still has the remedy in his hands, because he assigns all bills to the committees, and they go, as the rule is, where the Speaker assigns them. A wonderful power this! Then, more than that, Mr. Chairman, he selects the chairmen of the committees. How necessary it is that men should have ambitions with regard to their committee assignment. The man who has not is unfit, in my judgment, to a place here. They are the places of vantage from which a man can render the most efficient service in the direction of his choice, so that to be upon this committee or that may be a matter of supreme importance to one. A lawyer who has made a study and practice of his profession, his vocation during all of his life, to him the affairs of the Judiciary Committee come with ease. He prefers to be there. Another prefers that his sphere of usefulness be the Committee on Naval Affairs or the Committee on Foreign Affairs. Those are places sought after by men. Men of righteous ambition seek after them. They have the right to this selection of choice, so far as they are concerned, and it is not unreasonable that they should be moved by ambitious consideration in connection with such appointments. The chairmanship is important, for there is, as almost all men will admit, an added power, an increased responsibility, a potency to the voice of the chairman given by his appointment, other things being equal, so that men desire these places. And then, Mr. Chairman, there is something more than that, because there is growing up in this House, and every other one, from year to year, a feeling of loyalty on the part of chairmen to the Speaker. It is expected. A distinguished gentleman from my own State who filled the Speaker's chair for years so acceptably used to speak of chairmen of committees as "my cabinet." He expected loyalty from them; and when you remember that there are more than 50 of these chairmen, most of them having membership in "my cabinet," each of them owning in his own feeling more or less of loyalty because of favors bestowed, what a power that is upon the part of the Speaker.

Mr. Chairman, another source of power of the Speaker is in that faulty legislation most reprehensibly recognized as "unanimous consent." At first blush, Mr. Chairman, a man would say, why, if unanimous consent can be obtained there ought to be no fear of such legislation. Unanimous consent, Mr. Chairman, does not imply knowledge, it does not imply familiarity with a subject, does not imply consent to the legislation in the proper sense of the term. It means this: We recognize the fact that the greater number of bills that pass this House pass by unanimous consent; that if we get a measure through the possibilities are that it will be by unanimous consent. Therefore, no man probably, except the gentleman from Illinois, desires to take upon himself the odium of objection. He knows that his turn will come after a while and that a fellow, with a memory sharpened by disappointment, may rise to stick the javelin of "I object!" into his little measure. Therefore he keeps silent, hoping that the watchdog of the Treasury, or the alert leader on our side of the House, who always knows all that is going on and is always alert to see that no evil is done, will make the proper objection and prevent the objectionable measure from coming before the House. I think that there could be no more faulty system of legislation than that which proceeds by the log-rolling system that we denominate as "unanimous consent."

Mr. Chairman, again I want to assert with no cause of complaint upon my part or upon the part of any one of the gentlemen associated with me in this movement to secure certain amendments to the rules—29 of them only, I am sorry to say; but there are 29 of them, and there is nothing cold about their feet [laughter and applause]—I want to say that these 29 gentlemen would unite with me in saying that they make no fight upon the distinguished Member who now adorns the Speaker's chair. Every one of them, so far as my knowledge goes, is his personal friend, and probably, certainly so far as my knowledge goes, every one of them would be his supporters in the next Congress if they had the power to be.

I want to call attention to another fact, and that is that even in the changes to these rules we ask for there is nothing personal.

There is another body, not far removed from this, where there is just now a contention over the rules; and there is, I am told, a certain portion of the membership that are dubbed, either derisively or contemptuously, as the case may be, as "insurgents." Their purpose is materially different from ours. They have causes of grievance, they tell us. They feel that the distribution of that which may be distributed by a deliberative body is not equal, and that they do not get their share. Their struggle is for better assignments. They are making a fight, as I am told, against the gray wolves of that body. [Laughter.] There are no gray wolves here that disturb the equanimity of any of the 29 insurgents of our body.

Mr. Chairman, we do not ask for radical changes. We think that there ought to be one day, at least, in every week when the House automatically puts itself in conjunction with the calendars and takes up the business on those calendars and, by orderly procedure, disposes of them.

We hear it said often that the majority of this House controls its legislation. I would like to ask any one of the distinguished gentlemen who compose the revered Committee on Rules, by

what process the majority of this House would secure a change in the rules? I assert that there is no power against the will of the Committee on Rules and the Speaker. There is no power, I reiterate; and I would be glad if some one of those gentlemen would tell us how, if I am wrong, this change can be made. What would be the process? We would introduce our resolution providing for the change. Where would it go? The Speaker, a member of the Committee on Rules, knowing the trustworthy character of that admirable committee, would at once consign it to the Committee on Rules. Ah, it is easy to get into the Committee on Rules; but by what hoist and by what petard would we get out of the Committee on Rules? [Laughter and applause.]

There is none, Mr. Chairman. Men have been studying that subject for lo, these many days, and they have come to the conclusion that while we do not know anything about the laws of the Medes and Persians, whether it was possible to change them or not, we do know that it is not possible to change the rules of this House without you have the consent of the Speaker and his two colleagues. [Laughter and applause.]

We are told, though, that we will have a call of committees. The call of committees has been jogged by some process or other into considerable activity lately. [Laughter and applause.] I understand we have had a call of the committee three times, four times, during this session. But if my recollection serves me right no bill was passed under that order during two years preceding the beginning of this session. I may be wrong about that, but I think that I am not. For two years, a colleague suggests to me here, that rule of ours, that order of business of ours, that sixth item of procedure in the order of business lay in disuse. In fact the attention of the Speaker was never called to it; and undoubtedly he had forgotten that it had an existence among the rules. [Laugher and applause.]

Now, Mr. Chairman, we would like to change, if we could, the rule whereby we can have one day in each week, by automatic process, where the calendars would be reached, and bills could be taken under that sixth order and disposed of.

We do not regard that, however, as nearly so important as we do taking from the Speaker the inordinate power that he now has. Take that away and other things, other difficulties will smooth themselves without trouble. Take away that inordinate power and then I imagine there will be no difficulty, at least of the character embodied in my complaint. It was never intended by those who wrote the Constitution that the office of Speaker should be one of the exalted magnitude that we have made it.

And before I discuss that, I want to discuss another element of the power of the Speaker that is derived through the construction that the Speaker puts upon our rules and the construction that he puts upon our precedents. In other words, a rule has a construction given it by some gentleman who occupies the chair, temporarily, perhaps, or possibly by a Speaker. Now, that becomes, in the language of the Chair, a procedure of the House, and in its turn it is subject to interpretation, and that again in turn subject to interpretation, and here you have rules and a precedent established through ruling. Then it becomes procedure, and then that procedure is in turn interpreted by the Speaker, and so on the chain goes. Why, we saw something of that to-day. I may be wrong, but I thought that a gentleman took his seat after having made a motion. I thought that the Speaker began to put a motion. It occurred to me that the gentleman could not occupy the floor while the Speaker was putting a motion. It occurred to me that those two things were inconsistent, and that the gentleman should have ceased his speech before a courteous Speaker would have begun the performance of his duty—and our Speaker is always courteous. But we found that there was precedent, that there was procedure that enabled the gentleman after he had gotten through with his part of the performance, and after the Speaker had begun his part of the performance, still to keep his place as one of the important characters in that little drama. That is procedure.

Here is another illustration. We have unanimous consent. Any gentleman has the right to object. But growing out of that right to object comes, through interpretation and through procedure, another rule that allows a man to withhold his objection and go on with a colloquy.

I took the trouble to count in one day's proceedings nine columns of the RECORD taken up by those colloquies where gentlemen had reserved their right to object, finally objecting; nine columns in a day. I think there are days when there is much more than that. I am simply speaking of this to show how the rules of this House are made; not by the will of the House, not by the voice of a majority, but by interpretation, and interpretation upon interpretation, by usage, by procedure, and interpretation of usage and procedure, until now look! The interpretation rules of this House fill eight of those immense volumes, while the rules themselves are, I think, but 50 in number and occupy about 20 pages in this little volume in front of me.

Now, Mr. Chairman, I have no expectation that there will be any change in the rules of this House at this session. I am not at all hopeful that there will be at the next; but in my humble judgment, sir, if there was no session of this Congress until December of this year, I believe there would be by that time such an expression of the people as would compel the adoption of a system of laws under which the membership of this House could be restored to their old equality, and constituents should have like equality.

There is a hopeful sign. It is seldom in my life that I have found in a Democratic platform anything that consoled my soul. [Laughter.] It has been my duty during more than fifty years to criticise the performances of Democratic national conventions, as those performances found expression in their resolutions. But here is one that I commend:

> The House of Representatives was designed by the fathers of the Constitution to be the popular branch of our Government, responsive to the will of the people. We demand that the House of Representatives shall again become a deliberative body, controlled by a majority of the people's Representatives and not by the Speaker; and we pledge ourselves to adopt such rules and regulations to govern the House of Representatives as will enable a majority of its Members to conduct its deliberations and control its legislation.

[Applause.]

Mr. Chairman, I am not one of those who would condemn the Ten Commandments if by some accident the Democratic party were to adopt them. [Laughter.] I believe this to be good and wholesome truth. I know that the people are thinking about this matter of the control of the House of Representatives. I know that this agitation will go on; that the people will in time become informed of the real situation; that they will know how faithless we have been in the discharge of our great trust, when we have had reposed in us the care and guardianship of the equality of constituents, the care and guardianship of representative democracy in this country. Those ideas I know are dear to the American people, not less so than they were to their fathers, who ordained the provisions of the Constitution. Every day of agitation will make more and more friends. Ah, no; not more friends, because they are friends already; but the agitation will challenge the attention of the people; and when the attention of the American people is centralized upon this great question, then there will be action, and then there will be no difficulty in taking from the Speaker of this House the immense political power that he now has. [Applause.] He was in contemplation of the Constitution a very inconsequential officer. The Speaker is referred to but once in the Constitution, and that is in the clause that gives the House of Representatives the power to elect its Speaker and other officers; and in my judgment, it was intended that if the House of Representatives so chose there was provision made and power given to elect a Speaker from the great body of the people, as the other officers are elected. [Applause.]

[Here the hammer fell.]

Mr. SMITH of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has fifty-four minutes.

Mr. SMITH of Iowa. I will ask the gentleman from Kentucky to use some of his time.

Mr. SHERLEY. Mr. Chairman, I now yield fifty minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, the subject of my remarks this afternoon is diplomacy and our fleet. These remarks were intended to be made in connection with the diplomatic and consular appropriation bill, but I have made an exchange of time because of the chances of being out of the city, possibly, when the other bill comes up.

There is advantage in taking up the discussion of the fleet at times other than those when the naval appropriation bill is being considered. Some Members seem to imagine when reference is made to national dangers in any part of the world that it is simply a device to promote the chances of securing additional battle ships. Fortunately, the fleet of this country has its usefulness, and I believe its greatest usefulness, in the long years of peace. Though diplomacy begins when war ends, and ends when war begins, it owes its effectiveness chiefly to the fleet. The whole subject of my remarks, therefore, will relate to the question of the usefulness of the fleet in days of peace.

Diplomacy is the relationship of sovereigns. We should bear this fundamental fact in mind when we take account of our country's relations with the rest of the world. Section 10, Article I, of the Constitution confines diplomatic functions to the Federal Government. The same condition exists in other composite governments with vassal states and dependencies. These sovereign nations acknowledge no superior; unlike indi-

viduals, they are subject to no restraining authority. They are beyond the domain of law and are subject only to the impulses that sway human nature unrestrained.

I make no detraction from international law as it exists. But the fact is that in the true sense of law there is no such thing as law between nations. There is no codification of the so-called "tenets" of international law. There is nobody that has authority to say what is and what is not law between nations. International law, Mr. Chairman, rests upon precedent, and amid differing opinions the world to-day has no court to decide what is precedent and what is not. Between nations the condition of law to-day is analogous to the rudimentary condition of the common law within civilized nations before courts had been formed with authority to say what was precedent.

Even the generally accepted tenets are still uncodified. All that exists is the record of decisions of national courts which have no authority beyond national bounds. An international common law is in the forming, but it is only in the forming and is still without the machinery for its authoritative and orderly growth. Wherever there is a condition of law and order in a civilized community there is not only the fully developed common law of the nation, and courts with full authority to say what is common law, but there is also a body with authority to make new law, and a body with full power and authority to execute law and to impose adequate penalty for violation of law. There are no such bodies out in the world. The principle of an international court has been accepted, and the court itself is being organized, but when organized it will have no jurisdiction except what may be conferred upon it in such particular case by the litigating parties. The principle of an international congress has been accepted, but only the principle. It is hoped that the great Hague conferences, the third of which is to meet in 1915, will become periodical, automatic, and self-governing, and will evolve into an authoritative international congress to make laws for the nations to live under, but as yet these conferences are not fixed beyond the third and are not self-governing, and have only advisory authority. But even after the establishment of an international congress there would still be no international executive. This will be the last and most difficult branch of an international government, for it would entail the relinquishment of part of national sovereignty. Nations are sovereign from their birth, and even the smallest nation is jealous of the slightest suggestion of infringing its sovereignty. Anything touching even remotely this delicate subject suggested at either Hague conference brought the delegates to their feet instantly in opposition.

The best that can be said is that the embryo of an international organization has been spawned, but that is all. An enthusiasm that assumes that organization exists between nations capable of assuming the responsibility of administering justice deceives itself and endangers the progress of peace and justice. It becomes a public menace when it advocates leaving a nation's life, independence, and vital interests to hang upon a myth. To advise a nation to disarm because it is peaceable and would prefer an international organization for justice would be like advising the peaceable inhabitants on a wild frontier to disarm and allow the lawless to reign. Such action would retard and prevent the development of a condition of law and order.

The world as yet has no legislative body to make law, no judicial body to adjudicate and interpret law, no executive body to enforce law. The obligations that exist are those entered into by the sovereign nations in agreements known as "treaties," but treaties are not held subject to the generally accepted principles of justice and right. Who is to say when two nations are to make treaty engagements and what are to be those agreements? Can China go to the nations of the earth and get the most-favored-nation treaties to-day? No. Could Korea get any treaty at all? No. Can the weak have access to the benefits of treaties? No.

After a treaty has been entered into, who is to interpret the meaning of the terms of the treaty? There is no one. Finally, when the terms of a treaty are clear, who is to see to it that both contracting parties shall live up to those terms? There is no one. The pages of history, and the pages of contemporaneous history in particular, are full of the most flagrant violations of solemn treaty obligations. Even where treaties of arbitration have been entered into, calling in a third party, the field of arbitration has been reduced to the minimum, specifically excluding from arbitration questions affecting the honor, independence, territory, and vital interests.

A world public opinion is steadily growing and increased intercommunication is developing an internationalism, but the same causes that are bringing the nations together are even more rapidly welding together the parts of individual nations and accentuating national characteristics. Internationalism is growing, but the present is the age of nationalism which has caused all the great nations but America to leap to arms, to form every able-bodied citizen into a soldier, and to ply the national resources to their limit to maintain armies and navies.

Thus the field of diplomacy is clearly beyond the realm of law, and the sovereign nations with whom we hold diplomatic relations are subject to all the forces that sway human nature when it is free from the restraint of higher authority. A full recognition of this fundamental truth must lie at the basis of a wise and effective diplomacy.

In general terms, there are two classes of forces that prompt the actions of men—those springing from self-interest and those springing from altruism. With nations, as with men, the relative strength of the two classes of forces varies with the stage of social evolution, but even in the most advanced stage there can be no doubt as to which class of forces is dominant, for the laws regulating the relation between individuals in all civilized communities assume that in the great mass of human actions the supreme motive is self-interest. No right, however small, is left dependent upon the altruistic impulses of others. This being the case, when men are neighbors and compatriots under a common authority, much more must it be the case between these foreign to each other, free from any restraint. As a matter of fact, no nation has as yet acknowledged any right of another nation to interfere simply on grounds of altruism. Our attempting to so interfere in Cuba brought on war, and even here we contended that the proximity of Cuba gave us a basis in self-interest. The Monroe doctrine is the greatest instance of a foreign policy based on altruism, but here also we felt called on to seek justification on the grounds of self-preservation.

History shows that in the long run justice is the best policy between nations as honesty is the best policy between individuals, but it can not be expected that in the presence of immediate advantage from injustice a nation would discern the ultimate advantage of a just policy. Every system of justice within nations depends upon a system of punishments which imposes penalties greater than could be the immediate advantages of violation, invoking thus the motive of self-interest on the side of obedience. Every system of punishments is founded upon power, and depends for effectiveness upon the adequacy of the power behind the law and the certainty of its punitive consequences when law is broken.

Between nations where there is no common authority and no common power each nation must be its own judge of what is just and must provide the power necessary to have its just policies prevail, and the more ample the power the less the chance of necessity for its use. Americans should realize that at the present stage of the world our country's foreign policies, though scrupulously just, must depend absolutely upon our national power, and that without ample power at hand these policies must fail. A good illustration is found in the case of the Russian occupation of Manchuria. America called on Russia to evacuate Manchuria as Russia had promised, and American consuls were assigned to Manchurian cities with the full authority of China. But we had no fleet in the Pacific, no power available beneath our demand. So Russia promptly stopped our consuls, ignored our demand, and remained in Manchuria.

It is conservative to say that if America had possessed in the Pacific Ocean a fleet commensurate with our interests bordering that ocean Russia would have acceded to our just demand and the evacuation of Manchuria would have spared the world the war between Russia and Japan. Another modern illustration of the effect of having power and lacking power is seen in the contrast of the terms of the treaty of Shimonoseki and those of the treaty of Portsmouth. At the time of concluding the former treaty Japan was weak; at the time of the latter she was powerful. The former treaty forbade her taking from China precisely the same territory she took by the latter. At the time of the former treaty the powers forbade any encroachment upon Korea. Shortly after the latter treaty Japan absorbed Korea, and not a protest was heard from any power. A good illustration is found in the contrast of our treatment of Chinese and Japanese in America. Another illustration is found in the contrast of the terms of the treaty of San Stefano, drafted at Constantinople at the conclusion of the Russo-Turkish war, when Russia was master of the field, and the terms of the treaty of Berlin that supplanted the former treaty. The appearance of the British fleet in the Sea of Marmora and British troops in Malta caused Russia to consent to transfer negotiations from San Stefano to Berlin, and Austrian cooperation with the British took away from Russia the control of the situation. The treaty of Berlin promptly set aside the terms of the treaty of San Stefano, and Russia thereby lost practically all of the fruits of her victory over the Turks.

Since each nation naturally claims that its own contentions are just, the best results are accomplished when both nations or groups of nations in a controversy have power, so that an equilibrium is established, and so that it would be more advantageous for both to compromise than to take the consequences of a rupture. The balance of power established in Europe is doubtless the cause of a peaceful issue from the recent incidents of Casa Blanca, Algeciras, and Fashoda, and is doubtless the cause of the maintenance of peace thus far in the Balkan disturbances.

If the difference with a nation is of a fundamental nature and liable to become acute, then it is wise to develop a substantial superiority of power before settlement is attempted or pressed. In certain cases it is clearly the height of folly to try to settle differences without this margin of superiority of power.

For a number of years Bulgaria has been developing an army, until she had 350,000 to 400,000 trained soldiers, organized and equipped with the best arms and artillery. Then she notified Turkey of her decision to be independent. If she had not gathered the power, the declaration of independence would have meant war and practically certain disaster. As it was, Turkey has practically acquiesced.

The first expedition Commodore Perry headed was ordered to quit Japanese waters, and it had to quit without results or fight. The second expedition was a powerful one and proved successful. The first would have resulted in war, if pressed; the second was successful, with peace.

While the United States was in the midst of the civil war the French Government gave no heed to our protest against the invasion of Mexico. When the civil war ended General Sheridan was ordered to the Rio Grande with 60,000 men, and an army of over 1,000,000 seasoned veterans were held ready behind those, while we had the most effective navy in the world. We then called on France in strong terms, and Maximilian began at once the work of evacuation.

During the civil war we protested against the building and fitting out of the *Alabama* in vain. When the war was over, and when the French had evacuated Mexico, we pressed our claim for a settlement and secured full compensation. If these cases had been pressed while the civil war occupied our forces, both of them would have ended in war and in disaster.

If America had waited until her navy counted four additional battle ships, the trouble in Cuba could have been settled by diplomacy. But we did not have the margin of power, consequently we had war. The same can be said of the war of 1812, the war with the Barbary pirates, and the war with France. It is thought by many that if the Union had possessed larger power at the outset, the civil war could have been brought to a speedy close, if not averted altogether.

The question of a proper adjustment of power is so vital to successful diplomacy it is important to consider the elements of a nation's power. These elements may be grouped into two classes—resources and preparations.

Resources are based upon population and wealth. Population enters as a factor according to the number and the fighting characteristics of the average. Recent events tend to show that there is not the discrepancy formerly supposed to exist between the fighting capacity of the white man and yellow man. It is a reasonable conclusion that the time has come for the white nations to cease to fight among themselves, for the day appears approaching when it will require the cooperation of all the white men of the earth to establish an equilibrium with the superior numbers of the yellow men. Common peril caused families to combine into clans, clans to combine into tribes, tribes to combine into nations. The time is almost in sight when the same course will bring the white nations and yellow nations into unions, prior to the possible joining of the unions into a general brotherhood.

Wealth enters as a factor according to its prior accumulation and the opportunity for creation during the course of hostilities. Simply accumulated wealth may prove only a temptation and advantage to an enemy, and the oportunity for continued creation of wealth may be cut off by a sudden invasion or the destruction of maritime interests.

Preparations are of two kinds—those on land and those on the sea.

Land preparations consist of armies and coast defenses. Armies comprise standing armies and reserves, including militia of various kinds.

It can be said roughly that every other great nation, including Japan, maintains a standing army of from 400,000 men to 600,000 men, a force about 8 to 10 times the force of the American standing army. Every other great nation, including Japan, has a trained reserve, with complete organization and equipment, ready on a few days' notice, ranging from 1,500,000 men to 3,000,000 men. The British have not yet reached the above figures, but are rapidly approaching them. America has no reserve in the true sense of the word, but only 110,000 militia scattered throughout the nation in small units, with no division organization. In every other great country every able-bodied citizen is a trained soldier. In America not one man in a hundred has the slightest training or knowledge of the duties of a modern soldier.

In coast defenses America has more property exposed within gunshot of the water than has all the rest of the world combined, but our imperfect scheme of coast defense is only about two-thirds completed and we lack 4,000 coast artillerymen of having enough men to man the guns already mounted with half crews, and we have no mobile forces for support and protection from attack by landing parties coming up from the rear. In every other great country the coast-defense schemes are complete, and the force of men is sufficient for two and even three full crews, while a large mobile army insures complete protection against attack from the rear.

On the land, therefore, America's preparations may be regarded comparatively as nil. We are living thus the one unarmed nation in an armed world, and our security and our preparations of power depend almost wholly upon our fleet.

Preparations on the sea consist of the navy proper and the merchant marine. The merchant marine is not only an important part of naval power, as furnishing auxiliary vessels and reserves of seamen, but is also necessary for the transportation of troops oversea. America has practically no ocean-going merchant marine, consequently we are gravely deficient in reserves and auxiliaries, and would be found powerless to transport a considerable number of troops oversea within a reasonable time.

Every other great nation has a large merchant marine prepared to transport from 100,000 to 300,000 troops in a single expedition, and to furnish reserves and auxiliaries without delay.

We are thus dependent more than any other nation upon our commissioned fleet. Furthermore, our vital coast lines are so far apart that a fleet in one ocean can not be counted on for service in the other ocean. Even after the Panama Canal is completed we shall be compelled to maintain a separate fleet for each ocean.

As to the relative value of resources and preparation in making up power as a basis of diplomacy, we must bear in mind that modern wars are becoming more and more a test of preparation. When Prussia struck Austria in 1866, the war was over in a few months—a test of preparation. When Germany struck France in 1870, the same thing. When Japan struck Russia, the same thing. This result is due to the magnitude of the operations, and therefore the necessity for long preparation and perfect organization, and to the swiftness of modern transportation. It is estimated that at least three years would be necessary to create a modern army in America and prepare it to cope with modern armies which are kept ready to move on a moment's notice and which can cross the ocean in a few weeks. I do not doubt that if war came, America would persist as in 1861–1865, and would make the struggle a test of endurance and therefore largely of resources, but we can not expect the world to have the same opinion, and therefore as differences arise with other nations we must regulate our diplomacy largely according to our relative preparation, and therefore largely according to the relative size of our fleet in the ocean in question. Vice versa, as long as our fleet is inadequate for both oceans we should distribute it between the Atlantic and Pacific according to the nature and acuteness of differences that exist or are liable to arise in the direction of Europe or in the direction of Asia.

Having established the fundamental principles upon which successful diplomacy must be based, it remains now to examine the question of the differences that arise between nations and then to draw the practical conclusions as they apply to America.

The important differences between nations out of which wars have arisen may be grouped into four classes, namely: First, questions of territory; second, questions of trade and commerce; third, race antagonism; fourth, conflict of institutions.

Let us examine how these differences are involved in the Atlantic and Pacific oceans, and consequently what should be our policy as to size and distribution of power, and then, in the light of our actual condition of power, what should be our diplomatic policies.

An examination of our relations with the Pan-American nations shows that there is not a single question of difference. Therefore our natural relationship with those nations should be

one of a close brotherhood, and clearly our diplomacy should be directed, as it has begun to be directed, toward constantly increasing the commercial relations and intercourse between our peoples. This should be promoted by the development of lines of transportation, and especially steamship lines. And full advantage should be taken of the approaching completion of the Panama Canal to give a lasting impulsion to intercommunication. Our Government should proceed to negotiate a model arbitration treaty with all the Pan-American governments, by which the contracting powers would solemnly agree to respect each other's territory and sovereignty within that territory and to arbitrate all other differences. Such an arbitration treaty is now practicable in Pan-America and its adoption here would work a great stride in the development of the general cause of arbitration and peace. The approaching Pan-American conference would be a fitting occasion for effecting such treaties. In order to realize the best results in our Pan-American diplomacy, Congress should provide for permanent representation at the Pan-American conferences, as it should provide for permanent representation at The Hague conferences, in some such manner as is provided for in the bill introduced in the House by the gentleman from Missouri [Mr. BARTHOLDT] and in the Senate by Senator MCCREARY, the father of the Pan-American conference.

An examination of our relations with European nations is not so assuring.

Over questions of territory there are no direct differences likely to arise in the near future, but the same can not be said of the indirect differences that may arise under the Monroe doctrine. This doctrine has been accepted in the matter of contractional debts, but it was refused in connection with territory. We can only be sure of a permanent respect for the Monroe doctrine by being in control of the sea in the Atlantic.

Over matters of trade differences may be expected to grow steadily as we become more and more an industrial nation and reach out more and more for the markets of the world with our products that are steadily growing in excess of our home consumption. There is a fundamental basis for what is called "the American peril," which the European nations have discerned in the financial and industrial growth of America. The military powers take their men away from work for military service. We have our men at work producing. It will prove impossible for military nations ultimately to meet American competition where there is an "open door," fair chance, and no favor. From this fundamental fact we must expect differences of an even increasing gravity as time goes on.

From questions of race there are no differences to fear. We have already demonstrated that all the nations of Europe can meet here and mingle without producing race antagonism, all being more or less remotely of the same race.

From questions of institutions we can not expect monarchs and royalty and nobility to view with satisfaction the rise of democracy, nor can we expect nations always to accept our national irresponsibility for the welfare of their subjects suffering violence within our individual States with which they can hold no diplomatic relations.

Thus it is clear that we must anticipate more and more differences of a serious nature to arise between America and European nations.

Fortunately for the world and for America a balance of power exists in Europe, where experience has shown that a balance of power is essential to peace. This balance of power has kept the attention of European nations upon Europe itself and has confined the power of those nations to the same sphere. It was largely to European complications and diversions that America owed her relatively satisfactory issue out of the war of the Revolution and the war of 1812, and it is to the balance of power in Europe that we owe our partial immunity in the past when we announced such a doctrine as the Monroe doctrine. While we were young, growing up off by ourselves, not running counter to the other nations, this dependence upon the balance of power of Europe was fairly effective. At best, however, it is a most unsatisfactory dependence, analogous to the dependence of Turkey or the dependence of China. Every day it becomes less and less available. America has reached the stature of manhood and moved out into the world. Whether we like it or not we are in the midst of the world's activities, in the vortex of its politics, and the time has come when we must place upon ourselves, and not upon others, our security and the effectiveness of our policy. To-day the only basis for our diplomacy with Europe is for America herself to establish an equilibrium in the Atlantic Ocean as against any individual nation of Europe. [Applause.] This means that we have a great responsibility with regard to our naval progress. With our whole fleet in the Atlantic we just hold an equilibrium with Germany and with France, and are far below an equilibrium with Great Britain. While Great Britain is building 12 large vessels of the *Dreadnought* type, she is this year authorizing 6 more; while Germany is building 9 of such large vessels, she is this year authorizing 4 more; and yet we are only building 4 of these vessels, and this year are only authorizing 2 more. Thus for our whole navy with its two ocean demands we are only advancing at a rate one-half that of Germany and one-third that of Great Britain. It does not take the eye of a prophet to see the steady approach of the day when, without the benefit of the balance of power of Europe, we shall find ourselves absolutely defenseless on the land with a fleet completely outclassed on the sea, while grave questions arise, whose peaceful solution with honor will demand at least an equilibrium of power which we can not furnish.

Clearly, a wise diplomacy demands that for the Atlantic alone the rate of increase of our fleet should be doubled—that is, should be on a four battle ship basis instead of two battle ships a year.

If the outlook for the Atlantic is so unsatisfactory, how much more unsatisfactory must it be in the Pacific, where we have not a single battle ship, and where the gravest diplomatic problems have arisen.

While there is a balance of power in Europe, there is no balance of power in Asia. The growth of the German navy has made it necessary for the British to bring their battle ships back to Europe. There is not a single British battle ship in the Pacific Ocean. Nor is there a German battle ship, nor a French, nor an Italian, nor any European or American battle ship; nor is there any prospect of any European nation being able to send a battle ship there. But there is a great fleet of Japanese battle ships. If it so happened that we were to have a fleet of American battle ships there alone, unbalanced, it could not make much difference in a war, because, no matter how large our fleet, it could never be aggressive. A fleet can not invade; it can not go ashore. We have no army with which to follow the fleet; and if we had an army, we could not get it over where the fleet would operate because we have no merchant fleet to transport it. Until our Nation has changed its whole character and become a military power our navy could never be more that a mere shield to protect us from aggression and to aid the weak of this hemisphere whom injustice may mark for attack.

But it is not so with the Japanese fleet. Behind that fleet to-day there are 1,500,000 armed men, and behind these men there is a military population of 50,000,000, in which avery able-bodied man is a soldier; and along with that great army of armed men, prepared, organized, and ready, there is a merchant marine of over a million tons that can take 200,000 men at a single expedition.

Mr. Chairman, this means that every foot of territory washed by the Pacific Ocean is out there at the mercy of one power. All the history of the world shows, no matter how advanced and civilized the dominating nation may have been—the whole experience of mankind shows—that such a condition can not be expected to continue long in peace. These elemental laws of human nature are the same. If Japan were a thousand years further along in sociological evolution than she really is, the result would be the same. Any student of history would know that unless some power is brought in to establish an equilibrium in the Pacific permanent peace will be impossible. But we ought not to forget that Japan has just emerged from feudalism. They were feudal when I was a boy. For eight hundred years they have been passing through this condition of feudal strife that makes the pursuit of arms and the organization for war a part of their nature. When a nation comes out of feudalism it can not change the fighting habit overnight. You must expect it to go out on foreign wars. Japan has gone out on two foreign wars within a decade of each other. If there were as yet no specific causes for war visible, any student of history would know that unless a balance of power is established in the Pacific war will be as inevitable as that the laws of nature will hold.

But, unfortunately, through our neglect, Mr. Chairman, the greatest causes for war between nations are already acting in the Pacific Ocean. It is a strange march of history, guided, I believe, by the hand of Providence, certainly not the result of design on the part of Americans, that has spread this country all over the Pacific Ocean. Take a map and examine that ocean. Across the whole north stretches our territory, the Aleutian Islands, where there are two harbors, the only two harbors in the northern Pacific—Great Kiska and Dutch Harbor. Go to the east of that great ocean where Alaska comes down until it almost reaches our western mainland coast, and then proceed along the eastern Pacific. All the great harbors in that part of the ocean are ours. In the south there is one in Samoa, and it is ours; in the west there are the harbors at

Guam and at Subic and Manila; all are ours. Now cross that great ocean, the Pacific, from north to south, from east to west, you find but one great archipelago in the middle of that ocean, the Hawaiian Islands, and we have it. Take a radius of 2,000 miles and strike a circle from the center of the Pacific Ocean. In that circle of 4,000 miles in the heart of this great ocean there is but one harbor, Pearl Harbor, near Honolulu, a wonderful harbor; but there is only one, and we have it now.

Any student will know, studying the drift of history, that the nation that controls Pearl Harbor is going to dominate the Pacific Ocean. To me it is a demonstrable fact that the race that gets its foot planted there in Pearl Harbor, on the apex of the world, is going to dominate the world.

Mr. Chairman, America possesses all this vital territory, with all the great harbors all over the face of that great ocean. Do not you suppose the nations of Asia wish that territory? If they do not, why are they flocking to that territory? Why did one of the great nations of Asia apply to us in 1898 to share the Philippine Islands with her? Of course they want it. To-day, with no garrisons to speak of, with scant fortifications, all this vital territory is absolutely defenseless. To continue thus is simply flying in the face of Providence—flying into the face of the laws of human nature. It is fundamentally wrong to place such a temptation in the path of the great military nations of Asia.

Unless America controls the sea that stands between the great armies of Asia and that defenseless territory, we will find ourselves constantly in the presence of this, the first, foremost, fundamental, eternal, historic cause of war between nations—the possession of vital territory.

But that is not all. The careful student of world events sees the drift of commerce from the Atlantic toward the Pacific. When the Panama Canal is completed, the drift will go faster. Where is the greatest natural market that all the nations of the earth will center upon? It is the market of China. I lived there a long time. They are a wonderful people. They are on a 7½-cent wage basis to-day, but already their foreign commerce is more than $800,000,000. What do you suppose it will be when they increase tenfold their buying capacity? It means that China will be the greatest neutral market the world has ever seen, and the Pacific will be the seat of a mighty commerce, the object of the fiercest competition. The Chinese will demand many times more clothing stuffs. They are only half-clad now. America has peculiar advantages in cotton to produce those clothing stuffs. China will demand high standards of food. The Chinese eat only rice and dried fish now. America produces high-standard foods. The Chinese will demand all the manufactured articles involved in the comforts and conveniences of life. We possess in natural resources, in coal and iron and other materials, and in the mechanical aptitude of our people, peculiar advantages for manufacturing. When the Panama Canal is completed and we develop our great internal waterways, we shall have direct water communication between our great centers of production and that mighty market. We must expect all the nations of the earth to look askance upon America's coming to that market to take the paramount position.

And when we demand the open door, a fair chance, and no favor, is it to be expected that our rights and interests will be respected when we have no power? What can we expect from the great nation on the flank of China, supreme in power, with its costly armaments, that naturally desires to be paramount in that great market? Leaving that ocean defenseless simply places us in the presence of the second of the great eternal causes of war between nations—that of competition for trade and commerce.

Furthermore, in the Pacific Ocean there is the problem of all the ages, the problem that now challenges the good and thoughtful men of all the world. Space has been annihilated. Not only are nations being brought together, but races are being brought together. The great white race and the great yellow race have met there on that vital territory that we possess in the Pacific Ocean. History shows that wherever these two races have met, whether the Europeans invaded Asia or the Asiatics invaded Europe, they have always fought for supremacy and survival.

The world has not yet found out how two races, differing in color, which claim equality, can live together in large numbers in peace in the same vicinity. History goes to show that the yellow men can live with great prosperity and happiness on the Pacific slope, the Philippine Islands, the Hawaiian Islands, and our other outlying possessions, and that the white men can live there with prosperity, but the whole teachings of history go to show that these two races can not live there side by side in peace.

We are to-day facing this great problem in its most acute state; and having no power on the Pacific Ocean, while Japan has supreme power, we are simply making it impossible to solve that great problem in peace.

When it came to a question of excluding the Chinese, we excluded them. When it comes to a question of excluding the Japanese, the Japanese Government forbids it. When it comes to a question of segregating the Chinese, we segregated them; but when it comes to segregating the Japanese, they forbid it. We can not even discuss the great problem with the Japanese Government.

Our Chief Executive has fully realized the impossibility of our undertaking to settle any of these questions while we are defenseless, and has worked unceasingly to have the question dropped, even though they involved the rights of local self-government. Keeping no power in the Pacific Ocean means, then, that we are placing ourselves directly in the face of this, the third great, eternal, persistent cause of war between nations—race antagonism—which is knocking at our doors for solution.

Japan is an oriental absolute monarchy, whose Mikado is supposed to come down out of the sun, and America is the one great decentralized democracy, furnishing the elements of conflict of institutions such as have caused great wars in history.

I have referred to Japan forbidding our passing an exclusion act against Japanese. The question of immigration is essentially a domestic question residing in sovereignty. In this matter Japan practically forbids us to exercise sovereignty in our own territory as far as her subjects are concerned.

In the school question in San Francisco Japan insisted that the local regulations should be modified against the wishes of the people of San Francisco to comply with the wishes of Tokyo. By decisions of our Supreme Court and by universal usage, school regulations are considered a local affair coming under police control. The Japanese Government knew perfectly well that our Federal Government could not legally interfere under our Constitution.

There have been 13 cases in our country's history where the subjects of foreign powers have been maltreated within individual States. In 11 cases those foreign subjects have suffered violence, in most cases being lynched by lawless mobs. In these cases the home governments had great provocation. In one case it was the question of a murder of Japanese in Utah. The foreign governments made demands on our Central Government to interfere, and in each and every case our Central Government informed them of its regret, but stated that it could not interfere. In most cases an indemnity was afterwards made as a matter of humanity, but not as a matter of law. In this case we were not harming the Japanese, yet our Government could not tell them that we could not interfere, but it had to proceed by indirection to interfere.

Take another question: The Japanese consular agent at San Francisco went to the mayor of that city and requested that the Japanese be allowed to sell liquor in that city without the regular license, which the city law forbids to be issued to any alien. The United States ambassador to Japan was passing through and indorsed the application, as a result of which five Japanese subjects have been selling liquor in the city of San Francisco in direct and open violation of the law that forbids any alien to sell liquor.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. HOBSON. If the gentleman will be short.

Mr. STEPHENS of Texas. Will they permit American citizens to violate their laws with impunity—will they permit American citizens to attend the same schools as their children and to sell liquor, as the gentleman has said they do in San Francisco?

Mr. HOBSON. I do not understand the intent of the gentleman's question, but I can give the names of these Japanese and their addresses.

Mr. STEPHENS of Texas. I am not questioning that; but what I want to know is, whether there is reciprocity in this matter.

Mr. HOBSON. I will answer it in this way: There is no Englishman or German or Frenchman or citizen of any other nationality allowed to sell liquor at all. There is no American allowed to sell without a regular license. It is against the law for anyone to sell it without a regular license, and against the law for Japanese to sell it at all; but they felt we had to allow the Japanese to sell it without a regular license.

Mr. STEPHENS of Texas. The gentleman will understand my question——

Mr. HOBSON. Make it short. If it is a question, I will answer it.

Mr. STEPHENS of Texas. Can an American citizen go to Japan, to Tokyo, and send his children to the Japanese schools

or go there and sell liquors without a license, as they are demanding to do in the United States?

Mr. HOBSON. No, sir. On the contrary, we are segregated in Japan. You can not buy a house and lot or own real estate except in the foreign quarters of certain cities. You are not allowed to move to Japan and buy and own real estate and send your children to school. We are segregated there, along with all white people.

Mr. STEPHENS of Texas. Why should not we demand the same thing from the Japanese?

Mr. HOBSON. We can not demand it, and I am trying to show you why it would be the utmost folly to demand it at this time. It would mean war. I shall point out shortly, and this is one of the chief objects of my remarks to-day, that we must postpone the settlement of all these questions until we can establish an equilibrium in the Pacific. Then, and not till then, shall we have a basis for settling such questions in peace.

Mr. HARRISON. Did I understand the gentleman to say that the American ambassador to Japan indorsed the application of Japanese to be permitted to sell liquors in San Francisco without a license?

Mr. HOBSON. The gentleman did.

Mr. HARRISON. Will the gentleman give the name of the American ambassador?

Mr. HOBSON. Ambassador O'Brien.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield for a question?

Mr. HOBSON. For a question.

Mr. SMITH of California. Does the gentleman undertake to say that in San Francisco the Japanese are permitted to sell such liquors as Americans sell, and sell them without a license, when Americans and other nationalities have to pay a license?

Mr. HOBSON. I will read the gentleman the ordinance. That is exactly what I mean to say, and it is exactly what they are doing to-day, or were doing up to a short time ago.

Mr. SMITH of California. I challenge the correctness of that statement.

Mr. HOBSON. Will the gentleman from California allow me time enough out of such time as he may control to answer, so that will not be taken out of my time?

Mr. SMITH of California. Oh, certainly.

Mr. HOBSON. I will be glad to do it. Here is a copy of the minutes of a regular meeting of the board of supervisors of June 25, 1908. Here is the heading of it. It is copied from their record:

JAPANESE RESTAURANT, RETAIL LIQUOR DEALERS.

Resolved, That this board will accept applications for permits to the total number of five from Japanese to open and conduct restaurants and sell liquor therein on condition that if the said applications are granted no liquor will be sold to others than Japanese, and that no liquor will be served to female patrons.

That is signed by three members in the affirmative and one in the negative. As a result of this resolution retail liquor permits were granted to the following persons in violation of section 6 of ordinance 29:

Shinecko Nako, 1675 Post street;
Shigeo Takata, 1908 Bush street;
Fijtami Yamasaki, 1562 Webster street;
Takichi Ogawa, 1356 Post street; and
Jinoski Kikijgawa, 1610 Cherry street.

Mr. SMITH of California. Do I understand the gentleman to mean by that that they are selling liquor without a license?

Mr. HOBSON. I do.

Mr. KEIFER. Why, that is the license.

Mr. SMITH of California. But that does not say so. It says——

Mr. HOBSON. Oh, I am not here to quibble as to the word "license." I will pass on.

Mr. SMITH of California. I submit the gentleman's statement is not borne out by the citation. That simply says that application to sell liquor will be received, but certainly under the general ordinance of the city that everyone who sells liquor must take out a liquor license.

Mr. HOBSON. The gentleman misses the point entirely. No Englishman or Frenchman sending such application would have been considered.

Mr. SMITH of California. Why, it is received from many.

Mr. HOBSON. On the contrary, it is forbidden by the ordinance that I cited, section 6, ordinance 29, for any alien to sell liquor in San Francisco.

Mr. SMITH of California. The gentleman is certainly mistaken.

Mr. HOBSON. I certainly am not. I investigated the matter on the spot. The gentleman can take any further time out of his own time and not mine.

Mr. SMITH of California. I do not desire to interrupt the gentleman, but I do not want him to misrepresent the city of San Francisco by saying that they permit Japanese to sell liquor without a license, when they require licenses of Americans and others.

Mr. HOBSON. I mean to say they were not granted a regular liquor license, but simply a permit.

Mr. SMITH of California. I mean to say they were.

Mr. HOBSON. And I mean to say that city ordinance No. 29 (new series), section 6, expressly states that no liquor license shall be issued to any person not a citizen or becoming a citizen of the United States, and that thus the law forbids Japanese to sell liquor within San Francisco, and that they are allowed to sell liquor there. This condition of conflict of institutions is so grave that the Federal Government of the United States has to indirectly be a party to asking the people of San Francisco to surrender the inalienable right—the right for which Anglo-Saxons have fought for thousands of years [applause], the right for which our forefathers fought—the right of local self-government. I do not wish to be misunderstood as criticising the action of our Federal Government nor of the action of San Francisco. On the contrary, I say it is wise and right for them to do as they have done and are doing, in dropping the Japanese question in legislatures and in city councils. My investigations show that there is no way to settle these questions while we are defenseless in the Pacific, and we should not attempt the settlement now. If our people are going to be so neglectful, so self-centered in their own interests, that they will not take an account of their country's growing danger; will not even open their eyes when daily occurrences show the crying necessity to provide for the power that is needed to have a rational and peaceful settlement of grave difficulties, then it is right for them to put on sackcloth and ashes and submit to the humiliation that is necessary to avoid war, until finally we can establish equilibrium and can then have a chance to settle on a basis of justice. It is not a question of a permanent surrender of the sacred right of self-government, but of the duty of a temporary surrender to avert the consequences of our neglect and avoid a war that would be ten thousand times more deplorable.

I must press forward in my analysis. Now, then, having no power in the Pacific Ocean to-day we are placing ourselves and our country in the presence of these four great eternal causes of war. These are not matters of opinion, they are laws of nature. Without being properly counteracted and offset, any one of those great causes of war would bring on war just as inevitably as to-morrow's sun will rise. To-day, because of our neglect we are causing all four of these great causes to act, and they are acting in a most acute stage and are acting upon a nation just out of feudalism, that is armed to the teeth on land and sea, flushed with victory, that stands unchecked and unbalanced, supreme in power in half of the world. A schoolboy can see that with these conditions the only escape from war is for us to adopt a policy of complete conciliation in diplomacy, to drop all the differences and to begin now to inaugurate a policy of naval expansion that will enable us to issue out of such a condition, if an issue is still possible, and then to resolve that never again shall we be found defenseless. Having examined the condition of differences in the Pacific, it now remains to examine the conditions of power. I pointed out in some detail the lack of power in the Atlantic. The condition is far worse in the Pacific.

Mr. STANLEY. Mr. Chairman, if the gentleman will allow me, what would be the effect on this situation of ours if we should get rid of this new territory of the Philippines?

Mr. HOBSON. Well, if you include Hawaii, it would only give them a base of operations at our doors instead of having them farther away. They are prepared to take it, anyhow, and it does not make much difference at this juncture. While we are not in control of the sea our outlying possessions are a source of weakness. If we had control of the sea, as bases, they would give us great strength. To resume, the conditions in the Pacific are such that America must have superiority there by a substantial margin, and yet we are absolutely defenseless. We have not a single battle ship in the Pacific, as pointed out above; we can not depend upon a fleet in the other ocean. We have no army. Our meager coast defenses can not even make good, because we have no mobile army to protect them from being attacked in the rear. Every other country with coast defenses, except America, can expect these defenses to fulfill their object of attacking and driving off vessels in front, being secured by mobile troops against capture from the rear. In the whole of continental United States to-day we have about 9,000 regular infantrymen, less than the number of policemen in New York City, and they are spread over the

whole United States. Twenty-five thousand men can land near by and attack the forts of any great seacoast port from the rear and capture them practically without resistance. This is not a matter of my opinion. The War Department has worked it out and the war departments of other nations have worked it out. In the Atlantic, for instance, there are several powers that could put 200,000 to 300,000 men on board transports in a single trip. It has been determined that, with control of the sea, 100,000 men—two army corps—would suffice; that they could cross the ocean, attack our coast defenses from the rear, and in a few weeks, it has been estimated, they could capture Washington, Baltimore, Philadelphia, and New York practically without resistance.

Furthermore, after they had retired to the other side, we would be utterly powerless to get at them for revenge or reprisal. We could not get a base on the other side. We have no means of seizing one. We are the only great nation on earth that has no merchant marine capable of carrying soldiers overseas. I believe I do not betray any confidence, and I believe it is desired by the authorities to have the people know about how defenseless we are. All the other countries know of this; our people only are ignorant. A most carefully conducted investigation has shown that a great nation out in the Pacific called "Orange," hardly going on a war basis, simply by taking part of the men that were ready, men whom they were already feeding, and simply by using their ships that ply to America, leaving the lines that ply to Australia and Europe undisturbed, was able, in a little over two months after war was declared, to capture the Philippines, Hawaii, the Aleutian Islands, and Alaska, and to actually capture San Francisco and the Puget Sound region, all of this long before the fleet, admitted to have been ready and to have started the next day, could get around to the seat of operations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. May I have ten minutes more?

Mr. SHERLEY. I yield the gentleman ten minutes additional.

Mr. HOBSON. As against this defenseless position of America stands Japan in a position of stupendous power. It is not necessary to say against what nation all this power has been prepared. The supreme fact is that the power is assembled and is ready. Five hundred thousand men have been added to the Japanese army since the war with Russia was over, and the most stupendous military preparations the world has ever seen have been going on, night and day, in Japan and enormous orders for war material have been placed in all parts of the world.

Japan captured 5 Russian battle ships and added them to her fleet, and she has made provision for 11 *Dreadnoughts* since the war was over. Two are completed—the *Aki* and *Satsuma*—2 more are building, 2 others are expected to be laid down this year, and five more are in contemplation, making 11 altogether. They have to-day 13 battle ships ready and 11 armored cruisers. To insure us control of the sea in the Pacific would require our whole existing navy and all its increase now authorized, and would require the permanent location of that whole force in the Pacific. This latter necessity will exist, as pointed out above, even after the completion of the Panama Canal.

After the Panama Canal is completed an enemy's fleet in Asia would still be closer to our Pacific coast than our own fleet in the Atlantic, and an enemy's fleet in Europe would be nearer to our Atlantic coast than our fleet in the Pacific. Ours is the only nation in the world which is driven by geographical necessity to having two great fleets. In addition to naval and military preparations, Japan has made great financial preparations. The Imperial Government receives a large percentage of the corporate earnings of the Empire without these revenues appearing at all in financial statements. The war with Russia was largely paid for as it progressed, and the result of the war established a great national credit, upon which Japan has borrowed over $1,000,000,000, the bulk of which has been available for war preparations and a large part of which is held in a war chest in specie to be on hand for the conduct of the next war.

In fact, war with America would not appear to the Japanese in the light of a drain. With almost no extra expenditure they could possess themselves of our outlying territory of vast value, including Alaska; could levy upon the rich Pacific slope and retire without serious resistance, and apparently without any chance of suffering reprisals or chance of having the outlying territory retaken. On the strength of such achievements they would expect to establish another enormous national credit, available for preparations for the subsequent war for permanent control, in preparation for which they would expect to have the resources and population of China available.

In addition to naval, military, and financial preparations, Japan has made diplomatic preparations of the greatest significance. India is at the mercy of Japan. As a result, Japan has been able to form an alliance with the British Empire, offensive and defensive, lasting till 1915. This alliance has been officially interpreted by a British official, Sir Wilfrid Laurier, the Canadian premier, February 28 last, in the Canadian parliament, as meaning that British, Canadian, and Japanese forces would be found cooperating on the frontiers of America in case of war.

France is unable to protect her colony of Cochin China against Japan, and must stand in with the latter. Japan has entered into a convention with France, one result of which has been French cooperation in financing Japan.

Russia's far eastern interests are more or less at the mercy of Japan. Japan has entered into a significant convention with Russia.

It is not necessary to discuss the nation against which these preparations are directed; the supreme fact is that they have been completed, naval, military, financial, and diplomatic, and are now available for Japan, while America continues absolutely defenseless.

It is this disparity of power that lies at the basis of all the disturbing conditions on the Pacific coast and the otherwise incomprehensible attitude assumed by Japan toward America. It is the essence of oriental diplomacy for Japanese diplomats and statesmen to give ceaseless assurances of friendly intentions while the war preparations go on. Russians, even those in the Far East, did not suspect that war would come within five years. The Russian minister to Korea scoffed at the idea of war the very night the Japanese destroyers entered the harbor of Port Arthur, where they struck the Russian battle ships and found the officers ashore at a dance, while no mines had been laid, no picket boats put out, and the searchlights were not operating.

It is of great significance, however, that drastic anti-Japanese legislation and manifestations in Australia, New Zealand, South Africa, and British Columbia pass practically unnoticed in Japan, while the least trifling incident in San Francisco is magnified into a mountain. It is significant that while Japan segregates all white people in Japan, she forbids us to do the same for all yellow people in America; that while she forbids foreigners to own real estate at large in Japan, she forbids the same thing in California; it is significant that she expects privilèges for her subjects in America, not the same as other aliens receive, but superior to these. It is significant that during the sojourn of our fleet in the Pacific not a word was spoken in Japan about differences with America, and that the day after the fleet entered the Red Sea the Japanese press started up the immigration question again.

It all goes to confirm the conclusions arrived at above, that the utter disparity in power in the Pacific makes it impossible for America to conduct diplomacy as it is usually conducted, and makes it impossible to solve the great problems that have gathered in that ocean.

Since the conditions of differences are so much more grave and acute in the Pacific, our policy should be to maintain the bulk of our fleet in that ocean. It was a colossal blunder for the fleet to be withdrawn when it was once out there.

I should estimate that our strength there should be maintained at at least a 25 per cent superiority over the Japanese navy. This is the most vital and most urgent matter before the country to-day.

In the absence of the fleet and during our period of weakness we must absolutely refuse to take up the problems of the Pacific coast, and the people of this coast should bring to bear the greatest forbearance and patience in order that there may be a peaceful outcome. Any other policy would only mean war—and war between the United States and Japan would be a frightful calamity for mankind. These two nations will have it in their power to solve the great race problem of the ages and to establish the basis in justice for a permanent and abiding peace and friendship. But if they engage in war, it may be the beginning of a mighty race war to drench the earth in blood and set mankind backward into savagery. Japan and the United States simply must not go to war. We must do anything and everything to prevent it.

From the above examination it will appear clear that there is not only no equilibrium in the Pacific, but there is to-day no equilibrium in the world. America should have power to hold the *balance of the balance of power* in Europe, as it were, and help to keep that balance on the side of peace, and it should also look carefully toward maintaining a general balance of power in the world. A large part of the power of Europe and Asia is in alliance. To balance this for our own security and for the good of the world we should endeavor to get an entente, a well-defined understanding, with China in Asia if we can, and with Germany in Europe if we can. Such an understanding would

be a safeguard in Europe, and would help somewhat at least to be a safeguard in Asia.

In view of the serious condition in the Pacific and the other lack of necessary power, I feel that I should state that it is a grave question whether we can now come forth in peace. It is a question whether our fleet can be gotten there again, and a question whether it is possible to awaken the Nation, so that the full naval policy upon which peace must depend may be adopted. I see certain gentlemen smile at my reference to the gravity of the situation. I will only say that I am telling you this because of a sense of duty. You do not suppose I would say such things from any other sense, when I only get ridicule and widespread defamation for my efforts. My judgment is that we must be most careful if we would come forth with peace, and I repeat there is the gravest danger that we may not come forth with peace. Therefore we ought to realize what a war will mean. Thus far, in modern times, wars have been won by preparations, not by resources, as already stated. When Prussia struck Austria, the war was over in a few weeks. When Germany struck France, the war was over in a few months. When Japan struck Russia, the war was over in a few months. If we are struck in the Pacific Ocean, we shall be down and out, helpless beyond any condition that Russia reached. The world will cite the precedent of our going to Russia. They will come to us and demand, "In the name of humanity, call it off."

Americans would not hesitate to make provision by which we might have peace if they realized what such a war may mean if it comes. If we stop in the midst of defeat, allowing the enemy to take our outlying conquered possessions, and paying a big indemnity, with the view of taking advantage of peace to make the preparations to fight it out again in the future, then our institutions will totter to their fall. Those preparations would take fifteen or twenty years, and during that time every American must become a soldier. We would have great resentment against our liberal Government, as is always the case in national disaster. We would begin a steady process of centralization. We would have anger and hatred in our hearts. We would become military. We would lose our democracy and our free institutions. Our civilization would revert back to the old civilization of the bayonet. The world would decide that if citizens in the new civilization, based on equality and peace and not upon destruction, are so blindly selfish that they would not make provision for national defense and thus proved a failure in free government in America, they could not be expected to make it a success in any other land. The hope of liberty would vanish from the earth.

By the time we completed the long preparation necessary for fighting the war over again, Japan would have dominated China and made the Chinese military and organized them, and the second war would usher in the beginning of an ultimate world war between the yellow race and white race, in which America would be ground between, and out of which the world would emerge in a state of a new savagery.

Our resolves should be, first, that the first war must not come; second, that if, unfortunately, it does come, then it must not end until it is a test of endurance, resources against resources, so that the new civilization of peace and productiveness may never again be challenged by the old civilization of the bayonet, so that the world will see that producing, not destroying, is the quality for surviving in modern times. America, with her boundless resources, with her white arms on the oceans, can then say to the troubled waters, "Peace, be still," and can then lead the column of the nations as they advance to develop arbitration, to create and expand an international organization for peace, where right and justice will take the place of might.

I believe that if America would awaken to her high duty and opportunity, and would ply her hand to developing naval power, she could usher in this happy era in peace; but if we neglect our duty, and war comes upon us as a consequence, then, no matter what the staggering cost, we must win. If we fail to get peace through peace, then we must get it through war.

The conclusion of this discourse may be recapitulated—

1. Diplomatic relations deal with sovereigns, who are beyond the realm of law and under the sway of human nature, where self-interest is the dominant motive.

2. In this field power plays the paramount rôle.

For general conditions of justice an equilibrium of power is desirable, but in acute cases a margin of superiority may become necessary.

3. Power in preparations is more effective in diplomacy and in war than power in resources.

4. American diplomacy has always been just, and can be relied on to continue just, but it has nearly always been weak in power, and because of this weakness has failed of its end and brought on war.

5. In the Atlantic Ocean our diplomacy with Pan-America should be that of a family. With Europe the changing conditions require us to hold an equilibrium on the sea with any nation of Europe. This will require a rate of naval expansion at least double what it is now.

6. In the Pacific Ocean the conditions are very grave and call for the greatest care and forbearance on our part, and demand that we hold a margin of superiority of naval power. This means at least an additional navy as large, relatively, as our present navy.

7. Specific recommendations for our country are as follows:

(*a*) Stop all anti-Japanese agitation on the Pacific and postpone completely attempts to solve the problems there involved.

(*b*) Send our whole fleet to the Pacific and keep it there.

(*c*) Secure an entente with Germany and an entente with China.

(*d*) Negotiate general treaties of arbitration with Pan-American nations and provide permanent representation at the Pan-American and Hague conferences.

(*e*) Accept any humiliation to avoid war; but when it comes, win it at any cost.

8. The fundamental conclusion is that our vital need is greater naval power and a more rapid naval expansion. It would be a matter of supreme advantage if it were possible to duplicate our navy forthwith and then to proceed at a rate about three times as rapid as the present rate.

9. The supreme end and result of such a naval policy would be to promote peace; it would insure peace for the American hemisphere and for Asia, and would promote peace for Europe; it would practically avert war between the white race and yellow race and enable America to rise to the demands of her high calling, to establish the basis over the oceans where the nations and races meet, the basis of justice and equal rights, upon which all may build, where all may meet as friends in commerce to help each other and not as enemies in war to destroy each other, thus extending the sphere of the new civilization of peace that we enjoy until it reaches all corners of the earth and brings in at last the brotherhood of man. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, I yield to the gentleman from Michigan [Mr. DENBY].

Mr. DENBY. Mr. Chairman, I regret that the gentleman from Illinois [Mr. RAINEY] is not on the floor this afternoon; not that I intend or desire to attack him in any way, but I prefer that any gentleman whose name I refer to in a speech should be here to hear my remarks. However, I have tried to anticipate this objection, and have called up the gentleman from Illinois [Mr. RAINEY] and have read to him over the telephone all that portion of my remarks with which he is concerned, and I have no reason to think he has the slightest objection to the remarks that I am about to make. [Applause.]

On January 26 the gentleman from Illinois [Mr. RAINEY] made a speech in regard to Panama. His remarks are so filled with direct accusations of corruption in high places and with innuendo and suggestions concerning other gentlemen not directly accused that he rests under a heavy obligation to the people of two Republics to prove the statements made or to make apology as publicly as he made the charges. Congressional immunity does not protect a man from his own conscience. I do not intend to-day to review the speech referred to in general. It has become so much the custom for the enemies of the incoming administration to connect the name of Mr. C. P. Taft with vicious and improper practices that such assertions are now regarded as a matter of course and little heed is paid to them. Mr. Taft has ably defended himself and has many able defenders among his friends, as have Mr. Robinson and the other gentlemen who have been assailed.

Mr. Cromwell has also been a shining mark for the arrows of criticism so long that the assault upon him creates but little comment, and he has shown himself well able to fight his own battles.

The incoming President of the United States requires no defense before the American people against such general innuendo as was indulged in by the gentleman from Illinois.

I call attention particularly, however, to the following extracts from the gentleman's speech, and propose to use them as the text for a few remarks. Speaking of Señor Obaldia, the President of the Republic of Panama, the gentleman from Illinois said:

> Obaldia represents as no other Spanish-American statesman in his generation all that is corrupt in Spanish-American politics.

And again, talking of Messrs. Cromwell and Obaldia, he says:

And so these two modern filibusters and buccaneers come down, arm in arm, through ten years of bloodshed and bribery and corruption and occupy to-day the center of the stage, high in the confidence of the present administration, and the chosen advisers of the incoming President.

One more quotation. When speaking of Mr. William Howard Taft, the Secretary of War, the gentleman from Illinois mentions, among other alleged evidences of his guilty knowledge of a scheme for robbing Panama—

His interference on the Isthmus of Panama, which compelled the election of a corrupt statesman, absolutely under the control of Cromwell, as President of that Republic.

Never before in my knowledge, and never I hope in the history of the country, have such astounding accusations of corruption, unfitness, and weak submission to others been made against the head of a friendly state in this Hall. Never has a Member of this body seemed so to forget the respect customarily paid to our friendly neighbors.

The situation at Panama, most anomalous and peculiar, is difficult at best. The solution of our problems of administration on the Isthmus requires friendly and sympathetic cooperation between the two Governments. Whatever tends to prevent that cooperation impedes the proper conduct of affairs and makes more difficult the completion of the great enterprise in which we are engaged. It will not be denied, I think, that the spectacle of a Representative of the United States, clothed with all the dignity and all the authority which pertain to that office, and speaking in his official capacity in Congress, heaping multiplied insults upon the head of the President of Panama, can not tend to encourage the friendly and sympathetic cooperation which is so desirable.

I do not know what proofs the gentleman from Illinois may have to sustain his allegations. I know only that he has taken a series of events which occurred upon the Isthmus, and these events he has linked together by a chain of alleged conspiracy to defraud the Republic of Panama. He assumes the utter degradation of the President of that Republic, the shameless corruption of sundry American citizens, the corrupt acquiescence on the part of a high official of the American Government shortly to be President of the United States, all joined in a wicked league to defraud and practically to destroy the Republic of Panama. Ingenuity in the ascribing of vicious motives and the linking together of separate events could go no further. Again I say I have no knowledge of the proofs the gentleman may be able to produce; but until those proofs are produced I shall utterly and absolutely refuse to believe that the astounding charges he has made can be substantiated.

Let me speak very briefly from personal observation of the conditions at Panama under which the two Governments are forced to operate.

Last year I landed on the Isthmus on June 6, bearing a commission from the President of the United States as commissioner plenipotentiary under the treaty with Panama of November 18, 1903. I was associated with a fellow-commissioner, Judge E. C. Bumpus, of Boston. We were the two American commissioners appointed to sit with two Panamanian commissioners and to assess the value of lands owned by private citizens in the Canal Zone and to award the owners the value of the lands to be taken by the United States.

Our sessions began June 8 and lasted until, having reached an agreement and made our awards, we sailed from the Isthmus on August 13. During the two months and more that we were upon the Isthmus we had ample opportunity to meet, and did meet and become well acquainted with, the leading Panamanian citizens, as well as with the work of the canal. It was necessary to inspect lands lying in every part of the Canal Zone, and the authorities gave us every facility for seeing the work and forming just conclusions concerning its progress.

Incidentally here, let me say that, in my opinion, no work of such gigantic character, involving the expenditure of such huge sums of money and the employment of such an army of workers, could be conducted with less criticism justly to be made than the work upon the Isthmus of Panama. Mingling with all classes of employees on the zone—from the highest engineers to the railroad trainmen, clerks, and mechanics, talking confidentially and intimately with them constantly, hearing trivial and unimportant complaints, I can say truthfully that never once did I hear it intimated on the zone, even by the most disgruntled employee, that there was any theft or graft in the work of the canal digging. It is the custom now to praise the work—it deserves praise—and the spirit of loyalty, of earnest, energetic endeavor, and great pride seems to animate every employee on the zone. I know of no better way to preserve that invaluable business asset than to let the employees know that the people of our country appreciate their zeal and commend them for it.

Perhaps, however, the most interesting phase of the Panamanian situation is the peculiar and anomalous political condition that exists. The Republic is split in two by a zone 10 miles wide. The Republic of Panama enjoys sovereignty on either side of that zone. The United States has sovereignty within the zone with the exception of the two cities of Panama and Colon. In these two municipalities which are within the zone Panama is sovereign for most purposes, but the sovereignty is qualified by the right of the United States to control the sanitary conditions and to enter into them and construct public works whenever deemed necessary. We have therefore two sovereignties within the Republic, and two qualified sovereignties. Like the interstate-commerce clause of our own Constitution, the clause in the treaty with Panama giving the United States power in sanitary and police matters has never yet been completely interpreted. How far it will permit us to go remains to be seen, but it is clear that under it we have extraordinary powers to interfere in the affairs of the Republic. Where so peculiar a condition exists, only friendly and sympathetic cooperation can make possible the continued successful development of the Republic and prosecution of the canal work.

I am glad to say that in my association with the members of the Government of Panama and the gentlemen of the Republic, I found everywhere a spirit of friendliness toward the United States and an earnest desire to put no stone in our way in the completion of our great enterprise. I think it may be said that the Government and people of Panama have never prevented the excavation of a single shovelful of earth. On the contrary, it has seemed to be their desire to expedite the work as much as possible. Causes of friction have arisen. A matter of importance to them, and a burning issue for a time, was the custom of the American commissary department in furnishing the employees of the zone provisions, household effects, and wearing apparel of every character, and so, of course, lessening the sales of the merchants of Panama and Colon. It may have been, and probably was, true that the merchants' own desire to make as much profit as possible caused them to overreach themselves by charging too high prices and made necessary the amplification of the original purpose of the commissary establishment. Be that as it may, the soreness engendered by that situation seems to have largely disappeared. Certain troubles also arose over the adjustment of the tariff, and other trivial matters have caused ripples to pass over the placid sea of our intercourse.

The incidents of last summer did unquestionably cause adverse criticism, but I hope and believe that the Republic is now convinced of the good faith of the American Government in its announced determination not to interfere with the independence of the Republic of Panama.

The people of Panama have, upon many occasions, shown an earnest desire to aid the Government, even at considerable incovenience and annoyance to themselves. Three times the sanitary squad of the commission has fumigated every room in the cities of Panama and Colon, and the people of Panama have not only permitted but encouraged the doing of this work, although it caused them the most painful inconvenience. Modern innovations of various kinds have been introduced and never seriously opposed by the Panamanians. In general, it seems to me that the people of Panama are entitled to a just meed of praise and gratitude for their cooperation in this work on the Isthmus. Fortunately we have had perhaps the greatest living sanitary engineer—Colonel Gorgas—at the head of that portion of the work which most interfered with the personal comfort of the Panamanians. Colonel Gorgas is one of the most lovable men I have ever met, and the people of Panama have for him and his assistants a deep affection, admiration, and respect.

Fortunately also, they have appreciated the keen, energetic, and eminently just administration of Colonel Goethals, and the civil governor—ex-Senator Joseph Blackburn—has by his courtesy and consideration for their rights and sensibilities made himself generally respected. [Applause.] We have been fortunate in our administrative officers under the guiding genius of President Roosevelt and Mr. Taft, but we have been equally fortunate in the caliber and character of most of the Panamanians with whom we have dealt.

Those who see the Panamanians only superficially and make no effort to appreciate or understand them are likely to do them a great injustice. The two judges who served with Judge Bumpus and myself upon the joint commission—Messrs. Ponce and Fabrega—were as public-spirited, as honorable, and as high-minded men as I have ever known. They approached their

duties on that commission in a spirit of absolute justice, asking no more for the Panamanian claimants than they thought should be paid, actuated as little by bias or personal considerations as was possible under the circumstances.

So I might go on mentioning many others who might worthily hold citizenship and official position in any society of the world.

Mr. Obaldia, President of the Republic, may have, and probably has, many faults, as have most men whom we know; but his reputation among his own people is that of an honorable, upright man in his personal dealings, and a patriotic citizen of his country. [Applause.] That he would demean himself to dishonor, I absolutely disbelieve; and that he would consent to despoil the Republic is simply unthinkable.

Mr. Chairman, in approaching our Panamanian problems I hope the Congress and the administration will never forget the relative positions of the two Republics nor fail to treat with tender regard the sensibilities of the smaller state and with exact justice the rights of its people. We can lose nothing by a friendly and even magnanimous attitude, and we can gain much in the sympathy and aid of the people who must forever surround the Panama Canal. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent that the gentleman be given one minute more in which I may ask him a question.

Mr. SMITH of Iowa. I am very anxious that the committee rise, and that we take a recess until to-morrow at 11 o'clock, but if it is not going to prolong the debate I will yield to the gentleman from Michigan two minutes more.

Mr. RAINEY. The gentleman from Michigan has eulogized President Obaldia as a man who would not despoil his country or be a party to it. Does the gentleman know that he signed the alleged timber contract and tried to compel the legislature to approve it?

Mr. DENBY. I have made no attempt to go into the merits of the charges made by the gentleman from Illinois. Like the rest of the country, I simply suspend judgment until we know what proof he has.

Mr. RAINEY. If I produce the evidence that he signed the contract, according to the gentleman's own statement he is not entitled to eulogy.

Mr. DENBY. The gentleman would have to produce evidence that the contract was corrupt and vicious before I would condemn the signer of it as corrupt and vicious.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNSEND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 2754, the fortifications appropriation bill, and had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the naval appropriation bill (H. R. 26394) from the Speaker's table and ask unanimous consent that the amendments of the Senate may be disagreed to and the House ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House disagree to the Senate amendments to the naval appropriation bill and ask for a conference. Is there objection?

Mr. CLARK of Missouri. What bill is this?

Mr. FOSS. It is the naval appropriation bill. There are comparatively few amendments. The bill has been passed substantially as it went from the House, and I would like to put it into conference.

Mr. CLARK of Missouri. How much did the Senate increase it?

Mr. FOSS. I think, in round numbers, about $1,000,000.

Mr. MANN. May I ask the gentleman whether there will be an opportunity to consider the marine-corps proposition put on by the Senate, or will we be compelled to swallow that in the conference report?

Mr. FOSS. As far as I know, there is no disposition to conclude that proposition.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FOSS, Mr. LOUDENSLAGER, and Mr. PADGETT.

CHANGE OF REFERENCE.

The SPEAKER. Without objection, the bill (H. R. 27971) authorizing the Attorney-General to appoint as special police officers such employees of the Alaska school service as may be named by the Secretary of the Interior, which is on the Union Calendar, will be transferred to the House Calendar where it belongs.

There was no objection.

ADOLPHUS ERWIN WELLS.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent for present consideration of Senate concurrent resolution No. 99, to correct an enrolled bill which the House and Senate recalled from the President.

The Clerk read as follows:

Concurrent resolution 99.

Resolved, etc., That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and the President of the Senate in signing enrolled bill H. R. 10752, "to complete the military record of Adolphus Erwin Wells," be and hereby is rescinded, and that in the reenrollment of the bill the following amendment be made so as to comply with the form adopted by the Secretary of War:

Strike out all after the enacting clause and insert as follows:

"That in the administration of the pension laws Adolphus Erwin Wells, of North Carolina, shall hereafter be held and considered to have been mustered into the military service of the United States as a private of Company E, Ninth Regiment Tennessee Cavalry, on the 16th day of June, 1864, to have served continuously as such to the date of muster out of said company and regiment, and to have been honorably discharged from the military service of the United States on the date of the muster out of said company and regiment."

The SPEAKER. Without objection, the joint resolution will be agreed to. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. CRAWFORD. Mr. Speaker, I will say to the gentleman from Illinois that this bill passed the House and the Senate, and The Adjutant-General suggested that this amendment be made, and it came back for that purpose.

Mr. MANN. I believe I called the gentleman's attention to the fact that the President would veto it if it was passed in that form.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the concurrent resolution.

The question was taken, and the concurrent resolution was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy;

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906; and

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

RECESS.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House take a recess until 11 o'clock to-morrow.

The motion was agreed to.

Accordingly (at 5 o'clock and 19 minutes p. m.) the House stood in recess until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for rent of building for the Department of Justice (H. Doc. 1459)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for trophy and medals for rifle contest (H. Doc. No. 1460)—to the Committee on Military Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Brant against The United States (H. Doc. No. 1461)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6971) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville Prison land, in the State of Georgia, reported the same without amendment, accompanied by a report (No. 2190), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT of Nevada, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 28056) to amend section 2337 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 2194), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 24424) for the relief of S. H. Loftin, reported the same without amendment, accompanied by a report (No. 2192), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 27586) for the relief of the Pittsburg Brewing Company, reported the same with amendment, accompanied by a report (No. 2193), which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 28215) for the relief of John H. Layne, reported the same without amendment, accompanied by a report (No. 2195), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 3956) authorizing a credit in certain accounts of the Treasurer of the United States, reported the same, together with the views of the minority, without amendment, accompanied by a report (No. 2196), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 27969) granting an increase of pension to Jerome B. Brooks, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GUERNSEY: A bill (H. R. 28221) providing for the construction of a steam fog signal at the entrance to Cutler Harbor, Washington County, Me.—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of New Jersey: A bill (H. R. 28222) to extend to the port of Thompsons Point, in the district of Bridgeton, N. J., the privilege of immediate transportation without appraisement of dutiable merchandise—to the Committee on Ways and Means.

By Mr. MANN: A bill (H. R. 28223) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. CAULFIELD: A bill (H. R. 28224) providing for excluding business and business houses from portions of the District of Columbia and for establishing building lines and special building restrictions—to the Committee on the District of Columbia.

By Mr. SPARKMAN: A bill (H. R. 28225) to make Boca Grande, Fla., a subport of entry—to the Committee on Ways and Means.

By Mr. POLLARD—A bill (H. R. 28226) to authorize the cancellation of trust patents in certain cases—to the Committee on Indian Affairs.

By Mr. RANSDELL of Louisiana: Joint resolution (H. J. Res. 259) authorizing the occupancy of reservation No. 68, in the city of Washington, D. C., as a site for and erection of a pedestal of a statue in honor of the late Rev. Dennis J. Stafford, D. D.—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 28227) for the relief of William H. Cunningham—to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 28228) granting an increase of pension to Helen Lydia Ruger—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 28229) for the relief of the estate of Asbury Hodges, late of Bulloch County, Ga.—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 28230) granting an increase of pension to Matthias N. Wells—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 28231) to permit Eugene Boehm to prosecute an action against the United States Government in the Court of Claims—to the Committee on Claims.

By Mr. KIMBALL: A bill (H. R. 28232) for the relief of the estate of Oliver Frazer, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28233) to correct the military record of L. C. Prater—to the Committee on Military Affairs.

By Mr. LEGARE: A bill (H. R. 28234) for the relief of Isabella Dowie and others, heirs at law of George Dowie, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 28235) granting an increase of pension to Henry Mott—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 28236) granting a pension to William Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28237) to correct the military record of Ralph Cloud—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 28238) for the relief of Jonathan Morris, executor of Jonathan Morris, deceased—to the Committee on Claims.

By Mr. ROBINSON: A bill (H. R. 28239) for the relief of the heirs of Marguerite E. Dennis—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 28240) for the relief of Santford Bruce—to the Committee on War Claims.

By Mr. TIRRELL: A bill (H. R. 28241) to provide compensation for permanent injuries received by William W. Stewart from the explosion of a loaded shell—to the Committee on Claims.

By Mr. WILLIAMS: A bill (H. R. 28242) for the relief of heirs of Martha B. King, deceased—to the Committee on War Claims.

By Mr. HALL: Resolution (H. Res. 574) to pay to Francis J. Parker a certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Buffalo Chapter of American Institute of Architects, of Buffalo, N. Y., favoring the Newlands bill, relating to the location of the Lincoln memorial—to the Committee on the Library.

By Mr. BURKE: Petition of merchants of Wilkinsburg, Pa., for repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Pittsburg, favoring a river and harbor bill for the extra session of the Sixty-first Congress—to the Committe on Rivers and Harbors.

By Mr. BURLEIGH: Petition of Portland (Me.) Board of Trade, favoring legislation to preserve the forests of the White Mountains—to the Committee on Agriculture.

Also, petition of citizens of Maine, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of Russellville (Pa.) Grange, No. 91, Patrons of Husbandry, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Union of Chester, Pa.; the religious Society of Friends of Seventh Congressional District of Pennsylvania; and Russellville Grange, No. 91, favoring legislation to prevent shipment of liquors into dry communities and the antiopium bill—to the Committee on the Judiciary.

By Mr. CALDER: Petition of S. W. Eccles, against H. R. 25553, for relief of the Alaska-Pacific Railway and Terminal Company unless amended in accord with recommendations of the Secretary of the Interior—to the Committee on the Territories.

Also, petition of H. R. Fuller, on behalf of the Brotherhood of Locomotive Engineers, Firemen and Enginemen, and Railway Trainmen, against the Watson bill (H. R. 26725), supplementing the safety-appliance act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wool Sorters' Union, No. 349, of Lawrence, Mass., against removal of the duty on woolen goods—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of Coal Exchange of Pittsburg (Pa.) Chamber of Commerce, favoring a river and harbor bill for the extra session of the Sixty-first Congress—to the Committee on Rivers and Harbors.

Also, petition of the Philadelphia Board of Trade, favoring S. 6959, to provide permanent residences for United States embassies—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of Bohart & Co., of Clinton, Iowa, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Iowa City (Iowa) Lodge, No. 590, Benevolent and Protective Order of Elks, favoring an American elk reservation—to the Committee on the Public Lands.

By Mr. DENBY: Petition of F. C. Pingue and other citizens of Detroit, favoring removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Scotten Avenue Baptist Church, of Detroit, favoring the Parsons bill (H. R. 24148), establishing a children's bureau in the Department of the Interior—to the Committee on Expenditures in the Interior Department.

By Mr. DRAPER: Petition of Chamber of Commerce of Pittsburg, Pa., favoring annual appropriation of not less than $50,000,000 for inland water improvements—to the Committee on Rivers and Harbors.

By Mr. ESCH: Paper to accompany bill for relief of Matthias N. Wells—to the Committee on Invalid Pensions.

Also, petitions of citizens of Eleva, Pigeon Falls, and Nelson, Wis., against a reduction of duty on farm products—to the Committee on Ways and Means.

Also, petition of W. S. H. S., in annual convention in Madison, Wis., favoring H. R. 21318, regulating sale and manufacture of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Merchants' Association of New York, favoring appropriation of $300,000 for a government exhibit at the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. FOSTER of Illinois: Petition of Local Mine Workers' Union No. 67, of Breese, Ill., against system of piecework in navy-yards of the United States—to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Petition of Fred Dixon and others, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of E. M. Pike and others, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FOWLER: Petition of Methodist Episcopal Church of Finesville, N. J., against bill for a more liberal Sunday—to the Committee on the Judiciary.

Also, petition of Town Improvement Association of Summit, N. J., for the preservation of the Hetch Hetchy Valley—to the Committee on the Public Lands.

Also, petition of Rev. Robert C. Hall, of Summit, N. J., favoring bill to establish a bureau of child labor—to the Committee on the Judiciary.

Also, petition of Lodge No. 885, Benevolent and Protective Order of Elks, of Plainfield, N. J., for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petitions of the Methodist Episcopal Church and the Woman's Christian Temperance Union of Succassunna, N. J., for the regulation of interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Rev. Quincy L. Dowd, of Roscoe, Illi., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. L. Bronsen, of Streator, Ill., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Chicago Public Library, against a duty on books imported for public libraries—to the Committee on Ways and Means.

By Mr. FULTON: Paper to accompany bill for relief of J. B. Houston—to the Committee on War Claims.

By Mr. GARDNER of Massachusetts: Petition of West Newbury (Mass.) Grange, favoring a national highways commission—to the Committee on Agriculture.

By Mr. GOULDEN: Petition of the Council of Jewish Women, favoring passage of H. R. 24148, for creation of child-labor bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Pittsburg Chamber of Commerce, for appropriation of not less than $50,000,000 per annum for inland waterways—to the Committee on Rivers and Harbors.

Also, petition of the New York child-labor commission, favoring children's federal bureau in the Interior Department (H. R. 24148)—to the Committee on Expenditures in the Interior Department.

By Mr. GRAHAM: Petition of the Chamber of Commerce of Pittsburg, for a river and harbor bill in the extra session of the Sixty-first Congress—to the Committee on Rivers and Harbors.

Also, petition of Allegheny (Pa.) Lodge, No. 339, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming—to the Committee on Agriculture.

Also, petition of merchants of Wilkinsburg, Pa., favoring removal of the duty on hides—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of J. Wolff, J. C. Hayes, Samuel Wilson, Henry O'Dair, Billy Sullivan, Bert Setrini, George McDonald, J. J. Fleck, Billy Hassett, Jac. T. Noss, R. Zotta, M. J. Little, Antonio Maglia, Ralph Chalmers, W. S. Bradshaw, George McDonald, Frank L. Feist, jr., Rudolph Berger, S. H. Morrison, Peter A. Maloney, Emil Lueht, W. D. Jones, James Murry, G. Crosetti, Charles Hartell, W. G. Mitchell, E. Gilbert, S. Decosta, Harry Nully, Floyd T. Bingham, J. H. Cunan, Henry Bergstedt, James Bolle, Roy P. Arnold, G. E. Scott, J. P. Bengard, Jerry Hues, Thomas Walsh, Jim Cole, George Wilcox, Samuel Oram, C. E. Colahan, Manuel C. Silva, W. J. Lewis, Ray G. Shaw, J. Boes, Louis Gunther, jr., A. Ferioli, T. F. McComas, Joseph Maginni, J. W. Blanch, C. A. Leddy, Richard Verch, Herbert Gillespie, Arthur A. Weldung, Charlie McDoll, George Edmans, John W. Peterson, A. Silvy, W. J. Cole, J. K. Shanahan, Charles Farrell, Dick Winters, and 9 others, of San Jose, Cal., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of the trustees of the Chamber of Commerce of San Francisco, Cal., against the Englebright bill, taking from the Secretary of the Interior the allotment of the funds of the Reclamation Service—to the Committee on the Public Lands.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, Cal., favoring shipment in American vessels of material for use in Panama Canal construction—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of the Chamber of Commerce of San Francisco, Cal., and the Chamber of Commerce of Napa, Cal., against enactment of a law for allotting and distributing the funds of the Reclamation Service by Congress—to the Committee on the Public Lands.

By Mr. KIMBALL: Paper to accompany bill for relief of heirs of Oliver Fraser—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Oliver Frazer—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of citizens of Belgrade, Minn., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of Alex Simpson Post, Grand Army of the Republic, of Carthage, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. McMILLAN: Petition of certain citizens of Yonkers, N. Y., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

Also, petition of the child-labor commission of New York, favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

Also, petition of Fallkill Grange, No. 882, favoring parcels-post and postal savings bank legislation (S. 5122)—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: Petition of the Bismark Grocery Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of Lodus Grange, No. 73, favoring a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Petition of Hagerstown (Md.) Lodge, No. 378, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of $30,000 therefor—to the Committee on the Public Lands.

Also, petition of Pomona Grange, No. 7, favoring the Lincoln way from Washington to Gettysburg—to the Committee on the Library.

By Mr. RICHARDSON: Paper to accompany bill for relief of Jonathan Morris—to the Committee on War Claims.

By Mr. SLAYDEN: Petition of citizens of Texas, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of Lodge No. 1135, Benevolent and Protective Order of Elks, of Elkins, W. Va., asking for the creation of a reserve in the State of Wyoming—to the Committee on the Public Lands.

By Mr. SULZER: Petition of Fred J. Wright, of Farm and Stock, St. Joseph, Mo., favoring removal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of the Orange Judd Company, favoring the White Mountains and Appalachian Mountains Forest Reserve bill—to the Committee on Agriculture.

Also, petition of the superintendent of public works of the State of New York, Albany, N. Y., for an appropriation to improve the upper Hudson River—to the Committee on Rivers and Harbors.

Also, petitions of the Public Education Association of New York City, the New York child-labor commission, and the New York section of the Council of Jewish Women, favoring H. R. 24148, to establish in the Department of the Interior a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the olive importers' commission of Philadelphia, favoring reduction of the duty on olives—to the Committee on Ways and Means.

Also, petition of F. Larrinaga, favoring a duty on all foreign coffees—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of Newbern (N. C.) Lodge, No. 764, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. YOUNG: Petition of many business firms in Michigan, favoring removal of the duty on hides—to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 19, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

OWNERS OF PRIVATE DIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a statement showing the amounts opposite the respective names given, representing sums withheld in excess of the commissions to which the taxpayers were entitled as owners of private dies (S. Doc. No. 732), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882; and

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. LOUDENSLAGER, and Mr. PADGETT, managers at the conference on the part of the House.

The message further announced that the House had agreed to the concurrent resolution No. 99 of the Senate relative to the action of the Speaker of the House and of the Vice-President of the United States and the President of the Senate in signing the enrolled bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 6155. An act to provide for an enlarged homestead;

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce;

H. R. 16551. An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95 for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander;*

H. R. 25064. An act for the relief of Angeline C. Burgert;

H. R. 27342. An act to amend the military record of David H. Dickinson;

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians; and

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 5, as passed by the legislature of 1909, together with all indorsements thereon, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, done at the city of Pierre this 9th day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,
Secretary of State.

House joint resolution.

A joint resolution of the eleventh session of the legislature of the State of South Dakota, making application to the Congress of the United States for calling a convention for proposing amendments to the Constitution of the United States.

Be it resolved by the house of representatives, the senate concurring:

Whereas Article V of the Constitution of the United States provides that the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by convention in three-fourths thereof, etc.; and

Whereas the House of Representatives of the United States has on four separate occasions passed by a two-thirds vote a resolution pro-

posing an amendment to the Constitution, providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore be it

Resolved by the house of representatives of the State of South Dakota (the senate concurring), That under the authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

I hereby certify that the within act originated in the house, and was known in the house files as house joint resolution No. 5.

JAMES W. CONE,
Chief Clerk.

STATE OF SOUTH DAKOTA, *Office of Secretary of State, ss:*

Filed February 8, 1909, at 4.45 o'clock p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution of the eleventh session of the legislature of the State of South Dakota making application to the Congress of the United States for calling a convention for proposing amendments to the Constitution of the United States.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS,
Secretary of the Senate.

The VICE-PRESIDENT presented petitions of the People's University Extension Society, of the Woman's Conference of the Society for Ethical Culture, of the Charity Conference, of Miss Edith Herzog, of the Public Education Association, of the Teachers' Colleges, and of D. C. Heath & Co., all of New York City; and of J. K. Angell, of Vassar College, Poughkeepsie, in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented the memorial of George W. Curtiss, president of the Title and Trust Company of Peoria, Ill., remonstrating against the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented a petition of the Citizens' Committeee of the Territory of Arizona, praying for the admission of that Territory into the Union as a State, which was referred to the Committee on Territories.

Mr. KITTREDGE presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of House joint resolution No. 12, as passed by the legislature of 1909, together with all indorsements thereon, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 9th day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,
Secretary of State.

House joint resolution.

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

Be it resolved by the house of representatives of the State of South Dakota (the senate concurring):

Whereas Fort Meade is centrally located with reference to all the Indian reservations in North and South Dakota, Montana, and Wyoming, upon which there are quartered about 40,000 uncivilized Indians; and

Whereas Fort Meade is the only military post in South Dakota, and the only post in the whole Northwest possessing the required strategic advantages to exercise surveillance over the Indians and afford proper protection to the property and people of this rich and rapidly developing country; and

Whereas the lines of railroad now in operation offer transportation facilities over four lines in four different directions, forming a basis for military movements, enabling troops to quickly reach any point of trouble; and

Whereas Fort Meade has a large timber reservation, with the Black Hills Forest Reserve, upon which there is pine timber and an abundant supply of pure mountain spring water, and also a military reservation, 2 miles by 6 miles in area, with all available adjoining land needed for the requirements of a brigade post, which, collectively, would include the level and rolling prairie, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, offering all practicable varieties of country for maneuvers; and

Whereas the hospital records show that the pure, malaria-free, bracing climate renders Fort Meade the healthiest post garrisoned in America; and

Whereas Fort Meade is in process of rebuilding, as a two-squadron cavalry post, there having been built in the past six years brick and stone barracks for eight troops, hospital, post exchange, line and field officers' quarters, noncommissioned officers' quarters, bakery, powder magazine, stables, fire station, water system and concrete reservoir, sewer system and stable drain, macadamized roads and cement walks, electric-light wiring, and other permanent improvements, modern and up to date and costing over $600,000: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States by proper enactment to designate Fort Meade as a brigade post and provide for the erection of additional barracks, quarters, and other structures, ample and suitable for the proper garrison thereof; and be it further

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

I hereby certify that the within act originated in the house and was known in the house files as joint resolution No. 12.

JAMES W. CONE, *Chief Clerk.*

STATE OF SOUTH DAKOTA, *Office of Secretary of State, ss:*

Filed February 8, 1909, at 4.45 o'clock p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS,
Secretary of the Senate.

Mr. GALLINGER presented the petition of Rev. M. W. Hale and sundry other citizens of Surry, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. HEMENWAY presented memorials of sundry citizens of Terre Haute, Ind., remonstrating against the enactment of legislation providing for the consolidation of pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of Local Lodge No. 371, Benevolent and Protective Order of Elks, of Lewiston, Me., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TELLER presented a petition of sundry citizens of the State of Colorado, praying for the submission to the legislatures of the several States for ratification an amendment to the Constitution granting the right of suffrage to women, which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of Local Lodge No. 611, of Florence; of Loocal Lodge No. 566, of Boulder; and of Local Lodge No. 804, of Fort Collins, all of the Benevolent and Protective Order of Elks, in the State of Colorado, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. KEAN presented petitions of Local Lodge No. 891, of Mont Clair; of Local Lodge No. 996, of Burlington; and of Local Lodge No. 784, of Perth Amboy, all of the Benevolent and Protective Order of Elks, in the State of New Jersey, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Central Division, No. 157, Brotherhood of Locomotive Engineers, of Jersey City, N. J., remonstrating against the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Thursday Morning Club, of Paterson, N. J., praying for the passage of the so-called "children's bureau bill," which was ordered to lie on the table.

He also presented a memorial of Typographical Union No. 94, of Jersey City, N. J., and a memorial of Local Union No. 248, American Federation of Musicians, of Paterson, N. J., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

He also presented the memorial of W. A. Eagles, of Newark, N. J., remonstrating against the enactment of legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Succasunna; of the Woman's Christian Temper-

ance Union of Clarksboro; of the congregation of the Methodist Episcopal Church, of Succasunna; and of the congregation of the Reformed Church, of Ridgewood, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the board of trustees of the Association of Credit Men of Newark, N. J., praying for the adoption of the so-called "Sherley amendment" to the present bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a petition of the Men's Club of the Roseville Methodist Church, of Newark, N. J., and a petition of the Men's Berean Bible Class of the Park Avenue Baptist Bible School, of Plainville, N. J., praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of Local Lodge No. 404, Benevolent and Protective Order of Elks, of Calumet, Mich., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PERKINS presented a memorial of the Alaskan Fishermen's Union, of San Francisco, Cal., and a memorial of the Marine Cooks and Stewards' Association, of San Francisco, Cal., remonstrating against the removal of the marine hospital from its present location to Angel Island, in that State, which were referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., and a memorial of the Chamber of Commerce of Napa, Cal., remonstrating against the enactment of legislation limiting the expenditure of the reclamation fund by the Secretary of the Interior, which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of sundry citizens of Watsonville, Cal., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Benevolent and Protective Order of Elks of Los Angeles, Stockton, and Chico, all in the State of California, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of the Board of Trade, of Murphy, Grant & Co., and of Levi Straus & Co., all of San Francisco, in the State of California, remonstrating against the enactment of legislation authorizing the Postmaster-General to test the practicability and expense of the general parcels-post system, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GORE presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

House concurrent resolution 15. By Mr. Putnam.

House concurrent resolution memorializing Congress to give aid in the construction of public highways.

Whereas it has been the policy of our Government from its foundation to aid and encourage the development of commerce and agriculture, and to this end has made, regularly, large appropriations for the purpose of improving the rivers and harbors of our country; and

Whereas in the development of our civilization our people have established large and important communities at great distance from waterways, so that the waterways of this country no longer serve even the greater part of our citizenship; and

Whereas the commerce and agriculture of those sections far removed from such waterways are as important as those in close proximity thereto; and

Whereas the only means by which the United States Government can justly continue its appropriations with these objects in view to the improvement of waterways is also to make equal or greater appropriations for the improvement of public highways: Therefore be it

Resolved by the house of representatives of the State of Oklahoma (the senate concurring therein), That we most respectfully memorialize the United States Congress to make appropriations for the encouragement and development of the construction of improved highways throughout the United States, giving special attention to those sections far removed from navigable water courses.

BEN F. WILSON,
Speaker of the House of Representatives.
GEO. W. BELLAMY,
President of the Senate.

Mr. OWEN presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
STATE OF OKLAHOMA,
Guthrie, February 15, 1909.

Hon. R. L. OWEN,
Washington, D. C.

DEAR SIR: You will find herewith copy of house concurrent resolution No. 15, as passed by the second Oklahoma legislature and transmitted to you for your proper consideration.

Yours, very truly,
W. H. EBEY, *Chief Clerk.*

House concurrent resolution 15. By Mr. Putnam.

House concurrent resolution memorializing Congress to give aid in the construction of public highways.

Whereas it has been the policy of our Government from its foundation to aid and encourage the development of commerce and agriculture, and to this end has made regularly large appropriations for the purpose of improving the rivers and harbors of our country; and

Whereas in the development of our civilization our people have established large and important communities at great distance from waterways, so that the waterways of this country no longer serve even the greater part of our citizenship; and

Whereas the commerce and agriculture of those sections far removed from such waterways are as important as those in close proximity thereto; and

Whereas the only means by which the United States Government can justly continue its appropriations with these objects in view to the improvement of waterways is also to make equal or greater appropriations for the improvement of public highways: Therefore be it

Resolved by the house of representatives of the State of Oklahoma (the senate concurring therein), That we most respectfully memorialize the United States Congress to make appropriations for the encouragement and development of the construction of improved highways throughout the United States, giving special attention to those sections far removed from navigable watercourses.

BEN F. WILSON,
Speaker of the House of Representatives.
GEO. W. BELLAMY,
President of the Senate.

Mr. OWEN presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
STATE OF OKLAHOMA,
Guthrie, February 9, 1909.

Hon. ROBERT L. OWEN, *Washington, D. C.*

DEAR SIR: You will find herewith copy of house resolution No. 13, passed by the legislature of the State of Oklahoma, which is transmitted to you for proper consideration.

Yours, truly,
W. H. EBEY, *Chief Clerk.*

House concurrent resolution 13. By Messrs. Bryan and Jones.

House concurrent resolution memorializing Congress to remove restrictions on Indian lands in drainage districts organized under the Oklahoma drainage act and authorize the assessment of the proportionate share of the cost of drainage improvements against same.

Whereas the reclamation of large areas of fertile lands embraced in the flood plains of certain streams in Oklahoma has been made feasible through the enactment of the Oklahoma drainage act, and the cost of such drainage made easy to meet by assessing the benefits against said land in severalty and issuing bonds against the district in common; and

Whereas the large proportion of nontaxable Indian lands in many of said districts render the scheme of drainage and reclamation impracticable: Therefore be it

Resolved by the house of representatives (the senate concurring therein), That the Congress of the United States be, and the same is hereby, memorialized to so remove the restrictions upon Indian allotments in organized drainage districts in Oklahoma as to render such lands subject to assessment under the Oklahoma drainage act for their proportionate share of the cost of drainage according to the benefits accruing to such lands in severalty, and to the lien created by the taxing of such assessments and the issuing of bonds against the drainage district within which such lands are embraced.

BEN F. WILSON,
Speaker of the House of Representatives.

Attest:
W. H. EBEY, *Chief Clerk.*

GEO. W. BELLAMY,
President of the Senate.

Mr. OWEN presented a joint memorial of the legislature of Oklahoma, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
STATE OF OKLAHOMA,
Guthrie, February 9, 1909.

Hon. ROBERT L. OWEN,
Washington, D. C.

DEAR SIR: You will find herewith copy of house resolution No. 4, passed by the legislature of the State of Oklahoma, which is transmitted to you for proper consideration.

Yours, truly,
W. H. EBEY, *Chief Clerk.*

House joint memorial and petition 4. By Mr. Lincoln.

The Legislature of the State of Oklahoma to the Hon. James Wilson, Secretary of Agriculture, Washington, D. C.:

Whereas the Deep Fork River, flowing through seven of the counties of the State of Oklahoma, is, on account of frequent overflows caused by its winding channel and the obstructions therein, a menace to the lives, health, and property of the people residing in and along the Deep Fork Valley; and

Whereas a movement is now on foot to straighten the channel of said river, thereby draining said valley, preventing said overflows, removing

the menace to health and property, and reclaiming a vast area of the richest lands in the United States; and

Whereas a large per cent of said lands is now owned by full-blood Indians, wards of the Government, whose lands are nontaxable; and

Whereas the draining of Deep Fork River, as above, has been pronounced by competent surveyors and engineers as being practicable and feasible and would resutl in exempting the said valley from overflow; Therefore be it

Resolved by the house of representatives of the State of Oklahoma (the senate concurring herein), That the Secretary of Agriculture of the United States be, and he hereby is, petitioned to authorize and cause the immediate survey of the Deep Fork River, to the end that the proper and necessary steps may at once be taken to straighten the channel of said river: And be it further

Resolved, That copies hereof be forwarded to the honorable Secretary of Agriculture and to our Senators and Representatives in Congress.

BEN F. WILSON,
Speaker of the House of Representatives.

Attest:
W. H. EBEY, *Chief Clerk.*

GEO. W. BELLAMY,
President of the Senate.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 6089) granting an increase of pension to William Kelley, which were referred to the Committee on Pensions.

Mr. du PONT. I present an extract from the records of the thirty-ninth annual meeting of the National Board of Trade, held in Washington, D. C., January 19, 20, 21, 1909, with relation to citizenship for Porto Ricans. I ask that the extract be read and referred to the Committee on Pacific Islands and Porto Rico.

There being no objection, the matter was read and referred to the Committee on Pacific Islands and Porto Rico, as follows:

NATIONAL BOARD OF TRADE.

(Organized, 1868.)

Extract from the records of the thirty-ninth annual meeting of the National Board of Trade, held in Washington, D. C., January 19, 20, 21, 1909.

CITIZENSHIP FOR PORTO RICANS.

Whereas the people of Porto Rico have proved their loyalty to the United States by more than ten years of faithful observance of all rules and regulations prescribed and all laws enacted for their government; and

Whereas the people of Porto Rico have shown their earnest desire to become more closely identified with our Government and with our people by cordial acquiescence in all measures proposed by the United States for their benefit; and

Whereas trade and commerce between Porto Rico and the United States have largely increased and business relations between the people of the island and the people of the United States have been established upon a firm and enduring basis. Therefore

Resolved, That the people of Porto Rico are in every way worthy of and of right should be admitted to full citizenship in the United States, and that the Congress be, and it hereby is, respectfully petitioned to pass an act conferring this privilege on these well-deserving people.

True copy:

FRANK D. LALANNE, *President.*

Attest:

O. P. TUCKER, *Secretary.*

Mr. FORAKER presented memorials of sundry citizens of Cleveland, Cincinnati, Toledo, Springfield, Piqua, and Ashland, all in the State of Ohio; of sundry citizens of Chicago, Ill.; Indianapolis, Ind.; Rochester, N. Y.; New York, N. Y.; Pittsburg, Pa.; St. Paul, Minn.; Omaha, Nebr.; Philadelphia, Pa.; Atlanta, Ga.; Johnstown, Pa.; Boston, Mass.; Danbury, Conn.; Milwaukee, Wis.; Westford, Conn.; Syracuse, N. Y.; and Allegheny, Pa., remonstrating against the passage of the so-called "Sherley bill," amending the present bankruptcy law, and praying for the passage of the so-called "Nelson bankruptcy bill," which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
HOUSE OF REPRESENTATIVES.

House joint resolution 7.

Joint resolution and memorial requesting Congress, under the provision of Article V of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and Congress given power to enforce such prohibition by appropriate legislation.

Be it resolved by the house of representatives and senate concurring:

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof, by placing the subject under federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore be it

Resolved, That application be, and hereby is, made to Congress, under the provision of Article V of the Constitulon of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States now in session, or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or any equivalent resolution.

Resolved further, That the secretary of state be, and hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 7, as passed by the legislature of 1909, together with the indorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 6th day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,
Secretary of State.

I hereby certify that the within act originated in the house and was known in the house files as "Joint resolution No. 7."

JAMES W. CONE,
Chief Clerk.

STATE OF SOUTH DAKOTA, *Office of Secretary of State, ss:*

Filed February 5, 1909, at 3.45 p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution requesting Congress, under the provision of Article V of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited, and Congress given power to enforce such prohibition by appropriate legislation.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS,
Secretary of the Senate.

Mr. GAMBLE presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 12, as passed by the legislature of 1909, together with all indorsements thereon, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 9th day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,
Secretary of State.

House joint resolution.

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

Be it resolved by the house of representatives of the State of South Dakota (the senate concurring):

Whereas Fort Meade is centrally located with reference to all the Indian reservations in North and South Dakota, Montana, and Wyoming, upon which there are quartered about 40,000 uncivilized Indians; and

Whereas Fort Meade is the only military post in South Dakota, and the only post in the whole Northwest possessing the required strategic advantages to exercise surveillance over the Indians and afford proper protection to the property and people of this rich and rapidly developing country; and

Whereas the lines of railroad now in operation offer transportation facilities over four lines in four different directions, forming a basis for military movements enabling troops to quickly reach any point of trouble; and

Whereas Fort Meade has a large timber reservation, with the Black Hills Forest Reserve, upon which there is pine timber and an abundant supply of pure mountain spring water, and also a military reservation 2 miles by 6 miles in area, with all available adjoining land needed for the requirements of a brigade post, which, collectively, would include the level and rolling prairie, open and wooded, streams of water, bluffs and brakes, bare hills and timbered mountains, offering all practicable varieties of country for maneuvers; and

Whereas the hospital records show that the pure, malaria-free, bracing climate renders Fort Meade the healthiest post garrisoned in America; and

Whereas Fort Meade is in process of rebuilding as a two-squadron cavalry post, there having been built in the past six years brick and stone barracks for eight troops, hospital, post exchange, line and field officers' quarters, noncommissioned officers' quarters, bakery, powder magazine, stables, fire station, water system and concrete reservoir, sewer system and stable drain, macadamized roads and cement walks, electric-light wiring, and other permanent improvements, modern and up to date and costing over $600,000: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States by proper enactment to designate Fort Meade as a brigade post, and provide for the erection of additional barracks, quarters, and

other structures ample and suitable for the proper garrison thereof; and be it further

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

I hereby certify that the within act originated in the house, and was known in the house files as joint resolution No. 12.

JAMES W. CONE,
Chief Clerk.

STATE OF SOUTH DAKOTA, *Office of Secretary of State, ss:*

Filed February 8, 1909, at 4.45 o'clock p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS,
Secretary of the Senate.

Mr. WARREN presented a memorial of the legislature of Wyoming, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, William R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with house joint memorial No. 2 of the tenth legislature of the State of Wyoming, and is a full, true, and correct copy of same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 16th day of February, A. D. 1909.

[SEAL] WM. R. SCHNITGER,
Secretary of State.

House joint memorial 2.

Memorial to the Senate and House of Representatives of the United States, requesting Congress to grant to the State of Wyoming certain lands for a winter refuge for game.

Be it resolved by the house of representatives of the State of Wyoming (the senate concurring): That the Congress of the United States be memorialized as follows:

Whereas the advance of settlement in the Western States is gradually noting the disappearance of wild animal life peculiar to North America, more especially the large species, such as elk, moose, and deer, which animals are driven into the higher mountain regions, where winter feed and sustenance can not be procured, a condition that threatens their ultimate extinction by starvation; and

Whereas the lands hereinafter described are government lands included within the Teton National Forest Reserve, in the State of Wyoming, with the exception of a few claims located by settlers; and

Whereas the said lands are so situated as to constitute a natural protection and winter refuge for the wild elk, moose, and deer of northwestern Wyoming; and

Whereas the State of Wyoming has by liberal expenditures and constant supervision for many years efficiently protected these animals from all danger of extinction, but it is helpless to check the danger from winter starvation; and

Whereas there is urgent need of a winter refuge for the elk, moose, and deer of northwestern Wyoming: Therefore be it

Resolved, That the Congress of the United States is hereby earnestly requested to grant to the State of Wyoming for exclusive use as a winter game refuge townships 41 and 42 north, range 111 west; townships 41 and 42 north, range 112 west; and townships 42 north, ranges 113 and 114 west of the sixth principal meridian, all being situated in the State of Wyoming, and that some suitable provision be made to acquire the holdings of the actual bona fide settlers residing upon portions of the lands hereinbefore described; and be it further

Resolved, That a certified copy of this memorial be sent to the Members of the Senate and House of Representatives of the United States at Washington, D. C.

Approved February 16, 1909.

Mr. WARREN presented a memorial of the legislature of Wyoming, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, William R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original enrolled house joint resolution No. 3 of the tenth legislature of the State of Wyoming, and is a full, true, and correct copy of same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 16th day of February, A. D. 1909.

[SEAL.] WM. R. SCHNITGER,
Secretary of State.

House joint resolution 3.

Be it resolved by the house of representatives (the senate concurring):

Whereas the public lands of the United States have from the beginning of our General Government been entered and taken under the laws enacted by Congress; and

Whereas the procedure leading to the issue of patent has until recently been simple, thus enabling the settler to compete with more powerful interests; and

Whereas the holders of land scrip have during the past five years opposed the operation of all land laws, with the possible exception of the homestead act, thus restricting the operation of statutes enacted by Congress and adding greatly to the value of such land scrip; and

Whereas the administrative officers at Washington have been and are deceived by the published reports emanating from the press bureaus conducted by the holders of land scrip as to the operation of the land laws of the United States; and

Whereas the recent rules and regulations relating to the administration of the timber and stone act place further restrictions upon the settler by complicating the procedure he must follow to procure title to such lands, thus further adding to the value of such land scrip and indicating another victory for the holders thereof: Therefore be it

Resolved by the house of representatives and the senate of the State of Wyoming in legislature assembled, That the Congress of the United States be petitioned to provide by law the limit of authority of the officers who are charged with the duty of enforcing the public land laws; and be it further

Resolved, That Congress be petitioned to simplify the procedure under all land laws, that settlement may take place rapidly and that our people may be relieved from the oppressive rules and regulations which have been inspired by the holders of land scrip; and be it further

Resolved, That a copy of these resolutions be transmitted to the President of the United States, to each member of the Cabinet, and to the Members of the Senate and House of Representatives at Washington.

Approved February 16, 1909.

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 18345) to fix the price of gas in the District of Columbia, to report it with an amendment in the nature of a substitute. I give notice that in a day or two I shall file a report (S. Rept. No. 1054) on this subject, and that I shall at the earliest possible moment endeavor to call up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 27864) granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes, reported it without amendment and submitted a report (No. 1037) thereon.

He also, from the same committee, to whom was referred the bill (S. 9190) granting a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont., to report it favorably without amendment, and I submit a report (No. 1039) thereon. I ask for the immediate consideration of the bill. It is a local matter, and the bill is very short.

The Secretary proceeded to read the bill.

Mr. CARTER. I ask that the bill may go over.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill, and it will go to the calendar.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 9286) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado, reported it without amendment and submitted a report (No. 1038) thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8545) for the relief of Jackson Pryor, reported it without amendment.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1041), accompanied by a bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following bills heretofore referred to that committee:

S. 7521. Jay B. Sessions;
S. 7833. John Sexton;
S. 8385. Winslow H. Reaves;
S. 8854. Marianna C. Rockwell;
S. 8863. Samuel H. Askew;
S. 9007. William G. Glasgow;
S. 9118. Culbert King;
S. 9165. Flora R. Turner;
S. 9197. Agnes L. Miller; and
S. 9264. John A. Browne.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1040) accompanied by a bill (S. 9422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors,

which was read twice by its title, the bill being a substitute for the following bills heretofore referred to that committee:

S. 88. David Lanpher;
S. 187. Lewis Beckwith;
S. 779. Daniel S. Thompson;
S. 839. Adella F. Rudd;
S. 959. Thomas H. Webley;
S. 1952. Squire F. Buck;
S. 2164. James A. Seaman;
S. 2425. James M. Legg;
S. 2595. Charles L. Bartow;
S. 2706. Alva L. Fitch;
S. 3131. Peter A. Gaulin;
S. 3595. William H. Eaton;
S. 3673. Nathaniel Hurst;
S. 3745. Charles Miller;
S. 3885. Lewis R. Bland;
S. 4378. Edwin W. Kendall;
S. 4386. Nelson B. Aldrich;
S. 4881. Michael Sullivan;
S. 5103. Mary A. Jaquette;
S. 5488. James G. Thompson;
S. 5588. Emma T. Reid;
S. 5747. Anna W. Clay;
S. 6302. Ella L. Deweese;
S. 6804. George H. Ricker;
S. 6841. Joseph W. B. McClintock;
S. 6953. Lewis Thomas;
S. 7176. William Kent;
S. 7181. Mathew M. Smith;
S. 7215. Harriett L. Curtis;
S. 7308. William A. Ice;
S. 7437. Alice D. Bainum;
S. 7523. Frank D. Moore;
S. 7549. Gustavus M. Gates;
S. 7560. John A. C. Jones;
S. 7614. Francis McKeag;
S. 7779. Robert L. McConaughey;
S. 7791. Emily F. Freeburn;
S. 8029. Ira Youmans;
S. 8030. Sabilla Davis;
S. 8108. Jane Plankinton;
S. 8145. Gabriel Greenleaf;
S. 8166. John Limric;
S. 8204. Mary Ett Kellogg;
S. 8258. James B. Merwin;
S. 8288. Nancy Ulen;
S. 8305. William A. Butner;
S. 8325. Ole Olson;
S. 8391. Robert I. Patterson;
S. 8418. Benjamin F. Welker;
S. 8419. Theodore Pridemore;
S. 8421. Henry F. Houser;
S. 8437. James McKinley;
S. 8458. Mary E. Lucas;
S. 8581. John E. Kitzmiller;
S. 8613. George F. Plaskett;
S. 8656. Sallie S. Allen;
S. 8678. Frank H. Hall;
S. 8686. Cara E. W. Stone;
S. 8689. James H. Shutts;
S. 8705. John H. Rublee;
S. 8706. Marie Sinclair Russell;
S. 8727. Alexander G. Wilkins;
S. 8729. Thomas McCann;
S. 8734. John McGaughey;
S. 8735. Martha L. Brown;
S. 8744. William Potter;
S. 8755. Thomas Farrell;
S. 8783. Alfred Saxey;
S. 8826. Ferdinand C. Porée;
S. 8842. Joseph Rigby;
S. 8895. Elton M. Durfey;
S. 8919. Charles H. Orr;
S. 8966. William H. Hoffman;
S. 8977. Vinney Streets;
S. 8978. Eliza Jane Ellis;
S. 9011. Rosetta E. Arnold;
S. 9012. Emma J. Thomas;
S. 9037. Elias W. Bowman;
S. 9052. Emma C. Swift;
S. 9082. John L. Brady;
S. 9087. Lizzie Lynch;
S. 9111. Sarah A. Clark;
S. 9112. John W. Dunahey;
S. 9128. Elizabeth B. Hughes;
S. 9148. Henry S. Tillotson;
S. 9149. John Preman;
S. 9164. Asa Hayes;
S. 9196. William D. Wallace;
S. 9260. George M. Teachout;
S. 9294. Malinda E. Church;
S. 9314. Nancy Crowther; and
S. 9328. Howell Atwater.

Mr. DICK, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 10697) for the relief of David Brinton, reported it without amendment.

Mr. KEAN, from the Committee on Interstate Commerce, to whom was referred the bill (H. R. 27894) amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 9353) amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LONG, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 27367) to provide for the inspection of nursery stock at ports of entry of the United States, to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect, reported it without amendment and submitted a report (No. 1042) thereon.

Mr. TALIAFERRO, from the Committee on Military Affairs, to whom was referred the bill (S. 9402) for the relief of John H. Layne, reported it without amendment and submitted a report (No. 1043) thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 13644) for the relief of the Bridgeport National Bank, Bridgeport, Ohio, reported it without amendment.

Mr. McCREARY, from the Committee on Pensions, to whom was referred the bill (H. R. 26072) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported it without amendment and submitted a report (No. 1045) thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1086) to correct military record of Pleasant Thomas, late of Company B, East Tennessee National Guards, reported it with an amendment and submitted a report (No. 1046) thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 1753) for the relief of the several States under act of July 27, 1861, and acts amendatory thereto, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, to report it favorably with amendments, and I submit a report (No. 1036) thereon. I desire to state that the report itself is in the hands of the printers and and will be distributed this afternoon.

I desire further to say to the Senate, that in view of the contingencies of legislation at this session we have placed several administrative features in the bill, and have placed one claim, which is a federal claim, other claims being limited to claims against the Indian funds.

Mr. HALE. I hope the Senator will push the consideration of the bill as early as possible.

Mr. CLAPP. I am ready at any time, but the printed report will not be ready for distribution until this afternoon, and Senators will want to examine it.

Mr. HALE. I do not suggest the idea of calling up the bill now, because there are two other appropriation bills that will come in. I hope the Senator will be ready the moment the other bills are out of the way to take up this bill.

Mr. CLAPP. I merely wish now to call the attention of the Senate to the fact that there are several administrative features of legislation placed, at the instance of the department, in this bill. The committee felt at liberty to insert them and bring the bill into the Senate in that shape, in view of legislative contingencies.

Mr. HALE. I am glad the Senator has given notice of that.

The VICE-PRESIDENT. The bill will be placed on the calendar.

LANDS IN CRAIGHEAD COUNTY, ARK.

Mr. CLARKE of Arkansas. Mr. President, while the matter of reports of committees is in order, I desire to ask unanimous consent——

The VICE-PRESIDENT. Does the Senator from Arkansas rise to the pending order?

Mr. CLARKE of Arkansas. In a manner; yes, sir. Day before yesterday a report was made during my necessary absence from the Senate concerning a local bill that I desire to have considered. It will take but a second. I ask unanimous consent that the bill (S. 8654) for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark., may be taken up and disposed of.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, on page 1, line 5, after the words "situated in," to insert "St. Francis River, in townships Nos. 14 and 15 north, range 6 east," so as to make the section read:

That the survey, made under the authority of the State of Arkansas in the year 1898, of a small area of land known as Cane Island, situated in St. Francis River, in townships Nos. 14 and 15 north, range 6 east, Craighead County, Ark., into blocks numbered, respectively, from 1 to 33, inclusive, shall, upon the filing in the local land office, and with the Commissioner of the General Land Office, of the plat of said survey and the field notes thereof, be accepted as the governmental official survey of said body of land.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 14, before the word "acres," to strike out "three hundred and twenty" and insert "one hundred and sixty," so as to read:

SEC. 2. That, under rules and regulations to be prescribed by the Secretary of the Interior, all persons who at the date of the passage of this act are bona fide occupants and owners of improvements situated upon any of the blocks returned by said survey, shall have a preferred right at any time within one year from the passage of this act to make entry, under the provisions of the homestead laws, of the block or blocks so occupied and upon which their improvements are situated, as their respective interests may appear, or to make purchase of such lands at the rate of $1.25 per acre: *Provided*, That no person shall be permitted to acquire title under this act to more than 160 acres.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following additional proviso:

Provided further, That nothing in this act shall be construed to grant to any person title to any part of the island herein referred to which is shown to be within the limits of land previously surveyed and disposed of by the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PRINTING AND BINDING.

Mr. ELKINS. I am directed by the Committee on Printing to submit the report (No. 1044) of the Printing Investigation Commission, embodying recommendations in relation to the codification, revision, and amendment of the laws relating to the public printing, binding, and distribution of public documents, accompanied by a bill, as a result of the investigations of the commission, to codify, revise, and amend the laws relating to the public printing and binding and the distribution of public documents.

The bill (S. 9406) to codify, revise, and amend the laws relating to the public printing and binding and the distribution of public documents was read twice by its title.

Mr. ELKINS. I ask to have printed in the RECORD the report of the commission, omitting the appendix.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

FEBRUARY 18, 1909.

SIR: I have the honor to transmit herewith a report from the Printing Investigation Commission, embodying recommendations in relation to the codification, revision, and amendment of the laws relating to the public printing and binding and the distribution of public documents.

Respectfully,

T. C. PLATT,
Chairman Printing Investigation Commission.

The PRESIDENT OF THE SENATE.

Section 5 of a joint resolution approved June 23, 1860, formed the legislative basis of the present printing law, and upon this the law, such as it is, was constructed. The last attempt at revision is known as the "general printing act," approved January 12, 1895. This did not assume to be a complete codification, and there were no specific repeals. The ten years of its operation were characterized by an increase in expenditures for the public printing and binding, as shown by a comparison of such expenditures for the fiscal year 1905 with those of 1895, of $3,577,048, or 102 per cent. This is due, in part at least, to the fact that the revision of the law left remaining many conflicting provisions, but more to the fact that the amendments to this revision, many scores in number, have tended to destroy any spirit of harmony or consistency which may have characterized the revision itself.

THOROUGH REVISION NECESSARY.

A study of the history of this legislation reveals the fact that it has originated chiefly in recommendations from three distinct sources: First, from the Public Printer; second, from the various executive departments and bureaus; third, from officers of Congress; the author of each recommendation apparently viewing the subject only from his own standpoint, regardless of the complicated machinery of distribution contained in the general printing law, and regardless of conflicting or related provisions of law. Much of this legislation has been recommended to Congress by committees other than the committees of the Senate and House which are charged, under the rules of these bodies, with the consideration of these matters; and while the printing law probably covers to-day 60 pages of the statutes, the decisions of the comptroller and the opinions of the Attorney-General in relation thereto would fill a large volume. It may not be improper to state in this connection that the decisions of the Comptroller of the Treasury alone, since May 1, 1906, involving constructions of the law in relation to the public printing and binding, on submissions by the Public Printer and various executive establishments, have been 52 in number, occupying more than 200 typewritten pages, not all of which have been printed.

As a further result, the law can not, as it stands, be intelligently codified without thorough revision, nor can it even be efficiently indexed. These somewhat caustic comments on the existing printing law have been voiced by trained and experienced men who have attempted both, and who have confirmed the view which the commission itself has long entertained.

When the commission four years ago began the work which Congress imposed upon it, it undertook first the correction of the more glaring abuses in the public printing and binding before undertaking any general revision of the printing laws. It was the policy of the commission from the beginning to build a printing law by distinct parts which could later be intelligently codified. In order to render possible in the end a proper codification of the printing law, many existing provisions should be specifically repealed. In fact, in the opinion of the commission, this treatment of the subject will be necessary throughout the entire revision work. This will be readily understood when it is recalled that the present printing legislation is the growth of nearly seventy years, many of the earlier enactments being still upon the statute books, wholly or in part inoperative because impossible of application to existing conditions or in conflict with other provisions also assumed to be in force.

In the opinion of the commission printing and binding involving large expenditures has been executed at the Government Printing Office in the last fifteen years, not only without warrant of law, but in direct contravention of law. Much of this printing and binding was necessary to the public service, and the service would have been seriously embarrassed if the orders for such printing had been disregarded by the Public Printer. This absence of legal authority for what is necessary to the public service is likely to lead, if it has not already led, to abuses, both in Congress and the executive establishments, which should not be possible. This condition has been, in part, already remedied by legislation recommended by the commission and approved March 1, 1907, but many further corrections are necessary. In view of these conditions and the conditions stated on pages 1 and 4 of this report and in former reports of the commission (S. Rept. No. 2153, 59th Cong., 1st sess.; S. Rept. No. 6828, 59th Cong., 2d sess.), the commission has recommended and Congress has approved legislation that will enable the Joint Committee on Printing to protect the printing service against any serious embarrassments in the execution of the printing and binding pending a complete revision and codification of the laws relating thereto. This commission is of the opinion that in the meantime the attention of the President of the Senate and the Speaker of the House of Representatives and of the several committees of the Senate and House charged with consideration of appropriations relating to the public printing and binding should be invited to the importance of referring to the committees of their respective Houses, or to the Joint Committee on Printing, for their consideration any amendments to existing law proposed to be incorporated in appropriation acts.

GROWTH OF PRINTING EXPENDITURES.

The cost of the government printing in 1840 was approximately $200,000. About this time Congress apparently began to give serious attention to these expenditures. But the expenditures showed not only a rapid but continuous growth until they amounted in 1905 to $7,084,670, almost equal to those of the great Department of Agriculture; more than the federal funds appropriated for the maintenance of the District of Columbia government; double the amounts carried in the diplomatic and consular appropriation acts.

The Government Printing Office was established in 1861, when the cost of the public printing was approximately $850,000. It was established to meet the requirements of Congress, and resulted in improved conditions. The annual expenditures had increased in ten years, under the contract system, more than 150 per cent, and were characterized by public scandals and numerous investigations. In the earlier years of its history the work of the Government Printing Office was chiefly for Congress. The official in charge of the office is appointed by the President, as are the Librarian of Congress and the Superintendent of the Capitol Building and Grounds. All are required to report directly to Congress. The Government Printing Office has been nominally under the supervision of Congress through a committee rep-

resenting both Houses, but Congress has been neglectful of its duty in having failed to provide for efficient supervision.

The revision of 1895 was followed by the most remarkable growth in expenditures found in the entire history of the public printing and binding. As above stated, the expenditures for 1905 exceeded those of 1895 by $3,577,048, an increase of 102 per cent. The increase from 1850 to 1860, as shown by the expenditures for those respective years, was 151 per cent, but in dollars and cents it amounted to approximately $500,000.

The expenditures for the public printing and binding, as shown in tables submitted herewith, increased from $344,831 in 1850 to $7,084,670 in 1905. The population had increased less than fourfold. The public printing had increased more than twentyfold. There had been an uninterrupted increase, the expenditures for decennial years showing an average increase of more than 70 per cent. The work of the commission began in 1905. The expenditures were increasing at the rate of nearly half a million dollars per year, and for the ten years immediately preceding, the increase had been 102 per cent. The commission has not only stopped this increase, but has driven the expenditures backward for the first time in the history of public printing, every year of its work showing a decrease in the expenditures compared with 1905, the average annual decrease for the last three years exceeding 10 per cent, notwithstanding the establishement of new bureaus and many new requirements for printing. Under the ten-year ratio of increase, from 1895 to 1905, the expenditures for 1908 would have been $9,493,457 instead of $6,774,267, or $2,719,190 more than they actually were.

The following tables illustrate this growth from 1850 to 1905 and the effect of the legislation formulated by the commission:

Comparative statement of annual expenditures for the public printing and binding by decennial years from 1850 to 1900, with statement for 1905 and succeeding fiscal years.

Fiscal year.	Expenditures.	Increase.	Decrease.
1850	$344,831		
1860	866,868	$522,037	
1870	1,609,859	732,991	
1880	2,084,750	314,691	
1890	3,124,462	1,039,712	
1900	4,990,325	1,865,863	
1905	7,084,670	[a] 3,577,048	
1906	6,377,639		[b] $607,031
1907	5,954,660		[b] 1,130,010
1908	6,774,267		[b] 310,403

[a] Comparison with 1895, in which the expenditures were $3,507,622.
[b] Comparison with 1905.

Percentage comparison of expenditures for public printing and binding.

	Increase.	Decrease.
	Per cent.	*Per cent.*
1850 to 1860	151	
1860 to 1870	84	
1870 to 1880	19	
1880 to 1890	53	
1890 to 1900	60	
1895 to 1905	102	
1905 to 1906		8
1905 to 1907		16
1905 to 1908		4

Average annual decrease for three years, compared with 1905, 10 per cent.

INVESTIGATIONS OF THE PUBLIC PRINTING.

There have been since 1840 17 congressional investigations in relation to the public printing. In almost every instance some radical abuse was discovered and reported upon, but the remedies were left for a succeeding Congress to discover. These inquiries usually related to charges of extravagance or maladministration, not infrequently involving the official integrity of the Government Printer, and in at least one instance that of the chief ministerial officers of the Senate and House of Representatives. In addition there have been at least four investigations by the executive branch of the Government.

Congress, instead of making such provisions as would insure efficient supervision and enable its committees and the Public Printer to carry forward a policy at once consistent and progressive, has, in effect, left each new committee to take up the subject for themselves, not where the work of the retiring committee ended, but where it began.

The subject was complex, in some respects technical, and the committee which attempted to master it found little time, if any, for other work. In this connection the commission has found nothing in the records which better describes its own experience than the remarks of Mr. Gorman, a Representative from Indiana, in the debates of July 15, 1852, in the course of which that gentleman, addressing the Chair, said:

"I hope, sir, that after having disposed of this public printing I shall be permitted to withdraw from this vexed question. I have never in my life had a public duty to perform in which I had so many conflicting elements to meet. I have never discharged a public duty with a more conscientious regard for the public weal and the service. * * * After I have discharged my duty and get the public printing once fixed upon a permanent basis, I shall ask the kind indulgence of the Chair to discharge me from further service on that committee. It is a committee upon which any gentleman who discharges his duty lays himself open to the constant criticism of his kindest and best friends."

In view of the many subsequent investigations which have occupied the attention of Congress, it is but fair to assume that Mr. Gorman was overconfident in his belief that he would in fact settle this problem.

SURPLUS COPIES OF PUBLICATIONS.

The commission found at the beginning of its work an enormous surplus of publications in practically every executive establishment, as well as under the distributing offices of Congress. Lack of proper supervision over matters of public printing seems to have been equally apparent in the legislative and executive branches of the Government. Careful measurements and computations, conducted by competent engineers, showed in storage in February, 1906, more than 9,500 tons, much of which was entirely worthless except as waste, and there were large quantities of surplus printing which it was not possible to include in these computations. These facts have been previously reported to Congress by the commission. For purpose of illustration, it may be stated that these documents, if their transportation had been necessary, would have required a train of ordinary freight cars approximately 3 miles in length. The commission, in order to stop this accumulation, recommended, and Congress enacted, a law providing for the printing of government publications in editions, as would be done by any private publisher, instead of printing a fixed number, as the law had previously provided. This enactment of 1906 empowered the Joint Committee on Printing to adopt and enforce such regulations as would make the law effective. Under the authority thus conferred the Joint Committee on Printing in the following year curtailed the printing of this surplus by nearly 300,000,000 printed pages; to be exact, 279,598,837, the equivalent of 559,197 volumes of 500 pages each. There was in connection with the CONGRESSIONAL RECORD alone a saving of $42,728, on the Yearbook a saving of $37,598.73, and on the publications of the Geological Survey, provided by law for distribution by Congress, a saving of $19,691.60. This last-named item last year was even more gratifying, amounting to $37,513.47, after allowing for the cost of all reprints. These results are all the more encouraging when it is remembered that these curtailments constituted what had been before an entirely undistributed surplus.

This surplus was further reduced by a joint resolution recommended by the commission and approved January 15, 1908. Prior to that date publications intended for distribution to depository libraries were withheld for binding and did not reach the libraries until from one to three years after the date of their publication. In the meantime Senators and Representatives and the various executive departments were called upon to supply copies to these libraries. Later, when the copies intended for them were received, the others were returned to the superintendent of documents.

Already approximately 3,000,000 volumes of surplus have been proposed for condemnation and sale as waste, having occupied valuable space and having constituted a menace to the safety of one of the buildings in which they were stored. It is proper, however, to state that these documents were first offered to approximately 8,000 libraries, to the various executive departments, and to the document rooms of the Senate and House of Representatives. This accumulation will be stopped through the operation of the legislation heretofore referred to.

BULK APPROPRIATIONS.

For more than thirty years the appropriations for the public printing and binding have been in bulk, without being limited to certain specific uses, as in the case of the appropriations for the various executive departments. This, in the opinion of the commission, has led to gross extravagance, if not to censurable abuse. There appeared to be no relation between the estimates submitted to Congress and the expenditures from appropriations based thereon, but made in connection with appropriations for other necessary expenditures without any of the usual limitations. In 1907 the estimates for machinery, etc., were $90,000, and the expenditures were $388.253.81. In 1908 the estimates were $80,000, and the expenditures in the first six months were $498,373.64, or more than six times the estimate for the entire year. The commission has recently recommended that in future appropriations for the public printing and binding there should be some approach in this respect to the limitations placed upon other appropriations.

In view of the condition above stated, the Joint Committee on Printing on May 25, 1908, adopted a resolution, which was certified to the Public Printer, requesting that in relation to purchases not included in annual contracts, when the estimated needs of his office exceeded the sum of $1,000 the Joint Committee on Printing be consulted in advance of purchase when Congress was in session and the Secretary of the Interior when Congress was not in session. This resolution, which related chiefly to purchases of machinery, and which specifically excepted contracts for illustrations, etc., was in harmony with existing provisions of law in relation to open-market purchases of paper.

SUPERVISION OVER MANUSCRIPTS.

Another glaring abuse was found in the fact that the various executive departments and government establishments to which appropriations and allotments of appropriations for printing were regularly made were permitted to transmit their reports to Congress and to have them first printed at congressional expense without charge to their own appropriations for composition, electrotyping, illustration, etc. They were transmitted without even a pretense of estimate of cost. Single reports costing in excess of $60,000 were printed for the departments by Congress, and even the heads of the bureaus from which they emanated, much less the heads of departments, had no knowledge and were not required to have knowledge of the original cost of these publications. Under the operation of the policy recommended by the commission many of the departmental publications have been reduced in volume more than one-half, and in other instances department heads have requested to be relieved of the further publication of certain reports.

The effect of this enactment may be further illustrated by the statement that the expenditures on account of composition and illustration of publications alone were reduced in 1907, as compared with 1905, by $287,435.18. And it may be further stated that the total expenditures on account of publications for the fiscal year 1907, the first year of the operation of these new provisions of law, were reduced approximately 19 per cent, or in excess of $800,000. This is the feature of the public printing with which the commission has chiefly dealt. These figures, in so far as they relate to printing for executive departments, are based upon official statements of the departments from bills rendered and, as far as they relate to the printing and binding for Congress, are based upon official statements of the Public Printer. It should be further stated in this connection that the printing expenditures for 1905 and for 1907 were measured by the same standard—namely, the schedule of charges which had not been changed. Owing to conditions over which the Joint Committee on Printing had no control no comparative statement of the product of the Government Printing Office for 1908 will ever be possible. This was due to the operations of The Audit System in the office, which were terminated by the commission. The Public Printer states, in his annual report for 1908, relative to certain tables, the following: "Owing to the manner in which the records of the office were kept under the direction of The Audit System it is impossible to make up the information for this table as heretofore submitted." This statement occurs in relation to four tables heretofore submitted with the report.

SCHEDULE OF CHARGES.

An act to provide for executing the public printing and establishing prices thereof, and for other purposes, approved August 26, 1852, fixed a scale of charges under which the public printing and binding was to be performed. The general provisions of this act were superseded by a joint resolution approved June 23, 1860, under the provisions of which the Government Printing Office was established. The official in charge of the Government Printing Office has ever since exercised without restraint discretion in fixing charges for the work performed. For twenty years prior to the last fiscal year the schedule of charges remained practically the same. Such changes as were made from time to time were imperceptible in their general effect and never seriously disturbed any appropriation or allotment of appropriation fixed by Congress. The total expenditures of the office, however, came to exceed the total charges for work performed. This excess for eight years, from 1900 to 1907, inclusive, amounted to $7,962,307.94, almost $1,000,000 per year, which in any commercial establishment would have been charged to the account of profit and loss, less the amount which might have been accounted for as plant improvements.

However, the largest expenditures properly chargeable to plant account in any one year occurred in 1904, amounting to $598,140.70. The average for the period above named was $323,287.11 per year. It has been customary for the executive departments to base their estimates for printing and binding upon the averages of their past experience. Congress, guided by the same policy, fixed the printing appropriations and allotments. The Public Printer, without notice to or consultation with any department or office charged with supervision over these appropriations or allotments, in November, 1907, arbitrarily changed the rate of charges, increasing them in some instances more than 50 per cent. Upon complaint of the departments an investigation was ordered and the report thereon directed attention to the matter of the importance to the departments of being thereafter advised of such proposed changes long enough in advance to readjust their estimates and secure a corresponding readjustment of appropriations. Subsequently, a more general investigation and report in relation to affairs of the Government Printing Office also directed attention to this subject, with a similar recommendation.

A change in the head of the office in June, 1908, after the appropriations for the current fiscal year had been fixed in the law, resulted in a further arbitrary exercise of this power conferred upon the Public Printer to fix upon the product of the office any charges which might suit his fancy. When this last change in the schedule of charges was proposed, the Public Printer was advised by telegram that the subject was regarded by the commission as one of such importance that the secretary of the commission had been directed to confer with him upon it. While the commission had no power to restrain the Public Printer, it indulged the hope that he might be persuaded to avoid the error which had within a year been so fatal to the administration of his predecessor in office. Notwithstanding the official reports on the subject heretofore referred to, and notwithstanding this kindly warning of the commission, the Public Printer proceeded without hesitation in the arbitrary exercise of his power. As a result, the integrity of every appropriation and allotment of appropriation fixed by Congress was destroyed. Appropriations and allotments of appropriations fixed by Congress were changed in some respects more than 50 per cent, and the average of these changes for the first three months of the fiscal year, as applied to the entire product of the office, was approximately 8 per cent. In the opinion of the commission the law which vests this power in the Public Printer without restraint in effect delegates to that official the power vested in Congress to fix appropriations. Necessarily Congress and its committees in dealing with problems so complex must insist upon conditions that will be as nearly stable and uniform as legislation and proper administration may afford. Congress has neither the time nor the opportunity to intelligently adjust the questions of dispute which must arise when an appropriation is thus unsettled. The commission, as well as the Committees on Appropriations, are asked from time to time to consider and adjust questions arising from these arbitrary changes which should not consume their time.

In order to afford even an approach to a continuous comparative record of the public printing and binding for the various departments and bureaus of the Government, and in order that Congress might intelligently consider future estimates, it became necessary for the commission to direct the Public Printer to supply to the commission the results of a comparative computation upon the entire product of the office, based upon the new schedule of charges and upon the schedule previously in force. Therefore, in the opinion of the commission, the schedule of charges in force at the Government Printing Office should not be entirely subject to individual discretion. These charges can not properly be determined in detail by statute, but they should be subject to such regulation and restraint as the Joint Committee on Printing may properly impose.

Congress, as well as the departments, should be forever protected against the possibility of a recurrence of these incidents of the past two years. The commission therefore recommends legislation which will provide for the establishment of a schedule of charges in relation to the principal items of cost of the public printing and binding, which shall be subject to regulation by the Joint Committee on Printing. The Public Printer would naturally be consulted to the fullest extent in the establishment and regulation of such charges, and the legislation recommended would, in the opinion of the commission, not only relieve Congress, but the Public Printer and the various executive departments from many questions of dispute which have heretofore needlessly consumed the time of all.

BINDING OF PUBLIC DOCUMENTS.

The commission in the course of its inquiry has received many communications from librarians in charge of the important libraries in relation to the binding of public documents and reports. Since the establishment of the Government it has been customary to bind these publications in leather bindings (principally sheepskin). Radical changes in the methods of tanning, which became general nearly fifty years ago, have been disastrous to the permanency of these bindings. Librarians and publishers have been gradually substituting other materials. Notwithstanding frequent and exhaustive discussions in the conventions of the American Library Association, and notwithstanding the frequent appeals for relief which came to Congress from those in charge of the official files of government publications distributed throughout the United States—publications which remained the property of the Government in the custody of the libraries—the law prevented any relief from this condition by reason of the fact that it specifically provided that these publications should be bound in sheepskin.

The commission, under date of February 5, 1907, addressed a communication to the librarians in charge of the principal libraries of the United States, as well as to others whose expert knowledge on this subject would afford the basis of an intelligent expression. The experts whose opinions were invited were unanimously in favor of some binding other than sheep. The librarians, who were not purchasers, but merely custodians, and who were specifically requested to disregard considerations of cost, were practically unanimous in their desire for a change to materials much less expensive. The cost of sheep binding applied to the publications intended for distribution to the depository libraries for the Fifty-eighth Congress, as shown by an estimate from the Public Printer, was $128,500, and the estimated cost of the binding which the commission finally recommended would have been $38,880. Legislation on this subject was secured by the commission and, under provision of a joint resolution approved January 15, 1908, conferring authority upon the Joint Committee on Printing to regulate this binding, the Public Printer has been directed hereafter to use buckram, after a sample agreed upon by representatives of the American Library Association in conference with representatives of the Library of Congress, the Director of the Bureau of Standards, who conducted the tests applied to various samples submitted, a representative of the commission, and others. The commission will report to Congress separately in detail upon this branch of its inquiry.

ANNUAL REPORT OF PUBLIC PRINTER.

The Public Printer is required by law to report annually to Congress upon the operations of his office. The annual report of this official has been in practically the same form for more than twenty years. A careful study of its contents leads to the unavoidable conclusion that it was originally designed to obscure rather than to enlighten. There is no information in any annual report of the last twenty years that will afford the slightest clew to the comparative product of the office, except as the charges to Congress and the departments for work performed will afford a basis of calculation. These charges were based upon a schedule that was fairly uniform for a considerable period. In other words, the yardstick of price is the only possible standard of measurement. In view of these conditions, the commission, after consultation with accountants of the Government Printing Office, suggested certain classifications calculated in their nature to afford a comparative analysis of the product of the office from year to year, as well as a comparative analysis by bureaus of the work executed for them.

In the meantime such data was obtained as would afford the possibility of comparison in many important respects of the printing of future years with that of the fiscal years 1905, 1906, and 1907. This proposed classification will not be a difficult task, and most of the information required has been carried in the records of the Government Printing Office for many years. With the beginning of the present fiscal year these records were so amended as to afford the opportunity for carrying what later, in the opinion of the commission, will afford a satisfactory statement of the annual product of the office. In relation to the year 1908 no comparison of the product of the office will ever be possible, owing to the operations of the Audit System. The commission in the legislation herewith recommended to Congress provides for a fiscal report, and for a statistical report by departments, from the Public Printer, which shall be submitted to Congress under such arrangement and classification as the Joint Committee on Printing may approve, and imposes at the time upon the various executive departments the necessity of supplying to Congress a report by bureaus upon their printing operations, to be supplied upon blanks which shall be also subject to the approval of the Joint Committee on Printing. The object of the commission will be to relieve the Public Printer of the necessity of classification by bureaus and place upon the various departments the necessity of supplying these bureau reports, with a view to inducing a closer supervision by the departments themselves, and affording the heads of departments opportunity for intelligent analysis of the printing operations of their several bureaus. While placing upon the Public Printer the necessity of slight additional expenditures by reason of these requirements, it proposes in its recommendation to relieve him and the office of the superintendent of documents of the necessity of reporting in detail much that has been of no value either as information to Congress or as a check upon extravagance; so that in the end the clerical assistance necessary to conform with the requirements of the report which the commission has contemplated would, instead of being increased, be materially reduced. At the same time every safeguard has been carefully preserved.

A further advantage of requiring the form of this important report to be subject to the approval of the Joint Committee on Printing will be to avert the possibility of a recurrence of the experiences of the last fiscal year which have rendered impossible any report upon many important operations of the office specifically required by law to be furnished, and from which requirements the Public Printer recently requested to be relieved. It will still further insure such adherence to fixed forms as will remove the chance of further reckless experimentation in bookkeeping and accounting methods based upon individual caprice, and insure such stability and uniformity in records as will afford the opportunity of analytical comparisons.

REIMBURSEMENT OF APPROPRIATION FOR THE PUBLIC PRINTING AND BINDING.

Section 87 of the general printing law approved January 12, 1895, directs that the printing of the various executive departments shall be performed at the Government Printing Office, "except in cases otherwise provided by law." The appropriations for the public printing and binding under control of the Public Printer are for wages, materials, etc. Credits thereunder are allotted to the various executive departments without reference to the several provisions requiring public printing carried in other appropriation acts. While it has been the practice to reimburse the appropriation for the public printing and binding for the cost of labor and materials necessary to the work executed on account of other appropriations, there is no specific provision under which this has been done; and although the comptroller has apparently never been called upon for a ruling on this practice, it is believed by the commission that if placed before him for decision there would not be found any specific provision of law under which the Public Printer could disburse the amounts received for such work.

There was performed at the Government Printing Office during the fiscal year 1907, under appropriations not under control of the Public Printer, but made to departments specifically for printing and binding, $243,754.29, and for printing chargeable to appropriations authorizing printing, but not made specifically therefor, $247,213.68, a total of $490,967.97; and these authorizations for printing required by law to be executed at the Government Printing Office, involving expenditures from appropriations made for wages, materials, etc., are found in the appropriations for almost every government establishment. There was also executed on private orders and for speeches, etc., under authority of law, work involving expenditures appropriated

for wages, materials, etc., amounting to $67,635.76, but under a decision of the comptroller the amounts received for the latter-mentioned work were not available for disbursement by the Public Printer for labor, materials, or other expenses of the Government Printing Office, but were deposited in the Treasury to the credit of miscellaneous receipts. If the disbursements of the office on account of wages, materials, etc., are to be compared with the product of the office, and if the charges for the product of the office upon this showing are to be compared with the charges for work performed by private establishments, the proceeds of this work should reimburse the appropriations for public printing and binding, and legislation in accordance with this principle is embodied in the recommendations of the commission.

SAVINGS EFFECTED BY COMMITTEE ON PRINTING.

The performance of the supervisory duties imposed upon the Joint Committee on Printing under a resolution approved March 30, 1908, is effecting annual savings amounting to approximately $400,000. These savings relate entirely to surplus printing which has heretofore accumulated in warehouses to be eventually sold as waste. Under the operations of the act of March 1, 1907, much valuable time has been saved to both Houses of Congress in affording relief from the consideration of trivial matters of printing, and the printing requirements of Congress have been more promptly met and much surplus printing has been prevented. Under the provisions of the joint resolution approved January 15, 1908, regulating the binding for depository libraries, the committee effected savings exceeding $40,000 per year. In all, the Joint Committee on Printing, through its supervisory regulations alone, are annually saving to the Government considerably more than half a million dollars. And no Senator or Representative can say that the committee has robbed him of any discretion over a single copy of any publication which he had ever previously exercised.

RECOMMENDATION.

The commission respectfully recommends the enactment into law of the provisions embodied in the accompanying draft of bill.

Respectfully submitted.

T. C. PLATT.
S. B. ELKINS.
W. H. MILTON.
C. B. LANDIS.
J. B. PERKINS.
D. E. FINLEY.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 9407) for the relief of the heirs or legal representatives of Stephen M. Holt, which was read twice by its title and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 9408) granting an increase of pension to Frank Wilcox, which was read twice by its title and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 9409) granting a pension to Carrie F. Wright, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 9410) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, which was read twice by its title and referred to the Committee on Commerce.

Mr. PENROSE introduced a bill (S. 9411) to grant an honorable discharge to Dennis O'Brien, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9412) to amend an act entitled "An act to amend an act entitled 'An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows,'" approved February 28, 1903;

A bill (S. 9413) granting a pension to Margaret Crawford Irwin (with an accompanying paper);

A bill (S. 9414) granting a pension to Eliza A. Miller Bradley;

A bill (S. 9415) granting an increase of pension to Henry Wren (with an accompanying paper); and

A bill (S. 9416) granting a pension to surviving officers and enlisted men of the Regular Army who served in the Philippine Islands ninety days or more.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 9417) authorizing the President to promote Lieut. Col. Wilson T. Hartz, U. S. Army, retired, to the grade of brigadier-general, retired; and

A bill (S. 9418) to grant an honorable discharge to Samuel Ruth (with an accompanying paper).

Mr. CLAY introduced a bill (S. 9419) for the relief of the owners of the ship *Amelia*, which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 9420) to transfer Capt. John Clarke Wilson from the retired to the active list of the navy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. LODGE introduced a bill (S. 9423) providing for participation in the Universal and International Exhibition, to be held at Brussels in 1910, which was read twice by its title and, with the accompanying paper, referred to the Committee on Foreign Relations.

Mr. SIMMONS introduced a bill (S. 9424) granting an increase of pension to Jacob Madison Pruitt, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 9425) for the relief of J. A. Denny, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. BURKETT introduced a joint resolution (S. R. 136) authorizing the Secretary of War to donate two condemned cannon to the State of Nebraska, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DICK introduced a joint resolution (S. R. 137) making the 12th day of February a legal holiday, which was read twice by its title and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $123,000 toward the construction of the fireproof buildings for committee rooms and offices of the United States Senate, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $25,000 to enable the army and navy to participate in the Hudson-Fulton celebration to be held on the Hudson River, New York, September 27 to October 2, 1909, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 to compensate Elizabeth G. Martin for the loss of her husband's life while in the employ of the Government on the Isthmian Canal, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Interoceanic Canals and ordered to be printed.

Mr. CLAPP submitted an amendment providing for the distribution of the reports of the United States circuit court of appeals and of the United States circuit and district courts to certain officers of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $250,000 for one steam revenue cutter of the first class for service in the waters of Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS—ROE REISINGER.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Roe Reisinger, accompanying S. R. 13, Fifty-ninth Congress, first session, subject to the provision of clause 2 of Rule XXX.

REPORT OF ISTHMIAN CANAL COMMISSION.

Mr. CURTIS submitted the following resolution (S. Res. 292), which was referred to the Committee on Printing:

Resolved, That there be printed and bound in cloth 1,000 copies of the Annual Report of the Isthmian Canal Commission for 1908, with the accompanying illustrations, for the use of the Senate.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution (S. Res. 293), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized and directed, by subcommittee or otherwise, to examine into all matters relating to the government of the District of Columbia, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recesses or sessions of the Senate, to send for persons and papers, to administer oaths, and to employ such assistance as may be necessary, the expense to be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

NATIONAL-BANK ACT.

Mr. ALDRICH. I ask that the pamphlet entitled "National-Bank Act, as Amended, with Other Laws Relating to National Banks," which I send to the desk, be printed as a document, and that 250 additional copies be printed and bound in paper covers for the use of the Senate document room.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 250 additional copies of Senate Document No. 733, Sixtieth Congress, second session, "The National-Bank Act, as Amended," be printed, bound in paper covers, for the use of the Senate document room.

INDIAN LANDS IN NEBRASKA.

The VICE-PRESIDENT laid before the Senate the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BROWN. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. BROWN. I move that the bill be indefinitely postponed.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BROWN. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. BROWN. I move that the bill be indefinitely postponed.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move the following as an amendment to amendment No. 5.

The VICE-PRESIDENT. The Senator from Maine offers an amendment to amendment No. 5 which will be read.

The SECRETARY. Add at the end of amendment No. 5 the following words:

And hereafter no part of the public moneys or of any appropriation heretofore or hereafter made by Congress shall be used for the payment of compensation or expenses of any commission or any member thereof, unless the creation of such commission shall be or shall have been authorized by Congress.

Mr. LODGE. I thought that went out on a point of order.

Mr. HALE. It was a part of a provision that went out, but in itself it is only a limitation. It was not considered by the Senate.

Mr. NEWLANDS. I did not hear the discussion of the point of order.

Mr. HALE. I had the impression that it was in the bill; I intended to offer it at the end of the bill. But if there is any objection to putting it on the bill at this time, I withdraw it.

The VICE-PRESIDENT. Is there objection?

Mr. LA FOLLETTE. I object.

The VICE-PRESIDENT. Objection is made by the Senator from Wisconsin.

Mr. HALE. I move, then, that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN the conferees on the part of the Senate.

FORT M'PHERSON MILITARY RESERVATION.

Mr. CLAY. I was not present this morning when a report was made on the bill (H. R. 27864) granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes. It is a local matter, where the work needs to go on at once. It relates solely to my State. I ask that the bill be taken up and placed on its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CLAY. I ask that the Senate bill on the same subject be indefinitely postponed.

Mr. OVERMAN. The Senate bill was indefinitely postponed.

The VICE-PRESIDENT. It was indefinitely postponed on the motion of the Senator from North Carolina.

Mr. CLAY. All right. I did not know it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 18, 1909:

S. 8510. An act to extend the time of payments on certain homestead entries in Oklahoma;

S. 8422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors;

S. 8628. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8629. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors.

On February 19, 1909:

S. 8898. An act granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors.

TRANSPORTATION OF DUTIABLE MERCHANDISE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement.

Mr. PILES. I move that the Senate recede from its amendments to the bill.

The motion was agreed to.

MAJ. G. S. BINGHAM.

The VICE-PRESIDENT laid before the Senate the following message of the President of the United States, which was read and, on motion of Mr. TALIAFERRO, was, with the accompanying bill, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate of February 16, 1909 (the House of Representatives concurring), I return herewith Senate bill No. 6891, for the relief of Maj. G. S. Bingham.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 18, 1909.*

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 26203, the pension appropriation bill.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. LODGE. The motion is not debatable.

The VICE-PRESIDENT. It is not debatable.

Mr. LA FOLLETTE. I understood that, Mr. President. I rose to make a statement, which I know I can make only by unanimous consent.

The VICE-PRESIDENT. Is there objection?

Mr. McCUMBER. I have no objection. I do not understand what the Senator desires.

Mr. LA FOLLETTE. I will state it very briefly, if I am permitted; otherwise I will wait until I can state it within the rule.

Mr. McCUMBER. I will yield to the Senator.

Mr. LA FOLLETTE. I rose just to say, Mr. President, that I am a member of the committee reporting this bill; that I was present during the consideration of the bill in the committee; that it is reported with an extended report explaining its provisions; and that it appropriates money to carry out existing law.

However, if any Senator on this floor desires that it shall go over one day that he may have an opportunity to examine it, I would be glad to join in such a request. Otherwise, I have no request to make in respect to its going over for a day, because I am familiar with its provisions.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Pensions with amendments.

Mr. McCUMBER. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached in the reading.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Pensions was, in the item for army

and navy pensions, on page 2, line 5, after the word "separately," to insert the following proviso:

And provided further, That when an additional pension has been, or may hereafter be, granted by special act to a widow or guardian on account of a helpless child, such additional pension shall in no wise affect the rate of pension the widow may be entitled to independent of such additional allowance.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to strike out:

For salary of one agent for the payment of pensions, $4,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to strike out:

For clerk hire, and other services, in the pension agencies, $335,000: *Provided*, That the amount of clerk hire, and other services, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to insert:

For salaries of agents for the payment of pensions, at $4,000 each, $72,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

For clerk hire and other services, in the pension agencies, $400,000, or so much thereof as may be necessary: *Provided*, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert:

For rent, New York agency, $4,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert:

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, $1,500.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "vouchers," to insert:

And provided further, That hereafter the settlement of all claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions.

So as to make the clause read:

For stationery and other necessary expenses, $30,000: *Provided*, That the Secretary of the Interior shall hereafter furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers: *And provided further*, That hereafter the settlement of all claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. McCUMBER. Mr. President, I think it appropriate to give a short explanation of some of these amendments before the Senate finally votes on them, and for the reason that I expect to ask for a yea-and-nay vote upon one of the amendments as it comes before the Senate.

Mr. President, the appropriation carried by the bill, as reported by your committee, is $2,000,000 less than last year for the payment of pensions, and that notwithstanding the fact that we added 38,682 new pensioners to the pension roll. It is $10,000 less for clerk hire at the various agencies; it is $100,000 less for fees and expenses of examining surgeons, and $35,000 less for stationery, making a total decrease in this bill over last year of $2,145,000.

There was added to the roll more than $38,000 by reason of the widows' pension act which was passed last year, and notwithstanding that addition there has been a decrease in the pension roll of nearly 16,000. This decrease in the last year is made up as follows:

By death, 50,676; by remarriage, 944; by minors arriving at age, 1,025; by failure to claim for over three years, 711; for other causes, 11,010; making a total of 54,366.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. With pleasure.

Mr. GALLINGER. I ask the Senator if the decreased number from death of 50,000 includes survivors and widows and children that may be on the roll?

Mr. McCUMBER. It includes all who survive, including children.

Mr. GALLINGER. Can the Senator state, approximately, the number of survivors of the war who have died during the year?

Mr. McCUMBER. I think I have it here. I will find it before I get through, but I can not recall it at the present time.

Mr. OVERMAN. I wish to ask the Senator what is the net increase or decrease? We could not hear him on this side of the Chamber.

Mr. McCUMBER. The total decrease by death is 54,366. More than 38,000, however, have been added by reason of the special widows' pension act of last year.

The first amendment, Mr. President, is to cover this condition. The pension act of last year granted to all widows, irrespective of the amount of income, who were receiving less than $12 per month a rate of $12 per month. The construction given by the department was that a widow who was receiving $8 a month in her own behalf and also $8 a month for a dependent child was receiving over $12 per month and could not come under the provisions of the law. That was not the intent of Congress, and this amendment is to make certain that provision of the law.

The next amendment is the continuance of the eighteen agencies instead of reducing to a single agency, as is proposed in the bill as passed by the House.

The third change provides that the settlement of claims for reimbursement of expenses of last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions and that he shall be in charge. The existing law provides that such settlement shall be under the direction of the Auditor of the Treasury for the Interior Department, and much confusion has arisen because that department had not the complete files in each case. This amendment was made at the suggestion of the Commissioner of Pensions.

This covers the several amendments. There is one amendment with which we have had considerable trouble at each session of Congress, and that is the question of the reduction of the agencies. Your committee reported last year in favor of the continuance of the agencies as now provided by law. The report that was made at that time is very proper now, and I will ask the Secretary to read it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The report of the House Committee on Appropriations gives the reasons which actuated that committee in recommending this reduction, and it is possible that its estimate—the savings of from $100,000 to $150,000 annually might result from the abolishment of the several agencies—may be correct; but in the opinion of your committee it is probable that these savings, which only amount to about 20 cents per annum for each pensioner, will be more than offset by the added inconvenience to the great army of pensioners. It may be added that from a statement furnished by the Commissioner of Pensions it appears that the cost per capita of the payment of pensions by a majority of the agencies is considerably less than the cost per capita by the Washington agency. Your committee is unanimously opposed to the centralization of this branch of the public service in the city of Washington. It is therefore recommended that the present agencies be retained and that the bill be amended in accordance with the existing law relative to the conducting of the agencies and the apportionment of the clerk hire.

Mr. McCUMBER. Mr. President, I received in my mail yesterday a memorandum on the consolidation of the pension agencies prepared by one of the judges of our district court, which is so clear and so explanatory of the several questions which arise in the discussion of this proposition that I ask that the Secretary read it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MEMORANDA ON CONSOLIDATION OF PENSION AGENCIES.

The Secretary of the Interior has recommended that the 18 pension agencies, now located in 16 States, be consolidated into one agency at Washington, D. C., presumably in the Pension Bureau. The House of Representatives has acted favorably thereon and the matter is now before the Senate committee.

It is claimed that the payment of pensions could be done efficiently from one office at Washington at a saving of from $200,000 to $250,000 per annum.

It may be admitted that the salaries of 17 pension agents, amounting to $68,000 annually, would be saved.

It may also be conceded, perhaps, that through capable reorganization and systemization following a union of agencies some saving of labor would ensue. One hundred thousand dollars, or about one-fifth of the total annual cost of all the agencies, would seem to be a liberal estimate for this.

Against the annual economy of $168,000 should be charged the difference between the average salary of the agency clerk and the Pension Bureau clerk at Washington. This item, calculated upon the whole number of agency clerks, amounts to about $125,000.

The payment of all pensioners from Washington would increase the mail to be handled at the post-office there probably 10,000,000 pieces annually, which would certainly increase materially the expense of that office, while the work of no post-office where an agency was discontinued would be reduced enough to lessen its expense. The item of expense thus created when charged against the alleged saving would leave little, if any, real gain, unless, as seems to be the general impression, the Bureau of Pensions, owing to the decline in its work of granting claims, has a surplus of employees whom it desires to employ with a large part of the agency work of disbursement, and thus dismiss many agency clerks from service.

The Commissioner of Pensions, in his last annual report, states that no reduction in the clerical force of the bureau has occurred, except through death, resignation, or for cause, and strongly indorses this practice in justice to the employees. No one is disposed to question the fairness or wisdom of his view, or that it should apply with less force to the pension-agency clerks, who are on no different footing, with reference to the civil-service laws, and who are doing equally efficient work on a much less average compensation and a longer average day.

With every executive department growing with the natural expansion of governmental affairs, there would seem to be no reason why competent clerks no longer needed in the Pension Bureau should not be transferred to other bureaus instead of admitting new and inexperienced service.

The chief objection, however, to the proposed legislation is furnished by the convenience and expeditious operation of the present agency system. It has been in use forty years. Its results are good. The great army of pensioners—nearly a million—and those interested in their welfare are satisfied, and this is worth more than any theoretical saving thus far estimated on paper.

Pension money is essentially an emergency asset. The great majority of pensioners spend it for current necessities. They anxiously await it, have immediate use for it, and many promise its payment in advance for urgent needs. In this sense, its peculiar character is quite generally recognized throughout the States by the statutory exemption of pension money and certain kinds of property purchased therewith from execution. So that to locate the disbursement of these enormous urgency funds on the edge of the continent, far remote from the great body of beneficiaries (and possibly further impede their circulation by red-tape methods, proverbially incident to departmental practice), seems, at best, but a doubtful reform. At present the agency points of distribution are reasonably near to the pensioners whose quarterly checks are promptly received. The thousands of imperfectly executed vouchers returned quarterly for correction cause no extreme delay and correspondence concerning payments is facilitated. In large cities like New York, Philadelphia, Pittsburg, Chicago, and San Francisco, where pensioners are largely segregated, the matter of proximity is especially important. In fact, the economy in time is the valuable consideration under the present plan of payment, and this must be largely sacrificed by consolidation at a point so far from the center of both population and territory at Washington, D. C.

Mr. McCUMBER. Mr. President, we had this same subject in conference between the two Houses for a great many days during the last session, even growing into weeks. The House finally agreed to the Senate amendment. The sentiment of the Senate may have changed since that time on some of these provisions, and I should like to have a yea-and-nay vote on concurring in the amendment relating to pension agencies, so that the committee may be informed as to the present sentiment of the Senate on that subject. I ask for a yea-and-nay vote on the amendment.

Mr. KEAN. Is this to retain the present agencies?

Mr. McCUMBER. I ask for a vote upon the committee amendment to the House bill and continuing the several agencies.

Mr. McCREARY. I ask that the question be stated. I was not able to hear the Senator from North Dakota, but I understand his reference was to the pension agencies. What is the request of the Senator from North Dakota?

Mr. McCUMBER. I simply want a yea-and-nay vote upon the question of concurring in the amendment continuing the present agencies.

Mr. McCREARY. Very well.

Mr. BURKETT. The vote will be on concurring in the amendment to continue the present agencies, as I understand?

Mr. McCUMBER. Yes.

Mr. BURKETT. Then a vote "yea" will be in favor of the continuance of the agencies?

Mr. McCUMBER. A vote "yea" will be in favor of a continuance of the agencies.

Mr. BURKETT. And a "nay" vote in favor of a consolidation in Washington?

Mr. McCUMBER. Yes.

Mr. McCREARY. Does the Senator from North Dakota move to strike out from the bill the provision of the House or to insert a provision?

Mr. McCUMBER. The motion, of course, would be not only to strike out the House provision but to insert in lieu thereof the Senate provision.

Mr. McCREARY. A "yea" vote, as I understand, is for the agencies to remain as they are.

Mr. McCUMBER. Yes.

The VICE-PRESIDENT. Will the Senator from North Dakota state his proposition?

Mr. McCUMBER. The amendment is to strike out from line 14 to line 20, inclusive, on page 2, and to insert in lieu thereof lines 21 to 25, on page 2, and from line 1 to line 12, on page 3.

The VICE-PRESIDENT. From line 21, on page 2, to line 5, inclusive, on page 3, is it not?

Mr. McCUMBER. To line 12, on page 3.

The VICE-PRESIDENT. The question will be upon concurring in the amendment made as in Committee of the Whole, striking out the provision for one pension agency and inserting the provision for the continuation of the agencies as they now exist.

Mr. McCUMBER. That is correct. I ask for a yea-and-nay vote upon the proposition.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. FULTON (when his name was called). I have a general pair with the Senator from Arkansas [Mr. DAVIS], who is absent. I am told, however, that there is no objection to my voting, and I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. OWEN (after having voted in the negative). I wish to withdraw my vote, the Senator from Illinois [Mr. HOPKINS], with whom I am paired, being absent.

Mr. GALLINGER. The senior Senator from Illinois [Mr. CULLOM] is unavoidably absent from the Chamber, and authorized me to say that, if present, he would vote "yea" on this question.

The result was announced—yeas 67, nays 2, as follows:

YEAS—67.

Aldrich	Cummins	Gary	Penrose
Ankeny	Curtis	Gore	Perkins
Bacon	Daniel	Guggenheim	Piles
Bankhead	Depew	Hansbrough	Rayner
Borah	Dick	Heyburn	Richardson
Bourne	Dillingham	Kean	Scott
Brandegee	Dolliver	Kittredge	Simmons
Briggs	du Pont	La Follette	Smith, Md.
Brown	Elkins	Lodge	Smith, Mich.
Bulkeley	Flint	Long	Smoot
Burnham	Foraker	McCreary	Stone
Burrows	Foster	McCumber	Sutherland
Carter	Frazier	Martin	Taliaferro
Clapp	Frye	Nelson	Teller
Clark, Wyo.	Fulton	Nixon	Warner
Clay	Gallinger	Page	Wetmore
Crane	Gamble	Paynter	

NAYS—2.

Burkett	Overman

NOT VOTING—23.

Bailey	Dixon	McEnery	Platt
Beveridge	Hale	McLaurin	Stephenson
Clarke, Ark.	Hemenway	Milton	Taylor
Culberson	Hopkins	Money	Tillman
Cullom	Johnston	Newlands	Warren
Davis	Knox	Owen	

So the amendment was concurred in.

The VICE-PRESIDENT. In the absence of objection, the other amendments made, as in Committee of the Whole, will be concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARMY APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 26915) making appropriations for the support of the army for the fiscal year ending June 30, 1910.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26915) making appropriations for the support of the army for the fiscal year ending June 30, 1910, which had been reported from the Committee on Military Affairs with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered. Is there objection? The Chair hears none, and it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill and read to the end of line 21, on page 2.

Mr. LA FOLLETTE. Mr. President, I was out of my seat for just one moment when the chairman of the Committee on Military Affairs called up the army appropriation bill. I wish to say, if I may interrupt the reading for just a moment, that I had made a request to have the bill go over for one day, and I know that other Senators have made the same request. I want now to inquire, if the consideration of the bill is to be forced to-day, whether the chairman will not make an extended and full explanation of all the changes of existing law, as well

as all the increases made by the Senate committee over the appropriations made by the House committee, at the conclusion of the first reading of the bill?

Mr. WARREN. Mr. President, I shall of course expect to hold myself in readiness to explain any of the provisions of and amendments to the House bill at the end of the reading or as we go along.

The reading of the bill was resumed. The first amendment of the Committee on Military Affairs was, under the subhead "Office of the Chief of Staff," in the item for United States service schools, on page 3, line 7, after the word "dollars," to insert the following proviso:

Provided, That from the enlisted force of the army now provided by law the President may authorize the organization of school detachments at each of the service schools, and may authorize the appointment therein of such noncommissioned officers, mechanics, artificers, farriers, horseshoers, and cooks as may be necessary for the administration of such school: *Provided*, That nothing herein shall be construed as to authorize an increase in the total number of enlisted men of the army now authorized by law.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

Contingent expenses at military posts: For the official entertainment of foreign military and naval representatives and other distinguished guests while visiting officially the military posts of the United States Army, to be expended by the Chief of Staff of the Army, under the direction of the Secretary of War, $2,500.

The amendment was agreed to.

The next amendment was, under the subhead "Under the Chief of Artillery," on page 4, line 10, before the word "school," to strike out "defense" and insert "artillery," so as to read:

Coast artillery school, Fort Monroe, Va.: For incidental expenses of the school, including chemicals, stationery, hardware.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," on page 7, line 9, after the word "California," to insert "Fort D. A. Russell, Wyo.," so as to make the clause read:

Annunciator buzzer systems at target ranges: For installation of annunciator buzzer systems at target ranges at Fort Ethan Allen, Vt.; Fort Niagara, N. Y.; Fort Leavenworth, Kans.; Fort Riley, Kans.; Fort Sam Houston, Tex.; Fort Sheridan, Ill.; Presidio of Monterey, Cal.; Fort D. A. Russell, Wyo.; and Fort William McKinley, P. I., $18,200.

The amendment was agreed to.

The next amendment was, on page 7, line 17, before the word "dollars," to insert "one hundred and eight thousand eight hundred," so as to read:

For pay of officers of the line, $7,108,800.

Mr. LA FOLLETTE. I should like to ask the chairman the necessity for the increase.

Mr. WARREN. The increase is estimated for, and the information of the committee is that the present strength of the army will require fully as much as this, and perhaps more. We put it in here to avoid its coming in later as a deficiency. Last year there was more than $4,000,000 of army deficiency. As the Senator knows, the statutes provide for the pay of officers and men, and whether we appropriate enough or not, they have to be paid and will be paid just the same. So it is a question merely as to whether we will have it here in its proper place or be compelled to put it in a deficiency bill following next year. It is within the estimate, I will say to the Senator, and the estimate is cut to a little below, for that matter, the present strength of the army, and is believed to be as low as prudence will admit of its being cut.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "dollars," to insert:

Provided, That the accounting officers of the Treasury are hereby authorized and directed to allow payments for exercising higher command under the provisions of section 7 of the act approved April 26, 1898 (30 Stat. L., p. 364), which have been made between the date of the passage of said act and March 18, 1907, in accordance with the regulations and decisions then existing: *Provided, also*, That where disallowances have been made, the Auditor for the War Department is hereby authorized to reopen said settlements and credit to the claimants any sums which have heretofore been deducted under the head of increased pay for the exercise of higher command.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "dollars," to strike out "thousand" and insert "and thirty-two thousand seven hundred and eighty," so as to make the clause read:

For additional pay for length of service, to be paid with their current monthly pay, $1,632,780.

The amendment was agreed to.

The next amendment was, on page 8, line 15, before the word "dollars," to strike out "fifteen million five hundred thousand" and insert "sixteen million seven hundred and forty-eight thousand and ten," so as to make the clause read:

For pay of enlisted men of all grades, including recruits, $16,748,010.

Mr. LA FOLLETTE. This amendment seems to be an increase of $1,200,000 over the provision made for the pay of enlisted men in the bill as it passed the House. It seems to me it calls for some statement or explanation from the chairman of the committee.

Mr. WARREN. The same general statement that I have heretofore made will apply to this item.

Mr. LA FOLLETTE. Is it provided for in the estimates of the department?

Mr. WARREN. Yes. I will say to the Senator that the amendment upon which he requested information a moment ago was for the commissioned officers.

Mr. LA FOLLETTE. Yes.

Mr. WARREN. This is for the enlisted men of the line. It is within the estimate. The committee had before it the Paymaster-General, the Chief of Staff, and several other officers, and, after close questioning, it was believed that the estimate had been "cut to the bone," as they termed it, and we felt that we ought to put in here the estimate, which the House had failed to do. This, as in the case of the other item, is a matter of statute, and must be paid, and we either have to incorporate it here or we will be bound to pass it in the form of a deficiency.

Mr. LA FOLLETTE. Do I understand the Senator to say that this increase is in accordance with the estimates originally submitted to the committee?

Mr. WARREN. It is.

Mr. LA FOLLETTE. Did the House committee, if I may inquire further, if the Senator knows, have the same estimate before it?

Mr. WARREN. It did.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the word "thousand," to strike out "six hundred" and insert "seven hundred and fifty," so as to make the clause read:

For additional pay for length of service, $1,750,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 8, to insert:

Private secretary to Chief of Staff, $2,400.

The amendment was agreed to.

The next amendment was, on page 12, line 21, before the word "and," to strike out "forty-four thousand six hundred" and insert "forty-seven thousand," so as to make the clause read:

In all, $347,040.

The amendment was agreed to.

The next amendment was, on page 14, line 18, before the word "dollars," to strike out "three hundred thousand" and insert "four hundred and fifty-one thousand one hundred," so as to read:

Medical Department: For pay of officers in the Medical Department, $1,451,100.

The amendment was agreed to.

The next amendment was, on page 14, after the word "dollars," in line 18, to insert:

Provided, That any major of the Medical Corps on the active list of the army who, at his first examination for promotion to the grade of lieutenant-colonel in said corps, has been or shall hereafter be found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank in said corps as are or may become eligible to promotion under existing law during the period of his suspension; and any officer suspended from promotion, as hereinbefore provided, shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty, he shall be retired, with the rank to which his seniority entitles him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason, he shall be retired without promotion.

The amendment was agreed to.

The next amendment was, on page 16, in line 19, after the word "cents," to insert the following proviso:

Provided, That hereafter when an officer of the line of the Regular Army, whose original commission in the army is dated prior to October 1, 1890, and who has been passed over by his juniors in length of commissioned service in the same branch of the line, is retired under existing law, he shall be retired with the rank and pay of the grade which he would have attained if promotion in the several grades from second lieutenant to colonel, inclusive, had been carried out lineally and by seniority in the several branches of the line prior to the act of Congress approved October 1, 1890, regulating promotions: *And provided*, That nothing herein contained shall be construed to mitigate or remove loss

of rank which any officer may have suffered by sentence of court-martial, action of examining board, or voluntary transfer: *And provided further*, That nothing herein contained shall be construed to deprive any officer upon retirement of the rank he now holds, to which he may attain at any future time, or to which he may be entitled by law upon retirement.

The amendment was agreed to.

The next amendment was, on page 17, after line 16, to insert:

For pay of retired officers on active service, $150,800.

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to insert:

For additional pay to such officers for length of service, to be paid with their current monthly pay, $54,120.

The amendment was agreed to.

The next amendment was, on page 18, line 5, after the word "force," to insert:

And provided further, That any officer of the Medical Department, U. S. Army, below the grade of brigadier-general, who served creditably as an acting assistant surgeon in the army during the civil war prior to April 9, 1865, and has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age, or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the army with the rank and retired pay of one grade above that actually held by him at the date of his retirement.

The amendment was agreed to.

The next amendment was, on page 18, line 19, after the word "million," to insert "two hundred thousand," so as to read:

For pay of the enlisted men of the army on the retired list $2,200,000.

The amendment was agreed to.

The next amendment was, on page 21, line 5, before the word "thousand," to insert "and twenty-five," so as to make the clause read:

For mileage to officers and contract surgeons when authorized by law, $625,000.

The amendment was agreed to.

The next amendment was, on page 21, line 18, before the word "to," to strike out "including heat and light," so as to make the clause read:

For subsistence, mileage, and commutation of quarters to officers of the National Guard attending service and garrison schools, $17,000.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 23, line 24, after the word "appropriated," to strike out ", except the appropriation for mileage of officers and contract surgeons when authorized by law," and on page 24, line 1, after the word "miscellaneous," to insert "except the appropriation for mileage of officers and contract surgeons when authorized by law," so as to make the clause read:

All the money hereinbefore appropriated for pay of the army and miscellaneous, except the appropriation for mileage of officers and contract surgeons when authorized by law, shall be disbursed and accounted for by officers of the pay department as pay of the army, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 24, line 18, before the word "thousand," to strike out "four hundred and twenty-five" and insert "six hundred," so as to make the clause read:

Encampment and maneuvers, organized militia: For paying the expenses of the organized militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1911, $600,000.

The amendment was agreed to.

The next amendment was, under the subhead, on page 25, line 12, after the word "enlistment," to insert:

Provided, That hereafter the Secretary of War may authorize the temporary appointment of such number of sergeants and corporals in the companies at the general recruiting depots as may be necessary for the proper control and instruction of the varying number of recruits attached to such companies.

The amendment was agreed to.

The next amendment was, on page 27, line 22, after the word "army," to insert "for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony, to be immediately available, $1,587."

Mr. WARREN. I desire to offer an amendment to the amendment by adding, after the word "available," in line 24, the words "and to be expended from this appropriation."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, line 14, after the word "men," to insert "for officers of the National Guard attending service and garrison schools," so as to read:

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts, and repair and maintenance of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for officers of the National Guard attending service and garrison schools.

The amendment was agreed to.

The next amendment was, on page 31, line 8, after the word "expenses," to strike out "Cost" and insert "Postage; cost," so as to read:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department.

The amendment was agreed to.

The next amendment was, in the item for horses for cavalry, artillery, and engineers, on page 34, line 8, after the word "purposes," to strike out:

Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by army regulations for cavalry and artillery horses.

The amendment was agreed to.

The next amendment was, on page 34, line 17, after the word "War," to strike out "and the Auditor for the War Department is authorized and directed to remove any suspensions of accounts of quartermasters for the fiscal years 1907 and 1908, for the purchase of furniture where the same has been or may be approved by the Secretary of War."

The amendment was agreed to.

The next amendment was, on page 35, line 14, before the word "dollars," to strike out "two million five hundred thousand" and insert "four million," so as to read:

Provided further, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks, and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $4,000,000.

The amendment was agreed to.

The next amendment was, on page 35, line 16, after the word "college," to insert:

Provided further, That $15,000 of this sum may be used for the construction of a chapel on the military reservation at Fort Des Moines, Iowa: *And provided further*, That $1,700 may be expended for the completion of stable at the engineer post, Washington Barracks, D. C.

Mr. WARREN. As a committee amendment, in line 20, after the word "dollars," I move to insert:

Of the foregoing total amount.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in the item for transportation of the army and its supplies, on page 39, line 5, after the word "million," to strike out "two hundred and fifty thousand dollars" and insert "six hundred and thirty-two thousand eight hundred and forty-six dollars and fifty cents," so as to read:

In all $12,632,486.50.

The amendment was agreed to.

The next amendment was, on page 39, line 9, after the word "construction," to insert "and repair;" and in line 15, before the word "dollars," to insert "one hundred and fifty thousand," so as to make the clause read:

Roads, walks, wharves, and drainage: For the construction and repair by the Quartermaster's Department of roads, walks, and wharves; for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves; for the pay of employees; for the disposal of drainage; for dredging channels and for care and improvement of grounds at military posts and stations, $1,150,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 23, to insert:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, $350,000, to remain available until the close of the fiscal year ending June 30, 1911.

The amendment was agreed to.

The next amendment was, on page 40, line 22, before the word "thousand," to strike out "seven hundred" and insert "three hundred and fifty," so as to make the clause read:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $350,000.

The amendment was agreed to.

The next amendment was, on page 42, line 6, before the word "thousand," to strike out "ten" and insert "fifty-five," and in line 9, after the word "Mexico," to insert "and that $45,000 may be used for the construction of a hospital at Fort Yellowstone, in the Yellowstone National Park," so as to make the clause read:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $455,000: *Provided*, That $85,000 of this sum may be used for construction of additional ward buildings for the United States Army General Hospital at Fort Bayard, N. Mex., and that $45,000 may be used for the construction of a hospital at Fort Yellowstone, in the Yellowstone National Park.

Mr. WARREN. In line 10, after the word "dollars," I move to insert the words "of the foregoing total amount."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 42, line 23, before the word "and," to strike out "fifty-five thousand five hundred" and insert "eighty-two thousand one hundred," so as to read:

Shooting galleries and ranges: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $182,176.50.

The amendment was agreed to.

The next amendment was, in the item for shooting galleries and ranges, on page 43, line 7, after the word "available," to insert the following proviso:

Provided further, That $18,000, or so much thereof as may be necessary, shall be immediately available for the purchase of 1,400 acres of land, more or less, adjoining the military reservation of Fort D. A. Russell, Wyo., as an addition to the rifle range: *And provided further*, That $3,600, or so much thereof as may be necessary, shall be immediately available for the purchase of the southeast quarter of the northwest quarter and the east half of section 2, in township 1 south, range 1 east of the Salt Lake meridian, as an addition to the target range of Fort Douglas Military Reservation, in the State of Utah: *And provided further*, That $5,000, or so much thereof as may be necessary, shall be immediately available for the repair and improvement of the United States rifle range and wharf at Pensacola, Fla.

Mr. WARREN. In line 7, on page 43, after the word "That," I move to insert "of the foregoing total amount;" in line 13, after the word "dollars," to insert the same language; and in line 19, after the word "dollars," to insert also the words "of the foregoing total amount."

The amendments to the amendment were agreed to.

Mr. LA FOLLETTE. I ask the chairman of the committee to state the reasons for this change.

Mr. WARREN. Will the Senator state what he desires?

Mr. LA FOLLETTE. I desire some information in respect to this entire provision.

Mr. WARREN. The addition of rifle ranges or hospitals?

Mr. LA FOLLETTE. The necessity for incorporating the provision in the bill.

Mr. WARREN. As to hospitals or rifle ranges?

Mr. LA FOLLETTE. The Senate amendment.

Mr. WARREN. On page 43?

Mr. LA FOLLETTE. On page 43.

Mr. WARREN. Mr. President, on account of the adoption of smokeless powder and of new arms which carry projectiles very much farther than the old, the target ranges of some of the posts have been found too restricted. The consequence has been that the live stock of farmers and neighbors has been killed, and we have had large damages to pay on account of the rifle practice. So these are additions sufficient in size to insure the use of rifle ranges that otherwise would be practically useless with the present arms and the present explosives used.

The amendment as amended was agreed to.

The next amendment was, on page 44, after line 6, to insert:

Buildings on Corregidor Island, Philippine Islands: For the construction on Corregidor Island, Philippine Islands, of storehouses for the Quartermaster's, Subsistence, Ordnance, and Medical departments of the army, $250,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 11, to insert:

Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Quartermaster's Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been apportioned by the Quartermaster-General for the expenditure. When such disbursements are made, the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," in the item for the medical and hospital department, on page 46, line 10, after the word "Arkansas," to insert the following proviso:

Provided, That hereafter all persons admitted to treatment in the Army and Navy General Hospital at Hot Springs, Ark., shall, while patients in said hospital, be subject to the rules and articles for the government of the armies of the United States.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 47, line 10, before the word "dollars," to strike out "eleven thousand five hundred" and insert "twenty thousand," so as to make the clause read:

Engineer depots: For incidental expenses of the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, and laborers, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; repairs of, and for materials to repair, public buildings, machinery, and unforeseen expenses, $20,000.

The amendment was agreed to.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. At an early hour I shall ask unanimous consent to fix a time for a vote on the bill, but for the present I ask that it may be laid aside temporarily.

The VICE-PRESIDENT. The Senator from Montana asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

The next amendment was, under the subhead "Ordnance Department," on page 50, line 4, after the word "service," to insert "and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and state soldiers and sailors' orphans' homes, to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions does not exceed $30,000;" and, in line 12, before the word "thousand," to insert "and thirty," so as to make the clause read:

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and state soldiers and sailors' orphans homes, to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions does not exceed $30,000, $1,330,000.

The amendment was agreed to.

The next amendment was, on page 51, line 7, before the word "thousand," to strike out "five" and insert "nine," so as to make the clause read:

National trophy and medals for rifle contests: That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice, the sum of $9,000, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 51, line 12, after the word "dollars," to insert:

Provided, That the unexpended balance of the sum of $165,000 appropriated for range finders and other instruments for fire control in field batteries in the act approved May 11, 1908, entitled "An act making appropriation for the support of the army for the fiscal year ending June 30, 1909," shall be available until the close of the fiscal year ending June 30, 1910.

The amendment was agreed to.

The next amendment was, on page 52, line 6, after the word "equipments," to insert "to be available until the close of the fiscal year ending June 30, 1911," so as to make the clause read:

Automatic rifles: For the purchase, manufacture, and test of automatic rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1911, $200,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to insert:

Ordnance contracts: Hereafter whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Chief of Ordnance, or by officers under him authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties with their

names at the end thereof. In all other cases contracts shall be prepared under such regulations as may be prescribed by the Chief of Ordnance.

Mr. KEAN. I should like to have some explanation of the amendment. I will withhold a point of order until I hear it explained.

Mr. WARREN. The Ordnance Department have asked some relief in a situation where, it seems to me, they ought to be afforded relief. Under the statutes all purchases must first be advertised for and bids must be submitted, and then a contract, in duplicate or triplicate, must be signed by contracting parties and by bondsmen, and so forth. It is found that in matters of small purchases of $3 or $4 or $15, or sometimes as high as $100 each, after the bids are submitted the bidders refuse to enter into the trouble and "red tape" of a contract and give bond for so small an amount.

Mr. KEAN. That is not the point I am asking the Senator about. It is in regard to the appropriation of the money at the bottom of page 52, in line 23.

The amendment was agreed to.

The next amendment was, on page 52, line 19, after the word "stores," to insert "excepting firearms and ammunition," so as to make the clause read:

Sales of ordnance stores, excepting firearms and ammunition, are authorized to civilian employees of the army and to The American National Red Cross under such regulations as may be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 52, after line 22, to insert:

Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Ordnance Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been allotted by the Chief of Ordnance for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.

Mr. WARREN. That, Mr. President, is to fix the different allotments of funds so that one can borrow from the other temporarily, practically, but not so fully, as is done in the pay department. For instance, there may be allotted for one class of powder a certain amount of money and for another class a certain amount. Say the first allotment from the appropriation——

Mr. KEAN. I thought one of the things we were trying to prevent was taking money which had been appropriated for one purpose and expending it on another.

Mr. WARREN. We do not do that. It is simply that when an appropriation is made, we will say, for smokeless powder of $100,000, the first allotment to the ordnance officer may be $10,000, and if there should be another appropriation of $100,000 for black powder, of which he may have an allotment of $10,000, in expending the first $10,000 it might be possible for the first amount received to overrun a little, and he would have to wait for requisitions and for the action of the Treasury Department, sometimes for ten days or a month.

This provision permits him, where the money is appropriated and a part allotted and more is coming, to temporarily pay for one allotment from the amount for another.

I think it is in the interest of economy and in the interest of good management.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to insert:

Hereafter officers serving by detail in the Ordnance Department under the acts of February 2, 1901, and June 25, 1906, shall take rank in their respective grades from the dates of their rank under their original detail in said grades.

The amendment was agreed to.

The next amendment was, on page 53, after line 15, to insert:

The Secretary of War is hereby authorized and directed to acquire title to the United States, by gift or donation, and not otherwise, of a strip of land lying on the southwest side of the roadway now under construction to the Salisbury National Cemetery for sidewalk purposes. And the sum of $1,600, to be immediately available, is hereby appropriated for the completion of said roadway and sidewalks.

The amendment was agreed to.

The next amendment was, on page 53, after line 23, to insert:

The Secretary of War is hereby authorized to convey to the owners of premises which encroach upon the military reservation of Fort Marion, in the city of St. Augustine, Fla., all the right, title, and interest of the United States in and to the portions of the reservation which have been occupied by them, under license or claim of title, upon the payment by said owners of such sums of money as the Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said lands.

The amendment was agreed to.

The next amendment was, on page 54, after line 7, to insert:

For the construction of a public road, under the supervision of the Secretary of War, from a point near the southern end of the new Highway Bridge across the Potomac River to a convenient point on or near the southern boundary line of the Arlington Reservation and following said boundary line as near as practicable to the old county road which passes centrally through the Arlington Reservation; thence along said road, improving and repairing it, to the northern boundary of said reservation; said road shall not be less than 40 feet wide and shall be macadamized to a width of not less than 24 feet, $44,000, or so much thereof as may be necessary for the purpose of carrying out the foregoing, of which sum not exceeding the sum of $5,000 may be expended for the acquisition of additional land for right of way.

Mr. LA FOLLETTE. I should like to ask the chairman of the committee to explain the necessity for making that expenditure at this time. I have been able to read the bill only as it was being considered. It seemed to me that I noticed other places where considerable money is to be expended in building roads. This road from the bridge to Arlington is desirable and under some circumstances would be very proper; but with the growing deficiency of the Treasury, with the probability that the income of the Government will be decreased very much the next year, I would ask the chairman to make some statement showing the necessity for that and other like appropriations in the bill at this time.

Mr. WARREN. This particular road is asked for by the War Department on account of the bad roads and bad communications we now have between the national capital and the national cemetery and Fort Myer. This is to build a new road direct from the Highway Bridge, which has been constructed lately, to Arlington Cemetery and the military post, avoiding the high grades and avoiding other inconveniences that surround the old road.

Mr. LA FOLLETTE. May I interrupt the Senator? It has been some little time since I visited Arlington by the road to which he refers as the old road, but my recollection is that the road from Georgetown to Arlington is a very excellent roadway.

Mr. WARREN. The road is passable, as the Senator says.

Mr. LA FOLLETTE. It seems to me it is much more than passable. Is it not a good macadam road all the way?

Mr. WARREN. No; it is not a good macadam road all the way. The old road, the present communication between those two points, is over the route that goes out from Georgetown, and it is not a good macadamized road. I think that perhaps the Senator from Virginia [Mr. MARTIN] can state the condition of the road.

Mr. LA FOLLETTE. I would be very glad to hear from the Senator from Virginia. He will know the situation exactly.

Mr. MARTIN. The only approach to the national cemetery and Fort Myer is a very circuitous one. You have to go through Georgetown and over the Aqueduct Bridge and over a road that is by no means a good one. This road has been time and again recommended by the Secretary of War.

Mr. LA FOLLETTE. What is the present road? Is it not a macadam road all the way?

Mr. MARTIN. It is not. I have not traveled over it recently, but——

Mr. LA FOLLETTE. My recollection is that it is a good macadam road. It has been some time since I passed over it. I may be mistaken about it.

Mr. MARTIN. I am sure it was not macadamized. A good part of the way the grade is very bad, and the report of the Secretary of War in relation to this very provision is that the road is bad.

Mr. LA FOLLETTE. I have no doubt, if the Senator will permit me, that it would be very desirable to have a better road there; but we have gotten along for many years without it, and I wish to know whether that is an indication of many of the appropriations in this bill. I want to get some definite statement which would be something of a guide to me to form a conclusion as to whether the bill has been increased quite largely for such reasons.

Mr. MARTIN. I think that if the Senator will examine this matter he will find the reasons are urgent, both as a military road and as a proper approach to the national cemetery. Few people come to Washington who do not take an interest in Arlington. The distinguished soldiers of the country who are interred there naturally interest all visitors to the national capital. It does seem to me it is as little as this Government can do to afford a decent approach to such a cemetery as there is at Arlington. The Secretary of War recommended it, not only on that account, but as a military road leading to a military post. Now we have to go several miles out of the way and to go over a bad road. The matter has been thoroughly investigated by the War Department. Surveys have been made and estimates of the cost have been made.

Mr. LA FOLLETTE. What is the estimate, if the Senator will please state it?

Mr. MARTIN. Other Senators are more familiar with the matter. I would not like to make a statement under the circumstances; I might not be accurate. I have driven over the road many times and would not be willing to make a statement of the distance; but my impression is that you have to go to Georgetown. That is a circuitous route, whereas you go by the proposed route from the new Highway Bridge and have a short, direct, and practicable road to the national cemetery and to the military post. It saves a great deal of time.

Mr. LA FOLLETTE. Will the Senator state how much shorter the route that is proposed here would be?

Mr. MARTIN. I might be inaccurate about it. Perhaps a couple of miles. I hesitate to make a statement. Other Senators are more familiar with the road. Perhaps the senior Senator from Ohio [Mr. FORAKER] can state how much shorter it is. I know he remarked in the committee meeting the other day that he has ridden over it within a month and knows it is of urgent importance. He may know more about the distance than I do.

Mr. FORAKER. Of course, there is a road that can be easily traveled, that is reached by crossing the Aqueduct Bridge, but that is very inconvenient for everybody in this part of the city. The road from the new bridge, which this road is designed to be an improvement of, is a very bad road. I undertook to go over it about a year ago, but I found it so difficult to travel that I never tried to pass to Arlington that way again. I think that this is a very appropriate improvement to make, and I was glad to favor it in committee, because I think there is but one Arlington in the United States, and that there ought to be a suitable approach to that cemetery, not only from the Georgetown point of approach, but also from this other equally important point of approach.

Mr. LA FOLLETTE. Mr. President, can the Senator from Ohio inform me how much saving in distance it will be?

Mr. FORAKER. I can not tell. I never studied the matter in any way until it came up in committee, but I thought that it would be a very appropriate improvement to make, and I know, without stopping to make any calculations, that for everybody in the lower part of the city it would be a saving, I should think, of 5 or 6 miles in going to Arlington—at least that much. I hope the amendment will be adopted.

Mr. WARREN. Mr. President, the department has estimated for this road, and it is much shorter, without giving the exact number of feet or miles or fractions of miles that would be saved. I will ask at this point to insert the report made in the other House on this subject.

The VICE-PRESIDENT. Without objection, permission to do so is granted.

The report referred to is as follows:

Mr. HAY, from the Committee on Military Affairs, submitted the following report (No. 1207) to accompany H. R. 18795.

The Committee on Military Affairs, to whom was referred the bill (H. R. 18795) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new highway bridge across the Potomac River to the national cemetery at Arlington and Fort Myer, report the same back to the House with the recommendation that it do pass with the following amendment:

After the word road, in line 4, page 2 of the bill, add the words "from the new highway bridge to the Arlington Reservation."

This proposed highway has been surveyed by the War Department, and the Quartermaster-General, in his annual report for 1906, page 24, uses the following language:

"*More direct route to Arlington National Cemetery.*—The department is now engaged in extensively enlarging and beautifying this national cemetery, and is interested in having it made as directly accessible as possible for funeral processions and to visitors at Washington desiring to go there, and also that the route be through inviting surroundings. At present approach to the cemetery from this city is by circuitous route in many ways objectionable, through unattractive localities, and numbers of persons are deterred from visiting it on this account."

The same officer, in his annual report for 1907, reiterated the same language and says further, as follows:

"*Road from the new Highway Bridge to Arlington.*—With a view to securing a shorter, more convenient, and attractive route to the Arlington National Cemetery, the construction of a new road from the Virginia end of the bridge to the government reservation has been considered, surveys made, and cost estimated. This route would avoid the long trip through Georgetown and across the Aqueduct Bridge, be shorter and more pleasant in every way, and its construction is recommended."

The chief reasons why this road should be established by the Government are as follows:

Because the present public road from the south end of the new Highway Bridge to Arlington is long and circuitous, running through the brickyards and by the abattoir, and is a narrow, ordinary country road over which the United States Government has no jurisdiction whatever. This county road is always crowded with brick wagons, meat wagons, and wagons bringing in country produce of all kinds, often loaded with hay, taking up the entire roadway; and this road itself in winter is deep in mud, and in summer overhung with an almost perpetual cloud of brick and brown dust, ruinous to clothing and comfort and filling the nostrils, ears, and eyes with unhealthy and filthy dust; and besides this the present road for 300 feet skirts the steam railroad track and the bed of the electric car line, which runs parallel for a part of the way along a curve and at a point where another steam railroad, the Pennsylvania Railroad, crosses the Southern Railway, thus making the route extremely dangerous for all vehicles and teams.

These disadvantages render the present route impracticable for any use by the United States Government in connection with the Arlington Reservation—either the cemetery, or the experimental farm, or the military post thereon.

The new road contemplated by the bill would open a direct route to the southeast corner of the Arlington estate, and, following the southern boundary of said property, lead directly through the experimental garden farm of the Government and directly to the cemetery and the military post. And, again, the construction of this new road as designed by the bill would place it at a considerable distance north of the brickyards and abattoir and north of the present country road, above referred to, and free from all the disadvantages and drawbacks as herein indicated.

The proposed road would form a splendid and beautiful driveway, in connection with the Highway Bridge, from the Agricultural and War Departments in Washington to the experimental garden farm and national cemetery and military post on the Arlington Reservation, consisting of 1,175 acres, now owned and controlled by the United States Government through the Agricultural and War Departments.

Should the Aqueduct Bridge (now old and antiquated and weak and dilapidated), which is some 3 miles distant up the river, become inoperative for the transmission of the United States troops or ordnance or military escorts from Fort Myer and Arlington, the new Highway Bridge would furnish the only quick and direct route to get to the National Capital; and this proposed road, in case of riot or war or other emergency, would be a public necessity.

In thus constructing this proposed road to connect with the driveway across the Aqueduct Bridge, it would furnish a complete link to a beautiful and useful circular boulevard around the Arlington Reservation and back into Washington City.

It would open up to public view and notice and bring into prominence the improvements on the Arlington estate, the experimental garden farm, and the beautifying of the western part of the city of Washington along the Potomac by the National Government.

Mr. WARREN. As the department states, there are 1,175 acres in the Arlington Cemetery and the military post. This road would make a direct route of perhaps two-thirds the distance, and would go over the new Highway Bridge and across grounds owned by the Agricultural Department, and across grounds of the post and cemetery. It would be better for freight, better for moving troops, and better, as remarked in the statement from the department, for carriage driving, funeral processions, and so forth, that may go over it, not to mention the fact that it would become one of the most beautiful drives near Washington.

Mr. LA FOLLETTE. If the Senator from Wyoming before he takes his seat can do so, I would be glad to have him state how much is appropriated altogether in this bill for the construction of roads in connection with military posts.

Mr. WARREN. Mr. President, this and another appropriation of a few hundred dollars to complete a road are about the only sums, except the appropriation for Alaska, that are specified in addition to the regular annual appropriation for the Quartermaster's Department under the heading, "Roads, walks, wharves, and drainage." We have added $350,000 for the construction of roads in Alaska, such construction to be under the direction of the War Department, and through the commission which was formed some years ago for that purpose, and under which we have expended perhaps $600,000 already. The $350,000 is expected to complete the work and connect all of our posts, telegraph stations, and other military points throughout Alaska. The provision was inserted in the House; it was a part of the original bill, but under the rules of the House it went out on a point of order upon some Member making the point. We have inserted it here as it was estimated for, and the papers we have describe very fully this appropriation of $350,000.

Then there is $44,000 for the Washington-Arlington road, and I think sixteen hundred dollars besides to complete an entrance to a national cemetery. Those are all the specific appropriations for roads, I think.

The amendment was agreed to.

Mr. LA FOLLETTE. Will the Senator from Wyoming repeat the statement with respect to the completion of the Alaskan roads? I mean especially whether this appropriation will complete the road building there so that nothing further will be required to connect the military posts.

Mr. WARREN. Major Richardson, who has charge of the work, has stated to the department, and the department states in its estimate, that it is believed the sum estimated will complete the work. Of course, in an undertaking of that kind and in the expenditure of that much money in a distant country, we are not able to say whether it will entirely complete it or not; but so far the statements made by that commission and by Major Richardson, in charge, have been fully justified, and those who have considered the subject have confidence that, unless some unforeseen difficulties are encountered, this $350,000 will complete the roads. Of course, we are asked——

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. WARREN. I will yield if the Senator will let me finish one statement.

We are asked at present to appropriate $1,000,000 for Alaskan roads. Boards of trade and chambers of commerce in that northwestern country, not only in Alaska, but in the States of Washington and Oregon, have asked us to appropriate a million dollars for building roads in Alaska. They ask it on the ground that they have no state or territorial government, and are themselves unable to provide for road facilities. They have no sufficient form of government, even if they had the money to invest in that way.

They have asked the Government to do the work and bear the expense because the land belongs to the Government and the development is entirely in the interest of the Government of the United States; but we have considered that in this bill we had no right to expend further than the needs of the army and the necessities of the military establishment require. We believe that this sum, added to the amounts that have heretofore been appropriated—I should say, without looking, we have perhaps expended $600,000—will complete that road which extends all the way around, connecting all the posts in Alaska, and following the line of our military telegraph and postal routes in that district.

Mr. HALE. Let me ask the Senator——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. Certainly.

Mr. HALE. Does the Senator in his provision use the words "for completion?"

Mr. WARREN. We do not.

Mr. HALE. Well, then, I will venture to warn the Senator that, unless he uses those words in the appropriation, he will be very certain next year to be urged to make another appropriation for as much as this.

Mr. OVERMAN. Mr. President, I want to say, in connection with that, that we were asked by a member of the committee to appropriate a certain sum for the survey of other roads, and asked to appropriate a million dollars for roads; but it was insisted in the committee that this would complete the project of the roads, and that was understood to be the end of it. I want to say for one that I shall never agree to appropriate any more money for building roads in Alaska unless some unforeseen emergency should arise.

Mr. HALE. Then, why not put in the words "for completion?"

Mr. OVERMAN. I think it would be a good thing to put those words in.

Mr. HALE. I think the Senator from Wyoming had better add those words.

Mr. WARREN. I have no objection to the insertion of those words.

I have here a letter from the Secretary of War——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I do.

Mr. FORAKER. I was going to suggest to the Senator having the bill in charge that I do not believe these roads can be completed for that amount of money, and I do not think the words suggested by the Senator from Maine [Mr. HALE] ought to be inserted. I think this is a perfectly legitimate appropriation. I think it ought to be made. I think these roads ought to be built, and I think that there ought to be appropriated as much money as may be necessary to connect all the forts or the military reservations of that country. It is very difficult to get from one place to another.

Mr. OVERMAN. Unless we do put in those words, I suggest there will be a demand for another $350,000.

Mr. FORAKER. I was about to say that I have been memorialized by nearly every chamber of commerce in my State asking me to vote a million dollars for this purpose. They are selling goods; they have business there; and they seem to be very greatly interested in it. I think that $350,000 are enough for this year, and I think next year you will, perhaps, have to appropriate more.

Mr. OVERMAN. I understood when we first appropriated for these roads they were to cost something like $350,000, but that has been spent, and now there is another $350,000 to be appropriated. Unless we have some language like that which has been suggested there will be another $350,000 asked for. This will go on until we have macadamized roads all over Alaska. North Carolina would also like to have a few macadamized roads.

Mr. WARREN. The Senator is, I think, mistaken. I never heard any representation that $350,000 would entirely build and complete the Alaskan roads.

Mr. FORAKER. I do not think there has been any misrepresentation about it by anybody. There has not been so far as I am aware. I think it is a perfectly appropriate use to make of the public funds in that country, taking the situation into account. Alaska is a great way from here, but it is a great country.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. FORAKER. In a moment, if the Senator please. Great results have come to us from Alaska; and I do not think we ought to hesitate to do whatever may be necessary to enable us to develop it in a way in which it ought to be developed, so far as this Government has a duty to perform.

Mr. WARREN. In relation to that, the chairman of the committee stated that he would be willing to accept an amendment of that kind for two reasons: First, the estimate is made with confidence on the part of the officials of the War Department that they will be able to complete the work; and, second, all Senators know that, whatever language we may put in the bill, it will not necessarily close the matter, and that if more money is needed in Alaska at some other time to complete these roads we will have to appropriate it.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Delaware?

Mr. WARREN. I do.

Mr. du PONT. Mr. President, I was merely going to suggest to the Senator from Ohio [Mr. FORAKER] or the Senator from Wyoming [Mr. WARREN], which is practically the same thing, that the exigencies of the service in the future might require the establishment of a new military post; and if so, it might be necessary then to connect that new post or posts with other roads, so that I do not think we ought to take any action here that would positively estop us in the future from providing for necessary military contingencies.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. WARREN. Perhaps the Senator would prefer to wait until I have read a letter from the Secretary of War upon this subject, which was written since the estimate was made.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 8, 1909.

SIR: On page 196 in the Book of Estimates for 1910 will be found an item of $350,000 for continuing the construction and maintenance of military and post roads, bridges, and trails in Alaska. The necessity for this amount is fully explained in the footnote by Maj. Wilds P. Richardson, president board of road commissioners for Alaska, and it will enable the board to complete the system of military and post roads according to the plan upon which they have been engaged during the past three years, so far as conditions at present justify.

This subject-matter was fully considered by the House Committee on Military Affairs, and the provision for this amount was included in the army appropriation bill; but in consideration of the measure, this item was stricken out on a point of order in the House of Representatives.

These roads have a distinct military value, as affording a means of communication between the open ports of the coast and the interior of Alaska and an aid to the maintenance of the military telegraph lines, as well as being available for the transportation of the mails. They afford the only routes by which troops could be moved in winter in certain sections of the interior in the event of there being a call for aid in the enforcement of the civil law in disturbed mining districts. Such a condition existed for some weeks about a year ago in the town of Fairbanks, due to a strike, and troops at Fort Gibbon were under orders to proceed to that town. The fact that they could have been moved within a very short time over one of these roads probably had the effect of preventing more serious trouble and of rendering the actual movement of troops unnecessary.

To carry on work economically in Alaska it is necessary to make certain arrangements many months in advance, and already quantities of forage, staple food supplies, tools, and other equipment have been purchased and are now being shipped and distributed along the winter road at various places where it is intended to carry on work next summer, and a failure to secure the appropriation would be a distinct loss to the Government. As a portion of the work in contemplation must be done during the winter season, and it is desired for considerations of economy to make the work continuous through the next winter and following summer, if found necessary, the appropriation is asked to run two years, or to the end of the fiscal year 1911.

As appears above, the appropriation asked for is to enable the department to continue and substantially complete work which has been in progress for several years, and it is earnestly hoped that the amount asked for will be appropriated, and to that end I request that you will take the matter up with the Senate Military Committee with a view to restoring this provision to the bill. Major Richardson is on temporary duty at the department, and I shall be glad to have him appear before your committee, if desired, to give any further explanation of the bill your committee may wish to have.

Very respectfully,

LUKE E. WRIGHT,
Secretary of War.

Hon. FRANCIS E. WARREN,
Chairman Committee on Military Affairs,
United States Senate.

Mr. WARREN. Mr. President, I have here an estimate which definitely states what points are to be connected, and I ask unanimous consent that it be read from the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NOTE.—The sum estimated is based upon the work proposed on the following routes, amounting practically to their completion:

Valdez-Fairbanks route, with improvement of the winter mail trail from Fairbanks to the Seward Peninsula.

Fort Seward-Chilkat road.

Fort Egbert-Fortymile route.

Fort Gibbon mail trail to the Koyukuk, and for the cutting of a winter mail trail from the head of Cook Inlet to the Yukon, connecting for St. Michael, Fort Davis, and Nome on the Seward Peninsula.

The larger part of the amount estimated is intended to be expended on the road from Fort Liscum and Valdez to Fairbanks, making it available for summer travel. This is the most important line of overland travel and communication in the Territory, connecting the town of Valdez, the most northerly open port in southern Alaska, with Fairbanks, the head of navigation on the Tanana River, except for small, light-draft steamboats. It follows the line of the military telegraph, and over it are transported in winter all the mails for the interior, except for Eagle and Fortymile, as well as for western Alaska and the Seward Peninsula.

Road houses are located along the entire route at intervals of 12 to 20 miles, which furnish convenient and comfortable stopping places for travelers. The owners of these road houses have in most instances made homestead entries and are beginning to cultivate gardens and fields. An abundance of fresh vegetables of excellent quality was found at nearly every stopping place. These places will become small centers of settlement and supply, from which people will explore and prospect adjacent country.

This route is of the highest importance in the development of the Territory, and the time is believed to have arrived when the entire distance should be improved so as to permit ordinary wheeled traffic during the summer season. By this it is not meant a road over which heavy tonnage could be hauled, which would cost a great deal of money and still not be as good as the frozen road of winter, but one over which buckboards and wagons with small outfits could readily pass and over which the mails could be transported to advantage. Many persons traveled the route during the past season, both on foot and horseback, and three droves of cattle were taken from Valdez to Fairbanks, arriving in excellent condition. (W. P. Richardson, major, Thirteenth Infantry, president Board of Road Commissioners for Alaska.)

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. WARREN. Certainly.

Mr. NELSON. I desire to say a few words in reference to this appropriation. To my mind it is one of the most important and most needful appropriations contained in this bill. The conditions in Alaska are unique. It is a country of 590,000 square miles. Practically, there are no railroads there. There are two little stub roads in the Territory, but there are no wagon roads except those that have been built by the Government.

Alaska has no system of government. There is no county government, and no government of any kind, except through the district judges. Alaska constitutes but one judicial district, consisting of three divisions, with a judge in each division. That judge appoints commissioners in his district. Those commissioners are ex officio court commissioners, ex officio judges of probate, ex officio recorders, ex officio notaries public, ex officio coroners, and ex officio justices of the peace. The whole government is through that system and that method. They have no officials there through whom they can levy and collect taxes to build roads.

Four or five years ago, I think, Congress passed an act providing that certain taxes, in the form of occupation taxes, being paid by the people of Alaska outside of the incorporated towns should be set aside as a special fund for the benefit of the people of Alaska to aid them in building roads and trails. That law provided for the appointment of an army commission, consisting of three army officers, one an engineer officer, who were to have charge of the matter of constructing these roads. It is this commission that is building the roads referred to in this appropriation bill.

It is really a very important matter. If you will glance at a map of the country, you will find that on the south side is Valdez, on the Gulf of Alaska. That town can be approached at all times during the winter season by navigation. But across the country in the interior, on the great Yukon River, is a country that can not be reached at all during the winter, except by going distances of between three and four hundred miles over the country. We have a military station at Valdez, on the Pacific; we have a military station at the mouth of the Tanana River, on the Yukon, called "Fort Gibbon;" and we have another military station on the upper Yukon, just across the boundary line from British territory, called "Fort Egbert." These places can only be reached in winter by means of land transportation either by a dog trail, a horse trail, or by sleds, and to some extent in summer by wagon roads.

The commission has been at work for the last four years in building roads. A portion of the roads they have built are wagon roads that can be utilized in the summer. A large part of the roads are what are called "winter roads," running over muskegs and swamps, which the Government has cleared out. Over these lines all the mail and supplies for the military stations in the interior, especially for Fort Egbert, Fort Gibbon, and the fort at Nome, have to be carried.

Besides that, we have a military telegraph line along this route to all these posts, and all the supplies, all the food, and everything that is needed for the men operating and having charge of that military telegraph must pass over these lines.

Unless the Government takes up this task and carries it on as it has been doing for three or four years, the people of Alaska will be utterly helpless.

I ask Senators to remember that Alaska is contributing immensely to the resources of this Government. We derive a good deal from the salmon fisheries; we derive a good deal from the fur seal fisheries; and the gold supply of Alaska is immense. If we take into account everything that Alaska furnishes and produces for our country, this appropriation is only a small contribution. The people there have nothing with which to help themselves, except through the machinery provided by the Federal Government.

I take it that this appropriation will finish the road from Valdez, by way of Fairbanks and Fort Gibbon, and will also make a collateral trail over the Fortymile country to Fort Egbert, on the Yukon. I can conceive that in the future it will be necessary to connect and make a road over to the fort at Nome, on Seward Peninsula, but that will not be for some time.

The chairman of the committee has expressed an inclination to limit this appropriation by inserting the words "for the completion of the work." While he has intimated that this appropriation will finish the work, I do not think it will complete all that the Government ought to do in the way of building military and post roads in Alaska. However, as the Senator has said, future Congresses can remedy that evil; but I hope the Senator will treat Alaska liberally and fairly, because that country is yielding us more revenues and resources than most of us imagined would ever be possible when we acquired that country.

Mr. HEYBURN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. HEYBURN. I am not advised as to the condition of what is known as the "Alaska fund." Has the Senator any information as to what that fund produces?

Mr. NELSON. I can not give the exact figures. My impression is that that fund now produces somewhere around $125,000 to $150,000 a year. I want to tell you that that fund was crippled some years ago. As the law originally stood, it gave to that fund all money derived from what are called "occupation taxes."

Mr. HEYBURN. And liquor licenses.

Mr. NELSON. Liquor licenses and trade licenses; but included in that was a tax upon the salmon canneries, which amounted to a great deal. A year or two after we passed that law a bill amending the fisheries law was put through by which the fish companies, instead of paying their taxes as they were required to do under the law, can turn in certificates for fish fry that they put in there. Through that legislation the fund was really deprived of about $50,000 income a year.

Mr. HEYBURN. So the Senator thinks the fund is now about $100,000 a year?

Mr. NELSON. I say about a hundred thousand. I can not give the exact figures. The fund is about $125,000, but certainly not exceeding $150,000 a year.

Mr. HEYBURN. And I understand this appropriation is merely to reimburse or rather to reenforce that fund.

Mr. NELSON. To reenforce that fund. Senators must remember that in Alaska they can only work from three to four months in a year, and that everything costs three to four times what it does in any of the other States or Territories of the Union. It is a very expensive place in which to live. What you can do in Idaho for $5 will inevitably cost you in Alaska $15. So, while this amount may seem large to Senators, when you consider the expensive character of the work and the fact that the country is frozen and tied up with snow eight or nine months in the year, you can see the difficulties that prevail there, and you can see that the same amount of money does not go so far there as it does in other parts of the country.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. NELSON. Certainly.

Mr. OVERMAN. If my recollection is correct, the Senator came before the committee at a previous session with Mr. Richardson, who is the engineer. We made at that session, I think, an appropriation of $150,000. My recollection is that it was estimated that it would take $150,000 to build these roads. We gave that amount. Since that time we have been making appropriations every year, and now it has reached $375,000. There ought to be some stop to it. My recollection is that when the Senator came before us we agreed to appropriate $150,000—all that was asked. Now they have started on a great scheme of roads, and unless we put in the bill the limitation suggested by the Senator from Maine [Mr. HALE] there is no telling where we are going to end.

Mr. NELSON. That was for a trail from Eagle to Fort Egbert, on the Yukon.

Mr. OVERMAN. It is a part of the same scheme.

Mr. NELSON. Oh, no; that place is hundreds of miles away from Fort Gibbon, at the mouth of the Tanana River, and that has become a most important point, because on the way of that post route is the leading town in Alaska, the leading mining camp of Fairbanks.

Mr. OVERMAN. I was very much impressed by what the Senator said. I think he knows more about Alaska than anybody here. He knows the needs of Alaska. I remember that the sum I mentioned was then advocated for road purposes—I do not say for what particular road—but since that time we have been making additions and they have been growing greater, until they have now reached $375,000. The Senator told us in the committee that the sum appropriated was sufficient to complete the roads, and the chairman says it is sufficient. Why not put the suggested limitation in the bill?

Mr. NELSON. Alaska is such a big country that building a piece of road in one direction can not satisfy the wants of all that immense domain.

Mr. OVERMAN. I have no doubt, if we are going to satisfy the people out there, we shall have to appropriate much more.

Mr. NELSON. The only approachable port of Alaska in the winter season in our territory is at Valdez, on the south side. From there up to Fort Egbert, on the Yukon River, is a distance of nearly 400 miles. A part of that distance, about half of it, can be on the same route as the route from Valdez, by way of Fairbanks, to Fort Gibbon. Fort Gibbon is a military post on the Yukon River, at the mouth of the Tanana River, and on that river, at the head of navigation, is Fairbanks, 200 miles above. They have built from Valdez over toward Fairbanks and Fort Gibbon.

A part of it is a summer wagon road; a large share of it is a winter road; and they intend to complete it so as to be in direct communication with that country.

The only way they can send their mails to the interior points and to the forts is over this route, and every time we improve the road we lessen the expenses of the Federal Government in carrying the mails into that country. I can not give the exact figures, but by means of the roads we have been building within the last four or five years we have saved thousands of dollars in the matter of the transportation of the mails.

Mr. WARREN. Mr. President, the committee inserted this item as a matter of military necessity and economy, and that it incidentally promotes the development of Alaska is a pleasant thing to contemplate. But I contend for military purposes alone we need this road. We can not carry the supplies to our posts, thousands of miles, upon the backs of animals—pack mules, and so forth—without very great expense. By building these roads we transport our supplies in the season of the year when we can transport them by wheel at small cost; we encourage settlement; and, as Major Richardson has stated, it has caused settlers to locate at points 15 or 20 miles apart along the road, where they will raise vegetables and grain and other supplies which can be furnished to the army at slight cost, and which otherwise they would have to do without entirely or bring from distant places at great cost.

We find that Alaska has always been a paying investment. We paid $7,000,000 for it, and have reaped many times that in return. We have put up a cable and telegraph line, and the receipts from commercial business are such that we have paid for that line and are extending it continually with the proceeds of its earnings, and therefore the Government has nothing to pay and no expense whatever for its own business over the telegraph, telephone, and cable lines. This road will earn, or save, which is the same, for the Government, in reduced transportation charges and reduced subsistence and other charges, more money than we will expend on it altogether.

Mr. HEYBURN. Mr. President, this appropriation is not entirely for military roads. The original purpose of the act of May 14, 1906, was far more comprehensive than that of building military wagon roads. The greatest purpose served in Alaska is the construction of wagon roads other than military roads, and the purpose of Congress in the enactment of that law was to provide a fund to do that which in the country generally is done by taxation, because there was no property appropriate to be taxed for the purpose of building roads, maintaining schools, and such things; and it would be a mistaken impression to send out that it is because of military necessity that we make this appropriation.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. It is true that in creating the commission to build roads we had other purposes in view, but I maintain that with our posts in that country it is necessary to have roads connecting them, and therefore it is incumbent upon the Government to construct roads, since the Government, through its military forces, is the beneficiary of the roads to a greater extent—far more—than all the others put together.

Mr. HEYBURN. But it was enumerated in the original act that the roads should be constructed to mining camps, settlements, and to open up industries and interests not of a military character; and in making this appropriation, if it were to be gathered from reading the proceedings when the bill was under consideration, that this was an appropriation for military purposes, it might have some weight in determining the character of the expenditure. The people who are interested in Alaska must have roads—wagon roads, trails—and unless the Government makes that property available for taxation the Government must build the roads if the people are to have them.

Now, to avoid the necessity of making yearly appropriations for this class of work, Congress wisely provided that the taxes collected from saloon licenses, outside of incorporated cities, and from business licenses should constitute a permanent fund for that purpose. It can not be diverted.

Mr. WARREN. It was for other purposes as well—for the care of the insane, and for other purposes.

Mr. HEYBURN. Three purposes—25 per cent for schools, 5 per cent for the insane, and the balance for the building of roads.

Mr. NELSON. I want to say, if the Senator will allow me, that with that fund, distinct from the other, the road commission has been building side trails out to the mining camps from the main trails.

Mr. HEYBURN. Yes; and they will continue from year to year, so long as that act of Congress remains unrepealed, to have this fund, a permanent fund practically, which takes the place of a road tax in a measure. That is wise legislation, because there are no receipts from taxation, except from occupation and licenses, and we must provide for those things.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I presume the Senator and other Senators have noticed that this sum is an appropriation for two years. It is available for a period extending over two years, and is to be expended under supervision of the commission to which the Senator refers.

Mr. HEYBURN. And for the purposes——

Mr. WARREN. And for the purposes——

Mr. HEYBURN. Mentioned in the existing law. That is proper, and I was only speaking in support of this measure, and making the suggestions which I have made, in order that the impression might not go out that we were here initiating a system of expenditure for military roads in Alaska. We are doing nothing of the kind. There is nothing in this amendment which provides that the money shall be used for the construction of military roads.

Mr. WARREN. It states that it shall be—

For the construction and maintenance of military and post-roads, bridges, and trails in the district of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled, etc.

Mr. HEYBURN. Which is merely stating that it shall reenforce the existing road fund in Alaska.

Mr. WARREN. But it includes, as I said before, the construction of military and post roads.

Mr. HEYBURN. Yes; and so does the original act.

Mr. WARREN. Yes.

Mr. HEYBURN. It simply reinforces that fund, except as to the schools and insane. In the original act it was provided that the insane and the schools should share in the proceeds, but this merely reinforces the fund for road building in that country, which is most important.

The tonnage over the road from Valdez to Fairbanks would justify the construction of a high-grade railroad. But it is an expensive proposition and not very desirable because of what you may call "dead country" between the productive sections of it. They will probably never be able to raise the money, at least until after these wagon roads shall have been built and the country developed, to build those railroads by private enterprise. But just so soon as this wagon-road system is developed to an extent that will enable those people to demonstrate the profitable income to be derived from the building of railroads, the railroads will come, and these wagon roads will not be so necessary then. But you can not obtain the money to build railroads until you have developed the country by a system of wagon roads as a pioneer means of exploiting the country.

I make these suggestions that the broad scope and character of this enterprise may be understood, and that it may not go out that it is merely in the interest of building military roads.

The VICE-PRESIDENT. The next amendment of the Committee on Military Affairs will be stated.

The next amendment was, on page 54, after line 22, to insert:

The Secretary of War is hereby authorized to accept any or all of the land embraced in sections 13, 14, and 15, in township 2 north, range 12 west of the Indian meridian, State of Oklahoma, which may be donated and duly conveyed to the United States by the city of Lawton, Okla., for the use of the Government as a part of the Fort Sill Military Reservation.

The amendment was agreed to.

The next amendment was, on page 55, after line 4, to insert:

For the acquiring of water rights and necessary lands therewith connected for a permanent water supply for Fort William Henry Harrison, in Montana, the amount of $20,000 appropriated therefor by the act approved May 11, 1908, entitled "An act making appropriation for the support of the army for the fiscal year ending June 30, 1909," is hereby made available, and $40,000 additional, or so much thereof as may be necessary for said purposes, including the acquiring of water rights and lands for intakes and right of way for pipe lines from such intakes to said fort, is hereby provided, and the Secretary of War is hereby authorized to acquire such rights and lands by purchase or by condemnation proceedings.

Mr. WARREN. The committee offers as an amendment, in line 12, after the word "hereby," to insert "reappropriated and."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. BACON. I desire to offer the amendment I send to the desk. I will state that I do not indicate the point in the bill at which it is added. That can be arranged afterwards. I had to describe the former bill, because it is not in sections, as it is in the revised code; but all that can be changed if necessary. I simply wish to use language which will indicate now the law sought to be amended.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The Secretary read as follows:

That the act approved May 11, 1908, for the support of the army for the fiscal year ending June 30, 1909, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, etc., be amended as follows: Strike out the words "contracted in the line of duty" and insert in lieu thereof the words "not the result of his own misconduct."

Mr. BACON. Mr. President, I will send to the desk the section as it will appear as amended, and then I wish to say a word or two.

Mr. WARREN. I suggest that the Senator have the section read as it is now and as it will read if amended.

Mr. BACON. I will do that. The suggestion of the Senator is correct.

At the last session of Congress, when the army bill was before the Senate, there was added a section which reads as follows:

That hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less $75 in the case of an officer and $35 in the case of an enlisted man.

The amendment I offer is to strike out the words "contracted in the line of duty" and insert "not the result of his own misconduct," so that the section, if amended, will read:

That hereafter immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less $75 in the case of an officer and $35 in the case of an enlisted man.

Mr. President, I wish to say this: I had the honor to offer the amendment to the last army bill which embodied the section as it is now found in the statute books as a part of the law. I used the words "contracted in the line of duty" not knowing that they would be construed in a technical sense and not knowing that those words were words which had previously been construed in that technical sense by the auditor's office, I think, and also by the Pension Bureau, and if there was in the use of such words the failure to express exactly what I intended or what I understood Congress to intend the fault was mine.

Now, as a result of that the War Department construes that language in the technical sense in such a way that if an officer or a man legally absent on furlough dies while on furlough, his widow and children are not entitled to the payment of six months' pay provided for in the law.

I have had prepared in the War Department, by an officer of the department, at my request, a statement of the facts as to the construction of the War Department. I will ask the Secretary to read it. I will state that the necessity for the amendment is, I think, disclosed by the matter which I have asked to have read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

A decision was rendered in the following case:

Capt. John K. Moore, Fifteenth Infantry, about to be ordered home from the Philippines, took a leave of absence and returned by way of Suez. His leave would have expired on October 24, 1908. He reached Fort Leavenworth, Kans., in August, and on August 23 consulted a doctor, and by his advice entered the post hospital at that post. On August 25 his case was diagnosed as typhoid fever, and he died September 8, 1908.

The War Department decided that the heirs of Captain Moore were not entitled to the benefits of the act, as follows:

"It is established that Captain Moore did not contract the disease at Fort Leavenworth, and it is the view of the Surgeon-General that it was contracted at some date, not precisely ascertainable, between July 9 and August 15, 1908. Between those dates Captain Moore occupied the status of leave of absence; he was traveling between the Philippine Islands and the United States, but not traveling on public business, the journey having been undertaken while he was enjoying the indulgence of a leave of absence.

"The law and regulations contemplate in behalf of commissioned officers a status of duty and a status of leave of absence. Each of these is well defined, each is independent of the other, and there is no common ground between them which may lawfully be occupied by an officer of the army under the ordinary conditions of service.

"The allowance conferred upon the widows of deceased officers and enlisted men in the act of May 11, 1908 (35 Stats., 108), is conditioned and made to depend upon the fact that the disability to which the death of the officer or soldier is attributed was incurred in the line of duty.

"As it clearly appears from the papers in reference that the disability in Captain Moore's case arose while he was on leave of absence, it is the opinion of this office that the act of May 11, 1908, has no application to his case, and that his widow is not entitled to the benefits thereby conferred."

Mr. BACON. That is the end of the quotation from the decision. What I now ask the Secretary to read is a part of the paper which was sent to me by an officer of the War Department at my request.

The Secretary read as follows:

Several analogous cases of enlisted men can also be quoted.

This decision limits duty to actual presence with the troops or presence at the actual work on which the officer or soldier is detailed, and it but follows the construction put on duty by the Treasury Department and the Pension Bureau.

Mr. BACON. Mr. President, while that particular instance is the one which brings the point before the Senate, it will be seen that a construction such as that which has been put upon the language by the War Department will limit to an extremely narrow scope the rights of the widow and children of an officer to the six months' pay. It is sought to limit it to a case where an officer or a man is strictly engaged in the discharge of duty. In other words, if he is off duty, his widow is not entitled to the pay.

I will say for myself that in offering the amendment which was afterwards embodied in the statute as a law, and in using the words "contracted in the line of duty," my idea was that any officer or man was entitled to the six months' pay who was occupying that legal status on the active list, if he was engaged in a way that was recognized by the law as the correct way for him to be occupied; and the fact that he is on leave of absence does not destroy his relation to the army.

Under the present construction, if an officer on active duty is stationed in the neighborhood of a city, for instance, and takes leave of absence for two hours to attend to any matter or to pay a social call, and if he happens in that time to be killed, without any misconduct on his part, his widow and children are deprived of the benefits of this provision of the law.

I will give another illustration. We have a number of officers who are on duty in Washington. If two of them go out to lunch, which I suppose would be considered as a necessary thing in the line of duty, and after lunch one of them starts back to his office and the other one goes to attend to some little matter of business, such as every man has to attend to daily for the comfort of his family, and to make proper provision

for them, and both are killed, the officer who was returning to his office would be considered to be in the line of duty, and his widow and children would be entitled to this pay; and the heirs of the other officer, although he was simply engaged in what everybody has to do every day and would still be occupying the legal status of an officer, would be deprived of its benefits.

Mr. WARREN rose.

Mr. BACON. I yield with pleasure.

Mr. WARREN. I wish to ask a question and then to make a statement.

Mr. BACON. Very well.

Mr. WARREN. I think the Senator has taken too narrow a view, and if that view is entertained in the department I shall be glad to know it. Has the Senator in mind any instance where the department has refused to pay a claim of that kind under such circumstances as he has narrated, where a man has been away for an hour or two?

Mr. BACON. No; there is no case arising under those particular circumstances.

Mr. WARREN. As I understand—and I want the Senator to correct me if I am wrong—they have paid in all of the cases, except where an officer or a man was off on a time furlough, where it would be perhaps for a month or two.

Mr. BACON. Very well; I am glad that they have even gone to that extent; but I can not see why the reason would not apply to one as well as to the other. If there is to be a technical construction of it, an absence of six hours is just as much within the law as an absence of a month, if each one is a legal absence. The sole question to my mind is whether it is an absence recognized and permitted by the law.

Mr. GALLINGER. Mr. President——

Mr. BACON. If the Senator will pardon me for just a moment, I will yield to him with pleasure.

When an officer is on leave of absence, he is none the less an officer; he is none the less subject to the rules and regulations of the department, and the Articles of War, so far as they are applicable. He has the same privileges; he has the same immunities. He is compelled to demean himself as an officer. He is in as legitimate a position when he is on leave of absence as he is when in line of battle fighting the enemy. There is not a particle of difference so far as the legal status is concerned.

I now yield with pleasure to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I think the Senator's amendment is a very proper one. The same technical rule has applied to the matter of pensions. If a soldier was on furlough, it has been decided over and over again he was not in the line of duty.

Mr. BACON. Yes.

Mr. GALLINGER. And so I apprehend it would apply to officers in the same way.

Mr. BACON. Yes.

Mr. GALLINGER. The illustration that the Senator from Georgia made, as the Senator from Wyoming suggested, probably would not apply, if he is simply an hour or two away from his office, the presumption being——

Mr. BACON. Suppose he was on special leave for a day?

Mr. GALLINGER. If that was construed to be a furlough, I think probably the widow would lose the pension.

Mr. BACON. Mr. President, the reason for this law was a very apparent one. I want to say that nothing has ever been done in regard to this matter which has been the result of any instigation or any suggestion by any officer of the army. At the time I introduced the amendment a year ago, no officer, no human being, had ever suggested the matter to me. It had been suggested to me by an occurrence which had come within my own personal knowledge and which affected me somewhat closely. But no officer had ever suggested it, and no human being had ever suggested it, and at the time I offered the amendment I had never stated to a human being that I intended to offer it. In the same way this amendment has not been suggested to me by anyone except by my own invitation. The fact of this construction being put upon it by the authorities of the War Department came to me altogether accidently. I want to trespass upon the time of the Senate simply far enough——

Mr. FORAKER rose.

Mr. BACON. If the Senator desires to interrupt me I will yield with pleasure.

Mr. FORAKER. No; I do not desire to interrupt the Senator. I thought the Senator was about to yield the floor, and I want to say a word.

Mr. BACON. I am nearly through. I want to show what was the reason why Congress thought it was proper to make this provision of law.

As I said, no officer ever suggested the matter to me. I make that statement for the purpose of adding that after the act was passed I had from a great many officers, both from personal interviews and by letter, an expression of their very great gratification at this act of generosity, or justice, I would call it, on the part of the Government, and they have narrated to me circumstances and facts which show the great necessity for this law.

I have had numbers of officers state to me that it was an ordinary occurrence when an officer died in the army for his brother officers to have to take up a collection to bury the officer in a style which was becoming to his office and station. While the Government provided $75, everybody, of course, knows that that will not pay the expenses of the funeral of an officer; and there was no provision made whatever for the maintenance and support, and even the temporary comfort, of an officer's widow. It was a great reproach, Mr. President, that this should be the case with those who were in the employment of the Government in a position peculiarly hazardous, and that if an officer of the army was killed in battle, the moment the bullet struck him and ended his life his pay stopped.

Mr. President, the great necessity for the legislation was due to the fact, as stated in the former debate, that officers are not in a position to accumulate any money. They are not in a position to make any income outside. In fact, it is an impossibility with them. Their pay is of a character, even with the increase which was given to them, to make it impossible for them to lay by any part of it for the necessities which would arise, and the necessity of their families upon the occasion of their death.

That reason is just as strong, just as urgent, and just as imperative upon the consideration of the Government when an officer dies while he is enjoying a legal furlough as it is if he dies while he is actually fighting the enemy.

I do hope that the amendment will commend itself to the Senate and that it will be adopted. I think it is nothing but an act of justice. It is a tremendous hardship upon an officer to say that he can only take a legitimate legal furlough at the risk, if he should die in the interval, that his family would not have even the means to bury him, to say nothing of the means to put bread in their mouths for the few months which would immediately elapse succeeding his death.

Mr. WARREN. Mr. President, when the Senator presented the amendment a year ago it will be remembered with what alacrity it was accepted by the chairman of the committee, and the evident sentiment of the Senate in favor of it.

Now, as to this action in the department and its ruling, I think under the law the department is compelled to rule that way; and since the first generous as well as just provision, as the Senator terms it, has been adopted, I am willing that the Senate shall vote upon the amendment.

Mr. FORAKER. Mr. President, I have no complaint to make of the ruling of the department. We will assume that it was correct under the law. But I think the result is a hardship in many cases, and I do not know of any case better to illustrate the hardship than the one the Senator had read, which he showed me a moment ago, where an officer got a leave of absence to return from the Philippines, his regiment having been ordered home, and while on the way contracted typhoid fever, from which he died shortly after his arrival here. He was cut off from all the benefits provided. I think there ought to be an amendment to include the heirs of an officer who dies from disease contracted or injury sustained not through his own fault, or something of that nature.

Mr. BACON. That is the amendment which I offer, to strike out the words "contracted in the line of duty."

Mr. FORAKER. Then I hope the amendment will be adopted, because, while the department ruled correctly, I think, under the law, yet the hardship is illustrated by the case mentioned, and I hope we will correct it.

Mr. KEAN. Do I understand the Senator from Georgia to propose to amend the general law?

Mr. BACON. It is to amend the law which was enacted last year by an amendment to the army appropriation bill.

Mr. KEAN. It is all right. I only wanted to know the way in which he proposed to do it. It seems to be a rather loose way to amend the law by just striking out words and inserting others.

Mr. BACON. The law is on the statute books and the law is now designated, and the amendment designates the words to be stricken out and the words to be inserted in lieu thereof.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair suggests that perhaps it had better come in as an independent section.

Mr. BACON. I am glad to adopt the suggestion of the Chair.

Mr. WARREN. I was about to suggest that it should come in on page 9, after the items for "pay of enlisted men," since that is where it occurred in the original appropriation act.

Mr. BACON. Very well.

The VICE-PRESIDENT. It will be inserted at that point.

Mr. WARREN. I have an amendment to offer in the way of a transposition. On page 53, after line 15, insert the last paragraph of the bill, lines 19, 20, 21, and 22, on page 55, striking them out where they now occur.

The VICE-PRESIDENT. It is so ordered.

Mr. WARNER. I desire to offer an amendment.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add the following:

For the construction of a national road or highway in St. Louis County, Mo., extending from the southern limits of the city of St. Louis, Mo., to the national cemetery in Jefferson Barracks Reservation, in St. Louis County, Mo., on and over such right of way, not less than 100 feet wide, as shall be approved by the Secretary of War, and as shall be provided and dedicated in perpetuity to the Government of the United States of America for that purpose by St. Louis County or the citizens thereof, $127,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. KEAN. Is there an estimate accompanying the amendment?

Mr. WARREN rose.

Mr. WARNER. I yield to the Senator from Wyoming.

Mr. WARREN. I wish to ask the Senator from Missouri if that road does or does not extend over private property?

Mr. WARNER. It will not extend over private property, for the amendment provides by express terms that a right of way is to be given by the county of St. Louis or by private citizens. Private property will abut upon a part of the road.

Mr. WARREN. How much of the road would be abutting on private property?

Mr. WARNER. Fully one-half of it. If it is the purpose of the Senator from Wyoming, which I hope it is not, to raise a point of order with reference to the amendment, for the reason that it is new legislation or general legislation, I hope he will withhold it.

Mr. WARREN. I fear I shall be compelled to make a point of order, but I will withhold it until after the Senator from Missouri has explained the matter.

Mr. WARNER. The "Senator from Missouri" is not especially anxious to be heard, but it is pertinent to the question asked by the Senator from Wyoming whether the road is through private property or whether private property abuts upon the road. I think there are numerous instances in which appropriations have been made which run through private property. I call the attention of the chairman of the Committee on Military Affairs to the fact that the Government, at a cost of $125,000, built a roadway, 4¾ miles in length, from Mound City, Ill., to the national cemetery; that the Government, at an expense of $100,000, built a national road, 3 miles long, from Springfield, Mo., to the national cemetery; and that the Government, at an expense of $60,000, built a national road, a distance of 1½ miles, from Fort Scott, in Kansas, to the national cemetery.

Mr. WARREN. I will ask the Senator as he goes along if the appropriations which he enumerates were made in the supply bill—that is, the army appropriation bill—or were they in separate measures?

Mr. WARNER. My understanding is that the one at Mound City, Ill., was in the regular supply bill, though I have not had time to examine that fact. But we have a precedent for doing this.

Mr. President, Jefferson Barracks, through the grounds of which this road is proposed to be built to the national cemetery, contains about 1,300 acres close to the city limits of the city of St. Louis. Beyond the government grounds there is a national cemetery containing of the Nation's dead some 12,000. The purpose is to build a highway from the city limits of St. Louis to Jefferson Barracks and through the Jefferson Barracks grounds to the national cemetery.

I believe the RECORD will bear me out in the assertion that there have been fewer appropriations asked for the national cemetery in the county of St. Louis than any other in the country of like proportion, and I had hoped that this request, being so modest in the amount asked for and so worthy for the purpose to be obtained, the Senator in charge of the bill would not see fit to interpose an objection in the way of a point of order.

I will say in conclusion, Mr. President, as I do not wish to take the time of the Senate, that the amount asked for, $127,000, is the amount estimated and reported by the Quartermaster-General of the army. In this connection, I desire to send to the Secretary's desk to have printed in the RECORD, I do not care to have it read at this time, the report of the Quartermaster-General, and also to have incorporated in the RECORD, without reading, a letter from the secretary of the Civic League of the city of St. Louis.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 8, 1908.

Hon. LUKE E. WRIGHT,
Secretary of War, Washington, D. C.

DEAR SIR: I have the honor to herewith hand you a letter from the Civic League of St. Louis, Mo., which is self-explanatory. The subject-matter of this correspondence has been extensively discussed and the proposition to connect Jefferson Barracks and the national cemetery by a highway seems to be favored by all interested parties.

I am willing to introduce a special bill in the House, but, of course, would like to have more detailed information as to the amount of money required, and would therefore respectfully request, pursuant to the suggestion of the Civic League, that the commanding officer at Jefferson Barracks be called upon for the information necessary for this purpose.

Thanking you in advance, I am,

Very respectfully, RICHARD BARTHOLDT.

NOTE.—The papers mentioned by the Quartermaster-General (14512 W. D. and 13 inclosures) were forwarded to the chairman of the Senate Military Committee (Hon. FRANCIS E. WARREN) by Secretary Taft's letter of March 28, 1908.

WAR DEPARTMENT,
Washington, D. C., December 8, 1908.

Hon. RICHARD BARTHOLDT, Congressman from Missouri, forwards letter from the Civic League, St. Louis, relative to the construction of a highway from Jefferson Barracks and the national cemetery to the city limits.

[First indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, December 17, 1908.

Respectfully forwarded to the Adjutant-General of the Army.

December 18, 1907, a letter was received in this office from Congressman BARTHOLDT, inclosing a letter from the Civic League of St. Louis, Mo., relative to the construction of a roadway at Jefferson Barracks, Mo., running through the reservation to the national cemetery, the Civic League expressing a desire to have a bill introduced in Congress for an appropriation of $100,000 for the purpose.

By an indorsement dated December 21, 1907, the papers were forwarded to the Adjutant-General, recommending that the post authorities at Jefferson Barracks be called on for the proper plans and estimates, and they were received with the original papers March 7, 1908, and then returned to the Adjutant-General March 12, 1908.

The report by the quartermaster at Jefferson Barracks showed that, in accordance with estimate No. 1, the construction of a roadway 100 feet wide, with two 24-foot driveways and flanked with four rows of trees, a length of 17,250 feet outside the Jefferson Barracks Reservation, would cost $100,600; that the portion of the road inside the Jefferson Barracks Reservation—9,900 feet—would cost $27,000; total amount of this estimate, $127,600.

Estimate No. 2, for a roadway 60 feet wide with one 30-foot driveway, would cost $62,380 for that portion of the driveway, etc., outside of the Jefferson Barracks Reservation and $15,240 for that portion within the reservation, making a total cost of $77,620.

The papers were taken to the Senate Military Committee in March, 1908, and were returned to the Assistant Secretary of War March 27, 1908.

The part of the road outside the reservation could not properly be undertaken unless authorized by a special appropriation, and no part of this road was considered in submitting the 1910 estimates. It is therefore recommended that any special bill for the construction of the road should include the entire cost.

J. B. ALESHIRE,
Quartermaster-General, U. S. Army.

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE, *December 18, 1908.*

To the Assistant Secretary of War.

[Third indorsement.]

WAR DEPARTMENT, *December 19, 1908.*

Respectfully returned to Hon. RICHARD BARTHOLDT, House of Representatives, inviting attention to the report hereon of the Quartermaster-General of the Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

THE CIVIC LEAGUE OF ST. LOUIS,
St. Louis, February 17, 1909.

Hon. WILLIAM WARNER,
Senator from Missouri, Washington, D. C.

DEAR SIR: We have word from Mr. David R. Francis, who saw you in Washington the other day concerning the appropriation for a highway from the city limits of St. Louis to the national cemetery in Jefferson Barracks, that you did not have sufficient information concerning the proposition. I hasten to send you photographs of the proposed highway, a map of the city and its surroundings, and the following statement concerning the plans of this organization for that improvement.

The tract of land belonging to the Government and known as "Jefferson Barracks" contains over 1,300 acres of fine wooded land, in the southern portion of which is located one of the largest national cemeteries in the country, where 12,104 soldiers have been buried. At present the reservation and the cemetery are practically inaccessible from the city because of the lack of a good public highway leading from the barracks to the city limits. The records, I think, will show that less money has been spent by the Federal Government on this cemetery than upon any other in the country. The city of St. Louis is building the Kingshighway boulevard, some 19 miles in length, as indicated on the map inclosed, and will gladly connect this boulevard with the proposed highway, if the Government can be induced to build the portion in the county.

The War Department, through the Quartermaster's office, has had estimates made of the cost of this highway. These estimates are now in the files at Washington. Congressman BARTHOLDT introduced a bill in the lower House some time ago, calling for the appropriation of $100,000 for this proposed improvement, but there is little likelihood, as you know, of a special bill of this kind passing. Our only hope, therefore, is to have it tacked onto the general appropriation bill in the Senate.

If the Government makes this appropriation, the people of the county will donate the right of way, about 80 feet wide and 3 miles in length, for the highway.

There are plenty of precedents for this action on the part of the Government, and I need refer only to three such roadways in the vicinity of St. Louis.

The Government built a roadway, 80 feet wide and 4¾ miles long, from Mound City, Ill., to the national cemetery near that city at a cost of $125,000.

A national road, 80 feet wide and 3 miles long, was built from Springfield, Mo., to the national cemetery in the vicinity at a cost of approximately $100,000.

A roadway, 80 feet wide and 1½ miles long, was built from Fort Scott, Kans., to the national cemetery in the vicinity at an approximate cost of $60,000.

These are only a few of the illustrations which can be used as precedents in this matter.

The Civic League has been urging this appropriation for two years, and we earnestly hope that you and Senator STONE will be able to have the $100,000 included in the appropriations.

If you need further information, kindly let me know.

Very truly, yours,

MAYO FESLER, *Secretary.*

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. WARNER].

Mr. STONE. Mr. President, I desire to add just a word to what my colleague has said.

The city of St. Louis is now engaged in the construction of an extensive system of boulevards. One of the principal of those boulevards is along what is known as "King's highway," running very nearly through the heart of the city a distance of 19 miles. It terminates on the south at the city limits, just across what is known as "Carondelet Park." From that point to the thirteen hundred and odd acres embraced in the barracks reservation the distance is about 3 miles. This is one of the most beautiful spots of ground to be found in all that region. It is a beautiful park and a very large and handsome cemetery. In addition to that, Jefferson Barracks is one of the largest in the military establishment of that kind.

There is no way ordinarily of reaching the barracks from the city except by rail, steam or electric. The roadways are not well improved. It seems to me that under these circumstances, added to what my colleague has said, it would be an exceedingly appropriate and proper disposition of this small sum of public money to connect that great city with the cemetery and with the barracks.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. How many miles is this road in length?

Mr. STONE. Approximately 3 miles.

Mr. GALLINGER. And is there any land to be purchased?

Mr. STONE. The amendment offered by my colleague provides that the entire right of way is to be donated to the Government.

Mr. GALLINGER. I asked that question for the reason that my attention was attracted by the Senator from Missouri [Mr. WARNER] to the list of roads he read which had been constructed by the Government. I noticed that they cost in some instances $40,000 a mile. I do not know what road materials you have in Missouri, but I do know that the very finest macadam roads in New England are built at an expense of not exceeding $5,000 a mile, and I wondered why it cost $40,000 a mile in Missouri. It looks to me like an extravagance. I do not interpose any objection to the amendment; my attention was only attracted to that point.

Mr. WARNER. Will my colleague permit me to interrupt him?

Mr. STONE. Certainly.

Mr. WARNER. The Quartermaster-General gives the estimate in the paper I sent to the desk and makes the cost for the distance $127,000.

Mr. GALLINGER. That is at the rate of over $40,000 a mile.

Mr. WARNER. Yes; that is a matter of mathematics. I take it the Quartermaster-General was possibly making a correct estimate; I do not know.

Mr. GALLINGER. My notion is, if we are paying $40,000 a mile to construct roads, the Government of the United States is making a very poor bargain with somebody.

Mr. WARREN. If the Senator will permit me, I wish to say to the Senator from Missouri that in the Quartermaster-General's estimate he is doubtless estimating on the kind of a road that they asked to have—that is, 100 feet wide, and so forth.

Mr. WARNER. Yes, sir.

Mr. WARREN. The estimate, I understand, is an old estimate, not made by the present Quartermaster-General, but his predecessor, and made upon maps and plans that were submitted by those who were interested in the road.

Mr. WARNER. If my colleague will permit me a moment, I may say that I understand from the indorsement of the estimate of the Quartermaster-General it is to make a continuation of the road in keeping with the boulevards of the city, with which it connects, which would seem to be proper to be done.

Mr. STONE. It ought to be done.

Mr. WARNER. It ought to be done.

Mr. STONE. There ought to be one continuous line.

Mr. WARNER. With a proper driveway; a proper space on the side. It should be 100 feet wide, with a proper setting-out of trees.

Mr. STONE. At all events, Mr. President, if the appropriation should be put in the bill, the construction of the road would not cost to exceed the sum named, to be built under the auspices and direction of the federal authorities. If it does not cost that much, then that amount will not be expended. The amendment is intended merely to cover the estimate, and I felt no desire to add to it.

Mr. WARREN. Mr. President, I dislike very much to stand in the way of a proper connecting road between the points named, but it is a large amount, nearly $50,000 a mile, and more, I believe, than is necessary, although we shall probably at some time provide sufficiently for this road. We have not before us an estimate of recent date; nor have we an official estimate at all; that is, an estimate from the Secretary of the Treasury, upon which we base this appropriation. So we have no real estimate, and the appropriation has not been recommended by any committee. I regret very much that I shall have to make a point of order upon that ground. I hope in the meantime the Senator from Missouri will take the matter up and ask for a revision by the people there, so that we may get it within the lines of other appropriations we have made, and in the next bill have it properly indorsed.

Mr. WARNER. Mr. President, I was about to ask the Senator in charge of the bill whether it would not be proper to submit the question to the Senate?

Mr. WARREN. I will withdraw the point of order and let it go to the Senate.

The VICE-PRESIDENT. The Senator from Wyoming withdraws the point of order. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FORT KEOGH MILITARY RESERVATION.

Mr. GALLINGER. Unless there is an appropriation bill ready, I am going to venture to ask unanimous consent that the Senate proceed to the consideration of unobjected House bills on the calendar.

Mr. CARTER. I should like to have the Senator withhold his request for a moment. This morning I objected to the consideration of a brief bill reported by the Senator from Wyoming [Mr. WARREN] from the Committee on Military Affairs. It is on the desk. I should like to ask that it be considered during the afternoon.

Mr. GALLINGER. Very well.

Mr. CARTER. I withdraw my objection to unanimous consent and ask that House bill 24149 be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation in Montana.

Mr. CARTER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend by adding at the end of the bill the following as an additional section:

SEC. 3. That there is hereby granted to the incorporated city of Miles City, Mont., 160 acres of land along the easterly line of said Fort Keogh Reservation immediately adjoining Miles City, the same to be selected by the mayor of said city, subject to survey and approval by the Secretary of War: *Provided*, By the acceptance of said grant the said Miles City shall undertake full charge of and responsibility for straightening of the channel and the control of the waters of Tongue River to the west of the town site of said city.

The amendment was agreed to.

Mr. CARTER. I move to add, after the amendment just adopted, what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

SEC. 4. That permission is hereby given to the Custer County Fair Association, of Custer County, Mont., to use 160 acres of said Fort Keogh Military Reservation for the purposes of conducting and maintaining thereon a county fair, the said land to be selected as near as may be practicable in square form and the land as selected to be surveyed and approved by the Secretary of War, and all rights under this permission shall cease when said association discontinues the use of the aforesaid land for county-fair purposes.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PRIVATE LAND CLAIMS.

Mr. TELLER. I am directed by the Committee on Private Land Claims, to whom was referred the bill (H. R. 15442) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898, to report it without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to further amend section 18 of an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, and by the act approved June 27, 1898, so that the first clause of the section shall read as follows, namely:

That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor-general of the proper State or Territory before the 4th day of March, 1910, and no claim not so filed shall be valid.

It further provides that the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignments made after March 3, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CITY AND SUBURBAN AND OTHER STREET RAILWAYS.

Mr. SMITH of Maryland. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes, to report it with amendments. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments. The first amendment was, on page 3, to strike out section 4, as follows:

SEC. 4. That the City and Suburban Railway of the District of Columbia is hereby authorized to operate over its tracks cars for the conveyance of parcels, milk, ice, light freight, and of fuel for the use of such company: *Provided*, That such cars shall be operated only during the hours between 12 o'clock midnight and 5 o'clock a. m., and shall be subject to such regulations as may be made by the Commissioners of the District of Columbia.

And in lieu thereof to insert:

SEC. 4. That the City and Suburban Railway of Washington and all other street railway companies in the District of Columbia are hereby authorized to operate over their respective tracks cars for the conveyance of parcels, milk, ice, light freight, and of fuel for the use of such companies: *Provided*, That fuel cars shall be operated only during the hours between 12 o'clock midnight and 5 o'clock a. m., and shall be subject to such reasonable and usual regulations as may be made by the Interstate Commerce Commission.

The amendment was agreed to.

The next amendment was, after section 4, to insert as new sections the following:

SEC. 5. That section 18 of an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, a corporation created by the laws of the State of Maryland and authorized by an act of Congress approved February 18, 1907, to extend its line into the District of Columbia, be, and the same is hereby, amended to read as follows:

"SEC. 18. That the construction of the said extension on the lines of said railroad company within the District of Columbia shall be commenced within six months from the passage of this act and shall be completed and cars in operation within one year from the passage of this act, in default of which this act shall be void and of no effect: *Provided*, That the tracks of the Washington, Spa Springs and Gretta Railroad shall be located, approximately, in the middle of Bladensburg road, as the same shall be ultimately widened to a width of 90 feet; and that the Washington, Spa Springs and Gretta Railroad Company shall, in conjunction with its track construction, grade and macadamize to such section and profile as is approved by the Commissioners of the District of Columbia a width of 15 feet on both sides of its track construction; and that the Washington, Spa Springs and Gretta Railroad Company shall bear and defray all costs of this widening, which shall be done to the entire satisfaction of the Commissioners of the District of Columbia: *And provided further*, That all the rights, duties, obligations, and requirements as to permits and deposits contained in the act of February 18, 1907, authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia shall, in conjunction with this amendment, remain in full force and effect."

SEC. 6. That section 826a of the Code of Law for the District of Columbia be, and the same hereby is, amended so that it shall read as follows:

"SEC. 826a. Offenses against property: Whoever shall knowingly connect or disconnect any electrical conductor belonging to any company using or engaged in the manufacture and supply of electric current for purposes of light, heat, and power, or either of them, or makes any connection with any such electrical conductor for the purpose of using or wasting the electric current; or who in any wise tampers with any meter used to register current consumed; or who interferes with the operating of any dynamo or other electrical appliance of such company; or tampers with or interferes with the poles, wires, conduits, or other apparatus used by such companies, unless such person or persons shall be duly authorized by or be in the employ of such company; and whoever shall knowingly make use or take advantage of any connection or disconnection so made, or meter, dynamo, other electrical appliance, pole, wire, conduit, or other apparatus so tampered or interfered with, by whomsoever done, for the purpose of cheating, circumventing, or defrauding such company, shall, for each and every such offense, be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or both."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize certain extensions of the City and Suburban Railway of Washington, and to amend 'An act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia,' approved February 18, 1907, and for other purposes."

CONSIDERATION OF HOUSE BILLS.

Mr. GALLINGER. Mr. President, has my request been agreed to that the Senate proceed to the consideration of unobjected House bills on the calendar?

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected House bills on the calendar. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the first bill on the calendar under the unanimous-consent agreement.

DEPOSIT SAVINGS ASSOCIATION, MOBILE, ALA.

The bill (H. R. 3760) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala., was announced as first in order.

Mr. LODGE. Mr. President, the Senator from Rhode Island [Mr. ALDRICH] heretofore objected to that bill.

Mr. KEAN. I think the Senator from Rhode Island has since then examined the bill and withdrawn his objection to it.

Mr. BANKHEAD. What was the statement of the Senator from New Jersey?

Mr. LODGE. That it is all right.

Mr. BANKHEAD. Very well.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Deposit Savings Association, of Mobile, a body corporate under the laws of Alabama, be, and it is hereby, relieved of all liability for the tax of 10 per cent on the amount of its own notes used for circulation and paid out by it previous to the 3d day of March, 1875, under the provisions of section 6, acts of March 3, 1865, and July 13, 1866, and of section 3412 of the Revised Statutes of the United States.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal receiver of the Deposit Savings Association the sum of $7,394.73, this sum being the amount of money heretofore made and collected by the United States of and from the property of said association on account of the liability of said association for said 10 per cent tax.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay or refund to the legal receiver of the said Deposit Savings Association the sum of $5,100, that being the purchase money of certain real property situate in the port of Mobile, which was, on August 20, 1874, as the property of said association and on account of its liability to said tax of 10 per cent, sold at public outcry, and afterwards by deed conveyed to the use of the United States, and subsequently, to wit, on the 12th of September, anno Domino 1881, sold by the United States for the said sum of $5,100; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the said legal receiver of said association the sum of $1,857.77, which sum was collected by the United States as rent for said property from 1875 to 1881, inclusive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCELLUS BUTLER.

The bill (H. R. 17960) for the relief of Marcellus Butler was considered as in Committee of the Whole. It proposes to pay to Marcellus Butler $100 for services rendered to the Committee on Invalid Pensions from March 5, 1901, to December 1, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDGES FOR HAWAII, ALASKA, ETC.

The bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, was announced as next in order.

Mr. KEAN. Mr. President, that is a very long bill.

Mr. NELSON. Will the Senator from New Jersey allow me to make a statement?

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Minnesota?

Mr. KEAN. Certainly.

Mr. NELSON. Mr. President, this is an important bill. It is one of the omnibus bills that came from the House at the close of the last session. It provides for an additional judge for Hawaii, an additional judge for Alaska, an additional judge for New Mexico, and for a term of court in a new judicial division in Alabama. I will say there is nothing objectionable in the bill.

Mr. KEAN. I will say to the Senator from Minnesota that the reason I was going to object to the bill was because it contains so much.

Mr. NELSON. As it came to the Senate in that form, the Senate is not to blame. At the close of the last session, the House, being in a commotion, sent to the Senate an omnibus bill which embraced three or four bills, some of them Senate bills and some of them House bills. This bill has been considered by the Judiciary Committee, and unanimously reported by the chairman of that committee. In his absence, I desire to express the hope that the Senate will give consideration to the bill.

Mr. KEAN. Let the bill be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, page 1, line 9, after the word "judges," to insert "and who shall each receive an annual salary of $7,500," so as to read:

That section 86 of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii," be, and the same is hereby, amended so as to read as follows:

"SEC. 86. There shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of $7,500. The said court while in session shall be presided over by only one of said judges. The two judges shall from time to time, either by order or rules of court, prescribe at what times and in what class of cases each of them shall preside. The said two judges shall have the same powers in all matters coming before said court.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 24, after the word "law," to insert "and appeals and writs of error may be taken to the Supreme Court of the United States from said district court in cases where appeals and writs of error are allowed from the district and circuit courts of the United States to the Supreme Court," so as to read:

Writs of error and appeals from the said district court shall be had and allowed to the circuit court of appeals for the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeal as provided by law, and appeals and writs of error may be taken to the Supreme Court of the United States from said district court in cases where appeals and writs of error are allowed from the district and circuit courts of the United States to the Supreme Court, and the laws of the United States relating to juries and jury trials shall be applicable to said district court.

The amendment was agreed to.

Mr. KEAN. Mr. President, on page 2 I observe that the United States marshal——

Mr. NELSON. Will the Senator from New Jersey allow us to get through with the amendments reported by the committee? Then the Senator can make any suggestion he desires.

Mr. KEAN. This is evidently a mistake. It makes the term of the judges, district attorney, and marshal six years instead of four.

Mr. NELSON. That is a mistake. It should be four years.

Mr. KEAN. Then, I ask to have that correction made now. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, page 2, line 9, before the word "years," it is proposed to strike out "six" and insert "four," so as to read:

The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint two district judges, a district attorney, and a marshal of the United States for the said district, and said judges, attorney, and marshal shall hold office for four years unless sooner removed by the President.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, in section 1, page 3, line 17, after the word "annum," to insert:

Provided, That writs of error and appeals may also be taken from the supreme court of the Territory of Hawaii to the Supreme Court of the United States in all cases where the amount involved, exclusive of costs, exceeds the sum or value of $5,000.

The amendment was agreed to.

The next amendment was, in section 5, page 10, line 3, after the word "fees," to strike out "earned" and insert "received," so as to make the section read:

SEC. 5. That section 11 of chapter 1, title 1, of said act is hereby amended so as to read as follows:

"SEC. 11. That an accurate detailed account of all fees received and expenses incurred by commissioners and deputy marshals shall be prepared in duplicate quarterly, duly verified by the oath of the commissioner or deputy marshal rendering the account, and forwarded to the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law. After approval by the judge the original of each such account shall be forwarded by the clerk of the Department of Justice for revision and the duplicate filed in the court. All net fees earned in excess of the sum of $3,000 per calendar year or in excess of that rate for a less period, by any commissioner or deputy marshal, shall be annually paid to the clerk of the proper division of the court to be available for incidental expenses of the district court of the proper division, such payment of such incidental expenses to be accompanied by a verified detailed statement of said clerk."

The amendment was agreed to.

The next amendment was, on page 12, after line 3, to strike out section 11, as follows:

SEC. 11. That with the approval of the Attorney-General the governor shall appoint and at pleasure remove the commissioners in and for the district, who shall have the jurisdiction conferred by law in any part thereof, but who shall, during their term of office, each reside at the place in the district designated in the respective orders of appointment; but the district judges may, in cases of emergency, temporarily fill vacancies in the office of the commissioner. New offices of commissioners may be created by the governor with the approval of the Attorney-General.

The amendment was agreed to.

Mr. NELSON. I offer the amendment which I send to the desk, as a substitute for section [15] 14 in the bill. It relates to New Mexico.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, line 7, it is proposed to strike out:

SEC. [15] 14. That the judicial districts in New Mexico be divided and assigned as follows: First district to consist of the counties of Santa Fe, Rio Arriba, Taos, and San Juan; second district to consist of the counties of Bernalillo, McKinley, and Sandoval; third district to consist of the counties of Dona Ana, Sierra, and Luna; fourth district to consist of the counties of San Miguel, Mora, Colfax, and Union; fifth district to consist of the counties of Eddy, Roosevelt, and Chaves; sixth district to consist of the counties of Otero, Lincoln, Guadalupe, Quay, and Torrance; seventh district to consist of the counties of Socorro, Grant, and Valencia.

And in lieu thereof insert:

SEC. 14. That the Chief Justice and his associates are hereby vested with power and authority, and they are hereby directed, to divide said Territory into seven judicial districts and make such assignments of the judges provided for in section 12 of this act as shall, in their judgment, be meet and proper: *Provided*, That one of said judges shall preside and hold a district court in the city of Roscoe.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, in section [16] 15, page 13, line 18, after the word "That," to strike out "the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes;" in line 22, af-

ter the word "annually," to insert "within each of said districts;" and on page 14, line 1, after the word "them," to strike out "and grand and petit jurors shall be summoned therein in the manner now required by law," so as to make the section read:

SEC. [16] 15. That two terms of said court shall be held annually within each of said districts at such places within said district as may be designated by the chief justice and his associates, or a majority of them.

The amendment was agreed to.

The next amendment was, in section [19] 18, page 14, line 20, after the word "years," to strike out:

Provided, however, That suitable rooms and accommodations are furnished for holding of said courts free of all expenses to the Government.

The amendment was agreed to.

The next amendment was, in section [22] 21, page 16, after line 12, to strike out:

Such salaries shall be paid out of the Treasury as the salaries of other like officers are paid; and each of said officers shall receive their expenses and subsistence when necessarily employed in the performance of their official duties in like manner and to the same extent as are allowed to other like officers.

Such officers shall receive such salaries, respectively, and such expenses and subsistence from the time they entered upon the discharge of their duties.

So as to make the section read:

SEC. 21. That the United States district attorney for the eastern district of Oklahoma shall receive a salary of $4,000 per annum, payable monthly, in 12 equal installments.

The United States district attorney for the western district of Oklahoma shall receive a salary of $4,000 per annum, payable monthly, in 12 equal installments.

The United States marshal for the eastern district of Oklahoma shall receive a salary of $4,000 per annum, payable monthly, in 12 equal installments.

The United States marshal for the western district of Oklahoma shall receive a salary of $4,000 per annum, payable monthly, in 12 equal installments.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, I should like to call the attention of the Senate to the fact that to-morrow morning, at the conclusion of the morning business, if agreeable to the Senate, I shall call up the Indian appropriation bill.

HERMAN LEHMANN.

The bill (H. R. 2635) for the relief of Herman Lehmann was considered as in Committee of the Whole. It proposes to pay to Herman Lehmann $128 for the loss of personal property sustained by him while in the service of the United States as clerk in the Quartermaster's Department, U. S. Army, by reason of the burning of the government warehouse at Seattle, Wash., on May 7, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT BURLINGTON, IOWA.

The bill (H. R. 26466) to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. R. HURLEY.

The bill (H. R. 17276) for the relief of S. R. Hurley was considered as in Committee of the Whole. It proposes to pay to S. R. Hurley, of Grundy, Va., $615, or so much thereof as in the opinion of the Secretary of the Treasury was properly incurred, for expenses incident to defending an indictment made in Pike County, Ky., and Covington, Ky., for the murder of A. C. Centers while attempting to make an arrest for violation of the internal-revenue laws of the Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SHULL.

The bill (H. R. 4286) for the relief of John Shull was considered as in Committee of the Whole. The bill was reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "three hundred" and insert "one hundred and fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to John Shull, of Perry County, State of Pennsylvania, the sum of $150, out of any money in the Treasury not otherwise appropriated, in payment for timber cut and used by the United States topographical survey in building and construction of a tower on the summit of the Tuscarora Mountain, in the State of Pennsylvania, for the use of the Government of the United States, in the year 1904.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DRAMATIC ORDER KNIGHTS OF KHORASSAN.

The bill (H. R. 23707) to incorporate the Imperial Palace Dramatic Order Knights of Khorassan, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUCKET SHOPS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing, was considered as in Committee of the Whole.

Mr. GALLINGER. I move to strike out the last section.

The SECRETARY. It is proposed to strike out all after line 13, on page 5, as follows:

SEC. 869e. That the courts having jurisdiction shall charge their grand juries, each term, to investigate violations of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ROCK RIVER (ILLINOIS), BRIDGES.

The bill (H. R. 26482) to authorize the construction of two bridges across Rock River, State of Illinois, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER (PENNSYLVANIA) BRIDGE.

The bill (H. R. 26829) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYEES ON ISTHMIAN CANAL.

The bill (H. R. 22340) relating to injured employees on the Isthmian Canal was considered as in Committee of the Whole. It provides that nothing contained in the act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment shall prevent the Isthmian Canal Commission from granting to its injured employees, whether engaged in a hazardous employment or otherwise, leave of absence with pay for time necessarily lost as a result of injuries received in the course of employment, not exceeding in the aggregate thirty days per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. HILL.

The bill (H. R. 18600) for the relief of John M. Hill was considered as in Committee of the Whole. It proposes to pay to John M. Hill, late register of the United States land office at Walla Walla, Wash., $750, the amount paid by him out of his own funds for clerk hire during his term of office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. J. B. NEWCOMBE.

The bill (H. R. 8558) for the relief of R. J. B. Newcombe, was announced as the next business in order on the calendar.

Mr. BURKETT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, without prejudice, at the request of the Senator from Nebraska.

ESTATE OF SAMUEL BEATTY, DECEASED.

The bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased, was considered as in Committee of the Whole. It proposes to pay $100 to J. M. Beatty, administrator of the estate of Samuel Beatty, deceased, of Lee County, Ky., in full compensation for one horse sold to the Army of the United States during the year 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORFEITURE OF CERTAIN RIGHTS OF WAY.

The bill (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," was considered as in Committee of the Whole.

Mr. KEAN. Let the report be published in the RECORD.

The VICE-PRESIDENT. Without objection, the report will be published in the RECORD.

The report (No. 961) submitted by Mr. FLINT on the 10th instant is as follows:

The Committee on Public Lands, to whom was referred the bill (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," having had the same under consideration, beg leave to report it back with the recommendation that it do pass.

A part of this report is included in the report of the Committee on the Public Lands of the House of Representatives, which gives full information as to the necessity of the enactment of this bill, as follows:

"The committee having had under consideration H. R. 24833, a bill to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled 'An act granting to railroads the right of way through the public lands of the United States,' report the same back with the recommendation that the same do pass.

"Under the right-of-way act of 1875 railway companies may file plats and select their routes over and across the public lands of the United States. The plats, when approved in the Land Department, constitute a cloud upon the title, whether the roads are built within the time required by law or not. The forfeiture declared in the statute because of failure to build the road is not self-executing. Either a congressional or judicial forfeiture must be declared.

"Many of these plats are now on file and have not been followed by the construction of the proposed railways.

"This bill expresses an affirmative declaration of forfeiture against all the old unused selection of rights of way where they are more than 5 years old. The bill only deals with these old, abandoned, and unused filings, leaving future Congresses to declare future forfeitures.

"Some years ago the unearned railway land grants were declared forfeited, and the same policy should now be adopted as to the unearned and unused rights of way.

"This bill is a copy of the law of June 26, 1906, and the passage of the bill is necessary at this time by reason of the fact that there are a considerable number of rights of way which have become subject to forfeiture since the passage of that act by reason of noncompliance with the conditions, and which should be cleared from the records of the Land Office.

"There is appended hereto and made a part of this report a letter from the Secretary of the Interior on the bill in question."

DEPARTMENT OF THE INTERIOR,
Washington, January 11, 1909.

SIR: In response to request for a report on H. R. 24833, entitled "A bill to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled 'An act granting to railroads the right of way through the public lands of the United States,'" I have the honor to report that the provisions of the law are in accordance with former legislation and that there is no objection to its passage.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands,
House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONDEMNED CANNON FOR ROBINSON, ILL.

The joint resolution (H. J. Res. 241) to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill., was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. DE COSTER.

The bill (H. R. 5728) for the relief of James H. De Coster was considered as in Committee of the Whole. It proposes to reimburse the sum of $465.95 to James H. De Coster, postmaster at Mechanic Falls, Androscoggin County, Me., for postage stamps and post-office funds stolen from the post-office at Mechanic Falls.

Mr. FULTON. Mr. President, I do not intend to object to the consideration of the bill, but I do wish to call the attention of the Senate to what seems to me to be a bad practice. This is a claims bill, pure and simple. It should have gone to the Committee on Claims. It is impossible to observe any regular practice or any policy if bills of this character are referred to different committees. I think the Senate should insist that all bills of this character should go to one committee, in order that a regular and uniform practice can be established and followed.

The Committee on Claims does have a policy in regard to these matters, and it endeavors to conform to it; but when bills of the same character are referred to other committees, it is impossible to observe any settled policy.

Mr. BURKETT. The calendar does not indicate that there is a report accompanying the bill. If there is one, I should like to have it read.

The VICE-PRESIDENT. There is no report accompanying the bill.

Mr. BURKETT. Then, I ask that it go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Nebraska.

JOHN W. WOOD.

The bill (H. R. 15603) for the relief of John W. Wood was announced as the next business in order on the calendar.

Mr. GALLINGER. The bill is precisely similar to the one which was just objected to, and I ask that it go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

E. J. REED.

The bill (H. R. 4307) for the relief of E. J. Reed was considered as in Committee of the Whole. It proposes to pay to E. J. Reed, postmaster at Danby, Vt., $301.20, the sum of money and stamps stolen from the post-office at Danby, Vt.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. CURRY.

The bill (H. R. 17171) for the relief of Benjamin F. Curry was considered as in Committee of the Whole. It directs the Postmaster-General to allow on the accounts of Benjamin F. Curry, postmaster at Hamlin, W. Va., a credit of $189.99 for money stolen from that office by burglars December 27, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ANDERSON.

The bill (H. R. 19762) to reimburse the postmaster at Sandborn, Ind., was considered as in Committee of the Whole. It proposes to pay John Anderson, postmaster at Sandborn, Ind., $450.43, being the amount burglarized from the post-office safe at said place February 18, 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. RIVETT.

The bill (H. R. 23699) to grant to John T. Rivett privilege to make commutation of his homestead entry, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAROLE OF JUVENILE OFFENDERS.

The bill (H. R. 27425) to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERMANENT SYSTEM OF HIGHWAYS IN THE DISTRICT.

The bill (H. R. 25149) to authorize certain changes in the permanent system of highways, District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION AND WIDENING OF STREETS, ETC.

The bill (H. R. 26472) to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 16747) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 24152) for the widening and extension of Massachusetts avenue SE., from its present terminus near Fortieth street SE., to Bowen road, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 23864) authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 16269) authorizing the extension of Ninth street NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 17303) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONDADO BAY BRIDGE, PORTO RICO.

Mr. FORAKER. I am directed by the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 26838) to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico, to report it favorably without amendment; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES M. HARRISON.

The bill (H. R. 21019) to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance was considered as in Committee of the Whole. It proposes to pay to Agnes M. Harrison, postmaster at Wheeler, Miss., for money-order remittance lost in transit November 12, 1907, without fault on her part, the sum of $56.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. L. SIMPSON.

The bill (H. R. 3844) for the relief of E. L. Simpson was considered as in Committee of the Whole. It proposes to pay to E. L. Simpson $88.90 to reimburse him for money stolen from the post-office at Carrollton, Ill., January 2, 1897, by burglars.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. C. HAGGARD.

The bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn., was announced as the next business in order on the calendar, and was read.

Mr. BURKETT. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is no report accompanying the bill.

Mr. BURKETT. I ask that it go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Nebraska.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

The bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. It will go over, at the request of the Senator from New Jersey.

DANIEL W. ABBOTT.

The bill (H. R. 26516) authorizing Daniel W. Abbott to make homestead entry was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESURVEY OF PUBLIC LANDS.

The bill (H. R. 24835) authorizing the necessary resurvey of public lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, in line 4, after the word "made," to strike out "in the manner" and insert "as he may deem wise under the rectangular system;" and in line 1, on page 2, before the words "per centum," to strike out "twenty" and insert "five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, cause to be made, as he may deem wise under the rectangular system now provided by law, such resurveys or retracements of the surveys of public lands as after full investigation he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement: *Provided further*, That not to exceed 5 per cent of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements authorized hereby.

The amendments were agreed to.

Mr. KEAN. This seems to be rather an important bill, and I should like the Senator from Oregon to explain it. Does it contemplate a general resurvey of all the public lands in the United States?

Mr. FULTON. Oh, no; only where the corners have been lost, where the marking has been lost, by either the tree or other monument being removed, and where it becomes necessary to retrace the line.

Under the present holding of the Interior Department, retracing or resurveys can not be made after the original survey has been accepted. The result is that innumerable special bills have to be passed providing for retracing and resurveys. The pending bill authorizes the Secretary to have it done, if after examination it seems proper and necessary, and the bill limits the amount that may be expended to 5 per cent of the appropriation.

Mr. KEAN. I should like to ask the Senator if he has any idea what the total expense under the bill will be?

Mr. FULTON. I think the total appropriation for surveys is $300,000, as I recall, and the bill allows 5 per cent of it to be used for this purpose.

Mr. KEAN. At the present time?

Mr. FULTON. At the present time.

Mr. KEAN. But the expenditure you are indulging in will be from ten to fifteen million dollars, will it not?

Mr. FULTON. Oh, no.

Mr. KEAN. I think the bill had better go over.

Mr. FULTON. It is asked for by the department.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

Mr. BURKETT. Let me say a word to the Senator from New Jersey before he insists upon his objection.

I have had occasion to introduce here several bills to straighten out certain portions of the survey in Nebraska. The survey was made many years ago. Some of the land has been taken up, and it is impossible for the settler to find his land. Some of the corners can not be found. There is no way to get the settler on the land, or to find where the land is. It is here and there. Sometimes we have to survey a whole county. On two occasions I have had a whole county in my State resurveyed. Sometimes it is a smaller amount.

Mr. KEAN. Then the county ought to bear the expense. It is not for the United States Government.

Mr. BURKETT. It is government land.

Mr. FULTON. It is government land.

Mr. BURKETT. It is government land. It is not county or individual land.

I will say to the Senator that all the private-owned land has at one time or another been surveyed, and a great deal of it has had to be resurveyed by private parties; and the government land is in exactly the same position as the private-owned lands.

Mr. FULTON. The bill specially limits to public lands. It does not apply at all to lands which have passed into private ownership.

The VICE-PRESIDENT. Does the Senator from New Jersey insist upon his objection?

Mr. KEAN. I do not insist upon it.

Mr. WARREN. Mr. President, I trust the Senator from New Jersey will not object to the bill. It simply provides for doing in a general way what we have already had to do many times in individual cases.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his objection.

Mr. KEAN. I do not approve of the bill. Nevertheless, I do not object to its consideration.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ESTATE OF SARAH J. MONTGOMERY.

The bill (H. R. 13712) for the relief of the legal representatives of Sarah J. Montgomery, deceased, was considered as in Committee of the Whole. It authorizes the proper legal representatives of Sarah J. Montgomery, deceased, late of Terrebonne Parish, State of Louisiana, to bring suit in the Court of Claims for the recovery of the net proceeds of 125 bales of cotton alleged to have been taken from Oak Point plantation, Madison Parish, La., by the Army of the United States about the year 1863.

Mr. WARREN. According to the calendar, the bill was reported from the Committee on Public Lands. I dare say that that is an error. Probably it was reported from the Committee on Claims.

Mr. FULTON. It was referred to the Committee on Claims and reported from the Committee on Claims, as is shown by the report and as a matter of fact. It is simply a misprint in the calendar.

Mr. WARREN. It makes no difference as to the calendar; but if there is a record of it, that ought to be corrected.

The VICE-PRESIDENT. The record is correct.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNERSHIP OF LANDS IN CANAL ZONE.

The bill (H. R. 18694) relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama, was considered as in Committee of the Whole.

The bill was reported from the Committee on Interoceanic Canals with an amendment, on page 2, after line 23, to strike out section 4, in the following words:

SEC. 4. That for the purpose of adjusting claims for lands occupied or necessary to be occupied by the canal and the Panama Railroad and appurtenant works the President is authorized to convey the title of the United States to such portions of the public lands in the Canal Zone as by him may be deemed advisable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TELEPHONE SYSTEM ON ISLAND OF OAHU.

The bill (H. R. 25139) to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND ENTRIES.

The bill (H. R. 26734) to permit change of entry in case of mistake of the description of tracts intended to be entered was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UTE INDIAN RESERVATION LANDS.

The bill (H. R. 19606) to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN ANDRAE ELECTRICAL COMPANY.

The bill (H. R. 8947) for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis., was announced as the next House bill in order on the calendar.

Mr. BURKETT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Nebraska.

C. L. HUEY.

The bill (H. R. 7029) for the relief of C. L. Huey was considered as in Committee of the Whole. It proposes to pay to C. L. Huey, of Bloomingdale, Ind., $96.40, being for loss of private property at Cavite Naval Station, P. I., as found due him by a board of survey at Manila, P. I., by Special Orders, No. 272, paragraph 2, dated headquarters First Brigade and post of Manila, November 17, 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. N. NEWKIRK.

The bill (H. R. 21167) to reimburse J. N. Newkirk, postmaster of SanDiego, Cal., for moneys lost by burglary, was considered as in Committee of Whole. It proposes to repay to J. N. Newkirk, postmaster at San Diego, Cal., $234.17 to reimburse him for key deposit funds lost by burglary on February 26, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERAL SURVEYS.

The bill (H. R. 25396) for relief of applicants for mineral surveys was considered as in Committee of the Whole. It proposes to pay, out of the moneys heretofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of the United States surveyors-general in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the surveyor-general of the district in which the mineral land surveyed, or sought to be surveyed, is situated and approved by the Commissioner of the General Land Office.

Mr. KEAN. I should like to have the Senator in charge of the bill explain it. The money, I understand, is deposited in the Treasury of the United States.

Mr. NELSON. The money is turned into the Treasury Department by the government officers. This is to refund it in certain cases. The bill was referred to the department, and my recollection is that the department favorably reported it.

Mr. KEAN. What is the amount of money involved in the bill?

Mr. CARTER. When an individual applies for a patent for a mining claim, a deposit is required at a United States depository in the sum, I believe, of $30, to pay for the clerical work connected with the survey. It so happens that this is an amount in excess now and then of the actual and necessary disbursement in connection with the application.

As I understand the bill, which has not heretofore been called to my attention, the purpose is to direct that the excess over and above the actual cost shall be refunded to the party who placed the same on deposit. It is an equitable measure, and I think it should be passed.

Mr. KEAN. Is not the excess used to pay the expenses of the Government of the United States?

Mr. CARTER. The Government of the United States is paid so much per acre for each acre of land embraced in the claim. That is the amount contemplated by law to compensate the Government for the land. In connection with the acquiring of patent, there is certain clerical work to be performed, certain surveying to be done. The individual applying must, in the first place, make the deposit to which I have referred to reimburse the Government for the clerical service. The applicant must also pay for the surveying of the mining claim.

Thus it happens that the Government is not burdened with either clerical service or survey fees of the mining claims as in the case of agricultural claims. When the claim has been regularly surveyed and all the clerical work performed and the point reached where a final receipt is issued, the individual pays $5 per acre in the case of a quartz claim and $2.50, I believe, in the case of a placer claim, thus paying all the clerical work of the survey fees and the statutory price prescribed for the land embraced in the survey.

Mr. NELSON. Will the Senator from New Jersey allow me to quote a short paragraph from the report of the Assistant Secretary of the Interior?

Mr. KEAN. Certainly.

Mr. NELSON. This is the final part of his letter:

The proposed legislation is urgently needed, as the sums which accumulate by these deposits are neither funds of and available to the United States nor, under the present conditions, repayable to those rightfully entitled to them.

Mr. KEAN. But if they are covered into the Treasury they are funds of the United States.

Mr. NELSON. But they do not go into the Treasury of the United States as a part of the funds. They are special deposits made when persons apply for patents, and the United States

can not use the money except to reimburse it for the expense. They are accumulated and unavailable in the general funds of the United States. I will read this again:

The proposed legislation is urgently needed, as the sums which accumulate by these deposits are neither funds of and available to the United States nor, under the present conditions, repayable to those rightfully entitled to them.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the calendar of unobjected House bills.

JOHN H. LAYNE.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 9402) for the relief of John H. Layne.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

It provides that in the administration of the civil-service laws John H. Layne shall hereafter be held and considered to have been discharged from the military service of the United States as a private of Company G, Nineteenth Regiment U. S. Infantry, on the 19th day of December, 1898, by reason of disability resulting from wounds or sickness incurred in the line of duty.

Mr. GALLINGER. I do not quite understand the phraseology of the bill—the words "in the administration of the civil-service laws."

Mr. TALIAFERRO. The bill takes the place of one that was vetoed by the President the other day. It comes with a favorable report from the Committee on Military Affairs. The language of the bill was suggested by The Adjutant-General to cure the difficulty with the former bill which the President vetoed.

Mr. GALLINGER. I am not going to object to the bill, but what attracted my attention is the idea that the civil-service laws have anything to do with the military arm of the Government.

Mr. TALIAFERRO. Except that under certain conditions ex-soldiers have a preference under the civil-service law.

Mr. GALLINGER. Oh, yes; that explains it.

Mr. TALIAFERRO. The bill is so drawn for the purpose of reaching that law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK WYMAN.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 9348) to reimburse Frank Wyman, postmaster at St. Louis, Mo., for embezzlement of money-order funds by clerk at said post-office.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate, for the reimbursement of Frank Wyman, postmaster at St. Louis, Mo., for money-order funds embezzled by Elmer Smith, clerk at Stoddard Station and Station No. 9, of the post-office at St. Louis, Mo., in the years 1904 and 1905, the sum of $4,139.13.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

A. R. HOLZHEID.

Mr. WARREN. I ask leave to call up the bill (S. 706) for the relief of A. R. Holzheid, who sustained loss of property in the San Francisco fire of April, 1906.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $1,097.50 to Armin R. Holzheid, chief clerk headquarters of the Department of California, on account of loss of personal property burned in the Hotel Renton, No. 712 Sutter street, San Francisco, Cal., in the fire of April 19, 1906, and during his absence attending to his official duties at the Phelan Building and at Fort Mason.

Mr. BURKETT. I should like to hear some explanation of the bill.

Mr. WARREN. This is for the relief of the chief clerk at the headquarters of the department of California under General Funston. He left his own personal affairs and effects and worked in the fire which followed the earthquake, and he has no chance for reimbursement for his losses except through Congress. If he had been an enlisted man or officer or other than a civilian employee, the property could be paid for under the general law. But inasmuch as he is a civilian employee this claim should be paid as all others of this kind have been paid. He might have saved his property, the commanding-general stated, had he not obeyed orders and remained at his post of duty.

Mr. BURKETT. Do I understand that it is the case of an enlisted man boarding at a hotel? I do not know about this bill. As I caught the reading, the man lost his personal property in a hotel.

Mr. WARREN. Perhaps the Senator places too much stress upon the word "hotel." It was his home, where he lived. That was his barrack or quarter for the time. It would have been the same had he been in a private house or in a government building. When a soldier is serving under orders, if he loses his private property while he is doing duty at another point to save government property it can be paid without referring it to Congress.

Mr. BURKETT. The amount involved is a thousand dollars.

Mr. WARREN. It is a little over a thousand dollars.

Mr. BURKETT. I should like to have the report read. It seems to me that this is an entirely different kind of a bill from those we have heretofore passed.

Mr. WARREN. If the Senator had observed it, we passed three almost together not two weeks ago to cover similar cases.

Mr. BURKETT. In those cases the property was lost on a boat.

Mr. WARREN. They were all of them government employees, who lost their belongings by earthquake or fire while they were doing their duty at some other point.

Mr. BURKETT. I did not observe a provision like this in those bills or I certainly would have raised some question about it. I should like to have the report read.

The VICE-PRESIDENT. The Secretary will read the report of the committee at the request of the Senator from Nebraska.

Mr. KEAN. If the bill is going to take up so much time, I think it had better go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

PROBATION OFFICERS OF COURTS.

Mr. GALLINGER. I ask for unanimous consent for the consideration of the bill (S. 8905) for the establishment of a probation system for the District of Columbia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask that the report on the bill be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following report (No. 890) to accompany S. 8905.

The Committee on the District of Columbia, to whom was referred the bill (S. 8905) for the establishment of a probation system for the District of Columbia, having considered the same, report thereon with a recommendation that it pass.

The advantages to be derived from the probation system proposed by this bill are clearly set forth in the following extract from the report of the commissioners appointed under the act approved May 26, 1908, "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes," to investigate the jail, workhouse, etc., in the District of Columbia. (S. Doc. No. 648, 60th Cong., 2d sess.)

We are woefully and shamefully in need of this. Except in the juvenile court, we have nothing of the sort. Some of our judges have entertained such views of the law that they have felt justified in suspending sentence in some cases after a plea of guilty, or conviction by the jury, and have allowed the offender to go on his own or other recognizance. Others of our judges have entertained such views of the law that they have not felt themselves empowered to do this. But even if we accept the view that courts have authority indefinitely to suspend sentences, notwithstanding the express mandate of the legislature that upon conviction a prescribed punishment shall follow, we are still in this position—that there is no officer in whose care the released person can be placed; there is no system for following up his subsequent career and informing the court whether he should be left at liberty or brought back and sent to prison; and there is no system by which he can be warned, guided, encouraged, and assisted to become a good citizen instead of relapsing into crime.

The probation theory does not tend to minimize the offense. It rather magnifies it by restricting the liberty of the offender, and perhaps for a longer time than if he were confined in prison. It takes away many of his rights. The court prescribes what he may do, where he may go, with whom he may associate, and how he shall conduct himself. It requires him to shun evil companions, to abstain from drink, to keep away from the saloon, to work steadily for the support of those who are dependent upon him. One of the chief advantages is that it keeps the probationer in right relation to his family; if imprisoned, he is for a time relieved of the obligation to support them and discovers perhaps that they can get along without him. Probation lays its hands upon him and compels him to support them. That is a condition of his liberty. In this way it tends to reformation without actual imprisonment.

But the system of probation ought not to be considered by itself. It must be considered in contrast with its alternative, imprisonment. Even in institutions where care is taken to separate the beginner in crime from the hardened offender it is not possible entirely to prevent contact. Some contamination is inevitable.

Even at its best, imprisonment is better calculated to develop than to arrest evil tendencies. The man who has been in prison has at least two terrible disadvantages. He comes out with the stigma of the prison, which hinders him from getting employment and heavily handicaps him in his struggle for a living. This stigma attaches to his innocent wife and children as well, who often suffer more than the guilty husband and father. The second is that prison acquaintances constitute an obstacle to a new and respected life. In prison he has come in contact with men who have no desire to reform and who are willing to drag others down to their own level. He can not always avoid them when he meets them out of prison. If they can not persuade him to go with them into new crime they may keep him in constant fear that they will bring to light the past he is trying to live down. From both of these dreadful disadvantages he may be saved by the probation system. It is worth noting that in the competition between imprisonment and probation, probation has been subjected to tests which have never been applied to imprisonment. It has been demanded that probation should prove that it reforms, but it has never been required of imprisonment that it should show that it has reformed. (See Report of Committee on Probation, National Prison Association, Albany, 1906, p. 85.)

Such a system need not be expensive even in the first instance, and such expense as may necessarily attend it will most certainly be overbalanced even in dollars and cents by the saving to the public which will result from the continuance of the probationers in industrial occupation instead of being supported in public institutions and by the permanent transfer of some of them from the criminal to the law-abiding class. The results already achieved by the system as it now obtains in our own juvenile court have demonstrated the correctness of this position.

We do not mean to put our recommendation of a probation system wholly or necessarily upon a mere monetary basis. Neither do we put it on the ground of a humane and philanthropic duty on the part of government toward its disobedient members. We believe there is a safer and an impregnable basis to be found in the prime duty of society to provide for its own welfare and protection. We look upon such a system as a practical method of recruiting the ranks of law keepers from the number of those who would otherwise join the ranks of the enemies of government and order. No reasonable pains or expense should be spared to secure so desirable a result. And when we find, as we do, that the system, so far from proving a financial burden upon the community, actually pays for itself several times over even in the money point of view, we feel that the proposition ought to commend itself to conservative minds of every cast.

Our study of the working of probation systems in other jurisdictions, and, so far as made use of in our own, our reading upon the subject, and the testimony we have received from experts in this branch of penology has left us without a doubt that we should have such a system here.

The District of Columbia ought not to be put off in this matter by reason of any consideration Congress may be giving to the subject of a general probation law for all federal courts. Our situation is peculiar. The offenses dealt with in our courts are not merely such offenses as are cognizable in other federal courts, but include crimes of every character. In this respect, although all offenses committed in the District are offenses against the United States (since there is here no other sovereignty), yet they are, almost all, exactly such offenses as when committed in a State are offenses against the State in distinction from offenses against the United States. Indeed the number of strictly federal prisoners from the District of Columbia is less than 30 out of a total of more than 1,400. Practically, for the purpose of dealing with this problem, we are to be regarded as a State by ourselves. We should have a system adapted to our own special needs.

When sentence is to be pronounced and it appears to the court that the case may be one calling for the use of the probation system, there should be an officer to whom the matter may be referred by the court and by whom the necessary information may be furnished. Such an officer would investigate the circumstances if they were not fully brought out at the trial (and the most frequent use of the system will be in cases where there has been a plea of guilty and no trial at all), the previous record and conduct of the person to be sentenced, and all other facts which ought to be considered in determining the question. That question should be whether there is a reasonable probability that, if he should be given another chance under the restraints and encouragement of the probation system, he would never again break the law, but would ally himself permanently with the forces of order instead of becoming their enemy. If the court is convinced that such is the case, there should be at hand a wise and judicious officer in whose watch care the offender should be placed under prudent restrictions and conditions especially adapted to his case—an officer who will keep in touch with his charge and personify to his mind the kindness and also the severity of the law, an officer to whom reports must be frequently made by the subject, and who will keep the court informed of the subsequent course of the probationer. All this requires careful provisions by statute and a well-planned but not too complex system of procedure.

The question whether the probationer has broken the conditions of his release or should, on the other hand, be finally discharged from probation, must ultimately be decided by the court; but the court may be greatly aided and enlightened by the reports and recommendations of such an officer. The officer should be in closest touch with the court and in all respects subordinate to it. In our opinion, he should be appointed by it, and be subject to discharge whenever the court shall feel a want of confidence justifying such action. While some of such officers ought to devote their whole time to the work and be paid a proper salary, provisions ought to be made for the employment of unpaid volunteer assistants who will devote a portion of their time, or take charge of given cases under the supervision of the chief officer. It is hoped and believed that there will be found not a few tactful and philanthropic citizens, men and women, who will be willing to give a portion of their time to so humane and practical a service. It is easy to see that there would be certain advantages in a common board of probation, having under its observation and subject to its regulating control all probation cases in the District. This we have not overlooked. But we believe that, on the whole, the advantage of having the probation work of each court done under the supervision of, and in fulfillment of the conditions imposed by, the court which is responsible for the case outweigh these advantages, and that each court should appoint and control its own probation officers. The general plan of probation work should, however, be laid down by the statute, leaving to the court only the duty and province of applying the principles adapted to the individual case before it.

RECORDS OF INTERSTATE CARRIERS.

Mr. KEAN. I ask unanimous consent for the consideration of the bill (H. R. 27894) amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend paragraph 7 of section 20 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, so that the paragraph will read as follows:

PAR. 7. Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the commission may, in its discretion, issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents of carriers which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

Mr. KEAN. The only change made in the existing law is the proviso at the end of the paragraph. It is recommended unanimously by the Interstate Commerce Commission and is absolutely necessary for the transaction of the public business.

Mr. HEYBURN. The Committee on Revision of the Laws—a joint committee—has proposed to both Houses, and both Houses have favorably acted upon, a change in the system of minimum punishment. They are abolished. I would suggest to the Senator that there is no occasion for a minimum punishment in this case.

Mr. KEAN. There is no change in the minimum punishment. That is in the existing law.

Mr. HEYBURN. I merely called attention to it because it will be desirable hereafter to have uniformity in legislation in regard to penalties.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. WINDSOR.

Mr. RAYNER. I ask unanimous consent for the present consideration of the bill (S. 5092) to remove the charge of desertion against the military record of James A. Windsor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion against the military record of James A. Windsor, late of Company C, Eighth Maryland Infantry, and grant him an honorable discharge to date from April 9, 1865, but no pay, bounty, or other emolument shall accrue or become payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADOLPHUS ERWIN WELLS.

Mr. OVERMAN. I move that the bill (S. 9355) for the relief of Adolphus Erwin Wells be indefinitely postponed.

The motion was agreed to.

DAMAGES TO OWNERS OF LIGHTER NO. 128.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (S. 8424) for the relief of the owners of lighter No. 128.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the claim of the owners of lighter No. 128 against the United States for damages caused by collision between such lighter and the United States Quartermaster's Department tug *General Joseph E. Johnson* in the waters of the East River, harbor of New York, on December 23, 1907, may be sued for in the United States district court for the southern district of New York, sitting as a court of admiralty and acting under the rules governing such courts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 20, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 19, 1909.*

[*Continuation of legislative day of Monday, February 15, 1909.*]

The recess having expired, at 11 o'clock a. m., the House was called to order by the Speaker pro tempore, Mr. DALZELL.

CONSTITUTION ISLAND, NEW YORK.

Mr. CHANEY. Mr. Speaker, I call up the conference report on House joint resolution 219, to accept the gift of Constitution Island, in the Hudson River, New York, and move its adoption.

The SPEAKER pro tempore. The gentleman calls up the conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment insert the following:

"That the United States accepts with gratitude and appreciation the gift of Constitution Island so graciously and patriotically donated to the Government by Miss Anna Bartlett Warner and Mrs. Margaret Olivia Sage; and the Secretary of War is hereby authorized to receive a deed from Anna Bartlett Warner and Margaret Olivia Sage for the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided*, That the lands so donated and deeded shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: *Provided also*, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership."

And that the Senate agree to the same.

A. B. CAPRON,
JOHN C. CHANEY,
JAMES HAY,
Managers on the part of the House.

H. C. LODGE,
H. A. du PONT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CHANEY. Yes.

Mr. CLARK of Missouri. I would like to ask the gentleman from Indiana a question about this. What changes does this make? It simply changes a plain resolution of thanks to "we accept with gratitude," and what else?

Mr. CHANEY. It simply changes the resolution we passed here by adding the details of the transfer, and describes how it shall be made.

Mr. CLARK of Missouri. Does it not strike out the ordinary verbiage of giving people thanks, and by some kind of legerdemain insert in it that we accept with gratitude?

Mr. CHANEY. The word "thanks" is changed to the word "gratitude."

Mr. CLARK of Missouri. That is just beating the devil around a stump, is it not?

Mr. CHANEY. That has this explanation. Whenever anybody is publicly thanked on the floor of Congress, it authorizes their admission to the floor of the House.

Mr. CLARK of Missouri. Well, what is the reason that these women do not have just as much right to the floor of the House under a resolution of thanks as if they had been two men?

Mr. CHANEY. They have every bit as much reason to have the right to the floor, I take it, but that is the idea of the Senate, and therefore we concluded that the expression "with gratitude" would be sufficient to meet all the courtesies between us and the donors. We therefore agreed to that modification.

Mr. CLARK of Missouri. It seems to me it is a matter of peanut legislation.

Mr. CHANEY. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio, by direction of the Committee on Rivers and Harbors, reported the bill (H. R. 28243) to provide for the repair, preservation, and maintenance of public works on rivers and harbors, and for other purposes, which was read a first and second time, and, with the accompanying report (H. Rept. No. 2197), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MANN. Mr. Speaker, I reserve all points of order.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The gentleman from Illinois reserves all points of order on the bill.

PULP AND PAPER INVESTIGATION.

Mr. MANN. Mr. Speaker, I ask unanimous consent to present and have read at this time the report of the Select Committee on Pulp and Paper Investigation.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows (H. Rept. No. 2206):

The select committee appointed under House resolution No. 344, to make investigations concerning pulp wood, pulp, and paper, beg leave to report as follows:

Papers are made from a large number of different materials originating from the fibrous portions of plants. The materials used are, generally speaking, in the nature of waste products. Linen and cotton rags, old papers of various sorts, straws, and the products of the forests not commercially profitable for the manufacture of lumber furnish in the main the raw materials from which paper-making pulp is manufactured. Linen rags in the main constitute the material from which the highest grades of paper are made, cotton rags from which lower qualities of paper are made, and different kinds of wood producing different characters of wood pulp out of which lower grades of paper are manufactured. The refuse material, such as straw, from various of the annual farm crops is also used to a large extent in the production of low grades of paper and strawboards.

There are three processes generally used in this country for the production of pulp or fiber from wood. These are the ground-wood process, sulphite process, and the soda process. The cheap production of the lower grades of paper depends largely upon the cheapness of the ground-wood process. Practically only one kind of tree is used to much extent in the ground-wood process, and that is the spruce tree, including its various varieties.

The ground-wood process consists in pressing a 2-foot stick of spruce wood by hydraulic pressure against a revolving grindstone, the power used being entirely water power capable of operating under favorable conditions twenty-four hours per day. By this process about a ton of ground wood can be obtained from a cord of spruce wood.

The sulphite process consists of a chemical treatment of chipped spruce or hemlock wood with sulphurous acid, by which 1,000 to 1,200 pounds of sulphite fiber may be obtained from a cord of wood.

The soda process consists of the chemical treatment of chipped woods of various kinds, including both soft and hard woods, with caustic soda, by which process about the same number of pounds of soda fiber can be produced from a cord of wood as in the case of the sulphite process.

The ground-wood process is by far the cheapest process known for producing pulp from raw material, and, in addition to being the cheapest process, it produces a larger quantity of pulp than can be produced by any other process from raw materials.

The cheaper grades of paper are usually produced by mechanically mixing ground-wood pulp with other kinds of pulp in different degrees of percentage. The ordinary news-print paper is generally produced by the use of about 80 per cent of ground wood and about 20 per cent of sulphite fiber, though the exact percentages differ in different papers and in different mills, it depending somewhat upon the character of the paper to be produced and somewhat upon the character of the ground wood and the sulphite fiber used. Whether other kinds of wood besides spruce can be profitably used for the production of cheap print paper is a matter concerning which there is some difference of opinion, but as a matter of fact practically all of the ground wood manufactured to-day is manufactured by the aid of water power from the different varieties of spruce, with a slight admixture of balsam.

So far as the investigations of the committee can indicate, it would seem that the production of news-print paper or the other very cheap grades of paper are to-day dependent upon the continuation of cheap ground wood produced from spruce trees, and that condition is likely to continue to prevail in the future. The amount of spruce forests throughout the world is, of course, limited. The largest spruce forests are in the United States, Canada, Norway, and Sweden. Spruce is used not only for the production of ground wood, but is also the material generally used for the production of sulphite fiber. Not only is this the case, but the best spruce trees of saw-log size are worth more for manufacture into lumber than they are for manufacture at present prices into pulp or fiber.

The amount of spruce consumed in the United States east of the Rocky Mountains during the year 1907, the last year for which we have complete reports, was about 1,200,000 cords for ground wood, about 1,420,000 cords for sulphite fiber, and about 1,300,000,000 feet b. m.,

equal to about 2,600,000 cords, for lumber, making a total of about 5,280,000 cords. The amount of spruce imported from Canada into the United States for paper making during the fiscal year ended June 30, 1908, is stated at about 920,491 cords. The amount of standing spruce in the United States east of the Rocky Mountains is variously estimated, with very rough estimates or guesses, at about 35,000,000,000 feet, equal to about 70,000,000 cords, and the total annual production is estimated at about 770,000,000 feet, or about 1,540,000 cords. The amount of standing spruce in the Dominion of Canada can not to-day be safely estimated with any considerable degree of accuracy based upon our present knowledge.

The cheapness of ground wood depends upon cost and convenience of spruce wood, water power, established mills, and transportation. It is quite evident that there is not to-day enough spruce forests standing in the United States to furnish a future constant supply based upon the present methods of manufacture, the probable needs of the future, and the present methods of forest conservation and waste.

Your committee believe and recommend that both the General Government and the state governments, within the limits of their respective jurisdictions, should endeavor to encourage the production of spruce forests, both by giving a more adequate fire protection and by exempting as far as can be young forests from the ordinary rates of taxation. If adequate protection can be given from the danger of fire losses and young spruce forests can be exempted from taxation, private owners may be led to use lands which would often otherwise run to waste for the production of forests. The benefit to be obtained from continued production of spruce in the future will not go only to those who may own the forests, but the benefits through the cheapness of paper will be received by the entire population. A private owner can not in general afford to grow a crop which will not mature within from fifty to a hundred years, paying taxes each year upon the value of the ground and the crop and running the risk all the time of having his entire crop swept away by a forest fire started without his fault and against which his efforts are in vain. There should be organized fire protection in every considerable forest in the United States.

It would be quite possible for the National Government to start large tracts of young spruce forest. If our country should be shut off from the utilization of its present water powers and mills in grinding spruce wood imported from Canada, it would, we think, be the duty of the General Government or of the different state governments to organize, own, protect, and control large areas of young spruce forests, ready to furnish an adequate supply of spruce wood when the existing forests shall have in the main been exhausted.

It is highly probable, however, that there exists sufficient spruce forests and spruce forest lands in the United States and Canada which, if protected by any reasonable conservation and reproduction methods, will furnish a sufficient supply of spruce wood for paper making for all time to come.

We believe and recommend that the tariff on ground wood coming into the United States be removed and ground wood admitted free under certain conditions. Practically, the question relates in the main to our relations with Canada. In some of the provinces of Canada pulp wood can not now be exported from the Dominion if cut upon the public lands, and in other provinces there is a higher charge for pulp wood cut upon the public lands if such pulp wood is to be exported. We, therefore, recommend that in revising the tariff there be inserted the following schedule:

"Mechanically ground wood pulp, one-twelfth of 1 cent per pound, dry weight: *Provided, however*, That mechanically ground wood pulp shall be admitted free of duty from any country, dependency, province, or other subdivision of government which does not forbid or restrict the exportation of or impose any export duty, export license fee, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee, or otherwise), upon mechanically ground wood pulp or wood for use in the manufacture of wood pulp.

"Chemical wood pulp, unbleached, one-sixth of 1 cent per pound, dry weight; bleached, one-fourth of 1 cent per pound, dry weight: *Provided*, That if any country, dependency, or province shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly, on pulp wood exported to the United States, the amount of such export duty or other export charge shall be added as an additional duty to the duties herein imposed upon wood pulp when imported from such country, dependency, or province."

It can not be expected that Canada or its provinces will remove the present discriminations as to the exportation of pulp wood to the United States or cease from adding additional discriminations unless we also lessen the tariff on the cheap paper which is made mainly from spruce wood.

The United States is amply able to protect its future supply of cheap paper and its future supply of spruce wood by undertaking the production of new spruce forests and the conservation and reproduction of existing spruce forests, but a very large proportion of the spruce forests of Canada, consisting of small, black spruce timber, is practically valueless for manufacture into lumber and profitable to cut only for the manufacture of ground wood and cheap paper. It would seem desirable, both for our own country generally, for the pulp and paper mills of our country now largely dependent upon the Canadian pulp-wood supply, as well as as a matter of neighborly courtesy and interest, if we endeavor to utilize in our country with its great reading population those Canadian forests of spruce which if shut out of our country would be of little value; and we believe and recommend that in the long run it will be mutually profitable, both to the publishers and other users of cheap paper in the United States, to the mills producing print paper, to the owners of American spruce forests, to the owners of the Canadian spruce forests, and to the mutual good feeling and respect of our two countries, if a considerable reduction be made in the tariff on the cheaper grades of print paper, dependent, however, upon receiving from Canada (so far as the supply comes from her) the removal of all discriminations now existing in that country or its provinces against the exportation of pulp wood into the United States and the prevention of future discriminations in the exportation of either ground wood or paper. We therefore recommend that in the revision of the tariff the following schedule be inserted:

"Printing paper, unsized, sized, or glued, suitable for newspaper and books, valued at not above 2½ cents per pound, one-tenth of 1 cent per pound; valued above 2½ cents and not above 2½ cents per pound, two-tenths of 1 cent per pound; valued above 2½ cents per pound and not above 3 cents per pound, five-tenths of 1 cent per pound; valued above 3 cents and not above 4 cents per pound, six-tenths of 1 cent per pound; valued above 4 cents and not above 5 cents per pound, eight-tenths of 1 cent per pound; valued above 5 cents per pound, 15 per cent ad valorem: *Provided*, That if any country, dependency, or province shall impose an export duty or other export charge of any kind whatsoever upon pulp wood, wood pulp, or printing paper, exported to the United States, or if any country, dependency, or province forbids or restricts the exportation of pulp wood, wood pulp, or paper to the United States in any way there shall be imposed upon printing paper, when imported from such country, dependency, or province, an additional duty of two-tenths of 1 cent per pound, if valued at 2½ cents per pound or less, and in addition thereto the amount of the export duty or other export charge imposed by such country, dependency, or province upon the printing paper imported from such country into the United States."

The present tariff on print paper valued at 2 cents per pound or less is three-tenths of 1 cent a pound; valued at over 2 cents a pound and not over 2½ cents a pound, four-tenths of 1 cent a pound. The schedule we propose is one-tenth of 1 cent a pound on paper valued at not over 2¼ cents a pound, and two-tenths of 1 cent a pound on paper valued above 2¼ cents and not above 2½ cents per pound. This, in the main, is a reduction in the tariff on ordinary news print paper from $6 a ton to $2 per ton.

The retention of a duty of one-tenth of 1 cent per pound, as suggested, is justified both on the principles of a tariff for revenue and a tariff for protection. It is not desirable to strike down or injure the present paper mills in the United States. To do so would not only be very expensive to the present paper-mill owners and employees, but would probably in the future enhance the cost and price of paper. The duty proposed is about equal to the additional cost of labor in the United States and the additional cost of materials used by the paper mills caused by other tariff provisions.

The committee also recommend that the Bureau of Plant Industry make investigations in the procurement and breeding of annual and perennial plants in the endeavor to find either some new plant or some existing plant which through breeding to that end can be profitably used for the commercial manufacture of paper, not believing, however, that it is possible to find or produce any annual or perennial plant which can successfully compete with spruce ground wood in the production of the cheaper grades of print paper. We recommend also that the Forest Service investigate the question of the production of ground wood and sulphite fiber from other kinds of wood than those now used. It is not unlikely, in our opinion, that by a difference in the mechanical treatment or by some other slight treatment it will be possible to successfully manufacture a good cheap grade of news printing paper by the ground-wood process from other than spruce.

That there is an enormous waste in the forests is conceded by everybody familiar with the facts. Much of what would otherwise be waste is now absorbed in pulp manufacture. A large proportion of the spruce wood used in the United States for ground wood would be valueless if not so used, and the same is true to a much greater degree in the case of woods used for sulphite and soda fiber. In many places in the Eastern and Southeastern States, and in some cases in Western States, practically all of the waste from lumbering is saved and used in the production of either sulphite or soda fiber. This saving should be encouraged in every way practicable. In some of the eastern mills where the trees are cut into saw logs and manufactured into lumber the slabs and edgings, limbs and tops, in the proper kinds of wood, are used in the manufacture of sulphite, and the same is true of other kinds of wood which are manufactured into soda fiber. The manufacture of sulphite and soda from fibers is not overly profitable under existing conditions, and as the main competition with these products is from mills in Europe, where the labor is much cheaper and many of the articles which are used in the processes are much cheaper, we do not think that the present rate of duty on chemical pulp, consisting, in the main, of sulphite and soda fiber, and also a sulphate fiber, should be disturbed, and in the recommendation we have made above we have recommended that the existing rates of duty upon chemical pulp should not be disturbed as they now exist.

Your committee has taken a vast amount of testimony, which is acknowledged to be of great benefit in the pulp and paper trade. We have collected a large amount of information which, both at present and in the future, will prove of immense service to those who are interested in the use or production of pulp or paper. Your committee personally has visited and inspected carefully a large number of pulp and paper mills, have inspected and examined forests, both in the United States and in Canada, have given long study to the woods used, have considered every phase of the subject concerning which information was available, and have reached the conclusions hereinabove stated. It is not practicable, or, in the opinion of your committee, necessary for the committee in this report to set forth in detail or even in a general way the results of the information obtained.

The committee has obtained from a large number of newspaper publishers of the United States schedules showing the cost to them of paper through a series of years, which schedules have been tabulated and published in the committee's hearings.

The committee has also obtained schedules from the pulp and paper manufacturers of the United States, giving information concerning the capital invested, the cost of production, the percentage of cost paid in wages, the selling price of the articles produced, the quantity of production, etc., which schedules have been reduced to general tabulations and the tabulations published in the hearings.

The committee has also carefully investigated, through schedules and through the aid of the Department of Labor, the percentage of wages going into the cost of production of pulp and paper and the cost of labor per unit both for pulp and paper, including the cost from the forest to the finished product, all of which tables are published in the hearings.

The committee has also investigated, through statements obtained from manufacturers in Canada and through personal investigation by the Department of Labor, the wage cost in Canadian mills. The committee has also obtained information concerning the wage cost and cost of production in Sweden. The committee has also obtained, through the Treasury Department, full information as to the importations of pulp wood, wood pulp, and print paper into the United States from different places and at different ports of entry. The committee has also obtained full and complete information as to the exportation and importation of paper and paper-making materials from and to the different countries of the world. All of this information has been published in the hearings of the committee, comprising between 3,000 and 4,000 pages of printed testimony, and all of which has been carefully and conscientiously considered by the committee in forming its decision.

The members of your committee, when appointed, had no special or general knowledge of the subject. They have labored diligently and as effectively as they could. The effort of your committee has been to arrive at facts and just conclusions, regardless of personal bias or

partisan considerations. The recommendations which the committee present are the unanimous views of the entire membership of the committee. In making its report to the House, the committee begs leave to express its thanks and appreciation for the services rendered to the committee by the President, by the State Department, by the Census Office, by the Bureau of Statistics, by the Bureau of Corporations, by the Bureau of Labor, by the Forest Service, and by the Bureau of Plant Industry. We also beg to acknowledge the courtesy of information freely and voluntarily furnished by many of the mill owners and by the American Pulp and Paper Association, as well as the American Publishers' Association, and the chairman of its committee on paper.

While your committee does not feel that it has exhausted the subject it can only say it has done as well as its members knew how.

Your committee begs leave to state that unless otherwise directed by the House it will continue and complete the work of publishing and indexing the tabulations prepared and the evidence taken by the committee.

All of which is respectfully submitted.

JAMES R. MANN.
JAMES M. MILLER.
WILLIAM H. STAFFORD.
HENRY T. BANNON.
THETUS W. SIMS.
WILLIAM H. RYAN.

Mr. MANN. Mr. Speaker, I move that the report be printed as a document and referred to the Committee on Ways and Means.

The SPEAKER pro tempore. The gentleman from Illinois moves that the report be printed as a House document and referred to the Committee on Ways and Means.

The question was taken, and the motion was agreed to.

Mr. MANN. I wish to say a word, Mr. Speaker. In presenting this report, which is a unanimous report of the committee, I only wish to say that in our opinion it will meet with the approval of both the Republican and Democratic members of the Committee on Ways and Means, with the approval of the publishers of the country interested in the subject on one hand and of the mill owners and paper manufacturers on the other hand; that it will meet with the approval generally of the people of the United States on one side of the line and of the people of the Dominion of Canada on the other side of the line.

Mr. UNDERWOOD. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. UNDERWOOD. I notice in this report you extend the specific rates on paper down to the last analysis and then put an ad valorem rate of 15 per cent. As it is necessary under the clause that you recommend to ascertain the value of the product in any event to place the specific rate, why has not your committee recommended an ad valorem rate all the way through?

Mr. MANN. The question is quite proper. On the higher grades of paper the committee have taken, so far as rates of duty are concerned, simply the existing rates of duty in making the paragraph without intending to express any decided opinion concerning the tariff upon those papers. Nothing has been brought to our attention asking or warranting a change in the tariff on those grades of paper.

Mr. UNDERWOOD. That is what I wanted to bring out as to whether this committee specifically considered the question of whether it was wiser to levy this duty as a specific rate or as an ad valorem rate all the way through.

Mr. MANN. I will say to the gentleman frankly we did not consider that. We considered that was a question to be determined by the committee making up the tariff bill.

Mr. SIMS. Mr. Speaker——

Mr. MANN. I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, as a minority member of this committee I wish to state that the investigation has been just as full as hard work could make it, hard work mentally and physically and for many months' duration. I want to say on behalf of the chairman [Mr. MANN], the gentleman from Illinois, that in making this investigation so far as it was possible to determine from the manner of the investigation I could not tell whether he was a protectionist or a free trader, whether he was a Democrat or a Republican, because he has strived to get at the facts and let the facts speak for themselves. I want to say on the part of those who represent the idea and contention for lower duties on pulp and paper, that we feel that we have gained a great victory. Pulp will now come in free, provided Canada does not bar it by her own act. The duty on newsprint paper used in this country has been reduced by this recommendation, if adopted by the Committee on Ways and Means, 66⅔ per cent, from $6 a ton to $2 a ton which does not exceed 5 per cent ad valorem, which is a very reasonable revenue tariff. The duty left on chemical fibers and paper made from them is nothing more than a reasonable revenue duty, and I hope, Mr. Speaker, that the great Committee on Ways and Means, of which the present occupant of the chair is a leading member, will be enabled to see this matter as we have. We have tried to do justice to all interests and we feel if our recommendations are adopted that it is about the best possible solution which can be made. Mr. Speaker, I recognize the great value of a unanimous report, and I think this is a report that any Democrat can indorse and which I hope no Republican or protectionist will repudiate. [Applause.]

TRANSPORTATION OF DUTIABLE MERCHANDISE WITHOUT APPRAISEMENT.

The SPEAKER pro tempore laid before the House the bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning the transportation of dutiable merchandise without appraisement, with Senate amendments.

The Senate amendments were read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House disagree to the Senate amendments to the bill that has just been read.

Mr. CLARK of Missouri. Mr. Speaker, I could not hear what the gentleman said.

The SPEAKER pro tempore. The gentleman from Washington moved that the House disagree to the Senate amendments.

The question was taken, and the motion was agreed to.

PHILIPPINE ISLANDS.

The SPEAKER pro tempore also laid before the House the bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act to temporarily provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes," with Senate amendments.

The Senate amendments were read.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to concur in the Senate amendments.

Mr. CLARK of Missouri. What is the reason for giving this power to change the date?

Mr. COOPER of Wisconsin. The reason is this: I will preface my answer by saying that the legislation is asked for by both houses of the Philippine legislature, which, the gentleman from Missouri knows, includes the commission, and by both the Resident Commissioners of the Philippines in this country. The organic act of July 1, 1902, fixed the date for the first meeting and all subsequent annual meetings of the Philippine legislature as the first Monday in February. It has been ascertained that the weather following that date is apt to be very hot and unpleasant for members of the commission and also for members of the lower house. They ask, therefore, that the law be amended so that the legislature may fix some other day than the first Monday in February for the beginning of the regular annual sessions. Until they do so fix it, the date fixed by the law of July 1, 1902, will remain the date for the beginning of the annual sessions. The Senate amendments do not at all change the effect of the House bill, but simply strike out the preamble and put one of the provisos in another place, but the legal effect is the same.

The SPEAKER pro tempore. The gentleman from Wisconsin moves to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

ADOLPHUS ERWIN WELLS.

The SPEAKER. The House, by concurrent resolution, authorized the Speaker to vacate his signature to the bill (H. R. 10752) to correct the military record of Adolphus Erwin Wells, which the Speaker now does.

PUBLIC PRINTING AND BINDING.

Mr. LANDIS. Mr. Speaker, I desire to present a letter from the chairman of the Printing Investigating Commission, transmitting a report on the work of the commission and making certain recommendations in relation to the revision, codification, and amendment of the laws relating to the public printing and binding. The report is accompanied by a draft of a bill embodying the recommendations of the commission, and I ask that the report and the bill be referred to the Committee on Printing.

The SPEAKER. Does the gentleman desire that to be printed as a public document?

Mr. LANDIS. I do.

The SPEAKER. Is there objection?

Mr. SHERLEY. I did not hear what the gentleman's desire was.

Mr. LANDIS. To have printed a report from the chairman of the Printing Investigation Commission.

Mr. SHERLEY. How much of a report is it?

Mr. LANDIS. Oh, it is a report of possibly 15 or 16 pages.

Mr. SHERLEY. I have no objection; but there has been a great deal of printing done that ought not to be done.

Mr. LANDIS. This report will pay its way all right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The report will be printed (H. Doc. No. 1464) and referred to the Committee on Printing.

BRIDGE OVER THE MISSISSIPPI RIVER, KEITHSBURG, ILL.

Mr. KENNEDY of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 7829.

The Clerk read the bill, as follows:

A bill (S. 7829) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882.

Be it enacted, etc., That section 2 of the act approved April 26, 1882, authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road, be, and is hereby, so amended as to permit, in rebuilding and in relocating the bridge, the construction of a lift draw span of not less than 220 feet in the clear in place of the existing swing draw span having two openings each 160 feet in the clear; and also to permit the adjoining span to be 205 feet in length instead of 250: *Provided*, That the bridge shall be rebuilt in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906: *And provided further*, That the right reserved in section 6 of said act is also reserved as to this amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

SITTINGS OF UNITED STATES COURTS AT YOUNGSTOWN, OHIO.

Mr. KENNEDY of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 27139, with an amendment, which is a substitute for the original bill. I ask that the substitute be read instead of the bill.

The Clerk read as follows:

A bill (H. R. 27139) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district.

Strike out all after the enacting clause and insert:

That from and after the passage of this act there shall be held at the city of Youngstown, in the northern district of Ohio, a term of both the circuit and district courts of said district on the first Tuesday after the first Monday in March of each year.

SEC. 2. That grand and petit jurors summoned for service at the terms of either of the courts aforesaid to be held at the city of Cleveland, may, if, in the opinion of the judge holding court in said division, the public convenience requires it, be directed to serve also at the term then being held, or herein authorized to be then held, at the city of Youngstown.

SEC. 3. That prosecutions for crimes or offenses hereafter committed in any part of the eastern division of said district shall be cognizable at the terms aforesaid of either of the said courts having jurisdiction thereof.

SEC. 4. That any judge of the United States holding court in the eastern division of the northern district of Ohio in pursuance of existing laws may cause to be held, at the city of Youngstown, the trial of any suit now pending or hereafter brought in the court wherein he shall be so, as aforesaid, sitting.

SEC. 5. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such consistency, but not otherwise.

The SPEAKER. Is there objection?

Mr. CARLIN. What does the substitute do?

Mr. KENNEDY of Ohio. The substitute makes no change save in the date, and that at the suggestion of the district judge sitting in that district.

Mr. CARLIN. Has the committee ever considered the substitute?

Mr. KENNEDY of Ohio. They have not had a meeting since the suggestions have been made.

Mr. BURTON of Ohio. Mr. Chairman, I want to call attention to the fact that there is a misprint in the 15th line of the second page. The word "consistency" should be "inconsistency."

Mr. KENNEDY of Ohio. I ask leave that the error may be corrected.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

In the last line of the proposed amendment change the word "consistency" to "inconsistency."

Mr. KIMBALL. I would like to ask the gentleman the purpose of having this migratory, circulating grand jury of this court, to be carried from Cleveland down to Youngstown at the option of the judge.

Mr. KENNEDY of Ohio. Both Cleveland and Youngstown are in the same district, and it will not be necessary to have grand juries in more than one place. The grand jury would be impaneled to inquire into offenses for the whole district, and the purpose of providing that a jury could be brought from Cleveland to Youngstown was for the reason that it is not contemplated to have a deputy clerk at Youngstown.

The SPEAKER. The Chair hears no objection.

The amendment to the substitute was then agreed to.

The substitute as amended was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 26305. An act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9316. An act to authorize the Secretary of War to furnish a condemned cannon to the State of Delaware;

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.;

S. 8192. An act permitting Salmon M. Allen to make a second homestead entry; and

S. R. 132. Joint resolution authorizing the Secretary of War to donate two condemned cannon to the city of Wheeling, W. Va.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9316. An act to authorize the Secretary of War to furnish a condemned cannon to the State of Delaware—to the Committee on Military Affairs.

S. 8192. An act permitting Salmon M. Allen to make a second homestead entry—to the Committee on the Public Lands.

S. 8376. An act providing for the reappraisement of unsold lots in town sites on reclamation projects, and for other purposes—to the Committee on Irrigation of Arid Lands.

S. R. 132. Joint resolution authorizing the Secretary of War to donate two condemned cannon to the city of Wheeling, W. Va.—to the Committee on Military Affairs.

ALASKA CENTRAL RAILWAY.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the time for filing the map of definite location of the Alaska Central Railway, as required by the provisions of chapter 299 of the Laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, be, and the same is hereby, extended for three years from the date of the passage of this act, and that the time for completion of said Alaska Central Railway be, and the same is hereby, extended for three years from the expiration of the period provided for in the act entitled "An act to extend the time for the completion of the Alaska Central Railway, and for other purposes," approved June 30, 1906.

Mr. WATSON. Reserving the right to object, I should like to ask whether this is the bill that has been under consideration before the Committee on the Territories?

Mr. LLOYD. It is not the bill which the gentleman has in mind. It is an entirely different bill.

Mr. WATSON. Is it reported favorably by the committee?

Mr. LLOYD. Unanimously reported. It does not conflict with any other road at all.

Mr. PAYNE. Reserving the right to object, is this the bill we heard so much about a few days ago, where they had done nothing, although their charter was granted several years ago?

Mr. LLOYD. Oh, no; it is an entirely different bill.

Mr. REEDER. Reserving the right to object, I want to ask a question. I should like to know how much time this road had for the commencement of work when the first bill was passed.

Mr. LLOYD. My recollection is that they began work about five years ago.

Mr. REEDER. They have already begun it?

Mr. LLOYD. Oh, yes. They have 53 miles of road in actual operation. They have expended over $4,000,000.

Mr. REEDER. And they want time to complete the road?

Mr. LLOYD. Yes.

The SPEAKER. Is there objection?

There was no objection.

The following amendment, recommended by the Committee on the Territories, was agreed to:

Provided, That nothing herein contained shall be held or construed to affect any lawfully accrued rights.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

TUGBOATS IN THE DISTRICT OF COLUMBIA.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901.

The bill was read, as follows:

Be it enacted, etc., That sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, be, and the same are hereby, amended so as to require all tugboats using the Potomac River at the place or places where the same is spanned by the two certain bridges in said act provided for, namely, the new railway bridge and the new highway bridge, to equip and fit, not later than July 1, 1909, all smokestacks thereof or other vertical projections with hinges or other mechanical device so as to permit the same to be lowered to the level of the top of the pilot house of such boats: *Provided*, That all such tugboats the pilot house of which will not pass under such bridges may be exempted from the operations of the provisions hereof, upon application made to the Secretary of War and his approval thereof; *Provided further*, That all tugboats hereafter built or purchased, or not now actually engaged in business on the Potomac River at the places aforesaid, must have their dimensions approved by the Secretary of War before being permitted to use and operate the same on the Potomac River at the places above mentioned: *And provided further*, That the provisions hereof shall not apply to such tugboats as may, by reason of their structure, be able to pass under said two bridges, respectively, without the necessity of operating the draws thereof.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN LANDS IN CALIFORNIA.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 8048) to withdraw from settlement and entry certain lands in the State of California, and to consider the same in the House at the present time.

The bill was read, as follows:

Be it enacted, etc., That all of the public lands in section 8, township 1 south, range 2 west, and in sections 2, 4, 8, 10, and 12, in township 1 south, range 3 west, San Bernardino base and meridian, in the State of California, are hereby withdrawn from settlement and entry and reserved for the purpose of aiding in the conservation of the waters of the San Bernardino Valley: *Provided*, That this act shall not defeat any vested right which has attached under any pending entry or location.

SEC. 2. That any individual or association of individuals or any company or corporation may have the right, under such rules and regulations as the Secretary of the Interior may prescribe, to conduct to said lands and to distribute over them any flood or waste waters not otherwise appropriated, and to build the necessary engineering works for this purpose, to the end that said flood or waste waters may sink into the sands and gravels of said lands, thereby increasing and replenishing the supply of underground waters in the San Bernardino Valley.

Mr. CLARK of Missouri. Mr. Speaker, is this by unanimous consent?

Mr. SMITH of California. Yes.

Mr. CLARK of Missouri. I want to ask a question.

Mr. MANN. Reserving the right to object?

Mr. CLARK of Missouri. Yes; I reserve it, too. Is this the land that there has been a squabble about between Secretary Garfield and certain parties out there?

Mr. SMITH of California. A certain squabble—I know nothing of the kind.

Mr. CLARK of Missouri. The Hetch Hetchy Valley.

Mr. SMITH of California. Oh, no; it is at least 600 miles from there. This is near Redlands, Cal., in the orange district. The land referred to lies in the wash of the river bed, where nothing whatever grows, and the irrigators in that vicinity desire to have it withdrawn from entry so that they may spread the flood water of the river out over it in the spring and flood the seams of the earth with water, thinking that it will benefit the flowing wells in the valley below, and by striking bed rock possibly come back into the stream some miles below and be diverted into the canals.

Mr. CLARK of Missouri. How much land is involved?

Mr. SMITH of California. A fraction of a number of sections.

Mr. CLARK of Missouri. About how much?

Mr. SMITH of California. I am coming to that; I think altogether it may be 1,000 acres.

Mr. CLARK of Missouri. Is the land good for anything?

Mr. SMITH of California. Absolutely worthless.

Mr. CLARK of Missouri. Is there any gold in it?

Mr. SMITH of California. If there is any there you may have it. We want to flood it. The adjacent land is worth several hundred dollars per acre if satisfactory for cultivation. This land has never been taken up from the Government, so the gentleman will understand that it must be exceedingly worthless for agricultural purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. SIMS. Mr. Speaker, what is the regular order to-day?

The SPEAKER. In the absence of any motion on a preferred bill the regular order would be the call of committees.

Mr. SIMS. This being Friday, is not the regular order the consideration of bills on the Private Calendar reported by the Committee on War Claims?

The SPEAKER. This is the legislative day of Monday.

Mr. SIMS. I know, as a matter of fact, having counted the days on the calendar, that this is Friday, and therefore I wish to make a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar reported from the Committee on War Claims.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. In the opinion of the Chair, this is the legislative day of Monday. It is true that this is Friday on the calendar made by the sun, but by the Journal of the House it is Monday. I read from the Digest:

In the contemplation of the rules and special orders of the House, a day is the legislative day and not a calendar day, and the two are not always the same.

Mr. SIMS. So far as the rule goes I agree with the Speaker, but I ask recognition to make the motion above stated, even if it is the legislative day of Monday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to make a motion.

Mr. SIMS. I have no objection to making it without unanimous consent, if the Speaker will recognize me for that purpose.

The SPEAKER. The Speaker could recognize the gentleman, but, after all, a single objection would be fatal, and this is only another way of putting it.

Mr. SIMS. I would like to make a motion to take the sense of the House.

The SPEAKER. The Speaker would be giving recognition outside of the rules and the practice of the House.

Mr. SIMS. I have no objection to that. [Laughter.]

The SPEAKER. And that being the case, the Speaker would not be justified in recognizing the gentleman against the rules. That would be equivalent to the gentleman from Tennessee and the Speaker making a new rule, which is for the majority of the House to make.

Mr. SIMS. I will make no point of order if the Speaker will do that.

The SPEAKER. Precisely. The gentleman from Tennessee asks unanimous consent to make the motion referred to.

Mr. MANN. I object.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

Mr. SIMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. If the motion to go into Committee of the Whole House on the state of the Union, made by the gentleman from Iowa, is voted down, then will it be in order to make a motion to go into Committee of the Whole House on the state of the Union to consider bills reported from the Committee on War Claims?

The SPEAKER. Except by unanimous consent, that motion would not be in order, because the rule fixes the order of business, and if the Speaker's table was clear it would be the call of committees.

Mr. SIMS. Will it be in order to make a motion to suspend the rules to consider claims from the Committee on War Claims?

The SPEAKER. That is one of the few cases where the Speaker has a discretion as to recognition——

Mr. SIMS. Then I know I will get it. [Laughter.]

The SPEAKER. And the Speaker must exercise that discretion with a view to the public business and the will of the House. He would be, indeed, a very courageous Speaker——

Mr. SIMS. We have that character of Speaker. [Laughter.]

The SPEAKER (continuing). Who would recognize a motion to make a rule or change a rule on the request of one Member unless there was something in the temper of the House as to the consideration of business that the Speaker would feel that a majority of the House, in the condition that the House was in, desired the recognition to be given; so that the Speaker, under the circumstances, would decline to recognize the gentleman.

Mr. SIMS. I will ask but one more question. In case the motion of the gentleman from Iowa is voted down, no doubt the Speaker will take that as evidence of the temper of the House?

The SPEAKER. The Speaker would take that as the temper of the House on that motion, and then motions in order would be recognized, or the regular order of business.

Mr. SIMS. In order to get the temper of the House, I ask that the motion be voted down.

Mr. CURRIER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CURRIER. We have had one call of committees in this legislative day. Can we have another before adjournment?

The SPEAKER. There is one motion that would take precedence of a call of committees to-day. That would be a motion to go into Committee of the Whole House on the state of the Union, but in the absence of such a motion then a call of committees under the rules and practice would be in order.

Mr. CURRIER. Two on the same legislative day?

The SPEAKER. Yes; if the House does not desire to go on to the next order of business, which would be to go into Committee of the Whole House on the state of the Union.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. When the rule says that certain Fridays shall be set apart for the consideration of private claims, do not the rules contemplate a calendar day instead of what has come to be called a "legislative day?"

The SPEAKER. The Chair just read the precedent, and there are several of them, that a legislative day is contemplated by the rules of the House. Now, then, the rules of the House are what they state and are construed to be. Necessarily in parliamentary practice the rules of the House in one sense are like unto the construction of law by the courts, and these constructions of the rules have not been arbitrarily made by the Speaker, but it is now and always has been in the power of the House to proceed under the rules that the House has made—that is, for a majority to proceed, not one man. The House has free rein under the rules that it has adopted.

Mr. CLARK of Missouri. Another parliamentary inquiry, Mr. Speaker. If that ruling of the Chair is correct, then the only way for the House to get rid of last Monday as a legislative day clear up until noon of the 4th of March is when the motion is made to take a recess to vote it down and adjourn.

The SPEAKER. Absolutely, and that again depends upon the will of a majority of the House.

Mr. MANN. You can move to adjourn now.

Mr. CARLIN. Mr. Speaker, I move that we now adjourn until 12.30 o'clock.

Mr. MANN. But the gentleman can not move to adjourn to that time, and I make the point of order that that motion is not in order.

The SPEAKER. The gentleman's motion, the Chair will state to the gentleman from Virginia, is not in order, because by a standing order of the House we meet at 12 o'clock, and if we adjourn we adjourn until to-morrow at 12 o'clock.

Mr. CARLIN. I move that standing order be set aside and that we adjourn now until 12.30 o'clock.

The SPEAKER. That is not a motion in order under the rules.

Mr. SMITH of Iowa. Mr. Speaker, I call for the regular order.

Mr. SIMS. Mr. Speaker, I move to amend the motion of the gentleman from Iowa by substituting that we go into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. The gentleman can not amend a privileged motion by a nonprivileged motion. That is doing indirectly what can not be done directly under the rules. The question is on the motion of the gentleman from Iowa——

Mr. KIMBALL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. That motion is in order, that the House do now adjourn.

Mr. MANN. To meet to-morrow noon.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House do now adjourn.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. If the motion of the gentleman from Kentucky should prevail and the House adjourn until to-morrow, would to-morrow be Tuesday or Friday? [Laughter.]

Mr. MANN. It would be neither.

Mr. GARRETT. I mean Saturday.

The SPEAKER. To-morrow would be the calendar day of Saturday and the legislative day of Saturday.

Mr. SIMS. And Friday would be gone?

The SPEAKER. Friday would be gone so far as the legislative day is concerned.

Mr. MACON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACON. If the gentleman from Kentucky [Mr. KIMBALL] will couple with his motion to adjourn that the clock be set back fifteen minutes and we then adjourn, will it not be Friday?

The SPEAKER. The gentleman has asked the question——

Mr. MANN. It would take more than fifteen minutes to adjourn.

The SPEAKER. The sun was at one time stopped by Joshua [laughter], or, rather, by the Lord at Joshua's request. The gentleman from Kentucky moves to adjourn.

Mr. KIMBALL. Mr. Speaker, I withdraw the motion.

Mr. MACON. In response to what the Chair has said, permit me to say that I have seen the House set the clock back and proceed with its work.

The SPEAKER. The Chair has never seen the House set the clock back. [Renewed laughter.]

Mr. MANN. The gentleman from Arkansas is too watchful.

The SPEAKER. The question is on the motion of the gentleman from Arkansas, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The question was taken.

Mr. SIMS. Mr. Speaker, I demand the yeas and nays, in order to see who wants war claims considered.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Seventeen gentlemen have arisen. Those opposed to ordering the yeas and nays will rise and stand until counted. [After counting.] One hundred and ninety-two gentlemen have arisen. The yeas and nays are refused. The ayes have it, and the motion is agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill (H. R. 27054), with Mr. TOWNSEND in the chair.

Mr. SHERLEY. I yield fifteen minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, "the child of to-day is the Nation's ruler of to-morrow." The children of the present are the citizens of the future. Our civilization advances in exact proportion to that which we do to put the children upon a plane a little higher than that on which their parents stood. It is the glory of our civilization that we are more and more considering the welfare of the child. No taxes are levied, no public money is spent, with greater popular approval than the vast sums contributed for education by the States, while private benevolence directed to the same end is always warmly applauded. But there are many problems of child life outside of the educational problem, questions that call for authoritative answers, for a proper understanding of which every possible facility should be afforded. It is therefore proposed to establish in the Department of the Interior a children's bureau.

Each year Congress produces masses of legislation upon subjects too extended to enumerate. Of all subjects to be considered, can one be found in a representative government so important as the individual—the citizen on whose intelligence and mental and moral health the whole nation rests? The problem of our children is one that can no longer be treated by guesswork, or by casual movements inspired by local feeling and directed perhaps by warm hearts, but too often by untrained vision. The study of children is becoming a science, and its students need information and data for analysis. To-day the most vital questions affecting our children are decided on a lack of information that in no other subject would for a moment be tolerated.

It is to urge upon Congress as a remedy for present conditions the importance of some such action as the creation of this children's bureau that I speak to-day.

OBJECTS OF THE BILL.

The objects of the bill are stated clearly in the bill itself. I quote from section 2:

The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion and illegitimacy, dangerous occupations, accidents and diseases of children of the working classes, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the health, efficiency, character, and training of children. The chief of said bureau shall from time to time publish the results of these investigations.

The bureau, upon the principle of first aid to the injured, shall, in brief, collect such facts as have a bearing upon the health, efficiency, and character of the children of the Nation, our future citizens and rulers.

NATIONAL SUPPORT OF THE BILL.

In advocating this measure its advocates in this House have a unanimity of intelligent support, impressive as it is rare, in the advocacy of national measures of this character.

The President has recently sent to Congress a message urging the establishment of this bureau. The Secretary of the Interior has written a letter earnestly advising that this action be taken. Several national organizations which have been formed for the purpose of dealing with the various classes of unfortunate children have been advocating the passage of a bill similar to this for several years. There assembled recently in Washington a conference on the subject of dependent children, representing nearly every State in the Union and every important religious body, without distinction of creed. That conference unanimously indorsed this bill, recognizing the limited knowledge even of those who have been studying this particular problem, and recognizing also that the National Government is the only agency that can effectively organize such a bureau of information as is desired. The names of the members of this conference and the various organizations they represent in the care of children are so significant and stand out as so vitally in touch with the problem of children's care that I invite the attention of this body to these names.[a]

These men and women, actively engaged in philanthropic work, ask us to save the waste of means and energy involved in the present absence of authoritative knowledge by creating the bureau that is proposed. Several of these advocates of the cause of the children appeared before the committees of the House and Senate, to which this bill was referred, both these committees having made a favorable report on the bill. Their arguments before these committees are irresistible as to the need for such a bureau, and a perusal of the hearings can not fail to convince the most skeptical that there is a deeply appreciated need for some authoritative source of information. Moreover, the House committee, desiring to have all possible knowledge of the subject at their disposal, summoned Mr. North, Director of the Census Bureau; Mr. Neill, Commissioner of the Bureau of Labor; and Mr. Brown, Commissioner of the Bureau of Education, before them, to learn whether the work here contemplated could be done as effectively, or could be done at all, through existing agencies. I desire to show from extracts of their testimony that they were unanimous in saying that there would be no duplication of work now being done, although, of course, much could be accomplished by the cooperation of the present agencies with the proposed Bureau of Children.

Director North, of the Census Bureau, said:

"The Census Office is a purely statistical office. Its function is to collect the cold-blooded facts and analyze and interpret them, and leave to the public at large the duty of drawing the ethical or moral or industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. Such statistics as the bureau finds it necessary to collect the Census Office would collect for it. We do now collect statistics for a number of the bureaus of the Government, and collect them in the way that they want them collected. That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau. We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency and juvenile courts, and all that class of questions, which are not statistical questions."

Commissioner Neill, of the Bureau of Labor, stated on the same proposition:

"I do not feel at all, Mr. Chairman, that any of this work is a duplication of the work we are doing, and it would be handled in a different way. There are only two or three things that we would touch at all, and then we would handle them in a way entirely different. I do not believe you could get the same quality of ability to do this work under the Bureau of Labor as you could if it was under an independent bureau. I think that is a point that should be considered in the concentration of government work; that is something that should be kept in view. The concentration, in my judgment, is certain to lead to a less high-grade quality of work.

"Question. You believe, then, the most practical thing and the most advisable thing is to establish a bureau?

"Mr. NEILL. Unquestionably. * * * I do not believe if the Government is going to spend money at all in this particular line, that it will be economical or that we shall get the best results if it attempts to simply make use to a limited extent of existing organizations, no one of which, so far as I know, is equipped or could equip itself without somewhat departing from its proper line of work, to study these things as thoroughly and as fundamentally as they ought to be studied."

Commissioner Brown, of the Bureau of Education, upon the same question said:

"From the point of those of us who are engaged in educational work these purposes are of the utmost importance, and it seems to us that if we are to make proper provision for the future industrial efficiency of this country or its efficiency along all social lines, it will be necessary that such investigations as those that are contemplated in this bill should be undertaken with the utmost care. There is, then, on the part of those who are connected with the Bureau of Education and those with whom the Bureau of Education has most to do, a very strong sense of the importance of this measure. It certainly looks to the conservation of the character of our people in ways in which I am convinced we shall have to look to it with the utmost care within these coming years.

"Referring now more particularly to this bill, I should say that for such work as the Bureau of Education has to do it is important that such work as is here defined should be done somewhere. We can not deal properly with the large questions of the education of children without a more detailed and accurate knowledge than we now possess as to the actual conditions surrounding the child life of the country, such conditions as are referred to in this bill.

"I think the best way to accomplish this end is by the passage of such a bill as this and the establishment of a separate bureau."

OPERATION OF THE CHILDREN'S BUREAU.

In its operation this bureau would concern itself chiefly with infant mortality, diseases of children, child labor, and infant delinquency. Take the question of infant mortality, for example, a problem that relates to the very existence of children after they are brought into the world.

The Census Bureau reports a very low rate of infant mortality for some communities; a very high rate for others. Now, it is not the business of the Census Office to inquire into the causes of a relatively high or low death rate for infants. It is true that some communities, if the facts happened to come to their knowledge, might institute such inquiries. It might be done more or less scientifically by local agencies. But other communities would not be able to do that. So it would be the duty of this children's bureau to make an intensive study in certain selected localities for the purpose of ascertaining why so many infants died in some localities and so few in others. The facts thus ascertained and the remedy suggested for such conditions as resulted in a high rate of infant mortality would be published and through government bulletins would be at the service of a thousand communities with similar conditions, with the result, reasonably to be expected, of the saving of thousands of infant lives. So that this proposition, at this small amount of expenditure, is seen to be a question of life and death. I should not like to be in the position of those opposing such a life-saving institution without excellent reasons that I could render at the bar of conscience.

Consider not only the struggle of the healthy to survive, but the awful misfortunes of the afflicted children of the various types. Take the case of the blind children. The chairman of the New York Association for the Blind, Mr. Sherman, writes:

It is an established fact that a large percentage of blindness is due to the lack of simple, preventive, medical treatment of the eyes of infants. This neglect is due almost wholly to ignorance. If the proper data and information were collected and disseminated by a national bureau, the public ignorance of this subject would be dispelled and health officials aroused to proper action, and thereby much unnecessary blindness prevented, with its consequent deprivations and the distress of caring for blind children; and children with diseased eyes are defective owing to the lack of statistical data and of a proper dissemination of information.

Think of the truth and pathos, as applied to many of our children, of Mrs. Browning's words:

"It is good when it happens,"
Say the children,
"That we die before our time."

A government bulletin, prepared by some medical expert of long experience, could be sent into every quarter of the Nation, just as our agricultural bulletins are sent out. Our blind asylums are now full of children, supported at great expense to the States and to private philanthropy, who could have been saved their fate in early infancy, except for the general ignorance on this subject. How they must wish that there had been knowledge instead of ignorance. But hundreds of children are being born every year who will not be saved from blindness without a proper knowledge of causes and the remedies. Let not future generations curse us for our neglect or indifference as to their fate! Let us not postpone the organization of a government bureau to give this needed information to our people. Take the subject of the occupational diseases and accidents to children. Surely it is important for us to know, as we do not know now, whether certain occupations in which grown people may work

[a] See appendix at end for list of names, etc.

with impunity are in themselves harmful for children. I see it is asserted in one of the hearings before the House committee that in one occupation the accidents to children were 400 per cent more in number than the accidents to adult workers.

The State of Michigan is one out of the five States which give the ages of those who are injured in accidents, and its last report shows that 1,100 per cent more accidents occurred to children 16 years of age and under, who came under the occupations reported, than occurred to children and grown people over that age.

The general question of the employment of children, which has been so prominently brought before the people of the States, constitutes still another justification for the establishment of this bureau. The latest authoritative information that we have is based on the census of 1900. There was an analysis of that census made in 1907, but the statistics were then 7 years old. That analysis showed, among other things, that 10 per cent of the operatives of the New England cotton mills were under the age of 16, and that 40 per cent of southern mill operatives were under that age. Every State is anxious to correct this abuse of childhood. Since 1900 several of the New England States have raised the age limit for the employment of children from 12 years to 14 years. All of the Southern States have passed child-labor laws or amended those already existing. An aroused public sentiment is sternly demanding that our state legislatures give this subject attention, and it may reasonably be presumed that better conditions as regards this evil prevail now in both sections of the country. We may suppose similar progress after 1910.

One chief reason for the establishment of the bureau of children at this particular time is that it may become properly organized for the study of the census statistics of 1910 so far as they relate to the welfare of children, and thus bring about mutuality in the results achieved locally.

But the census will stand as the only authority on that subject for ten years more, perhaps to our discredit as a Nation, unless we have some agency charged especially with inquiring into the reason for such differences as may exist as respects this evil, whether the laws are defective or not well enforced in one State or another, and to record the advances that are being made. In short, we shall be able to get the information necessary for every State to correct its own abuses, not from the writers in the magazines intent upon making a sensation, but from an authorized bureau of this Government belonging to all the people, so that the people directly concerned, without a feeling of resentment at an exaggeration of the conditions, may go about the work of correcting abuses known to prevail and the righting of the wrongs of childhood.

Consider another problem that has been widely studied within the last few years, the problem of juvenile delinquency and reform. Some of the principles of dealing with the child criminals, if we may call them such, have been established by such men as Judge Ben B. Lindsey, of Denver, Judge Julian W. Mack, of Chicago, and others. Both these gentlemen are earnest advocates of this bureau. Judge Lindsey declared that it took the time of two stenographers in his office to answer the questions that came to him regarding his children's court. But why should people be compelled to write to Denver, rather than to Washington, to find out from one locality where conditions may be peculiar concerning the proper method of dealing with delinquent children all over the country?

While a member of the judiciary committee of the Massachusetts state senate, I helped investigate the question of establishing in that State the juvenile court which is now in operation there. The lack of a body to turn to for proper information as to what other States were doing was to our work a great hindrance, and a bureau of this kind could have rendered assistance of the greatest value.

I understand that a national organization was formed (?) for the purpose of studying this problem, but that it was given up on account of the lack of funds for its expenses. It was brought out in one of the hearings by a speaker from the South that, in the absence of correct information about this problem of juvenile reformatories, both South Carolina and Georgia had established reformatories on their prison farms, on the premises where adult criminals were detained, and that more recently, recognizing that this was a blunder, new reformatories had to be built away from the associations of the penitentiary. In the meantime, the children sent to these reformatories suffered from the blunder, and the States were put to additional expense from the want of any central source of information on this subject.

NO INFRINGEMENT OF STATE JURISDICTION.

Each of our States has sought in its own way, without the benefit of the common experience, to protect its children by legislation in their behalf. The States are recognizing more and more the responsibility which they have for the care and uplift of their children, and each is endeavoring to give to these problems a more intelligent understanding. The need most acutely felt by those engaged in the study and solution of these various problems of childhood is to have adequate and full information as to the conditions to be met, and as to what has been done by other States in meeting these conditions. It is not only the duty, but the high privilege of the National Government to furnish this desired information, to the saving of waste and misapplied energy, to the curbing, sometimes perhaps, of undisciplined zeal, and to the stimulation of every community to the recognition of the abuses of childhood that these abuses may be ended.

It would be as difficult for the States, even if they could all be persuaded to act together, to secure this needed information as it would be for them to take a census under 46 different varieties of standards of the population of the United States.

That publicity through a national children's bureau would tend to bring views and methods into harmony concerning these humane questions can not be doubted. The present laws respecting neglected children, delinquent children, the children who toil, the unfortunate children of every kind who make the appeal of their helplessness to the State or the community, are conflicting and confusing. It should be the function of this bureau, in studying the legislation of the different States, to present expert opinion as to the best standard of legislation to be adapted by each State to its local conditions. The experience of all will be the guide of each.

No one, Mr. Chairman, could be more jealous than I to preserve to the States their sovereign rights over their people. The constitutional objections to a national child-labor law I fully recognize, and to such a measure I am unalterably opposed, but, Mr. Chairman, a bureau of this nature is the strongest force in preserving to the States their rights over their own citizens. Its power to enable the States to obtain information on this subject will strengthen and uphold their hands in progressive legislation, and by increasing their efficiency in dealing with their citizens will be the strongest force against the encroachment on the States by the federal power. It is claimed the States are not meeting the full responsibilities to their citizens. No greater aid than this could be given them to do so. Absolutely opposed to national regulation, I support no less firmly the collection of national information.

EUROPEAN NATIONS IN ADVANCE OF US.

Far beyond the United States other nations have already advanced in this important matter. Perhaps the nations of Europe feel the pressing need of the care of the children more keenly than we do, from the fact that these children are to be the future defenders of the nation in the war that always threatens those nations, who must be kept in a state of continual defense.

The experience of England during the Boer war, on account of the degeneracy of a large part of her population, especially the factory population, was a bitter one. One of the results of the investigations of this subject, which fill a whole series of "blue books," was the recent enactment by Parliament of a "children's charter," as it is popularly called. It has the double function, under the British system of government, of investigation and administration. The children's bureau, outlined in this bill, is confined to the first duty alone, except that it may report such facts as Congress may legislate upon within proper federal jurisdiction in the District of Columbia and the Territories. To the States must be left the duty of administration. Germany also, with an eye to its future citizens and soldiery, has a very complete and thorough system of research and publicity concerning all the facts relating to child life. Our own students of these problems have been compelled to gather their information about many of these questions from foreign sources, with more or less applicability to American conditions.

While Europe is an armed camp, this Republic is at peace. It is an even nobler duty to prepare for the victories of peace than to provide for the exigencies of war.

Self-preservation is spoken of as the first law of nature; and when the welfare of a nation rests, as ours, on universal suffrage, the care and bringing up of the children to healthy men and women can assume to no other duty a second place.

It is objected that we already have too many bureaus. There are in the nine great departments represented in the Cabinet 117 bureaus and divisions, as follows:

State Department	9
Treasury Department	19
War Department	17
Department of Justice	6
Post-Office Department	5
Navy Department	22
Interior Department	9
Department of Agriculture	15
Department of Commerce and Labor	15

But the argument is the other way. If we have not neglected the creation of any bureau dealing with material things, what further excuse have we for neglecting the most precious asset of national life, the children?

COMPARATIVE STATEMENT OF APPROPRIATION REQUIRED.

If it is a question of expense let us look at the outlay which this last year has been authorized by the Government in some of the bureaus tabled above, and contrast that as a whole, or item by item, with the amount asked for under the present bill.

The Bureau of Animal Industry, for example, last year expended $301,415 for a single item, "Eradication of scabies in sheep," and $50,000 for the inspection of southern cattle. May not we ask ourselves, Is not a man better than a sheep; are not the children of more importance than cattle? There has been appropriated for the fiscal year ending June 30, 1909, for the eradication of ticks in cattle the sum of $250,000, and for this year the sum of $300,000 is asked for that purpose. Yet some are unwilling to spend one-sixth of this amount for a children's bureau! We appropriated last year for the investigation of insects injurious to vegetables, fruit, tobacco, field crops, and so forth, $158,800, and this year $199,800 is asked for the same purpose. We have already appropriated for the year 1909 $1,330,860 for the Bureau of Animal Industry, $1,341,676 for the Bureau of Plant Industry, $826,720 for the Bureau of Chemistry, $234,700 for the Bureau of Soils, and $434,960 for the Bureau of Entomology.

Contrast with these generous sums the amount required for the children's bureau.

Considering the confessed lack of knowledge on the vital questions concerning American children which I have briefly indicated and the importance of reliable information about them for the use of all public and private agencies that are attempting to deal with these problems, the expense involved is insignificant. The bill provides for 33 officials, a chief and his assistants and clerks, at an expense of $49,820, together with office rent and equipment, $2,000 more, a total of $51,820.

The study of bugs no doubt has its importance, but we can at least afford to spend one-eighth of the amount we expend on bugs for the study of the problems of our children.

It is admitted that with increased appropriations and the specification of new duties some of the already established bureaus might deal with some of these questions, but none of them is fitted to deal with them all. One of the most powerful reasons for concentrating such work in one bureau, with its significant name, "The Children's Bureau," is that the general public would know at once where to apply for the needed information. For example, one official of the Marine-Hospital Service is believed to have discovered the cause of a very common and debilitating disease among the children of certain sections of the South, and a very simple and cheap remedy for the affliction. But the unsophisticated would hardly think of applying to the Marine-Hospital Service for information about a disease of the children of inland Carolina. We increase the opportunities for valuable publicity many fold by centering the information about children in one bureau, whose very name is an index to the character of its work.

Public sentiment is arousing itself on this subject, and each day more and more interest is evinced in the objects of this bill. The press of the entire country, with scarcely an exception, is advocating the support of this measure, and letters and petitions from every part of the land have been rushing to the hands of Members of this body. There are no selfish or mercenary interests behind this measure, and the expression of opinion which is reaching us is the outgrowth, spontaneous and sincere, of the feeling for the children of our country.

The exploitation of childhood and the withering of little lives must stop, and to stop it the first and most necessary step is to proceed with intelligence and understanding.

NECESSITY FOR IMMEDIATE ACTION.

Mr. Chairman, it must be remembered that whatever we do for the children of the present we must do at once. The opportunity for aiding the children of any year or decade is a present opportunity, for the children so soon pass beyond the reach of the influences that are helpful to childhood. Others will come on and take their places, but these children that we are concerned with to-day, that may be helped if we pass this bill at this session, will be beyond the reach of help if we postpone action. Another Congress may create the children's bureau, but it will be for the help of other children than those with which we are concerned to-day. I have no doubt that it will be created. The need for it is too great, the demand for it too insistent, for it to fail of establishment among the bureaus of this Government. Why shall we not accept this responsibility and this privilege? Why shall we wait for others to help the children of to-morrow? Why shall we not aid the children that are, as well as the children that are to be, the children of to-day and of all the to-morrows in the history of this great Nation of ours? The question ought to be not, Shall we pass this bill, but why did not some Congress pass it long before, that the States might to-day be using the knowledge and experience that has been acquired? We can not remedy the past. The present is ours. Let us take now the final step in offering to the children the assistance of this measure.

Political equality and civic rights, obtained through years of struggle, have brought with them great responsibilities as well, and the future of our country depends upon the way our citizens will assume the responsibilities so placed upon them. Democratic government can not exist by itself, and the proper exercise of the suffrage and the development of the ideas of the framers of our Constitution necessitate the active interest of all the people of the country. Upon the quality of that citizenship the strength of our Government will depend, and the standard can never rise above the aims and ideals on which it rests. A good government can never be legislated by us or upon us. The only sure basis on which to rest our Government and from which we can look to the future with calm confidence is the basis of high and enlightened citizenship. To insure the preservation of our national ideals we must have citizens healthy and active, both in mind and body, and to develop from our children the highest types of men and women must be the first duty of our State, and it is a duty which this bill will help each State to perform. Let us take now the final step in offering to the children, our future citizens, the assistance of this measure.

APPENDIX.

PERSONNEL OF THE CONFERENCE ON DEPENDENT CHILDREN.

Hon. George S. Addams, Cleveland, Ohio; judge juvenile court.

Miss Jane Addams, LL.D., Chicago, Ill.; president Hull House.

William J. Ahern, Concord, N. H.; secretary State Board of Charities and Correction.

Bernard C. Amand, 120 East Nineteenth street, New York City.

Judge George W. Atkinson, United States Court of Claims; president West Virginia Children's Home Society.

William C. Ball, 1138 South Fifth street, Terre Haute, Ind.; member board of control, Indiana Reform School for Boys.

Rev. Brother F. S. C. Barnabas, 417 Broome street, New York City; superintendent of N. Y. C. P. Placing Out Bureau for Dependent Children; superintendent of Somer Agricultural School for Dependent Children; director of St. Philip's Home for Friendless Working Boys; member of New York State Conference Committee on Dependent Children.

Mrs. Kate Waller Barrett, Alexandria, Va.; general superintendent National Florence Crittenton Mission.

Dr. S. J. Bassford, Biddeford, Me.; president York County Children's Aid Society.

Ludwig B. Bernstein, Ph. D., One Hundred and Fiftieth street and Broadway, New York City; superintendent Hebrew Sheltering Guardian Orphan Asylum.

Ernest P. Bicknell, War Department, Washington, D. C.; president National Conference of Charities and Correction; secretary National Red Cross Society; formerly general superintendent, Chicago Bureau of Charities; secretary Board of State Charities of Indiana.

Robert Biggs, law building, Baltimore, Md.; president St. Vincent de Paul Society.

Hon. Robert W. Bingham, Louisville, Ky.; president Kentucky Children's Home Society; president Board of Children's Guardians for Louisville and Jefferson County; formerly mayor of the city of Louisville.

Charles W. Birtwell, 43 Hawkins street, Boston, Mass.; general secretary Boston Children's Aid Society.

Hon. Samuel L. Black, Columbus, Ohio; judge of the juvenile court.

Mrs. Joseph Tilton Bowen, Chicago, Ill.; president juvenile court committee.

Charles Loring Brace, 105 East Twenty-second street, New York City; secretary New York Children's Aid Society.

H. S. Braucher, city building, Portland, Me.; general secretary Associated Charities.

Dr. Elmer Ellsworth Brown, Washington, D. C.; United States Commissioner of Education.

Julius A. Brown, 2317 West Ninth street, Los Angeles, Cal.; president California Children's Home Society.

William B. Buck, 1506 Arch street, Philadelphia, Pa.; secretary Children's Bureau; superintendent Seybert Institution; formerly secretary Cuban Orphan Society, New York; secretary New York county committee, State Charities Aid Association; superintendent of inspection New York State Board of Charities.

Hon. John M. Burnett, 2022 Sutter street, San Francisco, Cal.; president Particular Council of San Francisco, Society of St. Vincent de Paul.

Thomas G. Bush, Birmingham, Ala.

Amos W. Butler, State House, Indianapolis, Ind.; secretary state board of charities; formerly chairman committee on children, National Conference of Charities and Correction; president National Conference of Charities and Correction; chairman section on anthropology, American Association for the Advancement of Science.

Edward B. Butler, 3408 Michigan avenue, Chicago, Ill.; president of the board of directors of the Illinois Manual Training School Farm.

Edmond J. Butler, 44 East Twenty-third street, New York City; tenement house commissioner; corresponding secretary Superior Council of New York, Society of St. Vincent de Paul; vice-president Particular Council of New York, Society of St. Vincent de Paul; director Ozanam Association of City of New York; formerly director and member of executive committee of the Catholic Home Bureau of New York; member of committee on dependent children, Charity Organization Society of New York.

Andrew Carnegie, New York City.
Richard Carroll, Columbia, S. C.; manager South Carolina Industrial Home for Destitute and Dependent Colored Children.
C. C. Carstens, Boston, Mass.; secretary Massachusetts Society for Prevention of Cruelty to Children.
A. W. Clark, Omaha, Nebr.; superintendent Child Saving Institute of Omaha; formerly superintendent Boys and Girls' Aid Society of Omaha; general secretary associated charities of Omaha; member Nebraska state board of charities; member Nebraska child labor committee; president Sociological Club of Omaha.
Dr. William Bullock Clark, Johns Hopkins University, Baltimore, Md.; president Children's Aid Society of Baltimore
Hon. Allen B. Conover, Madison, Wis.; member Wisconsin state board of control.
Rev. John F. Corcoran, New Haven, Conn.; St. Francis Orphan Asylum.
Richard Crane, Ingalls Building, Cincinnati, Ohio; secretary Particular Council, St. Vincent de Paul Society of Cincinnati; president St. Xavier Conference, St. Vincent de Paul Society of Cincinnati; treasurer St. Xavier Parochial School of Cincinnati; trustee St. Joseph's Orphan Asylum of Cincinnati.
Meigs V. Crouse, 312 West Ninth street, Cincinnati, Ohio; superintendent Cincinnati Children's Home.
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Hon. Arthur Peter, Louisville, Ky.; judge juvenile court.

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Mrs. Annie L. Young, Salt Lake City.

Mr. SMITH of Iowa. I yield twenty minutes to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Chairman, I have been interested during the past few weeks in the discussion we have had upon that always interesting subject, the rules of the House. I listened with peculiar interest to the illuminating and altogether admirable address of the gentleman from Pennsylvania [Mr. OLMSTED] upon this subject. He made it apparent that the present rules of the House are the growth of years; that each revision of the rules embodied the best judgment of the membership of the House at the time as to the needs of the times; that the adoption of each of these rules was not for the purpose of centralizing power in the hands of any one man, but to enable the House more successfully and more effectively to perform its legislative functions; that the various revisions of the rules stand as milestones along the highway of progress, indicating the advance we have made as a legislative body. The one thing that should be uppermost in our minds in connection with this discussion is that this progress must go on. We must not be content to live in the twilight of the day which is past.

> New occasions teach new duties; Time makes ancient good uncouth.
> They must upward still and onward who would keep abreast of Truth.

For one hundred and twenty years we have been advancing as a legislative body, but everyone familiar with existing conditions in this House knows that we are still far from the highest point of perfection. Progress is slow of foot and her pathway is often the mountain trail. It is still our high privilege, our sworn duty, to revise and perfect the rules, in order that the House may continue to be in a yet larger degree the exponent and representative of American civilization and that it may give just and ample expression to the progressive spirit of the American people.

In all this discussion we have had our attention called many times to the assertion that under the present system the Speaker of the House is the autocrat, the czar, the tyrant. But I wish to emphasize the fact that the real tyrant with which the House of Representatives has to contend is the House itself. Until we control this tyrant, until we master ourselves, we shall continue to be "cribbed, cabined, and confined" by rules that make us appear ridiculous to a large proportion of our constituents.

The gentleman from Iowa [Mr. HEPBURN] the other day showed how the Members of the House, by the revision of the rules in 1880, were deprived of the right to be recognized by the Speaker. But that change was made, that right was taken from the Members, not because anyone desired to exalt the Speaker or to centralize power in his hands, but because of the abuse of the right by Members of the House to such an extent as greatly to impede, and at times absolutely to prevent, the constitutional functions of the House. The gentleman from Pennsylvania [Mr. OLMSTED] in the course of his instructive remarks showed conclusively why, in the Reed rules, the motion to take a recess was stripped of its privileged character. He illlustrated the conditions which then existed by showing that on one occasion nearly the whole afternoon, nearly the whole session of the House, was wasted by a Member moving alternately to adjourn and to take a recess. And a careful study of each of these rules will show conclusively that it was adopted in order to enable the House to control itself more effectively, and so to enable it to legislate with less of dilatory tactics and with less of senseless performance of various kinds.

We are frequently told and we frequently declare that this is the great legislative body of the world. We come here as the personal representatives of 80,000,000 American sovereigns. There never was a time when the general average of membership was as high as it is to-day. There never was a time when the demands upon the Members of the House were so great and so exacting as they are to-day. There never was a time when the Members were required to devote themselves so exclusively to their public duties as to-day. There never was a time when their intelligent and careful attention was more needed on the floor of the House in connection with the enormous work we have to do than at present. And yet, Mr. Chairman, I respectfully submit that our manners and the conduct of the House, as a whole, are simply abominable. To illustrate, let me call the attention of the committee to what has just occurred.

The gentleman from Massachusetts [Mr. PETERS], who just addressed the committee, brought to our attention a subject of great national importance, a subject in which many good people all over our land are interested. He called our attention to the importance of a national children's board. This subject was recently considered here in Washington by a conference of philanthropic people gathered from all parts of the land by President Roosevelt. But so great was the confusion during his interesting and instructive remarks that it was utterly impossible for anyone to hear a word he said unless he was within a few feet of him. During the past few days I have sat here in deep humiliation as I have witnessed the Speaker shrieking at the top of his voice in his efforts to secure, not order, but the merest semblance of order, that the House might discharge its constitutional functions with some degree of intelligence.

I remember an occasion earlier in the session which would have humiliated any of our constituents who could have wit-

nessed it. The special embassy from the ancient Empire of China occupied the diplomatic gallery, and the members of that distinguished embassy looked down upon the utter confusion of the House, a confusion so great that even those in the gallery who were entirely familiar with the procedure of the House could not possibly determine what we were attempting to do.

These are but illustrations of what occurs here daily. The House is composed of gentlemen, and yet the scenes of disorder witnessed here every day, where legislation of great importance is before us, are disgraceful.

But it is unnecessary for me to enlarge upon the conduct of the House. The existing conditions are only too familiar to us all. And I respectfully submit that, before we enter upon any genuine attempt to liberalize the rules of the House, it is absolutely essential that we radically reform the House itself. [Applause.] It goes without saying that it ought not to be necessary for the Speaker or the Chairman of the Committee of the Whole House on the state of the Union to spend time and effort in order to secure sufficient order to permit us to dispose of the business before us in a proper and businesslike manner.

We have greatly improved our manners as a legislative body during the past twenty-five or thirty years. We are frequently told of the conditions that formerly existed. It is said that twenty-five years ago the principal use to which these desks were put was as a resting place for the feet of Members; that Members thought nothing of coming in, taking off their coats, lighting their cigars, and sticking their feet upon the desks in front of them while the business of the House was being proceeded with. And the membership of the House has greatly improved in many other respects. This ancient gentleman (referring to Mr. Chauncy) who has been an employee of the House for over half a century, "an heirloom," as our friend here suggests, has frequently related instances of the old days, when it was not uncommon for Members to come into the House so badly under the influence of intoxicating liquor that they had to be assisted home.

We have changed all these things. To-day no Member would be tolerated here for a moment whose wits were befuddled. To-day it would be bad form for a man to come here and attempt to smoke his cigar or take off his coat or rest his feet upon the desk in front of him. But, having accomplished this much, we are bound now by every consideration of decency and propriety to go forward and insist upon that degree of order in the House that is essential to its orderly procedure and that is in keeping with its dignity as a great legislative body. We come from 46, soon to be 48, States. Every one of us knows that there would not be tolerated for a moment in the legislative bodies of any one of these States such conditions as we daily find here.

In order to bring about this new order of things in the House we must join hands to make it bad form for a Member to conduct himself in the House as he would not conduct himself elsewhere. I respectfully submit that when as a Member of this House I come here during the discussion of an important legislative measure by some other Member and fail to give him that respectful attention which I would give him everywhere else, I am forgetting my position as a gentleman, I am forgetting my dignity as a Member of this great legislative body, I am unmindful of my responsibilities as the representative of the people of my district. [Applause.]

Mr. MARTIN. I would like to ask the gentleman a question. Will he yield?

Mr. FOSTER of Vermont. I yield.

Mr. MARTIN. Does the gentleman consider that the rule or practice permitting under general debate speeches on all varieties of subjects may contribute somewhat to this general disorder into which the House has fallen?

Mr. FOSTER of Vermont. Mr. Chairman, that is undoubtedly true. And yet I should dislike exceedingly to have this practice of general debate abolished.

Mr. MANN. Or this speech relating thereto.

Mr. FOSTER of Vermont. Or this speech relating thereto.

Mr. MARTIN. Does not the gentleman think that if it were insisted that only the subject under consideration should be discussed, that general debate should be limited to matters germane to it? That a rule or practice of this kind would contribute not only to the interest of the Members of the House, but to the orderly procedure of business?

Mr. FOSTER of Vermont. I do not doubt that much of the carelessness and indifference of Members as to the conditions on the floor of the House results from this practice of general debate, where speeches are delivered upon every conceivable subject excepting the one under discussion. But I am complaining of the conduct of the House, not when it is listening, not when its time is occupied with the delivery of some perfunctory speech, but when we are attending to legislation; when we have important business before us which should be accorded the careful consideration of every Member.

Mr. MARTIN. I desire to entirely disclaim any suggestion that may be made as to this important discussion, for I think it is one of the most interesting and important discussions that I have heard upon the floor of the House.

Mr. OLLIE M. JAMES. And I would like to suggest that subjects are discussed in the House that are of great importance to the House, subjects that could not be discussed in any other way, and upon which we should have no other way of giving our views to the country.

Mr. FOSTER of Vermont. The gentleman is entirely right. Some of our greatest political questions have been discussed and finally determined in these general debates in the Committee of the Whole House on the state of the Union. We all recall a notable instance of this fact in the Senate. The question whether we are a whole Nation or a mere federation was not determined when Lee surrendered his sword at Appomattox. That question was decided for all time when Webster replied to Hayne.

That historic debate took place in the Senate when in the Committee of the Whole House on the state of the Union. Many instances could be cited of historic debates that have occurred in the course of general debate in the House when in Committee of the Whole House on the state of the Union.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I yield five more minutes to the gentleman.

Mr. FOSTER of Vermont. It seems to me that the time has come when we should rearrange the House of Representatives as an aid to better order. These desks belong to the olden time. They have outlived their usefulness. They have no business in this Hall, occupying so much space and preventing those Members interested in the proceedings of the House from gathering in a compact body. They ought to be taken out.

They were placed here when Members of the House had no clerks; when they did much of their writing here; when they did much of their work here; when all of their manuscript had to be written out, and much of it was written here; when his spare time was spent by the Member industriously at his desk. The desks were then used for legislative purposes and not as a center for personal and political gossip when others were attempting to carry on the important business of the House. [Applause.] To-day it is a rare occurrence for a Member to write a letter or anything else in longhand. He has a clerk who does all this work. Each Member has his office, where his work is done. Only in rare instances can a Member be found who makes even occasional use of his desk.

Then, too, we ought to have more room in the lobby. We have many visitors. Our constituents call to see us. They have the right to see us, and they should have the opportunity to see us under favorable conditions. That portion of the House wing now occupied by the Committee on Appropriations and the Committee on Pensions ought to be given up to the lobby of the House, where Members can take up with their constituents matters in which they are interested. We should have such facilities as will enable us to meet our friends and constituents, and to discuss with them pending measures in which they may be interested, and to consult with them upon any matter in which they are interested.

Mr. BATES. Will the gentleman yield for a question?

Mr. FOSTER of Vermont. I will.

Mr. BATES. In the most interesting and valuable remarks which the gentleman is making, will he also favor a proposition by which this Chamber could be so arranged that we would not have to breathe secondhand air all the time during the legislative session, so that we could have at least some windows by which sunlight and fresh air could be enjoyed in this Chamber? As the gentleman well states, we represent all the States of the Union. No Representative would like to wear a secondhand hat or a secondhand coat or secondhand clothes, and yet we are compelled to sit here six hours every day and breathe secondhand air.

Mr. FOSTER of Vermont. Mr. Chairman, the matter to which the gentleman refers is a very important matter. I hardly have time to discuss it now. I think we have a Committee on Ventilation and Acoustics, have we not? That committee ought to be given, if necessary, a session clerk in order that it may take up this matter. We are certainly entitled to better ventilation than we now have. But this is hardly germane to the question I am now discussing.

Mr. EDWARDS of Georgia. Mr. Chairman, I ask for order. We would like to hear the speech of the gentleman.

Mr. DOUGLAS. Will the gentleman yield for a question?

Mr. FOSTER of Vermont. I yield to the gentleman from Ohio.

Mr. DOUGLAS. I have listened with great pleasure to what the gentleman says. Does he not think that the fact that each gentleman of the House has his own desk, that it is numbered, that a plan of it is made, that his constituents in the gallery can see whether he is present or not, has a wholesome influence on the attendance of the House?

Mr. FOSTER of Vermont. I regret to say that in my judgment such is not the fact. If we had a rule compelling Members when on the floor of the House to keep their seats, and if we enforced that rule, the question of better order in the House would be solved.

Mr. DOUGLAS. There is a rule that requires the attendance of Members in this House unless necessarily absent.

Mr. FOSTER of Vermont. But the rule does not go to the extent of compelling Members to keep their seats when on the floor.

Mr. CAPRON. Mr. Chairman, I would like to ask the gentleman one question, and that is whether he considers that the quorum of the Committee of the Whole House should be changed from its present number to any less number?

Mr. FOSTER of Vermont. It has been suggested that with the changed condition this might properly be done. Now, that we have our Office Building, where a large amount of work is done which was formerly done in the House, it may be found best to consider whether the number necessary for a quorum should not be reduced. It seems to me, however, that under ordinary circumstances we ought to have one-fourth of the membership present when we are taking legislation in the Committee on the Whole House.

Mr. BARTLETT of Georgia. It is now only 100.

Mr. DAVIS. Mr. Chairman, the gentleman's observations are certainly as interesting as any I have heard on the floor of the House this session, and I think as important. The gentleman, however, has simply stated what we all know to be a fact—that disorder of the worst kind prevails. The gentleman also has stated that the Speaker attempts many times during the day to obtain better order, but it seems impossible for him to do so. Now that a revision of the rules apparently is in the air, could the gentleman suggest any remedy? Would it not perhaps aid some for the Speaker, when attempting to obtain order, if he observes a collection of gentlemen from the various sections conversing loudly, to make it a matter of record to call attention to the gentlemen by name who are thus causing this disorder and standing in aisles to please take their seats? Would not that conduce to better order? It would make those gentlemen ashamed of themselves to be mentioned in the RECORD.

Mr. FOSTER of Vermont. I have no doubt it would. But the gentleman knows that the Speaker of the House, and every Member of the House whom the Speaker calls to the chair to act as Chairman of the Committee of the Whole House, dislikes extremely to call attention in this conspicuous manner to a Member's conduct. If he calls him by name, it goes into the RECORD.

Mr. DAVIS. Let us make a rule to that effect.

Mr. FOSTER of Vermont. We all understand that much depends upon the presiding officer. But it seems to me that the fundamental difficulty is with the Member himself. It should be wrought into his very system that he should conduct himself on the floor of the House as he conducts himself elsewhere.

Mr. DAVIS. But how can we do it?

Mr. FOSTER of Vermont. First of all, we should cooperate with the Speaker. We have a Republican floor leader and a Democratic floor leader. Each of these gentlemen has his "whip." We have our force of employees. The floor leaders with their "whips" and with this force of employees could be of very great assistance in cooperation with the Speaker in maintaining order. I would favor a conference of the entire membership of the House at the opening of the next Congress to take up this question of better order in the House. I would favor a resolution at that conference calling upon the Republican floor leader, who is always in his seat unless his committee work detains him, and upon the minority floor leader, who is always in his seat unless unavoidably absent, to cooperate with the Speaker in securing and maintaining order on their respective sides of the House.

Mr. CANNON. Will the gentleman allow me——

Mr. FOSTER of Vermont. Certainly, Mr. Speaker.

Mr. CANNON. Touching the matter of naming a gentleman, when I came into the House Mr. Speaker Blaine was Speaker. In cases of great disorder, where Members did not obey the gavel when calling for order, occasionally Mr. Speaker Blaine said, "Unless gentlemen are in order, the Chair will be forced to name gentlemen who are not in order." I asked Mr. Speaker Blaine, "Why do you not name them?" I wanted to know. "Oh," he said, "to name a man who is not in order would be resented by him, as well as by the other Members, unless it was a case where the Chair was compelled, in justice to the House, to name him." For instance, it would go all over the country; it would go to his district. I do not now recall such an instance. It may be that I have seen the Chair naming somebody who was not in order—but I do not now recollect an instance of the Chair having named anyone. It occurs to me, in the case of Mr. Speaker Crisp, when there was confirmed disorder on the part of one Member, who was a big Member, who did not obey the mace, that he was marched in front of the mace to his seat. That man was big enough to stand it; but I should very much dislike to have a Speaker do that to me. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Iowa. Mr. Chairman, the bill under consideration is so perfect I believe it needs no defense from me, so I will yield the rest of my time to the gentleman from Vermont.

Mr. FOSTER of Vermont. I thank the gentleman from Iowa for his courtesy. I thought, Mr. Chairman, that I understood fully the attitude of the Speaker with reference to this subject. It is certainly a very disagreeable task for anyone who occupies the Speaker's chair, either as Speaker or as Chairman of the Committee of the Whole House, to name a Member as being out of order and as neglecting to be in order after repeated calls for order from the Chair. This is particularly true in view of the fact that the condition which we find here is wholly the result of thoughtlessness and indifference rather than of any intentional purpose on the part of anyone to disturb the procedure of the House.

Let us, therefore, at the opening of the next Congress have a conference of the entire membership of the House. There we can discuss the proposition to remove these desks and to remodel the House. The Committee on the Library has had this matter under consideration for many months. And I understand that it has two plans nearly ready to submit for our consideration.

Mr. HAMILTON of Michigan. Does not the gentleman remember that in the closing days of the last session the Committee on the Library did propose some sort of a rearrangement, and it was voted down?

Mr. FOSTER of Vermont. I remember that fact distinctly. The gentleman from Michigan doubtless recalls the conditions under which the proposition was brought before us. It was during the last days of the long session. The extremely hot weather was extremely oppressive. The Members of the House were tired out with the experience through which they had passed.

Mr. HAMILTON of Michigan. They were not so weary but that they discussed it at considerable length.

Mr. MANN. They were not so weary but that they could and did defeat it. It was foolish——

Mr. FOSTER of Vermont. Yes; they defeated it, and it may be that the gentleman from Illinois would not approve any plan that contemplated the removal of these desks and the remodeling of the House. There is, it is true, much sentimental objection to the remodeling of the House; and I would certainly give much weight to the judgment of the gentleman from Illinois upon the question, for it will be admitted that the gentleman from Illinois, as a Member of this House, is an example worthy of emulation. If the rest of us followed him, there would be no occasion for these remarks. He is almost invariably in his seat; his industry is proverbial; his unflagging attention to the business of the House is unequaled. I have watched him for eight years, and I would commend his career to the thoughtful consideration of those who believe that the Speaker is the only man in the House who really shapes legislation.

I suggest this change in the House because it is my judgment that such a change would result in a great improvement in many respects. But it may be that the gentleman from Illinois can suggest a better plan.

Mr. MANN. I can suggest a remedy in ten words.

Mr. FOSTER of Vermont. I yield.

Mr. MANN. Reduce the representation from your State to one and cut down the Members one-half.

Mr. FOSTER of Vermont. Would you keep me in or leave me out? [Great laughter.]

Mr. MANN. I have no doubt that would determine whether the gentleman would be in favor of it. [Renewed laughter.]

Mr. HAMILTON of Michigan. Would the gentleman proceed to divide Illinois on the same basis?

Mr. MANN. I said so.

Mr. FOSTER of Vermont. The suggestion of the gentleman from Illinois of a remedy in ten words is utterly impracticable. The House will not be reduced in size. Even if it were practicable to reduce the House by one-half, I would doubt the wisdom of the remedy. We have a vast country, and, for one, I

believe that each community should be represented in the great Council of the Nation. But any discussion of any such remedy would be utterly academic, and what I am looking for is results. And I believe that the best way to secure these results is to see to it that each Member is constituted a committee of one to cooperate with the Speaker and with the Chairman of the Committee of the Whole House on the state of the Union in maintaining that high degree of order that in a legislative body of our size is essential to wise and deliberate action.

Mr. PAYNE. I want to say, Mr. Chairman, that the defeat last session of the proposed change in the House really was based on the fact that it was a plan to build a box within a box, in which the Hall was so that we had two inclosures outside of the box in which the House was. It was on that basis that the House voted the proposition down. At the time it was pending I made remarks to the effect that I would be very glad to see the Hall removed to one end or the other of this building, or somewhere so we could get near outdoors and have daylight and windows. A resolution was passed instructing the Superintendent of the Capitol to prepare a plan and report it to the House, and I hope something will come of that.

Mr. HAMILTON of Michigan. I desire to say that I understand the Committee on the Library will submit a plan for a change within the House of Representatives within a very short time.

Mr. BOUTELL. Its report is on file.

Mr. FOSTER of Vermont. I can only hope that this report will come before the House when it will have time and opportunity to consider it. If it comes before us in the closing hours of the session, as did the proposition last June, it will be difficult to secure proper attention for it. I have no pride of opinion respecting the methods I have suggested. Nor am I committed to any one proposition. All I ask is that we may bring order out of chaos; that we may set the country an example of law and order; that we may conduct the business of the great Republic in a manner compatible with our dignity and its importance. It is my profound desire to have conditions such on the floor of the House that our constituents, coming to the Capitol and sitting in the galleries and looking down upon us, may carry away with them the impression that the membership of the House is made up of earnest, thoughtful, high-minded men, who are devoting themselves to the single purpose of legislating in an orderly and judicial manner for 80,000,000 of people. [Loud applause.]

Mr. MANN. The gentleman has given an illustration of the fact that if Members want to be heard they are.

Mr. FOSTER of Vermont. I thank the gentleman for his implied compliment. And, Mr. Chairman, I am glad to testify to the simple truth that when a Member has a message to bring before the House he finds an attentive and appreciative audience here. But I insist that that man who believes he has a message for the House or who desires to bring to the attention of the House any matter in which his sovereign constituents are interested is entitled to the treatment of free speech and fair play which is granted the American citizen everywhere in the United States outside the House of Representatives.

One thing more. Members differ as to the wisdom of the practice of general debate during which we are permitted to speak upon any subject we see fit. My contention is that as long as the practice prevails every Member who finds that he is not interested in the address that is being delivered should exercise the privilege that is his and retire to the cloakroom or to his room in the Office Building. He is not compelled to remain in the House. If he does remain, common courtesy should prompt him to give his colleague respectful attention rather than to annoy him by loud conversation and boisterous laughter. But I am contending more particularly for order in the House and in the Committee of the Whole House on the state of the Union when we are attempting to legislate, when we are conducting our business as the representatives of the American people. Then we should follow the example set us by the gentleman from Illinois [Mr. MANN]. We should be at our desks, giving our attention to and participating in the business before us, and demonstrating the truth that in the House of Representatives he is the greatest leader who renders the most faithful service. [Loud applause.]

In the brief moments that remain to me, Mr. Chairman, let me call the attention of the committee to two important changes in the rules which, in my judgment, are necessary in order to enable the House to have and to maintain a firm grasp upon all pending legislation. Throughout this session I have labored earnestly to bring about these changes. In the first place, we need greater facility for securing consideration of the bills favorably reported by the various committees and placed upon the House and the Union calendars. In order to make it possible to secure consideration for every bill on these calendars which a majority of the House desire to consider, I would have what should be known as "Calendar Wednesday." I would provide by a change in the rules that on each Wednesday of the session no business should be in order except the consideration of bills on these two calendars under a call of the committees of the House, unless the House at the time determined otherwise by a majority vote upon the question, "Shall this order be suspended for this day?" In this connection, I would restore its privileged character to the motion to recess.

Then, if at the hour of adjournment on any calendar Wednesday the House had come to no resolution respecting the bill under consideration, it would be in order to move to take a recess until the following day. It would thus be possible for a majority of the House, if they so desired, to continue any calendar Wednesday as long as there remained on either calendar any bills which they wished to consider. When these changes are made, and I believe they will be made before the 4th of March, the House and Union calendars will cease to be the graveyards of so many important measures; the House will have that complete control over bills favorably reported which it ought at all times to exercise; and the Committee on Rules, except in rare cases, would be put out of business. This, too, would do away very largely with legislation by unanimous consent and under suspension of the rules. Both of these methods, as has been frequently pointed out, are extremely undesirable, except in the case of bills of a purely local character and of lesser importance.

With these modifications in the rules, the House would still lack that grasp upon bills of a public nature pending in the various committees which it ought at all times to have. To-day the committees of the House are its masters and not its servants. It not infrequently happens that a committee to which an imporant public measure is referred neglects or refuses to report the bill either favorably or unfavorably. To be sure, in the great majority of cases where a favorable report can not be had, an adverse report is not desired. But I have known instances during my service in the House where committees have arrogated to themselves the right to say that the House should have no opportunity to consider bills once referred to them. I have known cases where a committee has absolutely refused to report a bill adversely, although requested to do so when it was found impossible to secure a favorable report. The function of the committees of the House is necessarily a most important one. In a great majority of instances they have the power of life and death over bills referred to them.

We all know how strong the tendency of the House is to follow the judgment of its committees; but this fact furnishes an additional reason why the majority of the House should have the right to recall any bill pending before any committee of the House which neglects or refuses upon request to report it either favorably or adversely. I am not entirely certain as to the best method of enforcing this right. It would seem to me that the most feasible method is to provide by a change in the rules that on suspension days every Member of the House shall have restored to him the right of recognition, in order that he may move to suspend the rules, discharge the committee to whom the bill was referred, and to place the bill upon the proper calendar. With these changes in the rules we will have gone far toward rehabilitating the House as a great deliberative body.

The objection that doubtless would be urged most strongly against this proposition is that on "suspension days" there would be a very large number of Members on their feet clamoring for recognition. I for one have no fear of that. With such a rule in force no committee would care to be given the unenviable record of attempting to smother a bill of a public nature, and the provision should apply only to such bills. There would be a keener appreciation in many quarters of the fact that committees are instrumentalities of the House. On the other hand, the House could be depended upon to treat every committee fairly. It could be relied upon not to take this drastic action as long as the committee in question could assure it that it was giving the bill proper and considerate attention, to the end that wise action might be taken upon it in due time.

In my judgment, therefore, with such a provision in force the occasions for invoking it would be infrequent and would grow more infrequent with the passing sessions.

Another argument which would probably be directed against the proposed change is that it would result in the reporting of many bills that never ought to be reported. If the time has come when the committees should be the final arbiters as to what bills the House may consider, I concede that this argument is unanswerable. But has that time come? If the gentleman from Iowa [Mr. HEPBURN] is correct in the assertion made by him yesterday that we have passed the period when we were at the mercy of the "irresponsible mob," has not the time come

when the House of Representatives is called upon by the American people to assume and discharge the responsibility that properly belongs to us? Much of the popular outcry to-day against the House is due in no small degree to the widespread conviction that from one motive or another one of the chief functions of these committees is to hold up legislation and so relieve the House of responsibility.

Mr. SHERLEY. I yield twenty-five minutes to the gentleman from Missouri [Mr. SMITH].

Mr. SMITH of Missouri. Mr. Chairman, it is usual for a speaker to announce his subject for discussion. My subject is somewhat intermittent. At the present time it seems to be in articulo mortis. I hardly think, however, that it is either dead or dying. Every two years, or about that time, it assumes an acute stage, and in order that the House may understand just precisely the former acuteness of my subject I shall, in order to be accurate, read in part what I took the precaution to write, after the Socratic method.

Why all this talk that we hear of in certain quarters about the oppressions of the federal judiciary, caused by the abuse of the prerogative writ of injunction to prevent even-handed justice from being enjoyed by millions of our workmen; and why all this clamor about the denial of free speech, free press, and free assemblage? Of some of the causes of this more than apparent unhappiness I want to make some remarks, and I know of no way of showing the importance of my subject better than to call to mind the mixture of discussion, cheap and grave, among Members of Congress last session in the hotels, cloak rooms, and on this floor concerning legislation for the working classes.

The many hearings before the different committees and the extensive hearings before the Judiciary Committee on the anti-injunction bill, and the measure to amend the Sherman anti-trust law, and the bill to enact virtually the statutes of Victoria relating to and limiting conspiracy affirm the importance of my subject.

Moreover, there were Republican congressional caucuses over this question. The Chicago convention that nominated Mr. Taft for President made its bow to them, but merely courtesied and passed on to more important issues. The Denver convention wrote a plank in the Democratic platform pledging the party to thorough anti-injunction labor legislation. This, however, all took place while the presidential election was pending before the people for a decision, and it might be conjectured that the capturing of votes had some influence on what was done in and out of the presidential nominating conventions.

I would not make this last observation if Congress had not been so very somnolent at this session as to these matters that were so acute six months ago. And this, notwithstanding the threatened imprisonment of President Gompers, Vice-President Mitchell, and Secretary Morrison for the alleged contempt for violating the injunctive process, decreed by Justice Gould in December, 1907, in the Buck Stove and Range Company—American Federation case. This court proceeding has attracted wide attention in business and political circles throughout the country. The big newspapers have played it and given the opinions in the celebrated case a wide fame and notoriety, and generally have commended them, and especially do I note that one of the metropolitan papers, speaking of Judge Wright's opinion, speaks in this wise:

That its Blackstonian clearness, vigor, and precision of statement is remarkable.

Occasionally, however, above the din of plaudits, a note of censure is discovered at the Jeffries bearing and temper displayed by this noble judge when reading his opinion, and especially when sentencing the culprits at the bar to jail punishments. Permit me to say, in this connection, that the metropolitan press, the defenders of the Constitution, and the money lords of the country, have done more than all other influences to precipitate this to-be-historical conflict between these heroes and martyrs, who are striving to resurrect plain, simple justice for the many and downtrodden against the opposition of the organized forces of wealth and power, acting under the forms of law, and protected by its tribunals—the Sanhedrins of these modern but degenerate days.

CAPITALISM IN COMBINATION.

Combination is the watchword in all business at present, and will continue to be so in the future, without a break, for yet how long to come no one can tell. Almost everything that man must have in order to live is controlled by some quasi monopoly. His food is made by one and sold by another, at monopoly and trust prices, and I use the terms "monopoly" and "trust" as interchangeable in meaning. His clothing, of whatever quality, is likewise trust made and the price controlled by the trust. The house that shelters him and his family, of whatever material, is made by a trust, and the prices which enter into its construction controlled by it. If he takes a dose of medicine, he pays a royalty to the encroachment of trust monopoly. If he travels, he pays tribute to the monopolistic ingenuity and greed which is all the work of unlimited, grasping capital.

Invention and capital have brought the modern factory, which is but an organization of human beings and machines. Combination enables men who have money or control it to own the factory and hire the laborers to operate it. The combination of such organized energy may be described thus: As a single moving force that animates and drives machinery and that sets in motion a collection of various agencies, each of which contributes its part toward the accomplishment of a certain definite result. In obedience to this force the machinery thus organized, the human beings cooperating in the common purpose, is also set in motion, and the men and the machines combine their movements to produce a definite work. Each part of each machine must perform its function or the work ceases. Each human being sinks his individuality in the performing of this specific work to effectuate the plotted object, and unless this mechanical condition is absolutely maintained the operations can not proceed and the creation of the product will be interrupted. Man and the machine are merged together in the one all-absorbing task.

Looking at it from this standpoint the wheel or other parts of the machine, cooperating with each other, must feel, sorrow, and grieve when a colaboring wheel or some other part is broken or slips a cog; or when some part of the belting snaps it must bleed, suffer, die, have a funeral, and go to heaven or perdition just as a man would. The latter goes home to his family; he finds his wife or child sick with fever, with a hard bed, with nothing or but little to alleviate the suffering; and, of course, carrying out the simile, the wheel and pulley must do the same and in their chastisement wonder if the kingdom of God will ever come here on earth. So, commercially, the man and the machine in the business world are the same, and the courts that look after business so hold, and solemnly decide that they are divinely the same, and that is the end of it, however unfair it may seem.

If a legislature, whether state or federal, takes a different view of the subject and indicates a disposition to make different laws to govern each, certain legislative guardians of the Constitution, of which there are plenty and to spare, straightway object from their constitutional pinnacle, and cry out that there is a plot on hand to destroy the rights of property and engulf in anarchy life and liberty, and overturn constitutional government.

A constitution and precedents made a generation ago under totally dissimilar commercial and industrial conditions from those existing to-day shall constitute, "without shadow of turning," the rule of action by which the modern industrial dispute shall be determined. The conditions of to-day are squeezed into a Constitution made more than one hundred and twenty years ago and into the formulas of the middle ages. The common-law doctrine of "good will and restraint of trade" must govern in all its narrowness when first originated and applied. Then trade was limited and its methods primitive compared with the laws of trade to-day, and competition was free and untrammeled and the governing principle of trade, that regulated the price of wages as well as the price of merchandise. To-day we have no competition, for the trust monopoly has destroyed it, and the power of combination in the form of monopoly first shackles the laborer, then hires him at its own price, and to hide its roguery storms about conspiracy, high tariff, high wages, and plenty of jobs, forever.

MAN IN THIS MODERN INDUSTRIAL COMBINATION IS ONLY A MERE COMMODITY.

When I say that the invention of labor-saving machinery has revolutionized our industrial world, I utter but a truism which all students of economic conditions know. The laborer is no longer a man possessed of a will when at work, for he does but mechanical work, which in every part of the plant must be done in fractions of the whole by a man or a tool.

The only reason that he is in the factory at all is because the inventor has not yet displaced him by some machinery made of iron or steel. As soon as that can be accomplished the machine made of bone, muscle, and blood will be released to tramp as others of the millions of the unemployed. The capitalist will have no further use for him, for the machine made of steel or iron will do the work cheaper.

The treatment of the man and the machine which he operates is identically the same. The employer buys oil to lubricate the one; the other he pays a wage that the man may feed himself. The machine is kept in repair and working condition, oiled up as it should be, run with necessary belting, wheels, and pulleys, as it should be, by the machinist or engineer. The

laborer is kept in working condition by the wages paid him to clothe and feed him. The rented cottage, you know, in which he lives is an appurtenance to the plant. The pitiable feature of it all is that the courts complacently accept this hard commercial rating of the man, treat him as a machine and as a part of the plant.

The man and the machine, or any part of the machine, is commercially a commodity to be bought and sold at will, as a fraction of the great industrial plant, and his labor is bought with just as little thought as the raw material to feed the plant, or is sold the finished product from which the profits come.

Bone, muscle, and brains are goods and chattels; the wife and children of this goods and chattels are but the incumbrances of this slave that belongs to another by a sort of moral duress and industrial despotism.

If a labor union or a combination of labor unions should decide on a programme to forestall a reduction of wages, and in the effort to carry out such programme it became necessary to declare a strike or boycott, or both, and out of such a strike or boycott, initiated to secure justice, should spring an industrial clash seriously affecting interstate commerce, such strike or boycott would unquestionably be denounced by the courts as an unlawful conspiracy under the terms of the Sherman antitrust law or the federal conspiracy statute, notwithstanding the fact that the boycott or strike was declared only for the purpose of thwarting the doing of veritable injustice and of promoting, as far as possible, simple justice. Thus we have this paradox arising out of present-day industrial conditions—that of the courts actually protecting the injustice of the employer done his employee, and of suppressing the struggle for justice by the employee against his employer, and to the sore hurt of the destitute employees.

In other words, the law is invoked to protect industrial abuse and hoary-headed wrong, which it does; and the same law that has wrought this strange paradox boastingly asseverates that it can not be amended under the Constitution, but must remain as it is, and I am not sure but technically that contention is correct.

Such seems to be the condition of the law affecting labor in this country at this time.

LIBERTY, AND SACREDNESS OF CONTRACT MADE BY THE COURTS ALLIES OF CAPITALISM.

I am well acquainted with that hoary old crêed of the law, misnamed "freedom of contract," and how it has been deified by the courts on the altars of the makers and stretchers of the Constitution.

The constitutional veil that surrounds the personal liberty and "due process of law" clauses, like the veil of the temple, has been by these worshipers of the sacredness of property almost rent asunder, and another generation of such devotion to mammon worship, and the veil will be rent and the unrighteousness of the inner sanctum completely exposed.

Yea, the freedom of contract includes every human being under heaven within its unfathomable range and depth, except the adjudged lunatic, the fettered married woman, and the irresponsible infant.

The millionaire, in complete harmony with a perfect environment of person and will, and the unwashed tramp, without a sou, ragged, hungry, broken in spirit, and the abject menial of his untoward conditions, when contracting for work to buy bread, before the law are equals in every particular—equals before that very law which Mammon says "old Moses brought down from the peaks of Sinai."

If the millionaire pleases to give 50 cents per day, and the laborer takes it rather than starve, the question of whether the rich man took advantage of his poor brother's condition to rob him can not be considered and can not be regarded as an ingredient of that contract of employment. The conditions under which it was made constitute no part of the contract.

At the bottom of such a contract no one will dispute for a moment that the old serpent of selfishness lies in perfect peace and security, and why not? Is that serpent not protected by the Constitution and the serried hosts of wealth?

Seriously, such, however, is the legal measure of all individual contracts of employment to-day, during the first decade of the twentieth century. This is the standard, and no other can be found as promulgated, the courts say, under the Constitution.

Hence the effort of labor in every clime to get together and organize, to bring forth the new principle of even-handed justice for use in every contract of employment, and to put it to work in life, and the affairs of life—that kind of justice based on the Declaration of Independence, and the fundamental teaching of Christianity—the brotherhood of man—and bring to pass an enactment of it in the law of the land, and the administering of it by the courts of the country. This is the tremendous task that organized labor has set for itself, aided by a considerable body of well-meaning persons whom the socialistic writer calls "intellectuals," but whom I would call "economic missionaries in a good cause."

By the workers organizing themselves into a body in any trade, which puts them in possession of their labor that they have to sell, they can say to the employer: "It is true that you own and control the tools with which we have to work and the capital to hire us, yet we control the labor that you must have before you can use your tools and make any profit; and our labor, being a part of us, of our bone, muscle, and very life, and inseparable from us, we have, by unionizing our class, agreed to fix the price of labor, which you call a commodity and which the law treats as such, and we propose to fix the price, so that we can divide the profits with you on a righteous basis. We are willing that you should have a reasonable and just profit for your investment and management of the business, but anything more than that we are unwilling you should have, and whatever profit is left, after allotting so much to you, we, as laborers who make it, claim as our own and shall try to get."

However, to bring this result about for themselves, the combination of unions must be so comprehensive as to include practically all men who work in that line, and, instead of contracting as individuals, they must contract as a class. In other words, they must resort to and use the collective contract instead of the individual contract. By such unity of organization, they can take advantage of their economic difficulties and coerce, so to speak, the making of just contracts.

COLLECTIVE BARGAINING BY LABOR.

What honest objections can be raised to collective bargaining or contracting by the labor class in its efforts to secure a fair price for its labor and an equitable division of the profits to which it contributes so largely to produce?

It is admitted on all hands that to organize is correct and the proper thing to do; and if so, then the collective contract is sound in principle, and its fruits should be gathered and realized by those producing such fruits.

And here is the rub, for I claim that such a realization will from time to time necessitate the strike and boycott. The strike and boycott, as I see it, are absolutely necessary as conditions are to-day to enforce the collective contract, and that is the only kind of contract by which labor can ever expect to obtain a fair wage. I assert this, first, for the reason that the courts so far have done nothing to help labor in the least. They do not issue injunctions to prevent corporations and railroads from cutting wages or laying off their employees when they desire; and, second, because Congress and the legislatures of the States, through the lobbying of powerful interests, fail to enact legislation favorable for the protection of the rights of the laboring class.

To issue injunctions to prevent reduction in wages or any like purpose would interfere with personal liberty, as decided in the Adair case, which even holds that a railroad company, for pique or policy, may discharge a union man simply because he is a union man, thereby carrying the right of personal liberty to the very verge of anarchy.

It matters not whether the discharge of employees by corporations will effect a free flow of interstate commerce or not, or whether a congestion of traffic or trade for months will result; the people must take care of themselves.

Nor do the courts issue injunctions to compel the corporations to give their employees an honest and just wage, that they may thrive and live comfortable and have no occasion to strike or boycott to secure an honest wage. To do so, they hold, would infringe the right of personal liberty and freedom of contract. Petitions for such a purpose would be laughed at, and a decree to that end would be an utter impossibility.

But let the employees quit work for ever so just a cause, say to hinder an unjust reduction in wages, as in the Ann Arbor and Toledo Railroad cases in 1893, and let some labor federation take part in the contest, and by its chief officers make an order or a rule asking or commanding the employees of the same federation on other railroads to quit work, that a concert of action might be obtained for strength and influence to compel a retention of the old wage, and note how quick the courts can act, and the good reasons promptly assigned for the injunctive process:

First, a violation of the interstate-commerce act; second, a violation of the general conspiracy statute; and, third, a violation of the common law regulating conspiracies in restraint of trade. Different laws are called into vigorous action in order that the altruistic sympathizing business public should not be required to undergo any inconveniences and that the free flow of interstate trade should not be disturbed, and that the railroads be not deprived of the profits of business and forced to suffer

irreparable damages or loss because of the conduct of a lot of irresponsible and indigent employees.

INJUNCTION WRIT USED SOLELY TO PROTECT PROPERTY.

This wholesome and beneficent rule, however, does not apply to these indigent railroad employees when discharged without any fault of theirs and against their protest. They can tramp, go hungry, and beg, without any help from a court of equity. The beneficent beauties of the present holy writ of injunction was not invented to get jobs for the unemployed, and if it was invented to protect the poor from the oppressions of the rich, as it was, that use of the writ has long since become obsolete and been abandoned, for it is only now used to protect property and so-called "property rights" of corporations.

And I think it may be very appropriately added that equity has not yet discovered any method whereby the laboring man can get anything more as an individual than the man who employs him wants to give him, irrespective, as I have commented, whether the price paid for his labor is just or unjust. The question of justice or injustice does not enter into the bargain at all. It is simply a question of employment at the cheapest price possible, and so far, the courts of equity have been incompetent to help the laborer, but its powers are mighty to help the employer.

This is the breadth of its powers when engaged in protecting property and certain vague property rights of corporations; such as that one man may have a property right in another man's business or custom, or the right to do business at a certain place and in a certain manner, quoting from Justice Brewer, who said:

I believe most thoroughly that the powers of a court of equity are as vast, and its processes and procedure as elastic, as all the changing emergencies of increasingly complex business relations and the protection of rights can demand.

Under this broad statement of equity powers why could not the injustice done the employees or workers by short, dishonest wages, or by an arbitrary, dishonest reduction of wages, or by an arbitrary and dishonest discrimination of wages against union laborers, or on account of unsafe or brutal surroundings in which employees are compelled to work be set up in the answer to the petition for the injunction and the whole case submitted to this court of these searching and exhaustive powers for an equitable decree and a complete settlement of these varied and complex business relations and rights demanding protection? On this point, and in conclusion, I might say that the boycott and strike should be legalized in this country as in England, and it will be; but just when, I shall not undertake to prophesy.

The law regulating the strike and boycott should be rigid, to the end that when conducting either it should be done quietly and peaceably, without any physical violence whatever, and without any violence of conduct or language whatever. Briefly stated, "Let all things," in any way affecting the strike or boycott, "be done decently and in order."

Whatever labor should demand or oppose being done should be accurately understood and as accurately stated in writing and submitted to the employer, and if refused then, upon the justice of its contention stubbornly stand, pleading its cause in court and out of court by free speech and free press and free assembly, if needs be, but in all things pleading and acting "decently and in order."

DEFENSIVE OF THE INDUSTRIAL BOYCOTT OR CONSPIRACY.

I desire to make a few observations upon the proposition that a single person can do an act which is neither immoral nor unlawful, but becomes immoral and unlawful if done by two or more persons in concert and for a well-considered purpose, although for a good purpose and for their general benefit, yet if in doing the act injury or damage results collaterally, the commission of the act under those circumstances becomes an unlawful conspiracy or an unlawful boycott, for which the doers thereof may be punished by indictment or restrained by an injunction or sued for damages. And if they persist, after an injunction has been issued against them, in the performance of the same act, whatever be the methods thereof, and injury or damage results collaterally, as mentioned, they, or any of them, may be arrested for contempt, tried without a jury, and imprisoned at the discretion of the judge who issued the writ, and acting as legislator, prosecutor, and judge in his own case.

It will be noted that it makes no difference how peaceably such persons may act in the execution of their common purpose, yet to them and their class beneficial, still the courts, dealing with such cases *hold*, That the benefits to the members of the combination are so remote as compared with the direct and immediate injury inflicted on the nonunion men or the company that the law does not look beyond the immediate loss and damage to the innocent parties, to the remote benefits that might result to the organization.

It is worthy of note that the law declines to see anything but what it terms the immediate and direct consequences of the strike or boycott, which result collaterally and generally from a stubborn refusal on the part of the company to do even-handed justice.

Yet, notwithstanding this, the law closes its eyes to the millions of working people and refuses to help them because the benefits which they seek are said to be too remote. And these are the solemn decisions of courts of equity, which I have always been taught to believe had the power and were disposed to administer justice to the remotest parties, provided they had a tangible and valuable justice or equity in the most novel situations.

While a boycott or a strike initiated for a righteous purpose might result in a collateral way in the destruction of even an individual fortune, or the property of a certain company, yet, if its results, though remotely, should be to change an economical condition to the benefit of tens of thousands of the needy and oppressed, it seems that the boycott or strike should be protected, in order to prevent as little injury as possible, and in a guarded way be permitted to achieve the real object for which it was initiated, that of justice to the thousands and tens of thousands. In support of my view of the industrial boycott or strike, I desire to call attention to the British act of Parliament amendatory of Thirty-eighth and Thirty-ninth Victoria of 1875, entitled the "Trades Dispute Act, 1906," which became a law in the Kingdom of Great Britain December 21, 1906. But first let me say that the main purpose and effect of this act of 1906 was to override the principle laid down by the House of Lords in the Taff Vale Railway Company *v.* Amalgamated Society of Railway Servants (1901, A. C., 426; 70 L. J. K. B., 905), *which held that a trade union might be sued so as to be liable in tort for the acts of its officials.*

By the act of 1906, a trade union in England can no longer be sued in tort and *held* liable for the acts of its officers; the only liability that attaches for tort are personal, as the law now stands.

Victoria 38 and 39, chapter 86, changed the law, so that agreements or combinations by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen should not be indictable as for a conspiracy if such act committed by one person would not be punishable as a crime.

The indictable common-law conspiracy (Vict. 38 and 39, 1875) was eliminated from trade disputes, and this is but common justice and in recognition of the great principle for which the laboring people the world over are fighting—industrial freedom, a fair contract, and a just, prosperous wage, one from which by economy money can be saved for the culture of the home and family.

The act of 1906 is a noble piece of modern, up-to-date legislation, *patriotic and statesmanlike*, that originated in the House of Commons, the true representatives of the people, unfettered by constitutional checks, to be explained hereafter.

LEGALIZES PEACEABLE BOYCOTT.

The following section of the act practically legalizes the peaceable and thoughtful boycott inaugurated for justice and sets a sound precedent for the bill that I introduced at the first session of this Congress.

The section is as follows:

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

This section frees from civil liability all persons engaged in a trade dispute, i. e., boycott or strike, unless they would be liable, if not engaged in a trade dispute, and acting individually. It is not intended to relieve against personal acts of violence or personal torts or personal crimes.

It is intended to foster trade disputes initiated to overtake and coerce justice from the unwilling hands of the employer.

The following section in behalf of peaceful picketing is interesting:

It shall be unlawful for one or more persons, acting on their own behalf, or on behalf of a trade union, or of an individual employer or firm in contemplation or furtherance of a trade dispute *to attend at or near a house or place where a person resides or works or carries on business or happens to be*, if they so attend merely for the purpose *of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.*

This kind of legislation would be a bitter pill to the president of the National Association of Manufacturers and men who think on industrial questions as he does.

If Mr. Van Cleave lives long enough, he will have to take the medicine, and I hope that he will possess his soul in peace in the meantime.

Another section of this act that ought to be penciled in gold over the doors of the great industrial plants of America:

An act done by a person in contemplation or furtherance of trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or labor as he wills.

This section in this country would likely be held as unconstitutional, because of the inviolability of contracts, under section 10 of the Constitution, which section has been worked over time ever since the famous Dartmouth College case, which decided that the charter of a corporation was in the nature of a contract and could not be interfered with, behind which the doctrine of vested rights has been so extended as to embrace vested wrongs. I have digressed. The section, however, removes all liability for interfering with another person's trade, business, or employment, even though such interference should result in the breaking of a contract of employment. This is justified on the ground of the importance of industrial conflicts or disputes, which are economical and general, affecting not only a class, but the welfare of the entire country. A settlement on a just basis of the relations between employer and employee, that has been so long neglected, to the great injustice of the laboring people in all countries, is demanded, and the English act entitled "Trade disputes act, 1906," is the longest step in the right direction yet taken so far as my knowledge goes.

EXEMPTS UNIONS FROM LIABILITY.

The last section deserves particular attention, for it and the Sherman antitrust statute are complete antipodes in legislation, and what is law in England is anarchy in America, and yet they worship the same God and have the same common law. This is the section:

An action against trade unions, whether of workmen or masters, or against any members or officials thereof, on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court. (Annual Stat., 1906, Edward VII, 947, 948.)

This section exempts trade unions absolutely from liability for any kind of tort, even libel, though the actual tort feasor would be personally liable, except the act complained of was done in good faith in contemplation or furtherance of a trade dispute. In that case such tort feasor would be under the act without legal liability or fault, but under the Sherman antitrust statute as interpreted by the Supreme Court in the Danbury Hatters' case (208 U. S., 274) the labor or trades unions would be subject to an action which could be maintained for threefold damages.

I have explained this English statute in order that it may be better understood, for it needs but to be understood to be appreciated and admired. England is to-day a freer country than ours, but I can not stop to give reasons why this is so, but they are not occult and may be read of him who runs.

Justice Gould, in the case of the Buck Stove-American Federation case, in discussing the doctrine that a single person can do an act which is neither immoral or unlawful, but becomes both when done by two or more persons in execution of a common purpose that results in injury to third persons, quotes from the case of Curren *v.* Galen (152 N. Y., 33), in which it is said:

The social principle which justifies such organization is departed from when they are so extended in their operation as either to intend or to accomplish injury to others.

It is earnestly contended by defendants' counsel, however, that as each one of the defendants has the right to refuse to patronize the customers of plaintiff unless such customers will discontinue handling plaintiff's stoves, that therefore they may combine in their refusal; in other words, that there can not be an unlawful combination where each member thereof might do individually the thing contemplated without responsibility to the law therefor. *This contention has much of plausibility.* It is undoubtedly difficult to formulate the legal basis of the proposition that what is lawful for one to do becomes unlawful when done in combination. It seems to evade accurate analysis. This feature is brought out in the dissenting opinion of Mr. Justice Holmes in Vegelahn *v.* Guntner, supra, although he adds: "It would be rash to say that *some as yet unformulated truth may not be hidden under this proposition*," and admits: "That whatever may be the law in the case of a single defendant, that when a plaintiff proves that several persons have combined and conspired to injure his business, and have done acts producing that effect, he shows temporal damage and a cause of action, unless the facts disclose or the defendants prove some ground of excuse or justification, and I take it to be settled, and rightly settled, that doing that damage by combined persuasion is actionable, as well as doing it by falsehood and force." But however unsatisfactory may be the statement of the "as yet unformulated truth" hidden under the proposition, the proposition itself is too firmly engrafted upon both the civil and criminal law to be ignored. (Washington Law Rep. 35, vol. 806.)

This authority is cited to show that the light is dawning on the ultraconservative judicial mind, which means that the legislator, even in the United States, ought to wake up out of his Rip Van Winkle century sleep.

COMBINATION OF ACTION OF NO WEIGHT.

Anent this abstruse and illogical theory invented and enlarged to protect property, the court said in the leading case of Lindsay & Co. *v.* Federation of Labor (96 Pac. Rep. 130).

There can be found running through our legal literature many remarkable statements that an act perfectly lawful when done by one person becomes by some sort of legerdemain criminal when done by two or more persons acting in concert, and this upon the theory that the concerted action amounts to a conspiracy.

But with this doctrine we do not agree.

If an individual is clothed with a right when acting alone, he does not lose such right merely by acting with others, each of whom is clothed with the same right.

If the act done is lawful, the combination of action is not an element which gives character to the act.

It is the illegality of the purpose to be accomplished or the illegal means used in the furtherance of the purpose which makes the act illegal. (National, etc., Association *v.* Cummings 170 N. Y., 315).

Other cases holding that the legerdemain of converting an innocent act when done by one into a criminal act when done by two or more, or an actionable conspiracy, is not sound and will not stand the test of time, and, further, will sooner or later be so modified in this country by legislative enactment (or judicial decision), as has already been done in England by the "trade disputes act, 1906," as not to destroy the evolution in the labor world from dependence to independence, from industrial slavery to industrial freedom, and, finally, from a life of comparative ignorance to one of enlightenment and the sweetness of culture.

If I am not very much mistaken, Mr. Littlefield, in his speech last May in this Congress, failed to comment on the late English act which I have given in full, but confined himself to the antiquated trades dispute act of 1875, which was modified in part and repealed in part by the act of 1906, which I have explained.

THE ANCIENT WRIT OF INJUNCTION—ITS USE AND ABUSE.

But a word or two on the use and abuse of the ancient writ of injunction. To recite the history of this hoary old writ of kingly prerogative would not now serve any valuable purpose. Most lawyers know its history, and anyone can learn it with but little trouble or expense. Its origin was natural and inevitable in the construction of national jurisprudence. It was born in the march of civilization out of the very womb of oppressive conditions, and intended to ameliorate them, and was called into use to put natural justice into the affairs of men, and not to suppress it, as it is used to-day. Undoubtedly it is the jus honorarium of the civil law that was based on the edicts of the Roman pretors, which had more to do with the growth of the equity of the civil law of Rome than any other single influence, and from which source the early chancellors of England drew copiously.

Moreover, this powerful writ is not nearly so dangerous in England as in this country, for the reason that under our form of government the federal courts are practically unlimited in their power and jurisdiction, and their power is being extended every day.

The Federal Supreme Court, within the range of its ever-increasing jurisdiction, is omnipotent, and its range is political, economical, judicial, and, I will say, social. Its members play the rôle of the statesman as well as the judge, and its promulgations are decrees that govern the Nation. In all fairness to the great and illustrious men who compose this august tribunal, remembering, however, that they are just men, of like passions and prejudices as other men, their powers are too great and should be withdrawn and distributed, in part, to the lower House of Congress and the legislatures of the various States. The power to autocratically, but seemingly judicially, declare any act of Congress or of any state legislature void without the least responsibility to any power on earth or referendum of any kind smacks too much of a despotism. Nor, in my opinion, can it stand against the ever-inflowing tide of democracy, which is going forward in spite of the Herculean efforts of a money aristocracy, as evidenced by the secret ballot, the direct primary, the publicity of campaign contributions, the election or nominations of United States Senators by the popular vote, the initiative and referendum. These and other democratic influences in sight may by and by cause the Supreme Court to reverse itself and let the people have a chance.

Let me remark that the injunction of to-day and of a century ago in purpose and use are as different as day and night. Its ancient purpose and use was to restrain the arbitrary and oppressive judgments of the common-law judges, to hold in check such tyrants as Lord Coke, and to protect the weak against the strong. (Marsh's History of the Court of Chancery, pp. 47, 48.) At the beginning equity was intrusted to the prelates of the church, who loved mercy, trust, and justice unrestrained through the cobwebs of technical precedents and who knew but little of the positive law of the courts. Further, it was used to

arrest threatened injury to real property and rights growing out of it, and sometimes to protect personal property from social piracies of the heirloom sort.

Woe to him whose daring hand profanes
The honored heirlooms of his ancestors.

It could not have been and never was intended to be used as an executive order born of the chancellor's discretion, which, like his foot, might be long or might be short, instead of a statute to govern millions and to stay the onward and upward march of the oldest and greatest economic struggle of the ages, the end of which shall be the fulfillment of God's command given to Adam:

In the sweat of thy face shalt thou eat bread.

But this divine command the modern industrial, governmental injunction is, and has for some time, been striving to annul and to write in its stead:

In the sweat of labor's face the favored few shall eat bread and live triumphantly.

The old command will persist, and the new one will in due time perish from off the face of the earth, the federal judiciary to the contrary notwithstanding.

THE MODERN INDUSTRIAL INJUNCTION, AND FREE PRESS, ETC.

The injunctive order made in the case of the Buck Stove and Range Company *v.* the American Federation of Labor and others, is a fair sample of this extreme judicial effrontery in vogue, particularly in the federal courts.

This order I want to embalm in the RECORD, so that it can hereafter be read and deprecated, as it will be, particularly for its ruthless assault on the first amendment of the Federal Constitution and other provisions of the instrument, and every state constitution of the Union, guaranteeing to all free speech, free press, and free assembly.

The first amendment of the Federal Constitution declares:

Congress shall pass no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble—

And so forth.

Here is the order in full, issued by Justice Ashley M. Gould, December 18, 1907, that overrides this constitutional amendment:

This cause coming on to be heard upon the petition of the complainant for an injunction pendente lite as prayed in the bill, and the defendants' return to the rule to show cause issued upon the said petition, having been argued by the solicitors for the respective parties, and duly considered, it is thereupon by the court, this *18th day of December, A. D.* 1907, ordered that the defendants, The American Federation of Labor, Samuel Gompers, Frank Morrison, John B. Lennon, James Duncan, John Mitchell, James O'Connell, Max Morris, Denis A. Hayes, Daniel J. Keefe, William D. Huber, Joseph F. Valentine, Rodney L. Thixton, Clinton O. Buckingham, Herman C. Poppe, Arthur J. Williams, Samuel R. Cooper, and Edward L. Hickman, their and each of their agents, servants, attorneys, confederates, and any and all persons acting in aid of or in conjunction with them or any of them be, and they hereby are, restrained and enjoined until the final decree in said cause from *conspiring, agreeing, or combining* in any *manner to restrain, obstruct,* or destroy the business of the complainant, or to prevent the complainant from carrying on the same *without interference from them or any of them,* and *from interfering in any manner with* the sale of the product of the complainant's factory or business by defendants, or by any other person, firm, or corporation, and from declaring or threatening any boycott against the complainant, or its business, or the product of its factory, or against any person, firm, or corporation engaged in handling or selling the said product, and from abetting, aiding, or assisting in any such boycott, *and from printing, issuing, publishing, or distributing through the mails, or in any other manner any copies or copy of the American Federationist, or any other printed or written newspaper, magazine, circular, letter, or other document or instrument whatsoever, which shall contain or in any manner refer to the name of the complainant, its business or its product in the "We Don't Patronize," or the "Unfair" list* of the defendants, or any of them, their agents, servants, attorneys, confederates, or other person or persons acting in aid of or in conjunction with them or which contains any reference to the complainant, its business or product in *connection with the term "Unfair" or with the "We Don't Patronize"* list, or with any other phrase, word, or words of similar import, and from publishing or otherwise circulating, whether in writing or orally, any statement, or notice, of any kind or character whatsoever, calling attention of the complainant's customers, or of dealers or tradesmen, or the public, to any boycott against the complainant, its business or its product, or that the same are, or were, or have been declared to be "Unfair," or that it should not be purchased or dealt in or handled by any dealer, tradesman, or other person whomsoever, or by the public, or any representation or statement of like effect or import, for the purpose of, or tending to, any injury to or *interference with the complainant's business,* or *with the free and unrestricted sale of its product,* or *of coercing or inducing any dealer, person, firm, or corporation,* or the public, not to purchase, use, buy, trade in, deal in, or have in possession stoves, ranges, heating apparatus, or other product of the complainant, and from threatening or intimidating any person or persons whomsoever from buying, selling, or otherwise dealing in the complainant's product, either directly, *or through orders, directions, or suggestions to committees,* associations, officers, agents, or others, for the performance of any such acts or threats as hereinabove specified, and from in any manner whatsoever impeding, obstructing, interfering with, or restraining the complainant's business, trade, or commerce, whether in the State of Missouri or in other States and Territories of the United States, or elsewhere wheresoever, and from soliciting, directing, aiding, assisting, or abetting any person or persons, company or corporation to do or cause to be done any of the acts or things aforesaid.

And it is further ordered by the court that this order shall be in full force, obligatory, and binding upon the said defendants and each of them, and their said officers, members, agents, servants, attorneys, confederates, and all persons acting in aid of or in conjunction with them, upon the service of a copy thereof upon them or their solicitors or solicitor of record in this cause: *Provided,* The complainant shall execute and file in this cause, with a surety or sureties to be approved by the court or one of the justices thereof, an undertaking to make good to the defendants all damage by them suffered or sustained by reason of wrongfully and inequitably suing out this injunction, and stipulating that the damages may be ascertained in such manner as the justice of this court shall direct, and that, on dissolving the injunction, he may give judgment thereon against the principal and sureties for said damages in the decree itself dissolving the injunction.

This constitutional amendment—the first—was proposed by the First Congress under the Constitution, and promptly ratified by all the then States, and the people will have no judicial tinkering with it. These rights cost too much suffering and they were too hard to wring from arbitrary power to be jeopardized in the least—a jot or tittle—by any power, whether covered by the ermine or the purple or the homespun—all the same.

For the abuses of these guaranteed rights and liberties the law has provided penalties and punishments, but not injunctions or restraints of any kind.

The idea of freedom of speech, or publication and responsibility therefor in damages, or by fine and imprisonment, and the other idea, of prohibiting free speech or publication, or peaceable assemblage, as the case may be, are contradictory and noncoexistent. If speech is free, it is free and not hampered; if abused, punishment should follow.

CONSTITUTION COVERS ALL.

Certainly no one will contend for a moment that the judge can do what the legislature is prohibited from doing; that is, enjoin free speech and free publication. That the Constitution was made for the lawmaker, but not for the law interpreter, to restrict the one within due bounds and to license the other according to his caprices, egotism, and prejudices, is absurd.

I invite attention to the turgid discussion of this first constitutional amendment by Justice Wright, in his opinion in the Buck Stove Company case. But before doing so I desire to quote from that great judge and constitutional writer, Judge Cooley. He says:

That the rights of free speech, free writing, or free publication were not created by the Constitution, which recognizes those rights as now existing, and that only seeks their protection and perpetuation. (Cooley's Constitutional Limitations, 6th ed., 511 et seq.)

However, according to Justice Wright, these rights do not exist in all their fullness in the District of Columbia, but the common law prevails in the District, and constitutional liberty is subject to that law, which limits these sacred rights of a free people. This contention of Justice Wright can not be true. Everywhere in civilized countries the liberties of the press and the liberties of the people must stand or fall together, and the District of Columbia is no exception. Not being able to defend his position on constitutional grounds, he attempts to shield his arbitrary *dictum* under the cloak of the common law, and he mistreats that old law by not letting it speak for itself, for he cites no authority in support of his contention. This opinion will stand as a monument of a judge's folly in trying to override the Constitution and constitutional law from all quarters by a strained interpretation of the common law, and of his imagining that he and his job were of the same size—a good illustration of Æsop's famous fable of the toad and ox. The order of injunction already mentioned and so much of the opinion as follows will give clearly the court's views as to free publication and free speech:

In defense of the charges now at bar, neither apology nor extenuation is deemed fit to be embraced; no claim of unmeant contumacy is heard; persisting in contemptuous violation of the order, no defense is offered save these:

That the injunction—

1. Infringed the constitutional guaranty of freedom of the press.
2. Infringed the constitutional guaranty of freedom of speech.

These defenses do not fill the measure of the case; the injunction was designed to stay the general conspiracy of which the publication of the "Unfair" and "We Don't Patronize" lists were but incidents; the injunction interferes with no legitimate right of criticism or comment that law has ever sanctioned, and the respondents' intimation that it does so is a mockery and a pretense.

Upon looking into them for examination there first puts forward that while the Constitution ordains (Am. 1) "Congress shall make no law * * * abridging the freedom of speech, or of the press," yet there occur also within it certain analogies as well as in legislation all time acquiesced in, nay, demanded by the people, certain illustrations which demark the meaning of the provision.

Thus (Const., am. 2) * * * "the right of the people to keep and bear arms shall not be infringed;" yet who disputes the validity of laws throughout the land penalizing the carrying of concealed weapons? Or if one kept an array of firearms so persistently trained against his neighbor's dooryard as to terrorize all persons from coming out and going in, thus impairing the utility of his dwelling, who will be found declaring that an injunction to remedy such condition of things is a "violation of constitutional rights?" The Constitution itself confers upon the people no right to bear arms; the right is aside from the Constitution. The Constitution does no more than inhibit Congress from, in the name of the National Government, infringing the right, as elsewhere defined and ascertained, leaving the right to be regulated or even prohibited by the several States, within their respective dominion, if such be agreeable to the judgment of their people.

So with respect to the inhibition against abridging the freedom of speech or of the press. The Constitution nowhere confers a right to speak, to print, or to publish; it guarantees only that in so far as the Federal Government is concerned its Congress shall not abridge it, and leaves the subject, as the other, to the regulation of the several States, where it belongs. Who can be persuaded that the penalizing of false and malicious libels upon the integrity of honorable men, or slanders upon the virtue of chaste women, is an outrage upon "the constitutional rights" of the vilifier?

Do those of thoughtful and sincere reflection escape the unharmony between claims for a right of utter license in speech and press and the punishment by law of libels and the mulcting of slanders? Let us turn over this matter. Libel being punished criminally, it is because that publication was against law, therefore unlawful, therefore without right. If in civil actions slanders are mulcted by law, it is because that speech was an infraction of the rights of another, therefore a wrong by the first. No "right" to publish either the libel or the slander can be sustained, except upon the theory of a "right" to do "wrong." Let it be true that the common law had fully evolved a "right of freedom of speech and of the press," yet in evolving this right it also identified it; identified and maintained not only the "right" of free speech, but as well identified and condemned the "wrong" of it, and identified the "wrong" of it not alone in "libels" and in "slanders," but in some other regards. No claim to "right of free speech" has served him who by the freedom of his speech obtained money by false pretenses, nor has a "right to print whatever one will" been ever of avail to forgers and counterfeiters. Howsoever, the people of the several States, by their several constitutions and laws, have found it best to retain, to broaden, or to restrict the common law in this field, which, as above pointed, the Federal Constitution abandons to their charge. Yet the common law still maintains in this District here, for I know of and have been pointed to no legislation therein on the subject; and I therefore pursue its principles a little further in their application to the particular matter, being concerned to identify an established subject of equitable intervention rather than subjects which are confessedly outside the limits of its legitimate scope.

It is no more suspected by the observant that courts of equity enjoin the commission of mere threatened crimes than they are suspected to hesitate in enjoining certain infractions of property rights, although happening to be conceived or involved in crime. These infractions are limited to infractions of such a particular nature as that after their perpetration the law has no remedy adequate against their results.

Finding in the common law that not all writings, not all speakings are lawful, that some are unlawful, and looking about for the particular rule which is competent to distinguish the lawful from the unlawful, I deduce it, from all considerations, to be this: Whatever in writing, print, or speech violates a legal right of another is unlawful, whether in itself alone it accommodates that result or whether it be but one instrument in a concert tuned to that end. If such a writing, printing, or speaking is unlawful, the rest is clear. It ought to be enjoined in advance if either it alone or the concert so invades rights of property as that the law affords no remedy adequate to compensate for the results. Nor would I yet be thought to consider that the process of injunction of right should go no further, that the inestimable advantage of a good name may not thus be rescued from preconceived despoilment, but of such questions when they come.

An elaboration of these arguments would usually be quite agreeable to my desire, yet these suggestions sound the hollowness of the defense, and to essay more might savor of an inquiry into the correctness of the injunction ordered by Mr. Justice Gould, a duty already taken up and discharged by abler hands than mine.

While the foregoing considerations put away the contention that the injunction invades the right of free speech and of the press, yet the position of the respondents involves questions vital to the preservation of social order, questions which smite the foundations of civil government, and upon which the supremacy of law over anarchy and riot verily depend. Are controversies to be determined in tribunals formally constituted by the law of the land for that purpose, or shall each who falls at odds with another take his own furious way? Are causes pending in courts to be decided by courts for litigants, or the view of each distempered litigant imposed upon the courts?

Are decrees of courts to look for their execution to the supremacy of law, or tumble in the wake of unsuccessful suitors who overset them and lay about the matter with their own hands, in turbulence proportioned to the frenzy of their disappointment?

You will note the sweet judicial calm of the opinion and the swell and epic swing of the language.

JUDGE PARKER'S OPINION.

I present a few citations from well-considered, apt, cases by eminent judges in support of the unrestrained free press, free speech, and so forth. I first refer to and insert as part of my speech an extract from Judge Parker's opinion, when judge of the New York court of appeals, in the case of Martin Fire Arms Company *v.* Shields (121 New York, p. 385):

The constitutional guaranty of freedom of speech and press, which in terms provides that "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; *and no law should be passed to restrain or abridge the liberty of speech or of the press*," has for its only limitations the law of slander and libel. Hitherto, freedom of speech and of the press could only be interfered with if the speaker or writer offended against the criminal law or where the words amounted to a slander or libel of a person or corporation or their property, and the guaranteed right of trial by jury entitled the parties accused of slander or libel to have 12 men pass upon the question of their liability to respond in damages therefor and to measure such damages. *But the precedent which the plaintiff seeks to establish would open the door for a judge sitting in equity to establish a censorship not only over the past and present conduct of a publisher of a magazine or newspaper, but would authorize such judge by decree to lay down a chart for future guidance*, in so far as the plaintiff's property rights might seem to require, and in case of the violation of the provisions of such a decree, the usual course and practice of equity would necessarily be invoked, which would authorize the court to determine whether such published articles were contrary to the prohibitions of the decree, and, if so found, punishment should, for contempt, immediately follow. Thus a party could be punished for publishing an article which was not libelous, and that, too, without a trial by jury.

TWO MISSOURI OPINIONS.

I here refer to two opinions of my own State by two very able, learned, and patriotic judges of national reputation. The first is the case of the Life Association of America *v.* Boogher, reported in Third Missouri Appeal Reports, page 173. This action was brought to enjoin the publication of a libel:

The Life Association of America, a corporation engaged in the business of life assurance at St. Louis, filed its petition charging that Boogher and one Taylor had been for a long time engaged in the composition, publication, and circulation of false, slanderous, malicious, and libelous statements respecting the plaintiff; and that they threatened still further to circulate and publish, orally, in writing, and in print, said false, slanderous, malicious, and libelous statements, for the purpose of injuring and in order to levy blackmail on the plaintiff; but the said Boogher and Taylor were wholly insolvent and irresponsible, and the plaintiff had, therefore, no available recourse but an action for damages; and it asked for a restraining order to prevent the further publication of the libel and the infliction of irreparable injury thereby. * * *

The plaintiff dismissed the suit as to Taylor. The demurrer assigned for reasons that the petition showed no case for equitable relief; that it prayed for what the constitution of the State forbade; that a court of equity had no jurisdiction to restrain the publication of a libel; and that the application for a restraining order was not seasonably made, etc. * * *

It is obvious that if this remedy be given on the ground of the insolvency of the defendant, the freedom to speak and write which is secured by the constitution of Missouri to all its citizens, will be enjoyed by a man able to respond in damages to a civil action and denied to one who has no property liable to an execution. * * *

No case is cited by the learned counsel for appellant in which the jurisdiction here claimed has been exercised. All that they venture to suggest is that the various English courts who have refused to exercise such a jurisdiction have placed their refusal on grounds which do not make such refusal certainly apposite to the circumstances shown by the petition. The refusal has been uniform. The reasons assigned for it have been various, according to the peculiarities of the cases in which they were given. To argue from the qualifications of so many concurring refusals that it might be inferred that but for the qualifications the refusals would not have been made, would be an exceedingly unsafe line of argument anyway. In Missouri, where we are expressly forbidden by the constitution to assume the power we are asked by the plaintiff to exercise, our answer can not be doubtful. It is hardly necessary to quote the familiar language of our own organic law, which has always declared "that every person may freely speak, write, or print on any subject, being responsible for the abuse of that liberty."

If it be said that the right to speak, write, or print thus secured to everyone *can not be construed to mean a license to wantonly injure another, and that by the jurisdiction claimed it is only suspended until it can be determined judicially whether the exercise of it in the particular case be allowable, our answer is that we have no power to suspend that right for a moment or for any purpose.* The sovereign power has forbidden any instrumentality of the government which is instituted to limit or restrain this right except by the fear of the penalty, civil or criminal, which may be with it on abuse. The general assembly can pass no law abridging the freedom of speech or of the press. It can only punish the licentious abuse of that freedom. *Courts of justice can only administer the laws of the State, and, of course, can do nothing by way of judicial sentence* which the general assembly has no power to sanction.

In the recent boycotting case of Marks & Haas Jeans Clothing Company *v.* Watson, One hundred and sixty-eighth Missouri Reports, the defendant company sought to enjoin defendants from declaring or enforcing a boycott against it, to induce its customers and others who might become such, from dealing with it.

To carry the "boycott" into effect, circulars were issued and freely circulated by defendants.

The circulars published were of like nature and for the same purpose as in the Buck Stove Company case. Judge Sherwood wrote the opinion—a great lawyer, and a profound student of the Constitution of the Jefferson type of thinking. He said:

Wherever the authority of injunction begins, there the right of free speech, free writing, and free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom.

In concluding his opinion he further said:

If these defendants are not permitted to tell the story of their wrongs, or, if you please, their supposed wrongs, by word of mouth or with pen or print, and to endeavor to persuade others to aid them by all peaceable means in securing redress of such wrongs, what becomes of free speech, and what of personal liberty? The fact that in exercising that freedom they thereby do plaintiff an actionable injury, such fact does not go a hair toward a diminution of their right of free speech, and so forth, for the exercise of which, if resulting in such injury, the Constitution makes them expressly responsible. But such responsibility is utterly incompatible with authority in a court of equity to prevent such responsibility from occurring.

We do not, of course, pass upon questions not involved in this record, such, for instance, as the power of a court of equity to enjoin the destruction of property or threats to do so, threats from which present ability to be carried into execution amount to verbal acts, nor threats of personal violence made with the view to intimidate, in its ordinary sense, employers or their employees; but we do hold that, upholding, as we must, the constitutional provisions heretofore quoted, the defendants can not be enjoined by a court of equity from exercising those rights of free speech, and so forth, guaranteed to them by the constitution of this State.

The case of the State ex rel. Liversey *v.* Judge (34 Louisiana Ann. Repts., 744) will be found to be directly in point and to absolutely confound Judge Wright's constitutional argument.

The entire case should be read, and I invite its reading. I quote the following portion of the opinion:

It would establish a complete censorship over the press so enjoined. No legal distinctions are nicer than those concerning libelous and defamatory publications. Some are privileged and others nonprivileged. How should defendants determine whether their publications were innocent or offensive? What they consider innocent the judge might consider libelous. There would be no safe course, except to take the opinion of the judge beforehand, or to abstain entirely from alluding to the plaintiff. What more complete censorship could be established? Under the operation of such a law, with a subservient or corrupt judiciary, the press might be completely muzzled and its just influence upon public opinion entirely paralyzed. Such powers do not exist in courts, and they have been constantly disclaimed by the highest tribunals of England and America. It has passed into a settled rule of jurisprudence that "courts of equity will not lend their aid to enjoin the publications of libels or works of a libelous nature, even though the libelous publication is calculated to injure the credit, business, or character of the person against whom it is directed. * * *

The injunction was held to be absolutely void, and the contempt proceedings that grew out of it was held likewise void, of course.

Mr. Webster, against executive usurpation, in the course of his great speech on that important question, said:

Given a free press, we may defy open or insidious enemies of liberty. It instructs the public mind and animates the spirit of patriotism. Its loud voice suppresses everything which would raise itself against the public liberty, and its blasting rebuke causes incipient despotism to perish in the bud.

* * * * * * *

The contest of the ages has been to rescue liberty from the grasp of executive power. On the long list of champions of human freedom there is not one name dimmed by the reproach of advocating the extension of executive authority.

At the present time it would seem as if the judiciary, inadvertently, would aid the Executive.

Listen to the Earl of Shaftesbury, whom Macaulay lauds as one of the very greatest of English statesmen, on the freedom of the press:

The wise men to whom we owe the constitutions under which we live did much to set free the press from the control of the law; much, indeed, do we owe them for the benefits they have conferred. But the leaven of ancient prejudice is still at work, even in this land of freedom; and in many cases the constitution of the country guarantees a right which the want of general information renders unpopular in its exercise. Those who love truth because it is necessary to human improvement ought to unite in their efforts to unfetter it.

WILL ULTIMATELY WIN FIGHT.

In conclusion on this question, than which none is greater and more important, I desire to say that Mr. Gompers and Mr. Mitchell are engaged in a tremendous battle, which they or those who come after them will ultimately win.

They are, in my judgment, right, and have demeaned themselves with becoming dignity, and have given to the order of Justice Gould such consideration as it was entitled to, believing as they did, that it was absolutely void, because it took away from them and all others situated as they were personal rights guaranteed them by the Constitution, it is not the first time that brave men have dared to brook arbitrary power, and it will not likely be the last time.

These men are not lawbreakers, but they are for the enforcement of law and the exercise of their rights and personal privileges under it. The order is a complete embargo against free speech and free publication, which the Constitution guarantees and the lovers of liberty and free country have always defended. As long as the liberty of the press is safe, all other liberties can be assured by its power to animate the feeble and retrieve the lost.

Gompers and Mitchell, by their decent behavior and yet manly defiance of a tyrannical court order—void absolutely—will start the country to thought. Wednesday, December 23, 1908, will no doubt mark a crisis in the struggle of labor for a nobler vantage ground. The crisis must come sooner or later, and the sooner the better. Let us pray the starting of the tide from then that shall sometime and somehow sweep industrial despotism into the sea and set labor free—freer than the gold that rules to-day.

I have no doubt but that the press and speech and peaceable assembly, notwithstanding the assaults made on them by a subsidized press and a truculent judiciary, will remain free, as now, and that by and by they will spread their wings for flight into a nobler freedom—the freedom of charity, of brotherhood that made Lincoln the beloved of his kind who lived above—

The whips and scorns of time,
The oppressor's wrong, the proud man's contumely.

They, like John Hampden, like Samuel Adams, like Savonorola, like Galileo, who, before them, fought hydra-headed tyranny in one form and another, will succeed and freedom's battle win. The old liberty-loving Dutchman and the brainy young coal miner will help to vindicate the reality of liberty, and they will help to vouchsafe its enjoyments and blessings to millions of serfs and wage slaves who have never yet tasted its promptings to higher hopes and aspirations.

LITTLEFIELD'S CONSTITUTIONAL ARGUMENT FOR THE INJUNCTION.

I desire to notice, in passing, the able argument made in the first session of this Congress by Congressman Littlefield, in which he argued at length that under sections 1 and 2 of Article III of the Federal Constitution the federal courts had plenary power to issue all kinds of writs of injunction known to the procedure of the English courts of chancery to punish for contempt—direct or indirect—in all cases without the intervention of a jury, and that Congress had no power to interfere, and that any interference on its part by legislation would be unwarranted and void, because unconstitutional.

I am disposed to believe, with Mr. Littlefield, that Congress would have no power under the Constitution to change the equity practice as to injunctions and contempt proceedings ancillary thereto, provided the Supreme Court shall continue to stand for a technical construction of the constitutional law and hold fast to the practice of the English courts of chancery at the time of the adoption of the Constitution.

However, I do not believe that the Supreme Court of the United States, as a coordinate branch of the Government, and possessed of all the judicial power that could be cast upon it, could not, as an inherent quality of its sovereignty, and in the plenitude of its original power, originate equity doctrines meeting the conditions of the age and remodel the practice required to carry into full execution such new equity principles.

A quotation heretofore made from Justice Brewer in this speech bears out this contention, and is in the spirit of the original nature of the principles of equity and their enforcement. A serious objection to Mr. Littlefield's argument is that he shuts his eyes to the new conditions, and talks as if living three hundred years ago. He takes no note of the present factory system, the transportation system, and other great changes to which I have heretofore adverted, and which, then, were not even dreamed of by the greatest. Hence he starts out blindfolded, because he willfully puts himself in the midst of the dark ages of industrialism. While he strikes with the strength of a giant, he misses the mark and the scales stand dead still.

Jurisprudence is a progressive science, and expands and adjusts itself to the growing conditions of civilization, and if it does not, must inevitably sink into a despotism of arbitrary precedents. His speech is a constitutional argument in favor of the most unlimited use of the writ of injunction in industrial disputes.

He pleads for its use to control absolutely, and suppress by imprisonment, if need be, these great industrial battles waged on one side for simple justice and on the other for old conditions, and all the profits and favoritism.

These conflicts are but economic upheavals produced by the dynamics of spiritual justice—a justice akin to charity, a full-grown justice that will stop short of nothing but an equal division, founded on equality of creation and opportunities. This kind of special pleading may answer for a while, but the statesman must take the place of the specialist. He must open up the highways of our growing democratic civilization and let it sweep on and on to higher levels and nobler victories for the sons and daughters of men.

Mr. Littlefield is certain that he is on a rock foundation and that he is right. He is a conservative of the conservatives.

JUDGE JENKINS AS ONE CRYING IN THE WILDERNESS AND WITHOUT HOPE.

Judge JENKINS prints, in his speech of January 29, some of the bills introduced in this Congress for the relief of labor, occasioned from the hard stress that it is in on account of recent adverse opinions of the federal courts. He propounds sundry questions which were no doubt suggested by these bills. From them you would think that society and constitutional government were in great danger of being destroyed, and certainly so if these proposed measures should become laws. He said:

Congress is asked to surrender its protective power over trade and commerce *in order that crime, if committed, may go unpunished;* to deprive the court of the power to protect the citizens in the enjoyment of life, liberty, and property; to declare that what is now a crime against persons and property shall not be criminal, in order to permit persons so disposed to interfere with constitutional rights of the citizen to enjoy life, liberty, and property; to declare that what has always been considered vested, valuable, personal, and property rights, guaranteed by the Constitution, shall not be entitled to protection; to deprive the citizen of the power to protect his property; to tear away the very substructure of government erected to protect the citizen in the enjoyment of life, liberty, and property.

These questions, of course, are intended to expose the dangerous character of this proposed legislation and to make clear

that it threatens the security of property; that it would promote crime and endanger life and liberty by breaking down constitutional guaranties for the protection of life, liberty, and property, and propounded in a destructive spirit of criticism.

Warming up to his subject for the same set purpose of discrediting all proposed labor legislation, he hurls another volley from his question catapult into the breach, touching the powers of Congress, and whether Congress can take from or even restrict the federal judiciary in the exercise of the powers conferred upon it by the Constitution; they are as follows:

Is not every citizen entitled to the full protection of the judicial power of the United States, both at law and in equity, in all cases not in conflict with the Constitution or laws of the United States, except as to rights conferred by a rule of law?

Does Congress possess power to deny any citizen the full protection of the full judicial power of the United States for his life, liberty, property, and rights, subject his life, liberty, property, and rights to the will of any person?

Is it not both possible and probable that if a court is prevented from issuing an injunction it may place it beyond the power of a court to pronounce a judgment that can be made effective? Therefore, does it not follow that to refuse a party an injunction it might amount to a denial of justice and deprivation of rights, rendering a judgment ineffectual?

Is not the granting of an injunction an exercise of judicial power vested in the courts and extended as provided in the Constitution?

Does Congress possess the power to discriminate to such an extent that the legislation would be a denial of the equal protection of the law? Can Congress deny one that which is allowed another under like circumstances?

Does Congress possess the power to say that no contract entered into between different parties, no matter what it may provide for, shall be deemed to be criminal?

Does Congress possess power to legalize crime? Does Congress possess the power to surrender its protective power over trade and commerce? Does Congress possess the power to surrender its protection over trade and commerce in order that personal and property rights may be destroyed and the citizen deprived of the power of protection to life, liberty, and property? Does Congress possess the power to regulate or in any manner interfere with contracts, unless the same in enforcement would regulate or operate as a restraint upon interstate commerce?

I think it is apparent that there is a confusion of ideas in the mind of this able lawyer and that he has given but little sincere thought to the problems of industrial conflict. Ajax-like, he undertook the tremendous task of beating into insensibility, using the Constitution as a club, the great ethical, economic principle of evenhanded justice to all alike, which is of later origin than the Constitution and which must be reckoned with in some satisfactory manner in the not far-off distant future.

It is the duty of the Government to find a way to give to every citizen, to whatever class he may belong, his personal as well as property rights or cease admitting that he has such rights, and then apologetically assert that they are too remote to be obtained and enjoyed. I charge that it is a reflection upon the legislators of the day to concede that any class or any man of a class is or may be wronged, and yet, by reason of the Constitution and decisions of the courts standing as a barrier, the rights of a class or a man of that class can not be enjoyed, is a concession that brings the law into disrespect and contempt, and the lawgivers and law interpreters must be placed in the same category.

I am sorry that Judge JENKINS is not present to hear what I am saying. Will some one tell me why the Judge did not in his able speech mention and discuss the "Trades-dispute act, 1906?" Why did he not divide the time between it and the writ of injunction, with its drastic procedure, and the common law?

These old laws challenge his admiration, and his genius corruscates brilliantly in contemplating how perfectly they buttress and brace and strengthen the Constitution, and with what effectiveness the injunction can be used to protect property and its most metaphysical rights, recently discovered, and for the protection of which the modern injunction is particularly adapted.

TRADES-DISPUTE ACT IGNORED.

He is so enamored with the new injunction and the old Constitution and the dangerous labor legislation proposed that he clearly overlooks the "Trades-dispute act, 1906," and all decisions that might help and benefit the struggling millions that must work to feed and clothe themselves and the rest of humanity.

Of the demands of labor, he says:

The labor interests of this country, *that are very dear to us all*, come here and say, "We have certain propositions which we have prepared which we submit for the consideration of the Congress of the United States, and *we insist upon having those views written* into the statute books of this country." As a Member of this House I have felt like giving consideration to the very deep and important *constitutional questions* involved, and I have no interest in this question beyond the great constitutional question involved. I want the people of this country who are interested in the perpetuity of American institutions to know what questions have been presented to the Committee on the Judiciary.

Are we not all interested in the perpetuity of the American institutions? Yes; certainly; but some of its institutions once good could be made better, in my judgment. Such acts as the "Trade-disputes act, 1906," are calculated to do more to perpetuate the institutions of this country by far than long, abstract arguments about the Constitution and how religiously it takes care of all the people and their property. I deny it. It does not take care of the helpless and oppressed and their personal rights and liberties with the same adequacy and resolution that it does of the rich and their property, and abundance of authority can be produced to substantiate the statement. His argument, summed up, means this to the working people:

Stop your striking, cease your boycotting, accept conditions as they are, for there is no help for you. I admit that you are very dear to us all, but we can not do anything for you, the glorious old Constitution will not permit it. Then, besides, it would seem as if in your blindness you wanted to tear up things generally.

In confirmation of this, read the extracts from the gentleman's speech that I have heretofore quoted in my remarks.

As much as I dislike to, I am forced to agree with Mr. Littlefield and Judge JENKINS, or rather with their conclusions, that the struggle of organized labor is about foreclosed for the present, so far as procuring results are concerned. I also agree with their further conclusion—that the Federal Constitution, statutes, and common law as *now interpreted* constitute a complete bar against organized labor getting anything of a helpful nature.

The Supreme Court of the United States will not do for labor what it did in the Dred Scott decision of the fifties for the rich slaveholders in settling that question under the Constitution that slaves were property; nor will it do for organized labor what it did for the bankers in the early seventies in the legal-tender cases; nor will it do for organized labor what it did for the millionaires of the country in the nineties in the income-tax cases. And yet there is as much authority *now*, and more justice, for amending the Constitution by interpretation in behalf of organized labor and for the protection of personal rights and liberty than there was for the protection of property decided for in the above cases.

WOULD AMEND CONSTITUTION.

But the influences in behalf of organized labor are not so great and powerful as in the cases mentioned. *However, if labor would unite in one common bond and use its influence and political* power as a balance, irrespective of party, and elect the Presidents and Congresses for the next twenty years, the Supreme Court would amend the Constitution to meet the spirit of the age so that salutary labor legislation could be enacted, giving an opportunity for a solution of the great economic question of evenhanded justice to all alike involved within the modern industrial conflicts.

I do not cite these cases in a spirit of censure, but simply for the purpose of enlightening that portion of the people not familiar with the actions of the highest court in the land, and what it may be induced to do when outside partisan pressure is potential enough. And I might note in passing that the court, under sufficient partisan pressure, by acts of Congress could be reorganized by lessening and increasing the number of judges for the accomplishment of the object premeditated and desired.

I do not approve of that method of manipulating the judiciary of the country, the capstone of our Government and highest repository of power in the Government; yet as precedents have established this method, I only raise the question in passing, and ask whether it might not be followed now, especially when it would be right to do so. And I might mention the fact that Congress has, within the last few days, circumvented the Constitution in the most subservient way by repealing, in part, an act of Congress passed at the first session of this Congress to make way for the eligibility of Senator KNOX to the office of Secretary of State, by appointment of the President. That Senator KNOX is well fitted for the position none will deny, but I hardly believe it safe to juggle with and evade the Constitution for such a personal purpose. Oh, such flimflamming, such unblushing flunkeyism—a spectacle fit for the gods.

Having said what I have about the Constitution, and not for the particular purpose of criticising it, but to inform the public that in origin, influence, and ultimate purpose it is aristocratic, and, if unamended for another century, under its protecting ægis will grow up a property aristocracy such as the world has never seen.

I desire to say a word as to how it was made and its character generally. The Constitution was framed by the finest lot of large-minded and noble-spirited aristocrats that the world has ever seen. Under the splendid genius of the great Marshall, who was the ambitious and mortal protagonist of Thomas Jefferson, author of the Declaration of Independence, the foundations of the Constitution were laid deep and strong for the protection of property to the neglect of personal rights and liberty. By him its destiny as the completest written instru-

ment for the protection of property against all encroachments of a personal character was fixed, and to-day it is the glory of the rich and powerful, and the checks and balances it puts on the majority by them are considered as divinely appointed.

First, every measure, however much wanted by the people, must pass the Senate; second, if it passes the Senate, it must be approved and signed by the President; and, third, it must run the gantlet of the veto of the Supreme Court by interpretation before it can be considered an established law of the land. By these checks on all legislation, initiated in the House of Representatives, the popular branch of the Government, such legislation is necessarily greatly modified, and very often defeated. But I have not the time to discuss this subject further in detail, and yet I wonder at the fact that the best-informed people know so little of the Constitution, its nature, and trend.

Richard Henry Lee, in opposing its adoption in the house of burgesses in Virginia, speaking of the power of the lower House, said:

> The only check to be found in favor of the democratic principle in this system is the House of Representatives, which I believe may be justly called a mere shred or rag of representation.

Martin Van Buren, in the Senate, once said, speaking with reference to the powers of the Supreme Court:

> There exists not upon this earth, and there never did exist, a judicial tribunal clothed with power so various and so important.

Mr. Boutmy, in his work on Studies in the Constitutional Law, said:

> It is one of Blackstone's maxims that in every constitution a power exists which controls without being controlled, and whose decisions are supreme. This power is represented in the United States by the small oligarchy of nine irremovable judges. I do not know of any more striking political paradox than this supremacy of a nonelective power in a democracy reputed to be of the extreme type.

Every student of constitutional law, or, for that matter, every person who has read the instrument, knows that the two methods provided for its amendment are almost impossible of accomplishment. It has been amended but twice within sixty years, and it is well known that it is next to impossible to amend it. To my mind a democratic constitution should be flexible and easy to amend, and just in proportion to its being easily amended to that extent is it democratic and no further.

One of the most prophetic indications of a better day coming is that some of the ablest writers and publicists are publishing to the world that the Constitution was actually man made, and that it is possessed of the infirmities of its creator, and that "the process of the laws" are cruelly manifesting these infirmities and at the same time suggesting changes that ought to be made in it by additions, subtractions, and divisions; that a rewriting would not be improper in many respects.

The following quotation from The Spirit of American Government, by J. Allen Smith, is apropos:

> A constitution is in no proper sense the embodiment of the will of the people unless it recognizes the right of the majority to amend. Checks which prevent legal and political readjustment are a survival from monarchy and aristocracy and are not found in any full-fledged democracy. Constitutions which are really democratic contain only such checks upon the people, if indeed they can be called checks, as are calculated to insure the deliberate expression of the popular will. Constitutional provisions designed to obstruct amendment are not only an anomaly in popular government, but they are in the very nature of the case inoperative. This follows from the fact that the law-making body, whether it be the people themselves or a representative assembly, is the final interpreter of the constitution and may enact laws which virtually amend it. To make such provisions really effective, the constitution must vest the power to prevent legislation in some branch of government not directly responsible to the people. Usually this is a king or hereditary class. Our Constitution, however, provides a substitute for these in its general system of checks, and especially in the independence of our national judiciary, which in addition to the exercise of ordinary judicial functions is also practically a branch of the legislature.

In conclusion, I wish to say that I hope what has been said will not be regarded as having been uttered in a captious and fault-finding spirit, for I assure all that it has not. I have but tried to point out the weak spots of those who are always ready to oppose the struggle going on by the working people in this country—who are using such means as they have and can contrive for the noble purpose of bettering their condition and finally extricating themselves from ages of thraldom—without offering or suggesting the least aid or even hinting at a remedy, but all the time arguing against all remedies and closing forever the door of all hope. I have had occasion to mildly criticise the laws and Constitution of the country, not to discredit, but amend and improve the same. I have tried to be clear and use language graphic and pointed enough to impress my hearers and readers so that they may not too soon forget. The right will triumph and labor will yet achieve its freedom. And I will be content to have been regarded as one of the humblest of the friends of the weak and oppressed.

This will, perhaps, be my last speech in Congress, and upon a subject very dear to my heart. [Applause.]

Mr. SHERLEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Eighteen minutes.

Mr. SHERLEY. I thought it was twenty-three.

The CHAIRMAN. Eighteen minutes.

Mr. SHERLEY. I think the Chair is mistaken, but I yield ten minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, the origin of medicine has been contemporaneous with the origin of civilization. It is noticeable in the lower animals that when they become sick or injured, they often change their usual mode of living, seek rest, quiet, and often will seek some herb or healing substance. The savage in his primitive state, with superstition and experience; the tribe has certain habits and forms that are practiced on those who become injured or sick. There was much mystery about the practice of medicine in the olden time, and it was scarcely more than myth and superstition. It is recorded in the Scripture that Joseph, seventeen hundred years before Christ, gave instructions to his servants and physicians to embalm him when dead, thus showing that the ancients had some crude knowledge of anatomy. Moses and Solomon showed some knowledge of hygiene and of medicine. The instructions of Moses in reference to the care and treatment of those afflicted with leprosy was remarkable in that time for its accuracy in the knowledge of the disease. It is said the Egyptians placed those who became ill in a public place where anyone who happened to pass by and observing them might be able to give advice as to the best means of cure. The practice of advice has been reversed, as those who become sick in our time are visited by their friends, who usually are ready with information and advice as to the best means of cure, all free of charge. In the olden time when one who had been sick and had received treatment and recovered, he was compelled to go to the temple and there give a description of his illness and what remedy had been of benefit to him. The temples of Canopus and Vulcan at Memphis became the great public places where these records were zealously guarded. These records were kept for the inspection of the public, but the priests had charge of them, and thus collected a great amount of knowledge of more or less importance, and afterwards tried to found an exclusive practice of the art of healing. They had formed in this way what they called "Hiera Biblos," or sacred book. If they practiced according to these records and followed them closely, and if the patient died, they were held blameless, but if they departed from the rules as laid down by these records they were then punished by death. In many other instances in the Bible the question of hygiene and rules of health are given.

The Chinese are apparently the only people of all the world who have not changed to any great degree in their manners, their laws, and religious beliefs. One of the Emperors, who is supposed to have died two thousand seven hundred years before Christ, named Hwang-ti, is supposed to be the inventor of their practice of medicine, and these methods instituted by him largely serves them as their medical guide to the present day.

The Greeks furnish us with a history that is of most interest concerning medicine in an historical way. Among all the earliest Greeks in the field of medicine Æsculapius is the most eminent. He was probably the leading character of all the ancients. His success at that time was the marvel of the people. It was told that Pluto, the god of hell, became alarmed because he was receiving so few each day in his fiery place that he complained to Jupiter, who destroyed this audacious healer. Since the time of Æsculapius, the practice of medicine has undergone a gradual change and improvement. Superstitition and myth has given way to facts, and the practice of medicine is becoming more and more a matter of exact science. Yet it is not probable that the time ever will come when it can be said that it is an exact science. The changing conditions of civilization produce new problems that physicians and scientists must solve. The physician is daily having to meet new conditions of environment.

The discovery by Harvey of the circulation of the blood was a great step in the direction of a more rational understanding of anatomy. In the light of our knowledge of to-day it seems incredible that his discovery should have met with such opposition as it did at the time. One time he was almost ruined on account of the opposition to his claim of the circulation of the blood. In the early time it was difficult to get any accurate knowledge of anatomy, for the reason that the physicians were prohibited from examining the body after death. The clergy of that time thought it was a great sin to pollute that which was made in the image of God. It is recorded that an eminent physician of the early time, Ambroise Paré, won the siege of the city of Metz by gaining admission into the besieged place, and his presence so inspired confidence of the soldier whose fame

they already knew that they believed that if they became sick he would be able to save them, there being much sickness in the city at the time.

One great characteristic of this eminent physician, Paré, was that when any new discovery was made by him it was immediately given to the public, so that all might have the benefit of his knowledge. In his work on surgery he says:

I have tried to dispense liberally to everybody the gifts that God has conferred upon me and that I am not the worse for it, as the light of a candle will not be diminished no matter how many come to light their torches by it.

Galen and Hypocrates gave valuable knowledge to the world in their time on the subject of medicine, Hypocrates's writings being very voluminous at that time and probably only excelled by the Greek Hermes of an earlier date, who devoted six volumes of the forty-two to medicine, though this work was probably a collection of several writers.

Jenner in his discovery of the use of bovine vaccine and the repeated vaccination for generations since that time has removed from the world, wherever it is practiced, the terror of an epidemic of smallpox. In the olden times epidemics of contagious and infectious disease took away thousands of people, and physicians and scientists of those times were unable to stay the awful progress. The treatment of the insane of the early time was one that was very inhuman. Those so afflicted were thought to be possessed of the devil and were treated more as criminals than sick persons. They were often restrained by being tied to chairs and compelled to remain in that position, thus being compelled to suffer by the treatment.

Boerhaave, of Holland, revolutionized the clinical observation in the field of medicine. Virchow during his life did much for pathology. Haller, of Germany, was a leader in the field of physiology a generation later. John Hunter had great influence in his time in demonstrating and improving the methods of operative surgery.

The discovery of anæsthetics used in surgical operations to be performed without pain was a great boon to humanity. The claim of first discovery has been in dispute, though it is probable that it was first used by a country physician in Georgia by the name of Long, but who had not given the knowledge of his discovery to the public. It remained for Morton, Jackson, and Wells to demonstrate publicly what could be done with ether. The last century has shown greater progress and development in the investigation of the cause and prevention of disease than ever before in the history of the world. The great epidemics that used to sweep over parts of the country could hardly take place to-day in any civilized part of the world. The finding of the germs of disease and knowing where that germ is found and how it gains access to the human body will have a tendency to put disease under our control or at least reducing it to a minimum if proper means were taken to prevent the germ from infecting the healthy person. It used to be thought that malaria was produced by breathing the gases that emanated from marshes and swamps and decaying vegetable matter. Scientists have demonstrated beyond a doubt that it is only communicated by the mosquito, and in order to get rid of malaria it is necessary to stop the breeding of this carrier of the poison. Only a few years ago it was thought that yellow fever was communicated directly from the sick patient afflicted with this disease to the healthy, but it is now known through the investigation of the yellow-fever commission which went to Cuba only a few years ago that this disease is communicated by the mosquito, which has first bitten the patient sick with the disease and then transferred the infection to the healthy person. The discovery of these facts in reference to malaria and yellow fever has enabled us to go successfully into Panama and continue the great work of digging the canal. And it is probable, if this discovery had not been made, that thousands of lives would have been lost in this great work.

The yellow-fever epidemics which used to sweep over the South, producing the death of hundreds of human beings and costing millions of money, causing cities to be depopulated, in the light of our knowledge will hardly ever occur again. Too much praise can not be given to Doctors Reed, Carroll, and Lazeare, who conducted the investigation as a yellow-fever commission, and Congress did a wise thing as a reward of their faithful service in pensioning their widows. It has been ascertained that many of these infectious diseases can be avoided if proper precaution is taken. [Applause.]

Typhus fever has become a disease almost extinct, due to the fact that it was discovered that it was produced by overcrowding of people in houses and ships. The strict supervision of lodging houses has been of great benefit in stopping the spread of this as well as every disease.

Typhoid fever, which takes away so many of our people each year, the majority of whom are young and in the vigor of life, can be prevented or at least become less prevalent if the people are shown how to take proper precaution in preventing this disease. It is the duty of the officials to see that pure water is at all times supplied to the public so that this disease may not be transmitted. It is said that one case of typhoid fever in a city of the United States being treated carelessly resulted in an epidemic which produced more than a thousand cases. The prevention of typhoid fever is occupying the mind of the health authorities of every part of our country to-day. Just now the whole civilized world is awakened to the importance of finding out how to cure and to prevent tuberculosis. It is said in the United States that 150,000 people die each year as a result of this disease, and the loss in money amounts to more than $700,000,000.

Physicians and scientists are continually investigating some way whereby they may be able to cure this disease that causes the death of more people than any other one in the world. Many times it has been thought that a cure had been discovered and was heralded over the world, but so far it has each time met with failure. It is to be hoped that with continued investigation some one in the future may discover some means whereby a person so afflicted may be cured. The prevention of the disease, so far as our knowledge extends now, can be brought about by the education of the people as to the cause and means of the spread of the germ producing this disease.

We now have three branches of medical service in our National Government—namely, the army, navy, and the Marine-Hospital and Public Health. A surgeon-general is appointed at the head of each department. The Surgeon-General of the Army has control of medical subjects pertaining to the army, the Surgeon-General of the Navy has control of such in the navy, and the Public Health and Marine-Hospital Service is the civilian branch of the medical service of the Government and has control of matters of public health outside of the army and navy.

The public health department should be kept distinctly the civilian branch of the medical service, and the members should not be permitted to clothe themselves in the gold lace of uniform. They ought to be considered just doctors and scientists for the purpose of investigating disease and the best way to prevent and cure it. Each one of these departments has its own laboratory and sanatorium, and each conducting the department as best as it can and with the limited appropriation given for such work. There are able men connected with all three of these departments, and the surgeon-general of each is a physician of great learning. These departments of our Government ought to be combined in such a way as to secure better service.

The last Republican and Democratic platforms declared in favor of the establishment of a department of public health. President Roosevelt in his message to Congress urged that such action be taken as necessary for the establishment of such a department by a rearrangement of the present bureaus. I fully expect that after Mr. Taft becomes President he will urge on Congress the importance of carrying out this part of the platform, and both sides of this House will certainly be anxious to fulfill this part of the contract with the people. If a public health department were established so that all three branches of the medical service were working in unison, each would have more benefit of what the other is doing. In this way duplication of work could be prevented. A combination of these able physicians at the head of such a department would be able to do much better for the Government. It certainly would be a benefit to the people if more information could be given relative to sanitation and the best way to avoid such diseases as tuberculosis, typhoid fever, and other contagious and infectious diseases which at times are so prevalent in the country. The people, as a rule, are willing to do what they can to prevent disease when the way is pointed out to them. It seems to me when we appropriate millions and millions for the destruction of insects destroying crops—and I do not desire to question the wisdom of doing so—I also believe a certain sum should be set aside each year for use of a department of public health to investigate the cause and prevention of disease, and as a result great good would be brought about for the people. Many lives would be saved, much suffering prevented, and millions of dollars would be saved to the people. Our Nation of people would become stronger and better able to stand hardships when called on to do so, because I believe no nation can be a strong nation unless its people are a healthy people. [Applause.] In the last ten years more than $40,000,000 has been appropriated by the National Government for the purpose of preventing the destruction of crops by insects.

In the present appropriation bill for the support of the Department of Agriculture we have appropriated as much as $300,000 for the control of one kind of insect affecting the growing fruit.

The treatment of rabies by the Pasteur method has almost put an end to the outbreak of this disease in human beings. Physicians know now that many times the life of a patient afflicted with tetanus has been saved because of the knowledge of the germ giving rise to the disease and the discovery of more rational treatment with antitoxin in this malady. The discovery of the germ of diphtheria and the treatment by injection of antitoxin has reduced the mortality more than 50 per cent. Many other diseases might be enumerated which have been prevented and almost eradicated by the investigation of the cause and the best mode of treatment.

The department of health, if established and given an appropriation for the investigation of diseases of an infectious and contagious character, I have no doubt in time would be the means of saving thousands of human lives.

The Surgeon-General of the Marine-Hospital Service, in his annual report for 1907, says in reference to tuberculosis:

With regard to tuberculosis, the suppression of which is engaging the activities of all civilized countries, the operations of the General Government relate to the exclusion of immigrants thus affected, the carrying out of the President's order for the prevention of the spread of this disease among government employees, the maintenance of sanitariums for tuberculous patients of the Army, the Navy, and the Public Health and Marine-Hospital Service, and the encouragement, in so far as the General Government may participate, of all efforts of States and municipalities for its suppression.

The sanatorium for tuberculous patients conducted by this service at Fort Stanton, N. Mex., continues to give good results, 101 patients having been discharged during the past year as cured, or with the disease arrested.

[Applause.]

The Surgeon-General of the Navy has given, in a letter to me, quite an extensive account of the work being done by his department, and I desire permission to print his letter in the RECORD in connection with my remarks.

The States are now doing considerable work within their borders in an endeavor to prevent the spread of contagious and infectious diseases. But, Mr. Chairman, they can not be expected to do all this work alone, any more than they would be expected to eradicate insects affecting crops, enforce the pure-food law, or entirely manage railroad rate regulation. Some States have been doing a great work along this line, notably Pennsylvania, New York, Wisconsin, and Massachusetts, and I call your special attention to letters from the state boards of health of these States. Illinois furnishes free of charge antitoxin to all those afflicted with diphtheria, and has medical men looking after the health of the people of the State all the time. [Applause.]

The Agricultural Department is doing a good work in endeavoring to stamp out tuberculosis in cattle, which is one source of infection of human beings through the medium of milk. A strict supervision should be had over all dairies, so that no cow that is so infected should be allowed to remain in the herd and supply milk for the public.

Wisconsin has taken the lead of all the States in this line of work, and I am informed the percentage of cattle affected with tuberculosis is the smallest in that State of any in the Union.

Mr. Russell, who is at the head of the department of experimental stations, is one of the most successful in his line in the whole country. As a result of his work people go to that State more than any other to buy cows, believing that there is less chance to get one infected with tuberculosis. Every other State can do as well as this one if the men at the head of these departments will do their work as well.

These letters I desire to have printed to show what is being done by the different States so far as I have any information. In conclusion, Mr. Chairman, I desire to urge upon this body the importance of the establishment of a national board of health, with the three departments now existing in our Government, and an appropriation each year of a certain sum of money for the special investigation of the cause and prevention of contagious and infectious diseases. I believe if this were done that in a few years it will be demonstrated that it was wise legislation. I also ask, Mr. Chairman, to print in the RECORD an extract of the speech of Arthur Newsholme, M. D., medical officer to the local government board of England, delivered at the International Congress on Tuberculosis held in this city last September. [Great applause.]

DEPARTMENT OF THE NAVY,
BUREAU OF MEDICINE AND SURGERY,
Washington, D. C.

Memorandum prepared for the Secretary of the Navy in reply to Hon. M. D. FOSTER, M. C.

All of the operations of the Medical Department of the United States Navy are either directly or indirectly concerned with public health. Its first duty is, of course, to the naval establishment and to the territory and peoples which come within its purview as being without other proper medical surveillance and for humanitarian reasons, or the purposes of safeguarding the health of the personnel and maintaining a state of physical efficiency in the naval forces. Such general work in all the branches of medical science—medicine, surgery, and sanitation and hygiene—can not fail to widely benefit the human race, and the results constitute a continual, practical contribution to progress in the interest of human welfare. The late Secretary of the Navy, in his annual report for the fiscal year 1908, took occasion to express his pleasure in reporting "that the work accomplished in this branch of the naval organization has been of such a character as to be a matter for congratulation," and, while the routine duties and efficiency of the Medical and Hospital corps are matters of unfailing importance, many special features of progress and investigation relative to the cause and prevention of diseases that affect the human race have marked the history of the Medical Department during the past few years.

The studies, investigations, and work above referred to have all been quietly carried on in the course of the regular work of the officers and men of the Medical Department at the various stations and hospitals and on board ship, and what has been accomplished was without additional expense to the Government, so that, though the records of accumulated data and results obtained have been published from time to time in the annual reports of the Surgeon-General and the United States Naval Medical Bulletin, they have attracted but little attention beyond professional circles. A brief enumeration of some of the prominent items of the work of the Medical Department of the Navy may be pertinent to your inquiry and of interest.

The medical department stands ready at all times to assist in rendering such relief, personal and material, as may be necessary in civil communities, abroad or at home, which have been visited by catastrophies of whatever character or magnitude. The record of the past includes a long list of such instances, and the manner in which they have been performed, from every point of view, reflects credit upon the profession and the naval establishment. For example:

In January, 1907, when the country, through the navy, hastened to the relief of the stricken at Kingston, Jamaica, after the earthquake disaster, the most urgent assistance required was in medical and surgical directions. Reporting upon the work done, Admiral Davis said: "I can not speak without emotion of the work of our surgeons, headed by the fleet surgeon, H. E. Ames. The greatest physical strain and mental stress fell to their share. Their untiring devotion and energy saved many lives. Most of the good was effected by them. They have my sincere thanks."

While the U. S. S. *Paducah* and the U. S. S. *Marietta* were serving in Honduranean waters in May, 1907, the medical officers of these ships, with the assistance of others, engaged actively in the solution of health problems in the towns of Ceiba and Puerto Cortez. The energies of these officers were directed toward sanitary education, through widely distributed printed circulars; the formation of a sanitary scheme and the direction of the work involved; the treatment of the sick among the native inhabitants of the towns and Nicaraguan soldiers; and the general administrative and prophylactic medication against malaria. Much was accomplished in improving the condition of the towns named, and a great deal of suffering was relieved and prevented.

During the summer of 1907 naval medical hospitality was offered to the sick of the foreign ships visiting this country as invited guests at the Jamestown Exposition. The greatest number of cases admitted for treatment were from the Brazilian cruisers *Barazo* and *Richuelo* suffering with beriberi. While inmates of the hospital these cases were carefully studied by the medical officers with a view to determining the cause of the disease and means of preventing it. A report on this investigation was published in the Naval Medical Bulletin.

On the occasion of the fire disaster at Chelsea, Mass., in April, 1908, splendid relief was rendered to the sufferers by the members of the Medical Department of the Navy in that vicinity. The medical officer in command of the naval hospital at Chelsea early realized that relief of all sorts would soon be demanded, and necessary steps were at once taken to render any and every aid possible at the hospital and in the burning city. The work done at this time was most commendable and was so extensive and of such varied character that its value can not be properly estimated. In commenting upon the medical report, Admiral Swift said: "In the confusion which existed * * * the personal efforts, judgment, and the administrative capacity of Medical Inspector Ames were most important in relieving existing conditions and suggesting methods to the authorities of Chelsea, who found themselves confronted with a situation entirely outside of their training and experience."

Two medical officers of the navy, with supplies, were sent to the scene of the cyclone disaster which visited several of the Southern States and did great damage throughout a district some 50 miles long and about 1 mile wide in the vicinity of Purvis, Miss. During the few days that these two officers were on the ground they worked untiringly, in active cooperation with officers of the army and the state authorities and the various members of the medical profession resident in or near the district. Their energies were directed—not only in professional channels, but toward effecting organization and accumulating data, and the services performed were most creditable and of great benefit to the sufferers of the community and value to those who subsequently took charge of and carried on the work.

During the great yellow-fever epidemic that visited the Southern States, particularly Louisiana, in 1906, the Medical Department of the Navy was represented among the government officers who were rendering services in caring for the victims of the disease and seeking to prevent its spread.

In each of our island possessions under the supervision of the Navy Department, such as Culebra, Guam, and Samoa, the native populations are entirely dependent for medical and surgical relief upon the Medical Department of the Navy. Hygienic and sanitary supervision and investigation of the diseases peculiar to the different communities constitute an important part of the work in this philanthropic charge.

At Guam the medical care and supervision of the leper and gangosa colonies which have been established on that island fall to the lot of the Medical Department of the Navy, and the officers representing this branch of the service at that station have been diligently studying these two diseases—in the former with a view to its successful treatment or alleviation and preventing its spread; in the latter (a comparatively new disease), with a view to discovering its cause, preventing its spread, and establishing its treatment on a rational basis. What has been said with regard to gangosa may be also said of guha, otherwise known as "epidemic asthma," which is a new disease in the eyes of the world, common to Guam. Both gangosa and guha have been studied from all aspects, and reports have been published in the United States Naval Medical Bulletin and the Annual Reports of the Surgeon-General. The germ cause of gangosa has been discovered,

and much is being done to relieve the sufferers and prevent the spread of this dreadful disease.

At Samoa the disease of greatest prevalence is elephantiasis, and this has been the subject of careful study and successful surgical treatment at the hands of the naval medical officers on duty at that station. The disease known as "yaws" and a peculiarly destructive form of conjunctivitis, also common to this people, have been carefully studied with resulting valuable observations by the naval medical officers at this station, and, in general, the study of the pathology of this island possession and the relief of disease conditions is being carried on. Reports are to be found in the publications of the Medical Department of the Navy.

At the isolated island of Culebra, sanitary and medical supervision is had by medical officers of the navy, and, in connection with this field of professional work, studies have been and are being conducted with marked success as regards prevention and treatment of the intestinal parasitic diseases which are common to the people of this island. Original observations on such parasites have been made and reported in the Naval Medical Bulletin, particularly on bilharziosis.

In the Philippines, at Panama, and at the various other outlying stations of the United States Navy, important and valuable work has been carried on by medical officers of the service in connection with the prevention and treatment of malaria, dengue, dysentery, cholera, etc., and much light has been thrown upon the significance of the symptomatology of various vague tropical disorders by the studies of these officers. Definite contributions on the various phases of tropical diseases, such as malaria, dysentery, and dengue, have been made to the advance of medicine, also, by these officers.

In Hawaii and at San Francisco, Cal., the subject of plague prevention has been given careful consideration, and at the latter-named place a board of medical officers was organized for the detailed study of the needs of Mare Island in this connection. Its report was exhaustive and illuminating.

The great danger to which the delicate mechanism of hearing—the ear drum, etc.—is subjected as a result of heavy-gun fire in the United States Navy has been the subject of careful study by the Bureau of Medicine and Surgery, and successful effort has been made by thorough test to find some device which will protect the ears of officers and men from the disastrous consequences—such as permanent deafness—of air concussion.

The question of heat exhaustion, which is common in all maritime services among those of the engine and fire room forces who are exposed to excessive heat, has been and is being made the subject of careful investigation by medical officers of the service. The results so far are incomplete, but it is believed that in the near future illuminating reports will be forthcoming. There is very little known about the condition in question, and it is one which merits this scientific study.

All of the well-grounded advances in medical science, such as the Flexner-Jobling serum for the treatment of cerebro-spinal meningitis, are taken up by the Medical Department of the Navy as soon as given to the profession, and in this way observations which are made upon new methods and procedures serve as valuable contributions to their permanent establishment as important agents in successful medical practice.

Two years ago a medical officer of the navy was assigned to duty at the bureau of sciences, Manila, and his investigations of intestinal parasites have resulted in important contributions to the advance of medical zoology.

The medical department of the navy has for years taken an active part in the universal campaign against tuberculosis. During the last two years increased effort has been made in this direction. Greatest care is taken to prevent its spread on board ship and in naval communities, and in this connection the hospital ship at sea has already proved its value and promises to be a great boon. It is also the aim of the work of the Medical Department of the Navy that those who contract this disease within the service shall not be thrown upon civil communities to constitute a focus of infection, but that they shall be treated and cared for in naval institutions until this danger is passed. A sanitarium for the treatment of the tuberculous of the navy has been established at Las Animas, Colo., and the record of this hospital in the treatment of these cases is excellent. The method of treating this disease at that institution by the injection of mercury is the discovery of a naval surgeon, and gives promise of being a most valuable agent in the fight against the disease. So true is this that it is regarded almost as a specific. Careful experimentation and observations are still being made, and since the report of this method of treatment in the Naval Medical Bulletin and other medical journals and its presentation at the International Congress on Tuberculosis, others throughout the country have undertaken to try the treatment and are reporting very satisfactory results.

The bacteriological and chemical laboratories of the United States Naval Medical School, Washington, D. C., continue to serve useful purposes expected of them. Aside from the rôle they play in the instruction of the young medical officers in all the latest advances in medical science, they constitute the center for medical study, investigation, and experiment in the navy. Here a great deal of original work is carried on, and new methods of laboratory technique for diagnostic precision or chemical determinations of value to the service are suggested.

The United States Naval Medical Bulletin, instituted in the spring of 1907 and issued quarterly by the Bureau of Medicine and Surgery, Navy Department, is an important factor in the diffusion of medical knowledge, to the ultimate good of humanity. In this publication are printed the original articles, clinical notes, and reports of advanced studies by medical officers from all over the world, and it serves as the mouthpiece of the service to the profession at large.

P. M. RIXEY,
Surgeon-General, U. S. Navy.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HEALTH,
Harrisburg, January 8, 1909.

Hon. EDWIN S. STUART,
Executive Chamber, Harrisburg, Pa.

DEAR SIR: As requested in your favor of the 6th, I beg to transmit herewith for the information of Hon. M. D. FOSTER, of Illinois, a brief summary of the moneys appropriated to the state department of health for the investigation and prevention of disease, as well as for the care of the consumptive poor.

The legislature of 1907 appropriated altogether to the state department of health $2,100,600. Of this amount $600,000 was appropriated under the act of May 14, 1907, providing "for the establishment and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of indigent persons suffering from tuberculosis." Copy of this act is inclosed.

Under this act a model village for the care of tuberculosis patients has been constructed near Mont Alto, in Franklin County. The present capacity for incipient cases is 460. The infirmary is almost completed and will accommodate 160. The sanatorium has been built with the idea of permitting extensions that will accommodate a very much larger number of patients. Four hundred thousand dollars of the total appropriation to the department of health for two years was set aside by the legislature "to enable the department of health to establish and maintain, at such places in the State as may be deemed necessary, dispensaries for the free treatment of indigent persons affected with tuberculosis, for the dissemination of knowledge relating to the prevention and cure of tuberculosis, for the study of social and occupational conditions that predispose to its development, and for continuing research experiments for the establishment of possible immunity and cure of said disease." Under this appropriation 107 dispensaries have been established and up to this time have treated over 8,721 patients. Trained nurses have visited these patients in their homes, teaching them and the other members of their families the doctrines of proper food, fresh air and sunshine, and how to prevent the spread of the infection.

Of the total appropriation of $2,100,600, $1,100,600 was for the general work of the department of health. This work includes the direct sanitary supervision over all territory in the 45,000 square miles in Pennsylvania, outside of cities and boroughs which under the law have their own boards of health. The State, however, is expected to assist and, if necessary, take charge of the suppression of epidemics of disease in every part of the State. For this work the department has, under the chief medical inspector, 66 county medical inspectors and 730 township health officers. These health officers, in addition to placarding all cases of communicable diseases and disinfecting the premises on the termination of the case, make regular and thorough investigations of the sanitary conditions of all schools in their district. They also investigate the sanitary conditions of all dairy farms in their territory. An important responsibility which has recently been added to their duties is the distribution of educational literature and instructions in connection with the campaign now being waged by the state department of health to enforce the provisions of the state statute for the prevention of ophthalmia neonatorum, blindness at birth.

The general fund of the department also provides for a thorough and systematic collection and recording of vital statistics, morbidity statistics, and marriage statistics. From this fund also is paid the cost of the State's free distribution of diphtheria antitoxin for the poor. During the year 1907 the department distributed in this way antitoxin for the treatment of 5,271 cases of diphtheria. Of this number 4,875 were cured, giving the remarkably low death rate of 7.13 per cent. In addition to this, 3,799 persons were immunized with state antitoxin to protect them from the disease.

The general fund also provides for the work of the sanitary engineering division. A state law provides that no sewerage system can be extended without the approval of the governor, the attorney-general, and the commissioner of health. Permits for such extensions are issued by the commissioner of health only in accordance with the department's plan to ultimately bring about the reclaiming of the waters of the State from sewage pollution. The state department of health is saving thousands and thousands of dollars to municipalities all over the State by the assistance that has been given them by trained sanitary engineers to prevent the extension of sewerage systems according to plans which would be money thrown away when a municipality was obliged to install a sewage-disposal plant. About 50 trained sanitary inspectors are constantly at work investigating the larger sources of pollution on the watersheds of the State, and the township health officers already mentioned are hunting down petty pollutions and nuisances that are a menace to public health and serving notices of abatement for the same.

The state department of health laboratories are assisting the physicians of the State in their diagnosis of cases by examinations of sputum and other pathological specimens, and assisting in the prevention of disease by the bacteriological and chemical examinations of water, milk, etc. In these laboratories, also, much scientific research work is being done under the direction of the commissioner of health, especially in tuberculosis.

Yours, very truly,
SAMUEL G. DIXON, M. D.,
Commissioner.

NEW YORK STATE DEPARTMENT OF HEALTH,
Albany, January 11, 1909.

Hon. M. D. FOSTER, M. C., *Olney, Ill.*

SIR: Your communication of January 1, directed to Governor Hughes, has been referred to this department for reply.

I assure you that I am much interested in the proposed legislation, and I will be glad to give you any information that I can as to the work that is being done in the State of New York. I should like very much to secure a copy of the bill, and if the proposed legislation meets with approval here, I would be glad to be of assistance in securing favorable action by the representatives of the State of New York.

As to the amount of money which is spent by the State of New York for the prevention of diseases, I beg to submit full information on this point, tending to show the pitifully inadequate sums apportioned for this work in a State now having a population of over 8,000,000. The State Board of Health of New York was established in 1880 with an appropriation of $15,000. The appropriations for subsequent years are as follows:

1881	$20,000.00
1882	15,000.00
1883	20,000.00
1884	20,000.00
1885	33,000.00
1886	20,000.00
1887	25,000.00
1888	25,000.00
1889	25,000.00
1890	25,000.00
1891	30,000.00
1892	35,000.00
1893	47,000.00
1894	73,000.00
1895	57,500.00
1896	35,000.00
1897	35,000.00

1898	$35,000.00
1899	37,000.00
1900	41,400.00
1901	67,422.54
1902	67,150.00
1903	68,400.00
1904	75,130.92
1905	69,760.00
1906	81,119.35
1907	129,179.07
1908	152,022.58

As to the amount of these appropriations available for the prevention of diseases: Out of this total appropriation we are obliged to pay a considerable sum for the salaries of clerks, and so forth, used in recording our vital statistics. The sanitary engineering division for work on stream pollution, and so forth, costs about $12,000. For the antitoxin laboratory and the manufacture of antitoxin for free distribution we have $18,000, and $10,000 for the hygienic laboratory for the analysis of water supplies, and so forth. For investigations we have $7,500. For suppression of epidemics of smallpox and other contagious diseases, $7,500. For tuberculosis, including the expense of our traveling exhibition, $10,000. The balance of the appropriation is divided up in small items for printing, office expenses, and other items of this character.

If there is any further information that I can give you, I would be very glad to furnish it.

Very respectfully,

EUGENE H. PORTER,
Commissioner of Health.

STATE OF WISCONSIN, STATE BOARD OF HEALTH,
Madison, January 4, 1909.

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.

SIR: Your communication to Governor J. O. Davidson, of this State, has been referred to this office for reply.

For the study and prevention of diseases in Wisconsin there is an annual appropriation to the state board of health of $10,500. Six thousand dollars of this is used in collecting and classifying the vital statistics and $4,500 for general board of health work proper. In addition to this we have an appropriation of $2,500 per annum for a hygienic laboratory. The legislature of 1905 passed a bill providing for the establishment of a state tuberculosis sanatorium and the creation of a state tuberculosis commission. In 1905 there was appropriated $90,000 for lands and construction of buildings toward such sanatorium and $25,000 for the two years to be used in maintenance. The legislature of 1907 appropriated $30,000 to construct additional buildings and $40,000 for the two years for maintenance. The state tuberculosis sanatorium as it now stands has cost Wisconsin in construction $120,000. With the addition of one more shack we can house 100 patients.

The state tuberculosis commission is a separate commission from the state board of health, although the law provides that one member of the board of health be a member of this commission, so that the work along the tuberculosis line is carried on jointly between the state board of health and the special commission.

If we can be of any further service to you, it will be granted upon request.

Very truly, yours,

C. A. HARPER, *Secretary.*

CALIFORNIA STATE BOARD OF HEALTH,
Sacramento, Cal., January 7, 1909.

M. D. FOSTER, Esq., *Olney, Ill.*

DEAR SIR: Your letter of January 1 to Governor Gillett asking for information as to the amount of money spent by the State of California for the prevention of disease has been referred to me for answer.

This State has made but very small appropriations in the past for the direct purpose of preventing the spread of any particular disease. Two years ago an appropriation of $2,000 was placed in the hands of the state board of health for the purpose of disseminating knowledge of means of prevention and cure of tuberculosis. This year a bill carrying a larger appropriation for investigation will be introduced.

We have an appropriation of $100,000 in the hands of the governor for emergency epidemic work. This is renewed as it gets low. The appropriation for the board of health, exclusive of pure-food work, is about $20,000 per year. The board has paid a good deal of attention to the prevention of disease and has used quite a portion of its funds for that purpose.

Yours, very truly,

N. K. FOSTER, *Secretary.*

STATE BOARD OF HEALTH OF MICHIGAN,
OFFICE OF THE SECRETARY,
Lansing, January 8, 1909.

Hon. M. D. FOSTER, *Olney, Ill.*

MY DEAR SIR: Your favor of the 1st instant to Governor Warner, asking for information regarding the amount of money this State devotes to preventive work in communicable diseases, such as tuberculosis, typhoid fever, etc., has been referred by the executive department to this department for reply.

The nearest estimate of the amount of money this State spends upon the prevention of diseases is to quote the various appropriations made for that purpose. But these amounts will not truly represent what this State spends in preventive-disease work, as each local health jurisdiction (numbering about 1,600) bears the burden of much of the cost of preventing communicable diseases; and this latter there will be no way to determine, even approximately.

The state board of health in Michigan has annually appropriated for its use $24,000 for the purpose of preventing communicable diseases from spreading. The Tuberculosis State Sanatorium has had appropriated for it since the bill establishing it was passed $108,000, $88,000 of which has been set aside for erecting and equipping the sanatorium and $20,000 of which has been set apart for running expenses until July 1, 1909.

In addition to the foregoing, the dairy and food commission uses part of its appropriation in the investigation of tuberculous milk and other tuberculous products. Again, the state live-stock sanitary commission uses part of its appropriation to prevent the spread of communicable disease among cattle, such as tuberculosis, glanders, foot-and-mouth disease, etc., which are also communicable to man. It would not be practicable to say how much of their appropriations are spent in preventive work for the welfare of the human beings of this State.

All told, I think we can only quote the sums of money already stated, whose total is $132,000, which this State has spent on preventive disease work. As the state sanatorium takes annually about $8,000 for running expenses, the annual cost to the State of that institution and this department is $32,000.

Trusting this will answer your inquiry, I beg to remain,

Very truly, yours,

F. W. SHUMWAY, *Secretary.*

STATE BOARD OF HEALTH OF KENTUCKY,
Frankfort, Ky., January 4, 1909.

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Governor Willson has referred to me your letter of the 1st instant.

The State appropriates $5,000 for the state board of health. Out of this is expended $1,800 for a state sanitary inspector. Each city of over 10,000 inhabitants is required to have a salaried health officer. The State will aid the building of charitable sanitariums for the treatment of tuberculosis.

Hoping the above is the information you desire, I am,

Respectfully,

H. S. KELLER.

STATE OF WASHINGTON,
BOARD OF HEALTH AND BUREAU OF VITAL STATISTICS,
OFFICE OF SECRETARY,
Seattle, Wash., January 13, 1909.

M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your favor of January 5 to the governor of this State has been referred by him to me for reply. It is impossible to give you accurate figures as to the amount of money spent by the different cities and counties throughout the State, and that appropriated by the State would give no adequate conception of the amount actually spent, as the State only acts as an advisory and directing body, the real expenditure falling upon the counties and larger cities.

The cities of the first class, of which there are 5 in the State, probably spend a total of $200,000 per year upon all sanitary matters. The 27 counties probably spend a total of $100,000 per year upon such matters, while the appropriation for the state board of health is $11,500.

Yours, very truly,

ELMER E. HIG, *Secretary.*

COMMONWEALTH OF MASSACHUSETTS,
AUDITOR'S DEPARTMENT,
Boston, January 15, 1909.

Hôn. M. D. FOSTER, M. C., *Olney, Ill.*

DEAR SIR: Your favor of the 1st instant to Ex-Governor Guild has been referred to me through the bureau of statistics of labor, which has replied in part.

I am sending you house document No. 1, of the present legislative series, on pages 20 and 85 of which you will find certain information relative to the state board of health in this Commonwealth, the duties of which are largely in the line to which you refer. The amount asked for by this board for the present year is $143,300, which will doubtless be granted. On page 41 you will find information relative to our state sanatorium, which is entirely for the treatment of incipient and curable cases of tuberculosis. Under recent legislation this Commonwealth is building three additional sanatoriums for the treatment of tuberculous patients, at a cost of $300,000—$100,000 each. They will be located in different parts of the State and will undoubtedly each cost annually as much as the present sanatorium at Rutland costs.

I trust that this information may be available for your purpose, and remain,

Yours, very truly,

HENRY E. TURNER, *Auditor.*

COMMONWEALTH OF MONTANA,
DEPARTMENT OF PUBLIC HEALTH,
OFFICE OF THE SECRETARY,
Helena, January 5, 1909.

M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your favor of the 1st instant, addressed to Governor Norris, has been referred to this department. In reply would say that the State of Montana expends $6,000 annually in the support of the work of the state board of health. In addition to this, counties and cities employ local health officers, whose salaries range from $1,200 to $100 per year. It would be very difficult to state the exact amount expended for this work in this State, but would judge, from what I have been able to learn from local health officers, that their average salary for county work is $750 per year. There are 27 counties.

About 20 cities have health officers, whose salaries range from $2,250 per year down to $100 per year. I would say the average is about $600 per year.

I sincerely trust a national board of health will be created.

Yours, very truly,

T. D. TUTTLE, *Secretary.*

BOARD OF HEALTH OF THE STATE OF NEW JERSEY,
Trenton, January 7, 1909.

Mr. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter of January 1, addressed to Hon. John Franklin Fort, governor of New Jersey, in reference to amount spent in this State for the prevention of diseases, has been referred to this office for reply.

There is in New Jersey a state tuberculosis sanatorium, located at Glen Gardner, and information in regard to the amount of money appropriated for this institution may be obtained by communicating with the medical director, Dr. Samuel B. English.

The total amount appropriated for this board at the present time for all purposes is about $68,000, but this covers the work of the board in all its departments, including the divisions of food and drugs, sewerage and water supplies, creameries and dairies, vital statistics, contagious diseases of animals, etc., and it is impossible for us to estimate definitely the amount of money expended specifically in preventing the spread of contagious diseases.

Very respectfully,

BRUCE S. KEATOR, *Secretary.*

THE STATE OF TEXAS,
DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS,
Austin, January 19, 1909.

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: In reply to your recent communication addressed to Gov. T. M. Campbell, which was referred to me for reply, will state that our department has approximately $45,000 for salaries and maintenance, etc. However, will state that most of our energies in the past have been expended along the lines of quarantine on coast and border and the prevention of smallpox in the State. We have a bill providing for a state board of health, which carries with it many of the features proposed by your National Board of Health movement; the incorporation of the live-stock sanitary commission, pure-food commission, and the present state health department into one board. We expect to improve the efficiency and get greater economy thereby.

The last legislature gave the live stock sanitary commission $12,000 annual appropriation for their maintenance, and the pure-food commission $3,000, making a total of approximately $60,000 for the three departments as separately maintained.

Very respectfully,
W. M. BRUMBY,
State Health Officer.

COLORADO STATE BOARD OF HEALTH,
Denver, January 6, 1909.

M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Referring to your inquiry addressed to the governor, will say that the legislature of Colorado provides $5,000 per annum for the use of the state board of health. This covers office expenses, clerk hire, and what little sanitary work we are able to do with so little money.

Yours, very truly,
HUGH L. TAYLOR, *Secretary.*

EXECUTIVE DEPARTMENT, STATE OF SOUTH DAKOTA,
Pierre, January 4, 1909.

Hon. M. D. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: Your inquiry of the 1st instant received. There is, perhaps, no State in the Union that has done so little in the establishment of a board of health as the State of South Dakota. We have a state board of health, but the money appropriated to sustain it is a very small amount, indeed; considerably less than $1,000, I think.

We are presenting the matter of having a more efficient organization in the State to prevent the spread of tuberculosis to the legislature, which will convene to-morrow.

Yours, sincerely,
COE I. CRAWFORD,
Governor South Dakota.

MISSISSIPPI STATE BOARD OF HEALTH,
Jackson, Miss., January 5, 1909.

M. D. FOSTER, Esq.,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 1st instant to Hon. E. F. Noel has been referred to me. In reply, beg to advise that we have an appropriation of $5,000 per year expense fund and $2,500 emergency fund.

I would be glad to see the bill pass in Congress establishing a national board of health for the investigation and prevention of diseases, such as tuberculosis and typhoid fever, etc.

Yours, very truly,
S. H. MCLEAN, *Secretary.*

EXECUTIVE OFFICE,
Des Moines, Iowa, January 4, 1909.

MY DEAR MR. FOSTER: Your letter is just at hand, and I will ask the secretary of the state board of health, Doctor Thomas, to send you the information you desire. Our people are generally coming to the belief that tuberculosis is an avoidable and largely an unnecessary disease, and it is confidently predicted by some of our foremost physicians that within a comparatively short time it will be exterminated, except where the people are so grossly indifferent that they invite it to their homes. I am sure you are starting in on a most humane work, and I congratulate you and the State of Illinois on having a man who feels that it is incumbent upon him as a public official to look after the public health.

With best wishes for your success, I am,
Most sincerely, yours,
WARREN GARST.

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.

MAINE STATE BOARD OF HEALTH,
Augusta, January 4, 1909.

Mr. COTTON.

DEAR SIR: Answering your inquiries, I would say that the regular appropriation for the state board of health is $5,000 a year. The state laboratory of hygiene has $4,500 a year, and the Maine sanatorium had an appropriation of $15,000. In addition to this, about $1,000 was spent in the protection of the State against epidemic diseases, principally smallpox.

Yours, truly,
A. G. YOUNG, *Secretary.*

STATE OF FLORIDA,
EXECUTIVE DEPARTMENT,
Tallahassee, January 4, 1909.

Hon. M. D. FOSTER, M. C., *Olney, Ill.*

DEAR SIR: Replying to your letter of the 1st instant, making inquiry as to amount of money spent by the State of Florida in the prevention of disease, I beg to advise that we levy a 1-mill ad valorem tax for the support of the state board of health.

At present the 1-mill levy produces about $135,000 per annum.

Very truly, yours,
DANIEL A. SIMMONS,
Private Secretary.

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT,
Cheyenne, January 4, 1909.

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: At the request of Governor Brooks, I wish to advise you in reply to your letter of January 1 that our last legislature made an appropriation of $2,000 for the carrying on of the duties of the state board of health, this being for the two years, 1907 and 1908.

In the matter of tuberculosis, our state veterinarian has been making as bitter a fight as any one of our state officials. His appropriation was $1,500 for the two years stated above. At the International Tuberculosis Congress held at Washington this year this State was represented by the secretary of the state board of health, Dr. A. W. Barber, and our state veterinarian, Dr. W. F. Pflaeging.

Trusting that this information may be of some service to you, I remain,

Yours, very truly,
A. J. MATHER,
Secretary to the Governor.

TENNESSEE STATE BOARD OF HEALTH,
Nashville, January 6, 1909.

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of January 1, addressed to Governor Malcolm R. Patterson, I have to advise that the sum of $10,000 is appropriated for the restriction and prevention of contagious diseases in Tennessee.

Very respectfully,
STATE BOARD OF HEALTH,
By J. A. ALBRIGHT,
Secretary and Executive Officer.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF HEALTH,
Richmond, January 8, 1909.

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter of the 1st instant to the governor has been referred to me for reply. I send you by the same mail a copy of all the statute laws of Virginia relating to the public health.

In the first law printed in this bulletin you will see the organization and the appropriation that is made to the department.

Our last legislature reorganized the state board of health and appropriated $40,000 a year to carry out the work.

If there is any further information that we can give you, I shall be very glad to give it.

Very truly, yours,
ENNION G. WILLIAMS,
Commissioner of Health.

STATE BOARD OF HEALTH OF MARYLAND,
Baltimore, January 8, 1909.

Hon. M. D. FOSTER, M. C., *Olney, Ill.*

MY DEAR SIR: Your letter of January 1 has been referred to me by his excellency, Austin L. Crothers, governor of Maryland, for reply. I am sending you a report of the State board of health for 1905, on pages 8 to 13 of which you will find a statement of the amount of money appropriated to this board. The only specific disease for which we have a separate appropriation is tuberculosis, for which we receive $5,000 annually. The amount of money expended on typhoid fever comes largely out of our vital-statistics appropriation, our appropriation for food and drink, and our general-expense account. Out of the infectious-disease appropriation we also maintain a laboratory for the examination of blood for the Widal test and typhoid fever, the examination of the sputum for tuberculosis, and the examination of throat swabs for diphtheria. Our food and drink appropriation is largely applied to the examination of water, milk, and the inspection of animals killed for slaughter.

In addition to our report for the year 1905, I am inclosing you a complete set of the laws and printed matter relative to the control of tuberculosis in this State.

Very truly, yours,
MARSHALL LANGTON PRICE,
Secretary.

STATE OF WEST VIRGINIA,
BOARD OF HEALTH,
Point Pleasant, W. Va., January 8, 1909.

Hon. M. D. FOSTER, M. C.,
Washington, D. C.

SIR: Your letter directed to Hon. William M. O. Dawson, governor of West Virginia, was this day referred by him to me. West Virginia is very backward in educational lines relating to contagious and infectious diseases. The State only appropriates $2,000 annually to the state board of health; they are allowed fees collected, etc., which amount to about $3,500. We are asking this legislature to give more of an appropriation sufficient to carry on educational work along hygienic matters; just what they will do it is hard to tell.

We certainly concur in your effort to establish a national board of health, and shall only be too glad to assist you in any way possible, and if there is anything I can do, or the state board of health, do not hesitate to call upon us.

Very truly, yours,
H. A. BARBEE, *Secretary.*

IOWA STATE BOARD OF HEALTH,
Des Moines, January 7, 1909.

Hon. M. D. FOSTER, M. C.,
Washington, D. C.

MY DEAR SIR: Your communication of January 1, addressed to Gov. Warren B. Garst, has been referred to me for reply.

The Iowa State Board of Health receives an annual appropriation of $5,000 to cover all expenses of the board, and an annual appropriation of $6,000 to support and maintain the bacteriological laboratory.

Under separate cover I am sending you a copy of the Fourteenth Biennial Report of the State Board of Health and would respectfully call your attention to the opening chapter, in which will be found a statement of the finances of this board, together with a comparison of the amounts appropriated by the various States for the use of the state board of health.

In connection with national legislation concerning the department of public health I would suggest that if Congress will authorize the Postal Department to extend the franking privilege to state boards of health,

it would add greatly to the efficiency of the work done by these departments. I believe a bill providing for this will be introduced in Congress, and I would commend it to your consideration.

Very respectfully, yours,

LOUIS A. THOMAS, *Secretary.*

GEORGIA STATE BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
Atlanta, Ga., January 8, 1909.

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of January 1 to the governor has been referred to me for reply.

Up to about five years ago no state board of health was in existence in Georgia, the present organization having been created by an act of the legislature in 1903. The appropriation for the first two years was only $3,000, but since that time the amount has gradually risen until last year there was appropriated $16,000. This is a very meager amount, but every indication points to the probability that it will be increased from year to year until something like an adequate amount is appropriated.

Very respectfully, H. F. HARRIS, *Secretary.*

STATE BOARD OF HEALTH OF SOUTH CAROLINA,
Columbia, S. C., January 13, 1909.

Hon. M. D. FOSTER, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 1st instant to Governor Ansel has been referred to me, and I take pleasure in giving you the information desired, which is as follows:

For the prevention of disease, $15,000; for expenses incidental to the board meeting, etc., $3,000; clerk hire, $500; enforcement of pure food and drug act, $1,000.

This office will deem it a privilege to render you any assistance within its power along the lines mentioned in your letter.

Wishing you success with your bill, I am, and beg to remain,

Very respectfully,

C. F. WILLIAMS, M. D.,
Secretary and State Health Officer.

STATE OF VERMONT,
EXECUTIVE DEPARTMENT,
Montpelier, Vt., January 12, 1909.

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.

SIR: In reply to your favor of the 1st instant addressed to Governor Prouty, I am directed to inform you that the State of Vermont annually expends for the investigation and prevention of diseases, $22,000. It will also expend during the next two years about $55,000 annually for the extermination of diseased cattle, which in reality is an expenditure for the promotion of the public health.

Yours, very respectfully,

J. M. HARNEY,
Executive Clerk.

UTAH STATE BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
Salt Lake City, January 9, 1909.

Mr. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your communication of the 1st instant, addressed to Governor John C. Cutler, has been referred to me for reply. I am greatly in favor of the establishment of a national board of health or some such federal organization for the prevention of disease, and trust you will be successful in your efforts.

The amount appropriated by the State of Utah for the use of the state board of health for the biennal period ending December 31, 1908, was $15,500. This amount is not adequate to the needs of the department, but we endeavor to make it go as far as possible.

Yours, very truly,

T. B. BEATTY, *Secretary.*

STATE OF KANSAS,
DEPARTMENT OF THE STATE BOARD OF HEALTH,
Topeka, January 5, 1909.

Mr. M. D. FOSTER, *Washington, D. C.*

DEAR SIR: Your letter addressed to Governor Hoch has been referred to this department, and replying will say that during the year 1907 county health officers reported a total of $18,677 as the amount spent by the counties in the suppression and control of contagious and infectious diseases. The state board of health has a fund of $800, which is used for sanitary work. A sum of $2,500 a year is set aside for an emergency in case of epidemic. Other annual appropriations are for salaries, expenses of the board in attending meetings, etc.

Very truly, yours,

S. J. CRUMBINE, M. D., *Secretary.*

ARIZONA BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
Tucson, January 18, 1909.

Mr. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter to Governor Kibbey of the 1st instant has been referred to me for reply. I have the honor to inform you that the sum of $21,479.08 has been reported to me as the amount expended for public-health work in this Territory during the year 1908. I regret to say, however, that the expenditure has not been in the line of prevention, except in so far as the cost of quarantine is paid out of this sum.

Yours, very truly,

EDWARD S. GODFREY, Jr., M. D.,
Secretary.

LOUISIANA STATE BOARD OF HEALTH,
January 21, 1909.

Mr. M. D. FOSTER,
Tweny-third District, Illinois, Washington, D. C.

DEAR SIR: Your letter of January 1, 1909, addressed to the governor of Louisiana, was referred by him to Dr. D. Harvey Dillon, president of our board.

I beg leave to say in reply to your request for information as to the amount of money spent by the State of Louisiana for the prevention of disease, that the legislature appropriates $20,000 biennially, $10,000 of which is intended for use yearly, with the proviso that in the event of emergency, due to widespread epidemic of any kind, the state board of health is at liberty to draw without limit on the state treasury. This we are very rarely called upon to do.

Yours, very truly, J. A. ESTOPINAL, M. D.,
Secretary.

STATE OF OHIO, STATE BOARD OF HEALTH,
SECRETARY'S OFFICE,
Columbus, Ohio, January 13, 1909.

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter of the 1st instant to Governor Harris has been referred to me for reply.

We have no way of knowing the exact amount spent by boards of health in this State in the prevention of disease. The appropriation made for this board for all purposes during the past year was $40,000, but very little of this amount is used in making inspections in contagious disease, as the work of this board is more specially directed to prevention in the way of improved water supplies and general sanitary conditions.

Yours, truly, C. O. PROBST, *Secretary.*

MINNESOTA STATE BOARD OF HEALTH,
St. Paul, January 14, 1909.

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.

SIR: A letter from you, dated January 1, to Governor Johnson relative to information concerning appropriations for the Minnesota state board of health has been referred to me, and I beg to answer as follows:

General fund	$11,000
Laboratory fund	13,000
Vital statistics fund	1,500
Sanitary engineering fund	1,000
Communicable disease fund	2,500
Pasteur Institute fund	5,000
Total	34,000

We are not satisfied with these appropriations, however, for we can not carry on the work of the State as it should be carried on, and we expect to ask of the present legislature appropriations as follows:

General fund	$24,500
General laboratory fund	15,000
Branch laboratory fund	10,000
Traveling laboratory fund	7,500
Vital statistics fund	7,000
Communicable disease fund	5,000
Pasteur Institute fund	7,500
Sanitary engineering fund	10,000
Total	81,500

In addition to this, a bill will be introduced asking for $25,000 to carry on educational work against tuberculosis.

Very truly, H. M. BRACKEN.

OKLAHOMA STATE COMMISSIONER OF HEALTH,
Shawnee, Okla., January 13, 1909.

Hon. M. D. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: Your letter of January 1, addressed to Governor Haskell, has been referred to this department, with the request that we give you the information that you desire.

Up to 1907 there was an annual appropriation of $1,100 on the part of Oklahoma for the support and maintenance of its state board of health. With the meeting of the first state legislature I asked for an appropriation of $10,000 and received $7,000. This year I am asking for 1910–11 an appropriation of $17,000 per year, and fully expect to receive it.

This is not sufficient, but I feel that an appropriation of $7,000 was quite a gain over $1,000. If I can receive $10,000 next year more than this year I feel that this will place us where we can do some good work.

Yours, very respectfully, J. C. MAHR,
State Commissioner of Health.

RHODE ISLAND STATE BOARD OF HEALTH,
Providence, January 5, 1909.

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.

DEAR SIR: Your request for information for material relating to a national board of health may be answered as follows:

The state board of health, consisting of seven members appointed by the governor, with the confirmation of the senate, is entirely an advisory board, having but few powers. Its work consists of a general conservation of the public health and the control and prevention of diseases, especially of a communicable class.

The general appropriation for clerical services and for salary of the chemists is $6,000 annually. The bacteriological department is also maintained by special appropriations of $3,000 for the study and prevention of tuberculosis and $3,500 for the study and prevention of diphtheria. These sums cover the expenses of bacteriologists, the free distribution of diphtheria antitoxin, the presentation of a traveling tuberculosis exhibit, and the free distribution of sputum cups.

If as ex-secretary of the State and Provincial Boards of Health of North America and as present incumbent as president of the American Public Health Association and as a member of the national committee on national legislation of the American Medical Association I can be of any further service, please command me.

Yours, truly,

GARDNER T. SWARTS,
Secretary.

THE CAUSES OF THE PAST DECLINE IN TUBERCULOSIS AND THE LIGHT THROWN BY HISTORY ON PREVENTIVE MEASURES FOR THE IMMEDIATE FUTURE.

[Arthur Newsholme, M. D., medical officer to the local government board of England.]

It is almost a self-evident proposition that a disease does not increase or decrease apart from factors favoring or impeding its occurrence. Of the existence of these factors we can entertain no doubt, even though they may not be recognizable; and my task is to analyze in regard to tuberculosis the evidence as to the causes of the remarkable reductions in the death rate from it experienced in the United Kingdom, the United States, and in certain other countries. Is it a disease having a "natural tendency" to decline? That, I take it, is another way of asking whether tuberculosis is declining under the influence of unrecognizable causes. Or is it a disease which is declining under the influence of causes whose character and possibly also whose extent can be recognized and identified?

Not infrequently it is contended that whatever may have been the chief causes of the decrease of tuberculosis, we need not attempt further the difficult task of unraveling them; for the disease is decreasing in many if not in most civilized countries, and that therefore we may reasonably content ourselves with aiding the increased action of the improved domestic and industrial sanitation and of the greater well-being of the population, under the complex influence of which the decrease has occurred.

Such complacent trust in vague generalities is not justified by the considerations which should influence every hygienist. It has to be remembered that the amount of money and energy available for the public service is always limited; and that of the many measures that would aid directly or indirectly in preventing or curing tuberculosis only a portion can be put into simultaneous action. To adopt any measure yielding less than the utmost value for the resources expended is equivalent to allowing an amount of avoidable disease proportionate to the relative inefficiency of the measure adopted. The rational as distinguished from the random or capricious selection of preventive measures is therefore supremely important to the public health service; and in such a selection actual experience, critically analyzed, is the safest and the final guide. Hence the importance of our present inquiry into the relative importance of the different elements of economic and sanitary environment, in their bearing on the incidence of tuberculosis in different communities.

In the heavy toll levied by tuberculosis on every community we find a further and more urgent reason for an analytical study of the causation of tuberculosis and a determination of the more fruitful directions in which time and energy can be expended. Those who look optimistically on the great declines in the death rates from pulmonary tuberculosis are apt to overlook the present enormous loss of life. In England and Wales, for instance, over 60,000 deaths are still annually referable directly to tuberculosis, 11 per cent of the total deaths from all causes at all ages. Of the deaths from tuberculosis seven-tenths are caused by phthisis and of the latter 77 per cent occur during the working years of life, from 20 to 65. Each death, furthermore, is preceded by a period of invalidity which on the average runs into years.

Such are the facts facing us as to the present loss of life caused by tuberculosis. We can not exhibit the efficiency of various measures against this disease in an exact proportion, because the conditions affecting the prevalence of tuberculosis are very complex. I think, however, that we have been able to gain some knowledge as to their relative order of importance, and it is by bearing this order carefully in mind that effort in the immediate future will have its most economical and its most fruitful effect.

THE CAUSA CAUSANS.

The problem with which we are concerned will be stated in the light of experience, which involves in the main a statistical presentation of facts. This experience must be stated in the light of our experimental knowledge of the causation of tuberculosis. We know that the tubercle bacillus is the indispensable causal element in tuberculosis. Most of us must have seen men fall victims to tuberculosis, though they were previously in robust health, and—apart from exposure to infection—had lived under excellent conditions. And most of us have had occasional experience of cases with a completely negative family history of tuberculosis, where heredity as well as an unfavorable sanitary and social environment, apart from infection, could be excluded. Nor do we know of any means for so raising the resistance of the population as a whole as to render it immune to infection. To argue that populations in which tuberculosis has declined have become more resistant to infection in virtue of the operation of natural selection not only ignores the factors of environmental improvement, but also overlooks the experience of countries in which, as in Ireland, natural selection, though similarly in action, has been associated with a stationary or an increasing death rate from tuberculosis.

The allegations as to the ubiquity of the tubercle bacillus and as to the impracticability of circumventing it save by an enhanced resistance do not diminish the practical importance of the teaching of experimental pathology, that the tubercle bacillus is the essential cause of tuberculosis and that action against this bacillus must be the most direct means for preventing the disease. More exact observations have shown that the tubercle bacillus is only present in the immediate vicinity of consumptives. Probably not more than 1 in 250 (for the calculation on which this estimate is based see p. 63 of The Prevention of Tuberculosis, by A. Newsholme, Methuen & Co., 1908) of the general population at any one time is recognizably consumptive, and of this proportion many cases are not "open." Quite erroneous inferences have been based on the detection of tuberculous lesions, chiefly arrested, at autopsies, in from one-third to one-half of hospital patients dying from other diseases. Most of these have never had symptoms of tuberculosis, and probably very few of them have been "openly" tuberculous, and these few only for a short time of their lives.

PREVENTION OF INFECTION.

We can hold fast to the undoubted fact that the prevention of tuberculosis in the final issue means the prevention of infection. To lay stress on heredity, when a family history of tuberculosis is so often obtainable in families in which there are cases of tuberculosis in the present generation, is to attach undue importance to a factor which, apart from the greatly enhanced chance of infection involved in family phthisis, must always occupy a minor position in practical preventive measures. The correctness of the view that prevention of infection is the main problem is indicated not only (a) as already shown by the pathology of the disease but also (b) by the successful extermination of tuberculosis in numerous herds of cattle in one generation by segregation, (c) by the analagous experience of other diseases, and (d) by actual experience in the diminution of human tuberculosis.

As already seen, a notable decline in the death rate from phthisis has occurred in certain countries. Two schools of thought explain this decline. One teaches that the result has been secured mainly by removing or ameliorating the conditions which increase susceptibility in a population. The other school, from the pathology of the disease and veterinary experience, declares that decline of tuberculosis must be brought about by diminishing infection. It is remarkable that, with the partial exception of Koch, the members of this school have, as a rule, not based their statement on past experience.

In his address at the London Congress on Tuberculosis in 1901 Koch expressed the opinion that "the only country that possesses a considerable number of special hospitals for tuberculous patients is England, and there can be no doubt that the diminution of tuberculosis in England, which is much greater than in any other country, is greatly due to this circumstance." In a report to the International Congress of Hygiene and Demography at Brussels in September, 1903, I showed that, although the very limited number of special hospitals for consumptives in England could not be regarded as having had so great an effect on the death rate from tuberculosis as claimed above, "If the total number of tuberculous patients treated in general hospitals, and still more those treated in workhouse infirmaries, be included, there is good reason for attaching a high importance to the removal of those patients from their relatives and to the nursing of them under conditions in which personal infection is greatly limited in amount." I propose to set out the evidence on which the above conclusion, which I have since then further extended, is based. Before doing so, it is convenient to compare the experience of tuberculosis with that of diseases in which, as in tuberculosis, a notable decline has been secured. Although each disease must be a law unto itself, it is not without advantage to consider whether in the experience of other infective diseases instances can be cited in which conditions affecting susceptibility have been more important than infection itself.

ANALOGIES.

So far as I know it is in smallpox alone that greatly reduced prevalence has been secured by rendering the human soil specifically immune against insemination by disease. Plague, enteric fever, and diphtheria are only partial exceptions to this statement.

Enteric fever has become greatly reduced. This reduction has occurred through general sanitary amelioration, a chief element in which has been the provision of pure public-water supplies. There can be no difference of opinion as to the accuracy of the statement that those measures of sanitary improvement have operated chiefly, if not entirely, by intercepting the specific infective material of enteric fever on its way from one patient to another. Omitting typhus fever from consideration for a moment, we may glance at the course of certain other diseases.

Plague has almost disappeared from America and from Europe. What link has been broken in the chain of infection-producing epidemics of this disease may still in certain respects be doubtful, but that interception of infection and not a change in the constitution of the population of these continents is the cause of their present relative immunity will, I think, be universally agreed.

So likewise with malaria, all the vague generalizations as to malarial conditions of soil and air have been ousted by the definite knowledge that the essential conditions for the occurrence of this disease are opportunity for the growth of the larval mosquito, and freedom of intercommunication between the malarious host, the mosquito, and non-malarious mankind. The experience of individual communities proves this statement, and among these may be quoted from Doctor Ross that of Ismailia, as typical of a community in which it has been practicable to adopt preventive measures against infection without the disturbing effect of migration. A similar experience in Habana is shown in the same figure. Yellow fever supplies an even more striking illustration of accurate scientific investigation followed by practical adoption of means for preventing infection. To an American audience it is unnecessary to do more than add the triumphant success of scientific administration in Habana against the *Stegomyia fasciata*.

In Malta fever we have another almost startling illustration of the law that when a specific contagion is discovered, and its operation prevented, the disease caused by it disappears. For years attempts were made unsuccessfully by improved sanitation and other general measures to diminish the immense amount of sickness caused by this disease, but with no material effect until Dr. (now Sir) David Bruce discovered that the goat was the intermediate host of the *Micrococcus melitensis*, and that by boiling all goats' milk or preventing its use, the transmission of the disease could be stopped.

Hydrophobia teaches the same lesson. No measure of any sort has been taken to increase the resistance of the population at risk. Yet with the rigid enforcement of muzzling orders this disease at once declined, increasing again when they were relaxed, and disappearing with their consistent and persistent enforcement whenever infection was possible.

Two further diseases, namely, typhus fever and leprosy, may be instanced in further detail, because of the closeness with which the circumstances of their occurrence resemble those in connection with which tuberculosis occurs.

TYPHUS FEVER.

The comparison between phthisis and typhus fever can best be elicited by contrasting the course of these two diseases in Ireland and in England, respectively. In England and Ireland typhus fever has declined almost to the vanishing point. While phthisis has been steadily diminishing in England, it has shown no such diminution and some increase in Ireland. Diminution of susceptibility, increasing personal resistance to infection, are often regarded as more potent in respect of the spread of both typhus fever and phthisis than diminution of infection. The course of typhus fever in the two countries is consistent with the view that improvement in general well-being of the two populations, associated with better nutrition, diminished overcrowding, and improved housing have, as is commonly stated, been the main determining cause of the diminished mortality from this disease. But if this be the correct explanation as regards typhus fever, and if typhus fever is not more susceptible than phthisis to the influence of improved sanitation, the reduction of phthisis must be due to some other cause, or, conversely, this explanation is erroneously given. Facts show that well-being of the population has steadily improved in both countries, though to a greater extent in England than in Ireland. Whatever part the absence of well-being may play in the causation of these two diseases, its part evidently is subsidiary to some other cause so far as phthisis is concerned. The same statement may safely be made in regard to typhus fever in view of its great infectiousness. I have elsewhere shown that

the enormous reduction of typhus fever in both countries has occurred chiefly in consequence of the immobilization of infectious patients in hospitals and of their relatives in their own parishes by the operation of local poor-law relief. Doubtless improvements in housing, diminished overcrowding, and improved nutrition of the population of both England and Ireland have been important auxiliaries of the improved medical diagnosis, treatment, and segregation of patients. The failure of phthisis to decline under steadily improving social conditions in Ireland, which will be further considered later, shows that as regards this disease the differentia between England and Ireland is that a large mass of poor consumptives are treated in England for prolonged periods in workhouse infirmaries, whilst in Ireland by far the greater portion of their illness is spent at home. ("Presidential address on poverty and disease as illustrated by the course of typhus fever and phthisis in Ireland," by A. Newsholme, Journal Roy. Soc. Med., vol. 1, p. 262, and "The prevention of tuberculosis," p. 262.)

LEPROSY.

The history of leprosy is an interesting chapter in the history of disease, more particularly so in its bearing on the history of tuberculosis. Both diseases are caused by bacilli producing granulomatous tissue changes; in both there may be a long period of latency before the signs of disease appear; and in both the disease is commonly protracted and intermittent in its progress. Both likewise are diseases to which the designation "subinfectious" has been applied, though the name is misleading, and is no more applicable to them than to syphilis, in which similar phenomena of long latency of symptoms and of protracted and intermittent course are seen, and in which, furthermore, hereditary predisposition is not known to occur. The further interest attaches to leprosy that acute differences of opinion exist as to the causes of its partial or complete disappearance from England and some other countries, recalling the similar differences of opinion as to the cause of the great decline of tuberculosis in certain countries during the last forty years.

The disappearance of leprosy has been associated with the existence on a very considerable scale of leper asylums in the countries from which the disease has disappeared. In medieval England such lazar houses were numerous, and although complete segregation of all patients was never secured, there doubtless was segregation of a large percentage of the total cases during a considerable part of their illness. Here, again, as will be shown shortly, the resemblance to what has been happening in regard to tuberculosis is striking.

There is no intrinsic difficulty in accepting it as a fact that in leprosy—in which, as in tuberculosis, infection occurs chiefly after protracted exposure of an intimate character—the isolation of lepers must, if carried out to a sufficient extent, have served to produce a steady decline and eventually disappearance of the disease. This conclusion is confirmed by the experience of Norway, which amounts almost to a check experiment. In this country, until far on in the nineteenth century, there were few leper asylums. As Dr. Van Dyke Carter put it, there never prevailed in Norway "the same systematic and rigorous opposition to the leprous pest as was aroused in Europe generally." During the first half of the nineteenth century leprosy was increasing in Norway. Thus the yearly average number of fresh cases of leprosy ascertained and registered in 1840–1845 was 43; in 1846–1850 it was 124; in 1851–1855 it was 219; in 1855–1860 it was 233; and in 1861–1865 it was 225. Even allowing for the likelihood of increasing accuracy of registration, there was no evidence of decline in this district. In 1856 notification of cases by medical men became compulsory, and for all years onward the official statistics state the total number of known cases of the disease and the number seggregated in asylums. It will be observed that the steady pursuit of an intelligent policy of segregation of leprous patients, almost entirely without compulsion (some indirect compulsion has been exercised by refusing noninstitutional relief) has been associated with a steady and continuous decline of the prevalence of leprosy. At no time has there been total segregation of all known cases. Of the total cases, about 16 per cent were segregated in 1856–1860, 27 per cent in the next period, 30 per cent in 1871–1875, 32 per cent in 1876–1880, then 36 and 46 per cent in the two next periods, the proportion of segregation in the three most recent quinquennial periods being about 52 per cent of the total known cases. In the light of our knowledge that leprosy is a communicable disease, of its history in other countries, and of the close corelation between the phenomena of segregation and diminution of disease (which is expressed by a coefficient of correlation of 0.95 for the entire period), it is reasonable to give the chief place to segregation as the means by which the diminution of disease has been secured.

PREVALENCE OF TUBERCULOSIS.

The preceding survey of successful preventive measures against infective diseases affords us only a single instance—that of smallpox—in which the most effective measure has been one raising personal resistence to infection. In this instance the means of increasing resistance are specific and not general in character.

We therefore pursue our further investigation of the prevalence of tuberculosis with the knowledge that, so far as tuberculosis has behaved like other infective diseases, the chief means of its reduction has been, and the most efficient means toward its prevention in the immediate future should continue to be, the prevention of invasion by the tubercle bacillus. This investigation can only be pursued by statistics showing the past experience of communities. We must therefore for a moment consider whether the available data can be trusted. I have considered this question in fuller detail elsewhere. It concerns itself chiefly with the point as to whether past and present statistics of the disease in a given country may be compared without serious error. The experience of England and Wales is significant on this point. The most probable transfer is between bronchitis or pneumonia and phthisis. Evidently there has been no such considerable transfer between these diseases as would vitiate comparisons between past and present.

The same conclusion is confirmed by a comparison of the age incidence of the death rates from bronchitis plus pneumonia and from phthisis at different age periods in 1861 to 1870 and in 1901, respectively. The curves for bronchitis plus pneumonia at the earlier and the most recent period show that no such change in the age incidence of the death rate from these diseases has occurred as would be likely to have been visible had there been a disturbing amount of transference from phthisis to these two diseases. The argument outlined hereafter, and set forth more fully elsewhere, is based chiefly upon a comparison of past and present in each country considered apart from other countries, in conjunction with the social phenomena of the same country, and there can be no reasonable doubt that the national statistics, as utilized in the following pages, can be trusted.

So far as present current experience is concerned, international comparisons of death rates from tuberculosis or phthisis may undoubtedly be made without serious fallacy, especially for great cities. The following table, within limits of error which do not prevent comparisons, shows real differences in the incidence of fatal phthisis:

Annual death rates from phthisis per 1,000 of population in different cities.

Paris (1901–1903)	3.65
Dublin (1901–1903)	3.28
Belfast (1901–1903)	3.08
New York (1903)	2.40
Boston (1903–4)	2.04
Berlin (1901–1903)	2.04
Manchester (1901–1903)	2.01
Providence (1902–1904)[a]	1.94
Glasgow (1901–1903)	1.68
London (1901–1903)	1.65
Edinburgh (1901–1903)	1.51
Copenhagen (1901–1903)	1.38

And the same remark applies to the national death rates in the following table:

Annual death rates from phthisis per 1,000 of population in different countries.

Ireland (1901–1903)	2.15
Norway (1901–1903)	1.92
German Empire (1904)	1.83
Massachusetts (1901–1903)	1.67
Scotland (1901–1903)	1.47
England and Wales (1901–1903)	1.23

INFLUENCE OF ENVIRONMENT.

A preliminary survey of these current death rates does not confirm the general impression that social and sanitary amelioration has been the direct cause of such reduction of phthisis as has occurred. It is true that Norway and Ireland are the poorest countries on the list and have the highest death rate from phthisis; but this high rate may either be due to poverty, keeping sanitation and nutrition at a low ebb, or may be the indirect result of not adopting those expensive methods of nondomestic treatment of the sick which have been adopted in the other countries named above. At present we can only go so far as to say that insanitation and malnutrition can scarcely be regarded as predominant factors, in the light of the experience of the large cities mentioned above. The majority of the population belong to the wage-earning classes, and their experience, in the main, determines the death rate. It can not seriously be maintained that the social and sanitary circumstances of the working classes in Belfast are 83 per cent and in New York are 42 per cent worse than those of the same class in Glasgow; that those of Paris are 45 per cent worse than those of Manchester; that those of Berlin are 26 per cent worse than those of Edinburgh; that those of London are 16 per cent and of Boston are 48 per cent worse than those of Copenhagen, and so on.

It would not apear therefore that any definite relationship exists between the magnitude of recent death rates from phthisis in different cities and countries and the relative social and sanitary condition of the populations of those cities. Before studying these communities further in the light of history as crystallized in their mortality experience over a series of years, we can with advantage compare them as at present circumstanced, in respect of certain items of social and sanitary environment.

URBANIZATION.

Communities may be roughly classed as urban and rural, and international experience shows that the death rate from phthisis is higher in the urban than in the rural. Thus, turning to the preceding tables, it will be seen that the death rate from phthisis is higher in London than in England, in Glasgow than in Scotland, in Boston than in Massachusetts, and so on. And yet a comparison of different countries shows that those countries in which the greatest aggregation in towns has occurred have secured the greatest reduction in their death rate from phthisis. It is evident, therefore, that increasing urbanization must have had opposed to it some influence which has not only counteracted the tendency of aggregation of population to increase the phthisis death rate, but has also either alone or in association with some other influence or influences actually reduced this death rate.

Experience in England and Wales (given in full in The Prevention of Tuberculosis, p. 221) shows that there is a marked difference between the experience of selected typical urban and rural counties as regards phthisis and as regards all causes except phthisis. This difference is shown chiefly in the experience of the female sex, and is summarized in the following tabular statement:

	Males.		Females.	
	Rural death rate.	Urban death rate.	Rural death rate.	Urban death rate.
Phthisis	100	151	100	104
All causes except phthisis	100	131	100	133

Thus, while males in urban counties have a death rate from phthisis which is 31 per cent higher than that in rural counties, in females the difference between the two does not exceed 4 per cent. The fact that in respect of all diseases, in the aggregate, other than phthisis, the two sexes experience an almost equal excess of mortality in urban counties point to the conclusion that special circumstances other than those which have influenced general mortality are acting in respect of tuberculosis.

Were this special circumstance domestic overcrowding or defective nutrition, its influence would be visible, especially in the experience of women, but it is precisely in the case of the female death rate that the effect is least visible.

OVERCROWDING, FOOD, WAGES.

That domestic overcrowding is not the chief determining cause of excessive phthisis, or rather, that its pernicious influence can be and is being more than neutralized by other measures, is indicated by a comparison of the amount of overcrowding in different cities of the

[a] Persons of American parentage 1.43 only.

United Kingdom, as shown in the following table, the housing figures of which (for 1901) are taken from a paper by Sir R. Matheson, registrar-general of Ireland.

	Number of one-room tenements per cent of total dwellings or tenements.	Number of one-room tenements having 5 or more occupants each in every 100 tenements of all classes.	Number of persons in one-room tenements with 5 or more occupants in every 100 of the total population.	Average death rate from phthisis, per 100,000 living, in the 3 years 1900, 1901, and 1902.
Dublin	36.70	8.69	10.61	329
Belfast	1	.09	.10	313
London	14.66	.57	.70	171
Liverpool	6.14	.22	.24	190
Manchester	1.90	.04	.05	208
Edinburgh	16.98	1.80	2.33	164
Glasgow	26.11	4.28	5.24	177

Thus in Glasgow, which has twenty-six times as large a proportion of one-roomed tenement dwellings as Belfast and fifty-two times as many persons in its one-roomed tenements with five or more occupants, the death rate from phthisis, instead of being higher, is 43 per cent lower than that of Belfast. This does not imply that in a given town the death rate from phthisis is not higher in the smaller and more overcrowded tenements. Abundant statistics show this to be the case. But it is clear from the above table that size of dwelling or even degree of overcrowding may be overshadowed by the effect of other influences, the nature of which will shortly be indicated.

An attempt may now be made to compare the present experience of different communities in regard to social factors other than urbanization and overcrowding, though the possibilities of accurate comparison are somewhat limited. They extend sufficiently far, however, to enable comparisons of considerable value to be made.

The following table gives some approximate indications:

	Relative price of wheat, 1901–2.	Comparative wages—		Relative phthisis death rate.
		In skilled trades.[a]	Of unskilled laborers.[b]	
England	100	100	100	100
Germany	131	63	79	149
United States	101	193	143	136

[a] Memoranda, etc., prepared by the board of trade (Cd. 1871 and Cd. 2,337).

[b] Shadwell, on Industrial Efficiency (Vol. II, pp. 81 and 91).

Even after free allowance has been made for differences in utilization of available means, it can not be said that any indication is offered by the preceding figures of relation between social comfort and amount of phthisis.

HISTORICAL EXAMINATION.

The comparison of possibilities of nutrition as indicated by cost of food and amount of wages can be pursued further when the facts for each country are considered historically and not in contrast with the corresponding facts for other countries. Without going into the details given elsewhere (Op. cit. p. 230) we may briefly summarize some of the chief facts.

The relative experience of the different parts of the United Kingdom and of Germany as regards changes in the total cost of food is set out in figure 11. It will be observed that these do not show consistent relation between the course of average total cost of food and that of the phthisis death rate. In Ireland the curves of cost of food and of phthisis have proceeded in opposite directions; and in Germany the discrepancies in the course of the two, although in the same direction, are very marked.

In the experience of the United Kingdom it is practicable to extend the comparison to the total cost of living. (For details as to means of measuring "total cost of living," see p. 239, Prevention of Tuberculosis.) There is no proportion between phthisis and cost of living in England; and it may be added that in Scotland and in Ireland the curves of the two phenomena travel in different directions.

Nor does the consideration of wages alter the preliminary conclusion suggested by studying cost of food and of living. Wages have increased in all the countries under consideration, although the present level of these wages is much higher in some than in other countries. In Ireland the wages of agricultural laborers, although they remain lower than in England, have increased in the proportion of 63 to 100 between 1860 and 1900 as compared with an increase from 76 to 100 in England. Nor have other elements of social progress lagged behind in Ireland. And yet its phthisis death rate does not show the decline manifest in the English rate.

Turning from circumstances of social to those of sanitary environment, we may next consider the latter in their historical aspect. Overcrowding is the most mischievous factor in town life. We have already seen that urban always have a higher phthisis death rate than rural communities. This fits in well with the facts of the census returns of 1901, which show when urban are compared with rural districts that ten times as large a proportion of the total population lives in one-roomed tenements, and nearly twice as large a proportion in two-roomed tenements; furthermore, that ten times as many one-roomed tenements and twice as many two-roomed tenements are overcrowded in urban as in rural districts. We have also stated that the countries whose populations have become most urbanized have had the greatest reductions in their death rate from phthisis; and that present death rates from phthisis show no relation between amount of overcrowding and death rates from phthisis. What has been the historical relation between diminution of overcrowding and of phthisis? The instance of Ireland is most instructive. The death rate from phthisis in Ireland has increased. This higher death rate has been associated with a progressive improvement in conditions of housing, as shown by the foregoing facts taken from a paper by Sir R. Matheson.

Percentage of different classes of houses in Ireland.

Class.	1841.	1861.	1881.	1891.	1901.
First class	3.0	8.3	9.7	10.5	11.2
Second class	19.9	37.6	46.9	53.6	59.3
Third class	40.1	45.7	39.2	33.8	28.4
Fourth class	37.0	8.4	4.2	2.1	1.1
Total	100.0	100.0	100.0	100.0	100.0

The fourth class of houses comprises chiefly houses of mud or other perishable materials, having only one room and window; the third class, a rather better class of house, having two to four rooms and as many windows; the second class is equivalent to what would be considered a good farmhouse, having five to nine rooms and windows; and the first class comprises all better houses.

Comparing Ireland with England and Scotland, Matheson finds that in 1901 in England 3.6 per cent, in Ireland 8.7 per cent, and in Scotland 17.5 per cent of the total dwellings consisted of only one room; further, that the percentage of the total population living in these one-roomed tenements and having five or more persons in each tenement was 0.15 in England, 1.78 in Ireland, and 3.27 in Scotland. Thus Scotland has more than double the proportion of one-roomed tenements that Ireland has, and in nearly twice as many of these the number of occupants exceeds five. Evidently, therefore, some counterbalancing influence or influences have prevented Ireland from securing the lower phthisis death rate which its relatively small increase of urbanization and especially its steady improvement in conditions of housing ought to have secured for it. A worse position in these respects has not prevented a reduction of phthisis in Scotland, and the adverse influence or influences must therefore have been operating either exclusively or very excessively in Ireland. The character of this counterbalancing influence will be set forth later.

The figures of housing in Berlin are also suggestive. During the last forty-five years the number of one-roomed tenements out of every 100 tenements of all sizes has been about 50 throughout these forty-five years, while the number of two-roomed tenements in the same interval has only varied from 24 to 27 per cent, of three-roomed tenements from 10 to 12 per cent, and of larger tenements from 11 to 12 per cent of the total number. A very large proportion of the population of Berlin live in block dwellings, and the average size of these block dwellings has increased. Doubtless the standard of these dwellings as to cleanliness, as elsewhere, has improved; but it is a remarkable fact that although half the families in Berlin live in single rooms, the death rate from phthisis in that city has declined 45 per cent between 1876–1880 and 1901–1903.

In New York a similar story has to be told. Dr. Hermann Biggs (1903–4, p. 191) says:

"There has been a more rapid fall in the tuberculosis death rate in New York City than in any great city in the world, and this notwithstanding the fact that the conditions in many respects are much more unfavorable, because of the very dense population in the great tenement-house districts of the city, and the large element of foreign-born population. It should be remembered that in no city of the world is there such a density of population as exists in many of the wards of the Borough of Manhattan."

And yet the death rate from phthisis in New York has fallen from 4.27 in 1881 to 2.40 in 1903, or 44 per cent; while in London in the same interval it has fallen from 2.18 to 1.60, or 26 per cent.

In Norway again improved housing as well as increased well-being have not been associated with any decline in the death rate from phthisis.

To avoid misunderstanding let me state at once that the discrepant results as to the association of overcrowding and phthisis do not prove that the association between the two is accidental. In view of the known pathology of the disease, no circumstance could be more calculated to exercise a more uniformly adverse influence on phthisis than overcrowding. The discrepancies, however, suffice to indicate that overcrowding must be classed with urbanization as a factor, which, though of proved effect on the phthisis death rate, has usually been unable to overcome counteracting influences by means of which the phthisis death rate has been diminished.

POVERTY AND PHTHISIS.

The degree of overcrowding as well as cost of food and total cost of living, and amount of wages, are important indices of the general well-being of a population. A further and more general index is to be found in pauperism, the figures of which may be employed to check the preceding results.

Owing to the different methods of relieving poverty, we can only examine the figures relating to poverty in the countries of the United Kingdom, using for this purpose the poor-law returns. Before doing so, it is desirable to realize what figures of pauperism really indicate. Pauperism is officially relieved poverty; and poverty itself, while most often due to absence of means, may also arise from the unskillful, careless, or mischievous use of means, from thriftlessness, sloth, or intemperance. The conditions which accompany poverty, such as protracted exposure to infection, insufficient nutrition, and ignorance, work in a vicious circle with the conditions that cause it till it is difficult or impossible to distinguish those elements of poverty which represent destitution and are relievable by the provision of ampler means of subsistence from those which are of an origin independent of material supplies, and which would persist even in a community free from economic deficiencies. Poverty therefore is in itself a most complex phenomenon, not to be remedied by any single set of measures; and figures of actual poverty, even if they could be had, would not in themselves suffice to estimate the causes from which the poverty arose nor the steps which would be necessary to remove them. In fact, however, we have not figures of poverty, but only of pauperism—that is, of state-relieved poverty. The amount of pauperism depends obviously not alone on the extent of poverty, but also on the test or standard by which the scale of relief is determined; and a given amount of poverty will, beyond doubt, yield very different figures of pauperism at various epochs and in various districts according to the scale of relief which happens to be applied. In the United Kingdom during the period under observation there has been a marked correspondence between the variations of phthisis and those of pauperism.

This is shown for England in the following table:

England and Wales—Percentage declines of phthisis death rates and of rates of total pauperism.

Percentage of decline.	1866–1870 to 1871–1875.	1871–1875 to 1876–1880.	1876–1880 to 1881–1885.	1881–1885 to 1886–1890.
Phthisis rate	9.4	8.1	10.2	10.3
Total pauperism rate	17.7	22.1	3.7	4.2

Percentage of decline.	1886–1890 to 1891–1895.	1891–1895 to 1896–1900.	1896–1900 to 1901–1903.	1866–1870 to 1901–1903.
Phthisis rate	10.9	9.6	6.8	49.8
Total pauperism rate	9.5	5.4	6.0	52.3

The total decreases for the entire period—49.8 per cent for phthisis and 52.3 per cent for pauperism—are surprisingly close. Individual quinquennia show some discrepancies, but as phthisis has a long course and may have a still longer period of latency, and as any administrative action is likely to operate slowly, a close quantitative relation between the figures for short periods can not be expected.

I do not propose to give here (see The Prevention of Tuberculosis, pp. 243, 251) the figures for the three parts of the United Kingdom in detail, but I must content myself with the general statements that England and Scotland with decreasing pauperism show decreasing phthisis, and Ireland an increase of both phthisis and pauperism, and that in the three countries the two factors are correlated by the high coefficients of correlation of 0.89, 0.90, and 0.83, respectively. Evidently, therefore, in each of these countries pauperism comprises enough phthisiogenetic influences to make its figures vary closely with the figures of phthisis. This does not necessarily show that the variations in pauperism explain the variations in the death rate from phthisis. Within the bundle of phenomena which constitute pauperism such an explanation may be found, but until we ascertain which individual element or elements of the bundle contain the explanation, to explain the figures of phthisis by those of pauperism is for any practical purpose to explain a complex ignotum by a yet more complex ignotius.

IMPORTANCE OF SEGREGATION.

So far we have found that although each general improvement in communal health and each measure tending to produce it must work powerfully toward the reduction of tuberculosis, each of these influences has had a most irregular relation in communal experience to the variations in the disease.

Improved general health, increased well-being, and sanitary education have operated in Great Britain, Germany, Belgium, Denmark, and Massachusetts side by side with great decrease in the phthisis death rate; while the same influences in France, Norway, and Ireland have produced little or no decrease of this death rate up to five years ago. And similarly there is no constant relation between the degree of sanitary and social well-being in different countries and cities and the amount of mortality imposed by tuberculosis.

Our next task is to show how these discrepant results can be reconciled; and especially how it became possible for a high degree of domestic overcrowding in many countries to be associated with a low phthisis death rate and conversely. The explanation can, I submit, be summed up in the following statement:

A given amount of overcrowding with a large amount of institutional segregation of consumptives is associated with less phthisis than when overcrowding is less but accompanied by only a small amount of institutional segregation of consumptives. If this statement can be substantiated the important practical conclusion follows that the quickest way to diminish the risks of overcrowding is to favor by every means of persuasion the removal of the sick from among the healthy. This should, of course, be accompanied by strenuous endeavor to diminish overcrowding, apart from the question of such removal.

We may claim at once that we are justified in assuming that means for preventing the dissemination of tuberculosis sputum and tuberculosis spray during coughing must be an important and probably even the chief means of diminishing tuberculosis, and that this prevention is much more easily effected in an institution than if the patient is at home.

I have not discussed here the share borne by cows' milk in disseminating human tuberculosis. I must content myself with the statement that the evidence appears to me to point to the conclusion that, apart from tuberculosis in children, this is a minor vehicle of infection as compared with personal convection by human patients, though very important when considered among the sources of infection external to man. Some difficulty has been experienced by certain writers in realizing that the segregation of a minority of the total cases of phthisis can have had a marked effect on the prevalence of this disease. They appear to be judging phthisis by the same measure as they would apply to smallpox, which in an unprotected community spreads rapidly if a few cases are overlooked. The case of tuberculosis, like that of leprosy, is governed by the consideration that these diseases as a rule require intimate and protracted contact for their spread. Two hypothetical illustrations will serve to elucidate the order of magnitude of the influence exercised by institutional segregation.

(a) Leprosy.—In the forty-five years between 1856–1860 and 1901–1905 the total cases of leprosy per 100,000 of population have declined in Norway from 181 to 22. During the same period the percentage of total cases which are in asylums has increased from 16 to 52. If it be assumed that one-third of the total cases of leprosy on an average have each been segregated for half a year, and that each case is infectious for five years, it follows that if segregation is an effective means of preventing infection, and leprosy spreads solely by infection, the annual reduction in the amount of this disease should be 3.3 per cent. It is about 2 per cent, which is sufficiently near in an estimate involving so many hypothetical data.

(b) Phthisis.—In the town of Brighton one-fifth of the total deaths from phthisis occur in its infirmary. If we assume that this proportion holds good for England as a whole, and that one-third of a year is the average residence of these patients in the infirmary (this is not far from the fact), then about one-fifth of the total severe cases of phthisis are segregated during one-ninth part of their illness; and assuming that segregation is efficient and personal infection is the chief cause of phthisis, the annual reduction in the phthisis death rate should be about 2 per cent. In actual fact it has usually been under 2 per cent per annum since 1871.

These illustrations are submitted not as possessing exact quantitative value, but as indicative that unde ther hypothetical conditions set forth above, the segregation of a minority of the total patients is competent to produce the result which has in fact been secured.

Segregation of consumptives may be either domestic or institutional. It is evident, however, that institutional segregation is different qualitatively from domestic segregation. The average home, both in its bedrooms and its living rooms, has far less special accommodation per head, and a far lower standard of precautions against infection, than the average institution. Two persons usually and three often occupy the same bed in the home; never more than one in the hospital. In institutions, and by reason of the abundance of gratuitous labor, notably in workhouse infirmaries, the average standard of cleanliness is far higher than in most homes. Spittoons and spit cups are provided and cleaned, washing of body and bed linen is not spared, and the floors, etc., of each room are kept scrubbed and kept free from dust. In private houses the crowding of furniture, the presence of mats and carpets, and the exigencies of life in the families of the poor, do not encourage and sometimes do not even permit of such frequent and persistent cleanings. It follows that the inmates of the home, including children of the most susceptible age, must be far more exposed to infection when the patient remains at home than are the inmates of an institution to which he is transferred.

It remains to see how far the institutional segregation of infective patients which is secured in institutions in general has in actual fact served to control the spread of the disease.

There is the preliminary fact that the institutional as distinguished from the domestic treatment of sickness in general has steadily increased in all the countries in which a decline in the death rate from tuberculosis is known to have occurred; and there either has been no increase in or there is still only a small amount of institutional treatment of sickness or this treatment has been notoriously defective in character or short in duration in the communities showing little or no decline of the death rate from tuberculosis. The detailed evidence on which the preceding general statement is based is given in full elsewhere.

SEGREGATION RATIOS.

Evidently this evidence must concern itself rather with determining what I have called the segregation ratio, i. e., the proportion of total cases segregated, than with the number of patients in institutions in proportion to the total population. The segregation ratio, when it can be accurately determined, determines the extent to which potential infection is prevented from operating. It can seldom be expressed with complete accuracy; but by using different methods of indicating the proportion of total to segregated cases we can obtain an approximate indication of the ratio required. Thus in England and Wales in the period 1866–1903 segregation measured by the fraction of total deaths occurring in institutions has approximately doubled, and the death rate from phthisis has approximately halved; in London segregation has not quite doubled and the phthisis death rate is rather more than half. A comparison between indoor, i. e., institutionally treated, and total pauperism—the former of which may be taken as representing segregated and the latter as total phthisis—brings out an equally close correlation between segregation and reduction of phthisis death rate. The coefficient of correlation in these instances varies from 0.90 to 0.91. Even in the experience of single towns, in which the results are often inevitably masked by migration, a close correlation is shown between the proportion of total deaths from phthisis occurring in public institutions and the reduction of the phthisis death rate in the same towns. Thus the experience of Salford for the period 1884–1904 gives a coefficient of correlation of 0.67, and of Sheffield of 0.80 for the period 1876–1905.

I can not introduce these local figures without pointing out that neither the truth nor the error of an argument in regard to an infectious disease of very protracted duration like phthisis could be demonstrated by the figures of single towns. Such a disease tends to break up the home and induce migration of patients, disease contracted elsewhere being chronicled in the district to which the patient drifts. This fallacy of migration is still more evident when comparison is made between the various parts of a city, although it be large; and it is for this, among other reasons, that I have been obliged to ask you to survey a far wider field than would be necessary in the examination of an acute disease running a rapid course.

That the duration of institutional treatment of phthisis would suffice to have a material effect on its ability to spread is indicated by the available facts on this point. Thus in Brighton infirmary during 1897–1905 each consumptive patient was treated institutionally on an average for one hundred and seventy-five days; in Kensington infirmary in 1888 the average duration of treatment of each patient was one hundred and forty-four days; and in Sheffield infirmary in 1904 it was three hundred and eleven days.

Summarizing all this experience, it will be seen that in England and Wales a large and continuously increasing amount of institutional segregation of phthisis, measured by the fraction of the total mortality occurring in institutions, has been uniformly accompanied for nearly forty years by a large and continuous decrease of the disease. The same association appears when segregation is measured in the more direct form of the fraction of deaths from phthisis in the whole community occurring in institutions as seen in the experience of certain large towns.

When these results are compared with those obtained by regarding segregation as measured by the fraction of total pauperism which is treated in institutions, or by the ratio in which the number of paupers treated in workhouses and workhouse infirmaries stands to the total number of deaths from phthisis in the community, the conclusion obtained by the use of the other measures of segregation is confirmed, high segregation ratios of about 0.90 being obtained.

THE CASE OF IRELAND.

The official figures for Ireland (the figures of outdoor pauperism given here for Ireland do not include the very large number of sick treated at the expense of the state in connection with the Irish dispensary system) appear not to show that close covariation between the segregation ratio and the phthisis death rate indicated in English and Scotch experience. It is true that in Ireland a decrease of institutional segregation (measured in terms of the total amount of disease to be segregated) has been accompanied by an increase of phthisis, but there is less numerical concordance between the two factors than in the experience of England. The reasons for this are given in full elsewhere (op. cit., p. 282), and it suffices here to indicate the chief reasons, which

are that not only is the workhouse accommodation in Ireland generally very bad, but also the duration of treatment in it is very much curtailed as compared with that in England.

So far we have established a coincidence between the variations in the phthisis death rate and the amount of segregation of consumptives in the United Kingdom. Had our survey of all the possible factors influencing phthisis been confined to the United Kingdom segregation would have been the prima facie claim to be regarded as a predominant influence in reducing the phthisis death rate. The segregation ratio has diminished in Ireland while phthisis has increased, and in England and Scotland increased segregation has been associated with diminished phthisis. On the contrary, the factors indicating improving social and sanitary welfare have increased in all three countries, while the phthisis death rate has risen in Ireland and fallen in England and Scotland. The consistent covariations in three countries of one factor affecting phthisis could, however, give no more than a prima facie claim, even though incidentally the other factors commonly regarded as having a predominant influence had by the same limited survey been excluded from their place. The very constancy of the covariation between segregation and the phthisis rate necessitates an extension of the inquiry into this covariation over a wider area. The result of such an inquiry can only be briefly summarized here.

OTHER COUNTRIES.

In Norway there has been very little institutional treatment of phthisis and no reduction of phthisis prior to three or four years ago. Most Swedish towns similarly show but little reduction of phthisis and scant hospital treatment of the disease.

In Prussia, and still more in Berlin, an enormous proportion of the total consumptives are treated in general hospitals. Sanatoria are not included in this statement. In Prussia in 1881–1885 for every 100 deaths from tuberculosis in the general population 17 were treated in hospital; in 1901–2 the proportion had risen to 100:64. In Berlin in the same interval the proportion rose from 100:77 to 100:136. Similarly in Brussels a steadily increasing proportion of cases of phthisis treated in its general hospitals has been associated with a steadily falling death rate from phthisis.

In Paris, although a large proportion of consumptives enter hospitals, they only spend a few days there, and there has been in the past great overcrowding in their wards. On the whole, therefore, it is doubtful whether these hospitals have played an effective part in reducing total infection; and this fact, coupled with the uncertainty as to the comparatability of the phthisis death rates for a succession of years, makes it impracticable to include the French statistics in the consideration of the problem.

In the American cities from which I have been able to obtain returns the evidence points in the same direction as that of English experience. In 1882–1884 22 per cent and in 1901–1903 26 per cent of the total deaths from phthisis in New York occurred in the hospitals, and in San Francisco the proportion increased from 30 per cent in 1885–1887 to 38 per cent in 1902–1904. The information supplied me by Dr. Herman H. Biggs shows that in New York every case of phthisis in recent years has had the opportunity of being treated and segregated in a hospital during twenty-one weeks. This being so, there can be no difficulty in associating the decline of phthisis in American cities as elsewhere with the large amount of institutional treatment of the disease which has been available.

GENERAL SUMMARY.

We have seen that in the communities examined the various elements of well-being do not in every case vary uniformly along with the phthisis death rate which they are supposed to and undoubtedly do influence. In other words, they have not been in actual history constantly predominant influences on the course of phthisis. Institutional segregation, on the other hand, while operating in the same group of adjuvant and opposing influences, has constantly maintained its inverse relation with the course of phthisis. Each of the factors has been tested in the actual experience of many large communities over the same period of history under precisely the same opposing and adjuvant conditions. In the series of communities subjected to this test institutional segregation has been the only factor the variation of which has been always associated with a variation in the prevalence of tuberculosis in a constant relative direction. It would not have been surprising had the influence of institutional segregation been masked by that of opposing factors, as has been seen to have occurred in many countries with the important influence of urbanization; or, contrariwise, if more than one influence had varied with the prevalence of tuberculosis in a constant relation. In either case the question as to which influence had predominated in affecting the prevalence of tuberculosis would have been left open. In fact, however, no influence except that of institutional segregation has appeared in actual experience in a constant relation to the amount of tuberculosis, and the evidence shows that it has been the predominant influence in changing the incidence of this disease.

The institutional treatment which it is claimed has played a predominant part in the past reduction of phthisis has been, in the main, the institutional treatment of patients who were disabled by sickness, rather than of earlier and less severe cases. This is not the occasion for discussing the evidence as to the relative infectivity of early and advanced cases of disease. There can, I think, be no doubt that advanced cases are more infectious than earlier cases. But no responsible administrators having regard to the prevention of tuberculosis will content themselves with the treatment of advanced cases. They will treat early cases in the hope of securing recovery of the patient; and intermediate cases in the hope of restoring a modicum of health, as well as of educating the patient so that he will no longer be a source of infection to his family and his fellow-workmen. These points are evident; they can, so far as my experience indicates, be more completely insured by institutional treatment than by the training which the patient receives at a dispensary or through a domiciliary visit. Thus in Brighton by providing 25 beds for the treatment of early, moderately advanced, and advanced cases of phthisis we have secured under a voluntary system the notification of twice as many cases of phthisis as there are deaths from this disease in the town, and have secured the minimum of a month's sanatorium treatment and training for more than half of these notified patients. Apart from the training associated with a short stay in a sanatorium the chief immediate preventive measure against phthisis is the institutional treatment of advanced cases of the disease.

If we consider the closely aggregated conditions under which an enormous proportion of our city populations are housed we shall be able to realize what is, I believe, the fact, that had it not been for the steadily increasing extent of institutional treatment of the sick, and especially of the consumptive sick, which has characterized most of our great centers of population, we should have experienced not the decline of phthisis which has occurred, but a great increase in its prevalence. Some apology is needed for presenting much tedious detail in my exposition of this subject, although I have been able to give only a brief outline of the detailed facts given elsewhere. Every detail is, however, needed in arriving at the truth in such a momentous matter.

It is easy to deplore that statistics do not present themselves in that systematic form which permits wide conclusions from relatively limited experience. In this respect they differ from well-conceived laboratory experiment in the deductive reasoning connected with which such form is rightly required. With equal truth and reason one might express regret that in pathology and medicine one is compelled to work backward from the investigation of the complex structure and functions of the human body rather than forward from the simplicity of the microscope and the test tube. The more cumbrous "clinical" methods of statistics might be dispensed with were we able to place the body under laboratory conditions. Social physiology and medicine are even more complex than the same sciences applied to the individual and statistics must be used to decipher their mysteries. As they are required, our plain duty is to use them with the same care to avoid fallacy and the same pains to control our results as are expected in deductive experiment. We are not engaged in academic labors, of which the prize goes to the winner, and each man may neglect his preparation if he choose.

The servant of public health is working on the lives of men, and should be laying the foundations of national prosperity and happiness. He belongs to an order of sanitary priests and belies his vocation and betrays his trust if he does not use the material at his disposal fully and faithfully. He is his brother's keeper; and as in these matters knowledge means added life and happiness and usefulness to the communities whose welfare is his charge, he will reject no method of labor and spare no endeavor which offers the prospect of increased power over disease.

"The day is short, and the work is much, and the laborers are slothful, and the reward is great, and the master of the house presses."

Mr. SHERLEY. I yield the remainder of my time to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Chairman, I will read as a part of my remarks the following bill:

Be it enacted, etc., That section 718 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 718. That before any notice is given of a motion for an injunction out of a circuit or district court the party or person sought to be enjoined shall have at least five days' notice thereof, which said notice shall be in writing and shall state the time and place and the court or judge thereof before whom said motion will be made, unless the court or judge thereof shall be of the opinion that irreparable injury will result from delay, which fact must be made to appear from the affidavits of not less than three responsible persons, and said order can only be granted upon the condition that the party seeking the order gives security therefor to the approval of the court."

SEC. 2. That section 725 be amended to read as follows:

"SEC. 725. That the said courts shall have the power to impose and administer all necessary oaths and to punish by fine or imprisonment, at the discretion of the court, contempts of their authority as herein provided; that contempts committed during the sitting of the court or of the judge of chambers in its or his presence, or so near thereto as to obstruct the administration of justice, are direct contempts; and such power to punish direct contempts therein shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, including the misbehavior of any officers of said court in their official transactions; and direct contempts may be punished summarily, without a written accusation against the person arraigned; but if the court shall adjudge him guilty thereof a judgment shall be entered of record, in which shall be specified the conduct constituting such contempt, with a statement of whatever defense or extenuation the accused offered thereto, and the sentence of the court thereon. All other contempts are indirect contempts. That upon the return of an officer on process or affidavits duly filed by the party seeking the injunction showing any person guilty of indirect contempt a writ of attachment or other lawful process may issue, and such person be arrested and brought before the court; and thereupon a written accusation, setting forth succinctly and clearly the facts alleged to constitute such indirect contempt, shall be filed by the party seeking the injunction, and the accused shall be required to answer the same by an order which shall fix the time therefor, and also the time and place for hearing the matter, and the court may on proper showing extend the time, so as to give the accused a reasonable opportunity to purge himself of such contempt; but, pending the trial, and until the final trial and termination of the case, the accused shall be admitted to bail in such sum as the court may direct. After the answer of the accused, or if he refuse to answer, the court shall proceed at the time so fixed to hear and determine such accusation, upon such testimony as shall be produced. If the accused answer, the trial shall proceed upon the testimony, as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him; but such trial shall be by the court, or upon application of the accused a trial by jury shall be had, as in any criminal case. If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment. That the testimony taken on the trial of any accusation of indirect contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court and affirmed, reversed, or modified as justice may require."

Mr. Chairman, I have introduced the above bill knowing that it will not be enacted into law at this session of Congress, but with the hope of keeping the question alive, to the end that it or a similar bill may be enacted into law by the Sixty-first Congress. In presenting my argument upon the question of amending the law as it now exists and in behalf of the measure which I have introduced, I will present it as free from politics as possible and upon broad grounds, free from class or bias.

The question I desire to discuss is the question of trial by jury in contempt cases and the constitutional power of Congress to limit the granting of injunctions; and in presenting it I shall refrain from abuse or criticism of the courts, confining myself

to the exigencies of the occasion, dealing with the law as I find it, and urging such legislation as I deem expedient to remedy the existing evil, if there be any emanating from the law, and the practice in cases of this kind now.

Section 718 of the Revised Statutes of the United States provides:

That whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion, and such order may be granted with or without security, in the discretion of the court.

Section 725 of the same statutes provides that—

The said courts shall have power to impose and administer all necessary oaths, and to punish by fine or imprisonment, at the discretion of the court, contempts of their authority, provided this power to punish contempts shall not be construed to cover any cases except the misbehavior of any person in the presence of the court or so near thereto as to obstruct the administration of justice, the misbehavior of the officers of said court in their official transactions, and the disobedience or resistance of any such officers or any party, juror, witnesses, or other persons to any lawful writ, process, order, rule, decree, or command of said court.

It will be observed that section 725 provides that the court shall have power to punish for contempts of its authority by fine or imprisonment, at the discretion of the court. It undertakes to make a distinction between direct and indirect contempts, not in the ultimate punishment to be inflicted, but in the acts and things which go to make contempts of court. I believe the law should draw a plain distinction between the acts constituting direct contempts from those which constitute indirect contempts, and I believe that the procedure dealing with these two kinds of contempts should be different, provided the contemnor desires to be dealt with differently. Direct contempts which come under the immediate cognizance of the court, or so near thereto as to obstruct and impede its progress, should be dealt with summarily by the court, but a totally different rule of practice should obtain in indirect contempts. I admit that when we undertake to frame a definition of indirect contempt, we find it rather difficult because of the width and scope of the field as applied to indirect contempts by the courts, through lack of a statute defining indirect contempts. Yet, by declaring what shall constitute direct contempts, as decided by the practice of the courts, and then declaring that all others shall be indirect, we arrive at rather a definite and accurate understanding of what shall constitute an indirect contempt.

I may say that I am in favor of the injunctive arm of the court, and not for one moment would I, by statute passed by any legislative body or by judicial construction, strike down this arm of the law. The right of trial by jury is a question which, for the past twenty years or more, has agitated the minds of the American people, a great deal more, it is true, in campaign times and immediately antecampaign times than at any other time. I shall not say that this has been with the hope of securing the votes of any particular class of people, but shall leave the reason why for the calm judgment of the people themselves. The election being over, and the people having resumed their normal mental condition, now, or in the immediate future, would be a very opportune time to consider this important question. Believing the day has come when we should have some legislation along this line, and offering no criticism upon the many champions of this reform, it strikes me that their presentation of the case has been by far too narrow.

This question having been largely forced to the front in the past by great economical questions growing out of labor and capital, has led a large number of people to believe that it is only the laboring class who are demanding this reform in legislation, and thereby a prejudice against it has grown up among another large class of people who otherwise would give the movement their hearty moral support and cooperation. Yet the law, as it now stands, catches all alike, so far as the power of the courts to issue injunctions and so far as their power to punish for contempts of their authority is concerned. What I desire to do, if possible, is to present the question so as to show the necessity for this reform in legislation, hoping to gain moral support for it from every possible source.

For the past twelve years this has been one of the burning political questions discussed by all, from every conceivable point of view, in every election. The platforms of the Democratic and Republican parties in the last campaign both pledged the people to some reform along this line. The Republican platform, speaking upon this subject, says:

* * * We believe, however, that the rules of procedure in the federal courts with reference to the issuance of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing thereafter should be granted.

The Democratic platform declared unequivocally for a trial by jury in indirect contempt cases.

Mr. Taft, the President-elect, in a speech delivered in New York January 10, 1908, said:

I would favor a provision allowing the defendant in contempt proceedings to challenge the judge issuing the injunction and to call for the designation of another judge to hear the issue.

In his letter of acceptance, in an attempt to amend his platform, he says:

I have been willing, in order to meet a popular but unfounded impression that a judge, in punishing for contempt of his own order, may be affected by perscnal feeling, to approve the law which would enable the contemnor, upon his application, to have another judge sit to hear the charge of contempt. * * *

Here is an open confession by the Republican party in its platform that something is wrong; that something should be done to amend this wrong; and this admission is strongly reenforced by the statement of Mr. Taft in his New York speech, and in his letter of acceptance. The difference in the positions of the two parties on this question is: The Democratic platform, in cases involving indirect contempts, insists upon a trial by jury, and the Republican party on granting to the contemner a change of judges in the event it is desired on the part of the party charged with having violated an order of the court. The Democratic party insists upon submitting these questions of fact to a jury. The Republican party insists upon submitting them to a judge who, like a jury, must hear the evidence upon the subject before he can determine the rights of the parties thereto. An admission that another judge might be called to consider the question of contempt is an open admission that some change in the existing law or procedure is needed, and a radical change at that. If you have a change from one judge to another to try the question of contempt, why not have a change to a jury of 12 men to try these questions of fact? Would the judge be any more competent to try the questions of fact than a jury of 12 men? I think not. Mr. Taft, in another place in his letter of acceptance, states that the Democratic party's position upon this question is a dangerous attack upon the judiciary of the land. Why is it a dangerous attack upon the judiciary to allow a jury trial in indirect contempt cases? Would it mean the ultimate overthrow of our judiciary system to allow a jury trial in indirect contempt cases? Grant that it would be an innovation upon the mode of procedure now in force in regard to the practice of punishing for indirect contempts, and grant, further, that it would be revolutionary so far as this practice is concerned; it does not follow that it would be anarchistic or destructive in it tendencies to the judiciary of the land nor to the institutions of our country. The right of the trial by jury has for the past eight hundred years been regarded as one of the most sacred rights to which the Anglo-Saxon race is heir. It was a right wrung by the peasants of England from King John at Runnymede and embodied in Magna Charta, the great charter of all liberty-loving people, which has come down to us from that day through the ages of time, ever held as one of the priceless jewels of our inherent political rights. From that time to this that right has been claimed by the Anglo-Saxon race, and I hope will continue to be claimed by it wherever it may be found, either in the Republic of the United States or throughout the world.

Mr. Chairman, one of the causes for which the King of England was arraigned in the Declaration of Independence was that he had denied the right of trial by jury to some of his subjects living in the colonies. When the time came to construct a republican form of government upon the wreck and ruins of the colonial system, the builders of this government and the framers of the Constitution, true to their former convictions on this subject, and true to the arraignment of the King of England, as set forth in the Declaration of Independence, declared in the Constitution of the United States that "the trial of all crimes, except in cases of impeachment, shall be by jury." Fearing that this right of trial by jury was not thus properly safeguarded by the article referred to, in less than two years after the adoption of the Constitution, amendments 6 and 7 were submitted and adopted by the legislatures of the various States, and thereby became a part of this instrument and declared by it to be the fundamental law of the land. Amendment 6 to the Constitution provides:

In all criminal prosecutions, the accused shall enjoy a right to a speedy and public trial by a jury of the State, * * * and to have the assistance of counsel in his defense. * * *

Amendment 7 provides:

In suits at common law, where the value in controversy exceeds $20, the right of trial by jury shall be preserved.

Article III, section 1, of the Constitution provides:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

It will be observed that this section of the Constitution referred to places plenary power in Congress to ordain and establish inferior federal courts, such as the United States circuit court and the United States district court; and, Congress having the power to ordain and establish these courts, it follows that Congress has plenary power to prescribe the rules and practice of these courts, and having the power to prescribe the rules and practice governing them, it has complete power, not only to define and state what contempts shall consist of, but it has complete power to prescribe the manner and modes of punishment which shall follow in contempt cases.

I listened the other day with rapt attention to the able argument, delivered upon the floor of the House by Judge JENKINS, of Wisconsin, upon the lack of constitutional power in Congress to pass laws preventing the issuing of injunctions in certain cases. While it was an able presentation of the question from his viewpoint, yet I can not subscribe to the doctrine annunciated by him in all its details. I believe Congress has the power, under the Constitution, to prescribe the practice of federal courts in the issuing of injunctions by inferior federal courts. If Congress has the power to create inferior courts, as provided by the Constitution, to my mind it is clear that it must and does have the power to prescribe the rules of practice which shall govern them, and to prescribe how and in what manner injunctions may be issued, and how and in what manner parties litigant, civil or criminal, who come before them in their several jurisdictions, shall be treated.

Mr. Chairman, Judge Cooley, one of the greatest expounders of constitutional law of the present age, in his splendid work, on page 11, says:

The Government of the United States is one of enumerated powers; the National Constitution being the instrument which specifies these powers, and in which authority should be found for the exercise of any power which the National Government assumes to possess. To accomplish these purposes, the Congress is empowered by section 8 of Article I to constitute tribunals inferior to the Supreme Court. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof.

Judge Cooley again says:

Within the legitimate scope of this grant Congress can determine for itself what is necessary and in support of this principle.

Cites the case ex parte Curtis (106 U. S., 371), wherein Chief Justice Waite, while speaking of the powers of Congress to carry into effect all laws that are delegated in Article I, section 8, of the Constitution, says:

Within the legitimate scope of this grant Congress is permitted to determine for itself what is necessary and what is proper.

If this principle be the law, should Congress determine that it is not only necessary, but proper, to prescribe the limits within which injunctions may be issued, as well as to prescribe the modes of practice which shall govern inferior courts in the trial of cases before them, then it is clear that Congress has such constitutional power. (I may remark it was under this clause of the Constitution that the Supreme Court (110 U. S., 421) held that Congress had the constitutional power to make treasury notes of the United States, otherwise greenbacks, legal tender in payment of private debts in time of peace as well as in time of war, when the Constitution declared that nothing but gold or silver should be legal tender in the payment of debts.)

Judge Redfield, another eminent jurist, in the case of Thorpe *v.* Rutland and Burlington Railroad Company (27 Vt., 140), lays down the following doctrine as being the law:

It has never been questioned, so far as I know, that American legislatures have the same unlimited power in regard to legislation which resides in the British Parliament, except where they are restrained by written constitutions. That must be conceded, I think, to be a fundamental principle in the political organization of the American States. We can not well comprehend how, upon principle, it could be otherwise. The people must, of course, possess all legislative power originally. They have committed this, in the most general and unlimited manner, to the several state legislatures, saving only such restrictions as are imposed by the Constitution of the United States or of the particular State in question.

This is universally conceded to be the rule with reference to the States. Has not the Congress of the United States the same power, through the people who created it, within the constitutional limits it itself prescribes?

Cooley again, on page 127, says:

In creating the legislative department and in conferring upon it legislative power, the people must be understood to have conferred the full and complete power, as it rests in and may be exercised by the sovereign power of any country, subject only to such restrictions as they may have seen fit to impose and to the limitations which are contained in the Constitution itself. The legislative department is not made a special agency for the exercise of specifically desired legislative powers, but it is intrusted with a general authority to make laws at its discretion.

Justice Story, another equally eminent jurist, in his treatise on the Constitution, section 1590, makes it clear that it is obligatory upon Congress to establish inferior courts, as provided in the Constitution; but nowhere does he say that, after having created an inferior court, it can not prescribe and define what its powers and duties may be.

Mr. Chairman, one of the best-considered cases which I have been able to find bearing upon this proposition is the case of Wayman et al. *v.* Southard et al., Tenth Wheaton, page 1, a decision rendered by Chief Justice Marshall. I may say that this case was certified to the Supreme Court of the United States by the circuit court of the State of Kentucky, involving several propositions. One of the propositions involved was whether or not Congress had power to prescribe the mode of practice of inferior federal courts. In speaking upon this proposition, on page 13, Chief Justice Marshall says:

All the legislative power is vested exclusively in Congress. Supposing Congress to have power under the clause for making all laws necessary and proper and to make laws for executing the judicial power of the Union, it can not delegate such power to the judiciary. The rules by which the citizen shall be deprived of his liberty or property to enforce a judicial sentence ought to be prescribed and known, and the power to prescribe such rules belongs exclusively to the legislative department. Congress could not delegate this power to the judiciary or to any other department of the Government. The right to liberty and property is a sacred vested right under the Constitution and laws of the Union and States. The regulations by which it is to be divested for the purpose of enforcing the performance of contracts are of vital importance to the citizen. The power of making such regulations is exclusively vested in the legislative department by all our constitutions and by the general spirit and principles of all their government. It is the office of the legislator to prescribe the rule, and of the judge to apply it; and it is immaterial whether it respects the right in controversy or the remedy by which it is to be enforced.

Having by statute spoken these inferior tribunals into existence, by the same or another statute Congress has complete power not only to prescribe the kind of cases in which injunctions shall issue, but in addition thereto has power to prescribe the mode of practice which shall obtain in any kind of case pending for trial before inferior courts. I advert to this argument in response to the argument made by the gentleman from Wisconsin the other evening. Judge Sedgwick, in his valuable work on Statutory and Constitutional Construction, second edition, page 577, says, in speaking of amendments 6 and 7:

The right of a trial by jury under the Constitution of the United States is secured by three provisions, to be found in the section of the third article and the sixth and seventh amendments to the Constitution, the two former of these relating to criminal laws. The latter relates to civil causes. One of the strongest objections originally taken to the Constitution of the United States was the want of an express provision securing the right of a trial by jury in civil cases, and this gave rise to the seventh amendment.

If the case of Twentieth Wallace and that of One hundred and fiftieth United States be the law, that a contempt is a criminal case, then it is clear that under the sixth amendment to the Constitution the party demanding it is entitled to a trial by jury. Indeed, I believe that it was the intention of the framers of the Constitution that a jury trial should be granted in all cases of a criminal nature and as bearing this belief out an act was passed by Congress in 1789, found in First Statutes, page 77, which plainly provides that district courts shall have, exclusive of the courts of the several States, cognizance of all crimes and offenses that shall be cognizable under the authority of the United States committed within their respective districts or upon the high seas, and the trial of issues in fact in the district courts in all cases, except civil causes or admiralty or maritime jurisdiction, shall be by jury.

The whole tenor of our law, from the Constitution of the United States down to the constitutions of the various States, recognize the right of trial by jury in all criminal cases, the Constitution plainly providing that in all criminal cases the right of trial by jury shall remain inviolate; and to contemplate that the Constitution grants a right of trial by jury in all criminal cases, and to realize that under a construction placed upon existing law by the courts themselves that a jury is not permissible in trials of contempts, and then to realize the failure of Congress to pass a law to faithfully carry out all of these plain constitutional provisions is astounding. Especially does this impress itself upon us in view of the numerous petitions, requests, and appeals made by a large class of citizens of this country to Congress asking it to enact a law which would enable them to avail themselves of these plain constitutional provisions. It can not be argued that the punishment of contempts

is a civil proceeding, because the Supreme Court of the United States, in different decisions, has expressly held otherwise. In the case of New Orleans *v.* New York Maire Steamship Company (20 Wallace, 387), it is expressly held that contempts of court is a criminal offense, and this same doctrine was reaffirmed by Chief Justice Fuller in the case of re Swan (150 U. S., 637), where the Chief Justice lays the doctrine down as follows:

That contempts of courts is a specific criminal offense.

We have, therefore, section 718 giving to the courts power to issue restraining orders, and section 725 giving to the same courts power to punish for contempts of their authority, and at the same time no statute in force to back up these constitutional provisions, under construction placed upon existing law by the courts, whereby the contemner can demand the right of trial by jury, although in the two cases cited above the Supreme Court of the United States holds that contempt cases are criminal in their nature. If the decision in the case in twentieth Wallace and in re Swan be law, that contempt cases are criminal, then the rules and practice relating to criminal law should obtain in all cases where the question of contempt is involved. If they be criminal cases, the contemner should be put in the attitude and in the position of any other defendant charged with having violated some of the penal statutes of the Government, and when put in this attitude he is then in a position to demand a trial by jury and, in addition thereto, surround himself with all reasonable doubt of his guilt.

The practice grown up in the punishment of contempts of court in this country inverts the order of procedure. Instead of throwing the burden of proof upon the Government to establish the guilt of the defendant beyond all reasonable doubt, the rule has been inverted and the burden of proof is now thrown upon the defendant to show that he did not violate any rule of the court—a legal absurdity.

The Constitution again declares that no man's life or property shall be taken from him without due process of law. The jury system has come down to us until it is a part and parcel of the judiciary system of the land, and when the contemner is denied the right of trial by jury he then has not only his property but his liberties denied and taken from him without due process of law.

One of the objections made to this mode of procedure is placed upon the ground that it would delay the procedure of courts. Have we reached the stage in life where human rights and human liberty must be sacrificed in the interest of time and, I may add, in the interest of property?

How about the delay now when men are charged with violating contempts of court? This is one of the evils complained of to-day, contemners never being permitted to get a hearing until exhausted financially and otherwise. How about the continuance of the cases of Gompers, Mitchell, and Morrison until after the election, when these men were and had been ready for trial weeks and months before the election?

If a charge involves the inherent rights and liberties of the individual, guaranteed to him under the Constitution, and if the individual can not demand a jury trial to determine his personal rights and liberties, then indeed the framers of the Constitution lived and worked in vain, and we become the subjects of legal construction instead of constitutional rights and privileges. The jury system, since its early adoption, has always stood, and I hope always will stand, as one of the surest bulwarks against military, political, and judicial despotism.

The gist of the bill which I have introduced is to be found in section 2, which seeks to throw around the contemner the protection ordinarily thrown around a defendant charged with violating a criminal statute, giving him not only the right of trial by jury in indirect contempt cases, but giving him the benefit of all reasonable doubt. If we are not careful and mindful of these constitutional rights given to us by our forefathers, the day is fast approaching when one by one these inalienable rights which we now enjoy will be undermined, and we will be but the representatives of a once proud, glorious, and independent people.

To the end that this Government may never perish from the earth, but shall live forever in all of its grandeur and glory, let us return to the Constitution of the United States and live under and beneath its strong protecting arm, not fearing to enact a law granting the right of trial by jury to contemners in cases of indirect contempts. We need have no fear in the enactment of such a law as this. It will not undermine the judiciary system of our country, but, on the contrary, will go far to rehabilitate and reestablish that degree of confidence in the minds of the people in the courts of the land which they ought to and should have, and which they do not this day entertain. [Great applause.]

Mr. SMITH of Iowa. Mr. Chairman, I shall explain the bill as we proceed with the reading of it, and I ask for the reading of the bill.

The Clerk read as follows:

For purchase and installation of searchlights for the defenses of our most important harbors, $210,000.

Mr. McLACHLAN of California. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill if provision is made in this bill for the fortification of San Pedro Harbor, in California?

Mr. SMITH of Iowa. There is no provision made in this bill for the fortification of what is known as "San Pedro." San Pedro is the port for the city of Los Angeles, but about 12 miles distant. There never was any report in favor of the fortification of San Pedro until since the last session of Congress. After this bill was prepared, and before it was reported to the House, a report was transmitted favoring the fortification of San Pedro. No amount, however, was put into the bill at that time, as the reporting of the bill had already been voted.

I would have no objection, so far as I am personally concerned, to putting into this bill such an appropriation as would commence the purchase of a site at San Pedro, provided the language was general, as it always is in cases of this character. If the gentleman desires to offer an amendment to that effect I will not object.

Mr. McLACHLAN of California. Mr. Chairman, I desire to offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, after line 17, insert:
"For procurement or reclamation of land or rights pertaining thereto, needed for site, location, construction, or prosecution of work for fortification and coast defenses, $250,000."

Mr. MANN. Is it certain that this money will be used for this particular purpose?

Mr. McLACHLAN of California. I so understand it, and that was the object of my asking the gentleman in charge of the bill if anything had been provided for fortification of this particular harbor. I desired to insert in my amendment, "San Pedro Harbor, California," but I was informed by the gentleman in charge of the bill that that was unusual, and he asked me not to insert a particular locality. The proceedings on the floor at this time will indicate the purpose of the amendment.

Mr. MANN. So if this item goes into the bill it is, in a way, a direction to the War Department to use the money for San Pedro Harbor?

Mr. McLACHLAN of California. There is nothing in the amendment——

Mr. MANN. I understand that, but I mean in the way it goes in it will be an indication.

Mr. McLACHLAN of California. The discussion here indicates that that is the purpose of my offering the amendment.

Mr. SMITH of Iowa. I will say that this is the usual method of appropriating money for sites for seacoast fortifications.

Mr. DRISCOLL. Is this an increase of the appropriation for seacoast defenses?

Mr. SMITH of Iowa. It is a straight increase of one-quarter of a million dollars.

Mr. DRISCOLL. I was going to congratulate the gentlemen who prepared the bill, because it was a very moderate and conservative bill.

Mr. SMITH of Iowa. And the gentleman will find it still moderate and conservative as it passes the House. This is the only increase the chairman of the subcommittee will consent to.

Mr. DRISCOLL. The committee might as well have put it in as to put it in in this way.

Mr. SMITH of Iowa. I have explained that there was no estimate of this before the committee; that the report came in afterwards.

Mr. McLACHLAN of California. Mr. Chairman, the last fortification bill, approved May 27, 1908, contained the following provisions:

The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity, and, if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately.

In compliance with that law the Secretary of War appointed such a board, which made a thorough investigation of San Pedro Harbor during the summer of 1908, and its report is to be found in Senate Document No. 656, Sixtieth Congress, second session, which, in my judgment, contains the best argument

that can be made in favor of the amendment which I have offered to this bill, and reads as follows:

[Senate Document No. 656, Sixtieth Congress, second session.]

SEACOAST FORTIFICATIONS, SAN PEDRO, CAL.

Message from the President of the United States, transmitting a communication from the Secretary of War submitting information as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity.

To the Senate and House of Representatives:

In compliance with the following paragraph in the act of Congress entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved May 27, 1908:

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity, and, if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately."

I transmit the accompanying communication from the Secretary of War submitting the information called for.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

WAR DEPARTMENT,
Washington, January 12, 1909.

The PRESIDENT:

In compliance with the paragraph at the top of page 2 of Public, No. 143, being the fortifications act approved May 27, 1908, which reads: "The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity, and, if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately," I have the honor to transmit herewith the information called for embodied in one report, as follows:

First. Report of the General Staff as to the "Advisability and necessity of fortifying the harbor of San Pedro, Cal."

Second. Estimate of the cost of sites and fortifications, separately, submitted by the Chief of Coast Artillery, based on report of a board of officers and approved by the General Staff.

It is recommended that only so much of the funds needed to provide for the protection of San Pedro Harbor, California, as is required for the purchase of the land, namely, $400,000, be appropriated at the present session of Congress.

Very respectfully,

LUKE E. WRIGHT,
Secretary of War.

PART I.—ADVISABILITY AND NECESSITY OF SEACOAST FORTIFICATIONS FOR THE PROTECTION OF THE HARBOR OF SAN PEDRO, CAL., AND THE CITIES IN THE VICINITY.

San Pedro Harbor and Wilmington Harbor are names given to different parts of what are really the same body of water. Wilmington is at the inner end of Wilmington Slough; San Pedro about 2 miles from Wilmington and at the San Pedro Bay or outer end of the slough. San Pedro Bay is part of the Pacific Ocean.

San Pedro and Wilmington are small towns of a few thousand inhabitants each. The harbor is of importance commercially as the port of Los Angeles, distant 22 miles, and with a population of about 280,000.

The first inquiry that suggests itself is to ascertain how the question of fortifying this harbor has been viewed by the various boards that have investigated the needs of coast defense for the United States and whose approved reports express our coast-defense policy.

There have been two of these boards—the Endicott Board, which submitted its report in 1886, and the Taft Board, which submitted its report February 1, 1906. Neither of these boards made any reference in its report to the subject of defenses for San Pedro Harbor.

Returning to a consideration of the harbor itself, it may be remarked that there is practically no natural harbor at this point. Wilmington Slough, before dredging was commenced by the United States Corps of Engineers, in 1871, had a depth of less than 2 feet at low tide at the entrance. As for San Pedro Bay, it was practically an open roadstead until the building of a breakwater, commenced in 1898.

The negative action of the Endicott Board may be accounted for by the fact that at the time this board made its report no such thing as a San Pedro Harbor was in existence.

In deciding what harbors should be fortified the Taft Board was guided by instructions to "examine and report at what ports fortifications are most urgently required" and to "recommend the armament, fixed and floating, * * * that may be necessary to complete the harbor defenses with the most economical and advantageous expenditure of money."

With reference to the Taft Board, it appears that "the board, after carefully weighing the relative commercial and strategic importance of the ports and harbors of the United States and the insular possessions, modifies and revises the list of ports submitted by the Endicott Board as requiring defense." After presenting this revised list the Taft Board report further states that, "while the military needs of the coast as they exist to-day can be determined and provided for, the growth of the country, the construction of railways and other lines of communication, may give a commercial and economic importance to other ports which they do not possess at present."

We see that the Taft Board was directed to make its recommendations along conservative and economical lines, in accordance with the well-established policy of the Government in expenditures for the military establishment, and that the board qualified its findings by a recognition of the fact that future commercial and strategic development might call for the fortification of ports not included in the list submitted.

Let us consider the status of San Pedro Harbor, contemporary with the Taft Board report, or rather in the latter part of the year 1905, the period to which may be referred the data on which the report was based.

At that time the harbor improvements, including railroad terminal and wharfage facilities, were so far from completion that commercial economics dictated the receiving of almost all the foreign freight for Los Angeles at either San Francisco or San Diego, whence it was transported to destination by rail. Coastwise traffic comprised practically the entire commerce of San Pedro Harbor.

In the three years that have elapsed since then considerable advance has been made in these harbor improvements, and commerce has expanded apace. From a report dated December 17, 1907, by the officer having in charge the engineer district which includes San Pedro Harbor, to the Chief of Engineers, it appears that the commerce of this harbor, amounting in 1906 to 1,004,000 tons, had increased to the sum of approximately 1,144,466 tons for the first eleven months of 1907.

The value of the port commercially is, in a very large degree, dependent on the kind and extent of the railroad terminal and wharfage facilities provided by business interests. The development of such facilities is determined by considerations of profit. As soon as it becomes a paying proposition to receive foreign shipments, or coastwise shipments in heavy-draft vessels, intended for Los Angeles, at San Pedro, rather than by rail from San Francisco or San Diego, just so soon the necessary facilities for handling such shipments at San Pedro will spring into existence.

The critical point of commercial advantage for San Pedro Harbor seems already to have been successfully passed. The era of business activity which the harbor has entered upon is clearly indicated in the following further quotation from the above-mentioned engineer report: "The Southern Pacific Company is pushing the completion of a large slip with timber and stone bulkheads and creosoted piling wharves. As before stated, this slip is to have a length of 1,850 feet, is 250 feet wide, and is to be dredged to 30 feet at low tide." Mention of other considerable business activities in the development of this port is made elsewhere in the same report.

The following, with reference to San Pedro Harbor, from a Southern Pacific Railroad Company publication, is of interest: "When completed, a good and commodious harbor will be provided, and as the plan (United States Engineer project) includes the extension of the present jetty (breakwater) and the dredging of the inner harbor to accommodate the rapid development of commerce here, ample and safe refuge will be provided for vessels of the largest size. It will embrace an area of 1 square mile, and in this can float the tonnage of half the world." The foregoing indicates the trend of civilian thought. From it we may gather what may confidently be expected to be brought about by the development of the near future.

In this connection we may also quote again from the engineer report: "The completion of the Panama Canal will tremendously stimulate ocean traffic on the Pacific coast of the United States, and as San Pedro is the gateway for the most important commercial center south of San Francisco, and as it is the only point in southern California now reached by more than one transcontinental railroad, the trade will certainly come there if the facilities are available."

The next step in harbor improvement by the National Government is the extension of the existing breakwater. A project for such extension has been prepared and will no doubt meet with the approval of Congress.

San Pedro will undoubtedly become a very important port both as to the amount of commerce handled by it and as to the large safe anchorage which it will afford for deep-draft vessels. There will also be splendid railroad terminal and wharfage facilities. In fact, the harbor will soon be suitable for the embarking or debarking of large military expeditions.

A brief survey, with reference to the case under discussion, of some of the considerations which make the fortification of any given harbor necessary seems desirable. These conditions may be stated as follows:

1. When the property to be protected locally against a raid by the enemy is of such value as to render adequate fortification economical as a matter of insurance. A raid by the enemy might be either a purely naval affair, involving the bombardment of the harbor settlements and the destruction of shipping, wharves, and railroad terminals, or it might include the landing of a force sufficient for an expedition against Los Angeles, followed by the quick withdrawal of the same.

Considering existing conditions and making due allowance for the development which will unquestionably take place, both in the immediate vicinity of San Pedro Harbor and in the Los Angeles country generally, before the earliest date when proper fortifications, with their armament and accessories, can be installed, it is believed that the immediate fortification of San Pedro Harbor is desirable, if for no other reason at least as a provision of local insurance.

2. When the harbor is required as a base for our own fleet. Inasmuch as the fortified harbors of San Francisco and San Diego are only about 480 miles north and 100 miles south, respectively, of San Pedro, it would seem that there is no need of going to the expense of fortifying San Pedro Harbor merely from the standpoint of the needs of our own fleet.

3. When the harbor offers superior advantages to the enemy as a base for—

(a) Purely naval purposes. The use by an enemy of this harbor as a purely naval base would be with a view to operations against other points on our Pacific coast or against the Panama Canal.

It may be assumed that our enemy is coming from the Orient. In view of the limitations of fuel capacity in ships, such an adversary would be compelled to utilize some stopping place between Asia and the Pacific coast of America. An attempt would possibly be made to seize such an intermediate base, either in the Aleutian Islands, say at Unalaska, or in the Hawaiian Islands, as at Pearl Harbor. San Pedro is within easy reach of either of these places, its distance being approximately 3,500 miles from Unalaska and 2,100 from Pearl Harbor.

The radius of action of a war ship, with reference to a given base, may be defined roughly as the maximum distance from that base to which it may steam, fight an action, and still have left fuel enough to return to the base. It is therefore somewhat less than half steaming distance. When one considers that the entire extent of our Pacific coast line is easily less than the radius of action of any vessel whose fuel capacity would permit it to make the trip from Asia to an intermediate base, or from the intermediate base to San Pedro, it is apparent that so far as location is concerned, San Pedro would be a good base for an enemy to operate against our Pacific coast.

From the Pacific entrance of the Panama Canal to San Pedro the distance is only about 3,000 miles, whereas from the same point to Pearl Harbor and Unalaska it is about 4,700 and 6,300 miles, respectively. San Pedro would be a valuable stopping place for a fleet passing either way between the Panama Canal and either Pearl Harbor or Unalaska. Being only about 100 miles farther from the canal than is San Diego, San Pedro offers practically equal advantages with the former for operations against the canal, while it offers considerably greater advantages for such purposes than San Francisco, which is about 480 miles farther away.

It appears, therefore, that as a purely naval base San Pedro offers to an enemy considerable advantages.

(B) Invasion by an army. In deciding on a point for attacking us the following would enter into an enemy's considerations:

(a) Value of the territory. Let us take, as indicated on the sketch map herewith, a strip of land including San Pedro, which for convenience may be designated as the "Los Angeles country." From a point on the coast just to the north of Santa Barbara, where the mountains run down close to the sea, it extends along the coast as far south as the Mexican border. Toward the interior it is bounded by an imaginary line which, drawn along the crests of mountain chains, circles eastward and southward from the northernmost coast point, passes through Saugus and San Bernardino, and thence proceeds more westwardly until at a point about 35 miles from the coast it reaches Mexico.

This area may be estimated roughly as having an average length of about 200 miles, with an average width of about 50 miles, and comprising therefore about 10,000 square miles.

The soil of the valleys is remarkably fertile, while the mountains abound in forest and mineral wealth. Ores, petroleum, asphaltum, lumber, grain, vegetables, fruits, and live stock are there in profusion. Manufacturing facilities, especially in the city of Los Angeles, are well developed. It is claimed that 80,000 horsepower of electrical energy is being utilized in that city alone, although the immense water power of its neighboring mountain stream is as yet scarcely touched. Civilization, with its railroads, wagon roads, electric street cars, telephones, educational institutions, and conveniences of all kinds, is found in a stage of most modern development.

Many countries with vastly fewer advantages support a population of 400 to the square mile. At no greater than this average the Los Angeles country could support a population of 4,000,000. Its present population may, in the absence of reliable figures, be estimated roughly at about 600,000.

When one thinks of the great extent of this Los Angeles country, its immense natural and artificial wealth, and takes also into consideration the mild, equable climate, which makes it one of the most attractive dwelling places in the world, no effort of the imagination is needed to realize the temptation it offers to those oriental powers whose population is pressing hard on the means of subsistence.

(b) Ease of conquest. Occupation by the enemy would be made easier by the absence of fortifications, and in proportion as the commercial facilities of the harbor develop. Without fortifications, every addition to the existing breakwater, every increase in the width and depth of the inner harbor, and every improvement in the wharf and railroad facilities is just so much provision of means for an enemy to take possession and to maintain himself in such possession.

Recent study discloses the fact that, assuming there were no effective naval opposition, a certain oriental power could, within a month of the time its hostile intentions began to be even strongly suspected (a formal declaration of war would no doubt come a good deal later), land on our Pacific coast an expedition of an estimated maximum of about 100,000 men, and that such a force could be augmented, by the end of two months more, to a total of possibly 300,000. The ease with which San Pedro Harbor, unfortified, and through it the entire Los Angeles country, could be seized is apparent.

(c) Strategic relation of the conquest of the Los Angeles country in any scheme for the conquest of the entire Pacific coast country west of the Rocky Mountains. From a defensive point of view, our Pacific coast country is divided naturally into three grand divisions, which may be referred to, in order from north to south, as the Puget Sound (including the territory tributary to the Columbia River), San Francisco, and Los Angeles countries. The Rocky Mountains act as a great natural barrier between these subdivisions and the interior. Likewise, these subdivisions are separated from one another by mountains.

It is sufficient to note these facts in a general way and to remark that while complete, each in itself, for defensive purposes, these areas are yet so related to one another as to readily permit of progressive occupation by an enemy, provided such enemy act so quickly as to forestall on our part any adequate defense at the communicating passageways.

There are certain harbors the possession of any one of which would give an enemy from the Orient a foothold of especial advantage toward the conquest of the whole Pacific coast of the United States. The fortifications of such harbors are so interrelated in the scheme of general defense that they constitute what might be called a "chain of defense." San Pedro Harbor would be of such especial advantage to the enemy. Inasmuch as a chain is no stronger than its weakest link, the plan of general Pacific coast defense fails if this easy door of entry, San Pedro Harbor unfortified, remains open.

(d) Ease of retaining possession. Assuming that a powerful enemy has obtained control of this Los Angeles country, what is the chance of our regaining possession? Referring again to the accompanying map, we find indicated with arrow heads the only passageways between this territory and the interior that would be at all practicable for an army from the interior operating to recover it.

The pass at the northern coast extremity admits of easy defense. All the other entry ways from the land side have the same general defensive features, excepting the one toward Mexico. It is clear that, even were the neutrality of Mexico no stumbling block, attack at the latter point would necessitate approach over a country full of mountains and deserts, where campaigning would be a matter of extreme difficulty.

To bring troops against this Los Angeles territory from the interior (and we must assume the existence of the only condition under which a hostile occupation of our Pacific coast country is at all possible, namely, that the attacking power has attained supremacy on the seas) use must be made of the transcontinental railway lines. All the transcontinental lines of southern California, three in number, enter the Los Angeles defensive zone through the passageways mentioned. These lines are indicated on the map as extending to Salt Lake City, Kansas City, and San Antonio, respectively. The nearest transcontinental railway neighbor to the north crosses the Rocky Mountains east of Sacramento and enters the San Francisco defensive area. Sacramento is nearly 500 miles to the north of Los Angeles.

Sea, mountain, and desert combine to make the position of the invader, once he has taken possession of the Los Angeles country in force, well-nigh impregnable.

The changed conditions since the Taft Board report that now render the fortification of San Pedro Harbor imperative may be summed up as follows:

(1) The development of San Pedro Harbor.

(2) The great potential strength as an enemy which a certain oriental power has recently acquired.

As an additional argument in rounding out this report it may be stated that the suggestive effect of public discussion of war contingencies on the Pacific coast has undoubtedly been to provoke international antagonisms of the gravest character. Adequate fortification at San Pedro would certainly remove one now conspicuous cause of that kind of agitation which leads to unfortunate discussion of our foreign relations, and it would thereby promote that appearance of friendliness which the United States desires to maintain toward its neighbors.

The conclusion seems justified that the early fortification of San Pedro Harbor is a requirement of the welfare of the Nation.

PART II.—ESTIMATE OF THE COST OF SITES AND FORTIFICATIONS, SEPARATELY.

The following estimates, prepared in compliance with the oral instructions of the Chief of Staff by the Chief of Coast Artillery, in cooperation with the chiefs of the supply departments concerned, show the cost of fortifying San Pedro Harbor, California. The project on which these estimates are based is set forth in the second indorsement on A. G. O. 1415074 and accompanying maps and includes the purchase of about 173 acres of land, the emplacement thereon of eight 12-inch mortars, four 14-inch, and four 3-inch rifles, and all accessories for their service, the installation of a mine defense, and the construction on the site it is proposed to purchase of a four-company coast artillery post:

Engineer Department.		
Purchase of site (See 2d ind. on A. G. O. 1415074.)	$400,000	
Emplacements (For eight 12-inch mortars and four 14-inch and four 3-inch rifles.)	855,000	
Electrical installation	250,000	
Searchlights (Six 60-inch and one 36-inch.)	111,000	
Casemates, galleries, etc., for submarine mines	77,000	
Total for Engineer Department		$1,693,000
Fire control		100,000
Ordnance Department.		
Guns and carriages (For eight 12-inch mortars and carriages and four 14-inch and four 3-inch rifles and carriages.)	784,000	
Tools, machinery, cost of inspection, etc	50,900	
Ammunition	233,600	
Submarine mines	66,919	
Total for Ordnance Department		1,135,419
Quartermaster's Department.		
Barracks and quarters (For a four-company coast artillery brick.)	534,850	
Grading, roads, and walks	70,000	
Water and sewer system	72,000	
Electric lighting of post (This provides for post distributing system only; power to be furnished from plant included in engineer estimate of $250,000 shown above.)	50,000	
Total for Quartermaster's Department		726,850
Grand total of estimates		3,655,269

Under the conditions that exist to-day, I believe it to be a crime to allow this harbor to remain longer in its present unfortified condition. To do so, I believe, is to invite disaster to that portion of our common country.

This Government has expended over $4,000,000 for the improvement of that harbor, and contemplates the expenditure of a still greater sum. Even now it will float, in still water, the largest fleet in the world. During the last year it had a commerce of nearly 1,250,000 tons, and in a short time it will be one of the greatest three harbors on the Pacific coast.

California has a coast line of over 1,000 miles, and the only fortifications we have are at San Francisco Harbor, 500 miles north of San Pedro, and San Diego Harbor, 100 miles south of San Pedro.

Surrounding this harbor are the cities of Long Beach, Wilmington, and San Pedro, with a population of 30,000 people within easy range of hostile guns at sea. The city of Los Angeles is near by, with a population of over 300,000 souls, and there three great transcontinental railroads converge. The comparatively level land tributary to this harbor is about 200 miles long and 50 miles wide, bounded on the east by the Coast Range, on the north by the Tehachapi Range, on the west by the Pacific Ocean, and on the south by the Republic of Mexico. The only approaches to this territory from the east are through two narrow defiles in the Rocky Mountains, which could be readily fortified by a hostile army that might gain possession of this territory from the sea. Indeed, such is the conformation of these mountains that it might be impossible to dislodge a determined enemy that once gained possession of that territory.

Within that territory live 600,000 people, as progressive and enlightened as any to be found in all the world. Marvelously rich in natural resources that have only commenced to be developed, with a climate unsurpassed, it is attracting the best people of all lands.

These very conditions that I have just described also invite the attention of any hostile foe across the sea, and the absolute defenselessness of this harbor is an invitation to strike this

very spot, with the Coast Range shielding it from our repelling army from the east.

The city of Los Angeles has recently voted bonds to the amount of $23,000,000 to bring water over the mountains from a valley 220 miles away to support its people. The expensive conduits of this water system would be the first to be destroyed, and I need only take time here to call to your imagination what would be the condition of the people of that city should a hostile foe gain possession of that harbor.

Mr. Chairman, I call for a vote on my amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

UNDER THE ENGINEER DEPARTMENT.

For construction of gun and mortar batteries, $5,064.
For modernizing older emplacements, $100,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word, although what I have to say has no connection with the bill. Mr. Chairman, this is the last day of the present Congress in which private war-claims bills, including the omnibus bills, can be considered under any circumstances, except by unanimous consent. That is the reason why I attempted to make the motion I did this morning, so that we might avail ourselves of this last opportunity. It has often been stated, and truly stated, by the Speaker that a majority of this House can do anything, under the Constitution and laws, that it desires. Consequently a majority can vote against the consideration of any bill, and the question of consideration can be raised on every bill. So that when we have a call of committees the question of consideration could be raised and a vote taken adverse to the consideration of any other bill until the omnibus war-claims bill can be reached. Finally, on the motion of the gentleman from Iowa [Mr. SMITH] to go into the Committee of the Whole to consider the bill now before the committee, I asked for the yeas and nays, in order that the Speaker might see the temper of the House, with the hope that he would make the recognition which he had indicated he would if the temper of the House seemed to demand it. Upon that demand for the yeas and nays only 16 gentlemen arose in favor of it, other than myself. So, Mr. Chairman, that is an advertisement to the entire country, a statement upon the part of those who did not rise, that they did not think enough of war claims to even demand the yeas and nays in order that the Speaker might know the temper of the House was favorable to the consideration of war claims. These gentlemen who represent claims of churches, schools, academies, colleges, and lodges all over the country, as well as claims for private individuals, can tell their constituents that they did not even stand up to demand the yeas and nays on a proceeding by which we were trying to reach consideration of their bills.

These gentlemen come before the Committee on War Claims and plead and beg to have their bills reported. The committee has been industrious and reported many hundreds, and they are on the calendar, but when it comes to getting up and showing their nerve and making a fight, they do not do it. Now, the committee has done all it can, especially the minority members, who have exhausted their resources, and they have not been supported by gentlemen upon this side or upon that. Today you buried the omnibus war claims bill, and did not even put up a headstone; did not even give it the yeas and nays to see who wanted their claims acted upon if possible to reach a condition whereby they might be considered.

Mr. FITZGERALD. Mr. Chairman, the gentleman said that Members on this side did not assist him.

Mr. SIMS. Only 16 Members asked for the yeas and nays, even if the whole 17 were on this side, which was not a sufficient number to get the yeas and nays ordered. This action was evidence to the Speaker that there was practically no sentiment favorable to considering war claims.

Mr. MANN. They were not all on that side.

Mr. FITZGERALD. I desire to state that a motion was made that the House adjourn on Wednesday last. If the House had adjourned, we would have had a war claims day. Did not the gentleman from Tennessee vote against adjournment and in favor of a recess so as to cut out the war claims day?

Mr. SIMS. I voted against adjournment because I wanted the bill then under consideration to be finished and passed. It had an amendment on it to stop the c. o. d. jug trade in intoxicating liquors in this country, and I would do the same thing again. But to-day we had an opportunity to show whether Members wanted to consider war claims bills or not, and only 16 Members besides myself rose to demand the yeas and nays, which seemed necessary in order to convince the Speaker that the sentiment of the House favored such action.

Mr. SMITH of Iowa. Mr. Chairman, I want to state now that hereafter I shall make the point of order against every speech not made to the bill.

Mr. FITZGERALD. I hope the gentleman will wait a moment. I simply wish to say this. I am reminded of the story of the man who kept a summer hotel. At one part of the daily repast a man at table asked for pie and the proprietor came into the room and announced in a loud voice that he wanted his guests to understand that those who had pudding could not have pie. Those gentlemen who are anxious to get this so-called "Knox prohibition bill" passed could not at the same time arrange the legislative business so that they could consider war claims. They took their pudding instead of their pie.

Mr. MANN. The gentleman is mistaken. The House took a recess after the penal code had been passed in the House, without even the gentleman from New York voting against it.

Mr. SMITH of Iowa. Mr. Chairman, this House could have adjourned last night and then this would have been the legislative day of Friday and a war claims day, but we took a recess last night long after the penal-code bill had passed. It is all nonsense about there being any contest between these two measures.

Mr. MANN. And we took a recess without a dissenting voice.

Mr. SMITH of Iowa. Mr. Chairman, I ask for the reading of the bill and I am going to make the point of order against every speech not on the bill.

Mr. EDWARDS of Kentucky. Mr. Chairman, I hope the gentleman from Iowa will not make his point of order until I have had a chance to explain for myself the remarks of the gentleman from Tennessee [Mr. SIMS]. I desire to say to this House that I am one of the 17 who stood up in favor of procuring what I consider the people of this country are entitled to, and that is a consideration of an appropriation for claims which this Government has admitted by its own acts, by its own courts, that it does owe to certain people of this country and which this House is failing to pay by refusing to consider the omnibus claims bill.

The Clerk read as follows:

For reserve lights, $10,000.

Mr. DRISCOLL. Mr. Chairman, I would like to ask the gentleman from Iowa, what does the gentleman mean here by "reserve lights?" It does not seem to be in the current law, and it is an extra appropriation here.

Mr. SMITH of Iowa. I will state it has been determined by the War Department that there should be some little storage-battery electric lamps for use in the magazines in case there is any disaster to the general electric apparatus. These lights are of that type, partly for an actual reserve and partly that the Coast Artillery may be trained in their use—that is, by using them at times when the regular electric lights are turned out, and thus enabling them to train and fit themselves for actual service conditions when the electric lights may be destroyed or temporarily injured.

Mr. DRISCOLL. Is this amount for the apparatus or is this for the current of electricity?

Mr. SMITH of Iowa. Neither. These are in the nature of dry-battery lights—lights to be used in and about the magazines when the ordinary system of electric light is not available.

Mr. DRISCOLL. They are not electric lights at all.

Mr. SMITH of Iowa. They are electric lights, but they are dry batteries; yes.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for machine and automatic guns, and for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $160,000.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of line 12, page 4:

"*Provided*, That no part of any appropriation contained in this act shall be expended for powder other than small-arms powder at a cost in excess of 64 cents a pound."

Mr. SHERLEY. Mr. Chairman, this is simply in accordance with the action taken by the House upon the naval appropriation bill as to the price to be paid for powder other than small-arms powder and that action of the House has been concurred in by the Senate as to powder purchased for the navy, and the same rule, in my judgment, should apply to the powder authorized in this bill.

Mr. SMITH of Iowa. Mr. Chairman, the Government of the United States requires about 4,500,000 pounds of this smokeless

powder per annum. The capacity of the army and navy powder factories is about 1,500,000 pounds, so that it has been buying in the neighborhood of 3,000,000 pounds per annum. Of this only five or six hundred thousand pounds is bought under this bill; about four-fifths of it is bought under the naval bill. It is true, as stated by the gentleman from Kentucky, that the Senate has concurred in the House action in fixing the maximum of 64 cents upon powder purchased under the naval bill. I do not, in view of that fact, feel that it is incumbent upon me at this time to make a determined effort to prevent that amendment going upon this bill, although I believe it to be illy advised, and my action in not vigorously protesting against the amendment is based only upon the fact that the great body of the powder bought by the Government of this character is bought under the naval bill and that only a minor portion of it is covered by this bill.

I do want to say a few things about the subject of powder. Powder of the smokeless variety was first bought by this Government about 1896, and then cost a dollar a pound; but at that time the Government furnished the alcohol for the powder, worth about 9 cents, as I remember it, for the amount of alcohol necessary to produce a pound of powder, so that practically the price of powder was then $1.09. Subsequently a chemical system was devised of recovering a large portion of the alcohol thus used, so that the actual loss of alcohol per pound of powder gradually fell from 9 cents to only about 4 cents, the balance of the 9 cents' worth of alcohol being recovered. I shall make no further reference to this subject of the reduction of the cost of alcohol per pound except to say that the Government furnished the alcohol until 1907, so that the amount that the alcohol cost per pound must be added to the cost given down to that period. In 1896 we paid a dollar a pound; in 1897 we paid the same; in 1898 we bought it at 80 and 85 cents; in 1899 we paid from 80 to 85 cents; in 1900 we paid 70 to 85 cents; in 1901 we paid from 70 to 85 cents; in 1902, from 69 to 70 cents; in 1903, from 70 to 80 cents; in 1904, 70 cents; in 1905, from 75 to 80 cents; in 1906, 70 cents; in 1907, 69 cents, and in 1908, 67 cents per pound; but the fall from 69 to 67 cents was in fact a drop in price of at least 5 cents per pound, because at that time the arrangement was changed so that the powder company furnished the alcohol, and not the Government. The amount of alcohol not recovered had also fallen, so that the actual loss in alcohol per pound was probably not much in excess of 3 cents at that time.

So that there has been a constant decline in the price of powders in the years since 1896, when it was $1.07 to $1.09, to the present, when it is 67 cents a pound.

In the estimates furnished to the committee by the War Department 63½ cents, in round numbers, was given as the cost of powder to the private manufacturer, with certain matters not taken into consideration. Among those was the item of freight.

The powder bought of the private manufacturers is delivered wherever the War Department or the Navy Department may see fit to order it delivered, freight paid. It is in fact delivered either upon the Atlantic coast or at the Benicia Arsenal. About one-fourth is delivered at Benicia Arsenal, and the freight from the eastern powder mills is about 2½ cents a pound.

Mr. SHERLEY. Two and three-tenths cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask unanimous consent that I may conclude my remarks upon that subject.

The CHAIRMAN. The gentleman asks unanimous consent that he may be permitted to conclude his remarks on the subject. Is there objection?

Mr. SMITH of Iowa. I was saying the freight costs approximately 2½ cents a pound, and my friend from Kentucky says 2.3 cents.

Mr. SHERLEY. I have the figures; $2.30 per hundred.

Mr. SMITH of Iowa. Two and three-tenths cents a pound to ship this powder to Benicia Arsenal. Of the amount that is furnished to the War Department, about one-fourth is delivered at Benicia Arsenal—that is, an average additional cost of the powder is about 5.8 cents per pound, by reason of paying 2.3 cents freight upon that shipped west. That alone would raise the estimate before the committee above 64 cents, the maximum that could be paid under this provision offered by the gentleman from Kentucky; but this estimate includes 6 per cent interest only upon the actual portion of the powder plant engaged in the manufacture. It will scarcely be claimed that a man would embark in manufacturing with the understanding that he was to receive as his gross profits 6 per cent upon the value of as much of his factory as he could keep employed.

Mr. FITZGERALD. Will the gentleman state what capacity the plant has, the capital of which is fixed at $1,500,000?

Mr. SMITH of Iowa. It is given in this table, as I remember it, but I can not state it at this moment. But it said that it is estimated upon running at full capacity.

Mr. FITZGERALD. And what would the full capacity be? It is an important thing to know how much they consider is being used of this plant.

Mr. SMITH of Iowa. I can not give it to the gentleman from memory.

Mr. FITZGERALD. I call the attention to it for this reason——

Mr. SMITH of Iowa. I see the statement shows it is estimated that such a plant would produce 1,047,063 pounds.

Mr. FITZGERALD. I had this in mind. We know from our testimony that from an investment of $340,000 we can have a plant that will turn out a million pounds a year.

Mr. SMITH of Iowa. I will reach this question in a moment, if the gentleman will allow me to proceed in my own way.

Mr. FITZGERALD. I beg pardon. I did not want him to pass that by.

Mr. SMITH of Iowa. I will reach it in a moment. Now, that is one item that is in here—6 per cent upon the portion of the plant actually employed, and no more. Now, no man would go into manufacturing to get a return of 6 per cent upon the portion of his plant that was actually employed.

Mr. JOHNSON of South Carolina. Is the gentleman referring to the Indianhead plant?

Mr. SMITH of Iowa. No; I am referring to any plant. This is a hypothetical estimate of what a plant running at full capacity can do, as given by the War Department.

Mr. JOHNSON of South Carolina. Is it not a fact that the Indianhead plant cost only about $650,000, and that its capacity is more than you have stated?

Mr. SMITH of Iowa. No; it is not a fact in any ordinary sense. The Indianhead plant is running now twenty-four hours in a day; and there is no estimate on the value of the real estate, as I understand it. We owned that before. I think I am correct in both statements. But that has nothing to do with this proposition, which is an estimate of 6 per cent upon the cost of a hypothetical plant, as found by the War Department. If you should even allow 8 per cent upon the amount of the plant engaged, not upon the whole plant, it would raise the price 3 cents a pound, or to the full amount allowed by the War Department now.

But still more interesting is the fact that this War Department estimate of fire loss is based solely upon the experience of the Government at a single powder plant at Indianhead, by taking the loss in seven years and dividing it by 7. And in order to ascertain how fair that was I made an estimate, and find that the rate of insurance allowed was 50 cents on $100, or exactly the amount charged for a farm risk in the Mississippi Valley, and that was supposed to represent the danger to a powder plant.

Now, this powder question has its embarrassments to me. There were four independent and separate powder plants at one time, as I understand it, capable of producing smokeless powder for the Government, all now under one management, and one of the four plants, that in California, absolutely closed. The Government, therefore, has no one to buy of save this one company.

When that condition arose a joint board, composed of army and navy officers, changed the policy with reference to buying powder, and in place of taking bids from this one powder company, this joint board estimated what it thought powder ought to be worth and offered that price, made the bid itself instead of receiving bids from the powder company; offered 67 cents a pound, and that offer was accepted by the Du Pont company.

Unfortunately, we have not sufficient capacity at the national plant to produce the amount of powder that we consume in this country now. We are running the plant at Indianhead twenty-four hours in the day. The drying rooms and accessories in the Dover plant are not sufficient to run that plant twenty-four hours in the day. An appropriation has been carried in the naval appropriation bill to enlarge the powder plant at Indianhead, and the sundry civil bill, this day reported to the House, carries an appropriation to enlarge the army powder plant at Picatinny.

Mr. SHERLEY. Will the gentleman state how large that appropriation is?

Mr. SMITH of Iowa. The gentleman knows quite as well as I do.

Mr. SHERLEY. I want the committee informed.

Mr. SMITH of Iowa. The gentleman, then, will inform the committee in due season. Within twelve months from now we ought to be in a position to manufacture all our own powder, if that seems desirable, but we are not in a position to do it now nor until these powder mills are enlarged. If, then, this powder company will not take the price fixed by Congress, in reduction of the price fixed by the army and navy board, these appropriations fail.

I can but feel that it was unfortunate that my friends discovered that 64 cents and not 67 cents was exactly the right price just the year before we had sufficient powder capacity to make our own powder if we wanted to.

But both Houses of Congress having voted as to five-sixths of the powder to put in this restriction, I feel no further responsibility on the subject.

Mr. FITZGERALD. Mr. Chairman, I have no desire to go so elaborately into this question as my colleague on the committee. Anyone who will carefully investigate the question, however, can not but feel that the joint board was somewhat overcareful not to do an injustice to the private manufacturer. One of the items of cost which is allowed, and which brings the price of powder for the private manufacturer up to sixty-three and a fraction cents, is the item of 6 per cent interest on the investment of $1,500,000 for the plant. It is universally stated that the private manufacturer can acquire plants and can conduct them much more cheaply than the Government, yet in estimating how much it costs the private manufacturer to acquire and equip his plant, the army and navy board allows to the private manufacturer $1,500,000, whereas the navy or the army by an investment of $340,000 is able to obtain a plant of equal capacity. If we were to consider that the amount invested by a private manufacturer in his plant was about the same as the investment of the Government, the 9 cents a pound which is allowed by the joint board to represent interest on the investment instead of amounting to 6 per cent upon the amount of investment amounts to 27 per cent upon the amount of investment. So that it would seem to me that even on the showing of the joint board there is ample margin in these figures not only to guarantee a reasonable return upon the investment, but to allow an ample profit upon the business, considering it even an extra hazardous business.

I suggest that while the price of powder has gone down from year to year, during that time in our recent history when the Government consumed such enormous quantities of powder, the price paid was much beyond what the Government should have been compelled to pay for it. But with the extension of our plants and with the information that has been coming, the price has gradually been forced down. More than that, Mr. Chairman, there is no doubt whatever that not only are all of the smokeless-powder plants in this country in a combination, but they even have a combination with all of the foreign manufacturers of this powder. Under the agreement which exists, or which has only recently expired, it was provided that if the Government of the United States applied for information from one of the foreign manufacturers as to what the price of a certain class of powder would be, that manufacturer was compelled to inquire through the chairman of a certain board of the foreign manufacturers from the chairman of the American manufacturers what price was being quoted to the Government by the American manufacturers, and under the agreement the foreign manufacturer could not quote a lower price than was being paid by the Government to the American manufacturer. Knowing what we do about the operations of these combinations, it is apparent that they do not conduct their business at a loss, even when the sole purchaser is the Government. Upon all of the information available I am convinced that the manufacturers can supply powder for 64 cents a pound and make all the profit they should be justified in expecting to make from this business with the Government.

Mr. COX of Indiana. I would ask the gentleman whether or not it is a fact that the price of powder has been gradually declining the last six or eight years.

Mr. FITZGERALD. I am not familiar with the world markets.

Mr. COX of Indiana. In this country.

Mr. FITZGERALD. The gentleman from Iowa has stated the way the price has decreased to the Government from private manufacturers.

Mr. COX of Indiana. That is what I have reference to, and whether it is not a fact that the price of powder has decreased to the Government in the last five or six years.

Mr. FITZGERALD. It has.

Mr. COX of Indiana. Whether or not the gentleman does not attribute that to the fact that the Government, in the last few years, has gone into the manufacture of powder.

Mr. FITZGERALD. Partly that and partly to the fact that information has been acquired as to the methods under which these companies have combined for the purpose of extorting an unreasonable price from the Government. Sometimes fear of what may happen is more effective than actual knowledge of what is being done.

Mr. BURTON of Delaware. Do I understand the gentleman to say that these companies have combined to extort an unreasonable price for powder?

Mr. FITZGERALD. That is my opinion.

Mr. BURTON of Delaware. Has the gentleman any evidence of that?

Mr. FITZGERALD. I have stated some of the information upon which I base it.

Mr. BURTON of Delaware. That is contrary to the reports of Admiral Mason and General Crozier, who state they have always been reasonable in their prices.

Mr. FITZGERALD. That is their opinion; and against their opinion I am compelled to place my own in the discharge of my duties. General Crozier believes that the price is reasonable, although he admits that he would be very much surprised if it would cost the Government more than 50 cents a pound to manufacture it. This excludes, however, certain elements of cost which should be included.

He and many others disagree with me as to whether the Government can do things more cheaply than the private manufacturer. He believes that in most instances the private manufacturer can manufacture more cheaply than the Government. So, if the Government can manufacture for 51 cents, of course, from that standpoint, the private manufacturer can manufacture more cheaply than that.

Mr. MANN. Does not the gentleman himself believe the same thing?

Mr. FITZGERALD. Sometimes; on some things.

Mr. MANN. Have not we evidence that they can manufacture cheaper?

Mr. FITZGERALD. I believe they do. These figures of the General Board, in my opinion, are too high. That is why I have no faith in them. Take the 9 cents per pound, the 6 per cent a year on $1,500,000 for the plant that can not turn out any more than the plant costing the Government $340,000, and I feel that I am justified in my assertion.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERLEY. Mr. Chairman, I do not desire to prolong this debate. The gentleman from Iowa [Mr. SMITH] has in substance said that, inasmuch as the House and the Senate have expressed this view on this matter and on items very much larger than contained in the bill, he has no desire to resist the amendment. This statement of the gentleman might have been overlooked owing to the strenuous statement that followed it in regard to what he conceived to be the price of powder. The question is no longer new in this House.

I have endeavored conscientiously, with the information at hand, to arrive at what I believe to be a fair price for the Government to pay—fair to the Government and fair to the manufacturer. I believe that it is demonstrable that the price of 64 cents represents easily a fair and proper profit to the powder people, and from the statement made by the army and navy board, and with the supplemental items furnished by the distinguished gentleman from Iowa, my previous conviction is more than ever fixed.

The question of transportation was talked of when we had the subject up under the naval bill as if it added several cents to the cost of powder. In point of fact, it will add about one-half a cent.

Mr. SMITH of Iowa. Slightly rising one-half a cent.

Mr. SHERLEY. Very slightly rising one-half a cent. The question of insurance is raised, and the gentleman states that the figures are no more than that for a farmhouse; but he does not go on to say what he thinks the increase would be per pound for powder, even at what would be a proper rate, considering the risk.

Mr. SMITH of Iowa. I will say to the gentleman, if he will permit an interruption——

Mr. SHERLEY. Certainly.

Mr. SMITH of Iowa. Out in the region where I live insurance companies carry risks up to 5 and 6 per cent on frame houses on business streets, but they will not carry a powder magazine at any price. Consequently I infer that insurance companies regard the insurance of powder magazines as rising 5 or 6 per cent.

Mr. SHERLEY. Yes; and if you take it at that you will only add a small increase to the cost.

Now, it is impossible without making a more detailed speech than I desire to take up the various items. All of this information is in the RECORD, and was put there in connection with the naval bill. Unless the House is going to reverse its action and, in my judgment, no evidence has been adduced warranting such reversion, this amendment should be agreed to.

Mr. HULL of Iowa. Will the gentleman allow an interruption?

Mr. SHERLEY. Certainly.

Mr. HULL of Iowa. As I understand, the investigation as to the cost of powder for cannon, which is much cheaper than the powder for small arms, it amounted to within a small fraction of 64 cents a pound.

Mr. SHERLEY. I answer by saying that the two boards added to the actual cost of powder, considering only labor and material, the items of administration cost, which they figure at 2 cents; taxes, at 0.001 cent; interest on capital of $1,500,000, at 6 per cent, at 0.09 cent; rejection, 0.025 cent; making a total of 63.48 cents.

But let me say, also, in that connection that the statement of the investment is totally inaccurate, as explained by my colleague and as shown in the items we are carrying in the sundry civil bill to increase the plant of the powder manufactory for the army. The statement of a million and a half investment is totally inaccurate.

Mr. HULL of Iowa. That price of 64 cents did not take into account some of the items of expense that would necessarily follow, so if you put them in it would run over 64 cents.

Mr. SHERLEY. I argued all that on the naval bill. Now, two of the other items that they figured on were the cost of the experimental work, and any profit which the private manufacturer is entitled to in addition to the 6 per cent on the capital. Inasmuch as 6 per cent on the capital is based on the fictitious capital, nearly twice as big as it ought to be, I do not think we ought to consider that item.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes or ten minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. The other items allow for extra-hazardous risk and pensions for old and disabled employees. Now, every one of these items, in my judgment, could be allowed, and they would not nearly total the difference between what it costs the private manufacturer to manufacture powder as against the Government. I have never known the Government to do anything as cheaply as private manufacturers did it, and it is proved by what I called attention to on this floor before on this very matter. Take the question of alcohol. The private manufacturer, by using advanced methods for the recovery of alcohol, reduced the cost of alcohol very, very materially. The Government did not. Now, then, that is just one illustration where by instituting such methods in private manufacturing operation they bring about economy that makes the total cost less. It is a safe proposition always that a private manufacturer can do the same thing 10 or 20 per cent cheaper than the Government can do it. If you figure that in you have got all these extra items more than accounted for.

Mr. SMITH of Iowa. I do not want to interrupt the gentleman, but I do want to challenge the statement made by him and the gentleman from New York as to the capitalization of this proposed $1,500,000 plant. In that supposititious case taken by the War Department, $1,500,000 is taken as the capital of the company invested in plant and in material to make powder and put in powder drying for six long months, and in this case you only take the cost of the plant itself, and upon that assumption it is announced the statement of the War Department is fictitious, although the War Department counts the value of stock, which is the money here appropriated in this bill, and not money invested in the two plants.

Mr. SHERLEY. The gentleman's statement is his statement, and I do not think the record bears out the fact, when he takes into consideration the question of material invested, stock on hand, and so forth; and I do not believe any other company would be justified in figuring the capital invested in the company in considering not only what the plant cost, but the entire cost of the stock that is carried from time to time.

Mr. SMITH of Iowa. Does not the gentleman know that in this powder which requires six months to dry there is more money invested in stock than in buildings?

Mr. SHERLEY. Yes; but you construe the word "capital" as legitimately to include certain items, and I deny that these items are legitimate in that connection.

Mr. SMITH of Iowa. But you assume they got their material for manufacturing without any capital invested.

Mr. SHERLEY. I do not assume anything of the kind. I assume, and figure on a fair proportion, that they will not have to invest a million and a half dollars in order to get a powder plant that will produce 1,000,000 pounds of powder a year, and the facts do not warrant it.

Mr. BURTON of Delaware. In your estimate of cost, do you make any allowance for powder that does not come up to the standard?

Mr. SHERLEY. Oh, yes; there is a reduction figured at about 2 cents a pound.

Mr. BURTON of Delaware. Two cents a pound for that?

Mr. SHERLEY. Yes; two and a half cents.

Mr. BURTON of Delaware. Do you mean to say you should not allow interest on capital invested in material?

Mr. SHERLEY. I did not say anything of the kind; but I will say to the gentleman I do not know of any business where you would figure not only on the investment, but also for the money tied up from time to time in the output of that factory.

Mr. BURTON of Delaware. It would be for this six months, for it takes that long to dry.

Mr. SHERLEY. But all of it does not take six months to dry and all the capital is not tied up for six months. It is constantly being turned over on the amount that has been dried and the amount that is drying.

Mr. BURTON of Delaware. But there is always six months' product on hand.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Iowa. I ask unanimous consent that the gentleman have five minutes' further time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Take the case of any manufacturer who would invest a million dollars in business. Supposing that all the money he proposes to invest is absorbed in the construction of the plant. Would the gentleman think he could conduct business on that basis, if the amount that he had already put in the investment was all that he could employ in the business?

Mr. SHERLEY. He would have to have some working capital.

Mr. MADDEN. And would be entitled to interest on the investment and capital.

Mr. SHERLEY. He would have to have a certain amount of working capital to take care of the actual investment—the sum that may be put into the manufactured product outside of the fixed investment.

Mr. MADDEN. The gentleman's point is that if they come out with a profit they would not be entitled to interest on that?

Mr. SHERLEY. No; certainly not; as the manufacturer is constantly turning over his money just the same way as in other businesses where the actual capital invested represents a very small proportion of the amount of money that is subsequently involved in the product. Take the whisky business for instance, where the tax is $1.10 a gallon, where the original cost of the whisky would run from 22 to 30 cents a gallon. The moment the tax is paid we have $1.10 in addition to the cost, and yet any man who has considered the nature of that business knows that the capital invested and upon which it is expected that dividends will be earned is very much less than the money tied up in the whisky produced. The man takes his whisky and borrows on it, and in that way carries the tax that he pays to the Federal Government, and it is not principal invested. It is never figured by any of them as part of the principal, and that is true of other businesses.

Mr. MADDEN. Take the matter of whisky in the case illustrated by the gentleman. The tax is not paid on the whisky until it comes out of bond.

Mr. SHERLEY. That is true; but very frequently the distiller takes it out of bond, and it is then held by him pending a sale.

Mr. MADDEN. Held by the party buying?

Mr. SHERLEY. No; held by the manufacturer. There are many occasions on which the manufacturer frees his own whisky. I do not want to get down to a discussion of bookkeeping and finances. The gentleman from Iowa has conceded that the same action was taken in regard to the provision for the purchase of powder contained in the navy bill, and I trust that the same action will be taken by the committee now.

Mr. HULL of Iowa. Mr. Chairman, it seems to me that the proposition to limit the cost of this powder to 64 cents a pound is an exceedingly dangerous one. I have great confidence in some of the officers of this Government, among others the Chief of Ordnance. I think that General Crozier is one of the most careful, painstaking, and conscientious officers this Government has ever had. In the hearings before the Committee on Appropriations, backed in a smaller degree by the hearings of the Committee on Military Affairs, they figured out the cost of the powder within a very small fraction of 64 cents, allowing only 6 per cent on the investment.

Mr. SHERLEY. General Crozier does not figure it that way.

Mr. HULL of Iowa. Oh, yes.

Mr. SHERLEY. He merely submitted the figures of other officers.

Mr. HULL of Iowa. And submitted additional evidence bearing on this when we considered taking this action on the military bill. Furthermore, I believe that if the Government is not to buy powder at a higher rate than 64 cents, but is to make its own powder, I fear that you will be unable to procure powder, and the operations of the army and the navy will be suspended until you can manufacture all the powder that is needed. No additional preparation is made to do that.

Mr. SHERLEY. That is hardly accurate, because a good proportion of the powder is now manufactured by the Government.

Mr. HULL of Iowa. Less than one-third for the army.

Mr. SHERLEY. About one-third of the powder used by the navy, and they use more than in the army.

Mr. HULL of Iowa. I am talking about what they buy. You can make all you want and shoot it away, regardless of cost. When you come to the Government manufacturing it, you do not limit the cost of what we manufacture. We manufacture it if it should cost twice that.

It does not matter what it costs; we would still manufacture it; but it is what we are buying I am talking about. They got it down to a fraction below 64 cents, and that does not include freight charges. That may be a small difference; nor does it include the cost of experimental work and many other items which swell the actual cost above the limit proposed in pending amendment.

The gentleman says these manufacturers have made experimental work, by which they save the alcohol. Does not the gentleman realize the fact that if, by their enterprise and skill, they have devised machinery by which they can use the alcohol over and over again, by redistilling and bringing it back again, they are entitled to something for that?

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. SHERLEY. What does the gentleman think all the money expended in experimentation would figure, figuring it on the cost per pound and considering the output of many million pounds?

Mr. HULL of Iowa. I should imagine it would be very small per pound.

Mr. SHERLEY. A very small fraction of 1 cent on a pound.

Mr. HULL of Iowa. A small fraction, but it only takes small fractions to run it up beyond the cost price that the Government can pay if this amendment is adopted. I admit it is only a small fraction, probably a very small fraction, but it is some expense; and the gentleman's argument, I will say to my friend, was based on the theory that these private manufacturers should not have the benefit of their great ability to cheapen the price of powder in any way.

Mr. SHERLEY. Oh, no; that is the gentleman's conclusion.

Mr. HULL of Iowa. We will have to leave that to the committee. If they save something on alcohol by improved machinery and processes, the gentleman's argument is that the Government should take the benefit of all that away from them.

Mr. SHERLEY. Oh, no; I merely used that one fact as an illustration.

Mr. HULL of Iowa. Now, let the advantage of improved machinery and processes be divided; let the Government receive part of the benefit and the manufacturers part of the benefit.

Mr. SHERLEY. I gave that as an illustration of how much cheaper they do business; and instead of taking the figures of the Government, you may discount them 10 per cent.

Mr. HULL of Iowa. Then you do not take into consideration the low pay of the officers of the Government, who receive salaries for which you could not hire foremen in a private factory. An army officer serves for less than any other man doing the same work. That is true of your river and harbor work. The army engineers receive only a fraction of the compensation which a civil engineer would receive if engaged in that class of work. The reason they work for so much less is because they have life positions, and this Government cares for them after they reach the age of 64.

Mr. SHERLEY. If the gentleman has counted that in, how about the difference in the labor cost, between eight and ten hours a day? Will the gentleman answer that? If he is figuring what a great saving there is on the pay of a few army officers, will he also figure on the great saving there is to a corporation whose employees work two hours a day more than government employees engaged in the same work do, and without any holiday?

Mr. HULL of Iowa. That is a question the gentleman will have to figure out with the Federation of Labor. That organization insists that a man working eight hours a day will do more work than the same man working nine hours a day. It used to be that they worked ten hours. The hours of labor are gradually shortening, on the theory that a man will do more work and better work in fewer hours than he will in longer hours. And eight hours has been fixed as a reasonable number for effective work.

Mr. SHERLEY. The gentleman does not mean to tell this committee that he believes the Government gets the same unit of labor for the price paid that the private manufacturer does in this particular instance.

Mr. HULL of Iowa. Oh, I have no information on that. I take simply the figures here; but I will say to the gentleman, if he wants my opinion on the hours of labor, that I shall be glad to see the time come when every public work, whether conducted by the Government or by private individuals, will be done under a limit of eight hours as a day's work.

Mr. SHERLEY. I am perfectly willing to do the same thing, but when you figure the economical cost I do not want the gentleman to evade the issue by going off on a question of sociology.

Mr. HULL of Iowa. Oh, Mr. Chairman, we are neither of us doing that. We do not either of us know exactly the difference of production of these men. We have nothing to base any judgment upon. I have only this one proposition that I want to bring before the committee, and I imagine that it is useless to do so, although I did not hear the statement of my colleague [Mr. SMITH of Iowa]. I want to bring this proposition before the House, though. I am not willing to go against the best authority we can get and fix a price that is liable to deprive this Government of the powder that is necessary for the carrying on of our operations for the ensuing fiscal year. The target shooting of our army and navy is what makes our armed defensive force so efficient as to make them more than equal to the armed force of any nation.

Now, I want to go a little further with this.

Mr. FITZGERALD. Will the gentleman permit a question?

Mr. HULL of Iowa. My five minutes are going rapidly.

Mr. FITZGERALD. How much reserve powder has the Government now?

Mr. HULL of Iowa. Mr. Chairman, I am not in favor of breaking into the reserve powder.

Mr. FITZGERALD. You are using it up all the time.

Mr. HULL of Iowa. No; we are adding to it. We are putting in new powder back of it, the powder we buy, in order to keep up the supply without deterioration. We issue the older powder all the time, and put new in the reserve. I never want to see the time come when we shall trench on the reserve supply of powder, because the time may come when we shall need it and it may be impossible to get it as rapidly as needed. Now, I will go on.

Third. Any profit to which the private manufacturer is entitled in addition to the 6 per cent on the capital.

I want to say that there is not a great manufacturing concern in the United States that is manufacturing hazardous goods that is satisfied with 6 per cent profit on the capital. If you fix that as a limit to the profit that men can make in engaging in this manufacture, you say to them, "Go out of business," because they can make 6 per cent on several lines of work that are not hazardous. Manufacturing powder is extrahazardous.

Mr. SMITH of Iowa. Will the gentleman permit me to suggest at that point that the private powder plants in America have a capacity of 10,686,000 pounds a year of smokeless powder, while the total government orders are only 3,000,000 pounds, or less than one-third of the capacity.

Mr. HULL of Iowa. I am coming to that in a minute.

Mr. FITZGERALD. The gentleman from Iowa also stated that the amount of capital figured on was the amount invested in that part of the plant turning out powder for the Government.

Mr. SMITH of Iowa. Oh, the gentleman is mistaken; I did not.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL of Iowa. Mr. Chairman, I would like a few minutes more. I ask for five minutes.

The CHAIRMAN. The gentleman from Iowa asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HULL of Iowa. So I want to say again that the 6 per cent profit figured on in this fraction under 64 cents is not a profit that would justify any man in investing a dollar in a powder plant.

Now, to go on. There is no allowance for extra-hazardous risk in these figures at 64 cents. There is no allowance, as said by the gentleman from Kentucky [Mr. SHERLEY], for compensation to be paid to old and disabled employees. Some gentlemen say that they ought not to pay that, but all great corporations, and certainly those engaged in extra-hazardous manufacture are paying those pensions. Now, the gentleman says that it will cost 2½ cents a pound for insurance alone. That makes the price go much above 64 cents.

Mr. SMITH of Iowa. That is correct.

Mr. HULL of Iowa. Now, to go on.

Sixth. Risk of becoming obsolete by changes in composition of powder or methods of manufacture.

The fact that private plants are not operated to their full capacity and orders for powder are uncertain and unavoidably irregular.

Now, Mr. Chairman, I want to submit to this House, in view of this full report, in view of the action that has been taken by the general board, in view of the price fixed, which is below that which is charged to private consumers; in view of the fact that we must have powder for the army and navy or the army and navy have got to mark time for the next fiscal year, because what we produce will not go far toward keeping them employed, this proposition ought not to be adopted. The efficiency of your army and navy results, as I have said, largely because they are the best shots in the world, and they are the best because we spend more money for target practice than any other nation in the world. We have a small army and a navy growing still larger, and for this Congress, without any more information than the statement of a Member who has no more information than we have, to arbitrarily fix this price below the cost of production is ridiculous.

The House can adopt it if it wants to, but as one Member of the House I shall not vote for it, no matter if I am the only man left in opposition. [Applause.]

Mr. FITZGERALD. Mr. Chairman, in view of the statement that 63 and a fraction cents does not include the large number of items, does the gentleman not think that the 67 cents which the Government pays is a scandalously low and unjustified price?

Mr. HULL of Iowa. No; I should say if they make 2 or 3 cents profit on what the Government buys no harm is done.

Mr. FITZGERALD. The trust will make no loss?

Mr. HULL of Iowa. They can not buy of the trust.

Mr. BURTON of Delaware. Mr. Chairman, I hope this amendment will be voted down. I was not here at the time this matter came up in the House the other day. The gentleman from Kentucky [Mr. SHERLEY] remarked a while ago the Senate had concurred in the amendment made here, and very likely would concur in any amendment we make here now. Since that time I have tried to ascertain, if possible, something about the cost of the manufacture of smokeless powder, and I do not believe that that company could afford to manufacture powder and sell it to the Government for 64 cents per pound. I am convinced that they could not make any money on it, and if the gentlemen on the other side are only afraid they are going to make a dollar and a half on their investment, why, as a matter of course, their position might be justifiable.

Mr. SHERLEY. Will the gentleman permit a suggestion right there?

Mr. BURTON of Delaware. Yes.

Mr. SHERLEY. Judging the future by the past, we might be warranted in assuming that the Du Pont powder people will make more than a dollar and a half on their investment.

Mr. BURTON of Delaware. Why, as a matter of course; but we must take into consideration the fact that the item of powder they furnish to the Government is a very small fraction of their business.

Mr. SHERLEY. Oh, I should not have made the suggestion if it had not been for the gentleman's own suggestion. Now, on this side of the House, nobody desires to deal with them unfairly. If I did not believe 64 cents represented a fair price to them I would oppose this amendment, and I am not figuring on any meager proposition of a dollar and a half profit, either. I think it is demonstrable that they can make a reasonable profit at 64 cents.

Mr. BURTON of Delaware. I will say to the gentleman that according to their own calculations they make the cost of powder manufactured by the Government over 63 cents per pound. In estimating the cost to the private manufacturer they allow 6 per cent interest on a million and a half dollars.

As a matter of fact the Du Pont Powder Company has between three and four million dollars invested in the powder plants for the manufacture of such powder as the Government uses. You could say, "Why do they keep their money there?" Suppose this Government should need powder in a hurry. Suppose such an emergency should arise, as has been spoken of and was talked of in the Senate, and changed from an emergency to war. What kind of a fix would the Government be in with a law forbidding the ordnance officers to pay more than 64 cents a pound for powder? These people could refuse, and would be really doing themselves only justice if they did refuse, to manufacture powder for that price. This is an emergency that may arise.

Mr. SHERLEY. Assuming that that price is a false price. If you do not grant your premise, there is nothing to your argument. If 64 cents is a fair price in time of peace, it would be a fair price in time of war on larger contracts.

Mr. BURTON of Delaware. As a matter of fact, I do not believe it is a fair price.

Mr. SHERLEY. But that is the question in issue.

Mr. BURTON of Delaware. I think, according to the gentleman's own statement, that the cost of manufacture by the Government is boiled down by the 6 per cent investment in the powder plant, and no one would be willing to invest money in a powder plant with a guaranty of only 6 per cent while it lasted. Then, there is another thing. No allowance is made for loss sustained by accidents entailing loss of life and property, and all such things, that the Du Pont Powder Company has always been very liberal in providing for.

Mr. COX of Indiana. I would ask the gentleman whether it is not a fact that the Du Pont powder people are now and have for the last four or five years been furnishing the Government all the powder that the Government has bought?

Mr. BURTON of Delaware. I think they have; and I suppose that is the only source from which the Government could get it.

Mr. COX of Indiana. Whether or not it is a fact that since the Government has gone into the manufacture of powder itself the Du Pont people have continued to sell to the Government, from year to year, its powder much more cheaply?

Mr. BURTON of Delaware. Cheaper every year?

Mr. COX of Indiana. Yes.

Mr. BURTON of Delaware. I think that is true, but it is also a fact that the price is agreed upon by officers of the Government and the company as a reasonable price.

Mr. COX of Indiana. Does the gentleman have or entertain any doubt that if this committee fixes the price at 64 cents a pound the Du Pont Powder Company will refuse to sell any of its powder to the Government at this price?

Mr. BURTON of Delaware. I do not know, but I am told, and I believe it is true, that they can not make any money manufacturing that kind of powder at 64 cents a pound. The gentleman from New York [Mr. FITZGERALD] a while ago said they had been charging extortionate prices whenever the Government was in trouble and needed their services.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Delaware. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTON of Delaware. Mr. Chairman, I have here some correspondence, and I will ask to have that read at the Clerk's desk. That will show very plainly that the company in question has always dealt fairly with the Government and has never charged more, and will show, as a matter of fact, that during the Spanish war they put the price of powder down two or three times. These papers I send to the Clerk's desk and ask to have read. I think this correspondence will show that there is no foundation for the assertion of the gentleman from New York.

The Clerk read as follows:

E. I. DU PONT DE NEMOURS POWDER COMPANY,
Wilmington, Del., February 16, 1909.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

DEAR SIR: In yesterday's debate in the Senate on the naval appropriation bill, when the so-called "powder trust" was under discussion,

we note your statement, on page 2432 of the RECORD, that if war should break out——

"I have no doubt they (referring to this company) would do what they did before when we were in trouble—put the price away up—and we would have to stand it."

Permit us to call your attention to the fact that the du Pont Company did not take advantage of the Government in any way during the late Spanish war, or at any time when the Government was in trouble. In fact, we reduced the price of powder and assisted the Government in every way in our power at that critical time.

One of the important traditions of the du Pont Company has always been, as it is now, not to take any advantage of the necessities of the Government in time of war, either by increasing the price for powder or otherwise. In the last war this company adhered strictly to this line of patriotism and duty. This statement can be verified by reference to the records of the War and Navy departments.

We respectfully call attention to the fact that the statement quoted does us great injustice, and we therefore hope you can see your way clear to correct it.

Very truly, yours,

E. I. DU PONT DE NEMOURS POWDER COMPANY,
By H. M. BARKSDALE, *Vice-President.*

E. I. DU PONT DE NEMOURS POWDER COMPANY,
Wilmington, Del., February 18, 1909.

Hon. H. R. BURTON,
House of Representatives.

DEAR DOCTOR BURTON: We feel there is great misapprehension in Congress in regard to the treatment of the Government by this company in the matter of the purchase of explosives, especially in war time.

Senator HALE on the 15th instant made the following statement in the Senate, when the naval appropriation bill was under consideration:

"Mr. HALE. I have no doubt they (referring to this company) would do what they did before when we were in trouble—put the price away up—and we would have to stand it." (See CONGRESSIONAL RECORD, February 15, p. 2432.)

The fact is that the du Pont Company did not take advantage of the Government in any way during the late Spanish war, but, on the contrary, reduced prices of powder and assisted the Government in every way in its power at that critical time.

This was brought to Senator HALE's attention, and at the conclusion of the debate on the naval appropriation bill on the 16th he made the following statement to the Senate:

"Mr. HALE. Now, I wish further to say, as a personal matter, that I think yesterday I did an injustice to the powder-manufacturing concerns in stating what I heard and believed to be true, that they had heretofore in emergencies put up the price of their products and had made the Government pay undue prices. I have reason to believe that the statement which I made was incorrect. I regret that I made it, and I make this statement now in order to show that I do not now believe the statement which I made was justified by the facts." (See CONGRESSIONAL RECORD, February 16, p. 2527.)

For your information, and for the information of the House, if you see fit to use it, in connection with debates on the fortifications appropriation bill, we inclose herewith copies of the following letters:

Brig. Gen. William Crozier, Chief of Ordnance, United States Army, to E. I. du Pont de Nemours Powder Company, dated February 16, 1909.

Rear-Admiral N. E. Mason, Chief of Bureau of Ordnance, United States Navy, to E. I. du Pont de Nemours Powder Company, dated February 16, 1909.

H. M. Barksdale, vice-president E. I. du Pont de Nemours Powder Company, to Hon. EUGENE HALE, chairman Committee on Naval Affairs, dated February 16, 1909.

Very respectfully, yours,

E. I. DU PONT DE NEMOURS POWDER COMPANY,
H. M. BARKSDALE, *Vice-President.*

DEPARTMENT OF THE NAVY,
BUREAU OF ORDNANCE,
Washington, D. C., February 16, 1909.

SIR: Referring to your letter of the 16th instant, requesting to be furnished with information as to the price paid by the Navy Department to the Du Pont Company for powder during and prior to the Spanish war—

1. You are informed that during the years 1894 and 1895 the price paid for brown prismatic powder—that which was used for service charges—was 33 cents per pound. In the year 1896 this was reduced to 32.175 cents per pound, and this was the price at which similar powder was purchased up to July, 1898, when the price was reduced to 29 cents per pound, and the company gave a rebate on previous deliveries, totaling 282,110¾ pounds, and this price (29 cents) prevailed throughout the Spanish war and until the navy succeeded in obtaining a satisfactory smokeless powder, when the brown powder was abandoned.

2. A considerable amount of smokeless powder was ordered during the Spanish war, but only a few pounds were delivered, as the manufacture of this powder was still in an experimental stage. The price paid at that time for smokeless powder was 80 cents per pound, the Government furnishing the alcohol.

Respectfully,

N. E. MASON,
Chief of Bureau of Ordnance.

E. I. DU PONT DE NEMOURS POWDER COMPANY,
Wilmington, Del.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 16, 1909.

E. I. DU PONT DE NEMOURS POWDER COMPANY,
Care of Mr. E. G. BUCKNER,
Room 31½, du Pont Building, Wilmington, Del.

GENTLEMEN: In compliance with the request contained in your letter of February 16, 1909, I have to inform you that this department paid you the following prices, per pound, for powder during and prior to the Spanish war:

Brown powder.[a]

		Cents.
1888		27
1890	33	to 37
1891	33	to 37
1892		33
1893		33
1894		33
1895	32.175	to 33
1898 (except one lot at 32.175 cents)		29
1899		29
1900		29

Smokeless powder for cannon.

1896		$1.00
1897		1.00
1898	$0.80	to .85
1899 (90 per cent at 80 cents, 10 per cent at 85 cents)	.80	to .85

Since 1899 the price of smokeless powder for cannon has been gradually decreased, until it is at present 67 cents per pound, with your company furnishing the alcohol.

Black powder for small-arms ammunition.

From 1888 up to and including the Spanish war the standard price paid your company by this department for black powder for small-arms ammunition was 18 cents per pound.

Smokeless powder for small-arms ammunition.

Year.	Price per pound.
1896	$1.
1897	92 cents and $1.
1898	84½ to 92 cents.
1899	85 to 92 cents.

Since 1899 the price has remained practically unchanged. (O. O. 38877–490.)

Respectfully,

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance.

During the reading of the above,

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Iowa. Mr. Chairman, I move that the gentleman's time be extended, in order to enable the Clerk to proceed with the reading of the letters.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Delaware. Now, Mr. Chairman, I think that evidence shows conclusively that there never has been a time when the powder company imposed an unfair price on the Government when we really needed and had to have powder manufactured by it.

Mr. SHERLEY. I have never charged them with having asked an extortionate price in time of war; I am not dealing with that, but I am endeavoring to show that 64 cents is a proper price. That is the issue.

Mr. BURTON of Delaware. That is in reply to the gentleman from New York, who made the charge on the floor.

Mr. SHERLEY. I do not think the question is as to the good character of the trust.

Mr. BURTON of Delaware. I think that the price has always been reasonable, and I hope the amendment will be voted down.

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say a word or two regarding this question, although I agree thoroughly with the gentleman in charge of this bill that under the provisions of this bill a very small amount of the smokeless powder of the Government will be purchased. I do not believe that there are many powder experts who are Members of this House. There may be two or three. I am not in the class. Smokeless powder is somewhat general in its description of a commodity. Smokeless powder has for years gone through an evolution as to the commodities entering into the production and as to the size and shapes of the products made. All of these changes have been brought about by experiments of a very costly nature, both in material and in lives of the persons who have been experimenting. I know as a fact that at the present time the powder companies are engaged in experimental tests of new powder which, if they prove successful, will be of great importance to this Government, but which can not be purchased at twice the price per pound named in the amendment. It is like the other new processes, which brought the price down from $1.09 to 67 cents. I do not know what the actual cost of powder is. I do know that the Government experiments very little in this matter, but depends largely upon the outside people to carry on these experimental tests. A few years ago, in my district, in one of these experimental tests,

[a] Many different grades of brown powder and prismatic cannon powder were procured, and the figures given above pertain only to brown prismatic powder for cannon, which constituted the greater part of the brown and black powders procured.

eight lives were lost in an explosion, one of them an army officer who was there witnessing this test. It seems to me that in the consideration of the cost of the production of this smokeless powder these things ought to be taken into consideration as something affecting the cost of powder. No matter if both the House and the Senate have heretofore voted on this price, and have now received more enlightenment upon the subject, it is possible for some men to change their minds at given times.

Mr. SMITH of Iowa. Mr. Chairman, I do not desire to discuss this question further and want a vote at once, unless some one asks for recognition; if not, I wish to close debate.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. SHERLEY) there were—ayes 56, noes 66.

Mr. SHERLEY. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. SMITH of Iowa and Mr. SHERLEY) reported that there were—ayes 65, noes 74.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In the Philippine Islands, $1,000,000: *Provided*, That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of seacoast batteries in the Philippine Islands, to be paid for as appropriations may from time to time be made by law, for an additional sum not to exceed $600,000.

Mr. DRISCOLL. Mr. Chairman, I reserve the point of order on the proviso. I wish to ask if it is determined where these fortifications are to be built.

Mr. SMITH of Iowa. Mr. Chairman, I will be glad to explain that. A year ago in presenting the fortification bill I stated the plan was to fortify Manila Bay by fortifying four islands, the chief fortification being at Corregidor, near the northern part of the entrance to Manila Bay; then across at Carbabon, an island at the southern side of the entrance to the bay; and then upon two other islands lying farther in the bay and closer together, Cabello and El Fraile. This is for the fortification of El Fraile.

Mr. DRISCOLL. Where is that with reference to Corregidor?

Mr. SMITH of Iowa. It will be to the south and east of Corregidor. It is on the opposite side of the entrance to the bay from Corregidor, and is the first of the two islands necessary to the second line of defense. It is important that it be fortified now, for this reason, that while the plan contemplated the fortification of Cabello, on the northern side of the entrance to the bay, Corregidor is so strongly fortified that it well serves for the northern side until both islands on the south side of the entrance are fully fortified. This fortification at El Fraile is described as making it in the nature of a stationary battle ship. It is scarcely large enough for an ordinary fortification, and it was the plan of the War Department a year ago to construct another island in the place of El Fraile and establish the defenses thereon.

It is contemplated to cut away the top of the rocky island and install two great turrets like the turrets on a battle ship. This island will then be equipped with all the ordnance contemplated to be had on the artificial island, which would have cost $15,000,000, and this defense will cost, in round numbers, $2,210,000.

Mr. DRISCOLL. Is this not a part of a plan or determination to put permanent fortifications in the region around Manila?

Mr. SMITH of Iowa. This has nothing to do with the controversy between Subic and Manila bays.

Mr. DRISCOLL. But you are not spending any money in Subic Bay.

Mr. SMITH of Iowa. We have completed the fortifications at the entrance of Subic Bay so far as called upon by the War Department.

Mr. DRISCOLL. When you leave this appropriation of $1,000,000, it looks like a permanent fortification around Manila.

Mr. SMITH of Iowa. These are permanent all right. The gentleman need not be disturbed about that. This has nothing to do with determining whether Subic Bay or Manila Bay is to be our ultimate base.

Mr. DRISCOLL. I do not believe in putting our permanent fortifications there anywhere in Manila Bay; but I do believe in putting fortifications in Subic Bay, for a naval base, or some place else where this Government can maintain it when it gets ready to get away from the occupation of the islands. Therefore I will insist upon the point of order to this proviso.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. SMITH of Iowa. I trust the gentleman will not insist upon the point of order, for this reason. I am not certain that the point of order is well taken; but the only purpose of this being prepared in this form is that we might appropriate this year the money that can be used for the next fiscal year and authorize its expenditure in accordance with a specific plan.

Now, if this proviso goes out, it will not save the Government a dollar of money now or hereafter, and it may compel me to offer an amendment to increase the appropriation from $1,000,000 to $1,600,000.

Mr. SHERLEY. I will say to the gentleman that if he does not, I shall certainly offer such an amendment, if the proviso goes out.

Mr. SMITH of Iowa. This work at El Fraile will cost for grading and for engineer work $1,600,000. It will cost for the guns $610,000 more, or $2,210,000. Now, we want to avoid the appropriation of that money, if possible, at this time, in the present state of the Treasury, by making in the bill an appropriation of $1,000,000 toward the $1,600,000 for engineer work and $300,000 toward construction of the guns to cost $610,000, and authorize the expenditure of the money which is not appropriated up to a total cost of $2,210,000. If the point of order is made and sustained, I say unquestionably we will have to increase this from $1,000,000 to $1,600,000, and when we come to the guns to go in these turrets I will move to amend by increasing the appropriation from $547,000 to $857,000.

Mr. DRISCOLL. That is a good deal of a threat.

Mr. SMITH of Iowa. It is not a threat. It is simply to show the gentleman what a mistake it would be to appropriate money now when we can go ahead with the work and appropriate the money next year.

Mr. DRISCOLL. I move to strike out the paragraph and test this thing and see if the House will stand for this expenditure.

Mr. SMITH of Iowa. I trust the gentleman will withdraw his point of order on this explanation. It seems to me he ought to.

Mr. KEIFER. Does the gentleman concede that the point of order is well taken?

Mr. SMITH of Iowa. I am not sure whether it is or not.

Mr. DRISCOLL. I do not want to do anything that will cost an extra $600,000.

Mr. SMITH of Iowa. It will cost $900,000.

Mr. DRISCOLL. I certainly never have done anything of that kind.

Mr. PERKINS. I should like to have the opportunity of asking a question.

Mr. SMITH of Iowa. Does the gentleman from New York withdraw the point of order?

Mr. DRISCOLL. I reserve it to allow an answer to the question.

Mr. PERKINS. How much has been paid already for fortifications of the Philippine Islands? About how much? I do not care for the exact amount.

Mr. SMITH of Iowa. It is about $8,000,000.

Mr. PERKINS. How much more is it contemplated to spend in fortifying the Philippine Islands?

Mr. SMITH of Iowa. The fortifications at El Fraile will cost $2,200,000. The fortifications at Cabello will cost about $1,900,000, if my memory serves me correctly. They are not in immediate contemplation.

Mr. PERKINS. How much will the whole scheme of fortifying the Philippine Islands cost this Government?

Mr. MANN. Does the gentleman think he can pledge future Congresses?

Mr. PERKINS. No; but the scheme at present in contemplation.

Mr. SMITH of Iowa. Roughly speaking, $12,000,000; in that neighborhood. I am not vouching for the accuracy of those figures.

Mr. PERKINS. I should like to ask the gentleman whether the expenditure of $12,000,000 in fortifying those islands is approved by his own judgment?

Mr. SMITH of Iowa. It certainly is as to these items in this bill. There has never been the slightest doubt about it.

Mr. PERKINS. How much of the $12,000,000 is represented by the items at Manila?

Mr. SMITH of Iowa. Most of it.

Mr. PERKINS. What is the object of the fortifications at Manila?

Mr. SMITH of Iowa. The object is to make Corregidor an absolutely invulnerable point; a point where, if the worst ever comes to worst, and if any foreign power takes possession of the Philippine Islands, this fortress can be held for more than a year, and the American flag kept flying in those islands.

Mr. PERKINS. Does the gentleman anticipate any immediate danger of any foreign power attempting to take possession of those islands?

Mr. SMITH of Iowa. I think it is possible at all times, just as much so as any place else, and more so.

Mr. PERKINS. Does the gentleman think the fortification of the Philippines is required against that possibility?

Mr. SMITH of Iowa. I do.

Mr. PERKINS. And would the gentleman be as much in favor of fortifying the Philippines as of fortifying our own territory?

Mr. SMITH of Iowa. More so.

Mr. PERKINS. Why?

Mr. SMITH of Iowa. Because they are less protected, less defended, and more exposed.

Mr. PERKINS. But it is not a question of exposure, but of the value of what is protected.

Mr. SMITH of Iowa. I beg the gentleman's pardon. There are several things to be taken into consideration: First, the value of the territory; second, the means of defending it, the degree of exposure, and how far provision has been made for its defense already.

Mr. PERKINS. In this case is it intended to preserve a military base there, or is it the plan to fortify those islands as thoroughly as we would fortify Massachusetts, on the theory that we are going to defend those islands as we would defend Massachusetts or New York?

Mr. SMITH of Iowa. I have only this to say, that neither the War Department nor the Committee on Appropriations have any power to define the future policy of America, but just as long as those islands belong to the United States, I would defend them and fight for them just as much as I would for Massachusetts.

Mr. PERKINS. Then the theory of the committee is that it is wise to fortify the Philippines as you would fortify the seacoast of Massachusetts.

Mr. SMITH of Iowa. I say that I would not let any foreign power take the Philippines by force from this people, whether we want them or not. [Applause.]

Mr. PERKINS. I should like to ask the gentleman upon what theory he thinks any foreign power would want to attempt to take possession of the Philippines?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. I ask unanimous consent that it be extended five minutes to answer these questions.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PERKINS. Does the gentleman contend, as a statesman and a student——

Mr. SMITH of Iowa. I do not plead guilty to either of those designations. [Laughter.]

Mr. PERKINS. As a military expert, then, does the gentleman really think that it is probable that some foreign power would attack us in order to wrest from us the possession and occupation of the Philippine Islands, that they might have charge of them instead of us? Does the gentleman think there is a probable contingency of that happening?

Mr. SMITH of Iowa. My judgment is, Mr. Chairman, that whatever power might be at war with us would seize those islands, not because especially of their value, but because every man knows that the American people will never submit to have taken from them any portion of American territory as long as they have the power to go and take it back. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DRISCOLL. Mr. Chairman, I have consistently tried so far as my vote has gone to avoid doing anything which would tend to tie up the Philippines to this Government when the time comes when we can honorably get rid of them. I am one of those who have always sincerely regretted that we ever got into the Philippines, which I consider an unfortunate and un-American entanglement; and I hope that I, or at all events some of my colleagues on this floor, may live to see the day when we are honorably out of them. With that end in view I have voted against all contracts and leases on the part of this Government for rights or concessions in the islands and against large appropriations for permanent fortifications which can not be retained by this country in perpetuity, and against all other propositions of every kind that would tend to tie us up there permanently when the time comes when we can honorably and consistently with our obligations surrender up American occupation of the islands to the native people.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. DRISCOLL. Yes.

Mr. TAWNEY. Does not the gentleman think that it would be wise in any event to retain a naval station there?

Mr. DRISCOLL. Yes; I have always been in favor of retaining a station there permanently for a naval, coaling, and military base, and indirectly for the benefit of our trade and commerce in the Far East.

Mr. TAWNEY. Then, how are you going to get rid of fortifying them?

Mr. DRISCOLL. I have always believed that we should not keep Manila or Cavite or any place on Manila Bay as a permanent naval base. I have believed, and believe now, that Olongapo, on Subic Bay, is really the most favorable site by nature, location, and by reason of its large and fine harbor to be retained by this country as a permanent naval base when we get ready to let go the remainder of the archipelago.

Very soon after the battle of Manila Bay, when it was well known by all the world that Spain was defeated and we could retain the Philippine Archipelago if we so desired, President McKinley was in favor of retaining one island of the group conveniently located, with a good harbor, on which we could build our own improvements for a permanent naval and coaling station, and surrender our claim to the rest of the archipelago. That idea was wise, sound, and patriotic then, and it is now. But it appears that there is not an island conveniently located which will meet all the conditions for a permanent naval station, and therefore if we appropriate such a station we may be compelled to appropriate Olongapo and a small territory surrounding Subic Bay for that purpose. If we surrender our occupancy of the archipelago, we should do so honorably and completely and in good faith.

Therefore, we could not consistently surrender to the people the balance of the archipelago and hold the island of Luzon, because that is the largest, the richest, most prosperous, and the most highly civilized of the whole group. Neither could we surrender up the island of Luzon save only the city of Manila, and hold on to that permanently as a naval, coaling, and military station, because Manila is the largest, and, I think, the only, city in Luzon, and really the heart of that island. And no nation would give us credit for good faith and permanent surrender of our occupancy if we should hold the city of Manila and surrender the balance of the island. Nor can we let Manila go and hold on to Cavite as a permanent naval base, because Cavite is so close to the city of Manila that guns from the fortress at that point could easily be trained on Manila; and, therefore, Manila would constantly be under the power of the garrison at Cavite. Nor could we yield up Manila and Cavite and consistently retain the island of Corregidor, because a strong fortress on that island would command the whole situation, Cavite, Manila, and Manila Bay, and would be a constant menace to the archipelago and the independence of the people. Therefore, when the time comes that we are ready to evacuate the islands and surrender them up to the people thereof, in order to be consistent and honorable in so doing we must withdraw our troops from Manila, Cavite, and Corregidor and all places surrounding Manila Bay.

For that reason I have always opposed the spending of large sums of money for permanent fortifications on Manila Bay, to the end that when we get ready to let go of the islands we will not have to surrender up fortifications on which we have made very expensive improvements; but that we should spend our money on permanent improvements at Olongapo on Subic Bay, and retain that port and harbor as a permanent naval base.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask for two minutes more, because I am going to withdraw the point of order.

Mr. SMITH of Iowa. I hope the gentleman will have two minutes more if that is the case.

The CHAIRMAN. The gentleman from New York asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. DRISCOLL. Mr. Chairman, I am strongly persuaded to yield to the urgent request of the gentleman in charge of this bill that I withdraw the point of order in the interest of economy. He and the subcommittee of which he is chairman deserve the thanks of this House and of the whole country for this very moderate and conservative appropriation bill.

It is nearly $1,400,000 less than the current appropriation act and less than 46 per cent of the estimates submitted to them. While other appropriation bills for our military establishment, including those for the army and navy which have been brought in and passed by the House this session, were extravagantly large and much greater than those of last year, this bill for fortifications is modest and reasonable, when you consider the demands made on these gentlemen. I am proud of this subcommittee. They are to be congratulated on their courage and patriotism. It is manifest that they were not carried off their feet by the war talk which is indulged in annually in the advent of appropriations for our military establishment and which, in a very exaggerated degree, we heard yesterday afternoon from the gentleman from Alabama [Mr. HOBSON]. Such bellicose thunderings can serve no good purpose and may possibly have the effect of causing our friendly neighbors in the family of nations to suspect that we are preparing for war on them. Such violent war talk is not needed nor in good taste and should not be permitted to go to the country from the floor of this House. There is no danger of war if we behave ourselves and mind our own business, which every nation, as well as every individual, should do. We have not had a foreign war since 1812 except by our own making. The civil war proved to the world that Americans can and will fight when a vital principle is at stake. The dominant European powers are busy watching each other, and it would be suicidal for any of them to make war on the United States.

The Japanese are a patriotic, brave, and martial people, and will fight to the death rather than be imposed upon. But the Island Empire of the Rising Sun is small in area, not much larger than Great Britain, and but a very small percentage of that is arable land. They must cultivate their fields with the greatest care and skill and live in the most frugal manner in order to keep the wolf from the door. We waste more per capita than they subsist on. Their natural resources were well-nigh exhausted in their war with Russia, and should they engage in war with this country they would have no credit in the money centers of the world. The resources of this country are so large and diversified that we could maintain a foreign war indefinitely without feeling it very much. We would perhaps be compelled to practice a little economy and deny ourselves a few luxuries, which would be a good thing for our bodies and souls. The Japanese are as well acquainted with our country and people as we are with their country and people. They are sensible and practical, and not foolish enough to commence war on the United States; and we have no disposition to make war on them. Hostilities between these two nations is out of the question, and the committee showed its good sense in trimming down this appropriation bill for fortifications in order that the money may be turned to some useful purpose.

The gentleman from Iowa [Mr. SMITH] says that if I insist on this point of order, and if this paragraph is stricken from the bill, he will introduce an amendment which will carry $1,600,000, whereas this paragraph carries only $1,000,000. I am an economist. [Laughter.] I do not believe in that sort of extravagance, especially when the money is to be invested in fortifications in Manila Bay. I believe the gentleman will do what he says, and I do not know but the House will go with him in this measure; and rather than take the risk, and in consideration for the good work he has done in preparing this bill, I withdraw the point of order. [Laughter.]

The CHAIRMAN. The point of order is withdrawn.

Mr. KEIFER. Mr. Chairman, I move to strike out the last word. I do not want to take the time of the committee in discussing this matter. The gentleman from Iowa stated several good reasons why we should fortify at the mouth of Manila Bay. After indorsing all that he says, I want to call attention to another reason. We heard yesterday a most eloquent speech on the importance of having a fleet upon our Pacific coast equal to that of the greatest naval power in the world, in order that we might save that coast from being taken possession of at some early date possibly. I believe that if we fortify, as is proposed to be done by this bill, Manila Bay so that we can have a naval station and fortifications there of a suitable character, where we can have a few ships and troops sufficient to hold the bay and Manila completely against all the world, and also have another naval station and fortifications, as is provided for also at Pearl Harbor, near Honolulu, Hawaii; when we have entirely fortified these places as great Gibraltars against any foreign power that might seek to attack our Pacific coast States, we will have done enough in that direction, and we will not be called upon to maintain on the Pacific coast more vessels than we now regularly have there. But if we do not safely fortify these outlying harbors, all the battle ships we now have would not be, according to the gentleman from Alabama [Mr. HOBSON], a protection against Japan alone. I do not agree with him in all respects on this question, but there is much force in his prophecy as to the possibility of war at no distant day. We can not foretell what these now elated people might do if we remain in an unprepared state. All the talk about danger on the Pacific coast means that we are afraid of little Japan.

We have gotten the idea that because Japan defeated in her state of preparation the great Russian Empire, it could come over and take the United States some time before we had time to get ready to meet the assault by water. She might undertake to take our far-off island possessions, if we leave them exposed. The gentleman on my left, the gentleman from New York [Mr. PERKINS], seems to think that Massachusetts ought to be protected. I agree to that; but I am not afraid of an army being landed up in Massachusetts. We would gather an army up from the States of the Union and be there close to the shore defending the endangered homes of the people there, but we could not so easily do this upon the Pacific coast. My belief is that with perfect fortifications at Manila and at Honolulu we would have in the rear of any fleet that would attempt to sail from Japan or any other oriental country to our Pacific coast a power sufficient to warn them away. No naval power will sail by those places and come to our Pacific coast. If we have vessels in their rear, they could not communicate with their own country, they could not get supplies from home, they could not get fuel, and our coast would be entirely safe.

We are not now strong enough on the sea to divide our navy into two fleets and keep one on the Pacific and one on the Atlantic coast.

I submit a statement showing the comparative strength of our navy with other naval powers. The following table, taken from the Navy Year Book of 1908, shows the strength and relative strength of the principal naval powers of the world in battle ships of 10,000 tons and over and armored cruisers—built, building, and provided for:

	Number.	Tonnage.
Great Britain:		
Battle ships	61	910,330
Armored cruisers	39	485,600
Total tonnage		1,395,930
United States:		
Battle ships	31	449,796
Armored cruisers	12	157,445
Total tonnage		607,241
Germany:		
Battle ships	31	414,486
Armored cruisers	11	133,768
Total tonnage		548,254
France:		
Battle ships	26	357,132
Armored cruisers	22	216,232
Total tonnage		573,364
Japan:		
Battle ships	15	233,444
Armored cruisers	15	175,001
Total tonnage		408,445
Russia:		
Battle ships	15	200,969
Armored cruisers	6	63,166
Total tonnage		264,135
Italy:		
Battle ships	15	212,846
Armored cruisers	10	78,513
Total tonnage		291,359
Austria:		
Battle ships	6	74,300
Armored cruisers	3	19,020
Total tonnage		93,320

Mr. SLAYDEN. Mr. Chairman, I move to strike out an additional word, with the idea that it will improve the section. Its abolition might be even better.

Utterly detesting, as I do and have always done, the entire colonial venture in Asia, it has been my fate as a Member of this House and of the Committee on Military Affairs to help in a humble way make bills for ten years that have added enormously and with a progression that is startling to the expenses of the people. I sincerely believe that if we did not have the Philippine Islands there would never be any threat of hostile complications between Japan and China or any other oriental country and ours. I honestly believe that if the American Congress did not have that incubus on its hands it would reduce the annual military and naval expenses of the Government by as much as 50 per cent. But as long as we have them, I conceive it to be our duty to make all reasonable preparation for the security of the lives of our people who are sent there and for the protection of American property. I hope that the time will speedily come when the American people will see and will compel the American Congress to see a fact which seems to me to be so plain that every man in the world who runs may read, and that is that the honorable way of exit from the Philippines is just to get out.

The people of the Philippine Islands do not want us there. We are imposing a government upon them which they do not desire. Even the municipal governments of the Philippine Islands, according to editorial utterances I have recently seen, are not satisfactory to the localities on which they are imposed. As to the naval station suggested by my friend, the chairman of the Committee on Appropriations [Mr. TAWNEY], I would like to know whether it has yet been agreed by our officers who are presumed to have tactical and topographical knowledge what point is best suited for that purpose. As I recall it, there has been a debate here year after year since we had the unfortunate alliance with those islands as to which was the better point, Cavite or Subic Bay; and so far as I am concerned I have never been able to arrive at a determination on that question. I do believe that it would perhaps be wise for us to have a naval station there. That we can get honorably; that we can get by treaty; and then there is no occasion for us to remain in the Philippine Islands, imperiling the peace of this country and spending scores and hundreds of millions of dollars of the public funds of the people of the United States in order to assert a governmental control over people who do not want it.

My friend from Iowa [Mr. SMITH], if I understood him correctly, made a statement a moment ago that I did not entirely sympathize with. I believe he said that he would defend the Philippine Islands as long as they were in our possession with all the ardor and with as much strength as he would Massachusetts. Whether he takes too high a view of the Philippine people or too low an estimate of the people of Massachusetts I do not know.

Mr. SMITH of Iowa. The estimate in both cases was on my pride and not on either people.

Mr. SLAYDEN. I suggest that I would expend more treasure, and I might be willing to sacrifice more blood—perhaps by substitute—in the defense of Massachusetts than I would of the Philippine Islands. I want to get away from the islands, and I do not want to impose these burdens that are increasing with such startling proportions on the people of this country.

When the Secretary of War, now the President-elect, was in the Philippines in 1903, he made a speech at Manila in which he spoke of the discouraging fact of race hostility. He seemed really surprised that it existed. No one else—certainly no one with a mental equipment aproaching the fine endowment of Judge Taft—is surprised at it. It is as old as the division of men into different races and as ineradicable as the dye in the skin of the African. I quote from Judge Taft in a speech made more than six years ago:

> Were I assured that the present attitude of the majority of American merchants and the American press would be permanent, and if I did not confidently hope that there must be a great change in the future, I should be very much discouraged in respect to the result of the experiment which the United States is making in these islands.
>
> A purely racial hatred is one of the most difficult things possible to overcome, and if it is founded on permanent conditions, it is almost hopeless to look for its ceasing. But I am not discouraged, because I am sure that the next decade will change the conditions in the respects which I have described—changing them most radically.

The Associated Press has brought us a brief—an altogether too brief—report of the speech delivered by Governor-General James F. Smith to the Philippine assembly February 1 of this year. He is reported as deploring "the growing gulf between the Americans and the Filipinos in the Philippines." Both these distinguished gentlemen may as well reconcile themselves to the fact that there is race hostility—"race hatred," as Mr. Taft calls it. It will last as long as grass grows and water runs.

And unless the Filipinos contradict every fact of history, unless they belie everything we know of men, white, black, red, or yellow, there will be a "growing gulf" between them just as long as one race tries to govern another. It is not in nature for one race to govern another with the consent of the governed, and therein our Philippine policy runs counter to what was once Americanism, but is now out of vogue.

There are still a few people left who try to persuade us that we are in this colonial venture from purely altruistic motives. When they hear themselves talk that sort of stuff they must feel like those more ancient humbugs, the Roman augurs, who, knowing the insincerity of their own pretensions, winked at each other as they passed in the streets.

There are, I suppose, a few dreamers who really deceive themselves about these matters. A few believe—as many pretend to believe—that we are squandering our money and sacrificing the lives of our soldiers to uplift the Filipinos.

The supporters of Asiatic colonial enterprises are controlled by diverse reasons.

The evangelical Protestant clergy were glad of an opportunity to preach the gospel according to their views. A few people do so because it makes official places and offers opportunity for promotion in the civil or military service. But of those who do indorse it, far more than 90 per cent are controlled by the same motive that makes the dishonest grocer put sand in his sugar—profit.

The most of our people do not care anything about the salvation of the soul of the Filipino nor for his political welfare. They view him as the average Englishman has always viewed the East Indian—that is, as an economic asset. He is regarded for what we can make out of him by the sale of beer, clothing, or machinery—and nothing more. I wish we could strike out of this bill every paragraph that refers to the Philippine Islands. I wish we could strike it out of every bill that we pass, for that matter. The money we have squandered in a thankless job would give every harbor in North America a good 40 feet of depth and would make all our great streams navigable all the year round. It would augment our trade by giving us better facilities for business. It would make our home people more comfortable and happier and would be more agreeable to the Filipinos themselves. Then, after all, viewed from the purely business standpoint, the Philippines are a gold brick. They have no important commerce with us, and never will have, compared with that of Canada or Mexico on our own continent.

The gentleman from Alabama [Mr. HOBSON] spoke yesterday of the Chinese trade and of its vast importance. He is mistaken about that. In the aggregate it is small, and when we divide it by the whole number of Chinamen it shows that as customers they are individually of no value. They earn very little and they consume less. They are not as important from the business point of view as the half-naked, barefooted Indians of Central and South America. But they are more important in another way. As artisans in certain lines, they have very great skill. They will never be of much value as customers, but they do promise to become important as competitors; and I believe that in less than fifty years they will undersell us in the cotton-textile markets of the world. Chinese labor requires less—so much less that they will thrive on what an American laborer will waste. They work for a wage that our people would starve on. And yet gentlemen think such markets are worth an abandonment of American principles—like just government being based on the consent of the governed—and the frightful expense of our administration of the affairs of a remote and alien people.

I send to the Clerk's desk two editorials from a Philippine newspaper—El Renacimiento—that I desire to have printed with my remarks.

Voice of the Filipinos.

[El Renacimiento, Manila, November 30, 1908.]

TAFT'S TERM OF PROBATION.

Are the Filipinos able to govern themselves? This great question has been discussed ever since the American occupation of the Philippine Archipelago.

By a remarkable and unexpected series of events the destiny of this people was placed in the hands of the United States. The accomplished fact supersedes right and reason and renders fruitless any discussion of the transcendental problem why the Filipinos should not have been left masters of their own destiny and of their own fate.

A military occupation; the treaty of Paris, by virtue of which Spain ceded to the United States the archipelago known as the Philippine Islands, in return the United States paying to Spain $20,000,000 for the renouncement of her former rule; the establishment of sovereignty and the use of power to maintain it, have become absolute and positive facts constituting as many incontestable arguments. But the bitter wrong is supposed to be changed to a benefit because the United States, when taking possession of the land and asserting their rights thereto before the nations as conquerors, declared themselves to us as a race

of deliverers, an extraordinary and unique race in its traditions and its history, especially unique among the nations of the earth on account of its principles and ideals which would impel them to assist us in the realization of our desire and longing for that liberty and independence for which we had been fighting; just as a century before that same Nation had been fighting for its own independence and liberty and had only recently undertaken a bloody war for the purpose of delivering Cuba.

Why should the Filipinos not be masters of their own destiny and arbiters of their own fate? Thus spake America, through the mouths of its leading statesmen, after having favorably decided the same question concerning the Cubans in the Gulf of Mexico. But this Nation, free by tradition and by nature, this generous deliverer, found an answer in the discovery that we were incapable of self-government, and since, according to oft-repeated and solemn statements, its object was to assist us in the realization of our national aspirations, it could only suggest that we might be granted our independence when we became capable of governing ourselves, the sovereign nation undertaking to prepare us suitably for such a condition.

Ten long years have passed in this preparation, ten years of guardianship, ten years of painful experience, ten years of bitter deception, and as yet the problem remains unsolved. Very small indeed has been the progress made in that respect. Our advance is very slow; at least such is the opinion of Mr. Taft.

This old assertion of our incapacity is the stock argument of the smart imperialist politicians who clamor for American expansion. Among the most prominent of these is the President-elect of the United States. With what ingenuity does he evade the responsibilities of the situation.

In his report, after enumerating the failures of the Filipinos in municipal government, which he calls the essence of self-government, Mr. Taft says:

"This statement of the failure in municipal government should not discourage those who are interested in the outcome of the experiment. They should remember that in the United States municipal government has not been an absolute success either, and, after all, the defects pointed out do not exist in all Philippine cities; reference has only been made to such defects to demonstrate my assertion, and I do not hesitate to repeat that municipal governments are making good progress and are gradually fulfilling the ends for which they were created, although not as efficiently as in a nation accustomed to govern itself, better prepared for the exercise of its rights, and imbued to the highest degree with the sense of public duty.

"When those who are responsible for this autonomic policy for provincial and municipal governments assure us that their success is complete, they confirm the opinion of the enthusiastic theorists who are a priori convinced of the capacity of the Filipinos for self-government. When, on the other hand, others condemn the defects of such local governments, their verdict is welcomed by the pessimists and the advocates of the English colonial system, who regard it as a confession of failure, as a proof that the administration has been too quick and premature in conceding powers of local government.

"Truth, as I understand it, lies between the two extremes, and while the policy adopted does not insure the best municipal government that can be obtained under American officials, it established, nevertheless, a good government in which experience and practice and educational influence are slowly but steadily removing and curing the defects which come from the lack of political education and from the lack of adequate political ideals.

"The result does not show that the Filipinos are capable of complete self-government, but it does not show, either, that they can not reach a condition of capacity therefor and finally arrive at absolute self-government by means of the gradual extension of a partial self-government, extended as they gradually grow more and more capable of enjoying it."

Such is the manner in which Mr. Taft defines our political aptitude.

Incapable at present, yet endowed with qualities to attain final capacity by means of a slow preparation, so slow as to be simply disheartening.

Is this all the result realized by the Philippine nation in ten years of submission to a foreign guardianship? Sad destiny indeed for the Filipinos!

Furthermore, the sincerity of Taft may be doubted. In the imperialistic designs which betray themselves in the stronghold of genuine democracy, the Philippine Archipelago looms up as a most valuable prize—the open gate to China, the key of the Pacific, a strategical basis, a naval station, an inexhaustible source of coal and wood. Of course, therefore, ours must needs be a nation incapable of self-government for generations yet to come.

Let no one say that those who feel such sad presentiments and distrust are only the radicals, the theorists, the demagogues among us. No; far from it. The most conservative Filipinos, the friends of the Government, those who have been ardent partisans of the American sovereignty do not hide their fear now lest the dominating element to-day will before long be the owner of the entire country, and they do not hesitate to denounce the educational period of two generations which Taft has indicated.

The Philippine nation aspires more ardently with every passing day to be independent. To realize this sublime ideal alone, it has submitted to the conditions of American sovereignty. Only the hope of independence animates it to labor with a fervor that has never grown cold. It hopes, because it has confidence in Providence, in its own virtues, in the traditions of a democratic and free America. It is this hope which preserves peace in the Philippines.

[El Renacimiento, Manila, November 13, 1908.]

TO CÆSAR ALL OR NOTHING.

It is not through the dread of any fair competition that the entire Philippine press expresses its fears of the policy of "equal chances for all," so emphatically urged by the present Secretary of War, Luke E. Wright. That principle would be just and would without doubt promote competition of a desirable sort in the case of any definite and well-regulated national existence. In a country conquered by armed force, while its people aspire to a national existence, securing its own economic and social life, this principle is unfair and pernicious.

We ask whether the doctrine of a like chance for all can really call forth the stimulus of competition, whether this principle can apply under a government entrenched in a policy of the most radical protectionism. A mere superficial analysis shows that this principle is belied by its practical application. In America individuality, the efficiency and skill of the workman, political freedom, and an education intended to develop all possible energy for the struggle of life, have not sufficed to maintain in practice the principle of "equal chances for all," and by a possibly atavistic phenomenon the very same freedom, individualism, and unrestricted materialism have called forth powerful monopolies, known as "trusts," which kill all free initiative and competition.

As a result of this abnormal condition America is to-day known as country of the great "combinations," powerful agencies which impoverish and absorb the blood of the people.

In our country, subjugated by a conqueror without moral or ethnological affinity with us, what value can that phrase of "equal chances for all" possibly have? Even supposing that Americans and Filipinos had the same training and skill, and supposing that they had the same resources so as to enter the strife under equal conditions, is it to be believed that the natives would find the same protection that American enterprise, coming here to do business on a large scale, could reckon upon? Let facts speak for themselves. A government of commercial expansion, a government greedy of gold and riches, a government that at home fails to hinder absorption and to kill monopoly, a government fanatic in protectionalism, that builds tariff walls in order to protect special interests and trust-controlled products is even less likely to concern itself with our interests than with those of its own people.

This principle, entirely aside from the fact that it is in direct contradiction to the spirit of American political economy, is an absurdity in its application here. How are we, the Filipinos, going to start competition when we have no large capital such as the trusts possess, when we are unskilled in the control of the forces that have evolved the large combinations which decide the final outcome of competition? You Americans are abreast of all these things. You know and possess the means for this purpose. You have at your disposal all your many departments of investigation. If you want to know the value of woodland, with mathematical exactness for a safe investment and exploitation, you have at your disposal experts who will make a technical report and give all information necessary in the case; if you want to know the wealth of a mine, its availability, its exact situation, the steps that must be taken to secure the concession therefor, you have at your disposal the same experts who will report on the inwardness of the matter, all that is hidden from the eye of the layman and inaccessible to us; if you wish to know the resources of a tract of land that some company or other wishes to exploit, desiring to find out the chances it offers and the best place for the railroad to cross it, you have at your disposal bureaus of technical information with all their resources and plans to give whatever knowledge is desired.

If you are interested in some park scheme supposed to be a public convenience, to develop which tramways are indispensable, you have the means to get estimates, to have the necessary sums voted, and cause the purchase of what may be a worthless swamp without the public becoming "wise," all requirements of the law to the contrary notwithstanding.

You say we are afraid of competition. No; competition does not exist, nor can it ever exist under a foreign government. What we are afraid of is absorption, monopolies, special privileges given "for good," the death of our nationality, our annihilation as a nation, economic slavery, the most barbarous of all slaveries. When you, with your energy, your skill and labor efficiency, your wealth, and your national power, close your doors to the Oriental who comes to your country, not in search of equal chances, but of any chance at all, for making a living, lest your own welfare should be jeopardized ever so little, why should we Filipinos not be afraid when we are challenged to what you choose to call a battle of "equal chances?"

Aut Cæsar aut nihil. This is the true meaning of the principle of equal chances applied in subjugated countries. Everything else is illusory and wrong. To Cæsar everything or nothing.

Mr. PERKINS. Mr. Chairman, I move to strike out the last two words for the purpose of asking one more question of my friend, the military expert from Iowa. Mr. Chairman, I want to ask if an estimate was not prepared a year or two ago by the military authorities of the Government looking to the matter of the fortifications of the Philippines at an estimated cost of $15,000,000. Is that right?

Mr. SMITH of Iowa. Well, the name with which the gentleman started his question deluded me, and I did not realize that the gentleman was addressing me. It is true that a plan existed at one time to build an artificial island, and the amount was estimated at $15,000,000.

Mr. PERKINS. Was that the recommendation of the military authorities?

Mr. SMITH of Iowa. It was.

Mr. PERKINS. What is now being done?

Mr. SMITH of Iowa. They have decided they could cut out the top of this rocky mountain, El Fraile, and mount two turrets, and on those turrets they would mount the armament.

Mr. PERKINS. In other words, they will reach the same result at an expense of something like $2,000,000 or more that was contemplated at an expenditure of $15,000,000?

Mr. SMITH of Iowa. The same strength of resistance.

Mr. PERKINS. The same strength of resistance?

Mr. SMITH of Iowa. Yes.

Mr. PERKINS. What is the opinion of my military expert friend in regard to the military authorities who thought it was judicious to expend $15,000,000 on that plan?

Mr. SMITH of Iowa. I am not a military expert and I have no opinion to offer as a military expert.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For procurement or reclamation of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses in the Philippine Islands, $12,000.

Mr. DRISCOLL. Mr. Chairman, I make a point of order on that, and I want to ask a question.

Mr. SMITH of Iowa. I do not think a point of order would be well taken on that.

Mr. DRISCOLL. I think there is, but I will move to strike out the last word. I wish to know where in the Philippines is that location to be bought. They are going to pay $12,000, so they must have some idea where the site is to be.

Mr. SMITH of Iowa. The fact is that soon after the American occupation some lands were set apart as a Government reservation. Most of them were crown lands, and this is simply to take up titles to some small fragments. The sum of $5,000 was formerly appropriated, but it is not sufficient. They have been going through condemnation proceedings for the perfection of the titles to these small pieces.

Mr. DRISCOLL. This is for site, location, and construction of work for fortifications.

Mr. SMITH of Iowa. I have just told the gentleman that those are near Manila where certain pieces of land have been reserved in the Philippine Islands by executive order, for sites for fortifications, the reservations being made subject to property rights of individuals already existing. Certain claims of this character upon a reservation in Manila Harbor have been made which have been found to be valid.

The sum of $5,000 for the acquisition of this land was provided by the last fortification appropriation act. The owners demand more, and it has been determined to resort to condemnation proceedings before finally acquiring title, in order that the valuation of the several tracts may be judicially determined. The estimate submitted is intended to render possible the acquisition of all the land owned by private parties at the locality in question, and is believed to be sufficient to cover the probable award in condemnation proceedings.

These are simply fragments of land within these reservations, and I have explained to the gentleman that they were not owned by the Government, while the great body of the lands were crown lands.

Mr. DRISCOLL. I withdraw the amendment.

Mr. KEIFER. Mr. Chairman, I do not wish to take up time on this subject, but I want to ask permission to add to my remarks recently made a table showing the relative strength of the principal naval powers of the world.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print his remarks in the RECORD, as indicated. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

ORDNANCE DEPARTMENT.

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $547,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 8, strike out lines 18 to 22, inclusive, and insert:
"For the purchase, manufacture, and test of seacoast cannon, for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, to cost ultimately not more than $857,000, $547,000."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the alteration and maintenance of the seacoast artillery and the mechanical supervision of its installation, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of the civilian mechanics and extra-duty pay of enlisted men engaged thereon, $25,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment as an additional paragraph.

The Clerk read as follows:

Page 9, after line 14, add:
"Not to exceed $35,000 of the funds appropriated for fortifications in the insular possessions may be used prior to July 1, 1910, in the War Department for services of draftsmen, such sum to be in addition to other amounts authorized for similar work: *Provided*, That the Secretary of War shall report in his annual estimates to Congress the number of persons employed, their duties, and the amounts paid to each."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty, as shall other similar material furnished without charge.

Mr. MACON. Mr. Chairman, I make the point of order against the last proviso of the bill.

Mr. SMITH of Iowa. I will say to the gentleman from Arkansas that that has been carried substantially in this form for thirty years. It is a limitation on the appropriation:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad.

Now, so far as the proviso:

Which material shall be admitted free of duty, as shall other similar material furnished without charge.

That langauge is subject to the point of order, if the gentleman insists upon it, as it changes the revenue laws.

Mr. MACON. Mr. Chairman, I think the whole paragraph is subject to the point of order. The same paragraph was carried in the army appropriation bill a few days ago; the point of order was made to it, and it was stricken out. The fact that this provision has been carried in an appropriation bill, as I understand the rules of the House, does not necessarily make it law. On the contrary, it has been held by Chairman after Chairman of the Committee of the Whole House on the state of the Union that such a provision did not make it law.

Mr. SMITH of Iowa. It is subject to the point of order, and I offer the following additional paragraph.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. SMITH of Iowa. I concede the point of order.

The Clerk read as follows:

Insert in lieu of the paragraph stricken out:
"That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad."

Mr. MACON. I reserve the point of order against that, or make it.

Mr. SMITH of Iowa. I insist that it is not subject to the point of order.

Mr. MACON. I think it is legislation upon an appropriation bill not authorized by existing law.

The CHAIRMAN. Does the gentleman from Arkansas make the point of order?

Mr. MACON. I do.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. SMITH of Iowa. I do not think it is subject to the point of order. Now, it was subject to the point of order when it contained the provision that certain material shall be admitted free of duty. That changes the law; but this is a proviso that relates to this act, that "this money" shall be used for the purchase of goods of American manufacture. There could not be a clearer limitation on the use of the money.

The CHAIRMAN. The Chair would ask the gentleman from Iowa if this does not restrict the Secretary of War?

Mr. SMITH of Iowa. It restricts him in the use of "this money." It says he shall not expend "this money" except for the purchase of goods of American manufacture, and that has always been held to be in order. It does not limit him, except when he expends this money it says that he shall spend it for goods of American manufacture.

Mr. KEIFER. That very fact makes it in order.

Mr. MACON. I insist that under the rules legislation of this kind can not be had upon an appropriation bill. The gentleman stated a few moments ago that this provision had been carried in the appropriation bill for about thirty years, and that that was why it was reported in this bill; but he knows very well that there is no existing law authorizing this kind of a provision to be carried on an appropriation bill.

Mr. Chairman, this is not a limitation such as has been held heretofore to be in order as a limitation upon an appropriation.

Mr. MANN. Mr. Chairman, the amendment offered simply proposes to restrict the authority of the Secretary of War as to the appropriations in this bill. Of course we have the authority in making an appropriation to limit the discretion of the Secretary of War to extend that authority. I am not sure, but it seems to me that this identical question was passed upon recently when the naval bill was under consideration, and the gentleman who then occupied the chair does not remember distinctly either the amendment that was offered or the ruling.

Mr. ADAIR. Will the gentleman state who occupied the chair? [Laughter.]

Mr. MACON. I remember the Chairman [Mr. MANN] ruled that the point of order was well taken.

Mr. MANN. Without having the precedent before me, I do not remember how I would rule if I were in the position of the present occupant of the chair. We have the authority to limit the discretion of the Secretary of War as to any money which we appropriate.

Mr. FITZGERALD. But this amendment is not in the proper form.

Mr. MANN. It does not say it is a limitation, but the form of the limitation does not cut any figure. The question is whether it is in fact a limitation. It says:

All material purchased under the foregoing provisions of this act.

Mr. FITZGERALD. That is legislation. It is not a limitation.

Mr. MANN. Does the gentleman make a distinction between the words "under the foregoing provisions of this act" and "out of any money appropriated in this act?" What is the distinction?

Mr. FITZGERALD. The gentleman himself has ruled on that question so many times when presiding in Committee of the Whole House on the state of the Union that without investigating the real distinction I have accepted it as correct.

Mr. MANN. The gentleman is quite safe, if he can find a ruling to that effect, in assuming that it has been well digested and prepared, as would be the case if the gentleman himself were occupying the chair; although in my case not as well digested as in the case of the gentleman from New York.

Mr. FITZGERALD. I would not want my digestive powers to be put in competition with those of the gentleman from Illinois, particularly on legislative matters. [Laughter.]

Mr. MANN. I think the gentleman from New York would not need to have any fear on that question. I am always willing to take a seat behind the gentleman, and very often I follow him, except when he is led away by purely partisan considerations.

Mr. FITZGERALD. That is so rare, of course, that it is difficult for the gentleman to point to any such occasion.

Mr. MANN. Except that yesterday, after the gentleman himself had got us into a parliamentary tangle, he objected to our extricating ourselves from the tangle.

Mr. FITZGERALD. I object to the gentleman unloading the sins of the managers of this Republican House upon a poor, insignificant Democrat.

Mr. MANN. Neither poor nor insignificant, and I have some doubt about the Democracy. [Laughter.]

Mr. FITZGERALD. The gentleman is only following the Democratic national convention in that.

Mr. MANN. That is the only case in which I do follow the Democratic national convention, and I would not follow the gentleman in that. I think the gentleman ought to have been seated in the Democratic national convention.

The CHAIRMAN. It seems to the Chair that the intent of the amendment is clearly to be a limitation, but that it is not in the usual form for such purpose. Therefore it occurs to the Chair that the gentleman should put his amendment in such a form as to state that no part of the appropriation should be so used, and so forth.

Mr. MACON. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMITH of Iowa. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert at the end of the bill:
"*Provided*, That no money appropriated by this act shall be expended except for goods of American manufacture, save in cases where, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad."

Mr. MACON. I think that is subject to the point of order as well.

The CHAIRMAN. The Chair is of the opinion that this is clearly a limitation on the power of the President to expend money which the House might withhold entirely. Therefore the Chair overrules the point of order. The question is on the amendment.

The amendment was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNSEND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 27054, the fortification appropriation bill, and had made several amendments, and directed him to report the same back to the House with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the amendments will be agreed to in gross.

There was no demand for a vote on a separate amendment.

The amendments were agreed to.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the bill to its final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 98.

Resolved by the Senate (the House of Representatives concurring), That the President be, and he is hereby, requested to return to the Senate the bill (S. 4024) for the relief of John H. Hamaker.

The message also announced that the Senate had passed with amendments the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved March 7, 1908;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 23707. An act to incorporate the Imperial Palace Dramatic Order Knights of Khorassan;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 2635. An act for the relief of Herman Lehman;

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 25064. An act for the relief of Angeline C. Burgert;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce; and

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic;

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce;

H. R. 13851. An act providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.;

H. R. 16551. An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander;*

H. R. 25064. An act for the relief of Angeline C. Burgert;

H. R. 27342. An act to amend the military record of David H. Dickinson; and

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, which, with accompanying documents (including H. Rept. No. 2205), was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD reserved all points of order.

Mr. TAWNEY. Mr. Speaker, at the conclusion of the consideration of the diplomatic and consular appropriation bill I shall call up the sundry civil bill.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask to take from the Speaker's table the post-office appropriation bill (H. R. 26305), disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks to take the post-office appropriation bill from the Speaker's table, disagree to the amendments of the Senate, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Indiana whether we will have an opportunity to vote on two or three amendments concerning the appropriation for clerks and carriers?

Mr. OVERSTREET. I think there will be no difficulty about that. The Senate has put on 29 amendments, and, in my judgment, there will be no difficulty about adjusting the differences. They have made some inconsistent amendments that ought to be reconciled, but I think we can make a satisfactory and full agreement.

Mr. MANN. If the occasion should arise, I suppose the House would have the opportunity?

Mr. OVERSTREET. I think so.

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I should like to ask whether the gentleman from Indiana will permit a separate vote on these amendments specifically of the Senate which cut off the increased pay of clerks in post-offices, and also on the Senate amendment to the House bill which gave an increased pay to carriers in second-class post-offices?

Mr. OVERSTREET. I have stated that the Senate struck out one amendment of the House to which the gentleman refers, and put in a new amendment, for the purpose of making the action in reference to clerks and carriers the same, and I have no doubt that that is the proper way to adjust the differences. They ought to be treated the same, and I have no doubt there will be a satisfactory arrangement.

Mr. MANN. But the gentleman's opinion and the opinion of the House might not agree.

Mr. OVERSTREET. What I mean to say is I do not think it is proper to agree to a separate vote, if there can be a full agreement that is satisfactory.

Mr. GARDNER of Massachusetts. Of course it is a matter of courtesy for this House to allow the conferees the first time a full and free conference, but here is an amendment which was passed after quite a fight in the House that has been stricken out by the Senate, and, in addition to that, they have struck out a similar provision for clerks in the first-class offices. It seems to me that we ought to have some assurance before we accord a full and free conference that the House will have an opportunity to show whether it recedes from the position it has already taken.

Mr. OVERSTREET. I understood the gentleman to ask whether the House would have an opportunity, notwithstanding there might be a satisfactory adjustment. After we agree to a separate vote, we should have to come in and have a vote, notwithstanding a full agreement, which would be needless.

Mr. GARDNER of Massachusetts. I think the gentleman knows as well as other Members of the House that he can bring that back with a partial agreement and allow the House to vote on these specific questions of increase for clerks and carriers, and if he agrees——

Mr. MANN. If the gentleman will yield. As I understand it, the House made an increase in the provision sufficient to increase by 50 per cent the salaries of clerks in first and second class offices, limited to $1,200. The Senate has reduced the amount—cut that out. Now, is the House to be permitted to sustain its action or are the conferees going with the Senate—I am not seeking to bind the conferees—and make an agreement there consenting to this considerable reduction in the amount appropriated by the House and then force us to accept or reject the conference report?

Mr. OVERSTREET. Mr. Speaker, I can say to the gentleman, if he has not followed the causes which prompted those amendments, that I can explain them in just a moment.

Mr. MANN. I may say to the gentleman that I supposed it was a matter of trading.

Mr. OVERSTREET. Oh, I do not think it is a matter of trading. The fact of the case is that there has been some reduction by the Senate, prompted by insistence of the department that the expenses ought to be reduced in view of the heavy increase in the deficit. For the first time in my experience in charge of this legislation the Senate has really reduced the amount of the appropriation bill for the post-office service. I should hate to offend the Senate at this late day by not meeting them at their effort in economy.

Mr. MANN. Better put the money into the clerks' salaries instead of into new offices in the office of the Secretary of State.

Mr. OVERSTREET. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, unless we can have an assurance that we shall have a chance to vote on this later, I shall be obliged to object and ask the House to vote on it now.

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the post-office appropriation bill, with Senate amendments, dispense with the reading of the Senate amendments, disagree to the same, and request a conference.

Mr. FITZGERALD. Oh, Mr. Speaker, I think we ought not to dispense with the reading of anything.

Mr. OVERSTREET. Mr. Speaker, I will modify that motion by eliminating that portion which dispenses with the reading of the amendments. I move to suspend the rules, take from the Speaker's table the post-office appropriation bill, with Senate amendments, disagree to the same, and request a conference, and, without intervening motion, appoint the conferees.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules, take the post-office appropriation bill from the Speaker's table, disagree to the Senate amendments, ask for a conference, and without intervening motion appoint the conferees. Is a second demanded?

Mr. FINLEY. I demand a second.

Mr. MANN. If the gentleman is opposed to the motion, I have no objection to his having the demand for a second.

Mr. FINLEY. Yes.

The SPEAKER. The gentleman from South Carolina is opposed to the motion, and the Chair will recognize the gentleman to demand a second.

Mr. OVERSTREET. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is entitled to twenty minutes and the gentleman from South Carolina to twenty minutes. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. OVERSTREET. Mr. Speaker, this is one of the large appropriation bills passed by Congress—perhaps the largest. The amendments made by the Senate are 29 in number. The net result of those amendments is a deduction of $27,000 from the total of the bill as it passed the House. This motion is merely to send the bill to conference for a free conference, with a view of adjusting the differences between the two bodies upon those 29 amendments. There is no legislation that is inserted in the bill by amendment, except a very slight amendment to the law, which will meet with unanimous consent of the House, I am confident. One is to clothe naval mail clerks with authority to issue and pay money orders. They now have all other authority, the same as any other post-office clerks. The principal objection of gentlemen, I take it, of permitting this bill to go to conference, is the fear that the increases of salaries of some of the postal employees may be in jeopardy. Mr. Speaker, when the estimates were first made it appeared that the deficit in the postal service for the next fiscal year would be approximately $16,000,000.

Mr. FINLEY. I wish to ask the gentleman a question. This bill passed the Senate yesterday, and I have not had time as yet to read it. Is it a fact that the naval mail clerks are placed under bond and the Government is secure in that respect?

Mr. OVERSTREET. Yes. This is merely to extend their authority to the money-order service. However, Mr. Speaker, after the estimate of the Postmaster-General, indicating a deficit of $16,000,000, it was plainly shown that the revenues of the postal service would not nearly approach the estimates of the department, and that instead of a deficit of $16,000,000 there will be a deficit, in all probability, of $30,000,000. I appreciate the insistence of many Members for an increase of salaries for post-office clerks and carriers, but I trust the gentlemen will also appreciate that we must have some regard and respect for the revenues of the Government and the deficits which are staring us in the face and which unquestionably will be realized in the next fiscal year.

I think that it is not out of the way, therefore, to appeal to the membership of this House on the score of square, reasonable treatment of these employees without each year meeting the demand of some Members for an increase of salaries. Now, that is the whole milk in the cocoanut in this opposition. I do not know what the result will be in conference. I have not conferred either with my associates on the House side nor with any of the prospective members of the conference committee on the Senate side, but I want to say in my six years' experience as chairman of this committee I have never failed yet to make a satisfactory conference agreement, and I should hate to see the House at this late day show a lack of confidence in the conferees on this great measure. Members may differ, it is true, but in the last analysis there is general satisfaction with the result of these conferences upon the post-office appropriation bill.

Mr. COX of Indiana. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. I yield to my colleague.

Mr. COX of Indiana. I desire to ask the gentleman whether or not there is anything in the amendments placed on the bill by the Senate providing for a rural route parcels post?

Mr. OVERSTREET. Nothing of the kind in the Senate. The only legislation is that to which I have referred. I reserve the balance of my time.

Mr. FINLEY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, when this bill was before the House it came to us clothed with a proposition to increase the pay of 50 per cent of the $1,100 clerks in first-class offices to $1,200; half of them were to be increased. Then this House, after much discussion, decided that not only half of the $1,100 clerks in first-class offices were to be increased, but, in order to have things fair, one-half of the second-class office clerks, the $1,000 men, should in their turn be put at $1,100. This was fully and thoroughly discussed, and the House decided that it should be done. Next the bill went over to the Senate, and the Senate not only struck out that which the House had ordained after that full discussion, namely, the promotion of these clerks in second-class offices, but it went further and struck out the increase for the clerks in first-class offices. Not only the Senate struck out all that we did for the clerks in the second-class offices, but it went further and struck out the increase for clerks in the first-class offices.

Now, there exists to-day a difference of $200 between the pay of the highest grade carriers in the first-class offices and carriers in the second-class offices. We did not correct this in the House, but left it to the Senate to correct. The Senate did so. Accordingly the bill, as it comes from the Senate, cuts out all promotions for clerks—I am not speaking of automatic promotions, but nonautomatic promotions—while, on the other hand, for the carriers, both in the first and second class offices, an increase is allowed, and, so far as the carriers are concerned, the principle is maintained that there shall be not more than $100 difference between the pay of carriers in the two classes of offices. If we accede to the motion to suspend the rules and turn everything over to the conferees, we tie our own hands. If that conference committee gets together and the House yields to the Senate proposition to cut off these increases for the clerks, and if, on the other hand, the Senate yields on the question of the carriers, then there will be no promotion for either the clerks or the carriers, unless the whole conference report is voted down.

Irrespective of how late it is in the session, irrespective of how necessary it may be to get the bill through, irrespective of how many other important things are in the bill, we must vote down the conference report as a whole, in order to get a vote on the promotions. I need hardly point out the impracticability of attempting to turn down the report of the conferees if you vote to suspend the rules and send this bill directly to conference.

I submit it to the good sense of this House whether it is possible to vote down a conference report which comes in on the 3d day or the 4th day of March. If this motion to suspend the rules is passed, then this House will be absolutely at the mercy of the conferees. Whether we like it or not, according to their own desires they may include or exclude these provisions for promotion.

Mr. OVERSTREET. I yield such time to the gentleman from Missouri as he may desire.

Mr. LLOYD. Mr. Speaker, as I understand the point of objection of my friend from Massachusetts, it is as to the clerks of the fifth and sixth grades, $1,100 and $1,200. The Post-Office Committee, I think, has been entirely consistent. Our position is that if you increase the pay of the letter carriers from the $1,100 to the $1,200 grade that you ought to increase the pay of the clerks in the post-offices from the $1,100 to the $1,200 grade. If you increase neither, they are treated alike; but if either one is increased, both should be increased. As I understand, in the Senate they have carried out the views of the committee of the House in this, that they have placed both the city letter carriers and the city clerks on the same basis.

Mr. GARDNER of Massachusetts. I think the gentleman is under a misapprehension. If he will read the bill as it passed the Senate, he will see that the Senate struck out this increase that we put in for the clerks, both in the first and the second class offices, and put in an increase for carriers in the second-class offices, leaving the increase for $1,100 carriers in first-class offices in the same shape as it was when the bill passed the House.

Mr. LLOYD. I am speaking with reference to the $1,100 and $1,200 grades. What it does is seeking to put the $1,100 and $1,200 grade on the same basis.

Mr. GARDNER of Massachusetts. No; the clerks are stricken out.

Mr. LLOYD. So are the carriers.

Mr. GARDNER of Massachusetts. The gentleman is mistaken.

Mr. LLOYD. Unfortunately for myself, Mr. Speaker, I have not the Senate bill before me, and I can not answer definitely.

Mr. OVERSTREET. Mr. Speaker, the gentleman from Missouri is perfectly accurate; both the $1,100 and the $1,200 are on the same basis.

Mr. GARDNER of Massachusetts. May I ask the gentleman——

Mr. OVERSTREET. The gentleman from Missouri has the floor.

Mr. GARDNER of Massachusets. May I ask the gentleman—not the gentleman from Indiana, but the gentleman from Missouri—to yield to me? The gentleman from Missouri is kind enough to yield, and I would like through him to ask the chairman of the committee if it is not a fact that the Senate has stricken out the new $1,200, as well as the new $1,100 clerks?

Mr. LLOYD. I have examined the record pretty carefully, and, as I understand it, they are on the same basis, and if they are on the same basis, they ought to remain on the same plane. Now, Mr. Speaker, I was undertaking to explain that the Senate had left the clerks and carriers on the same basis. If they leave the clerks and carriers with the same amount of pay, they certainly have dealt fairly with both. They have not favored one to the detriment of the other. That, in my judgment, is exactly what should be done. They should be placed on the same basis.

Now, if the contention of the gentleman from Massachusetts is correct, if they have not been fairly treated in that particular, the conferees will ascertain that fact, and I will say, in my judgment of the conferees that will be appointed by the House, I know that they are anxious that both classes of clerks shall be treated exactly alike.

Mr. GARDNER of Massachusetts. If the gentleman will allow me to read from the Senate bill as it is in the RECORD, showing the changes——

Mr. LLOYD. Not in my time.

Mr. Speaker, so far as I am concerned, I see no objection to allowing this matter to go to the conferees to be settled in conference. There is but very little difference between the House and the Senate. It is a remarkable thing that so few changes should have been made; and, as suggested by the chairman of this committee, the most remarkable thing that ever happened is that the Senate has actually reduced the amount carried in the bill.

Mr. OVERSTREET. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has fifteen minutes.

Mr. OVERSTREET. I will ask the gentleman from South Carolina to use some time.

Mr. FINLEY. I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, I am opposed to this motion for two reasons. In the first place, the rules provide the manner in which Senate amendments should be treated. Under the rules the bill with the Senate amendments properly go to the Committee on the Post-Office and Post-Roads. When reported, the Senate amendments will be considered in the Committee of the Whole House on the state of the Union. Since there is some desire on the part of the Members of the House to consider these amendments, I am unable to understand why Members on this side of the House should vote to suspend the rules, in order to avoid conducting the business in accordance with the rules. I am opposed to this motion to suspend the rules and to put this bill into conference, because I wish to express my opinion and to vote on the Senate amendments.

The Senate has done two things: It has provided money for the increases for more carriers in cities of the second class, and it has taken out money that the House allowed for clerks in the first and second classes. I wish to get these amendments before the House in some such shape so that I may vote to concur in the amendment allowing additional money for the carriers—to vote to instruct the conferees to insist upon the disagreement of the House to the amendment cutting down the compensation of the clerks.

The chairman of the Committee on the Post-Office and Post-Roads made the announcement that the Senate, in a streak of economy, something unknown to him, had recommended the cutting down of the amount to be allowed for the clerks of the $1,100 and $1,200 classes. Mr. Speaker, it seems to be what might be expected from a certain quarter. When a start is made to economize it should be by taking money from the poor clerks, who need it most, and at the same time increase the salaries of the men getting the highest compensation in the Government.

The Senate put on the legislative bill an item doubling the salary of the President, and increasing other officers, and increasing the compensation of all the federal judges. No attempt whatever was made to reduce the appropriation for the navy. I do not suppose there will be any reduction in the appropriations for the army. In fact, a substantial increase of more than $5,000,000 has been proposed to the army bill. In order to save money about $300,000 that the House voted in order to give the promotions to the $1,000 and $1,200 clerks, to which promotions they are entitled under the law, is eliminated. These are clerks of the first and second classes. I hope that those in this House who have any interest in them will see that when economy is to be practiced it will not be practiced entirely at the expense of the clerks in post-offices. I shall not do anything to encourage economy along such lines when there are so many other places where it would be easy to save money. [Applause.]

Mr. OVERSTREET. I should like to inquire if the gentleman from South Carolina is going to consume any more time?

Mr. FINLEY. My impression is there will be at least one more speech on this side.

Mr. OVERSTREET. I suggest to the gentleman that he use his time.

The SPEAKER pro tempore. The gentleman from Indiana has fifteen minutes, and the gentleman from South Carolina has the same.

Mr. OVERSTREET. I suggest to the gentleman from Indiana that he consume some of his time. I shall close in one more speech.

Mr. SPERRY. Mr. Speaker——

Mr. FINLEY. I yield five minutes to the gentleman from Connecticut.

Mr. SPERRY. Mr. Speaker, I know something about the duties of the clerks and carriers in the post-office. I was associated with them for about thirty years. A truer and better set of men as a whole never walked the pavement. Some of these men have been asking for a slight increase, so that those of them who were away from home and were paying an extra amount for their living expenses might in that way be remunerated.

Now, the Post-Office Department can not afford to lose good clerks. It is a very serious matter to lose these clerks and carriers, who understand just where every letter should go. The pay of some of the carriers and clerks is now too small and should be increased, in order to retain such tried and efficient services as our business interests demand.

Gentlemen, it is not dealing fairly, it is not dealing justly, in my opinion, and I sincerely hope that this House is ready to vote the small pittance which these men ask for and ought to have. I do not care to speak at any length now. The other day, knowing that the matter was coming up, I prepared some remarks, which I delivered at the time, setting forth my views, and I do not care to go into the same subject again this afternoon.

But I want to say one thing, and that is that the Post-Office Department was not created for the purpose of hoarding money. It was created for the purpose of giving the business people of this country their mail as they ought to have it. It was created as an assistance to business; and now, while we have done many good things, this action of the last few days is all wrong. Justice requires that it should not be done, and the business people of this country require that these men should have proper pay for the services they perform. That proper pay has been in part taken away from them by the action of another body, and it is all wrong, and I trust that the House will not agree to it. [Applause.]

Mr. OVERSTREET. Mr. Speaker, I will close in one speech, but I think the gentleman from South Carolina intends to have another speech.

The SPEAKER pro tempore. The gentleman from South Carolina has but one minute remaining.

Mr. OVERSTREET. I yield to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Speaker, I have only one word to say in reference to this question. It is the usual course for this bill to go to conference. There are but a few matters in dispute between the two Houses, and it is very evident that this House will have a better understanding of the matters of difference beween the two Houses of Congress on the questions that are raised if the conferees meet and discuss these questions and report to the House the action they deem advisable. The House can then act on all the facts, if it has presented to it clearly the views of the Senate and the views of the House conferees on this question.

At this time it seems that the Senate amendments produce a contention between Members who are looking to the increase of salaries of different classes of officials and representatives of the department. That is a matter of too much interest and concern to dispose of hastily. The House can not lose anything by having the benefit of the careful deliberation of the conferees before it takes action.

It certainly can not be deprived of any right, nor can any Member of the House be deprived of any power that he has after the report has been made. I suggest that a conference on the disagreeing votes is the usual, the proper, the orderly, and lawful course of procedure. Any other course is inconsistent, in my judgment, with fair and honest legislation in the interest of the public.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MOON of Tennessee. I will.

Mr. FITZGERALD. Does not the gentleman know that the orderly and proper way of procedure by the rules is for the amendments to go to the Committee on the Post-Office and Post-Roads and then come to the Committee of the Whole House on the state of the Union and be considered there?

Mr. MOON of Tennessee. That may be done under the rule, but when there is no necessity for that the conference ought to be had, as it is the ultimate result anyway. There is no occasion for taking the course the gentleman suggests.

The question is not what the Post-Office Committee of the House is going to do; it has already acted on the questions involved, and the Senate has acted on these questions, and now the desire is to reach legislation; and that can be done, in my judgment, only in a proper way by a conference between the two Houses.

Mr. FITZGERALD. If these amendments went to the Committee of the Whole House on the state of the Union, the conferees might be saved a lot of trouble; the House might agree to all the amendments.

Mr. MOON of Tennessee. But the House will most likely avoid a great deal of trouble if the bill is sent at once to conference.

The SPEAKER pro tempore. The Chair stated a moment ago that the gentleman from South Carolina had one minute remaining. At that time the Chair understood that the gentleman from Missouri had yielded time to the gentleman from South Carolina. The Chair finds that he was mistaken, so that the gentleman from South Carolina has six minutes remaining and the gentleman from Indiana five minutes.

Mr. FINLEY. Mr. Speaker, the principal amendments made by the Senate are on page 11, line 10, of the printed bill, where the item for clerks is reduced by $200,000 from the amount passed by the House. That is one amendment. On page 14 of the printed bill, line 20, the Senate inserts—

And for the pay of letter carriers in second-class post-offices eligible for promotion to the fifth grade, $155,000.

And the total is increased from $29,468,000 to $29,623,500.

So, Mr. Speaker, I think the House can very well pass upon these items. The House has passed on the question as to whether or not provision sufficient to promote the clerks in the first and second class offices should be made. We did that, and after extended debate the matter was fully considered and decided here. There can be no question about the attitude of the House on that proposition. Now, as to the carriers the House did not make ample provision to promote all the carriers from the fourth class to the fifth class.

The Senate has remedied that, and I think properly so. Certainly, it would be unfair to promote everybody except this one class. No provision was made for them in the House. The Senate has provided for it, and I for one am in favor of accepting that proposition. I am of the opinion that if we had assurance that this proposition would be agreed to by the conferees, that would obviate the necessity for this vote, but I have seen the time, Mr. Speaker, when the conferees did not give the House an opportunity to vote. I think, now that the House has the bill in its possession, it is eminently right for the membership here to assert their views, and to vote their judgment on this proposition. That is the question that is up to you. It is not a question of reflecting upon the conferees at all. Members of the House understand this question as well as the conferees, and why not vote on it here? If you are in favor of the Senate amendment as to carriers, vote so; if you are opposed, then the conferees will be so instructed. I think this is an orderly procedure. It is following the course laid down in the rules of the House, and it is not outside of precedent or the orderly procedure of the House. I think that when the House expresses itself upon this proposition the conferees will have no trouble. [Applause.]

Mr. OVERSTREET. Mr. Speaker, I sincerely hope that this motion will prevail, as it is in the interest of the expedition of the legislation of the House and of the Congress. Some gentlemen leave the inference that there is an attack, or at least a discrimination, against some postal employees. I assure the House that there is no attack or no discrimination as against one class of employees in favor of another. We simply seek to get this bill into conference to adjust the differences between the two Houses. The amendments are not numerous, nor are they very serious, and I think the House is willing and ready to trust to the conferees to settle these disputes, just as they have been settled in the past. I call for a vote.

The SPEAKER pro tempore (Mr. MANN). The question is on agreeing to the motion of the gentleman from Indiana to suspend the rules, disagree to the Senate amendments, ask for a conference, and, without intervening motion, appoint the conferees.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 105, noes 40.

Mr. FITZGERALD. I demand tellers.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety-nine gentlemen present; a quorum.

Mr. FITZGERALD. Mr. Speaker, I demand tellers.

The SPEAKER pro tempore. The gentleman demands tellers. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Twenty-one gentlemen rising, not a sufficient number, and tellers are refused. Two-thirds having voted in favor of the motion, the motion is agreed to; and without objection, the Chair will announce the following conferees. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Mr. OVERSTREET, Mr. GARDNER of New Jersey, Mr. MOON of Tennessee.

MAJ. C. DE W. WILLCOX.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution No. 100, correcting the bill (S. 5989) in reference to Maj. C. De W. Willcox, which passed the Senate and the House and in which the name Willcox was misspelled, and to consider the same at this time.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 100.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France, be, and is hereby, rescinded, and that in the reenrollment of the bill the word "Wilcox," in line 3 of the bill, is stricken out and the word "Willcox" substituted therefor; also amend the title so as to read: "An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France," so as to correctly spell the name of the prospective recipient, inaccurately stated in the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I believe that more care should be exercised in this respect. This is not the first instance this session when it has been necessary to correct errors that have been made in enrolled bills. We are getting to the close of the session and more care should be taken.

The SPEAKER pro tempore. The Chair is able to state from personal knowledge that the mistake was not in the enrolling of the bill.

Mr. FITZGERALD. It is immaterial where it was made. There should be more care taken to prevent mistakes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the concurrent resolution.

The question was taken, and the concurrent resolution was agreed to.

The SPEAKER. The Chair cancels his signature by order of the House.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BINGHAM. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BINGHAM. A Philadelphia (Pa.) daily newspaper, the North American, under date Thursday, February 18, has been called to my attention with large type headlines:

BINGHAM'S BLUNDER WOULD KEEP KNOX OUT OF THE CABINET—MAKES MISTAKE IN FRAMING BILL FIXING SALARY OF SECRETARY OF STATE.

Mr. BINGHAM committed no blunder, nor did the managers on the part of the House having charge of the conference report on the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1910. The bill was constructed correctly under the existing law and was agreed upon by the conferees of the Senate and the House, and duly reported to the House and Senate February 10, 1909. In the House the report and statement went to the Speaker's table under the rule and was printed in the CONGRESSIONAL RECORD. On the 15th of February, after Mr. BINGHAM and his associates had completed their work, the eligibility of Senator KNOX to appointment as Secretary of State under President-elect Taft came up in the House for consideration and the following bill (S. 9295) in relation to the salary of the Secretary of State was passed:

Be it enacted, etc., That section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," approved February 26, 1907, so far as the same relates to the annual compensation of the Secretary of State, be, and the same is hereby, repealed.

The passage of said enactment was intended to make Senator KNOX eligible, although he had voted upon increased annual compensation of the Secretary of State, approved February 26, 1907. On February 17 the conference report of the legislative bill upon the Speaker's table was called up for action in the House. The conferees of both Houses had agreed to many paragraphs in the bill covering existing law, and that relating to the compensation of the Secretary of State being one, as well as disagreements covering other paragraphs in the bill. The later action of the House on S. 9295, on February 15, changed existing conditions, but not the statute, and thereby made Senator KNOX eligible, should he be selected by President-elect Taft as Secretary of State, as far as Senate and House action could consummate. In no way, under existing rules of the House, could the managers on the part of the House change the agreed-upon paragraphs of the legislative bill. On the 17th of February the report was called up by the managers of the House. The Senate in the meantime (February 10) having adopted the report of the conference, had duly notified the House of that fact. In submitting the usual motion to adopt the conference report which covered the agreed-upon paragraphs in the bill, the fact was disclosed that the text of the bill to which both Houses had agreed long before February 10 contained words carrying the annual compensation of the Secretary of State at $12,000, while the bill of February 15, 1909, fixed it at $8,000. Mr. BINGHAM and his associates have no power to change the text of the bill to which both Houses had agreed. So far as they were concerned it was the law—it was the bill passed by the House and Senate.

The report was before the House for any line of action it should determine, and upon Mr. BINGHAM'S motion that the report go over until next legislative day was passed by the

House. Mr. TAWNEY, chairman of the Committee on Appropriations, submitted a resolution, which was referred to the Committee on Rules, reported day before yesterday (February 17), and passed by the House, giving the conferees the power they needed. The conference report now goes to the committee of the two Houses. The question was legislatively an impossible condition, under the existing rules of the House, for the managers on the part of the House to adjust, save only by the resolution adopted yesterday.

The whole issue is summed up in the question, How can a conference report made to the House, carrying the provisions of existing law and under the rules of the House, on February 10, deal with or consider a question that has arisen since that date? The President yesterday, February 18, signed Senate bill 9295, and thereby made law.

I assume the conference committee can now proceed under a law, and the headline in large type, "Bingham's blunder would keep KNOX out of the Cabinet—Makes mistake in framing bill fixing salary of Secretary of State," can be relegated to the wastebasket of the Philadelphia Journal. [Applause.]

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 o'clock to-morrow.

The motion was agreed to.

Accordingly (at 5 o'clock and 21 minutes p. m.) the House took a recess until 11 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Francis M. Sheppard against The United States (H. Doc. No. 1463)—to the Committee on War Claims and ordered to be printed.

A letter from the chairman of the Printing Investigation Commisssion, transmitting report recommending legislation relating to the printing, binding, and distribution of public documents (H. Doc. No. 1464)—to the Commttee on Printing and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 5434) to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, reported the same without amendment, accompanied by a report (No. 2199), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOWLAND, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 5727) to establish an assay office at Los Angeles, State of California, reported the same with amendments accompanied by a report (No. 2200), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4924) for the relief of officers of the navy retired for disability incident to the service employed on active duty, reported the same without amendment, accompanied by a report (No. 2201), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 9006) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907, reported the same without amendment, accompanied by a report (No. 2204), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 27363) to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou, reported the same with amendmnts, accompanied by a report (No. 2198), which said bill and report were referred to the House Calendar.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 28175) to amend section 4434 of the Revised Statutes of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 2203), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Select Committee on Pulp and Paper Investigation, appointed by the House to make investigations concerning pulp wood, pulp, and paper (H. Res. 344), submitted a report (No. 2206), which was referred to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 25814) authorizing the President to appoint a professor of mathematics in the navy, etc., reported the same without amendment, accompanied by a report (No. 2202), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 27463) granting a pension to W. C. Whitthorne—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27467) granting an increase of pension to George Williams—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EDWARDS of Georgia: A bill (H. R. 28244) increasing the pensions of those now receiving or entitled to pensions under the acts of Congress approved July 27, 1892, and June 27, 1902—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 28246) to appropriate money for the purchase of homes in the District of Columbia for the Vice-President of the United States and the Speaker of the House of Representatives—to the Committee on Appropriations.

By Mr. LANDIS: A bill (H. R. 28247) to codify, revise, and amend the laws relating to the public printing and binding and the distribution of public documents—to the Committee on Printing.

By Mr. CAMPBELL: Resolution (H. Res. 577) to investigate the affairs of the Terminal Taxicab Company—to the Committee on Rules.

By Mr. HALL: Memorial of the legislature of South Dakota, requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 28248) for the relief of the estate of Martin Vigil, deceased, and the administrator of said estate, Eslavio Vigil, of Albuquerque, N. Mex.—to the Committee on Claims.

By Mr. BARTLETT of Georgia: A bill (H. R. 28249) for the relief of the heirs of David R. Cook, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 28250) granting a pension to William Cruso—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 28251) granting a pension to Joseph Lehner—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 28252) granting an increase of pension to John T. Mills—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 28253) granting an increase of pension to Gustav Graesle—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 28254) granting an increase of pension to John Connolly—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 28255) for the relief of the estate of F. F. Lucas, deceased—to the Committee on War Claims.

By Mr. NELSON: A bill (H. R. 28256) granting an increase of pension to Lewis C. Smith—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 28257) granting an increase of pension to Joseph W. James—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 28258) granting an increase of pension to William Foye—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 28259) authorizing proper accounting officers of the Treasury Department to reopen pay accounts of certain officers of the navy—to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 28260) granting an increase of pension to Isaac Little—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Allied Agricultural Organizations of Pennsylvania, favoring H. R. 21318, regulating sale and manufacture of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Trade League of Philadelphia, favoring such amendment of the interstate-commerce act as will protect interest of shippers from damage arising from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of Coshocton Council, No. 65, Junior Order United American Mechanics, favoring an Asiatic exclusion law for all save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. BARCHFELD: Petition of Carnegie (Pa.) Lodge, No. 831, and Sheridan Lodge, No. 949, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of heirs of D. R. Cook—to the Committee on War Claims.

Also, paper to accompany bill for relief of Pierce J. Reynolds (H. R. 25421)—to the Committee on Pensions.

By Mr. BATES: Petition of Erie Business Men's Association, opposing a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Trades League of Philadelphia, Pa., asking for amendments to interstate-commerce act as will protect shippers from damage arising from misquotation of freight rates by shippers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Federal Electric Company, of North Girard, Pa., asking for reduction of duty on mica—to the Committee on Ways and Means.

Also, petition of Geomer Stove Company, of Erie, Pa., asking for reduction of duty on mica—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Monmouth Grange, favoring a national highways commission—to the Committee on Agriculture.

By Mr. BURTON of Delaware: Petition of National Board of Trade, favoring full citizenship of Porto Rico—to the Committee on Insular Affairs.

By Mr. CALDER: Petition of M. E. Armstrong, favoring the antiopium bill in restraint of the opium trade—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Orange Judd Company, favoring the White Mountain and Appalachian Forest Reserve bill—to the Committee on Agriculture.

Also, petition of National Shoe Wholesale Association of the United States, against the duty on hides—to the Committee on Ways and Means.

Also, petition of New York child-labor committee, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. CAMPBELL: Memorial of the Kansas state legislature, favoring a just and equitable duty on zinc ore—to the Committee on Ways and Means.

Also, resolution of the Kansas state legislature, relative to interstate shipment of liquors—to the Committee on the Judiciary.

By Mr. CHANEY: Petition of Samuel U. Brown and others, of Farmersburg, Ind., favoring parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Trades League of Philadelphia, favoring such amendment to the interstate-commerce act as will protect interests of shippers from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Applied Agricultural Organizations of Pennsylvania, in favor of H. R. 21318, relating to fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Wisconsin, against removal of duty on farm products—to the Committee on Ways and Means.

By Mr. FORNES: Petition of Jewish Council of Women of New York, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Chamber of Commerce of Pittsburg, favoring appropriation of $50,000,000 per annum for internal waterway improvement—to the Committee on Rivers and Harbors.

Also, petition of coal exchange, favoring a river and harbor bill in the Sixty-first Congress, extra session—to the Committee on Rivers and Harbors.

Also, letter from John A. Stewart, of New York, favoring an appropriation for experimental farming at Morrisville, Madison County, N. Y.—to the Committee on Agriculture.

By Mr. FULLER: Petition of A. G. Rice, president of Ohio Bankers' Association, against legislation for parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Hard Wood Manufacturers' Association of the United States, against reduction of the duty on lumber—to the Committee on Ways and Means.

By Mr. GOULDEN: Letter from John A. Stewart, of New York, favoring an appropriation for experimental farming at Morrisville, Madison County, N. Y.—to the Committee on Agriculture.

Also, petition of New York Typographical Union, favoring census reports printing in Government Printing Office—to the Committee on the Census.

Also, petition of Manufacturers' Association of Indianapolis, Ind., and commercial and industrial organizations of Indiana, favoring ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRONNA: Petition of Commercial Club of Mayville, N. Dak., against granting San Francisco the right to use the Hetch Hetchy Valley for a water reservoir—to the Committee on the Public Lands.

Also, petition of Farmers' Mercantile Company, of Calvin, N. Dak., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commercial Club of Mayville, N. Dak., for a reduction of present tariff duties—to the Committee on Ways and Means.

By Mr. HALE: Paper to accompany bill for relief of Mary A. Bradford—to the Committee on War Claims.

By Mr. HAMILTON of Michigan: Petition of 34 business houses in the Fourth Congressional District of Michigan, urging removal of duty on hides—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of White River Grange, No. 53, of South Royalton, Vt., for legislation creating a national highways commission and for an appropriation to aid in the improvement and maintenance of public roads—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Resolutions adopted by the common council of Passaic, N. J., in the case of Joseph S. Oakley, to accompany Senate bill 4451—to the Committee on Military Affairs.

Also, petition of Amboy (N. J.) Lodge of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. KIPP: Petition of Emerson W. Gammall and other citizens of Pennsylvania, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of residents of Warrington Township and Glenville, York County, Pa., asking passage of H. R. 21970, correcting the military record of Abram Hetrick—to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of John F. Jeeke & Co., of Chicago, Ill., asking additional legislation governing sale of renovated butter—to the Committee on Ways and Means.

Also, petition of the German Savings Bank, of Brooklyn, N. Y., opposing postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of United Master Butchers' Association of New York, asking repeal of tax of 10 cents per pound on colored butterine—to the Committee on Ways and Means.

Also, petition of the Public Education Association of New York, favoring passage of H. R. 24148, for the establishment of a child labor bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Chamber of Commerce of Pittsburg, Pa., asking passage of liberal river and harbor bill in the special session—to the Committee on River and Harbors.

Also, petition of the Star Egg Carrier and Tray Company, of Rochester, N. Y., favoring passage of H. R. 21929—to the Committee on the Judiciary.

By Mr. MALBY: Petition of residents of Tuxedo Park, N. Y., favoring H. R. 24148, to provide for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. OVERSTREET: Petition of the Progress Club of South Bend, Ind., favoring H. R. 24148, to establish in the Department of the Interior a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Woman's Missionary Society of the First Presbyterian Church of South Bend, Ind., favoring H. R. 24148, for the establishment of a children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. PAYNE: Petition of Manchester Grange, No. 501, for parcels-post and postal saving bank bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of John R. Wilson and others, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. REEDER: Petition of citizens of Kansas, favoring the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. ROBINSON: Petition of J. L. Williams and others, asking that the duty on lumber remain at its present rate—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Trades League of Philadelphia, Pa., to increase power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Chamber of Commerce of Pittsburg, favoring appropriation of $50,000,000 annually for improvement of inland waterways—to the Committee on Rivers and Harbors.

Also, petition of commercial and industrial organizations of Indiana, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chicago Surgical Trade Association, against removal of duty on surgical instruments—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Chamber of Commerce of Pittsburg, favoring a river and harbor bill for the extra session of the Sixty-first Congress—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an appropriation of $50,000,000 yearly for internal waterway improvements—to the Committee on Rivers and Harbors.

Also, petition of P. W. Wilde, for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. SWASEY: Petition of Oxford County Pomona Grange, of South Paris, favoring constitutional amendment granting equal suffrage to women—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of William Foye—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of Homer Monroe, of Sidney, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of many citizens of Michigan, for removal of the duty on hides—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of many citizens of Arkansas, favoring reduction of duty on lumber—to the Committee on Ways and Means.

By Mr. WANGER: Petition of Pottstown (Pa.) Lodge, Benevolent and Protective Order of Elks, for reservation in Wyoming for the care of the American elk—to the Committee on the Public Lands.

Also, petition of Trades League of Philadelphia, in favor of such amendments to the interstate-commerce act as will protect the interest of shippers from damage arising from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Agricultural Organizations of Pennsylvania, in favor of H. R. 18204, known as the "Davis bill on industrial education"—to the Committee on Agriculture.

Also, petition of Allied Agricultural Organizations of Pennsylvania, favoring H. R. 21318, regulating manufacture, sale, or transportation of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania Child Labor Association, favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

By Mr. WEBB: Petition of citizens of Newbern, N. C., against repeal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of citizens of Gaston, N. C., favoring a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WEISSE: Petition of Fond du Lac (Wis.) Benevolent and Protective Order of Elks, favoring an elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of W. S. H. S., of Madison, Wis., in favor of H. R. 21318, relating to fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. WHEELER: Petition of Peter C. Curry and 22 others, urging removal of duty on hides—to the Committee on Ways and Means.

By Mr. WOOD: Paper to accompany bill for relief of Michael Fanley—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *February 20, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 2982) to codify, revise, and amend the penal laws of the United States with an amendment, asks a conference with the Senate on the bill and amendment, and had appointed Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message further announced that the House had agreed to concurrent resolution 100 of the Senate, authorizing the cancellation of the signature of the Speaker of the House of Representatives, the Vice-President of the United States, and President of the Senate to the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De Witt Willcox decoration and diploma presented by Government of France, and providing for the correct enrollment of the bill.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes; and

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California; and

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells.

MAJ. C. DE W. WILLCOX.

The VICE-PRESIDENT. Under Senate concurrent resolution No. 100 the Chair announces the cancellation of his signature to the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by the Government of France.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
HOUSE OF REPRESENTATIVES.

House joint resolution 7.

Joint resolution and memorial requesting Congress, under the provision of Article V of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and Congress given power to enforce such prohibition by appropriate legislation.

Be it resolved by the house of representatives and senate concurring:

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof, by placing the subject under federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore be it

Resolved, That application be, and hereby is, made to Congress, under the provision of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States now in session, or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or any equivalent resolution.

Resolved further, That the secretary of state be, and hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 7, as passed by the legislature of 1909, together with the indorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 6th day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,
Secretary of State.

I hereby certify that the within act originated in the house and was known in the house files as "Joint resolution No. 7."

JAMES W. CONE,
Chief Clerk.

STATE OF SOUTH DAKOTA, *Office of Secretary of State, ss:*

Filed February 5, 1909, at 3.45 p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution requesting Congress, under the provision of Article V of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited, and Congress given power to enforce such prohibition by appropriate legislation.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS,
Secretary of the Senate.

Mr. FRYE presented a petition of Local Lodge No. 964, Benevolent and Protective Order of Elks, of Augusta, Me., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CULLOM. I present resolutions adopted at the Consular Conference of Industrial and Commercial Organizations, held January 18, 1909, at the New Willard Hotel, Washington, D. C., favoring the adoption of a complete system of examination, appointment, and promotion of consular officials. It is an important paper; and as it is very brief, I ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

At the Consular Conference of Industrial and Commercial Organizations, held January 18, 1909, at the New Willard Hotel, Washington, D. C., the following resolutions were unanimously adopted:

Whereas as America must reach out for a vastly increased foreign trade, and just as every business house requires a high efficiency and the best possible training of its own employees, so must the Nation have in its consular service men of especial business ability and training, of high commercial honor and capacity. Therefore, be it

Resolved, That this conference of the business interests of the United States, held in the city of Washington this 18th day of January, 1909, urges upon Congress the enactment, at the earliest possible date, of a law embodying the principles in Senate bill 7804 and House bill 22883, the essential provisions of which are the adoption of a complete system of examination, appointment, and promotion of consular officials and thorough Americanization of the service; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Senate Committee on Foreign Relations, and to the Committee on Foreign Affairs of the House of Representatives.

Mr. CULLOM presented a petition of the National Business League of America of Chicago, Ill., praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the National Business League of America of Chicago, Ill., remonstrating against the enactment of legislation to create a national consular school, which was referred to the Committee on Commerce.

Mr. PLATT presented a joint memorial of the legislature of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Council joint memorial 4. By Mr. Hanley.

Memorial asking the immediate admission of New Mexico into the Union as a State in compliance with the recent pledges of the two great political parties of the United States.

Your memorialists, the thirty-eighth legislative assembly of the Territory of New Mexico, representing the united sentiment of the people of this Territory, as well as the sentiment of the people of the various States of the Union, as repeatedly expressed in party platforms of the two great political parties of the country, and especially in the two last national platforms of the Republican and Democratic parties of the United States, renew their demand for the admission of this Territory into the Union as a State.

We have now arrived at a point in our history when to furthey delay this much-desired boon to us would be to discriminate against us as American citizens without cause or excuse. Our population, our wealth, our great area, and our admirable system of public schools are so well and favorably known that it is hardly necessary to refer to them again, but lest all of our Senators and Representatives may not have kept our steady progress in mind, we, at the risk of repetition, submit a few facts for their consideration:

On the 1st day of January, 1909, our population was	400, 000
Our gold production for the year was	$300, 000
Our silver production was ounces	500, 000
Our copper production was pounds	8, 000, 000
Our lead production was tons	2, 000
Our coal production was do	2, 500, 000
Our iron production was do	125, 000

There are in this Territory 120 newspapers, 70 banks, 3,000 miles of railroad, 2,500,000 acres of land under cultivation, 400,000 acres under irrigation, 2,000,000 acres capable of irrigation, 13,000,000 acres capable of dry farming, 40,000,000 acres open for private entry. Our taxable property has a valuation of more than $250,000,000. For the last sixty years we have been contributing our money to the support of the General Government without any voice as to how the money thus contributed should be expended. The system of government under which we exist is not only unrepublican, but in its character is autocratic, and opens the door for many abuses. A territorial form of government is wholly incompatible with the interest of the people. It is intolerable to the average American citizen, and is only intended to endure for the brief time required to prepare for statehood. A procrastination of this right is not justified beyond the point of the inability of the people to support and maintain a state government.

To keep a Territory like New Mexico in territorial bondage when the necessity for so doing has long since ceased to exist, is an unpardonable wrong to over 400,000 people, whose record is that of unswerving loyalty and devotion to the General Government: Therefore be it

Resolved, That the secretary of the Territory be, and he hereby is, directed to transmit a certified copy of this memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the House of National Representatives, to the members of the Committees on Territories in both Houses of Congress, and to individual Members and to the Delegate in Congress from this Territory.

CHAS. A. SPIESS,
President of the Council.
WM. F. BROGAN,
Chief Clerk of the Council.
E. A. MIERA,
Speaker House of Representatives.
E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 10th day of February, A. D. 1909.

NATHAN JAFFA,
Acting Governor of the Territory of New Mexico.

Filed in office of secretary of New Mexico February 11, 1909, 10.15 a. m.

NATHAN JAFFA, *Secretary.*

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing copy of council joint memorial No. 4, passed by the thirty-eighth session of the legislative assembly of the Territory of New Mexico and approved on February

10, A. D. 1909, with the enrolled and engrossed original now on file in this office, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at Santa Fe, the capital, this the 11th day of February, A. D. 1909.

[SEAL.] NATHAN JAFFA,
Secretary of New Mexico.

He also presented a memorial of the New York Antisaloon League, of New York City, N. Y., remonstrating against the adoption of certain proposed amendments to the agricultural appropriation bill relating to the Bureau of Chemistry, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of S. J. Vickers, of New York City, N. Y., praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Congregational Church of Reed Corners, N. Y., and the petition of William B. Cliff, of Rochester, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 101, Benevolent and Protective Order of Elks, of Amsterdam, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Council of Jewish Women, of Rochester, N. Y., and a petition of the superintendent of the Hebrew Orphan Asylum of New York City, N. Y., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a petition of Manchester Grange, No. 501, Patrons of Husbandry, of Shortsville, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York State Retail Hardware Association, of Rochester, N. Y., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of Local Lodge No. 845, of Red Wing, of Local Lodge No. 414, of Austin, and of Local Lodge No. 327, of Winona, all of the Benevolent and Protective Order of Elks, in the State of Minnesota, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRANDEGEE presented petitions of Local Lodge No. 19, of Hartford, of Local Lodge No. 372, of Torrington, and of Local Lodge No. 771, of Middletown, all of the Benevolent and Protective Order of Elks, in the State of Connecticut, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 91, Patrons of Husbandry, of Seymour, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRAZIER presented petitions of Local Lodge No. 601, of Clarksville, of Local Lodge No. 160, of Knoxville, of Local Lodge No. 1029, of Murfreesboro, of Local Lodge No. 192, of Jackson, and of Local Lodge No. 91, of Chattanooga, all of the Benevolent and Protective Order of Elks, in the State of Tennessee, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a petition of the Dempster Manufacturing Company, of Beatrice, Nebr., praying for the appointment of a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the North Platte Valley Water Users' Association of the State of Nebraska, praying for the adoption of certain amendments to the present law appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, which was referred to the Committee on Public Lands.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 7087) to modify the boundary lines of the Priest River National Forest in Idaho, which were referred to the Committee on Public Lands.

Mr. CURTIS presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 19.

Whereas under the laws of the United States concerning internal revenue, the United States Government issues licenses to wholesale and retail dealers in intoxicating liquors in Kansas, thus authorizing such dealers, so far as the United States is concerned, to sell intoxicating liquor without regard to the right of such dealers so to do under the constitution and the laws of the State of Kansas; and

Whereas such practice on the part of the United States seriously interferes with the execution of the laws of Kansas and encourages the violation thereof: Therefore be it

Resolved by the senate of the State of Kansas (the house of representatives concurring therein), That we instruct our Senators and request our Representatives in Congress to use all honorable means to secure the enactment in Congress of such laws as will prohibit the issuance of liquor licenses, as aforesaid, to anyone except in cases where the persons applying for such licenses are shown to be entitled under the laws of Kansas to engage in the business of handling and selling such intoxicating liquors: Be it further

Resolved, That it is the sense of this legislature that the law governing interstate commerce should be so amended that no common carrier can transport into the State of Kansas any article or articles prohibited to be kept or sold in this State by the constitution thereof: And be it further

Resolved, That a copy of this resolution, signed by the president of the senate and the speaker of the house and certified by the secretary of the senate and the clerk of the house, be immediately transmitted to each Senator and Representative of the State of Kansas in Congress.

I hereby certify that the above concurrent resolution originated in the senate and passed that body February 5, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Passed the house February 6, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Approved February 11, 1909.

W. R. STUBBS,
Governor.

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 13th day of February, 1909.

[SEAL.] C. E. DENTON,
Secretary of State,
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. WARREN. I present a petition relating to the preservation of the elk. I may state that the legislature of Wyoming has just made an appropriation of several thousand dollars for their protection. The petition is a very short one. I ask unanimous consent to have it printed in the RECORD, and that it be referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the petition was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

RAWLINS (WYO.) LODGE 609 OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA.

RAWLINS, WYO., *February 9, 1909.*

Hon. FRANCIS E. WARREN,
Washington, D. C.

DEAR SIR: The following resolution was unanimously adopted at the last regular meeting of this lodge, and in pursuance of same we submit it to you for your attention and trust that you will do everything in your power to secure the passage of the desired legislation:

Whereas the Benevolent and Protective Order of Elks of the United States of America is now endeavoring to secure from the Congress of the United States legislation which will create a reserve in the State of Wyoming for the care and maintenance of the American elk, from which our order derives its name; and

Whereas such legislation will involve an appropriation of about $30,000; and

Whereas our order is profoundly interested in securing legislation: Now therefore be it

Resolved, That this lodge of Elks does hereby earnestly request and urge upon the United States Senators from this State and the Congressman from this district to aid in every legitimate manner the passage of such legislation; and be it further

Resolved, That a copy of this resolution be at once forwarded to the said United States Senators and Congressman by the exalted ruler and secretary of this lodge.

Respectfully submitted.

[SEAL.] C. R. WATSON, *Exalted Ruler.*

Mr. HALE presented a petition of Local Lodge, No. 964, Benevolent and Protective Order of Elks, of Augusta, Me., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the

American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SCOTT presented a petition of sundry citizens of Ravenswood, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Audubon Society of the State of Rhode Island, praying for the enactment of legislation providing for the protection of migratory game birds, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURNHAM presented petitions of Local Lodge No. 879, of Claremont; of Local Lodge No. 146, of Manchester; and of Local Lodge No. 618, of Berlin, all of the Benevolent and Protective Order of Elks, in the State of New Hampshire, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of M. W. Hale and sundry other citizens of Surry, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the board of directors of the Nashua Trust Company, of Nashua, N. H., remonstrating against the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented the petition of James Tucker and sundry other citizens of the State of Washington, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 19.

Whereas under the laws of the United States concerning internal revenue the United States Government issues licenses to wholesale and retail dealers in intoxicating liquors in Kansas, thus authorizing such dealers, so far as the United States is concerned, to sell intoxicating liquor without regard to the right of such dealers so to do under the constitution and the laws of the State of Kansas and;

Whereas such practice on the part of the United States seriously interferes with the execution of the laws of Kansas, and encourages the violation thereof: Therefore be it

Resolved by the senate of the State of Kansas (the house of representatives concurring therein), That we instruct our Senators and request our Representatives in Congress to use all honorable means to secure the enactment in Congress of such laws as will prohibit the issuance of liquor licenses as aforesaid to anyone except in cases where the persons applying for such licenses are shown to be entitled under the laws of Kansas to engage in the business of handling and selling such intoxicating liquors: Be it further

Resolved, That it is the sense of this legislature that the law governing interstate commerce should be so amended that no common carrier can transport into the State of Kansas any article or articles prohibited to be kept or sold in this State by the constitution thereof: And be it further

Resolved, That a copy of this resolution, signed by the president of the senate and the speaker of the house and certified by the secretary of the senate and the clerk of the house, be immediately transmitted to each Senator and Representative of the State of Kansas in Congress.

W. J. FITZGERALD,
President of the Senate.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body February 5, 1909.

Z. E. WYANT,
Secretary of the Senate.

Passed the house February 6, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Approved February 11, 1909.

W. R. STUBBS,
Governor.

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal this 13th day of February, 1909.

[SEAL.]

C. E. DENTON,
Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. LONG presented a petition of Local Lodge No. 412, Benevolent and Protective Order of Elks, of Pittsburg, Kans., and a petition of Local Lodge No. 595, Benevolent and Protective Order of Elks, of Lawrence, Kans., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Christian Temperance Union of Mound, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Mercantile Club of Kansas City, Kans., praying for the enactment of legislation providing for the construction of public roads in the Territory of Alaska, which was referred to the Committee on Territories.

Mr. DEPEW presented petitions of Local Lodge No. 748, of Cortland; of Local Lodge No. 161, of Saratoga; and of Local Lodge No. 645, of Port Jervis, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 418, Patrons of Husbandry, of Stafford, N. Y., and a petition of Manchester Grange, No. 501, Patrons of Husbandry, of Shortsville, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings bank" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the New York Yearly Meeting of the Religious Society of Friends and of sundry church organizations of Brooklyn, in the State of New York, remonstrating against any further appropriation being made for the increase of the navy, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills and joint resolution, submitted adverse reports thereon, which were agreed to, and the bills and joint resolution were postponed indefinitely:

A bill (S. 9299) to regulate the price of gas in the District of Columbia, and for other purposes (Report No. 1048);

A bill (H. R. 18513) to repeal section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896 (Report No. 1049);

A bill (S. 8655) to require the Washington Gaslight Company and the Georgetown Gaslight Company to maintain and record a certain pressure of gas (Report No. 1050); and

A joint resolution (S. R. 11) suspending section 5 of the act of Congress entitled "An act regulating the sale of gas in the District of Columbia," and the jurisdiction of the supreme court of the District of Columbia thereunder (Report No. 1051).

Mr. GALLINGER. Yesterday I reported a bill in the nature of a substitute for the several bills which have just been indefinitely postponed. I then said that I would at an early day file a written report. I now present that report (No. 1054) and ask that 100 additional copies of the bill and report be printed for the use of the Committee on the district of Columbia.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. PAYNTER, from the Committee on Claims, to whom was referred the bill (S. 8183) for the relief of the several States under the act of July 8, 1898, and acts amendatory thereto, reported it with amendment and submitted a report (No. 1052) thereon.

Mr. GUGGENHEIM, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3237) for the relief of C. E. Moore, reported it without amendment and submitted a report (No. 1053) thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 18th instant, authorizing the Secretary of the Treasury to cover into the general fund of the Treasury any unexpended balance that may still remain of the appropriation of $3,000,000 made by the deficiency act of March 3, 1899, etc., intended to be proposed by him to the general deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

NATIONAL CONSERVATION COMMISSION.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred Senate concurrent resolution 97, submitted by the Senator from Minnesota [Mr. NELSON] on the 17th instant, to report as a substitute a joint resolution, and I ask unanimous consent for its present consideration.

The joint resolution (S. R. 138) to provide for the printing of 25,000 copies of a portion of the report of the National Conservation Commission was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be printed and bound in cloth 25,000 copies of a portion of the report of the National Conservation Commission, consisting of the message of the President transmitting the report of the commission, the report proper of the commission, summaries of the four sections of the full report, a statement by the secretary of the

commission, and the proceedings of the Joint Conservation Conference, of which 6,500 copies shall be for the use of the Senate, 13,000 copies for the use of the House of Representatives, and 5,500 copies for distribution by the National Conservation Commission.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution No. 293, submitted yesterday by the Senator from New Hampshire [Mr. GALLINGER], to report it favorably with an amendment, and I ask for its present consideration, as follows:

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized and directed by subcommittee or otherwise, to examine into all matters relating to the government of the District of Columbia, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recesses or sessions of the Senate, to send for persons and papers, to administer oaths, and to employ such assistance as may be necessary, the expense to be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was, in line 4, after the word "the," to strike out the words "government of the," so as to read "to examine into all matters relating to the District of Columbia."

The amendment was agreed to.

The resolution as amended was agreed to.

JOINT COMMITTEE ON PRINTING.

Mr. ELKINS. I am directed by the Committee on Printing to report a joint resolution. It has been agreed on by the House Committee on Printing as well as by the Senate committee. I ask for its present consideration.

The joint resolution (S. R. 139) amending section 1 of an act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That section 1 of an act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, be amended by striking out the whole of said section and substituting in lieu thereof the following:

"That the Committee on Printing of the Senate and the Committee on Printing of the House of Representatives, each to consist of three Members of their respective Houses, shall constitute a Joint Committee on Printing, who shall have the powers hereinafter stated, and the Speaker of the House of Representatives, before the termination of the last session of each Congress, including the Sixtieth Congress, shall appoint from the Representatives elected to the succeeding Congress a temporary Committee on Printing consisting of three members, who shall have the same powers and perform the same duties as are now imposed by law and the rules of the House of Representatives upon the regularly appointed Committee on Printing for the House of Representatives until the organization of the succeeding Congress and the appointment of a regular Committee on Printing.

"SEC. 2. In addition to the duties now imposed and the powers conferred upon the Joint Committee on Printing, the said joint committee is hereby authorized to inquire at any time into the subject of the public printing and binding for Congress and for the various executive departments and government establishments not connected with an executive department, and to report to Congress from time to time any abuses in the public printing and binding, and to recommend to Congress such remedies as in their judgment may seem proper; and the said Joint Committee on Printing is hereby authorized to send for or subpœna persons, books, papers, or documents, and, through the chairman or acting chairman, or the chairman of any subcommittee thereof, to administer oaths, examine witnesses, books, papers, or documents respecting all matters pertaining to the public printing and binding, and to have such printing done as may be necessary to the business of the said Joint Committee on Printing; and the said joint committee, or any subcommittee thereof, may convene at any time for the transaction of public business.

"SEC. 3. The Joint Committee on Printing shall elect a secretary, who shall be the executive officer of the said joint committee and who shall be authorized to carry into effect the orders and regulations of the said joint committee. The salary of the secretary of the said Joint Committee on Printing shall be at the rate of $4,000 per annum, and shall be appropriated for and paid by the Secretary of the Senate."

Mr HALE. Let the joint resolution go over. I discover from the reading that it ought to be thoroughly examined.

The VICE-PRESIDENT. The joint resolution will be placed on the calendar.

ROYAL L. SWEANY.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 24373) to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash., to report it favorably without amendment.

Mr. PILES. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Royal L. Sweany, late a deputy collector of internal revenue at Tacoma, State of Washington, $107, as a reimbursement for that amount of money paid by him to the Government to cover the value of certain documentary revenue stamps forwarded in the mails by him as deputy collector on or about June 30, 1902, from Tacoma, Wash., to the office of the collector for the district of Oregon, at Portland, Oreg., and lost in transit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALASKA-YUKON EXPOSITION.

Mr. SUTHERLAND. From the Select Committee on Industrial Expositions, I report back favorably without amendment the bill (S. 9154) to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908, and I submit a report (No. 1047) thereon. I call the attention of the Senator from Washington [Mr. PILES] to the bill.

Mr. PILES. I ask for the present consideration of the bill just reported by the Senator from Utah.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 11 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, by adding at the end thereof the following:

Provided further, That the board of managers herein above described may, in its discretion, cause any exhibit or part thereof to be exhibited in any building or buildings, or other place on said exposition grounds, provided or furnished by any State or other organization.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF ARKANSAS RIVER.

Mr. FRYE, from the Committee on Commerce, to whom was referred concurrent resolution 101, submitted on the 18th instant by Mr. CLARKE of Arkansas, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view of ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year, and if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved.

BILLS INTRODUCED.

Mr. BANKHEAD introduced a bill (S. 9426) for the relief of John C. Stoutenborough, of Richmond, Ala., which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 9427) for the construction of a wall on the Ohio River at Fort Massac Park, Massac County, Ill., which was read twice by its title and referred to the Committee on Commerce.

Mr. RAYNER introduced a bill (S. 9428) for the relief of the heirs of Thomas Miller, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 9429) for the relief of the heirs of Charles H. Wright, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 9430) for the relief of Sarah R. Bexley, administratrix of the estate of the late Augustus R. Bexley, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 9431) for the relief of the estate of John McQuiddy, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 9432) for the relief of the estate of John Burns, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 9433) granting an increase of pension to John H. Flier, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 9434) to authorize the Court of Claims to admit as evidence affidavits in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. ALDRICH introduced a bill (S. 9435) granting an increase of pension to Maryetta Thurber, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 9436) granting an increase of pension to Charles Hatfield, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9437) granting an increase of pension to Hans Wickstrum; and

A bill (S. 9438) granting a pension to Luella A. Taylor.

He also introduced a bill (S. 9439) for the relief of Lemuel H. Redd, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SIMMONS submitted an amendment providing for a survey of Cape Lookout, North Carolina, and also of Cape Hatteras, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment providing for an examination and survey for the location of a canal connecting Lake Superior and the Mississippi River, by way of the St. Croix River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for dredging the inner basin of Duluth Harbor, Minnesota, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DEPEW submitted an amendment providing for the examination and survey of Bay Ridge and Red Hook channels, New York Harbor, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $550,000 for the purchase by the Commissioners of the District of Columbia of certain land in the District for park purposes, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

REVISION OF PENAL LAWS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States, which was, to strike out all after the enacting clause and insert a substitute.

Mr. HEYBURN. I move that the Senate disagree to the amendment proposed by the House, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HEYBURN, Mr. SUTHERLAND, and Mr. MCLAURIN conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist on its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY conferees on the part of the Senate.

ALASKA CENTRAL RAILWAY.

The bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes, was read the first time by its title.

Mr. NELSON. The Senate has reported a bill (S. 8821) similar to that, and I ask that the House bill be substituted for the Senate bill on the calendar.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. NELSON. I call the attention of the Senator from Illinois [Mr. CULLOM] to the matter.

Mr. CULLOM. I hope that the House bill may be taken up and disposed of at this time.

The VICE-PRESIDENT. If there be no objection, the bill (S. 8821) to extend the time for the completion of the Alaska Central Railway, and for other purposes, for which the House bill has just been substituted, will be indefinitely postponed. The Senator from Illinois asks for the present consideration of the House bill. It will be read.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the time for filing the map of definite location of the Alaska Central Railway, as required by the provisions of chapter 299 of the Laws of the United States, entitled "An act extending homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, be, and the same is hereby, extended for three years from the date of the passage of this act, and that the time for completion of said Alaska Central Railway be, and the same is hereby, extended for three years from the expiration of the period provided for in the act entitled "An act to extend the time for the completion of the Alaska Central Railway, and for other purposes," approved June 30, 1906: *Provided*, That nothing herein contained shall be held or construed to affect any lawfully accrued rights.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. It is a bill to extend the time for the completion of a railroad in Alaska?

The VICE-PRESIDENT. It is.

Mr. KEAN. I object. Let us have the regular order.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded. The bill will be placed on the calendar.

HOUSE BILLS REFERRED.

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district, was read twice by its title and referred to the Committee on the Judiciary.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 26916, the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask consent that the formal reading of the bill be dispensed with, and that the bill be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall be first considered. Is there objection? [After a pause.] The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, under the subhead "President," on page 2, after line 13, to insert:

That whenever so directed by the President the Secretary of the Interior shall cause allotments in severalty to be made to the Indians of any reservation in accordance with the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians of various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," as amended by the act of February 28, 1891 (27 Stat. L., 794), and as amended by the act of May 8, 1906 (34 Stat. L., 182), in such areas as he may consider equitable and just, not, however, exceeding 160 acres of agricultural land to any one Indian, and all Indians of the reservation to be allotted, living at the date of the President's order, shall be entitled to receive an allotment, and if any Indian thereafter die prior to being allotted the lands he would have received if living, such lands shall be allotted in his name and descend to his heirs in accordance with the laws of descent and distribution of the State in which the land is situate.

Mr. SUTHERLAND. I desire to call the attention of the chairman of the committee to the language in line 9, on page 3. Beginning with line 7, it reads:

And if any Indian thereafter die prior to being allotted the lands he would have received if living, such lands shall be allotted in his name and descend to his heirs in accordance with the laws of descent and distribution of the State in which the land is situate.

It seems to me that the words "in his name," in line 9, should be stricken out. We can not allot land to a man who is dead. It would then read "such lands shall be allotted and descend to his heirs."

Mr. McCUMBER. Perhaps the Senator should insert the word "to," so as to read "shall be allotted to and descend to his heirs."

Mr. SUTHERLAND. Very well.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 3, line 9, strike out the words "in his name" and insert "to," so as to read "shall be allotted to and descend to his heirs," and so forth.

Mr. CLAPP. The amendment to the amendment is accepted by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, after line 11, to insert:

SECRETARY OF THE INTERIOR.

That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary be, and he is hereby, authorized to grant such lands to any such railway company which shall comply with the provisions of this act and such rules and regulations as may be prescribed by the said Secretary thereunder.

That when any railway company desiring to secure the benefits of this act shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, the said Secretary shall ascertain and fix the value of said land, and upon the payment of the price so fixed the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: *Provided*, That no lands shall be acquired under the provisions of this act in greater quantities than 40 acres for any one reservoir, and 160 acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of 10 miles of any such railway in any Indian reservation: *And provided further*, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed 150 feet in width.

That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages.

Mr. HEYBURN. Mr. President, I desire to suggest a point of order against this amendment, and I also desire the privilege of suggesting it against the preceding amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. HEYBURN. That it is general legislation.

Mr. CLAPP. Before the Senator presses that point, I should like to submit this consideration to the Senate: We have in the bill a measure passed by the House covering this identical subject with reference to the Great Northern Railway in Montana. They are obliged to come to Congress whenever they need anything of this kind and secure a special act giving the Secretary of the Interior the authority to grant gravel pits and reservoir sites.

Mr. HEYBURN. I should like to ask what portion of the amendment the Senator is referring to now.

Mr. CLAPP. I am talking now of the amendment relating to ballast pits and reservoirs.

Mr. HEYBURN. In what line?

Mr. CLAPP. It goes from line 13, on page 3, to and including line 2, on page 5.

Mr. HEYBURN. I will withhold the point of order, with the understanding that these amendments will not be hurriedly passed. The first amendment was passed so hurriedly that I did not have an opportunity even to interpose a point of order against it.

The VICE-PRESIDENT. The Senator from Idaho withholds his point of order, and if there be no objection the amendment to which it was directed will be passed over for the present.

Mr. HEYBURN. I am only withholding it upon the suggestion of the Senator from Minnesota that he would explain the purpose of the amendment. I understood him to say that he desires to explain the purpose of the amendment.

Mr. CLAPP. The purpose of the amendment is simply this: These railroads run through Indian reservations. There is a general law which allows the Secretary of the Interior, upon the filing of a plat and complying with the conditions prescribed by him, to grant a right of way through different reservations. There is no law at present under which they can acquire gravel pits or sites for reservoirs. At every session more or less special bills have to be passed for that purpose. I had one passed through the Senate this winter, and it comes back here as a provision of this bill, put in by the House. Instead of requiring, in such cases, that they shall come here and get special legislation, it occurred to the department and the committee that it would be a wiser way to make a general provision.

I recognize the fact, as I said yesterday, that we have reported some administrative legislation in this bill. Senators realize the difficulty of getting legislation, especially at this period in the session. I would be perfectly willing to have the merits of these matters considered, and if they are not properly framed I would cheerfully join in perfecting the framing of them.

I do hope the Senator will withhold his point of order against this amendment and against some others which we have put in the bill and which I will explain as we reach them.

Mr. HEYBURN. Mr. President, I am loath to raise the point of order against a portion of this proposed legislation, but it is a complete departure from anything we have heretofore known in connection with our dealing with the Indian lands, which under the Constitution of the United States are made the subject of treaty arrangement. It is rather shocking to turn over to the Secretary of the Interior a power which originally had to be exercised under the treaty-making power of the Constitution, and, as a matter of fact, which is now turned over to a clerk in the department.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. The Senator, I think, recalls the fact that there is similar legislation on the statute books relating to the right of way.

Mr. HEYBURN. Unfortunately, yes.

Mr. CLAPP. I would hardly concede that it is unfortunate. Railroads have to be built in the western country. They have of necessity to go through reservations. It benefits and enhances the value of the land of the allottees and the owners of those reservations. I would hardly agree that it is unfortunate.

Mr. HEYBURN. Mr. President, I have had some experience on this question, commencing some twenty-odd years ago, and with a supplement last year. Under the old law it was necessary to make a treaty with the Indians and determine the damages and the conditions under which the land might be taken. It was not inconvenient. It was a law that had worked satisfactorily for nearly a century.

Take the right of way for the Minneapolis and St. Paul road through the Coeur d'Alene Indian Reservation. Those Indians did not know until months afterwards that their rights had even been in question or under consideration. They came here to me in Washington at the last session and were utterly astonished when they found that the right of the railroad to go through that reservation from one end to the other had absolutely been determined, that the amount of compensation to the Indians had been fixed, and that it had been paid, as they understood, without their ever knowing that the matter was even being considered.

In 1878 or 1879 I conducted the making of the treaty with those Indians for the right of way for the O. R. and N. Railroad. The O. R. and N. went through that same reservation. We were in council for days. Those Indians understood at that time, as they do now, their rights under the law, and that the Government will deal with them in the nature of a treaty. It is not the same character of treaty making that we have with foreign nations, but it is one adapted to the conditions and circumstances. The Indians at that time received—I would not undertake to say without having the figures before me how much—several times as much for a shorter right of way to the O. R. and N. road than they have received from the independent action of the Indian agent representing the Interior Department for a right of way through the long way of their reservation. The sum that they have been awarded is a mere bagatelle, it does not amount to anything to them; and that was done under the law to which the Senator refers.

I am not at all in sympathy with making a short cut in dealing with the Indians for their lands, because while it seems like a very innocent proposition upon its face that you are going to have a right of way for a railroad, yet you find that in this and in the other measures they may take 120 acres for a reservoir site.

Mr. CLAPP. No; 40 acres for reservoirs and 160 acres for ballast pits.

Mr. HEYBURN. I will look at it:

Provided, That no lands shall be acquired under the provisions of this act in greater quantities than 40 acres for any one reservoir, and 160 acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of 10 miles of any such railway in any Indian reservation.

Under the old act we took 10 acres for a depot site and the right of way of a given width for the railroad. Now we are bringing in reservoir sites upon the Indian reservations. For whom are the reservoir sites?

Mr. CLAPP. The reservoir sites are for the railroad companies, for the purpose of accumulating, storing, and using water.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I do not want to interrupt the Senator from Minnesota.

Mr. CLAPP. No; go ahead.

Mr. DIXON. I wanted to express a hope that the Senator from Idaho will not insist on the point of order. At every session we are loaded down with dozens of individual bills to give railroad companies the right to purchase gravel pits and settling tanks. I think this amendment came up here, and several other bills of the kind. To save Congress every year from taking up its time with dozens of these little individual bills it is merely proposed to give the Secretary the right to negotiate, without going through the formula of passing special bills through Congress.

In this case the bill which I think was the cause of the introduction of this general provision was a bill concerning the railroad through the Fort Peck Reservation of northern Montana. The Great Northern Railroad runs for 200 miles through that reservation. They have got to have gravel to ballast the road. In certain places it goes through an alkali country. They must have settling tanks in order to get water for their engines.

I do not think this provision is subject to the objection that it gives the Secretary of the Interior the right to grant rights of way indiscriminately. It is merely for these gravel pits and settling tanks that the railroads must have. I assure the Senator from Idaho [Mr. HEYBURN] that the experience in the past has been that the Indians get ten times as much for these special 40-acre tracts from the railroad companies as they do under the general act opening land for settlement. I know the Great Northern Railway Company paid these same Indians, I think, as high as $30 an acre for gravel pits.

There is no question, so far as the Indian is concerned, that he will get more under this arrangement, and there is no question but what it will be a great convenience to these great transportation companies and save much time here in the passage of a dozen bills at every session of Congress.

Mr. HEYBURN. Mr. President, I am decidedly in favor of granting rights of way through the Indian reservations for railroads and of the opening up and developing of these areas, and I am not to be understood as opposing that principle or any legislation which involves it. It is only the character of this particular legislation that I am directing my remarks to.

Mr. DIXON. But the Senator——

Mr. HEYBURN. I am proceeding to make plain my objection.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I do.

Mr. DIXON. I want to suggest to the Senator from Idaho that when we pass a special bill concerning matters of this kind, the price of the land must be fixed by the Secretary of the Interior. Under every special bill we pass the Secretary of the Interior must take into consideration the price to be paid; and this is only proposing to confer generally what we do here every session of Congress half a dozen times at least.

Mr. HEYBURN. I see no sufficient reason for not pursuing the old method of obtaining rights of way; that is to say, take the owners of the land into your council and agree with them, and not have it done without their even knowing that it is being considered. That is what I object to.

Mr. DIXON. But would the Senator from Idaho urge in a case where a railroad company wanted a gravel pit to ballast the track, or a settling tank to settle their water for use in the engines, that we should convene a tribe of Indians of twenty-five hundred people to negotiate for a 40-acre tract?

Mr. HEYBURN. A hundred-and-sixty-acre tract is named in this bill.

Mr. DIXON. It would be impossible.

Mr. HEYBURN. No; I can not concede that the Senator is correct in that. It is not impossible. The railroad company know just as well when they are laying out their road what they will need as they will know twenty years afterwards. They know that they will need 10 acres for depot purposes and that they will need certain ground for gravel pits just as well when they are making up the plans of their road as they will know it at any time afterwards. Let the law stand, so that whenever a railroad company wants to pass through an Indian reservation either the Indians will be in consultation with the Government or participate in the plan or treaty, if you may call it such, so that they will be present and know what is being done, and not have them coming to us after their rights have been fixed at some trifling and insignificant figure and saying, "Well, upon what terms is this railroad company building through our lands?"

You must remember that the Indians of to-day are not the Indians of fifty years ago. Our Indians are educated, intelligent, and property-owning Indians. They plow with sulky plows; they have pianos in their homes; they ride in carriages; they speak the English language; and there is no reason on earth why those Indians should not be taken into the council that is to determine their property rights. The old idea that an Indian is an animal roaming up and down the land with a blanket on him must be given up.

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes, sir.

Mr. CLAPP. My only desire is to put this in general form, so that we shall not have to deal with special acts, and I suggest that this amendment might be amended so that the Secretary shall be authorized to negotiate. Congress, acting on the Lone Wolf decision, has proceeded for some years to dispose of Indian lands without treaty. I have no objection at all to the Senator's position. If this provision is not correct, then it should be amended.

Mr. HEYBURN. Mr. President, I am perfectly willing that amendment should cure these things of which I complain. I have had call on me during the last two weeks a large number of Indians from different sections of the United States. Only a few days since I received the card of an Indian, and went into the Marble Room and met him. He is an Indian who keeps as good an automobile as anybody in this Senate Chamber, who speaks as good English as anybody here, and who is, in taxable property and wealth, almost the equal of the average Senator in this body. The idea of taking his property through the agency of department clerks is ridiculous. We must stop and consider this change.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. I believe, Mr. President, this amendment is a very important one and will avoid very much detailed legislation. I suggest, however, in view of the observations of the Senator from Idaho [Mr. HEYBURN], that the amendment be passed over for the time being, and that other amendments may be proceeded with.

Mr. HEYBURN. Very well. We will see if we can make the amendment satisfactory.

Mr. CLAPP. That is entirely agreeable to me.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 5, after line 2, to insert:

That, to facilitate cooperative work between the Office of Indian Affairs and other bureaus and offices of the Government, the Secretary of the Treasury be, and he is hereby, authorized and directed, upon requisition by the Secretary of the Interior, to advance to disbursing officers of such other bureaus and offices, from any funds in the Treasury which are at the time available and applicable, such sums as in the discretion of the Secretary of the Interior may be necessary to meet the current and contingent expenses of the work: *Provided*, That the disbursing officers to whom the funds are advanced shall be responsible therefor under their bonds, and account therefor in the same manner and under the same regulations as for other moneys usually received by them for disbursement. Said accounts shall be examined by the administrative bureau or office under which the disbursing officer is employed, and settled by the auditor for the department of which said bureau or office is a part.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, 80 acres of agricultural or

160 acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the act of February 8, 1887 (24 Stat. L., 388). When any such lands are irrigable the Secretary of the Interior is authorized to set apart from the public domain for each allotment so made not to exceed 5 acres, and each allotment shall be reduced 5 acres in area, which said 5 acres may be leased or sold on such terms as in the opinion of the Secretary of the Interior will be subserve the purpose, and the proceeds thereof may be used in procuring water, constructing ditches and dikes, or otherwise preparing allotments of the Indians for irrigation; and when any lands subject to irrigation have been or may be hereafter allotted on any Indian reservation the Secretary of the Interior is authorized, with the consent of the Indian allottee, to set aside from each allotment not to exceed 10 acres, which lands so set aside may be leased or sold in such manner as the Secretary of the Interior may determine, and the proceeds used in procuring water, constructing ditches and dikes, or otherwise preparing the allotment of the Indian for irrigation.

Mr. HEYBURN. I move to amend the amendment on page 5, line 23, by striking out the word "such," and then striking out all after the word "areas" down to and including the word "or," in line 24.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment to the committee amendment, which will be stated.

The SECRETARY. On page 5, line 23, before the word "areas," it is proposed to strike out the word "such," and after the word "areas" to strike out "as he may deem proper, not to exceed, however, 80 acres of agricultural or."

Mr. CLAPP. I have no objection to that amendment.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. In the amendment of the committee I move to strike out the word "grazing," in line 1, page 6.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 6, line 1, before the word "land," it is proposed to strike out the word "grazing."

The amendment to the amendment was agreed to.

Mr. HEYBURN. I move to further amend the amendment of the committee by striking out on page 6 all after the word "eighty-eight" down to the end of the clause.

Mr. CLAPP. In what line?

Mr. HEYBURN. Commencing in line 5, I move to strike out all of the clause after that.

The VICE-PRESIDENT. The amendment to the amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 6, after the word "eighty-eight," in the parentheses in line 5, it is proposed to strike out the remainder of the committee amendment.

Mr. CLAPP. Mr. President, if the Senator from Idaho will pardon me, this is an amendment asked for by the department, and as to which they have made a statement, found on page 10 of the committee's report on this bill. So far as I am concerned, while I should prefer to have the amendment stand, I am not going to contest it here. I know the point can be properly made against it.

Mr. HEYBURN. We struck out the same thing last year.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment moved by the Senator from Idaho [Mr. HEYBURN].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead "Commissioner," on page 7, line 3, before the word "lands," to strike out "irrigated" and insert "irrigable;" in line 6, before the word "hundred," to strike out "two" and insert "five;" in line 7, after the word "dollars," to strike out "of which $25,000 shall" and insert "to;" and in line 8, after the word "available," to insert "and to remain available until expended," so as to read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and water rights, including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, $500,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert:

That all patents issued for allotments to the Indians on the Stockbridge and Munsee Reservation, Wis., shall expressly declare that no sale of the lands described therein shall be made under any decree of any court or otherwise for or on account of any claim, judgment, execution, order, or for taxes, or voluntarily by the patentee or his or her heirs, unless such sale is approved by the Commissioner of Indian Affairs, and any such sale or conveyance made without such approval shall be absolutely void.

Mr. LA FOLLETTE. I ask that that amendment be passed over for the present.

The VICE-PRESIDENT. Without objection, the amendment will be passed over at the request of the Senator from Wisconsin.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 8, line 5, after the word "Interior," to strike out "to take action;" and in line 6, after the word "traffic," to strike out "of" and insert "in," so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to suppress the traffic in intoxicating liquors among Indians, $50,000.

The amendment was agreed to.

The next amendment was, on page 8, line 9, after the word "purposes," to insert "not herein provided for," so as to make the clause read:

For support of Indian day and industrial schools, and for educational purposes not herein provided for, $1,425,000.

The amendment was agreed to.

The next amendment was, on page 8, line 15, before the word "thousand," to insert "and twenty-five," so as to make the clause read:

In all, $1,725,000.

The amendment was agreed to.

The next amendment was, on page 10, line 14, after the word "available," to insert:

Provided, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.

So as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, $100,000, of which $10,000 shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters and other papers of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

Mr. HEYBURN. I should like to have that amendment passed over.

Mr. CLAPP. What is the request?

The VICE-PRESIDENT. The Senator from Idaho asks that the amendment just read be passed over.

Mr. HEYBURN. I will withdraw that request if the Senator in charge of the bill is ready to consider the amendment. I object to it. It is a most extraordinary proposition. There is no such legislation made applicable to any other department of the Government, so far as I know.

Mr. LODGE. Mr. President, for years there has been a clerk authorized to sign the President's name to land patents.

Mr. HEYBURN. This is a different proposition.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. In a moment. The language here is very broad, and I know of no similar case. The amendment provides—

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters and other papers.

Could he sign a treaty? The provision is too broad, and I object to it.

Mr. CLAPP. Strike out the words "and other papers," if the Senator desires.

Mr. HEYBURN. I have no objection to the amendment, if you cut out the words "and other papers."

Mr. CLAPP. I move that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 10, line 18, after the word "letters," by striking out "and other papers," so as to make the clause read:

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead "Miscellaneous," on page 12, line 4, after the word "successor," to insert "and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use," so as to read:

That section 10 of the act of March 3, 1875 (18 Stat. L., 451), be amended so as to read as follows: "Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor, and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use."

The amendment was agreed to.

The next amendment was, under the subhead "Police," on page 14, line 23, before the word "dollars," to strike out "twenty-five" and insert "not exceeding fifty;" and on page 15, line 4, before the word "thousand," to insert "and ten," so as to make the clause read:

For pay of officers at not exceeding $50 per month each, and privates at $20 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, $210,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contingencies," on page 16, line 19, before the word "from," to strike out "going," so as to read:

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and from the seat of government, etc.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

And the Secretary of the Treasury is hereby authorized to pay from the appropriation for contingencies of the Indian Service, 1909, for expenses incurred under the orders of the Secretary of the Interior, to Joseph W. Howell $135 and to Joseph R. Webster $210.

The amendment was agreed to.

The next amendment was, under the head of "Arizona," on page 17, line 13, after the word "dollars," to strike out ": *Provided*, That," and insert "and the commissioner is authorized to use;" and in line 15, before the word "is," to insert "which," so as to make the clause read:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, $300,000; and the commissioner is authorized to use the unexpended balance for the fiscal year 1909, which is hereby appropriated and made available for 1910.

The amendment was agreed to.

The next amendment was, under the subhead "Truxton Canyon School," at the top of page 19, to insert:

To enable the Secretary of the Interior to purchase lands and water rights for the use of Navajo Indians who have lost title to their homes on the public domain in Arizona the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 20, line 2, before the word "dollars," to strike out "fifty," and insert "fifty-nine," so as to make the clause read:

In all, $104,359.

The amendment was agreed to.

The next amendment was, under the head of "Colorado," on page 20, after line 13, to strike out:

The Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the Grand Junction and Fort Lewis schools, Colorado, to the State of Colorado upon condition that the properties shall continue to be maintained and operated as educational institutions and that children of Indian parents shall have the same privileges of education as white children, but with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of by sale or transfer to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

FORT LEWIS SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the following described property, known as the "Fort Lewis School," including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

For support and education of 200 Indian pupils at the Indian school at Fort Lewis, Colo., $35,000, and for pay of superintendent, $1,600.
Repairs to and extension of sidewalks, $1,000.
Renewal of driveways, $800.
Coping along driveways, $1,000.
General repairs to buildings and water system, $5,000.
In all, $44,400.

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of 1910 the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Mr. CLAPP. Perhaps the language of that amendment may be improved by striking out the words "the following described," in lines 3 and 4, page 21. The amendment is suggested by the Senator from Utah [Mr. SUTHERLAND].

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 21, line 3, after the word "named," it is proposed to strike out "following described," so as to read:

FORT LEWIS SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property known as the Fort Lewis School, including the lands, buildings, and fixtures pertaining to said school, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 22, after line 6, to insert:

GRAND JUNCTION SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the following-described property, known as the Grand Junction School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., $33,400, and pay of superintendent, $1,600.
Repairs to and extension of sidewalks, $800.
Renewal of driveways, $600.
Coping along driveways, $1,000.
General repairs to buildings and water system, $5,000.
In all, $42,400.

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of 1910 the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Mr. SUTHERLAND. The same amendment should be made in this provision that was made in the prior provision. The words "following described," in lines 9 and 10, on page 22, should be stricken out.

Mr. CLAPP. That is right.

Mr. SUTHERLAND. I suggest that the clerk may do that in all cases.

Mr. CLAPP. I suggest that permission be granted to correct it in all instances.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 23, after line 13, to insert:

That the Secretary of the Interior is hereby authorized to expend from the funds of the Southern Ute Indians in the Treasury of the United States sufficient moneys to purchase a perpetual water right for the purpose of irrigating not less than 10,000 acres of land in the Southern Ute Indian Reservation in Colorado.

The amendment was agreed to.

The next amendment was, on page 23, after line 19, to insert:

That to carry into effect the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same (21 Stats., p. 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor; and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being $50,000 per annum up to the date of rendition of final judgment in this cause, also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement; and the credit of $1,250,000 set apart in the Treasury by the terms of said agreement, upon which said annuity has been esti-

mated, shall, upon the rendition of final judgment in this cause, cease to exist as a trust fund, and from and after the date of said judgment no annuity shall be estimated or paid therefrom; and the action herein authorized shall be consolidated with cause congressional No. 11248, now pending in said court, for the purpose of using at the trial thereof all evidence which has been adduced in said pending cause, and shall be commenced by petition under the title of said pending cause and shall be conducted by the attorney of record now appearing therein, or by any attorney by him specifically authorized to appear; and the Attorney-General shall continue to appear and represent the United States; and in rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual services in prosecuting said claim before the committees of Congress and in conducting the said cause before the courts in the name of the attorney of record in said pending cause, or any attorney by him specifically authorized, and said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, or out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, to be reimbursed to the United States from the funds of the Confederated Bands of Ute Indians, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with the terms of said act of June 15, 1880; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed: *Provided*, That after final judgment rendered in this cause, as herein authorized, the court may from time to time further consider and render judgments for the value of any lands whereof disposition shall be made subsequent to June 30, 1909.

Mr. CURTIS. In order to save time, I ask that the amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over at the request of the Senator from Kansas.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 26, after line 11, to insert:

FLORIDA.

For the purpose of enabling the Secretary of the Interior to investigate the needs and conditions of the Seminole Indians in Florida, especially with reference to the establishment of a school and reservation for said Indians, the sum of $5,000, and said Secretary is directed to report the result of such investigation at the next session of Congress.

The amendment was agreed to.

The next amendment was, on page 27, line 8, after the word "and," to strike out "four" and insert "twenty-four," and in line 14, after the word "dollars," to insert "reimbursable," so as to make the clause read:

For carrying out the provisions of the act of March 1, 1907 (34 Stat. L., 1024), authorizing the Secretary of the Interior to acquire lands and other property necessary in constructing a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Reservation in Idaho and those ceded by the Indians of said reservation, and for construction of the system determined on, $100,000, reimbursable.

The amendment was agreed to.

The next amendment was, on page 27, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to investigate and settle the equitable claims of Neils Anderson, William Winchell, and others whose lands or improvements, held under possessory claims, have been or will be damaged by reason of the construction of said reservoir, for which purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 31, after line 18, to insert:

For the purpose of carrying out the provisions of the treaty with the Pottawatomie Indians, proclaimed April 19, 1862, the Secretary of the Interior is authorized, upon application therefor, to sell the lands in Kansas allotted to those Indians styling themselves the Wah-quabas-kuk band, and purchase satisfactory lands for them in Wisconsin or elsewhere and locate them thereon. All expenses to be paid out of the receipts from the Kansas lands.

The amendment was agreed to.

The next amendment was, under the subhead "Morris School," on page 32, after line 21, to strike out:

That the Secretary of the Interior is hereby authorized and directed to dispose of and convey the real estate, including buildings and fixtures, of the Morris School of Minnesota, in the State of Minnesota, under such terms and conditions as he may prescribe, including the necessary land therefor: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of by sale or transfer to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

And to insert in lieu thereof:

That there is hereby granted to the State of Minnesota, upon the terms and conditions hereinafter named, the following-described property, known as "the Indian school" at Morris, Minn., and more particularly described as follows, to wit:

All those several tracts and parcels of land situate, lying, and being in the county of Stevens and State of Minnesota, and described as follows: The northeast quarter of the southwest quarter, the southwest quarter of the northwest quarter of the southwest quarter, the northeast quarter of the northwest quarter of the southwest quarter, the northwest quarter of the southwest quarter of the southwest quarter, the southeast quarter of the northwest quarter of the southwest quarter of section 36, township 125 north, range 42 west, containing 80 acres.

Beginning at the quarter post, being the southwest corner of the northwest quarter of section 31, township 125 north, range 41 west of the fifth principal meridian; running along the county road (Morris, Minn., to Glenwood, Minn.), or along the established line of the said county road, running from said quarter post north 63° 30′ east 1.56 chains; thence north 61° east 8.13 chains; thence north 87° 25′ east 7.07 chains; thence north 69° 30′ east 14.85 chains; thence north 77° east 27 chains; thence leaving the said county road and running north 25 chains to a point on the north boundary line of said section 31, township 125, range 41, 15 chains east of the northeast corner of the northwest quarter of said section 31, township 125, range 41; thence west along the said north boundary line of said section 31, township 125, range 41, to the northwest corner of the northwest quarter of section 31, township 125, range 41; thence south along the west boundary line of said section 31, township 125, range 41, to the place of beginning, except 12.9 acres of land owned by the Northern Pacific Railroad Company, being used for railroad right of way and special snow-fence purposes.

Also all that part of the east half of the southwest quarter of the southwest quarter section 36, township 125 north, range 42 west of the fifth principal meridian, in Stevens County, Minn., lying south of the county road from Morris to Cyrus, Minn., containing 15 acres.

And beginning at the northwest corner of the southeast quarter of section 36, township 125, range 42; thence south 11.05 chains, east 3.16 chains, south 2.57 chains, to the Cyrus and Morris public road; thence easterly along the north line of said road to a point on the east line of the northwest quarter of the southeast quarter of section 36, 7.25 chains south of the northeast corner of the northwest quarter of the southeast quarter of section 36; thence north 7.25 chains to said northeast corner; thence west to the place of beginning, containing 22½ acres.

And the south half of the south half of the northwest quarter of the northwest quarter of the southwest quarter of section 36, township 125, range 42, containing 2½ acres.

And lot No. 3 of county subdivision of unplatted part of east half of section 35, township 125, range 42, containing 8.75 acres, described as follows: Commencing at a point on the north side of the county road leading from Morris to Cyrus, Minn., 688 feet from the southeast corner of section 35, township 125 north, range 42 west; thence north 887 feet, west 440 feet, south 646 feet; thence southeast 391 feet to said county road; thence northeast along said county road 232 feet to the place of beginning.

Aggregating 290 acres, with buildings, improvements, and other appurtenances thereon.

Provided, That said lands and buildings shall be held and maintained by the State of Minnesota as an agricultural school, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils.

Provided further, That this grant shall be effective on July 1, 1910, if before that date the State of Minnesota, by its legislature, shall, by a bill or joint resolution, accept the terms of this grant, and in said event the said State of Minnesota shall file with the Secretary of the Interior a certified copy of said act or joint resolution, whereupon this grant shall take effect without further act; and the indorsement of the Secretary of the Interior upon a certified copy of said act or joint resolution of the legislature of the State of Minnesota, showing the date of the filing thereof with the said Secretary of the Interior, and showing said date to be prior to July 1, 1910, shall be competent proof in all courts of record of the filing of such certified copy of such act or joint resolution.

The amendment was agreed to.

The next amendment was, under the subhead "Pipestone School," on page 38, after line 7, to insert:

For removing obstructions at the falls and improving the highway to the cemetery, $4,000.

The amendment was agreed to.

The next amendment was, on page 38, before the word "thousand," to strike out "forty-one" and insert "forty-five," so as to make the clause read:

In all, $45,675.

The amendment was agreed to.

The next amendment was, on page 38, after line 11, to insert:

For the erection of a schoolhouse and improvements for the Bois Fort Indians on the Nett Lake Indian Reservation, $15,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to insert:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1909, out of the funds belonging to said band.

The amendment was agreed to.

The next amendment was, on page 40, after line 9, to insert:

That any moneys repaid by Indians to the United States under the provisions of the section of the Indian appropriation act approved April 30, 1908, appropriating the sum of $25,000 for the purchase of implements and other equipment for the Indians of the Fort Belknap Reservation in the State of Montana (35 Stat. L., p. 83), shall be available for reexpenditure for the same purposes and under the same conditions until June 1, 1915.

The amendment was agreed to.

The next amendment was, on page 41, line 12, after the word "dollars," to insert "reimbursable," so as to make the clause read:

For completion and extension of the Milk River Irrigation System on the Fort Belknap Reservation in Montana, $25,000, reimbursable.

The amendment was agreed to.

The next amendment was, on page 41, line 22, after the word "dollars," to insert "$100,000 thereof to be immediately available," so as to make the clause read:

For construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the act of April 23, 1904, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after

allotment," including the necessary surveys, plans, and estimates, $250,000, $100,000 thereof to be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation.

Mr. DIXON. I suggest to the chairman of the committee, that, after the word "lands," in line 24, on page 41, the words "and timber" be inserted.

Mr. CLAPP. That is agreeable.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 42, to insert:

That the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by the act of June 21, 1906, and the act of May 29, 1908, be amended by adding thereto the following sections:

"SEC. 21. That the lands alloted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

"SEC. 22. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, or other appropriation all lands within said Flathead Indian Reservation chiefly valuable for power sites or reservoir sites, and he shall report to Congress such reservations."

The amendment was agreed to.

The next amendment was, on page 42, after line 24, to insert:

That section 11 of the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be amended to read as follows:

"SEC. 11. That all merchantable timber on said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior may determine, and under such regulations as he may prescribe: *Provided*, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe."

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised the south half of southwest quarter of northeast quarter and south half of south half of northwest quarter; the north half of southwest quarter of section 28; the south half of south half of northeast quarter and the north half of north half of southeast quarter of section 29, in township 27 north, range 44 east, Montana meridian, in the Fort Peck Indian Reservation, for the purpose of granting the same to the Great Northern Railway Company for a ballast pit for ballasting its railway, and upon appraising said land the Secretary of the Interior is authorized to convey the same to said railway upon such terms as he may deem advisable. If the sale of said land shall interfere with any improvements of an individual Indian, provision shall be made for the payment of damages, and the amount of damages awarded shall be paid to such Indian, subject to the control of the Secretary of the Interior as to the funds of incompetent Indians, and if the sale of said land interferes with any allotment, such allottee shall be entitled to reallotment.

And to insert in lieu thereof:

That the act of Congress approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," be, and it is hereby, amended by adding thereto section 17, as follows:

"SEC. 17. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians."

The amendment was agreed to.

The next amendment was, under the subhead "Northern Cheyennes and Arapahoes (treaty)," on page 46, after line 5, to insert:

That any of the lands withdrawn under the reclamation act in pursuance of the provisions of section 5 of the act of Congress approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect," which are not disposed of within five years from the date of the passage of said act shall remain subject to disposal under the provisions of the reclamation act until otherwise directed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 46, after line 15, to insert:

For the employment of "line riders" along the southern and eastern boundary of the Northern Cheyenne Indian Reservation in the State of Montana, $1,500 is hereby appropriated, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to strike out:

That the Secretary of the Interior is hereby authorized and directed to dispose of and convey the real estate, including buildings and fixtures, of the Genoa School, of Nebraska, under such terms and conditions as he may prescribe, including the necessary land therefor: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of, by sale or transfer to other school, such property as is not covered by the transfer of the realty, buildings, and fixtures.

The amendment was agreed to.

The next amendment was, on page 47, after line 12, to insert:

To replace brick barn destroyed by fire, $7,000.
For residence of superintendent, $6,000.

The amendment was agreed to.

The next amendment was, on page 47, line 16, before the word "thousand," to strike out "fifty-three" and insert "sixty-six," so as to make the clause read:

In all, $66,100.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to strike out:

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of 1910 that the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

The amendment was agreed to.

The next amendment was, on page 48, line 22, after the word "cents," to insert "and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided," so as to read:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Winnebago tribe of Indians the sum of $883,249.58, and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided, being the balance of the unappropriated amounts due said tribe under the fourth article of the treaty of November 1, 1837.

Mr. CLAPP. On page 49, after the word "fifty-five," in line 9, I desire, on behalf of the committee, to strike out down to and including line 14, and to insert what I send to the desk.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 49, line 9, after the word "fifty-five," strike out the remainder of the paragraph and insert in lieu thereof the following:

The Secretary of the Interior is hereby authorized and directed to cause a new enrollment to be made of all Winnebago Indians entitled to share in said fund other than those enrolled at the Winnebago Agency in Nebraska, and until the completion of such enrollment no part of said sum shall be distributed. Upon the completion of such roll the Secretary of the Interior is authorized to pay per capita to the members of the tribe, except those resident in Wisconsin, their proportionate share of said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904. (33 Stat. L., 201.) The proportionate share to the credit of the Winnebago Indians resident in Wisconsin shall be held in the Treasury of the United States pending further legislation.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to the end of line 14 on page 49.

Mr. BURKETT. I am called away to attend a committee meeting, and the chairman of the Committee on Indian Affairs has consented that I may offer an amendment now. Right after the provision with reference to Nebraska I move to insert what I send to the desk. I will say it has already passed the Senate twice. If no one objects, it can be put on without being read.

Mr. CURTIS. I should like to know what it is.

Mr. BURKETT. It is in reference to the Omahas.

The SECRETARY. After line 14, on page 49, it is proposed to insert:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the right, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians under the contract filed in the Indian Office on the 4th

day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other statements or verification shall be necessary.

The attorneys of record shall be furnished with official letters, papers, reports, documents, and public records or certified copies thereof, which may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determine all legal and equitable claims, if any, of said Otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress, of the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit, or for the failure of the United States to pay either of said tribes any money due.

Mr. CURTIS. I should like to reserve the point of order on the amendment and have it go over. I have no objection to the amendment; and I think those Indians should have the right to go to the Court of Claims, but I object to putting legislation of that kind on this bill. I asked to have an item passed over a few minutes ago because it referred a case to the Court of Claims. I should like to have them all treated alike.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be passed over for the present.

The next amendment was, under the subhead "Carson School,'" on page 50, line 18, after the word "thereto," to strike out "as said Secretary deems for the best interest of the Indians" and insert "with said allottees as may be necessary," and in line 22, before the word "lands," to strike out "reserved," so as to make the clause read:

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June 17, 1902 (32 Stats., 388), known as the reclamation act, and which may make possible, and provide for in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior be, and he hereby is, authorized to make such arrangement and agreement in reference thereto with said allottees as may be necessary: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such lands: *Provided further*, That to meet the necessary cost of carrying out this legislation the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation, an amount not exceeding $13,000.

The amendment was agreed to.

The next amendment was, under the subhead "Santa Fe School," on page 52, after line 11, to insert:

For completion of the irrigation system on the Zuni Reservation in New Mexico, $25,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Six Nations of New York. (Treaty)," on page 53, line 18, after the word "dollars," to insert "and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided," so as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seneca Indians of New York the sum of $118,050, and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided, being the value of stocks held in trust for the Indians and taken by the United States, and canceled under authority of the act of June 27, 1846.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to place upon the books of the Treasury the sum of $70,000 to the credit of the Six Nations of New York Indians, excluding the Oneidas of Wisconsin, said sum being a capitalization, on a basis of 5 per cent, of the permanent annuity of $3,500 paid in merchandise through the New York Indian Agency, as provided by the treaty of November 11, 1794, Seventh Statutes at Large, page 44, to the members of the Six Nations residing in the State of New York; and the said sum of $70,000 shall be held as a tribal trust fund for the tribes entitled thereto, and draw interest at 5 per cent, and be subject to distribution under the direction of the Secretary of the Interior, in such manner and under such regulations as he may prescribe.

The Secretary resumed the reading of the bill under the heading "North Carolina."

Mr. CLAPP. The Senator from North Carolina [Mr. OVERMAN] brought me a suggestion a moment ago showing that a mistake had been made in the number of pupils at the Cherokee school. In his absence, I ask that the item be passed over for the present.

The reading of the bill was continued.

The next amendment was, under the subhead "North Dakota," on page 56, line 9, after the word "entitled," to strike out:

"An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States to the Territories from the Indians, and for other purposes."

And insert:

"An act to provide for the allotment of lands in severalty to the Indians of the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and amendments thereto.

So as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, on the approval of any allotment or homestead made to an Indian of the Turtle Mountain band of Chippewa Indians under the act of April 21, 1904 (33 Stat. L., 189, 194), to cause patent to issue therefor in the name of the allottee in accordance with section 5 of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to the Indians of the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and amendments thereto.

The amendment was agreed to.

The next amendment was, under the subhead "Wahpeton School," on page 57, after line 7, to insert:

For improving the heating and lighting plant, $5,000.

The amendment was agreed to.

The next amendment was, on page 57, line 10, before the word "thousand," to strike out "twenty" and insert "twenty-five," so as to make the clause read:

In all, $25,200.

The amendment was agreed to.

The next amendment was, in the items for the Wahpeton School, on page 57, after line 11, to insert:

In addition to the above, the Commissioner of Indian Affairs is authorized to expend in behalf of said school any unexpended balance of the appropriations heretofore made for said school for improvements thereon.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 58, after line 9, to strike out:

For a monument to Cynthia Ann Parker, mother of Quanna Parker, chief of the Comanches, $1,000, to be expended under such regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, under the head of "Five Civilized Tribes," on page 62, after line 18, to strike out:

For clerical work and labor connected with the sale of inherited and other lands, Five Civilized Tribes, $10,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 22, to insert:

For appraising, clerical work, and labor connected with the sale of restricted lands, Five Civilized Tribes, $25,000.

The amendment was agreed to.

The next amendment was, on page 63, line 10, before the word "thousand," to strike out "fifteen" and insert "twenty-five," so as to make the clause read:

To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, and section 1 of the act of May 27, 1908, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "District agents," on page 63, line 18, before the word "thousand," to strike out "ninety" and insert "one hundred," so as to read:

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated for the salaries and expenses of district agents and other employees connected with the work of such agents, out of any funds in the Treasury not otherwise appropriated, the sum of $100,000, to be immediately available as the Secretary of the Interior may direct; and all powers heretofore conferred by law on said district agents, who are designated by the act of May 27, 1908.

The amendment was agreed to.

The next amendment was, under the subhead "Schools," on page 64, line 12, before the word "thousand," to strike out "one hundred and fifty" and insert "three hundred," so as to make the clause read:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of $300,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, under the subhead "Completion of the work," on page 64, after line 23, to insert:

Whatever of said work remains uncompleted on said date shall be turned over to the United States Indian agent at the Union Agency, Okla., to be by him completed.

The amendment was agreed to.

The next amendment was, under the subhead "Seminoles (treaty)," on page 67, line 9, after the word "dollars," to insert "said sum, or any part thereof, so long as it remains in the Treasury, to draw interest at the rate of 5 per cent per annum," and, in line 17, after the word "fifty-six," to strike out:

And the Secretary of the Interior is authorized to pay per capita to the members of the tribe entitled thereto the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

So as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seminole tribe of Indians, the sum of $570,000, said sum, or any part thereof, so long as it remains in the Treasury, to draw interest at the rate of 5 per cent per annum, being the balance of the unappropriated amounts due said tribe under article 8 of the treaty of August 7, 1856 (11 Stat. L., p. 702), and article 3 of the treaty of March 21, 1866 (14 Stat. L., p. 756).

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to withdraw from the Treasury of the United States, in his discretion, the sum of $500,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, and use the same for the benefit of said Indians.

The amendment was agreed to.

The next amendment was, on page 68, after line 7, to insert:

That the Secretary of the Interior is hereby authorized, in case after investigation he deems it for the best interest of the tribe, to set aside 640 acres of Choctaw land for the benefit of old Goodland Indian Orphan Industrial School, and to convey the same to said school in conjunction with the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation.

The amendment was agreed to.

The next amendment was, on page 68, after line 14, to insert:

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee to the Benedictine Fathers of Sacred Heart Abbey, Oklahoma, for the following-described lands, now and for many years reserved for and occupied by the Sacred Heart Mission, to wit, the south half of section 7 and the north half of section 18, in township 6 north, range 5 east, on the Pottawatomie Reservation, Okla., containing 640 acres more or less.

The amendment was agreed to.

The next amendment was, on page 68, after line 23, to insert:

The sum of $600,000 is hereby appropriated in full payment of the award of the United States Senate of February 16, 1903, in favor of the loyal Creek Indians, to be immediately available. Such funds shall be paid in proportion to the award as set out in the list of awards made by W. B. Hazen and F. A. Field, commissioners, on behalf of the United States: *Provided*, That amounts due decedents on such list shall be paid to their heirs or legal representatives: *Provided further*, That the Secretary of the Treasury is hereby authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creek and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him or those employed by him and for all disbursements and other expenditures had by him or his associates in behalf of said claimants in pursuance to said contract.

The Secretary of the Treasury is further authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, Okla., in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. CLAPP. In line 2, page 69, after the word "Indians," I move to insert the words "pursuant to the stipulations of the treaty of March 1, 1901."

Mr. CURTIS. I desire to make a point of order against this amendment.

The PRESIDING OFFICER (Mr. HEMENWAY in the chair). Without objection, the amendment to the amendment will be agreed to.

Mr. CURTIS. I have no objection to the amendment to the amendment, but it ought to read "agreement" instead of "treaty," because there was no treaty of that date.

Mr. McCUMBER. It is the same thing.

Mr. CURTIS. The courts hold not.

The PRESIDING OFFICER. Does the chairman of the committee accept the modification?

Mr. CURTIS. It should be "agreement" instead of "treaty," because there was no treaty.

Mr. CLAPP. I think that is correct, probably.

The PRESIDING OFFICER. It will be so modified. The question is on agreeing to the amendment to the amendment as modified.

The amendment to the amendment was agreed to.

Mr. CURTIS. I make a point of order against the amendment, commencing on line 24, page 68, and running over to line 2, page 70, on the ground that it is general legislation, and that it is a claim.

Mr. McCUMBER. Before the Chair passes upon it, I should like to be heard.

The VICE-PRESIDENT. Will the Senator from Kansas withdraw his point of order, that the Senator from North Dakota may be heard?

Mr. CURTIS. Certainly; I will reserve it, or withdraw it, if that is necessary.

Mr. McCUMBER. I wish the Senator would state his point of order, and then I wish to discuss it and present some views upon the point of order.

The VICE-PRESIDENT. The Senator from Kansas may make the point of order, without objection, and the Senator from North Dakota will be heard. Under the strict rule, after a point of order has been made, debate is not in order.

Mr. McCUMBER. I understand.

The VICE-PRESIDENT. By the permission of the Senate, the Senator from Kansas will state the point of order.

Mr. CURTIS. By the act of 1903 Congress appropriated the sum of $600,000 to settle this claim. The act provided that, if paid, the Indians should receipt in full settlement of the claim.

The VICE-PRESIDENT. The Senator from Kansas will kindly suspend while the Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. The unfinished business will be stated.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. NELSON. I ask that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. I have been requested by Senators to let this item be passed over, and I am perfectly willing that that course should be pursued.

The VICE-PRESIDENT. Without objection, the amendment will be passed over for the present, at the request of the Senator from Kansas. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill and read to line 20, on page 71.

Mr. SUTHERLAND. On page 71, line 20, after the word "school," I move to strike out the word "at" and to insert the word "of," so as to read, "at Indian school of Carlisle, Pa.," and so forth.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Indian Affairs was, in the items for the Carlisle school, Pennsylvania, on page 71, after line 23, to insert:

For improvement of heating system, $10,000, to be immediately available.

The next amendment was, on page 72, after line 15, to strike out:

The Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the Chamberlain School, South Dakota, for a price not less than $26,000 (unless it should be disposed of to the State of South Dakota, in which case the limitation as to price shall not apply), upon condition that the property shall continue to be maintained and operated as an educational institution and that children of Indian parents shall have the same privileges of education as white children, but with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose by sale or transfer to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

And in lieu thereof to insert:

There is hereby granted to the State of South Dakota upon the terms and conditions hereinafter named the following-described property, known as the Chamberlain School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of South Dakota as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of South Dakota files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

Mr. KITTREDGE. I present to the Senate, with a view of its acceptance by the committee, an amendment to be inserted at the end of the paragraph, in line 19, page 73, and if it is agreeable to the committee, I will be entirely satisfied to have the amendment adopted.

The VICE-PRESIDENT. The amendment to the amendment will be read by the Secretary.

The SECRETARY. Add at the end of the amendment the following:

If such property is not accepted by the State of South Dakota as hereinbefore provided, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures of the Chamberlain School, South Dakota, for a price not less than $26,000, upon condition that the property shall continue to be maintained and operated as an educational institution, and that children of Indian parents shall have the same privilege of education as

white children, but with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of, by sale or transfer, to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

Mr. CLAPP. I see no objection to the amendment to the amendment.

Mr. GAMBLE. I should like to hear the first part of the amendment to the amendment read again, as to the time when it will become operative.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

If such property is not accepted by the State of South Dakota as hereinbefore provided, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the Chamberlain School, South Dakota, for a price not less than $26,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 78, line 22, after the word "acre," to insert the following proviso:

Provided, however, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization heretofore engaged in mission or school work on said reservations, for such lands thereon as have been heretofore set apart to such organization for mission or school purposes.

So as to make the clause read:

On the Lower Brule Reservation: On agency reserve in section 15, township 107 north, range 73 west of the fifth principal meridian, described as beginning at the corner to sections 10, 11, 14, 15; thence west 330 feet on the section line between sections 10 and 15; thence south 264 feet; thence east 330 feet; thence north 264 feet to the place of beginning, containing 2 acres: *Provided, however*, That the Secretary of the Interior is hereby authorized, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Sioux of different tribes, including Santee Sioux of Nebraska (treaty)," on page 79, line 20, before the word "hundred," to strike out "five" and insert "three," so as to read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $300,000.

Mr. GAMBLE. I suggest that the amendment be disagreed to. This is a treaty stipulation, and no recommendation has come from the department for a reduction of the appropriation. I ask that the amendment be disagreed to for the reason that it is a treaty stipulation and no suggestion has come from the department in regard to it. It is a matter of importance to the Indians there. I suggest that if such a reduction is to be made, the matter had better be referred to the department. It comes with a recommendation from the department for the original amount.

Mr. DIXON. I wish to say that probably I was partially responsible for that amendment in committee. The old treaty of 1877 does provide for rations for these Sioux Indians until such time as they shall become self-supporting. It was then my judgment and belief that as long as you issue rations to an Indian he never will become self-supporting. I think it was at my suggestion that the amendment was made to cut the amount from $500,000 to $300,000.

The amendment was rejected.

The next amendment was, under the subhead "Sioux, Yankton tribe (treaty)," on page 81, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the Flandreau tribe of Indians, in the State of South Dakota, per capita the balance remaining in the Treasury to their credit, approximating $8,000, accruing to said Indians under the act of March 2, 1889.

The amendment was agreed to.

The next amendment was, on page 81, after line 12, to insert:

That the following-described tract of land situated in Boreman County, in the State of South Dakota, and described as follows, to wit: A strip of land 10 chains wide on the west side of lot 3, in sec. 26, of T. 20 N., of R. 25 E., of the Black Hills principal meridian, be, and the same hereby is, reserved for cemetery purposes for the perpetual use of the Indians of the Standing Rock Indian Reservation, and the same shall not be subject to taxation so long as the same may be used for cemetery purposes.

The amendment was agreed to.

The next amendment was, under the head of "Utah," on page 82, line 8, after the word "dollars," to insert "reimbursable," so as to make the clause read:

For constructing irrigation system, to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, as provided by the act of June 21, 1906, $125,000, reimbursable.

The amendment was agreed to.

The next amendment was, on page 82, after line 8, to insert:

There is hereby granted to the State of Utah, upon the terms and conditions hereinafter named, the following-described property, known as the Panguitch School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

The amendment was agreed to.

The next amendment was, on page 82, after line 22, to insert:

To enable the Commissioner of Indian Affairs to perfect and protect the rights of the Uncompahgre, Uintah, and White River Utes in Utah in and to the waters appropriated under the laws of the State of Utah for the irrigation systems authorized by the act of June 21, 1906, $200,000, or so much thereof as may be necessary, the amount expended hereunder to be reimbursed from the proceeds of the sale of lands within the former Uintah Reservation: *Provided*, That said sum, or any part thereof, shall be used only in the event of failure to procure from the State of Utah or its officers an extension of time in which to make final proof for waters appropriated for the benefit of the Indians, and any sum expended hereunder shall be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation.

The amendment was agreed to.

The next amendment was, at the top of page 88, to insert:

To enable the Commissioner of Indian Affairs to pay the Oneida band of Indians of the Oneida Reservation, Wis., their proportionate share of the perpetual annuity accruing to the Six Nations of New York Indians, under the sixth article of the treaty of November 11, 1794 (7 Stat. L., p. 46), on the basis of a capitalization of the said annuity at 5 per cent, as provided in the agreement made with the said Oneida band January 4, 1909, said agreement having been made in pursuance with the act of Congress approved April 30, 1908 (35 Stat. L., p. 70), $20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, after line 7, to insert:

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on said reservations, for such lands thereon as have been heretofore set apart to such organization for mission or school purposes.

The reading of the bill was concluded.

Mr. CLAPP. On page 10, after line 23, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 10, after line 23, it is proposed to insert:

That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect.

The amendment was agreed to.

Mr. CLAPP. After the amendment just agreed to, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the amendment just agreed to it is proposed to insert:

That if any Indian tribe whose surplus lands have been or shall be ceded or open to disposal has received or shall receive an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unsurveyed land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in such canceled allotment shall be disposed of as other ceded lands in such reservation. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect.

The amendment was agreed to.

Mr. CLAPP. On page 32, after line 7, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 32, after line 7, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John K. Heyl, from the funds of the Kaw Indians in his possession, which have been set aside for the payment of certain claims, now in his possession, the sum of $750, the same being in payment of a scrip of the said Kaw Indians issued to Robert S. Stevens or bearer, the said payment to be made on the basis of the liquidation of other like scrip of the Kaw Indians.

Mr. CURTIS. If the chairman of the Committee on Indian Affairs will consent to strike out the last clause of the amendment and insert the words "without interest," personally I shall not object to this amendment.

Mr. CLAPP. That should be done. The Senator from Kansas previously called my attention to that, but I overlooked it.

Mr. CURTIS. After the word "dollars" in the amendment, I move to insert "without interest," and then to strike out the last words of the amendment, "the said payment to be made on

the basis of the liquidation of other like scrip of the Kaw Indians."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, I desire to offer an amendment, to which I call the attention of the Senator from Kansas [Mr. CURTIS]. All amendments relating to sending matters to the Court of Claims have been passed over. Last year we adopted an amendment authorizing certain matters in Wisconsin to go to the Court of Claims. In doing that we named the parties who might bring the suits. It appears that one of those parties had died prior to the passage of that act. The object now is to allow his heirs to bring suit, and also to make provision for what was then omitted in the matter of taking depositions; so it will hardly be in line with the matters the Senator has in view.

Mr. CURTIS. May I ask the Senator from Minnesota a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. I do.

Mr. CURTIS. The object of this amendment is simply to perfect what was before in the bill?

Mr. CLAPP. Simply to perfect what was in the bill before.

Mr. CURTIS. I have no objection to that.

Mr. CLAPP. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 89, after line 14, it is proposed to insert:

That the provisions of section 2 of the act approved May 29, 1908, conferring jurisdiction upon the Court of Claims in certain cases against the Menominee Indians be, and the same hereby are, extended to the heirs and legal representatives of William H. Stacey, formerly a trader upon the Menominee Reservation in Wisconsin, and to all other persons having claims against the Menominee tribe of Indians and against certain members of said tribe of the character described in said act, and the Secretary of the Treasury is authorized and directed to pay to Henry S. Comstock, attorney of record for said Indians in the Court of Claims, the sum of $2,000 out of any funds in the Treasury to the credit of said tribe for the purpose of taking depositions, payment of witness fees, and other expenses necessarily incident to the preparation of the defense of said Indians against all actions brought or to be brought under the provisions of section 2 of the act above mentioned, the said amount to be accounted for in final settlement of fees and expenses with said court and to be deducted from the allowance made.

The amendment was agreed to.

Mr. CLAPP. Mr. President, the first item passed over was on page 4, relating to gravel pits and reservoirs.

The VICE-PRESIDENT. The first amendment passed over, as the Chair understands, begins in the middle of page 3 and embraces page 4 and two lines of page 5.

Mr. HEYBURN. It commences on page 2; and against that amendment I raise the point of order.

The VICE-PRESIDENT. That amendment has been agreed to. The Chair understands that the first amendment passed over begins in line 13, page 3, and ends at line 2, on page 5.

Mr. HEYBURN. I suggested at the time that the action on the amendments was so rapid that I was unable to interpose my objection to the first committee amendment. I requested that it should be open to the suggestion of the rule.

Mr. CLAPP. It may just as well be regarded as still open.

The VICE-PRESIDENT. Without objection, the amendment which was agreed to, on page 2, will be regarded as still open.

Mr. HEYBURN. I object to the amendment commencing in line 14, page 2, and extending down to line 11, on page 3, as being general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and the Chair sustains the point of order.

Mr. HEYBURN. Now, I make the same objection to the second amendment, commencing in line 13, on page 3, and continuing down to and including line 2, on page 5.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. I call the Senator's attention to the suggestion I am about to make, that on page 4, line 2, after the word "shall," the words "ascertain and fix the value of" be stricken out, and the words "negotiate with the Indians for" be inserted; and in line 3, after the word "so," the word "fixed" be stricken out, and the words "agreed upon" be inserted, so as to read:

The said Secretary shall negotiate with the Indians for said land, and upon the payment of the price so agreed upon, the said Secretary, etc.

Mr. HEYBURN. That will be entirely agreeable to me.

Mr. CLAPP. Very well. I move that amendment to the amendment.

Mr. HEYBURN. With that modification I should not object to the amendment.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw his point of order?

Mr. HEYBURN. I do, in view of the amendment to the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota to the amendment of the committee will be stated.

The SECRETARY. In the amendment of the committee, on page 4, line 2, after the word "shall," it is proposed to strike out "ascertain and fix" and insert "negotiate with the Indians for;" and in line 3, after the word "so," to strike out "fixed" and insert "agreed upon," so as to read:

That when any railway company desiring to secure the benefits of this act shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, the said Secretary shall negotiate with the Indians for said land, and upon the payment of the price so agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment passed over was, on page 7, after line 14, to insert:

That all patents issued for allotments to the Indians on the Stockbridge and Munsee Reservation, Wis., shall expressly declare that no sale of the lands described therein shall be made under any decree of any court or otherwise for or on account of any claim, judgment, execution, order, or for taxes, or voluntarily by the patentee or his or her heirs, unless such sale is approved by the Commissioner of Indian Affairs, and any such sale or conveyance made without such approval shall be absolutely void.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LA FOLLETTE. I asked to have that amendment passed over. There is no reason why the restriction should be imposed upon the property belonging to these Indians. They are certainly as intelligent, as highly civilized, and as well advanced as any Indians in the United States, whether in New York or elsewhere. In the report for 1905 it is said:

The Stockbridge and Munsee Indians are fully equipped for citizenship and the management of their lands and moneys, and an early settlement of these affairs is earnestly desired.

And yet this amendment proposes to so encumber their property or to place such restrictions with respect to the improvement of their property that it will be impossible for them to build homes or borrow money or contract debts for opening up and making their farms.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. The Senator suggested that the amendment ought to be passed over and that later we might take it up. If the Senator feels that the position he has taken should be sustained, the amendment could be reached by a point of order and disposed of at this time.

Mr. LA FOLLETTE. I purposed to follow this brief statement with a point of order that the amendment is general legislation on an appropriation bill and ought to go out. I wanted to assign some reason for making the point of order; that was all.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and he sustains the point of order.

The next amendment passed over was, on page 23, after line 19, to insert:

That to carry into effect the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said States, and for other purposes, and to make the necessary appropriations for carrying out the same" (21 Stats., p. 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor; and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being $50,000 per annum up to the date of rendition of final judgment in this cause, also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement; and the credit of $1,250,000 set apart in the Treasury by the terms of said agreement, upon which said annuity has been estimated, shall, upon the rendition of final judgment in this cause, cease to exist as a trust fund, and from and after the date of said judgment no annuity shall be estimated or paid therefrom; and the action herein authorized shall be consolidated with cause Congressional No. 11248, now pending in said court, for the purpose of using at the trial thereof all evidence which has been adduced in said pending cause,

and shall be commenced by petition under the title of said pending cause and shall be conducted by the attorney of record now appearing therein, or by any attorney by him specifically authorized to appear; and the Attorney-General shall continue to appear and represent the United States; and in rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual services in prosecuting said claim before the committees of Congress and in conducting the said cause before the courts in the name of the attorney of record in said pending cause, or any attorney by him specifically authorized, and said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, or out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, to be reimbursed to the United States from the funds of the Confederated Bands of Ute Indians, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with the terms of said act of June 15, 1880; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed: *Provided*, That after final judgment rendered in this cause, as herein authorized, the court may from time to time further consider and render judgments for the value of any lands whereof disposition shall be made subsequent to June 30, 1909.

Mr. TELLER. I want to say a few words about that amendment. It is in exactly the language of a bill which has heretofore passed the Senate, but has not passed the House. In 1879 we had some trouble with the Ute Indians in Colorado. They murdered their agent and did some other very bad things. On the 15th day of June, 1880, we made a treaty with them, and this provision is to carry out that treaty. We speak of it here now as an agreement, but originally such agreements were called "treaties." I have the treaty before me and if any Senator desires to have me go into the details of it, I can do so. I merely wish, however, to make a very brief statement, as we have not much time to spend on these matters.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. TELLER. Certainly.

Mr. CURTIS. I should like to know whether the amendment is a new and original proposition or simply one to correct an error that was made in a former appropriation bill?

Mr. TELLER. It is not to correct anything. It is really to send this case to the Court of Claims and let the court settle the controversy between the Government and the Indians. That is all.

Mr. CURTIS. As I understand, this claim was heretofore sent to the Court of Claims.

Mr. TELLER. It was sent under the Tucker Act, but the Court of Claims have very strongly indicated that they did not think they had jurisdiction. That is how it stands, and that is what we are afraid of—that the court will hold that they have not jurisdiction. A good deal of time has already been wasted.

I want to say that the controversy between the Indians and the Government is simply this: The Government say that prior to the treaty of 1880 they had advanced to these Indians a good deal of money, which is true. I participated in the discussion of that treaty twenty-nine years ago, and I know that it was accepted by the Indians and understood by the department itself to be a final settlement. There was no suggestion that any former advances should be considered in connection with the treaty. Now the Government say that they had made some advances before that time that ought to be charged up.

The Indians ceded to the Government of the United States a very large tract of land at a dollar and a quarter an acre. It included some of the most valuable land in the State of Colorado, property that to-day is worth four or five hundred dollars an acre. It included also a large tract of coal land, which is worth, according to the present estimate of the department, anywhere from $50 to $500 an acre. These Indians have been paid a stipulated sum yearly, I believe, although there is some dispute about that. The Indians claim otherwise, but I think they have.

The question is now, Shall the Government pay them for the land they have sold at a dollar and a quarter an acre and land that has been withdrawn from entry at a dollar and a quarter an acre? A large portion of this area has been withdrawn from settlement and is now in three great forest reserves, upon which no man can acquire any title whatever to property. The stipulation in the agreement of the Indians was that the Government should sell these lands and deposit the money in the Treasury. We want to get an opportunity to show to the court what the facts are and have it determined whether the Indians are to be charged for matters that occurred long before the treaty was made.

Then, we should like to have the court pass upon the question whether the Government ought to be paid for the land which has been segregated from the public lands and put into forest reserves. The stipulation was that whatever was sold should sell at a dollar and a quarter an acre and that that should be paid to the Indians.

Mr. President, I do not see why anyone should object to the amendment. It provides that the Attorney-General shall look after the case and see that the Government is not wronged. It is the only way that the Indians can settle this controversy. They can not sue the Government unless we authorize them to do so.

Mr. CURTIS. I withdraw the point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Kansas withdraws his point of order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. President, in this connection I desire to say that I withdraw the point of order I made against the amendment offered by the Senator from Nebraska [Mr. BURKETT] on page 49.

The VICE-PRESIDENT. The Senator from Kansas withdraws the point of order made against the amendment offered by the Senator from Nebraska. The amendment will be stated.

The SECRETARY. On page 49, after line 14, it is proposed to insert:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians, ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the right, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other statements or verification shall be necessary.

The attorneys of record shall be furnished with official letters, papers, reports, documents, and public records or certified copies thereof, which may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determine all legal and equitable claims, if any, of said Otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress of the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit, or for the failure of the United States to pay either of said tribes any money due.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLAPP. The next item passed over is on page 54. I am advised that the Senator from North Carolina [Mr. OVERMAN] desires to offer an amendment in the provision for the Cherokee school in North Carolina.

Mr. OVERMAN. Mr. President, I have a copy of an amendment prepared by the gentleman who represents in the other House the district where that school is located.

Mr. CLAPP. Does the Senator desire to offer it now?

Mr. OVERMAN. Yes. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, line 25, after the words "education of," it is proposed to strike out "one hundred and sixty" and insert "two hundred;" and on page 55, line 1, before the word "thousand," to strike out "twenty-eight" and insert "thirty-four," so as to read:

For support and education of 200 pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $34,220.

Mr. OVERMAN. I wish to say that the reason I offer the amendment is that the supreme court of North Carolina in a recent case, found in a late volume of the North Carolina Reports, decided that the Cherokee children are amenable to the laws of North Carolina, which require every man to send his children to school. There are 227 in the school now.

The amendment was agreed to.

Mr. CLAPP. I will ask permission at this time to correct the totals. There have been some changes made.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. CLAPP. On page 10, after the amendment which has been adopted there, I desire to submit another amendment. I want to say that the Senate has been very indulgent with these amendments. This is something the department is very anxious to have done. A bill for this purpose passed the Senate some time ago. I offer the amendment.

The SECRETARY. On page 10, after line 3, and after the amendments already agreed to at that point, it is proposed to insert:

That any adult Indian of any reservation to whom an allotment has been or hereafter shall be made and a trust or other patent containing restrictions on alienation issued, or hereafter shall be issued therefor, is, with the consent of the Secretary of the Interior and under such regulations as he may prescribe, hereby authorized to sell the timber on his allotment.

Timber on the allotments of minors may, upon the approval of the Secretary of the Interior, likewise be sold by the father, mother, or Indian agent, or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

Mr. TELLER. I should like to have the word "guardian" included there somewhere—the guardian, under the direction of the Secretary of the Interior.

The VICE-PRESIDENT. The amendment reads:

By the father, mother, or Indian agent, or other officer in charge, in the order named.

Mr. TELLER. Perhaps that will cover it.

Mr. LA FOLLETTE. I ask to have the amendment read again.

The VICE-PRESIDENT. The Secretary will again read the amendment, at the request of the Senator from Wisconsin.

The Secretary again read the amendment.

Mr. LA FOLLETTE. I am constrained to make the point of order against the amendment that it is general legislation upon an appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and therefore sustains it.

Mr. TELLER. I wish to offer an amendment, and I desire to say a word or two about it. I send up the amendment to be read.

The SECRETARY. On page 2, after line 13, it is proposed to insert:

To provide for the protection of Indian property and the prosecution of crimes and offenses committed against Indians and Indian property, the sum of $25,000, to be expended at the discretion of the President, the same to be immediately available.

Mr. TELLER. Mr. President, I find there is a small appropriation—I think twenty-five hundred dollars—provided in the pending bill for this purpose, and perhaps for some other purposes.

I have some personal knowledge of the conditions of Indian property. I have gone on two committees into the Indian country—down into Oklahoma. I have some knowledge of the condition of the Indians in the western country, as well as in the Southwest. I know that there have been committed against the Indians a great many frauds of recent date. There are a large number of prosecutions now on hand by the General Government, I understand, and I want to have a reasonable amount of money provided for their prosecution. I do not know—it might have been put into the hands of the Secretary; but on consultation with some people who know about those matters, I thought it better to put it in the name of the President. Of course, the work will be done under the Secretary of the Interior, whoever he may be.

I think this ought to be done. I think common justice to the Indians requires that we should furnish some means to protect their property, and to protect their persons in some cases. The Senator from Kansas, I think, accompanied me on one of those expeditions, and he will sustain me in the statement that we ought to have some help from the General Government in these cases.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. FLINT. I offer the amendment I send to the desk.

The SECRETARY. On page 18, after line 19, it is proposed to insert:

For payment to James H. Owen, of Los Angeles, Cal., of the amount found to be due him by the Secretary of the Interior under contract of May 31, 1906, for the erection of buildings and irrigation works at the Truxton Canyon Indian School, Arizona, $930.

The amendment was agreed to.

Mr. GORE. I desire to offer an amendment to the pending bill, to be inserted after line 9, on page 58.

The SECRETARY. On page 58, after line 9, it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed to turn over to the proper officers, respectively, of the counties now forming a part of the area covered by the counties of Caddo, Kiowa, and Comanche, State of Oklahoma, upon such equitable basis as may be satisfactory to and approved by the Secretary of the Interior, the respective unexpended balances of the funds derived from the sale of town lots in the towns of Anadarko, Hobart, and Lawton, Okla., under the act of March 3, 1901, and by that act and the acts of June 30, 1902, and March 14, 1906, set apart for the construction of public improvements in the said counties, as a trust fund to be by them, or under their supervision, expended solely for the construction and completion of public improvements in the counties aforesaid, as provided by the enactments of Congress creating and regulating the disposition of said funds, and for expenses necessary in connection with the construction and completion of such improvements.

Mr. GORE. I ask that the letter accompanying the amendment be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. I make the point of order against the amendment, unless some explanation is made showing the necessity for it.

Mr. GORE. I will make an explanation, which I hope will be satisfactory.

A measure for this purpose has already passed the Senate, but the condition of affairs in the other House makes it impossible to pass it there at this session. It is urgently desired by the department, and I sent to the desk with the amendment a letter from the Secretary of the Interior urging its passage. It is a matter the department is very anxious to be rid of.

Mr. CURTIS. I should like to ask the Senator if he can explain what change it makes in existing law?

Mr. GORE. There is a remaining balance from the sales of those town lots, which arose seven years ago, still in the hands of the department, and they desire to turn this money over to the local authorities in those counties in order to get rid of the further distribution of the fund.

Mr. CURTIS. As I understand, the law required these improvements to be made by the Secretary of the Interior or under his direction.

Mr. GORE. That was the law, and a good many have been made, but a portion of the fund still remains, and the Secretary desires that it be turned over to the counties. I will ask that the letter I sent to the desk be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

FEBRUARY 3, 1909.

Hon. J. S. SHERMAN,
Committee on Indian Affairs, House of Representatives.

SIR: By your reference of January 30, 1909, for report, I have the honor to acknowledge receipt of copy of H. R. 11342, entitled "A bill providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla."

The bill authorizes and directs the Secretary of the Interior to turn over to the proper officers, respectively, of the counties of Caddo, Kiowa, and Comanche, and the towns of Anadarko, Hobart, and Lawton, in the State of Oklahoma, the unexpended balances derived from the sale of the town lots under the act of March 3, 1901.

By section 30 of the act of May 29, 1908 (35 Stat., 458), the Secretary of the Interior was authorized and directed to turn over the unexpended balances due the towns of Lawton, Hobart, and Anadarko, so that there is only remaining in the custody of the United States the balances due the counties of Caddo, Kiowa, and Comanche. The areas covered by the original counties have since been subdivided, and there are several additional counties covering the same territory.

It is therefore respectfully recommended that clause "and the towns of Anadarko, Hobart, and Lawton," lines 5 and 6, page 1, and the words "and the towns," in line 13, page 1, and line 3, page 2, of the bill be stricken out. Also, that there be inserted after the word "counties," in line 5, page 1, the following: "Now forming a part of the area covered by the counties," and after the word "Comanche," in the same line, the words "on March, 1891."

The balances due the respective counties now lie in the Treasury. It appears that the various commissioners of the various counties of the original Comanche County have agreed among themselves as to how the balance remaining for that county may be satisfactorily divided between them. There has apparently been no subdivision of Kiowa County. Grady County covers a portion of the original Caddo County, but this department has not been advised of any agreement for partition between these counties. As Oklahoma has now become a State, there is no reason why the expenditures should be now supervised by this department, nor why the fund should not be divided among the counties upon such equitable basis as may be satisfactory and approved by the Secretary of the Interior.

This department would, therefore, recommend the passage of the bill amended, so as to provide for the distribution suggested.

Very respectfully,

(Signed) FRANK PIERCE,
Acting Secretary.

Mr. CURTIS. I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. GORE. I offer another amendment, to follow the one just agreed to.

The SECRETARY. After the amendment just adopted, on page 58, after line 9, it is proposed to insert:

The Secretary of the Interior is authorized to allot to the children born to members of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma since June 5, 1906, such allotments to be made out of the remaining unallotted lands belonging to said tribes, and to be as nearly equal in value as practicable.

Mr. CURTIS. I make the point of order against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it proposes general legislation and changes existing law.

The VICE-PRESIDENT. The Chair sustains the point of order that it is general legislation.

Mr. GORE. I ask the Senator from Kansas to withhold the point of order for just a moment.

Mr. CURTIS. I do not see how I can. I feel that the bill is being loaded down with a lot of matters that ought to go through as independent measures, and I insist on the point of order.

The VICE-PRESIDENT. The Senator from Kansas insists upon the point of order.

Mr. MCCUMBER. I offer the amendment I send to the desk.

The SECRETARY. After line 2, on page 70, it is proposed to insert:

That the Attorney-General of the United States is hereby authorized and directed to move the advancement upon the docket of the Supreme Court of the United States of the case of J. E. Fleming et al. *v.* Green, McCurtain et al., Docket No. 535, to the earliest practicable hearing.

The amendment was agreed to.

Mr. GORE. I desire to submit an amendment to be inserted after line 17, on page 67.

The SECRETARY. On page 67, after line 17, it is proposed to insert:

SEC. —. The Secretary of the Interior is authorized and directed to cause to be paved that portion of the streets adjacent to the Creek national capitol at Okmulgee, Okla., which said portion would be chargeable to the property if it were private property, and the expense of such paving shall be defrayed out of the fund belonging to the Creek tribe of Indians.

Mr. CURTIS. I make the point of order against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it is general legislation.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. OWEN. I have several small amendments which are offered in accordance with the wish of the Interior Department, who have reported on the matter, and I have the report of the Secretary of the Interior which I should like to have appear in the RECORD without being read, unless some one would like to hear it.

The VICE-PRESIDENT. Without objection, the report will be inserted in the RECORD without being read.

The report is as follows:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 10, 1909.

MY DEAR SENATOR CLAPP: I am sending you herewith the formal report on Senate bill 8776, relative to the winding up of the affairs of the Five Civilized Tribes.

I have found it quite impossible to formulate any statement which would fairly show the conditions which have been complained of regarding persons who claim to have been omitted from the tribal rolls. It seems to me almost impossible to classify the various complainants in such fashion as to give a clear idea of either the reason for the classification or the number of persons who might come within any special class.

It seems to me that if we attempt to open the rolls for any class of claimants, more harm than good will be the result.

I am, however, still considering this question, and will advise you further; but send this report on, as I understand your committee desires to consider the Senate bill 8776 to-morrow morning.

Very truly yours,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1909.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs,
United States Senate.

DEAR SIR: I have, by your reference of January 28, Senate bill 8776, "To enable the Secretary of the Interior to dispose of the affairs of the Five Civilized Tribes, and for other purposes."

The underlying purpose of this bill is very proper and necessary. For years Congress has been providing in the Indian appropriation acts that the Commissioner to the Five Civilized Tribes shall wind up the affairs of those tribes on or before the end of the following fiscal year. The intricacy of the work of that commission, the multitudinous questions which have arisen, the extreme importance of doing full justice to the Indians, have all combined to make it impossible to close the affairs as the various acts direct. In addition to the ordinary difficulties of administration, the department has been confronted with a large number of suits, some of them involving the enrollment and property rights of thousands of persons.

The Goldsby and Allison suits, recently decided by the Supreme Court, have established the status of about 300 citizens of the tribes who, previous to that decision, had been treated as legally stricken from the rolls. While these cases were pending, most of their selected allotments have been applied for by other enrolled members. It will now be necessary to allow the three hundred to perfect their rights and to see that others who had tentatively applied for their allotments get allotments elsewhere.

Other suits are now being filed in what may prove to be more than 1,000 cases, in which—although the essential point on which the Goldsby case was decided is lacking—there are other features of considerable similarity.

"The Muskrat" case, recently decided by the Court of Claims, established (unless the Supreme Court should overrule the decision) the right of hundreds of Cherokees to be upon the rolls and share in the tribal land and money. This suit has been appealed, and action under the decision must be delayed until the Supreme Court has rendered final judgment.

The so-called "Fleming suit" is supposed to affect the rights of more than 13,000 claimants. It is now in the Supreme Court for consideration.

There are other suits pending and likely to be brought. Under the circumstances, and without some definite provision of law providing for the manner in which the affairs of the Five Civilized Tribes shall be closed, it may be years before the Commissioner to the Five Civilized Tribes can actually complete his work.

I am convinced that the method of procedure set forth in the various sections is necessary and equitable, and that they would accomplish a final and proper adjustment of the matter in question. I am not certain, however—and I draw particular attention to my hesitancy—that the length of time allowed before final action is sufficient to insure opportunity for a full and reasonable return to the tribes from their property, or that those determined by the courts to be entitled to enrollment will be identified by final judgment of the courts before December 1, 1911, the date fixed in S. 8776 for completion of the distribution of the funds belonging to the tribes.

I ask, therefore, that the committee consider whether the date, "May 1, 1910," found in lines 24 and 25 of the third page of the bill, should not be made at least as late as December 1, 1910; and whether the date "July 1, 1911," found in lines 10 and 11 of the fourth page of the bill, should not be extended to as late as December 1, 1911; and whether the date "December 1, 1911," found in line 5, and again in line 9, on page 7 of the bill, should not be as late as July 1, 1912.

This extension of the time seems necessary for two reasons: First, in order that there may be better opportunity for final court judgments, since the Supreme Court could advance and consider the cases during the winter of 1911–12 which might not reach that body in time for judgment prior to December 1, 1911; and, second, because there should be the fullest reasonable opportunity to secure for the tribes an adequate return from the sale of their residue land. The property involved consists of millions of acres, of which about 300,000 acres contain valuable deposits of coal, and nearly a million acres are covered with timber of considerable value.

The purpose of the bill is to divide the landed property of the Indians into three classes: (1) The surface of the Choctaw and Chickasaw coal and asphalt lands, (2) the coal and asphalt contained in that land, and (3) all the other land left after final allotments have been made.

The plan involves as speedy a classification and appraisement of these lands as possible, in order that there may be one or more offers for all of it to the public under sealed bids, at not less than the appraised value, prior to May 1, 1910, as the bill now provides, or December 1, 1910, as I suggest; and that after such date, but before July 1, 1911, as the bill provides, or December 1, 1911, as I suggest, this land shall be offered one or more times in such way that before the final date it shall have been offered with no restriction as to area or upset price, in order that if the land then remaining has any value whatever it may be disposed of to the person or persons offering to purchase it.

I also understand that, by section 4, the bill proposes to protect the tribes and the members thereof from any contracts they may have entered into which might consume part of the proceeds from the proposed sales; also, that the bill provides that those who are lawfully on the rolls and do not obtain an allotment of land shall receive, in full satisfaction for allotment right, an amount twice the average value of the land subject to allotment; also, that the funds of the tribes shall be distributed before December 1, 1911, as the bill provides, or before July 1, 1912, as I suggest, such distribution being unrestricted, except that allottees of more than three-quarters Indian blood whose restrictions have not been entirely removed shall receive half of their distributive shares without restrictions, the other half being held by the Secretary of the Interior and expended later for the benefit of such restricted Indians; also, that the councils of the tribes shall not meet except with the approval of the Secretary of the Interior, in order that they may not consume the funds of the tribes in useless and prolonged meetings.

By the arrangements suggested above, the duties of the Commissioner to the Five Civilized Tribes would be surely at an end July 1, 1912, and as soon before that time as the court and contest proceedings and sales of land could be brought into such shape that the Indian agent would be able to handle the matter, with the help of the district agents, in the way that the affairs of tribes other than the Five Civilized Tribes are now handled.

Section 7 is necessary, because the tribal funds of the Creek Nation are not sufficient to equalize their allotments, as now provided by law.

The reason for this is that a large number of minors were added to the rolls with the consent of the nation, and for that reason there will be practically no residue of land to be sold. Since there is not sufficient money to equalize these allotments, the only reasonable and logical method would seem to be to pro rate the money available among them, saving out only enough to be sure to meet the current expenses of the tribe until such time as their tribal rolls may be finally closed.

Section 8 provides a remedy for a situation which in many respects would bring about complications and inequities. There are many payments on town lots in default. The defaulting purchasers own the improvements on the lots, and would strenuously oppose the taking of these improvements by a subsequent purchaser. The defaults of payment are largely due to the recent financial stringency and to uncertainty about the outcome of the town-lot fraud cases. There would seem to be no objection from the standpoint of the tribes that an opportunity for making defaulted payments should be given to and including a specific date.

Section 9 is necessary if the affairs of the Choctaw and Chickasaw nations are to be closed out. The law now permits freedmen who received less than 40 acres of land in their allotments to purchase at the appraised value enough land to bring their holding up to said 40 acres. Many or most of these freedmen will never exercise this right, and for that reason it is necessary to fix a limitation whereby their right will become automatically and equitably extinguished. If the bill passes at this session of Congress, the time allowed—to December 1, 1909—would seem to be equitable.

In addition to the sections contained in the bill I suggest the following:

"SEC. 10. That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to take charge of and lease, for terms not exceeding those provided by law for the various classes of leases for restricted allotments of the Five Civilized Tribes, all restricted lands allotted to members of any of the Five Civilized Tribes having three-quarters or more Indian blood when such allottees fail or refuse to accept or take possession of their allotments: *Provided*, That leases made hereunder which could have been legally made by the allottee without the approval of the Secretary of the Interior shall be delivered to him for administration at any time when he shall accept them: *And provided*, That until said allottees accept the administration of said leases the expense of making leases which the allottee could have legally made for himself without the approval of the Secretary of the Interior shall be reimbursed to the fund for the expenses of district agents provided for in the Indian appropriation act, the net proceeds thereof, together with all the proceeds of leases which require the approval of the Secretary of the Interior, to be held by the Indian agent, Union Agency, and paid to the respective allottees as soon as they will accept said payments."

The propriety of such a provision of law is based upon the fact that a large number of full-blood Cherokees, Creeks, and Choctaws have refused to accept their allotments. Their allotment certificates and deeds sent to them by registered mail have been returned to the Indian agent. Most of these allottees do not know where their allotments are situated and are obtaining no return from them. Under the proposed section the district agents, without very great loss of the time which they are using to so much advantage in the protection of minors and in the removal of restrictions, could let it be known that they will make leases for such allotments, and the Indian agent, who is under a $400,000 bond, could hold the proceeds until the recalcitrant allottee can be found. There is no case on record where an allottee has refused to accept money, and I believe that as soon as any such allottee finds that there is money available for him and that his allotment will bring him an income for the future, he will take over the lease from the department, accept his allotment certificate and deed, and become interested in the use of the land allotted to him. In this way it is hoped that the Night Hawk and Snake bands, who are refusing to accept their allotments, will be induced to follow the lead of the majority of the members of the Five Civilized Tribes. In this way also it will be possible for the district agents to get in touch with this class of Indians and obtain their consent for selling part of their allotments in order that the proceeds may be used in improving the remaining portion. This will certainly be to the advantage of the Indian and will rapidly increase the area of taxable land in eastern Oklahoma.

I urge upon the attention of the committee that a large area of timber land in the Choctaw Nation, something over a million acres, is situated at the headwaters of rivers very liable to floods, and is the only stretch of forest land in a very large region. I am convinced that it would be constitutional for the Government to purchase this land from the Indians for a reasonable price and hold it as a national forest. All the land in this region which, because of being situated along creek and river bottoms, is capable of agricultural use has been allotted. The unallotted portion is rough, broken land which can not be utilized for home making. Unless Congress makes some provision for the retention of this area as a national forest, it will, either under the provisions of this bill as introduced or by operation of existing law as soon as allotments are completed, be disposed of by the Secretary of the Interior and pass forever beyond the reach of government conservation. As I said above, the acquisition of the land by the Government would seem to be constitutional for the purpose of protecting navigable streams. It would be at least a paying investment for the Government, because the sale of timber under wise forest management would amply repay the purchase price. It would be fair to the Indians, because, if the land is exposed to sale, the cream of it will be bought in to begin with, and the remainder will be left as a drug upon the market. Choctaw and Chickasaw delegates have expressed to me informally their feeling that if the present appraised value of this land should be given to the Indians by the Government, the compensation would be fair, since the good and bad land would have to be taken in one lump. The Indians themselves would profit both practically and sentimentally by the maintenance of this public forest. Those who are not willing to adopt the ways of civilization would have a stretch of wild land, within which they could live and fish and hunt so long as they abide by the federal and state laws, whereas those who have allotments along the rivers and in the proximity of this forest land would have the protection of stream flow and the opportunity to purchase timber and wood at better prices, not only to-day, but for generations to come.

If the committee should deem it wise to adopt the above suggestions they can do so by amending section 3 as follows:

1. In line 15, page 3, after the words "Five Civilized Tribes," insert "except not to exceed 1,200,000 acres of timber land in the Choctaw Nation in a compact body to be designated by the Secretary of the Interior."

2. Add a new section between sections 3 and 4, on page 6, which shall read:

"SEC. 3a. That the compact body of timber land in the Choctaw Nation not to exceed 1,200,000 acres, as it may be designated by the Secretary of the Interior, is hereby set aside as a national forest, to be known as the "Choctaw National Forest," and to be protected, administered, and improved according to the laws, rules, and regulations applicable to national forests in general; and there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $1,800,000, or so much thereof as may be necessary, to pay to the Choctaw and Chickasaw tribes of Indians for the body of timber land, not to exceed 1,200,000 acres, designated for said national forest by the Secretary of the Interior, at the rate of $1.50 per acre, and the amount to be paid when definitely determined shall be transferred in the Treasury Department to the funds of said Choctaw and Chickasaw nations, to be disbursed as part of said funds."

I find that the following further changes should be made in the bill:

1. In line 6, page 1, the words "such enrolled persons" should be stricken out and in their place there should be inserted the following words: "any enrolled persons of the Cherokee, Choctaw, or Chickasaw nations have not completed their allotments, and." The reason for this is that those enrolled with the Creek and Seminole nations have no remnant allotments to select, and unless the above words are inserted, there might be some confusion.

2. At the end of section 2, on page 3, there should be inserted the following:

"*Provided*, That this section shall not apply to those who have made allotment selections for which certificates of allotment have issued."

The reason for this is that the courts have held that the issuance of allotment certificate passes the title, and beyond that consideration it does not seem wise to allow those who have already obtained their allotments to cause confusion and delay by attempting to surrender them and take money instead.

3. In line 20, page 3, after the word "coal," insert the words "separate from the surface;" and in the same line, after the word "asphalt," insert the words "together with the surface;" also after the word "coal," in line 6, page 4, insert the words "separate from the surface;" and after the word "asphalt," in line 7, page 4, insert "together with the surface." The reasons for these insertions is the fact that the asphalt lies practically on the surface and is worked in open quarries. Consequently a sale of asphalt without a sale of the surface would be unreasonable. By inserting the words indicated above, I am confident this section without further change will provide for sale of asphalt, together with the surface and of the coal, separate from the surface.

In line 1, at the top of page 5, after the words "may elect," there should be inserted the words "but in no case later than February 1, 1912." The necessity for this insertion is to prevent delay in payments to such an extent that the provision for distributing the funds would be necessarily defeated. On page 7 strike out the word "before," both in line 5 and line 9, and in each instance substitute for it the words "payments to begin not later than." The reason for this is that the difficulty of making 100,000 payments is so great that practically a year will be consumed in their completion. This is because of the difficulty in finding the whereabouts of the Indians and the physical work required in making sure that each payment goes to the entitled payee. This provision would not delay final distribution one day longer than practically necessary, and would not require the continuation of the Commission to the Five Civilized Tribes, since the Indians are always paid by the Indian agent or by special agents of the department.

Commissioner J. George Wright has made a careful study of the expense necessary for appraising land and mineral under section 3 of the bill. He reports that in the Creek Nation there are approximately 70,000 acres unallotted. This is distributed over about 120 townships, for which reasons it would take 10 men about five months to make the appraisements, at a cost of practically $7,000.

In the Cherokee Nation there are approximately 40,000 acres of unallotted lands in small tracts distributed over 150 townships. This would require 4 men four months, at a cost of $4,000.

The Choctaw and Chickasaw unallotted land, approximately 3,245,000 acres, is distributed over 612 townships. In about 106 of these townships there is more or less pine timber of a commercial value. To appraise this land and timber would require about 35 men for six or seven months, at an aggregate cost of about $25,000.

The total cost, therefore, would be approximately $36,000. I therefore suggest it would be impossible with the force already provided for the Commissioner to the Five Civilized Tribes and the Indian agent to make these appraisals, and I further suggest that the following section be added to the bill:

"SEC. 11. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $36,000, or so much thereof as may be necessary, to be expended by the Secretary of the Interior in making the classifications and appraisements provided for in section 3 hereof."

In connection with the disposal of land of the Five Civilized Tribes, I call your attention to the fact that section 10 of the act of May 29, 1908, provides for the sale of 2 acres for school purposes in each district. There are two mistakes in that provision. One is that the 2 acres should have been 2½ acres, for the reason that 2 acres can not be described in terms of government surveys, for which reason the cost of surveying and deeding the land for school purposes is very much increased. The provision that there may be but one school site for each school district falls short of covering the ground, since in Oklahoma each district where there are colored children must maintain two separate schools. I therefore suggest the addition of still another section to the bill, as follows:

"SEC. 12. Section 10 of the act of May 29, 1908 (35 Stat., 444), is hereby amended to read as follows: 'Sec. 10. That the Secretary of the Interior is hereby authorized to sell for use for school purposes to school districts of the State of Oklahoma from the unallotted lands of the Five Civilized Tribes land not to exceed two tracts of 2½ acres each in any one school district, at prices and under regulations to be prescribed by him, and proper conveyances of such land shall be executed in accordance with existing laws requiring the conveyance of tribal property; and the Secretary of the Interior also shall have authority to remove the restrictions on the sale of such lands, not to exceed two tracts of 2½ acres each for each school district, as allottees of the Five Civilized Tribes, including full bloods and minors, may desire to sell for school purposes.'"

Very respectfully, JAMES RUDOLPH GARFIELD, *Secretary.*

The VICE-PRESIDENT. The first amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. On page 64, in line 26, it is proposed to insert:

Provided, That allottees of the Cherokee, Choctaw, and Chickasaw nations having remnant allotments due them of not exceeding $50 in value shall be paid twice the value thereof in lieu of such allotment by check from the tribal funds of their respective tribes.

Mr. CURTIS. Is it limited to the tribal funds? Is the payment to be made out of the funds?

Mr. OWEN. Yes, sir.

Mr. CURTIS. Instead of giving them land that is worth less than $50?

Mr. OWEN. It is out of the tribal funds.

Mr. CURTIS. In lieu of land they have of a value of less than $50? I have no objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. On page 64, after line 26, it is proposed to insert:

The Secretary of the Interior is directed, after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the Creek funds the amounts severally due for the equalization of their allotments: *Provided*, That in making such payment for the equalization of the Creek allotments $800 shall be taken as the standard value of an allotment.

Mr. CURTIS. I dislike very much to make the point of order against the amendment, for I really think it ought to be enacted into law. But I think it should be taken up by the committee in a proper way; and so I make the point of order against it.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that it proposes general legislation, and therefore sustains the point of order. The next amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. It is proposed to insert at the same place the following:

The tribal councils when meeting shall receive compensation only for the length of time authorized by the Secretary of the Interior.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. After the amendment just agreed to it is proposed to insert:

The town-lot payments in default shall not work forfeiture if payment with 10 per cent interest from date of such default is made before July 1, 1909. All right to acquire land for allotment by Choctaw and Chickasaw freedmen shall cease December 1, 1909.

Mr. CURTIS. I think the junior Senator from Oklahoma should explain the necessity of those two amendments.

Mr. KEAN. Or let them go out on points of order.

Mr. OWEN. The necessity for the amendment is this: The Secretary of the Interior has laid out a very large number of towns in Oklahoma in the lands which formerly comprised the land of the Five Civilized Tribes. The town lots go into the thousands, and in many of those cases transfers have been made, and parties to whom transfers have been made were not notified of these pending balances. The law provided forfeiture if they were not paid. In some cases notices were sent to the houses, and they were not delivered. I have a report from the department in regard to it, and it can be read if the Senate desires. I think there should be no objection on the part of anyone to the amendment.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. Does the department ask for this legislation?

Mr. OWEN. I understand the department wishes it. I have here the report from the department. A similar provision is also in the bill which was reported—the Five Tribes bill—which the Senator will probably remember.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. OWEN. I have another amendment, providing for the payment of the Eastern Cherokee council. Congress two years ago appropriated approximately $4,000 out of their funds to pay them for their attendance at the Eastern Cherokee council, and going to and from. They have not been paid because of a technicality, and this is intended to confirm what Congress previously intended to do. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to insert at the end of the bill the following:

The Court of Claims is hereby authorized to allow, and, upon such allowance, the Secretary of the Treasury is hereby directed to pay out of the sum awarded to the Eastern Cherokees, under the judgment of the Supreme Court of the United States, October term, 1905, to the several members of the council of the Eastern Cherokees the sum of $5 per diem each for the period they severally rendered service in going to and from and attending the councils of the Eastern Cherokees, as shall be certified to the Court of claims by the president and secretary of the council, and otherwise established to the satisfaction of said court.

The amendment was agreed to.

Mr. OWEN. I offer an amendment in regard to suits which have been brought in eastern Oklahoma relative to land titles. I should like to have the amendment read, and I desire to offer a brief explanation.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be stated.

The SECRETARY. At the end of page 64 it is proposed to insert:

Provided, The Attorney-General is hereby authorized and directed to immediately dismiss the suits brought by the United States to set aside land titles in the eastern district of Oklahoma where the consideration was not inequitable and where there is no actual fraud involved.

Mr. KEAN. I shall have to make the point of order against the amendment.

Mr. OWEN. I ask the Senator to withhold the point of order until I can have an opportunity to explain the purpose of this item.

Mr. KEAN. Certainly.

Mr. OWEN. Mr. President, last year in the Indian appropriation act we provided the sum of $50,000 to be used in protecting the Indians of the Five Tribes against fraudulent transactions. The purpose of that was manifest on its face—that these suits were to be brought at the request of the allottees. The language of the bill was "at the request of the allottee," and it was presumed that the money would be used in protecting the Indians there against actual fraud, or where some palpable wrong had been committed against them. But instead of the suits being brought in pursuance of law, they were brought under a general plan, bringing a cloud upon the title of every piece of land where there was any transaction whatever prior to the time when the restrictions were removed. It made no matter whether the parties were perfectly satisfied, whether the consideration was equitable and fair, whether they were now content with it; but it was brought for the purpose of requiring those who had been charged with fraud to prove their innocence. It was a general plan which embraced everyone who might be in anywise interested.

The effect of it has been to make titles in eastern Oklahoma regarded with extreme doubt all over the country. It has stopped immigration to our country and has lowered the value of land, and since the original purpose was merely to protect against fraud, and since this bill provides $100,000 to be used by the representatives of the Secretary of the Interior, known as "district representatives," who are charged with the duty of advising the uninformed members of the late Five Tribes, it does seem to me the State ought to have its peace against suits brought where there is no fraud, and where the consideration was not inequitable. I should like to have the amendment read once more.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. CLAPP. Will the Senator from Oklahoma pardon me?

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. Certainly.

Mr. CLAPP. Undoubtedly a condition prevails down there where suits have been brought perhaps with less care to ascertain the facts than ought to have been exercised.

For one I would join in legislation which would enable a defendant to bring up an issue somewhat similar to the right ordinarily given to the plaintiff to strike out an answer on the ground that it was a sham and frivolous, but I can not see any force or effect in this amendment to direct the Attorney-General to dismiss a case when it is brought without due cause, because it is simply to commit to the Attorney-General the determination of the question whether there was due cause or sufficent ground.

Mr. OWEN. I shall be quite content to do that, Mr. President.

Mr. CLAPP. I do not think we ought to pass that kind of legislation. Will the Senator prepare such an amendment? I recognize the difficulty of getting legislation. The Senate has been very patient with the committee. It has been embarrassing to me as chairman of the committee to sit here without objecting on a point of order to so much legislation, but I recognize

the condition which surrounds us. I am willing to join with the Senate in their leniency upon the matter of allowing legislation on the bill.

If the Senator will prepare an amendment which will enable any defendant immediately to bring to the court the issue and the court then be required to pass upon the question, I would gladly join the Senator in that kind of legislation. It would be somewhat similar to the right which a plaintiff always has to attack a defense as a sham or as frivolous. But I must object to directing the Attorney-General to dismiss a suit when it is in the end left entirely in his discretion. We would simply throw out, it seems to me, beyond the real purview of legislation, a challenge to the Attorney-General, and it would accomplish nothing. If it would accomplish anything——

Mr. OWEN. With the consent of the Senate I will withdraw the amendment and offer it in the form suggested by the chairman of the committee.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws his proposed amendment.

Mr. CURTIS. When will it be in order to take up the point of order made on the amendment on page 68?

Mr. CLAPP. If the Senator from Kansas will pardon a suggestion, the Senator from Georgia [Mr. BACON] has been waiting to offer an amendment. The amendment to which the Senator from Kansas refers will lead to debate.

Mr. CURTIS. Very well.

Mr. BACON. I wish to offer an amendment. The point at which it is to be placed in the bill is indicated at the margin at the top.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be read.

The SECRETARY. On page 6, line 5, after the words in brackets, it is proposed to insert:

> The Secretary of the Interior is hereby authorized and directed to place on the roll of the Cherokee Nation the names of the following persons: Emily C. Howell, mother; Emily C. Howell, jr., daughter; Ellen E. Howell, daughter; Robert E. Lee Howell, son; Thomas C. Howell, son; Frank R. Howell, son; Evan C. Howell, son; James C. Howell, son; Stephen E. Howell, son; Lettie P. Howell, daughter; Eston E. Howell, son; William T. Howell, son; Julia B. Howell, daughter; Charles C. Howell, son; Mary D. Howell, daughter; all the above being the children of Catherine E. and Emily C. Howell, the first and second wives of Archibald Howell, deceased.

Mr. CLAY. I did not catch the names clearly. Is the name of R. E. L. Howell in the amendment? I did not hear that name read, and thought perhaps it was left out.

Mr. KEAN. Is there a report accompanying those names, or will the Senator from Georgia kindly tell us where he got the list of names from?

Mr. BACON. They are, as stated, the names of the children of Archibald Howell, by his two wives, each of whom was a descendant of a Cherokee Indian.

Mr. KEAN. What evidence have we that they should go on the roll?

Mr. BACON. I will state to the Senator.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Georgia yield to the junior Senator from Georgia?

Mr. BACON. I have the information here in print, if the Senator wants it. I yield to my colleague.

Mr. CLAY. I desire the attention of the Senator from New Jersey just one minute. He seemed to ask how many Howells there were. I want to tell him that I knew the father, and I helped bury him, and I know every one of those children. Some of them reside in my town and some of them in Chattanooga, Tenn.

Mr. KEAN. I believe they were Cherokee Indians. Were they not?

Mr. CLAY. Yes, sir.

Mr. KEAN. How much Cherokee?

Mr. CLAY. I do not know about that. The proof shows clearly——

Mr. BACON. I will state the fact. They made formal application to the Cherokee national council, at Tahlequah, Ind. T., October, 1887, to become citizens of the Cherokee Nation, and were all duly admitted by the then committee on citizenship as Cherokee Indians by blood, pursuant to an act of the national council of December 8, 1886, to all the rights and privileges of Cherokee citizens as enumerated under section 2, article 1, of the constitution of the Cherokee Nation.

Mr. KEAN. Now, let me ask the Senator from Georgia why were they left off the roll?

Mr. BACON. I was going on to state it for the information of the Senator.

Mr. KEAN. All right; that is what I want to know.

Mr. BACON. They were severally given certificates to that effect, signed by the officers of the commission. Some time later, when they were ready to remove to the Territory, the Commission to the Five Civilized Tribes struck their names off the Cherokee roll because of their failure to remove to the Indian Territory within a certain specified limit of time, which failure the parties herein claim arose from circumstances beyond their control, resulting from the illness and subsequent death of their father.

I will state that the matter has been before the Committee on Indian Affairs, and has been considered carefully by a subcommittee, and while it has not been formally acted upon by the full committee, the members of it with whom I have had the opportunity to confer have approved of it.

Mr. KEAN. I am content, Mr. President.

The VICE-PRESIDENT. Answering the inquiry of the junior Senator from Georgia, who asked whether the name of Robert E. Lee Howell appears in the amendment, the Chair informs him that it does.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, is it in order to take up the point of order raised by the Senator from Kansas [Mr. CURTIS] on the amendment upon page 68?

The VICE-PRESIDENT. It is in order.

Mr. McCUMBER. I would be gratified if the Senator from Kansas would restate his point of order, and also state what particular subdivision of Rule XVI the provision is out of harmony with.

Mr. CURTIS. Mr. President, the amendment changes an existing general law, and is therefore general legislation. Second, it is a claim.

I think perhaps it would be well to make a brief statement of the facts, because this is a very important question. It has been passed upon by Congress several times.

Mr. McCUMBER. I wish the Senator to state the point, and then I expect to go over the case anyway.

Mr. CURTIS. I state that the amendment is general legislation, and also it is a claim. I do not know under what clause of the rule it comes.

The VICE-PRESIDENT. Will the Senator from Kansas state to what amendment his point of order is now addressed?

Mr. CURTIS. The amendment on page 68, beginning with line 24 and ending on line 2, page 70.

Mr. McCUMBER. Rule XVI provides that—

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, etc.

I suppose that is enough of the provision of the rule to make the matter clear.

Now, what I want to know of the Senator——

Mr. CURTIS. The point I make is that it changes existing law and is not an appropriation to carry out existing law. It amends the law of 1903. If the Senator will allow me——

Mr. McCUMBER. I will take up that proposition.

Mr. CURTIS. If I am going to make a statement, I do not desire to make it piecemeal, and after I have made my statement then I would be very glad to yield to the Senator.

Mr. McCUMBER. I simply asked the Senator to give me a statement of the particular clause of the rule upon which his objection is based. He has given that to me. That is eminently satisfactory, and that is all the information I am calling for from the Senator at the present time. I can go on myself and state why I think it does not come within the provisions of the rule, and I desire to do so.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I will ask the Senator to wait until I complete my statement.

The VICE-PRESIDENT. The Senator from North Dakota declines to yield.

Mr. CURTIS. Mr. President, I should like to know the parliamentary situation. I made the point of order. I was recognized by the Chair.

The VICE-PRESIDENT. That is correct.

Mr. CURTIS. Then, at the request of Senators, I yielded the floor and consented that the point of order might be passed over. After various amendments had been considered, I was again recognized by the Chair and had begun a statement. Can I be taken off the floor?

The VICE-PRESIDENT. The Chair understood the Senator from Kansas to yield to the Senator from North Dakota.

Mr. CURTIS. I yielded to him simply that he might ask me what point of order I was making.

Mr. McCUMBER. There was considerable intervening business after the Senator had been recognized, and then afterwards I was recognized upon the point of order.

Mr. CURTIS. I would just as soon make my statement afterwards, if the Senator prefers.

The VICE-PRESIDENT. Both Senators will have an opportunity to be heard. The point of order, of course, is not debatable, except by consent. The Senator from Kansas will have a chance to be heard.

Mr. McCUMBER. I asked consent that I might debate this particular point of order, and I had read the rule upon which I understood the objection was based. The exception to that rule is as follows:

> Unless it be to carry out the provisions of some existing law or treaty stipulation, etc.

The only question, I suppose, here, Mr. President, is whether this is carrying out a treaty stipulation. If it is carrying out a treaty stipulation, I understand that all agree it is appropriate legislation upon a bill of this character.

Now, I want to go into the facts very briefly and demonstrate to the Senate and to the Chair that it absolutely is a treaty stipulation and that this is a provision carrying out that stipulation.

In 1866 the United States entered into an agreement to investigate and determine the losses sustained by the loyal Creeks and freedmen during the civil war and to further pay the amount found due. This was a treaty. It was called a "treaty" at that time. We have since called the agreements we have made with the Indian tribes "agreements" and not "treaties."

That was the first step; a treaty entered into between the United States and these Cherokee people, which agreed that we should ascertain the amount of their losses and agreed that we should pay their losses. That was a stipulation in what was then called a "treaty" and what we since call an "agreement."

In accordance with the treaty stipulation of 1866 there were appointed General Hazen and Captain Field as commissioners to determine the amount of the claim. That was the second step under the treaty.

The third step was that these commissioners ascertained the claims, and they awarded under the stipulations of that agreement, or, as it was then called, a "treaty," losses to the amount of $1,836,430.41. Of this amount, $100,000 was paid by the Government.

I now come to the next step. Nothing further was done to make payment of that agreement and that stipulation, but March 1, 1901, we entered into another and further agreement with the Creek Indians.

You call the next agreement an agreement and not a treaty, but it was exactly the same as the former and is as much a treaty as the former was. I suppose the Chair will consider all of those agreements as treaties, and that where we use the word "treaty"—a treaty to pay money—the Chair will consider that the use of the word "agreement" will not change the spirit or the letter of that particular rule.

It was agreed then that the claim arising under the treaty of 1866, which was the foundation of the Creek claims, should be submitted to the Senate of the United States as arbitrators; that the Senate of the United States should pass upon the subject, and that whatever the Senate of the United States found due the Creek Nation should be paid to them by the Congress. By whatever name you may call it, whether an agreement or a treaty, that was both a treaty and an agreement entered into between the United States and the Creek Nation.

They further determined that the Senate should make final determination thereof, and that in the event any sum was awarded provision should be immediately made for the payment. That meant that just as soon as the Senate acted upon that proposition an agreement should be made to pay it.

Now, I want to show that we did act as arbitrators upon that proposition, and that we did immediately make provision for its payment; but we paid only in part.

The next step, on account of the Senate not taking immediate action, was on June 23, 1902. Then a memorial was presented by the Creek Nation to the United States, in substance asking the Senate to take cognizance of their agreement and to proceed to make the award.

Then the next step was that the Senate referred, on motion, that petition, or memorial as it is called, to the Senate Committee on Indian Affairs for their action and report.

Following this, the Senate Committee on Indian Affairs took cognizance of the matter for the Senate of the United States, and on February 16, 1903, within the time prescribed by the treaty or agreement, and after a full hearing, the committee reported in favor of allowing them in full for their claims the sum of $1,200,000.

When the Senate Committee on Indian Affairs acted upon it—and I want to call the Chair's attention particularly to that—the committee called attention to the fact that it was acting upon the provision of the old treaty asking the Senate to act as a board of arbitration, and that the action of the Senate upon it would be the act of arbitrators. They reported it, however, not as a separate bill; they reported it as an amendment to the Indian appropriation bill; but though it was an amendment it was explained at every feature that it was in accordance with the award or the agreement to act as arbitrators and make an award.

Now, I want to call attention to the report of the Committee on Indian Affairs. The report sets forth the following:

> In pursuance of provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians * * * approved March 1, 1904, there is hereby awarded as a final determination thereof on the so-called "loyal Creek claims" named in said section 25 the sum of $1,200,000.

So the Chair will see that the Senate committee reported it back and asked the Senate to adopt their report as an award.

We did not even stop there. When the matter came up before the Senate, to show that the action was understood by all to be an award therefor and as binding as an obligation could be made against the Government, and to make the matter absolutely certain, in addition to this report, which perhaps few of the Senators may have read, Senator Quarles then specially called the attention of the Senate to the fact in the following words. This is what was stated by Senator Quarles at that time:

> It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming, as it does, solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation.
>
> Now I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.

When he declared that this claim arose out of several of these treaties, he stated what was absolutely correct:

> The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress.

So you will see, Mr. President, that there was no possible misunderstanding on the part of the Senate that their action created under the provisions of the previous agreement as binding an obligation upon the Government as could possibly be created.

The Senate thereupon awarded the sum of $1,200,000 by voting favorably upon the bill. The bill then went to conference. The House disagreed to the Senate amendment, and the conferees fixed the matter up in this way: They cut the amount in two, and then added a provision that the Creeks should accept the sum of $600,000, in full payment of this award, and then should sign, in each instance where they received the money, a receipt in full of all claims against the Government of the United States. The question arises, Are they estopped from coming before Congress now and asking for the full payment of their award? Or, placing it in another position, By the act of the arbitration of the Senate, is the Government estopped from denying its legal obligation to pay the full amount that was awarded to the Creek Nation?

Mr. President, if this contract had been made between two private individuals upon an exact equality, and one should acknowledge a debt to the other and then compel him to sign a receipt in full for a half payment, without any other consideration entering into the agreement, there is not a court upon the face of the earth that would enforce it, and there is not a court but would say that this would be no bar to a suit for the balance of the amount due, because there was absolutely no consideration given excepting a less amount than was actually due for a binding obligation. If that is a rule of law that should be applied between persons having the same political and social liabilities and rights, by a far greater reason it should be applied when the relation is a fiduciary relation as between guardian and ward. The great Government of the United States is the guardian of those Indians. That Government entered into an agreement with those Indians that it would take their claim and that the Senate would act as arbitrator upon that claim. The Senate has acted as arbitrator upon that claim. The Senate, as a board of arbitration, awarded them the sum of $1,200,000, and then, as an independent proposition, Congress came in and said: "You, the ward of the Government of the United States, shall accept $600,000;

you can get no more, and before we will pay you, the ward, even the $600,000 you must sign a receipt in full."

Such a transaction as that, Mr. President, would be a disgrace to the Government of the United States; it would be criminal as between a trustee and a cestui que trust, and it would be even more so, in my opinion, if a criminal statute could be enforced against the Government.

That is the condition we are met with to-day. I insist that there can be nothing more clear than that this is a payment to be made in pursuance of a treaty obligation. The only difference between a treaty directly stating that the payment shall be made and this case is that the treaty or agreement provided that the Senate should act as an arbitrator and then, after they had arbitrated, that the amount so found due should be paid.

I know it has been urged, as I have understood, before the Senate Committee on Indian Affairs that the subsequent action of the Senate, in conjunction with that of the other House, which constitute the Congress, in cutting this down to $600,000 was in effect a change of their attitude and a change of their award in the first instance; but, Mr. President, the legal obligation ensued the moment the vote was announced upon that proposition. After that legal obligation was incurred nothing that could be done either by the Senate alone or by the other House, or by both combined, could change the legal and moral effect of the award made by the Senate. If I understand correctly, the action of the Senate being an award, and the award being made in pursuance of a treaty obligation, therefore this amendment would come clearly within that rule.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. With pleasure.

Mr. BRANDEGEE. When the Senate had ascertained the amount due, according to the terms of the treaty, was it not, in the opinion of the Senator from North Dakota, just as though in law that amount had originally been inserted in the treaty?

Mr. McCUMBER. There is no question about it at all.

I think that is all I have to say in reference to the proposition at this time.

Mr. LODGE. Mr. President, I merely desire very briefly to call the attention of the Chair to a point of order in regard to this amendment, which I do not think has been raised. This is a provision for a private claim, which can only be received to a general appropriation bill when it carries out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment. There is no treaty stipulation cited on the face of this amendment.

Mr. McCUMBER. I want to call the Senator's attention to the fact that the amendment, as it is now before the Senate, does so provide.

Mr. LODGE. Not unless it has been changed.

Mr. McCUMBER. It has been changed. I asked that that should be inserted in this provision, so that it would show upon its face, for it was the intention of the committee to have it so show.

The VICE-PRESIDENT. In the amendment, in line 2, on page 69, after the word "Indians," there have been inserted the words "pursuant to the stipulations of the agreement of March 1, 1901."

Mr. LODGE. The rule requires it to be set forth; but the stipulation in that treaty does not provide for the payment of $600,000 or $1,200,000——

Mr. GALLINGER. Or any other amount.

Mr. LODGE. Or any other amount. It provides for the decision of that claim by the award of the Senate. This provision is not to carry out a treaty stipulation. I make the point of order that the amendment does not come within the rule.

Mr. McCUMBER. I can not see how the Senator can say that this amendment is not to carry out a treaty stipulation, when the stipulation of the treaty is that the award shall be made by the Senate. The Senate made the award, and this is to pay that award. If that is not carrying out the stipulations of a treaty, then I can not clearly understand the English language.

Mr. LODGE. Mr. President, that the amendment comes within the inhibition of the rule is clear from the provision for the payment of the attorney. I think the Senator is right as to the treaty, but there is no stipulation in the treaty for paying any money. The stipulation in the treaty is for the Senate to make the award.

Mr. McCUMBER. I beg the Senator's pardon. The stipulation is to pay such money as should be awarded.

Mr. LODGE. Unquestionably.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I should like to finish the sentence.

Mr. TELLER. Very well.

Mr. LODGE. I was merely going to say, without looking at the law, that the first provision in article 12 of the treaty of 1832 reads:

> Shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof.

In 1903 the law appears, and it says:

> There is hereby awarded as a final determination thereof—

Using the precise language of the treaty. Then it goes on, as the Senator from North Dakota [Mr. McCUMBER] has cited, that it should be a full release of the Government.

Mr. McCUMBER. Let me interrupt the Senator from Massachusetts merely to say that the provision concerning the release could not appear in the award. That was in the act that was subsequently passed after the award by the Senate.

Mr. LODGE. No; but it is stated in the statute that this is "a final determination thereof" under section 26, which carried out the provision of the treaty, and with the treaty stipulations stated on its face.

Mr. President, it seems to me impossible for us to go back of the statute and say what the Senate did. What the Senate did was to assent to the statement that the $600,000 was their "final determination thereof." That is what the Senate ultimately did; but whatever intervening steps may have been taken——

Mr. McCUMBER. Let me ask the Senator——

Mr. LODGE (continuing). The treaty stipulation was fulfilled by that act, for the treaty stipulation was merely that the Senate should make an award.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I am through, Mr. President.

Mr. McCUMBER. I simply call the attention of the Senator from Massachusetts to the fact that the Senate's act as an arbitration board was completed when it first passed upon that subject in the form in which it passed upon it. The subsequent act of the Senate and of the House of Representatives combined, refers to the payment, and no matter what the declarations were they could not change the act that the Senate had already performed; and when the Senate had performed that act it created a legal obligation against the Government.

Mr. LODGE. Mr. President, if, under a treaty, we are bound by an award of a board of arbitration, that award is paid, and paid by the action of both Houses, unless we are willing to dishonor the Nation in not doing it, and that award is binding on both Houses, but this award, made by the Senate on its preliminary vote, was obviously not binding on both Houses, for both Houses, including the Senate, subsequently said that $600,000 was "the final determination thereof," using the exact language of the treaty.

Mr. CLAPP. I should like to ask the Senator from Massachusetts a question.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I do.

Mr. CLAPP. After the Senate made the award and completed its work by inserting that award in the bill, as it did, how many times and how long after that was it in the power of the Senate—I mean, acting fairly within the law that binds others than governments—to modify that award which it had once solemnly made?

Mr. LODGE. It could modify the award, it seems to me, until it put it in the form of a statute, and it had no binding force until it did.

Mr. CLAPP. It could not, Mr. President. The treaty did not provide any such thing. The treaty provided that the Senate should make an award; and when that award was once made the function of the Senate as an arbitrator ceased. It could not be continuously modifying an award which it had made any more than an arbitrator who has made an award, has closed his service, and performed his function can go back and reopen it.

Mr. LODGE. I do not think the award could have been final until it was put into a statute.

Mr. CLAPP. It could have been made final by a mere resolution of the Senate.

Mr. LODGE. Ah, but it never was put into a resolution by the Senate; it was put into a statute.

Mr. CLAPP. I beg the Senator's pardon; it was put into a bill——

Mr. LODGE. Well, a bill.

Mr. CLAPP (continuing). Reciting that it was the action of the Senate making an award, and, within a fair interpretation of the law, by which anybody but the Government would be bound, it passed beyond the power of the Senate to modify that award.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Rhode Island?

Mr. CLAPP. I do.

Mr. ALDRICH. Has the Senator from Minnesota the form of bill that was passed by the Senate in this case? I should like to see it. It seems to me it is quite important.

Mr. McCUMBER. We have the form of the award that was passed by the Senate.

Mr. ALDRICH. Well, whatever you may call it.

Mr. McCUMBER. It is not a bill; it is not a law; it is simply an award.

Mr. ALDRICH. I should like to see it. I think the Senate ought to see it.

Mr. CLAPP. This is the language——

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. I think, in justice to myself, I should state that the position taken by the House conferees was that there was no legal award, and that this claim had never been properly submitted to the Committee on Indian Affairs so as to give them jurisdiction. I should like to make that point clear.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Rhode Island?

Mr. CLAPP. Certainly.

Mr. ALDRICH. I should like to have the provision read, so that the Senate may know what form this so-called "award" took.

Mr. OWEN. With the permission of the Senator from Minnesota, I will read it.

The VICE-PRESIDENT. The Senator from Oklahoma.

Mr. OWEN. The original treaty under which this amount is proposed to be paid was the treaty of 1866, article 4 of which reads as follows:

> Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each—

That was the language of the treaty. The amount was ascertained immediately afterwards in the way proposed by the treaty by a commission, consisting of Gen. W. B. Hazen and Capt. F. A. Field, of the Regular Army, who were designated, under the terms of the treaty, to make this ascertainment. They found that out of $5,800,000, or some such amount of claims, there was proven by positive, reliable proof $1,800,000. They designated by name the individuals, allowed to each the amount by an award, and reported it. The United States paid $100,000 to these people, which was distributed pro rata, and thereafter failed to pay.

When the Government desired the Creek Indians to allot their lands, to give up their tribal government and become a part of a new State, it was stipulated that the Senate of the United States should determine what amount should be paid them. The claim, although an award in the first case, under the treaty of 1866, had become by neglect of long years weakened in public esteem, but it was none the less an award under the treaty of 1866, and ought to have been paid, in common conscience, in pursuance of the pledge of the United States to these people to pay them the amount ascertained. The amount was ascertained, as agreed by the treaty of 1866, and it ought to have been paid to them. Then they patiently but humbly waited upon the pleasure of the United States, the sovereign power, and finally their petition, under the agreement of 1891, came to the Senate upon a memorial of Isparhecher, their ex-principal chief, and himself a loyal Creek. That memorial, as shown by the RECORD, was transmitted to the Indian Committee, which, after consideration, reported back an item on the Indian appropriation bill, making in form an award of $1,200,000 to these people. Before referring to the action of the Senate upon this item on the Indian appropriation bill I should like to call attention to the form of this item. It reads as follows:

> In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee (or Creek) tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof—

Before the Senate passed upon that item, which was presented to the Senate, Senator Quarles of Wisconsin rose in his place and said, speaking to the Senate:

> It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming, as it does, solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation.
>
> Now, I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.
>
> The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress.

Mr. President, I do not think it judicious to enlarge upon the arguments already made. I call attention, however, to the fact that this payment is in pursuance of article 4 of the treaty of 1866, which is not an agreement, but comes within the dignity of a treaty under the law of the United States. Therefore the amendment is not subject to the point of order, because it is in pursuance of a treaty.

I further call attention, before taking my seat, to the fact that the Senate of the United States—not the House of Representatives—was the board of arbitration; that the Senate was not acting through a law, but was acting by expressing its will, understanding that it was sitting as a board of arbitration. It expressed that will, and put the sum of money due these people at $1,200,000; and they are forever barred from demanding anything in excess of that.

I do not agree, and I can not be silent when such a suggestion is made, that the Senate, sitting as a court of arbitration, may at any subsequent time after the declaration of its judgment modify that judgment and change it. If that be true, then no decision of a court or of this body would have any finality. There would be no repose in a judgment, but the plaintiffs might at any time come and attack the judgment of the court, or of the Senate sitting as a court, and there would be no peace. The rule of law is that there shall be repose, and when a competent tribunal passes upon a question definitely and precisely, understanding that it is sitting as a court of arbitration, the decision is final.

Mr. LODGE. I agree with what the Senator says about the finality of the judgment. My point, however, was that a preliminary vote was not a final judgment. The final judgment is the provision of the statute.

Mr. OWEN. I ask to have printed as a part of my remarks the report submitted by me from the Committee on Indian Affairs on February 11, 1909, on the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The report referred to is as follows:

> Mr. OWEN, from the Committee on Indian Affairs, submitted the following report, to accompany S. 3423:
>
> The Committee on Indian Affairs, to whom was referred the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, report the same back without amendment and recommend its passage.
>
> By the treaty of 1866 the United States agreed to investigate and determine the losses sustained by the loyal Creek Indians and freedmen during the civil war and to pay the amount or amounts found due.
>
> Article 4 of said treaty provides as follows:
>
> "Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor." (14 Stat., 787.)
>
> In accordance with this treaty agreement, Gen. W. B. Hazen and Capt. F. A. Field, of the Regular Army, the latter having been detailed as union agent for the Five Civilized Tribes, were designated as commissioners to ascertain and determine the amount of such leases. This report was made with exhaustive care and will be found in detail in Exhibit 1 hereto. (S. Doc. No. 420, 57th Cong., 1st sess., p. 18.)
>
> These awards amounted to $1,836,430.41. Prior to this award the Government made advance payment of $100,000 (16 Stats., 341), but no further payments were made, and on March 1, 1901, the United States entered into the following agreement with the Creek Indians.
>
> Section 26 of that agreement reads as follows:
>
> "All claims of whatsoever nature, including the 'loyal Creek claim,' under article 4 of the treaty of 1866, and the 'self-emigration claim,' under article 12 of the treaty of 1832, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of 1866, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.
>
> "Of these claims, the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the civil war, long delayed, is so urgent in its character that the parties to this

agreement express the hope that it may receive consideration and be determined at the earliest practicable moment." (31 Stat., 869.)

Thus, as will be observed, the Senate was authorized to investigate and pass upon said claims, "or, in other words, to act as a board of arbitration."

The Senate of the United States on June 23, 1902 (Exhibit 1, S. Doc. No. 420, 57th Cong., 1st sess.), referred to the Committee on Indian Affairs the memorial of Isparhecher, ex-chief Muskogee (Creek) Nation, for himself as loyal Creek claimant, and as attorney in fact for others.

Testimony was taken, arguments heard (Exhibit 1), and on February 16, 1903, the Indian Committee made the following report:

"In compliance with the requirements of section 26 of an act entitled 'An act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901 (31 Stat. L., 869), and in conformity with the prayer of the memorial of Isparhecher, referred to this committee by the Senate, the Committee on Indian Affairs herewith submits the following report and recommendation:"

Then follows the statement of the case, and attention is called to the fact that the agreement of 1901 provides: "That within two years from the ratification of said agreement the Senate shall make full determination of said claims."

In 1902 Isparhechar, ex-chief of the Creek Nation, on behalf of himself and other loyal Creek claimants, had submitted his memorial to the Senate, asking that it should proceed as soon as practicable, as provided by said act, to examine said claims and to award the amount alleged to be due. Said memorial was referred to the subcommittee. The committee recommended to the Senate the payment of $1,200,000 by its report of February 16, 1903, aforesaid, to be passed on by the Senate in an award. (S. Doc. 3088, 57th Cong., 2d sess.)

The committee submitted to the Senate an amendment to the Indian appropriation bill, in connection with this report, on page 33, after line 22, as follows:

"In pursuance to the provisions of section 26 of an act to ratifiy and confirm on agreement with the Muskogee (or Creek) tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims" named in said section 25, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available, etc., and providing in the proposed item for attorney's fees."

This item will be found on page 2252 of the CONGRESSIONAL RECORD, February 16, 1903. It was quite thoroughly discussed on the floor of the Senate, and it was pointed out by a member of the Indian Committee [Mr. Quarels] that the action of the Senate would be an award of the United States in the following language.

Speaking to the Senate, Mr. Quarles said:

"It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming as it does solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment, it is sitting as a court of arbitration, and is not engaged in the ordinary method of legislation.

"Now I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration, and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.

"The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress" (p. 2253).

The Senate thereupon agreed to the item without objection (p. 2254).

Thereafter, when the matter went into conference it was cut down to $600,000, and it was provided that the claimants should execute an acquittance to the Government in full for their claims upon receipt of the $600,000, which, after deducting the attorneys' fees, was distributed among them.

The loyal Creeks' claim was again considered by the Committee on Indian Affairs, and in its report of January 30, 1907 (S. Rept. 5689, 59th Cong., 2d sess.), made the following report:

LOYAL CREEK CLAIMS.

"In 1901 Congress enacted into the statute an agreement made by the Dawes Commission with the loyal Creek Indians whereby their claim was to be 'submitted to the Senate of the United States for determination,' the Senate acting as a court of arbitration. The act provided that whatever sum was awarded 'provision shall be made for immediate payment of the same.' (31 Stat. L., 869, sec. 26.)

"In pursuance of the act the claim of the loyal Creeks was duly submitted to the Senate and sent to the Committee on Indian Affairs for investigation. The committee examined treaties and records, heard testimony from the claimants, both oral and by depositions, heard counsel, who submitted briefs, and finally reported its findings to the Senate as an item on the Indian appropriation bill, which read as follows:

"'In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims," named in said section 26, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said lists, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however,* That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.'" (Cong. Rec., vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

A discussion followed in which the attention of the Senate was specifically called to the fact that by the adoption of that item the Senate announced its award under the law. In the language of Senator Quarles, who was a member of the Committee on Indian Affairs and was opposed to the award:

"The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress."

In a word, the Senate was fully apprised of the whole matter, and then passed the item without any dissenting votes. (See pages 2252, 2253, and 2254 of the RECORD above cited.)

The House disagreed generally to the amendment made by the Senate to the Indian bill, and the measure went to conference. When the conferees made their final report the item carrying the award had been modified by reducing the amount found by the Senate from $1,200,000 to $600,000, and provided that the Indians should accept the same as full satisfaction of all claim and demand growing out of said loyal Creek claims, and that the payment should be a full release of the Government. (32 Stat. L., 995.)

The money thus appropriated, being only one-half of the amount awarded, was accordingly paid to the Indians. But in spite of the fact that they accepted, under compulsion, that amount under the terms of the act rather than lose all payment for their losses, yet they feel that the amount awarded them under the conditions of a solemn agreement between themselves and the Government has been only one-half paid, and they are now entitled to the balance. They respectfully submit the following reasons for their present claim:

I. The losses they sustained were the direct result of their loyalty to the Government. For this loyalty they were not only driven from their homes, but many of them—men, women, and children—in their flight from the Indian Territory to Kansas during the winter of 1861–62 lost their lives by attacks made upon them by other Indians and by organized whites, and all of them suffered untold hardships. More than 1,500 of the men entered the Union Army. The Commissioner of Indian Affairs, in his report for the year 1865, says:

"The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country northward, in the winter, tracked by their bloody feet upon the frozen ground. They lost everything—house, homes, stock, everything they possessed. Many joined the United States Army." (Commissioner's Report, 1865, p. 39.)

II. The Government promised them that they should be reimbursed for their losses. During the negotiations with the Five Civilized Tribes, preceding the reconstruction treaty of 1865, the commissioners, on the part of the United States, assured the Indians, loyal and disloyal, that "those who have been loyal, although their nation may have gone over to the enemy, will be liberally provided for and dealt with." Again the Indians were assured that above all other considerations it was the determination of the Government "to recognize in a signal manner the loyalty of those who had fought upon the side of the Government and endured great sufferings on its behalf." (Commissioner's report, 1865, pp. 34 and 299.)

And article 4 of the treaty of 1866 (14 Stat. L., 787) undertook to ascertain their losses and see that the same were paid. This ascertainment was subsequently made by two officers of the army—Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims with this commission amounting, in the aggregate, to $5,090,808.50. The two commissioners, in keeping with their military training, insisted on having every item proven by witnesses presented before them. The impoverished Indians scattered over a territory twice as large as the State of Massachusetts, without property—not even a pony left them—and with many of their witnesses dead or left back in Kansas, could only comply in part. But they did prove the loss, before this exact and exacting court, of property found to be worth $1,836,830.41. This amount was awarded by General Hazen and Captain Field and approved by the Commissioner of Indian Affairs, and a qualified approval affixed by the Secretary of the Interior.

III. The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by General Williamson, the government agent authorized to make the payments, that the balance would be paid. Thus, when the matter came before the Senate as arbitrator, the Indians claimed the full amount of their losses as found ($1,836,830.41), less the $100,000 which had been paid, making $1,736,830.41. They also claimed interest for the thirty-six years that the claims had remained unpaid. This based on the fact that the Government usually paid interest on Indian funds.

The Indian Committee representing the Senate in making the investigation determined, upon some theory unknown to the claimant, to reduce the amount to $1,200,000. The loyal Indians of the Choctaws and Chickasaws had been paid the full amount of their losses as found, and their claims had not been cut by the commissioners who passed upon them.

The claims of the loyal Seminoles were submitted to the arbitration of the Senate by the same act that provided for the submission of the loyal Creek claims. The Senate reduced by 45 per cent the amount which the commissioners had allowed for losses, and then added interest at the rate of 5 per cent for some thirty-three years. The reduction of the principal was based on the fact that the Indians had been allowed all they claimed. But the reduced principal and the interest brought the award to $186,000, while the original allowance was $213,888.95.

The Choctaws and Chickasaws were thus paid the full amount of losses as they claimed them, and paid promptly after the date of the reconstruction treaty; and the Seminoles were generously dealt with by the Senate, a large amount of interest having been added to their claim. Yet when the Senate came to deal with the loyal Creek claims, which had been already cut by Commissioners Hazen and Field about 62 per cent, it further reduced the principal something more than 33 per cent (from $1,836,830.41 to $1,200,000), and refused to allow

any interest. The claimants would have been glad to have accepted this award and been allowed, after the thirty-six years of waiting, to go in peace.

IV. A fourth reason why the balance of the award should now be paid is the fact that the Indians submitted the whole matter to the Senate, trusting with the simplicity of children in its honor and justice. They were heard, the award was announced, and they returned to their homes with the feeling of perfect security that at least that much was safe and the $1,200,000 would be paid them and the long controversy ended.

They had no knowledge of what was transpiring in the conference room. They were neither notified nor heard, yet provision was made for paying only one-half of their judgment, and conditioned that they should receive this as payment in full. The award between private parties would have been final and binding. (Wright *v.* Tebbitts, 1 Otto, 252.)

V. Congress in its legislative capacity could not legally alter the award. The Senate, in pursuance of an agreement and a law, was the sole arbitrator. It formally announced its award. It never again opened the case. It never again sat as an arbitration board. Its sole connection with the matter thereafter was as a branch of Congress in its political capacity. Its function as a court was terminated. The question of finding what was due these loyal Creeks, who, in the language of the act providing for the arbitration, "had suffered because of their loyalty to the United States Government during the civil war," was fully closed.

VI. To coerce the Indians to sign receipts in full for a part of their award, and refuse to pay the balance, would, if done by an individual, be immoral. These untutored wards of the Nation, who have been trained for generations to depend upon agents and other officers of the Government in all business transactions, and to do whatever they are told to do are presented with a sum of money and a receipt and told to sign the latter in order to secure the payment. Will such a receipt be held as a bar against the individual Indian? Is there not such a sense of injustice growing from the facts of this case as will compel the payment of the whole award? The Indians depend more upon such considerations than upon legal rights, which might be asserted as to the frailty of receipts in general as evidence of payment, and especially as to receipts procured by coercion or duress.

VII. There must be no misunderstanding as to who these claimants are. They are simply and solely individual Indians. Their names, the property lost, and the amount due each for his particular loss, are all set out in the findings of Commissioners Hazen and Field. The Creek tribe has no jurisdiction over the matter. On these claims the United States owed nothing to the tribe, and the latter never had any legal relation to them. The relinquishment of the tribe in its capacity as an organization can not have and should not have any effect on the pending claim.

Your committee recommends that the bill S. 3423 do pass, or that an item be placed upon the Indian appropriation bill to provide for the payment of the balance of this award.

Mr. CLAPP. Mr. President, there was no agreement upon the part of these Indians that they would submit their claim to the joint action of the Senate and the House of Representatives. Their agreement was that they would submit it to arbitration at the hands of the Senate. While Congress has the power to ignore that, still the Senate ought not to repudiate its obligation.

Mr. TELLER. Mr. President, this is not a new question; it has been before the Senate and the country at various times. Of course, it is a long time since this obligation arose; but it was not the fault of the people who are interested in it that it was not long ago settled.

The Creek Nation was divided into two parts. Some were loyal and some were disloyal. After the war they made a claim, which was settled, as the Senator from North Dakota [Mr. McCUMBER] has said, by the treaty of 1866. I do not care whether you call it a treaty or whether you call it an agreement, the fact is that the Government entered into a solemn obligation to dispose of this meritorious claim, a claim that ought to appeal to every man in the Senate.

These people lost their property and rendered to this Government a signal service. They rendered that service under most trying conditions. We talk about the patriotism of those who went into the Union Army. These men went into the Union Army in a community that was very nearly equally divided between the two opposing forces. They were loyal to the Government. They suffered intensely in person, in property, and in feeling. In 1866 we determined that they should be compensated for what they had lost, and we fixed the tribunal to determine what they had lost. This has been a most scandalous proceeding. There has been, perhaps, more criticism of it than of any other action of the Government during the last fifty years.

Proceeding according to our own stipulation, the claim was submitted to the body that we selected. We found—whether the finding can or can not be technically called an award—that this amount was due to those people, and we said in the treaty when we found it was due we should pay it. Was it necessary to provide that we would pay the award after it was made? It became a solemn award, as Senator Quarles said, upon which an action would lie if it had been between two individuals.

We have the power, we have the strength to say we will pay the award or we will not pay it. As the chairman of the committee has said, the Indians did not agree to leave it to the Congress of the United States. They agreed to leave it to the Senate. The Senate determined it. If it was possible to make an award by this body, we made an award; we called it an award, and by all the rules of common law and justice it was an award. In the first place, we said that it was an award. This body said:

> This is a just debt which the Government ought to pay and that it is under obligations to pay.

When the House of Representatives would not agree to appropriate the amount the Senate had fixed, the Senate consented—and it ought never to have done so—that that amount should be cut down by one-half. Did anybody give any reason why it should be cut down? Not at all. It was cut down simply because the House said they would not agree to the amount determined upon by the Senate.

The VICE-PRESIDENT. May the Chair, for his information, ask the Senator from Colorado a question? Was the award reduced from $1,200,000 to $600,000 by the action of Congress?

Mr. TELLER. Mr. President, the committee of conference, in order to get an agreement, decided that instead of appropriating $1,200,000 we should appropriate $600,000.

Mr. LODGE. That was the action of both Houses.

Mr. TELLER. It was the action of both Houses. We agreed to it, and it became a law. I do not mean to say that we could not by law set aside that award. I know, Mr. President, if it had been an award in favor of Great Britain we would not have dared to have set it aside. I know if such action had been taken by individuals it would have been regarded as criminal.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I yield.

Mr. BRANDEGEE. If the award had been set aside, it would have been a breach of the treaty, would it not?

Mr. TELLER. Certainly; it would have been a breach of the treaty and a breach of common decency, I may say. Through a technicality you may get rid of it; you may say that we have provided for the payment of $600,000; but, Mr. President, justice will not be done if we repudiate the treaty.

I do not believe the point of order ought to be raised against the amendment; but, if it is, it will not be creditable to the Senate to declare that we may escape the payment of a just debt by a technicality.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Rhode Island?

Mr. TELLER. Certainly.

Mr. ALDRICH. The Senator I think will see the distinction between the question whether the claim is meritorious, equitable, and just, and the question whether it is proper upon an appropriation bill. It is a question of the interpretation of the rule and not with respect to the merits of the claim.

Mr. TELLER. Very well. Some people at least have been trying for several years to have this injustice righted. There has been complaint from those people. I was down in that country a few years ago, and the presiding officer of that nation spoke to me about the injustice of it. I do not believe any man who has ever looked at it will not say it is unjust, and I do say it would be rather remarkable if we should hold these people strictly to the rule.

As the Senator from North Dakota says, these were our wards. If these people had standing in court as an individual would have under these circumstances, there is not a court on the continent having jurisdiction which would not right that wrong—not one. A guardian can not hold a pistol at the head of his ward——

Mr. McCUMBER. Will the Senator yield to me for a moment, as I wish to make a suggestion in answer to the question that was put by the Chair himself as to what effect the subsequent action of Congress would have.

Mr. TELLER. Very well.

Mr. McCUMBER. The point we are making here is that the Senate, no matter in what form its action took effect, was a court of arbitration; and when it acted as a court of arbitration, any subsequent act as lawgivers would not change its previous award.

To make it clear, I want to put it in this light: Suppose the arbitrators agreed upon had been the Secretary of War, the Secretary of the Interior, and the Attorney-General, instead of the Senate of the United States, and they had made an arbitration and had decided that the payment should be $1,200,000; and then the Senate should pass a bill for $1,200,000, the House should cut it down to $600,000, and the Senate agree to that, with any stipulation it saw fit. Would that in the slightest degree affect or set aside the previous award made by these parties? And if it would not set aside an award made by par-

ties entirely outside of the Senate, neither could it set aside an award that was made in the Senate. They could refuse to pay, but they could not change a fact that was once established and came into existence any more than they could say that the 25th day of last December was not a certain holiday.

Mr. TELLER. No, Mr. President; the award will ever stand. We may refuse to pay it, but, as I have said, it will not be to our credit if we do. There is no more just debt that the Government ever owed than this.

There are two phases of it. We deliberately provided the tribunal to determine it. That tribunal determined it. It was our duty as the guardian of the ward to have paid it. We refused; and we stipulated with them that "You shall not have any of this money unless you receipt for the whole." As the Senator said, that could not have been done between individuals if the debt was just.

Mr. President, this is a good deal of money; it is quite a large sum. We are not paying any interest on it. I suppose the real beneficiaries, those who were entitled to it years ago, are dead. That has been the trouble with many of our transactions. We wait until it is too late for the people who ought to be benefited by our acts of justice to take part in or to have any advantage from them. But the obligation rests upon us the same, and the heirs of these dead men are entitled to it as much as their parents were.

I believe it would be to the credit of the Government of the United States to pay this debt. I believe it would save it from criticism in the future such as it has incurred in the past, in a transaction not of magnitude enough to justify dishonor on our part, if any such thing could be conceived of. I believe it ought to be paid. I think the point which the Senator from North Dakota has made with respect to the point of order is well taken, and I do not think the point of order is well taken. The amendment is not out of order, in my judgment.

Mr. CURTIS. Mr. President, in the first place, in my judgment, if the finding of the Committee on Indian Affairs giving to the loyal Creeks $1,200,000 was a legal award, then the point of order is not well taken. But, in my judgment, there was no legal award, and before taking up that question I desire to make a very brief statement in reference to the claim.

The Senator from North Dakota [Mr. McCUMBER] and the Senator from Oklahoma [Mr. OWEN] say the original proposition is based upon articles 3 and 4 of the treaty of 1866, which is true. Those articles were never passed upon by the Supreme Court, but they were passed upon by the Court of Claims, and that court, in passing upon the question, says:

> The court decided as a conclusion of law that "all claims which the petitioners had against the United States for damages and losses growing out of the late rebellion were adjusted, settled, and released by the treaty of 1866 (14 Stat. L., 785), and the payment thereunder of $100,000, as provided in article 3, and that the claimants, having received that sum, are not entitled to be paid any further amount."

That was the finding of the only court that ever passed upon the articles of the treaty of 1866.

In 1901, when the agreement was made with the Creek Indians, a provision was placed in the agreement that the loyal Creeks' claims should be referred to the Senate of the United States as a board of arbitration. There was but one way for the Senate Committee on Indian Affairs to get jurisdiction of the claim, and that was for the Senate to refer it to the Committee on Indian Affairs and give that committee authority to act for this body. That was never done. A memorial was presented to the Senate which, in the regular course of business and under the rules of the Senate, would of necessity go to the Committee on Indian Affairs. It was not a reference of the claim to that committee for settlement. The Senate never authorized that committee to act in its stead. It took jurisdiction without any direction upon the part of the Senate.

Now, when it took jurisdiction of the claim it selected a bill that could not originate in this body, and it placed its finding upon that measure. When it selected that measure to put the item upon it was bound by the action of the House and the Senate on that measure, because it placed it upon a bill that could not become a law until it had been agreed upon by both the Senate and House and was approved by the President of the United States.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. CLAPP. I should like to ask the Senator from Kansas what materiality there is, when we are considering the rights of one party to an arbitration, as to how far the other party must go, in being bound, acting jointly with some other party?

Mr. CURTIS. The position I take now is the same as the one taken by me when the case was before the conferees, that had the claim been referred to the Senate committee with authority to act, there would have been a hearing, both sides would have been represented, and, as was contended in the conference, if both sides had been heard—and that was the judgment of the House conferees—no allowance would have been made; that the committee would have followed the decision of the Court of Claims.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. The Senator from Kansas says that this matter was not referred to the Committee on Indian Affairs, but that the Committee on Indian Affairs took the papers, considered the matter, and reported their finding to the Senate, which the Senate confirmed. Was not the action of the Senate in doing that a ratification of what the Senate committee had done, and is not the ratification equivalent to an original authorization?

Mr. CURTIS. It is not so in this case, because it was placed in an appropriation bill that was subject to amendment on the floor of the Senate, was subject to amendment in the House of Representatives, and if the House bill was amended in the Senate, it was subject to change in conference; and therefore they were bound by whatever changes were made, and the award did not become final until the bill was finally acted upon and was signed by the President of the United States.

Mr. President, in that bill in conference the conferees agreed to it amended as follows: To reduce the amount to $600,000, and they put in this proviso:

> That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims.

Amended in that way the Indian appropriation bill, including this item, became a law.

Mr. CLAPP. Will the Senator pardon me for a question?

Mr. CURTIS. Certainly.

Mr. CLAPP. I understand the Senator to say that if the action of the committee amounted to an award, the point of order would not lie. Am I correct?

Mr. CURTIS. In my judgment, if the finding of the committee as reported was a legal award, the point of order would not lie, but, in my judgment, it is not a legal award, because both sides were not given a chance to be heard, and the committee had no jurisdiction over the item, and the only award made was the provision for the payment of $600,000 in full.

Mr. ALDRICH. Of the Senate?

Mr. CURTIS. I mean of the Senate.

Mr. CLAPP. But if it was an award, the point of order would not lie?

Mr. CURTIS. I mean of the Senate.

Mr. CLAPP. Yes; I supposed so.

Mr. CURTIS. In carrying out the provisions of the appropriation act the Secretary of the Interior made the payments, and a receipt was taken, which is as follows:

> We acknowledge to have received from J. Blair Shoenfelt ———, and the same is hereby accepted as a full and complete settlement of our claim against the United States for property taken or destroyed during the civil war, as provided by the act of Congress approved March 31, 1903, and the act of the Creek council, May 3, 1903.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. CLAPP. I should like to ask the Senator another question. If the action of the Senate amounted to an award, would the Senator contend as a legal proposition that these loyal Creeks would be bound by the subsequent proceedings unless there was a new and additional consideration for the acceptance of this in lieu of the award?

Mr. CURTIS. The position I take is that it was not a legal award, and that it did not become an award until it was finally acted upon.

Mr. CLAPP. But if the Senator will pardon me, I should like to get his view as to that situation.

Mr. CURTIS. I will say very frankly to the Senator that if it was a legal award, then I do not believe the point of order is well taken.

Mr. CLAPP. No; I am not talking about that now. I am asking the Senator to give me his view upon this question: If that was a legal award, would the subsequent proceedings, unless they involved a new and additional consideration, be binding in the acceptance of the $600,000 in lieu of the award?

Mr. CURTIS. I think if the claimant accepted the money in full payment, and it was acted upon by the tribe, as it was, they would be bound by their receipt in full.

Mr. CLAPP. Without any additional consideration?

Mr. CURTIS. Yes, sir; I do.

Mr. HEYBURN. I should like to ask the Senator a question.

Mr. CURTIS. Certainly.

Mr. HEYBURN. The Senator has just used the term "if it was acted upon by the tribe." Was there any tribal existence in 1903?

Mr. CURTIS. There was; and I want to read what the tribe did.

Mr. HEYBURN. Had they not taken their lands in severalty prior to that time?

Mr. CURTIS. The land had not been fully allotted.

Mr. HEYBURN. The allotments had not been fully approved?

Mr. CURTIS. No, sir. It appears that the national council of the Muskogee (Creek) Nation, approved by the principal chief on May 23, 1903, accepted the $600,000, appropriated by said act of Congress, in full payment and satisfaction of all claims and demands growing out of the "loyal Creek claims," said payment to be a "final release of the Government from all such claim or claims." Said resolution was approved by the President on June 6, 1903.

Mr. HEYBURN. If the tribal relation existed, it would be valid; otherwise not.

Mr. OWEN. I wish to call the attention of the Senator from Kansas to the important fact that this award was due to private individuals, and not to the members of the Creek tribe; that the Creek tribe as such had no function in regard to this award to private persons; and answering the Senator from Idaho further in the purpose of his question a few moments ago, I call his attention to the fact that these persons had been made citizens of the United States March 3, 1901.

Mr. HEYBURN. I so understood.

Mr. LODGE. I understood the Senator to say that these are not tribal, but private and individual claims.

Mr. OWEN. It is an award in bulk to the individuals on the list made by General Hazen under the fourth article of the treaty of 1866.

Mr. McCUMBER. If the Senator will permit me for a moment, it was to be paid to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866; the said sum of $1,200,000 to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field as commissioners on behalf of the United States.

Mr. ALDRICH. Who made this agreement originally? Was it the Creek Nation or these individuals?

Mr. CURTIS. The council or the representatives of the tribe, and it was agreed to by the members of the tribe.

Mr. McCUMBER. It does not make any difference. It was made for the benefit of the Indians.

Mr. ALDRICH. Was there any authority given by these individuals to anybody to make this agreement? Was it a treaty or simply an agreement?

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. CURTIS. Certainly.

Mr. DIXON. The Senator from Kansas knows that I was very much in doubt in committee about the same point, and there was not a great deal of testimony adduced there which really gave much light on the subject. I should now like to ask the Senator from Kansas, what, approximately, was the number of loyal Creek Indians during the war?

Mr. CURTIS. I think the commission found there were 1,523; that is, Indians and freedmen.

Mr. DIXON. Adult male persons?

Mr. CURTIS. Indians and freedmen.

Mr. DIXON. Did that include women and children?

Mr. CURTIS. I should judge not, unless they were property owners.

Mr. DIXON. They have already been paid $700,000 by the Government, have they not?

Mr. CURTIS. Yes; $700,000.

Mr. DIXON. What did those Indians at that time own which could have been destroyed amounting to $1,200,000 in personal property?

Mr. CURTIS. Horses, cattle, hogs, sheep, forage, and property of various kinds. They presented claims to the amount of $5,000,000, and the two officers appointed to look into the claim found that property had been destroyed to the amount of $1,836,000——

Mr. DIXON. What kind of property was it that was destroyed?

Mr. CURTIS. As I say, horses, cattle, hogs, sheep, and other property taken and destroyed.

Mr. DIXON. That would be a thousand dollars to an Indian.

Mr. CURTIS. And their houses were destroyed and forage was taken, and everything of that kind. All the property they had was destroyed.

Mr. OWEN. To the family, not to the individual.

Mr. DIXON. To an Indian. There were only 1,500 Indians on the list, and an award of $1,200,000 (and $100,000 had already been paid) would amount to nearly a thousand dollars to each Indian. Unless they are different from any Indians I have ever known——

Mr. OWEN. The Senator has never known as good Indians as these.

Mr. DIXON (continuing). It would require a wild stretch of the imagination to think that there was a thousand dollars' worth of cayuses to each individual Indian on the reservation.

Mr. OWEN. I should like to suggest to the Senator from Montana that these people were civilized people for a long period of time. Back four or five generations they were civilized, and they had very extensive property. They went out into this western country in 1832.

Mr. DIXON. These were the Georgia Creeks?

Mr. OWEN. The Georgia Creeks, of the Mobile basin. They went out there, and it takes no stretch of the imagination to see how a very small number of cattle would increase in so long a period of time—thirty-odd years. Those people were quite well off. They put in claims for over $5,000,000 worth of property, and they offered evidence so far as they could. But they were scattered all over the country.

What I rose to point out was that while there were only a certain number of these individuals, they obviously must have been heads of families, because the children were not the owners of property, and the head of a family would naturally for himself and as the head of the family make the claim.

Mr. DIXON. How many disloyal Creeks were there at that time?

Mr. OWEN. I do not know what was the number of disloyal Creeks. There were some disloyal Creeks. But this does not turn on the matter of disloyalty or loyalty. It turns on the question of the pledge of the Government to ascertain this money and to pay it; and the fourth article of the treaty of 1866 said that the Government would pay it when ascertained in a fixed manner, and therefore it becomes an obligation of the United States not to be treated lightly nor to be set aside on the theory that these people could not have had what the chosen agents of the United States determined, upon proof, they did have.

Mr. DIXON. Was the treaty of 1866 ratified by the Senate?

Mr. OWEN. It was ratified by the Senate of the United States.

Mr. DIXON. In what year?

Mr. OWEN. In 1866.

Mr. LODGE. The Senator from Montana asked the number of disloyal Creeks. I see it stated in the report which the Senator from Oklahoma was kind enough to hand me:

> The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country.

Mr. CURTIS. Mr. President, I do not desire to take up any further time, except to make this statement: I believe this item is subject to the point of order, because it is general legislation. It provides the manner of paying this claim, and it of necessity amends the general appropriation act of 1903. I submit, further, if this had been a legal award the committee would have reported the award to the Senate, the Senate would have approved of the award and said that it approved the award of the committee, amounting to $1,200,000, in settlement of this claim; and if the Senate had acted in that way you would have had a legal award; but the item was added to an appropriation bill, and as it finally became a law the item was for $600,000 in full payment, and this is binding upon the Senate.

Mr. HEYBURN. I beg to ask the Senator from Kansas a question.

Mr. CURTIS. Certainly.

Mr. HEYBURN. Was any attempt made to divide this award, appropriating it to the families or individuals?

Mr. CURTIS. No.

Mr. HEYBURN. To whom did the benefit run?

Mr. CURTIS. The benefit ran to all of the loyal Creeks whose names appeared in the list that had been filed with the Commissioner of Indian Affairs or the Secretary of the Interior—I would not be sure which—one or the other; not to the tribe, but to the individual members whose names appeared in that list.

Mr. HEYBURN. And the tribal organization to be the trustee for the purpose of apportioning it?

Mr. CURTIS. Paying it.

Mr. HEYBURN. The tribal organization had ceased to exist then, had it not?

Mr. CURTIS. No.

Mr. HEYBURN. Why not?

Mr. CURTIS. No; the tribal authority had not ceased.

Mr. HEYBURN. If they became citizens of the United States in 1901, would not that terminate the tribal existence?

Mr. CURTIS. By act of Congress the tribal existence was continued, and there is a tribe there to-day.

Mr. HEYBURN. Does not the Senator think that the act of Congress is open to question, in view of the decision of the United States Supreme Court in the Nez Percé case?

Mr. CURTIS. In view of the decision of the Supreme Court in the Cherokee case, I do not, because there they held that the Government and Congress had jurisdiction over the property notwithstanding the act declaring the Indians to be citizens of the United States.

Mr. HEYBURN. Over the property, but how about the citizens?

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. CURTIS. Certainly, but further——

Mr. HEYBURN. I will yield, too. I join in yielding.

Mr. OWEN. I wish to point out the fact that the "Cherokee case," so called, which related to the right of the United States, through the Secretary of the Interior, to lease Cherokee lands for oil, was under the act of 1898, prior to the grant of citizenship, and therefore the conclusion of the Senator from Kansas, I think, is not very well taken.

Mr. CURTIS. Ah, but the decision came up after the act and after the Indians had been made citizens of the United States by the act of Congress, and after individuals had been given the right to make oil and gas leases, and after the treaty or agreement had provided that the certificate of allotment should be the evidence of their title. The decision was made after that; and notwithstanding the provisions of the treaty and the act of 1898, the Supreme Court held that Congress still had jurisdiction over the property.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Idaho?

Mr. CURTIS. Certainly.

Mr. HEYBURN. A later decision than the one referred to by the Senator from Oklahoma deals directly with the question of the quality of citizenship. The Supreme Court of the United States has said that there can be but one quality of American citizenship; that no citizen can have any rights that another citizen has not. It applied that in the Nez Percé case, and they hold there that these limitations or attempts to limit or qualify citizenship are futile; that they accomplish nothing.

I merely wanted to call attention to it because it seems to me that while the original act doubtless anticipated some one capable of taking at the time, yet there has been a failure of parties by reason of the citizenship which had been conferred upon these Indians.

Mr. CURTIS. Well, Mr. President, at any rate the general council of the Creek Nation acted upon it, and the money was paid to the individual members, and they receipted in full.

I have nothing further to submit upon the point of order.

Mr. McCUMBER. The Senator from Kansas has just stated that if the Senate Committee on Indian Affairs had reported this as an award, and the Senate itself had acted upon it as an award, it would be binding as an award.

Mr. CURTIS. May I correct the statement of the Senator? Providing the Committee on Indian Affairs had jurisdiction of it and had gotten possession of the papers in a proper way, which I deny.

Mr. McCUMBER. In either event the whole question turns upon the point whether the Senate acted as a court of arbitration and whether it understood that it was acting as a court of arbitration in fixing an award or whether it was acting in conjunction with the other House in making a law for an appropriation. I know of nothing that will be more important in determining that matter than the law itself. I will not call it a law, but the award itself, the word that was used by the Senate in its action. Here are the words. This is what the Senate of the United States said:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901—

Showing that it was considering that treaty and not the mere making of an appropriation—

there is hereby awarded—

Not that "we hereby appropriate" a certain sum of money, but "there is hereby awarded"—

as a final determination thereof, on the so-called "Loyal Creek claims," named in said section 26, the sum of $1,200,000, and the same is hereby appropriated.

Now, there are two provisions. There is a provision awarding, and there is a provision appropriating. They are clearly separable. The provision awarding is the provision that we say fixes the right of the Creek Indians, and I can not understand how anyone can claim under any provision that it is not an award.

As has been suggested time and again, the agreement was not that the Creek Indians should submit to the Congress of the United States the determination of the question, but that they should submit it to the Senate of the United States. They submitted it, and the Senate declared that it awarded $1,200,000, and then they said they appropriated that sum.

The House then changed the sum of the appropriation, and all that it could do would be to change the sum appropriated, $1,200,000. The House had no jurisdiction to interfere in the slightest degree with the award that was made by the Senate of the United States.

Let me put this proposition: As suggested to me by the Senator on my left [Mr. BRANDEGEE], suppose Congress had refused to appropriate anything, and nothing more had been done with it, and then suppose the Indians had made application before the Court of Claims, for instance, giving jurisdiction thereto, for $200,000,000. Could not the defense interpose this award of the Senate of the United States as a complete bar to recovering more than $1,200,000? I do not believe there is a lawyer here who for a single moment will doubt the proposition that that would be a complete bar; and if it would be a complete bar on the part of the United States, it would be as complete a bar on the part of the Government to claim that it is not an award.

Mr. President, I can not possibly see that it makes any difference how this got before the Senate, but in my opening remarks I showed step by step how it got before the Senate. Every one of those steps recited that previous step, and every one of them recited that it was for the purpose of securing an award. When finally we got it before the Senate it was declared openly that it was to be an award, and not only by a Member of the Senate, but the provision which we passed declared that it was an award to pay according to the terms of a certain treaty.

Mr. ALDRICH. Mr. President, there are a good many difficulties about this question, both in reference to the equitable side of it and the legal side. While it is true that the Senate, as a part of the lawmaking power, passed the provision the Senator has read, it did not pass it in the form of an award, with notice to the parties interested that they had made an award. The only notice which went to the parties interested was the act of Congress, and it reads in this wise:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims," named in said section 26, the sum of $600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available.

That was not only the action of the Senate, but the action of the House of Representatives, and it was approved by the President. It is the only official record in existence as to what the award was.

Mr. CLAPP. Will the Senator pardon a question?

Mr. ALDRICH. Certainly.

Mr. CLAPP. Does the Senator contend that under an agreement to let the Senate make an award the other party is bound by the declaration of the House at the other end of this building?

Mr. ALDRICH. I say this is the only record that the award was made. If you were asked to furnish a certificate of the action of the Senate, you could not furnish it. There is no legal record in existence, so far as I know, that there has been an award made except this.

It is barely possible that this claim appeals to the equitable sense of Senators, and it does to mine. It looks to me as though we ought to pay these people. But whether we ought to pay them on an appropriation bill, with a limited time for discussion, I have some doubt.

There is another question involved. These claims arose forty-two years ago. Who is going to get the money that is to be paid under this appropriation if you pay this $600,000. Can anybody tell what part of it will be paid to attorneys and what part to the original claimants or the survivors? I have seen statements in the newspapers about great amounts to be paid to attorneys in this award.

Mr. GALLINGER. Sixty thousand dollars are provided in the amendment.

Mr. ALDRICH. Sixty thousand dollars are to be paid on the face of the amendment, but how many of the claims of these fifteen hundred claimants or their representatives have been

assigned to other people? These questions are perhaps not before us in one sense, but they may be in another sense.

Mr. CLAPP. If the Senator will allow me to answer——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. Certainly.

Mr. CLAPP. My answer to the question as to who would get this money is that there is nothing in the treaty requiring either the Creeks or their representatives to designate who may get it after it has been delayed by Congress for a term of years.

Now, Mr. President——

Mr. ALDRICH. I am not quite through with my statement. It may be that there is nothing in this provision in the form in which it is as to whom the money is to be paid, but I was asking as a matter of curiosity if any member of the committee knew to whom the money was to be paid. These claims arose forty-two years ago. Most of the original claimants must be dead. It does not, you may say, affect the equity of this case or the legality of these claims; but if we are going to stretch the rules of the Senate and put this claim on the bill, the precedent may be very troublesome to us in the future. I think we ought to get all the information that is possible with reference to the claim before we pay it.

Mr. OWEN. Mr. President, I want to call the attention of the Senator from Rhode Island to the RECORD in regard to this matter. On page 2252 of the CONGRESSIONAL RECORD of February 16, 1903, there is set forth the report of the Committee on Indian Affairs relative to this matter, pointing out precisely the action of the Senate. The report points out what the action of the Senate was; that it was considering this matter, knowing that it was acting as a board of arbitration, and that it did act as a board of arbitration, and in manner and form accepted this proposition as an award.

The argument of the Senator from Rhode Island in effect is that after the Senate has made an award, then the House of Representatives can come into this Chamber through the conferees and take the judge by the throat and compel him to retract. Is that an element of justice that should be pursued as a precedent? When the Senate acts as a board of arbitration, shall any power have the right to come in and say that the Senate shall recede from its position under the penalty of not passing the appropriation bill?

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. If the Senate considered this as a final award, why did they put it on an Indian appropriation bill and send it back to the House?

Mr. OWEN. Because it was the most convenient way in which to pay the award when made. The crux of the matter is that the Senate, acting as a board of arbitration, declared this sum to be due, when they were charged with the knowledge of the fact that they were sitting as a board of arbitration and having made the award coincidently with it they provided payment. They might have made the award and not provided payment, but the subsequent proceedings looking to the payment by the Senate, and then the Senate having been coerced by the House of Representatives, it does not in anywise diminish the force of the adjustment through this board of arbitration.

Mr. CURTIS. They knew, did they not, Mr. President, when they put the provision in this bill that it would be subject to amendment in the other House?

Mr. OWEN. That related only to the payment of the award, not to the award itself.

Mr. CURTIS. And unless the Senate had agreed to it, it could not have become a law in that appropriation bill.

Mr. OWEN. I say that related to the payment of the award and not to the award itself. The award is one thing; the payment of the award is another thing.

The VICE-PRESIDENT. The Senator from Kansas makes the point of order that the amendment is obnoxious to paragraph 3 of Rule XVI, in that it proposes general legislation. The Senator from Massachusetts interposes an additional point of order to the effect that the item is not for the purpose of carrying out the provisions of some existing law or treaty stipulation.

The Chair has been greatly impressed by the strength of the argument of the friends of the amendment as to the equitable character of the claim. But in deciding the point of order the Chair is, of course, precluded from considering either the equitable nature of the claim or the supposed merit of the claim that is involved in the amendment.

The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof on the so-called "loyal Creek claims" named in said section 26, the sum of $600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated and made immediately available.

Congress, in order, apparently, to leave no doubt as to its purpose and the effect of the act, provided:

That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims.

Unless this act has been very materially modified or repealed by a subsequent act it stands as the supreme law, and standing as it does, it negatives the suggestion that the pending amendment is to carry out an existing law or treaty stipulation.

The Chair is also clearly of opinion that the amendment can not be entertained under the third paragraph of Rule XVI. It proposes to change a general law. Therefore, it is in the nature of general legislation, and is in contravention of the rule.

In view of the foregoing considerations, the Chair sustains the point of order made by the Senator from Kansas and the point of order interposed by the Senator from Massachusetts.

Mr. OWEN. Mr. President, I have now drawn the amendment objected to in such form as to meet the objection. I should like to have it read.

The VICE-PRESIDENT. At what point does the Senator wish to have the amendment inserted?

Mr. OWEN. At the bottom of page 64.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. At the bottom of page 64, after line 26, insert the following proviso:

Provided, That the Attorney-General is hereby authorized to dismiss the suits brought by the United States to set aside land titles in the eastern district of Oklahoma in cases where the consideration was not inequitable, and where there is no actual fraud involved.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORE. I desire to submit an amendment to come in at the close of the admendment just adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert:

All suits pending or hereafter brought in the eastern district of the United States district court of Oklahoma to cancel conveyances of Indian allotments shall be given precedence over all other actions, civil and criminal, excepting where the defendant is confined without bail and on petition for the writ of habeas corpus.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. I think it very well to adopt the amendment of one Senator from Oklahoma, but I think this is going a little too far. I make a point of order on the amendment that it is general legislation.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. GORE. Mr. President, I request the Senator to withhold the point of order for a moment, that I may make a statement with reference to the amendment.

Mr. KEAN. The Chair has already ruled on it.

The VICE-PRESIDENT. Does the Senator from New Jersey withhold his point of order?

Mr. KEAN. I withhold it for a moment.

The VICE-PRESIDENT. The Senator from Oklahoma will proceed.

Mr. GORE. I would merely like to say that more than 30,000 suits have been brought in the State of Oklahoma during the last eight months with respect to the transfer of Indian allotments, and it has operated as a stroke of paralysis to the eastern section of our State. It, of course, casts a cloud on every piece of land involved in the suits, and casts suspicion on every other transfer and every other title falling within this description. If one case could be tried every day it would require ten years for the trial of these suits. If ten cases were tried every day it would occupy one entire year in the trial of these actions.

This statement ought to be sufficient to impress the Senate with the importance of this disposition of the matter to the people of the State of Oklahoma. I submit that the suits were brought indiscriminately, without investigation. The records were consulted where transfers had been made and suits were instituted and investigations were made afterwards. Some of them have already been dismissed as being entirely without foundation; but it requires too much time, if they are allowed to take the ordinary course of litigation.

I am informed that suits of this kind have been brought to cancel conveyances where the Secretary of the Interior had himself expressly and formally removed the restrictions from the land involved. I cite one particular case where a piece of land was sold by an Indian to a white man. The deed was executed and delivered, and a mortgage was made for the purchase money. Suit has been brought to cancel the mortgage to secure the payment of the debt. So far no suit has been brought to cancel the deed itself.

There is another story told illustrative of this litigation. Land was allotted to a Cherokee woman who was unmarried. Subsequently she married. She leased the land in her married name, and suit has been brought against her for defrauding herself out of her own land. That illustrates the character of the litigation.

Something ought to be done to facilitate, to expedite, and to force a settlement of these suits. The amendment merely gives them precedence over other cases, excepting criminal actions, where the defendant is confined without bail, and in cases brought on petition for a writ of habeas corpus.

Mr. KEAN. Mr. President, I insist upon my point of order. We have already given the Attorney-General power to dismiss a certain class of cases, and I think that is sufficient.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CLAPP. I move to reconsider the vote by which the Senate adopted the amendment on page 54, inserting the matter from line 7 to line 22.

The motion to reconsider was agreed to.

Mr. CLAPP. I ask that the amendment be rejected.

The amendment was rejected.

Mr. OWEN. I offer an amendment in behalf of the Chickasaw chief, Douglas H. Johnson, asking a larger compensation for his services.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following:

That the Secretary of the Interior is hereby authorized and directed to pay out of the Chickasaw fund to D. H. Johnson, governor of the Chickasaw Nation, compensation for his services as such governor, at the rate of $3,000 per annum, from March 4, 1906, so long as he shall legally serve as such governor.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I had called the attention of the chairman of the committee to the amendment on page 88, from line 1 to line 13, inclusive, and understood that he was to withdraw it. Upon information which has come to me very recently with respect to the matter embodied in the amendment, I am compelled to make the point of order against it on the ground that it is general legislation upon an appropriation bill.

I should like to say the reason I do that is that I am informed by representatives of the Oneida Indians, who have just arrived in the city, learning that this legislation was likely to be proposed, that there was an entire misunderstanding upon their part in agreeing to the distribution of this money upon the basis provided for in the amendment.

Mr. CLAPP. The Senator is correct. I had intended to withdraw the amendment.

The VICE-PRESIDENT. In the absence of objection, the amendment will be regarded as open. The question recurs on the amendment reported by the committee, which will be stated.

The SECRETARY. At the top of page 88 it is proposed to insert:

To enable the Commissioner of Indian Affairs to pay to the Oneida band of Indians of the Oneida Reservation, Wis., their proportionate share of the perpetual annuity accruing to the Six Nations of New York Indians, under the sixth article of the treaty of November 11, 1794 (7 Stat. L., p. 46), on the basis of a capitalization of the said annuity at 5 per cent, as provided in the agreement made with the said Oneida band January 4, 1909, said agreement having been made in pursuance with the act of Congress approved April 30, 1908 (35 Stat. L., p. 70), $20,000, to be immediately available.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEIFER, Mr. GARDNER of Michigan, and Mr. BOWERS managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 23707. An act to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

BOSTON AND MAINE RAILROAD.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 7752) for the relief of the Boston and Maine Railroad.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Boston and Maine Railroad $2,840.83, for railway mail service furnished between Fitchburg, Mass., and South Ashburnham, Mass., from July 1, 1897, to June 7, 1908.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 22, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1909.

CONSUL-GENERAL.

Edward L. Adams, of New York, now consul-general of class 6 at Stockholm, to be consul of the United States of class 5 at Dublin, Ireland, vice Alfred K. Moe, nominated to be consul of class 5 at Bordeaux.

POSTMASTERS.

CONNECTICUT.

William A. Smith to be postmaster at Hazardville, Conn. Office became presidential January 1, 1909.

FLORIDA.

John B. Leffingwell to be postmaster at Bradentown, Fla., in place of John B. Leffingwell. Incumbent's commission expired February 1, 1909.

James A. Zipperer to be postmaster at Madison, Fla., in place of Alexander Zipperer. Incumbent's commission expired January 27, 1909.

INDIANA.

William L. Walters to be postmaster at Fort Branch, Ind. Office became presidential January 1, 1909.

IOWA.

William C. Snyder to be postmaster at Lake City, Iowa, in place of William C. Snyder. Incumbent's commission expired January 14, 1909.

KANSAS.

Edwin J. Bookwalter to be postmaster at Halstead, Kans., in place of Edwin J. Bookwalter. Incumbent's commission expired December 13, 1908.

MICHIGAN.

William C. Mertz to be postmaster at St. Charles, Mich., in place of William C. Mertz. Incumbent's commission expired December 12, 1908.

MINNESOTA.

Stephen E. Fay to be postmaster at Raymond, Minn. Office became presidential January 1, 1909.

Charles M. Nelson to be postmaster at Elbow Lake, Minn., in place of Charles M. Nelson. Incumbent's commission expires February 23, 1909.

NEBRASKA.

Frank C. Evans to be postmaster at Wisner, Nebr., in place of Frank C. Evans. Incumbent's commission expires March 3, 1909.

NEVADA.

Idessa G. Moody to be postmaster at Mina, Nev. Office became presidential October 1, 1908.

NEW YORK.

Thomas B. Lowerre to be postmaster at Flushing, N. Y., in place of Thomas B. Lowerre. Incumbent's commission expires March 1, 1909.

NORTH CAROLINA.

Charles M. Hoover to be postmaster at Thomasville, N. C., in place of Charles M. Hoover. Incumbent's commission expires March 1, 1909.

Charles A. Reynolds to be postmaster at Winston Salem, N. C., in place of Charles A. Reynolds. Incumbent's commission expired January 30, 1909.

NORTH DAKOTA.

David C. Boyd to be postmaster at White Earth, N. Dak., in place of David C. Boyd. Incumbent's commission expired December 14, 1908.

OKLAHOMA.

George W. Mellish to be postmaster at Comanche, Okla., in place of George W. Mellish. Incumbent's commission expires March 1, 1909.

PENNSYLVANIA.

John W. Zerbe to be postmaster at Shamokin, Pa., in place of John W. Zerbe. Incumbent's commission expired November 19, 1907.

SOUTH CAROLINA.

Alfred G. Pinckney to be postmaster at Williamston, S. C. Office became presidential January 1, 1908.

SOUTH DAKOTA.

Arthur B. Chubbuck to be postmaster at Ipswich, S. Dak., in place of Arthur B. Chubbuck. Incumbent's commission expired January 20, 1909.

Alexander B. Coutts to be postmaster at Hudson, S. Dak. Office became presidential January 1, 1909.

Orator H. La Craft to be postmaster at Clark, S. Dak., in place of Orator H. La Craft. Incumbent's commission expired December 19, 1907.

TEXAS.

Emily I. Ellis to be postmaster at Toyah, Tex. Office became presidential October 1, 1908.

T. W. Fields to be postmaster at Greenville, Tex., in place of Joseph M. Gurley. Incumbent's commission expired February 13, 1907.

William B. Kirby to be postmaster at Wellington, Tex. Office became presidential January 1, 1909.

John C. McBride to be postmaster at Woodville, Tex., in place of John C. McBride. Incumbent's commission expired February 4, 1909.

H. W. Mullis to be postmaster at McLean, Tex. Office became presidential January 1, 1909.

Lafayette Sharp to be postmaster at San Augustine, Tex., in place of Lafayette Sharp. Incumbent's commission expired February 4, 1909.

Jasper C. Williamson to be postmaster at Kirbyville, Tex., in place of Moses J. Lee, resigned.

VERMONT.

Alma H. Ayer to be postmaster at Richford, Vt., in place of Harlow C. Ayer, deceased.

VIRGINIA.

Warner J. Kenderine to be postmaster at Radford, Va., in place of Warner J. Kenderine. Incumbent's commission expires February 23, 1909.

Joseph E. Rangeley to be postmaster at Stuart, Va. Office became presidential January 1, 1909.

Richard B. Wilson to be postmaster at Crewe, Va., in place of Stanley E. Moore. Incumbent's commission expires March 1, 1909.

WISCONSIN.

William W. Clarke to be postmaster at Milton, Wis., in place of William W. Clarke. Incumbent's commission expires March 1, 1909.

Fred P. Harmon to be postmaster at Belleville, Wis. Office became presidential January 1, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1909.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. James A. Nydegger to be surgeon in the Public Health and Marine-Hospital Service.

CONSULS.

William C. Magelssen, of Minnesota, to be consul of the United States of class 7 at Colombo, Ceylon.

William C. Teichmann, of Missouri, to be consul of the United States of class 8 at Stettin, Germany.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Sanderford Jarman, Coast Artillery Corps, to be first lieutenant.

Second Lieut. Clair W. Baird, Coast Artillery Corps, to be first lieutenant.

Second Lieut. Edward W. Putney, Coast Artillery Corps, to be first lieutenant.

Second Lieut. Gilbert Marshall, Coast Artillery Corps, to be first lieutenant.

CHAPLAINS.

Rev. William Reese Scott, of Pennsylvania, to be chaplain with the rank of first lieutenant.

Rev. Franz Joseph Feinler, of South Dakota, to be chaplain with the rank of first lieutenant.

PROMOTION IN THE NAVY.

Commander Walter McLean to be a captain in the navy.

SECRETARY OF PUBLIC INSTRUCTION, PHILIPPINE ISLANDS.

Newton W. Gilbert, of Indiana.

POSTMASTERS.

ALABAMA.

Lemuel A. Carroll, at Slocomb, Ala.
Edgar A. McFerrin, at Opp, Ala.
Henry C. Willis, at Alexander City, Ala.

CALIFORNIA.

Robert R. Allen, at King City, Cal.
George B. Hannahs, at San Jacinto, Cal.
Otto C. Heck, at Oilcenter, Cal.
John J. West, at Willow, Cal.

GEORGIA.

Isaac T. Sellers, at Cornelia, Ga.

ILLINOIS.

Frederick H. Ballinger, at Chenoa, Ill.
Charles J. Ferguson, at East Alton, Ill.
H. F. Mette, at Flanagan, Ill.
William W. Waters, at Clyde, Ill.
John W. White, at Cullom, Ill.

IOWA.

Harry C. Chapple, at Independence, Iowa.
John C. Felts, at Jesup, Iowa.
John C. Roberts, at Hiteman, Iowa.
Thomas R. Shaw, at Coin, Iowa.
W. A. Simpkins, at Britt, Iowa.
Herman Ternes, at Dubuque, Iowa.

KANSAS.

Gertrude Stevens, at Goodland, Kans.

KENTUCKY.

Isaac N. Bryant, at Corbin, Ky.
Lee B. McHargue, at London, Ky.

MISSOURI.

John H. Fisher, at Sullivan, Mo.
Philip A. Thompson, at Craig, Mo.

MONTANA.

Walter E. Williamson, at Wibaux, Mont.

NEW JERSEY.

William H. Bannard, at Asbury Park, N. J.

NEW YORK.

Melvin D. Herriman, at Sandy Creek, N. Y.

NORTH DAKOTA.

H. B. Allen, at Steele, N. Dak.
Anna Callahan, at Casselton, N. Dak.
William T. Cameron, at Aneta, N. Dak.
Ole I. Ronning, at Columbus, N. Dak.

OKLAHOMA.

William O. Allison, at Hollis, Okla.
Benjamin G. Baker, at Chattanooga, Okla.
Dou A. Fraser, at Wewoka, Okla.

PENNSYLVANIA.

Walter M. Bray, at Palmerton, Pa.
Jennings U. Kurtz, at Berwick, Pa.
Thomas Pickrell, at Old Forge, Pa.

SOUTH DAKOTA.

James Erickson, at Bryant, S. Dak.

VIRGINIA.

John W. Field, at Chincoteague Island, Va.
E. T. Kiser, at Wise, Va.

WASHINGTON.

Alonzo W. Carner, at Castlerock, Wash.
Charles McKinnon, at Black Diamond, Wash.
George B. Stocking, at Republic, Wash.

INJUNCTION OF SECRECY REMOVED.

On February 18, 1909, the Senate removed the injunction of secrecy from a special agreement between the United States and Great Britain for the submission to the Permanent Court of Arbitration at The Hague of questions relating to fisheries on the North Atlantic coast. (Ex. U, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 20, 1909.*

[*Continuation of legislative day of Monday, February 15, 1909.*]

The recess having expired at 11 o'clock a. m., the House was called to order by the Speaker.

PUBLIC BUILDINGS.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 28167.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the following bill and to consider the same in the House. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public buildings acts, and for other purposes.

Mr. FITZGERALD. Let us have the bill read.

Mr. PAYNE. The bill ought to be read.

The SPEAKER. The Chair will say to the gentleman from Missouri that he is notified by the gentleman from Iowa that he desires to call up the diplomatic and consular appropriation bill. This bill is three or four pages long, and the Chair will furnish an opportunity——

Mr. BARTHOLDT. Mr. Speaker, I suggest this bill will take only a few minutes. It carries no new appropriation, it merely makes certain changes made necessary by changed conditions in respect to public buildings acts passed in the last two Congresses, and I hope the gentleman will yield.

Mr. COUSINS. I think the gentleman should come in after this. This bill is desired at the other side, and it must go over there or we will be running amuck with the appropriations. There are four appropriation bills—

Mr. BARTHOLDT. I appeal to the gentleman to give way for a few minutes for this purpose. This bill must go over to the Senate in order to pass this session.

Mr. COUSINS. How long?

Mr. BARTHOLDT. For a few minutes.

Mr. COUSINS. Mr. Speaker, if I am recognized I will yield the gentleman five minutes.

The SPEAKER. It will take five minutes to read the bill, but the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in every instance in which the act of May 30, 1908, included the cost of the site in the extension of the limit of cost fixed for a public building previously authorized to be constructed upon land owned by the United States, such limit of cost be, and the same is hereby, amended and fixed at the amount named in said act for each of such buildings, but exclusive of the cost of the sites thereof, respectively.

SEC. 2. That so much of the amount heretofore authorized for the construction of a suitable building for the accommodation of the United States post-office, United States courts, and other governmental offices at Muskogee, Okla., as may be necessary shall be available for the acquisition of a suitable site, and the Secretary of the Treasury is hereby authorized and directed to acquire such site by purchase, condemnation, or otherwise: *Provided*, That the limit of cost heretofore fixed shall not be exceeded in the acquisition of such site and the erection of a suitable building thereon.

SEC. 3. That of the amount heretofore authorized for the enlargement of the post-office building at Rock Island, Ill., the sum of $5,000, or so much thereof as may be necessary, shall be available for the acquisition of additional land.

SEC. 4. That the amount heretofore authorized for the enlargement, extension, and repair of the United States post-office at Portland, Me., shall be available for the United States court-house at Portland, Me.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to reduce the open space for fire protection at Du Quoin, Ill., to 15 feet, to insure the acquisition of a suitable site within the limit of cost heretofore fixed.

SEC. 6. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as same shall apply to the town of Plymouth, Mass.

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to apply not to exceed $7,000, or so much thereof as may be necessary, of the amount heretofore authorized for the erection of a suitable building for the accommodation of the United States post-office at West Point, Miss., for the acquisition of a suitable site, in addition to the $5,000 heretofore authorized for the acquisition of a site.

SEC. 8. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as same shall apply to the city of Westerly, R. I.

SEC. 9. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to reduce the open space for fire protection at Beatrice, Nebr., to 10 feet, to insure the completion of the proposed addition to the present federal building within the limit of cost heretofore authorized.

SEC. 10. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a temporary addition to the United States post-office and court-house at Detroit, Mich., at a limit of cost not to exceed $7,500, to be paid from the appropriation heretofore authorized for the extension and remodeling of the United States court-house and post-office at Detroit, Mich.

SEC. 11. That so much of section 5 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to

authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908, as authorized the Secretary of the Treasury to acquire a suitable site for a new custom-house in the city of Boston, Mass., at a limit of cost of $500,000, be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise, a site for a new custom-house building at Boston, Mass., at not to exceed $500,000, or in his discretion to cause plans to be prepared for the enlargement, remodeling, or extension of the present custom-house building in said city; and for this purpose he is hereby authorized and empowered to select and employ a special architect for the purpose and to compensate him for his services on the basis of the schedule of the American Institute of Architects, and so much of the appropriation heretofore made for the acquisition of a new site as may be necessary is hereby made available for that purpose.

SEC. 12. That in the acquisition of a new site heretofore authorized for the subtreasury at San Francisco, Cal., and for the purpose of securing better facilities for light and air and a larger open space than is now required by law to be provided as a protection against the danger of fire in adjacent buildings and in consideration of the granting to the United States of a perpetual right of way over a strip of land 25 feet in width next adjacent to such site, or the dedication of said strip of land to the city of San Francisco for a public alley, the Secretary of the Treasury be, and he is hereby, authorized to cause said strip of land to be graded, paved, and improved to such extent as may be necessary to put the same in condition for use or as may be required to make it conform to the ordinances and regulations of the city of San Francisco governing the acceptance of the dedication of land for the purposes of a public alley; and for this purpose the Secretary of the Treasury is authorized to expend such sum as may be necessary, not to exceed $10,000, from the appropriation for "Repairs and preservation of public buildings:" *Provided*, That said alley shall not be graded, paved, or improved as aforesaid at the cost and expense of the United States for a greater distance than said subtreasury site may abut thereon, nor until the title to such subtreasury site shall have become vested in the United States.

SEC. 13. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire additional land for the further enlargement of the federal building site at Beaumont, Tex., by purchase, condemnation, or otherwise, at a limit of cost not to exceed $800, and to make payment therefor from the unexpended balance of the appropriations made for carrying into effect the provisions of section 1 of the act of June 6, 1902, so far as the same may relate to the federal building at Beaumont, Tex.

The SPEAKER. Is there objection?

Mr. BARTHOLDT. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 6 of the bill, after line 12, insert the following:

"SEC. 14. That the Secretary of the Treasury may, in his discretion, disregard the provisions requiring sites to be bounded upon at least two sides by streets in so far as same shall apply to Bedford City, Va."

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BARTHOLDT. Certainly.

Mr. FITZGERALD. Is there any item in this bill which releases the title of the United States to any land at any place?

Mr. BARTHOLDT. No.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new section the following:

"SEC. 15. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to reduce the open space for fire protection at South Chicago, Ill., to 15 feet."

Mr. BARTHOLDT. I accept that amendment, Mr. Speaker. Mr. Speaker, I offer another amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new section:

"SEC. 16. That the item contained in section 5 of the act of Congress entitled 'An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes,' approved May 30, 1908, for 'United States post-office at Washington, D. C., $500,000,' be, and the same is hereby, amended so as to add to the same the following provision: That if any balance remains within said limit after acquiring the site herein authorized, the Secretary of the Treasury be, and he is hereby, authorized to expend the same in preparation of the necessary plans, and toward the commencement of the construction of said building."

Mr. WEEKS. Mr. Speaker, I would like an explanation of that amendment.

Mr. BARTHOLDT. Mr. Speaker, in the last bill $500,000 was appropriated for the acquisition of a site for a new post-office in the city of Washington. It seems that they have succeeded in procuring a site for $450,000, so that $50,000 is left as an unexpended balance of that appropriation. This $50,000 shall be used for the purpose of preparing plans for the new building, appropriation for which, however, is not made in this bill.

Mr. WEEKS. That is the appraiser's storehouse?

Mr. BARTHOLDT. No; it is the post-office at Washington.

Mr. MANN. Would not this permit plans for the building without any limit of cost and authorize the commencement of work?

Mr. BARTHOLDT. No, sir.

Mr. MANN. That is just what it would do.

Mr. BARTHOLDT. No appropriation is made; hence there can not be a limit of cost fixed.

Mr. MANN. But, then, there is a commencement of work; hence it becomes a work in progress. I suppose the gentleman's committee will take care of that.

Mr. FITZGERALD. What is it expected this building will cost?

Mr. BARTHOLDT. The Committee on Public Buildings and Grounds has no idea as to what the size and character of that building is to be.

Mr. FITZGERALD. I suggest to the gentleman that until the committee decides the size and character and limit that is to be put on the cost, it would seem ill advised to authorize the preparation of the plans.

Mr. MANN. And there is a commencement of construction.

Mr. BARTHOLDT. It has been found that time will be saved by such a course.

Mr. FITZGERALD. It is better to lose time and save money, I suggest to the gentleman.

Mr. BARTHOLDT. If we fix a limit of cost in this bill, it will be considered as an appropriation.

Mr. FITZGERALD. Oh, no.

Mr. BARTHOLDT. It has been so considered as to similar public buildings.

Mr. FITZGERALD. But since that time Congress has passed an act that nothing shall be considered as an appropriation unless the specific amount is appropriated, and the Comptroller of the Treasury follows that statute.

Mr. BARTHOLDT. If there is to be any objection to it, Mr. Speaker, I withdraw the amendment.

Mr. MANN. The gentleman withdraws the amendment?

Mr. BARTHOLDT. I withdraw the amendment, Mr. Speaker.

The SPEAKER. The amendment is withdrawn.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 27894. An act amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal.;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;

H. R. 17171. An act for the relief of Benjamin F. Curry; and

H. R. 4307. An act for the relief of E. J. Reed.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama;

H. R. 24835. An act authorizing the resurvey of public lands;

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 4286. An act for the relief of John Shull;

H. R. 20837. An act entitled "An act to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes;" and

H. R. 20111. An act entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia' relative to gambling, bucket shops, and bucketing."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9402. An act for the relief of John M. Layne;

S. 8905. An act for the establishment of a probation system for the District of Columbia;

S. 5092. An act to remove the charge of desertion against the military record of James A. Windsor;

S. 8424. An act for the relief of the owners of lighter No. 128;

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.; and

S. 9348. An act to reimburse Frank Wyman, postmaster at St. Louis, Mo., for embezzlement of money-order funds by clerk at said post-office.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate recedes from its amendments to the bill of the House of Representatives (H. R. 24140) entitled "An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement," disagreed to by the House of Representatives.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill (H. R. 27523); and, pending that motion, I would like to inquire of the gentleman from Georgia [Mr. HOWARD] if he can inform me what time is desired on that side?

Mr. HOWARD. We shall not ask for time.

Mr. COUSINS. In that event, I should say we would not require more than twenty minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent to close debate on this bill in forty minutes—one-half of the time to be controlled by himself and one-half by the gentleman from Georgia [Mr. HOWARD]. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The SPEAKER. The gentleman from Michigan [Mr. DIEKEMA] will take the chair.

Mr. CARLIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. If a motion to adjourn were made at this hour, and assuming it would be carried, to what time would the House stand adjourned?

The SPEAKER. We are in Committee of the Whole, and we can not adjourn; but we could when the committee rises. The Chair is under the impression, however, that there are special orders for to-morrow.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DIEKEMA in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 27523, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

Mr. COUSINS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. COUSINS. Mr. Chairman, there is so little of new matter in the bill which the Committee on Foreign Affairs offers to the Committee of the Whole House that very little time is necessary to be used in its explanation. The bill carries $3,592,738, an increase of only about $18,000 over the appropriations of last session, and $350,000 less than the estimates of the State Department. There are very few new items. There is a proposition to amend the law with reference to chargé d'affaires acting in the place of ambassadors or ministers who may be absent on leave, which will save the necessity of deficiency appropriations, which have been carried constantly from year to year by the Appropriations Committee, but it makes no difference whatever in the amount appropriated or expended. The other new items are for very limited amounts—one for the entertainment of the Prison Congress in Washington, one for the entertainment of the International Congress of Hygiene and Demography, and the department is asking for 10 student interpreters in Turkey to correspond with the provision now made for student interpreters in China and Japan. Under the new Government of Turkey very wide fields are being opened to the United States and other countries in the way of trade.

The very best investment that has ever been made, in my judgment, has been the appropriations for student interpreters in China and Japan. They have enlisted in the service a class of very able and bright young men, who are willing to enter the service for a thousand dollars a year, and to-day many of them are occupying positions such as deputy consuls and vice-consuls in the Orient, rendering the very best service to this Government. We want a corps of student interpreters in Turkey, as I said, to correspond with those in the Orient, in China and Japan. There is also a new provision in the bill providing for ten additional consular assistants. We recommend this proposition instead of another proposition calling for $125,000 for the vice-consuls who might take the place of consuls.

The idea of the committee in adopting this provision for ten new consular assistants is that they will be a permanent corps of American citizens especially trained to assist or act in place of consuls. Their salary starts at a thousand dollars, and after seven years they may reach $1,800.

Mr. Chairman, we are carrying on this foreign service with only about $3,500,000. I doubt very much if any department of this Government is accomplishing so much with that amount of money. We are supporting and paying for ambassadors, ministers, consuls-general, consuls, and other officials and employees, as follows:

Ambassadors, at $17,500 each	10
Ministers, at $12,000 each	8
Ministers, at $10,000 each	24
Diplomatic agents, at $10,000 each	3
Minister resident and consul-general, at $10,000	1
Minister resident and consul-general, at $5,000	1
Secretaries of embassies and legations (ranging from $2,000 to $3,000 each)	41
Second secretaries ($1,800 to $2,000 each)	12
Third secretaries, at $1,200 each	7
Consul-general inspectors	5
Consuls-general	63
Vice-consuls-general	65
Deputy consuls-general	26
Consuls	241
Vice-consuls	241
Deputy consuls	23
Consular assistants	20
Consular agents	286
Interpreters	21
Clerks in consulates	314
Student interpreters	16
Marshals	8
Total	1,329

Consuls-general	63
Consul, class 1	1
Consul, class 2	1
Consuls, class 3	10
Consuls, class 4	14
Consuls, class 5	22
Consuls, class 6	34
Consuls, class 7	55
Consuls, class 8	61
Consuls, class 9	45
Consular agents	286
Total	592
Fees turned into Treasury last fiscal year	$1,512,304
Consuls' salaries	1,037,000
Balance	475,304

Since the adoption of the consular reorganization act two or three years ago, by which all the fees are turned directly into the Treasury instead of being paid in part to consuls, our consular system has become almost self-supporting.

Mr. COX of Indiana. How are these student interpreters to be appointed, or by whom?

Mr. COUSINS. They are appointed by the President, after being examined by a board of examiners, one of whom is from the Civil Service Commission and two others named from the State Department.

Mr. COX of Indiana. Are their appointments confirmed by the Senate, or will they be?

Mr. COUSINS. I think not, in that case.

Mr. COX of Indiana. Then, they are not directly under the jurisdiction of the Civil Service Commission, are they?

Mr. COUSINS. Practically; yes.

Mr. COX of Indiana. Would you say, then, that they are under the Civil Service Commission?

Mr. COUSINS. I should say practically; yes.

Mr. COX of Indiana. How are these various clerks appointed whom I see named in the bill? Are they appointed by the President?

Mr. COUSINS. Clerks are not, but the consuls are. Under the Constitution the President shall appoint ambassadors, ministers, consuls, and other diplomatic agents, by and with the advice and consent of the Senate.

Mr. COX of Indiana. Do the consuls appoint their own clerks, or are the clerks under the civil service?

Mr. COUSINS. No; they are not. When the clerks receive less than $1,000 per annum they may be foreigners; but during the last three years we have Americanized the system to such an extent that more than 50 per cent now employed are Americans.

Mr. COX of Indiana. I think that is absolutely commendable; but how are the clerks who draw salaries exceeding $1,000 appointed?

Mr. COUSINS. By the State Department.

Mr. COX of Indiana. They are appointed by the Secretary of State?

Mr. COUSINS. Yes.

Mr. COX of Indiana. And their appointments are not confirmed by the Senate?

Mr. COUSINS. No. They do not represent the Government, except in a clerical capacity.

Mr. COX of Indiana. I see the time in which these student interpreters are to serve is limited to five years. Is that correct?

Mr. COUSINS. They enter into an engagement with the Government to serve five years, if their services are desired.

Mr. COX of Indiana. It is presumed, I suppose, that at the end of that time their service will automatically cease?

Mr. COUSINS. In very few instances have their services to the Government ceased. From student interpreters some have been advanced to more important positions, such as vice-consuls and deputy consuls, or secretaries, and have proven most useful officers in the foreign service.

Mr. COX of Indiana. Then the idea is to give them an opportunity gradually to work themselves from the bottom to the top.

Mr. COUSINS. Yes.

Mr. COX of Indiana. I think that is a good idea.

Mr. COUSINS. I was saying that since the adoption of the consular reorganization bill the consular service has been practically self-supporting. It costs this Government only about $400 to maintain a consulate at the present time. During the last fiscal year the fees of the consulates amounted to $1,512,304. The salaries of the consuls were only $1,037,000, making a net gain of $475,304.

Of course the consular establishment is not wholly self-supporting, for the reason that there is charged to that service all the inspectors' expenses, all of the vast contingent expenses that we appropriate, amounting to half a million dollars.

Only a few years ago these consuls paid out of their own pockets probably half of the postage that was required to answer the communications from American business men. To-day we are appropriating for these contingent expenses $525,000, which cover postage and other miscellaneous items, and which relieves these representatives of the Government of the great expense of answering correspondents from our country.

There has been a very great improvement in the last three or four years, under the administration of Mr. Root, than whom, in my judgment, no greater Secretary ever served the United States. [Applause.] With the very intelligent and consistent support of the gentlemen of the minority on the Committee on Foreign Affairs, and particularly that of the gentleman from Georgia [Mr. HOWARD], looking to the improvement of the foreign service, we have had the greatest progress that has been witnessed, in my judgment, in any department of the Government. [Applause.] I shall now yield to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I yield back such time as was allotted to me, as it seems not to be the desire of anyone to occupy time now.

Mr. COUSINS. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Chargés d'affaires ad interim, $40,000.
Total, $550,500.

Mr. HAMLIN. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question. Is the amount carried for this item the amount carried in the bill of last year?

Mr. COUSINS. There is no change either in the salaries or classification of ambassadors and ministers.

Mr. HAMLIN. Can the gentleman inform me if it is the same amount carried in the bill for 1908?

Mr. COUSINS. Yes.

Mr. HAMLIN. Any unexpended balance at the close of the fiscal year is available for expenditure in the next fiscal year without any further appropriation?

Mr. COUSINS. The balance of the salary, if unexpended, would revert to the Treasury.

Mr. HAMLIN. What becomes of the balance of the fund?

Mr. COUSINS. It reverts to the Treasury.

Mr. HAMLIN. And must be reappropriated?

Mr. COUSINS. Yes.

Mr. HAMLIN. Are the expenditures for this last fiscal year for this purpose any greater than the expenditures for the fiscal year 1908?

Mr. COUSINS. This is for 1910.

Mr. HAMLIN. I understand; but the gentleman said that the same amount was carried in the fiscal year of 1909.

Mr. COUSINS. For the present fiscal year.

Mr. HAMLIN. Are the expenditures any greater for this year than for the year 1908?

Mr. COUSINS. I stated that there was no change either in the salaries or classification of ambassadors or ministers.

Mr. HAMLIN. Now, I notice from the report of the Secretary of State that the expenditure for these items of 1908 was only $467,749.42.

Mr. MANN. The gentleman from Missouri said the expenditure for 1908. That is not this year. We passed a bill which did make a change——

Mr. COUSINS. We passed a bill in 1907 which increased the salaries very much; we increased the salaries of certain ministers.

Mr. HAMLIN. Then the gentleman from Iowa misunderstood my question. I asked if there had been any increase since 1908.

Mr. COUSINS. There was in 1907, which provided for 1908.

Mr. HAMLIN. Then the necessary expenditures for 1909 would be greater than 1908?

Mr. COUSINS. Yes. I have not distinctly heard the gentleman's questions. There were many increases in salaries for 1909 over 1908, but none in this bill for 1910 over those for 1909.

The Clerk read as follows:

Section 1685 of the Revised Statutes is hereby amended to read as follows: "For such time as any secretary of embassy or legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed he shall be entitled to receive, in addition to his salary as secretary of embassy or legation, compensation equal to the difference between such salary and 50 per cent of the salary provided by law for the ambassador or minister at such post."

Mr. MACON. Mr. Chairman, reserving the point of order against that paragraph, I would like to ask the chairman the reason for this change.

Mr. COUSINS. The reason is this: For many years a portion of the salary, or compensation, of chargé d'affaires has

had to be appropriated in the deficiency appropriation bill. This provision does not increase the amount in any instance.

Mr. MACON. Then, it is simply desired to obviate the necessity of making two appropriations?

Mr. COUSINS. Exactly.

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

For six student interpreters at the embassy to Japan, who shall be citizens of the United States, and whose duty it shall be to study the Japanese language with a view to supplying interpreters to the embassy and consulates in Japan, at $1,000 each, $6,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Japan so long as his said services may be required within a period of five years.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. I would ask the gentleman in charge of the bill whether it is necessary to have 10 student interpreters at Constantinople. I can see the reason for 10 in China and for a number in Japan, but it seems to me that 10 at Constantinople is a large number.

Mr. COUSINS. No; we have necessity for the employment of 15 interpreters for Turkey and the region around Turkey where the Turkish and Arabic languages are used.

Mr. MANN. I withdraw the point of order.

Mr. MACON. I renew the point of order. Is that the provision for 10 interpreters for Turkey?

Mr. MANN. They are student interpreters. It is on page 8.

Mr. COUSINS. It will be the most economic investment the Government can make.

Mr. MACON. The gentleman from Illinois is ahead of the reading clerk. He has not yet reached the provision. I withdraw the point of order.

The Clerk read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey with a view to supplying interpreters to the embassy and consulates in Turkey, at $1,000 each, $10,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Turkey so long as his said services may be required within a period of five years.

Mr. MACON. Mr. Chairman, I reserve the point of order upon that paragraph, for the purpose of asking the gentleman a question in regard to it. What is the necessity for the creation of these 10 positions at $1,000 a year each in Turkey?

Mr. COUSINS. I was answering a moment ago a question which I thought pertained to this paragraph when I said that there are 15 posts at which we must have interpreters, and we can not hire them for the amount that we are paying the student interpreters in China and Japan now, $1,000.

Mr. MACON. Under existing law do we employ fifteen?

Mr. COUSINS. We have to have fifteen in Turkey and the surrounding region.

Mr. MACON. And that is necessary under existing law?

Mr. COUSINS. I will ask the Clerk to read a few statements here that I think ought to be in the RECORD, pertaining to the trade and prospects of trade with Turkey under their new government.

Mr. MACON. I expect the gentleman and I can get together without waiting for this reading.

Mr. COUSINS. I think this ought to be in the RECORD.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

The September (1908) number of the Near East, a paper devoted to the political and commercial interests of the Turkish Empire, said:

"For many years past, firms endeavoring to do business in the Ottoman Empire have met with difficulties. The extension of their clientele has been accomplished only by slow degrees. The openings for the development of trade have not been numerous. It is now generally admitted that these drawbacks will disappear. It is no exaggeration to state that the amount of trade which is to be secured within the confines of the Ottoman Empire is gigantic. In spite of the country's wealth of material, the bulk of the goods consumed is purchased abroad."

OCTOBER 13, 1908.

Consul William C. Magelssen, at Bagdad, says of conditions in that part of Asiatic Turkey:

"The foreign trade of Bagdad, including imports and exports, for 1907 amounted to $23,577,813. Although the United States is one of Turkish Arabia's best customers, the latter takes practically nothing in return. With the completion of the Bagdad Railway, and the subsequent development of Mesopotamia and adjoining regions, the trade will in the near future be doubled, and American manufacturers would do well to make an effort to secure their proper share of this commerce."

Consul-General Ravndal, of Beirut, in the Daily Consular Report for October 22, 1908, reports that in a recent decree the provisions prohibiting the importation into Turkey of typewriters with Arabic, Armenian, or Turkish characters or lettering have been abolished, and he urges the American manufacturers of typewriters to bestir themselves, as to gain a foothold in these virgin markets.

JANUARY 25, 1909.

Consul-General Ravndal, at Beirut, says:

"Already the commerce of the Levant, although still in its infancy, is considerable. Turkey alone exports goods to the value of approximately $100,000,000, while her imports are still more important. For the fiscal year ended March 31, 1906, they were officially estimated at $138,792,933. As for the United States, it buys in a year Turkish products to the amount of about $15,000,000 and sells to Turkey American manufactures valued at about $4,500,000."

JANUARY 28, 1909.

Special Agent R. R. Dennis, in a special report on the American farm-implement trade with Turkey, says:

"The great change that has lately taken place in the Ottoman Empire promises to be the forerunner of an immense increase in the volume of foreign trade."

NOVEMBER 27, 1908.

A native of Turkey, who is now in business in New York City, wrote to the Bureau of Manufactures as follows:

"With the new constitution in the Ottoman Empire, articles formerly not allowed to enter the country started going there with a rush since the restrictions and drawbacks existing under the old régime have been removed by the new, and an immense field of trade and enterprise is opening in the whole country. The openings for the American staple products and manufactures and the trade opportunities for the American capitalist are many, and those who will be the first on the ground will reap the best profits."

Mr. MACON. Now, Mr. Chairman, I desire to ask the gentleman, after the reading of that very important communication, if under existing law it is necessary to employ the 15 interpreters in Turkey; and if so, what is the total cost of their employment?

Mr. COUSINS. The total cost would be more than if we do not educate and employ American citizens.

Mr. MACON. I see that it will cost $10,000 in this particular paragraph for the salaries of the 10 students.

Mr. COUSINS. Exactly.

Mr. MACON. Then in the next paragraph we provide for the payment of $125 a year for each student.

Mr. COUSINS. Oh, that is for their schooling, their tuition.

Mr. MACON. And that practically makes $1,125 per annum for each of them.

Mr. COUSINS. That is all. As I said, it is one of the most economic investments that we have ever made.

Mr. MACON. Does the gentleman remember just what we pay the 15 interpreters that we are employing under existing law?

Mr. COUSINS. No; I could not give the exact amount.

Mr. MACON. The gentleman assures me as chairman of the committee, after having made investigation, that this will not be in excess of existing expenditures for this service.

Mr. COUSINS. Not at all. In fact, I can give the gentleman the word of the Chief of the Consular Bureau, who says it will be an economic investment.

Mr. MACON. The gentleman's word is good to me.

Mr. COUSINS. I should dislike very much if the gentleman should make any objection to a provision which will, as these testimonials show, open a vast field of trade, and very likely in cotton goods, and I take it that the gentleman is somewhat interested in that.

Mr. MACON. The gentleman understands that I have no desire on earth to hinder the progress of the affairs of any of the departments of the Government.

Mr. COUSINS. That is right.

Mr. MACON. My only idea in connection with this matter being to prevent an unnecessary depletion of the finances of the country, I do not want to be a party to the increase of our expenditures, and thereby further exploit the revenues of the country, when it is not absolutely necessary to do so. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

CLERKS AT THE EMBASSY AT LONDON.

For 2 clerks at the embassy to Great Britain, 1 at the rate of $1,500 per annum and 1 at the rate of $1,200 per annum, $3,000.

Mr. EDWARDS of Georgia. Mr. Chairman, I wish to ask the gentleman in charge of the bill if he would object to this amendment to that paragraph, to insert the words "who shall be American citizens" after the word "clerks," in line 9, on page 9?

Mr. COUSINS. Mr. Chairman, I can not hear the gentleman.

Mr. EDWARDS of Georgia. I ask the gentleman if there would be any objection to this amendment, to insert the words "who shall be American citizens" in line 9, page 9, so the paragraph will read:

For two clerks who shall be American citizens at the embassy at Great Britain, etc.

Mr. COUSINS. Well, we have a general law now that every one receiving a salary as high as $1,000 shall be an American citizen.

Mr. EDWARDS of Georgia. Then I wish to ask the gentleman why it is necessary to insert back here—the exact item I can not place now, but I remember the reading of it—that they should be American citizens?

Mr. PERKINS. Those are interpreters.

Mr. COUSINS. They are secretaries of legations, and it is necessary that they should be American citizens, because, for one reason, they have charge of important papers.

Mr. EDWARDS of Georgia. But they receive salaries of over $1,000 a year.

Mr. COUSINS. All of them.

Mr. EDWARDS of Georgia. What distinction do you draw between clerks and secretaries?

Mr. MANN. They do not receive salaries of over $1,000 a year, but receive salaries of $1,000 a year.

Mr. EDWARDS of Georgia. You have that provision on page 8, line 12, so why not have it on line 9, page 9?

Mr. COUSINS. You can not procure American citizens for $800 who are competent to do this work, and the Congress in its wisdom fixed a limit at $1,000, and it has accomplished almost a complete Americanization of the foreign service. Of course the amendment, if offered, would be subject to a point of order, because it would be a change of existing law, and I should be obliged to make the point of order.

Mr. PERKINS. Will the gentleman allow me a moment? I think perhaps the gentleman misunderstood the subject about which he asked; and that was with respect to interpreters, was it not? He said the words "American citizens" were put in another part of the bill. The provision on page 8 is in reference to interpreters. The general provision covers assistant secretaries and consular agents. There was some question whether the general provision of law would apply also to interpreters, so it was deemed best to have a special clause in reference to interpreters, directing that they should be citizens of the United States, which is not required in reference to other employees. That explains, I think, the matter and the reason for this provision being found in the paragraph.

Mr. EDWARDS of Georgia. Of course, I shall not offer the amendment if it is covered by existing law. I merely raised the question to get information on the matter.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. SUTHERLAND, and Mr. MCLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. R. 138. Joint resolution to provide for the printing of 25,000 copies of a portion of the report of the National Conservation Commission.

The message also announced that the Senate had passed the following bill and resolution, in which the concurrence of the House of Representatives was requested:

S. 9154. An act to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908.

Senate concurrent resolution 101.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view to ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year, and, if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams, or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $325,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word. I do it for the purpose of getting some information from the chairman of the committee, and I know of no better source of getting it than of him. The bill appropriating funds for this established purpose covering the fiscal year 1908, the only year that I have the report on, was only $225,000.

Mr. COUSINS. Yes.

Mr. HAMLIN. I notice in the report of the Secretary of State that he did not use that amount even by some $7,000. Now, why this increase of $100,000 per annum for this item?

Mr. COUSINS. This increase was provided in the bill in the last Congress.

Mr. HAMLIN. I am aware of that fact, but what was the reason for it?

Mr. COUSINS. The reason for it was that our representatives abroad, in many instances, were buying their own typewriting machines and paying postage on letters in answering communications from American merchants, and have been for a decade or more, and the Congress, in the last session, provided for that; and the fact that $7,000 was returned to the Treasury only shows the exactness with which this administration is carried on by the State Department, and instead of being subject to criticism it is a most commendable thing that when they found they did not need it it is returned to the Treasury.

Mr. HAMLIN. Now, Mr. Chairman, I do not want to be put in the attitude of criticising; I am simply asking for information.

Mr. COUSINS. I do not wish to put the gentleman in that attitude, and I am glad to give such information as I can.

Mr. HAMLIN. I do not want to cripple this part of the service in any way whatever, but I would like to ask this question: Why were these officers abroad compelled to pay money out of their own pockets heretofore? Was it because the Government did not appropriate sufficient money?

Mr. COUSINS. Precisely; and it was perhaps because these men had so much at heart the interest of American business that they were willing to put their hands in their own pockets and pay the postage.

Mr. HAMLIN. Then, if the gentleman is not in error as to his statement, why did they not use the whole $225,000 appropriated for the department for that purpose for the fiscal year 1908?

Mr. COUSINS. Because you can never know how much of a contingent fund will be used.

Mr. HAMLIN. But, if these men were needing this amount of money for the purpose of paying postage, and so forth, why did not the department use the $225,000 instead of turning back nearly $8,000?

Mr. COUSINS. Because they found at that particular time it was not necessary; and that is most commendable conduct on the part of the State Department, in my judgment.

Mr. HAMLIN. Does the evidence which has been presented to the gentleman convince him that the full $325,000 will be needed to pay the expenses during the next fiscal year?

Mr. COUSINS. I believe so; I have never known an administration of affairs that has been conducted more exactly for the public interest than has been the administration in the State Department in recent years.

Mr. HAMLIN. Now, Mr. Chairman, I would like to call the attention of the committee to this fact: That there was appropriated for this purpose for the fiscal year 1908, $225,000; there was expended $218,964.91, leaving a balance of $6,035.92. credited to this fund, with a repayment of $1,245.81, making a balance of $7,282.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I would like to have two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMLIN. Now, the point that I can not understand is why, if these consular agents and other representatives of the

Government in foreign countries needed money to pay their expenses, that $7,000 of money already appropriated for that purpose was not used for reimbursement to them for any expenses they had been to. I can not see the condition arising why there should be an increase of $100,000 in twelve months in this item alone.

Mr. COUSINS. Why, it is not an increase. This appropriation of the amount mentioned by the gentleman affects not only the paying of postage and buying of typewriting machines, but for rent of offices as well. For years the consuls have been allowed to live in back streets and alleys and in the poorest places in foreign cities.

We have improved that condition by giving increased rent allowances and have bettered the conditions in the offices by procuring typewriting machines; by paying the postage, which had formerly been paid out of the pockets of these gentlemen who represent our interests abroad; by installing necessary furniture and books.

Mr. HAMLIN. Then, I come back to the gentleman with the question, If that condition existed, why did they not use the full $225,000 that was appropriated for the year 1908?

Mr. COUSINS. As I said to the gentleman, you never can know what the contingencies will be.

Mr. HAMLIN. These men report to the Secretary of State, do they not?

Mr. COUSINS. Yes, sir.

Mr. HAMLIN. He would know that when he gets these reports.

Mr. COUSINS. They are sent and must be audited in the Treasury Department.

Mr. HAMLIN. I withdraw the pro forma amendment.

The Clerk read as follows:

TRANSPORTATION OF DIPLOMATIC AND CONSULAR OFFICERS IN GOING TO AND RETURNING FROM THEIR POSTS.

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, to continue available during the fiscal year 1910, $30,000.

Mr. EDWARDS of Georgia. Mr. Chairman, I wish to submit the following amendment to that paragraph: Insert the word "actual" after the word "the" and before the word "cost," in line 5, page 10; and the words "not to exceed" at the beginning of line 8, page 10; and strike out the word "at" in line 8, so that the paragraph will read:

To pay the actual cost of the transportation of diplomatic and consular officers in going to and returning from their posts or when traveling under orders of the Secretary of State, not to exceed the rate of 5 cents per mile.

Mr. COUSINS. I have not the slightest objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 5, page 10, before the word "cost," insert the word "actual;" at the beginning of line 8 strike out the word "at" and insert the words "not to exceed."

Mr. COUSINS. I have not the slightest objection to the amendment.

Mr. FASSETT. I would like the gentleman to explain about cost and actual cost.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. EDWARDS of Georgia. I ask for a division.

The committee divided; and there were—ayes 16, noes 45.

Mr. HAMLIN. I move to strike out the last word, and would like to ask the chairman of the committee another question in regard to this item. There has been carried, it appears, in these bills covering this item $30,000 each year. I notice in the last report that we have from the Secretary of State for the year 1908 there was only $8,259.79 used for the purposes provided for in this paragraph. Now, supposing that that is an average, at least, of the expenses required under this item for each year, I would like to know the necessity of appropriating from year to year $30,000 for this purpose.

Mr. COUSINS. The gentleman has the report for two years ago.

Mr. HAMLIN. I have the last report issued by the Secretary of State that is available to Members. I have the report for the year which closed June 30, 1908.

Mr. COUSINS. That was appropriated for in 1907.

Mr. HAMLIN. Yes; but it does not make any difference when it was appropriated. The point I make is that there was an appropriation of $30,000, and only $8,000 was used.

Mr. COUSINS. And every cent that was not needed reverted to the Treasury.

Mr. HAMLIN. Then, can the gentleman tell me——

Mr. COUSINS. And I wish to say, further, that there was an additional amount carried in one of the appropriation bills reported by the chairman of the Committee on Appropriations.

Mr. HAMLIN. Can the gentleman give us any reason why there will be $30,000 needed for the next fiscal year for this purpose?

Mr. COUSINS. The only reason is the judgment of the Secretary of State; and if there is one penny more appropriated than is necessary, it will revert to the Treasury. You never can know a year in advance how much money will be required for the transportation of these officers, but you do know that every dollar of it must be audited and go through the Treasury Department.

Mr. HAMLIN. I for one am opposed to appropriating blindly a lot of money for any purpose.

Mr. NORRIS. I agree with the gentleman that we ought to be as economical as we can; but does not this idea suggest itself to the gentleman, that is it very uncertain as to how much we will use of this appropriation, because there might be some serious international difficulties that might make it necessary for the agents of the Government to do considerable traveling, and they would have to be paid out of this fund; and if we were holding the appropriation down to a too close figure, it might be impossible, without a violation of the law, for the Government to send its agents to different places that might be necessary?

Mr. HAMLIN. I recognize the fact that we can imagine a great many things which might arise; but it seems to me that to appropriate four times as much as has been used is stretching it a little.

Mr. NORRIS. But because it is appropriated that does not mean that the money is lost or unnecessarily expended.

Mr. HAMLIN. It is not lost, but you are tying it up unnecessarily. I do not think it ought to be done.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. With pleasure.

Mr. MANN. Does the gentleman recall the fact that we have a new administration coming in, and that there will probably be a larger number of changes than in the fiscal year 1908?

Mr. HAMLIN. I confess, Mr. Chairman——

Mr. MANN. And that there might be changes made in many cases with profit.

Mr. HAMLIN. I had overlooked for the moment the fact that we are to have a new administration come in, and had overlooked the fact that the policy of that administration seems to be to increase all salaries and expenses.

Mr. COUSINS. No; there is no increase in this.

Mr. HAMLIN. I withdraw the pro forma amendment.

The Clerk read as follows:

EXPENSES UNDER THE NEUTRALITY ACT.

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President pursuant to the requirement of section 291 of the Revised Statutes, $8,000, or so much thereof as may be necessary.

Mr. HAMLIN. Mr. Chairman, I should like to ask the chairman of the committee a question in relation to this. Can he inform the committee whether any of the $8,000 appropriated last year and the year before has ever been used, or whether there has been any necessity for using it?

Mr. COUSINS. If it was not actually used, it reverted to the Treasury, as I have said in reference to other items.

Mr. HAMLIN. What is the purpose of this appropriation, may I ask?

Mr. COUSINS. The "neutrality act," so called, is the act of April 20, 1818, declaring the policy of the United States toward foreign governments and the rights of individuals within the United States with reference to foreign complications, including enlisting in or accepting commission in foreign service while in the United States, arming vessels against people at peace with the United States, or to cruise against citizens of the United States, compelling foreign vessels to depart, and so forth.

The expenses of the foregoing paid under provisions of section 291, Revised Statutes, were as follows: 1905, $414.02; 1906, $671.49; 1907, $232.10.

Mr. HAMLIN. In 1908 there was no expenditure.

Mr. COUSINS. If there was no expenditure, then the money reverted to the Treasury.

Mr. HAMLIN. If there is no expenditure under this, what is the necessity of appropriating the money?

Mr. COUSINS. There was a time, near about the date of the Spanish war, when a vastly greater amount was needed. This is a sort of emergency fund; nobody can run away with it; it must revert to the Treasury if not properly expended.

Mr. HAMLIN. We can start them off with an opportunity to run away with it.

Mr. COUSINS. Oh, no; no one can get a penny of it improperly.

The Clerk read as follows:

REPAIRS TO LEGATION AND CONSULAR PREMISES.

To enable the Secretary of State to keep in repair the legation and consular premises owned by the Government of the United States and occupied by its agents, $10,000.

Mr. FASSETT. Mr. Chairman, I would like to offer an amendment after the last paragraph.

The Clerk read as follows:

Insert after line 12, page 13, the following:

"Installation of water supply at Seoul: To enable the Secretary of State to install a water-supply system in the American consulate-general at Seoul, Korea, $971.95."

Mr. COUSINS. Mr. Chairman, I will say for the information of the Committee of the Whole that this item has been acted upon by the Committee on Foreign Affairs. Items of cost have been fully set forth by the department in House document No. 1430, and it is really necessary that this provision should be inserted.

The amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL BUREAU OF AMERICAN REPUBLICS.

International Bureau of American Republics, $54,000: *Provided*, That any moneys received from the other American republics for the support of the bureau, or from the sale of the bureau publications, shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the bureau: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies, for distribution by the bureau every month during the fiscal year ending June 30, 1910.

Mr. MANN. Mr. Chairman, I reserve a point of order. I wish to ask the gentleman about the item in reference to the International Prison Congress. Is $10,000 all they asked for?

Mr. COUSINS. They asked for $50,000, but the committee put it at $10,000.

Mr. MANN. Does the gentleman think that is sufficient? As I remember, every time we have appropriated for expenses of our commissioners to the International Prison Congress, when it was abroad, we appropriated considerably more than $10,000. I assume that it will cost more when the congress is held here, and we have to do something toward taking care of the delegates, than it did when the congress was held abroad. Is it expected that there is to be any other appropriation in some other bill on this subject?

Mr. COUSINS. I do not think that it is so expected. Some members of the committee thought that $5,000 would be sufficient, inasmuch as we were to entertain them here at home, but the department asked for $50,000.

Mr. MANN. That did not meet with the approval of the gentleman from Vermont [Mr. FOSTER], for I remember that he figured on the proposition that we should have $25,000 to take care of the commissioners from two countries at an entertainment of some kind up on Lake Champlain.

Mr. PERKINS. But there was no appropriation for that amount.

Mr. MANN. No; the gentleman from Vermont said it should be $25,000.

Mr. COUSINS. As to the Lake Champlain appropriation, I will be ominously silent on that subject. [Laughter.]

Mr. MANN. I thought I might get a rise from the gentleman from Vermont. [Laughter.]

Mr. COUSINS. I have a fellowfeeling for him because he is a member of the committee. We thought we could entertain this prison congress for $10,000. I remember that the gentleman from Mississippi last year raised the question whether we should appropriate anything at all to maintain this institution.

Mr. MANN. I have raised that question several times myself in the House.

Mr. COUSINS. It happens that nearly forty years ago this House, or this Government, originated the idea of the prison congress. We are in a way obligated by reason of our history on the subject to carry out this proposition of the department, because we have invited these people, and the committee, after a good deal of discussion, concluded that we could entertain the delegates for $10,000. If the gentleman from Illinois wishes to offer an amendment for a larger amount, I would be glad to test the sense of the Committee of the Whole.

Mr. PERKINS. Mr. Chairman, I regret to say that I shall have to raise a point of order against any such amendment.

Mr. MANN. I regret to say that my attention was distracted at the time we passed the item or I should have offered an amendment, which would not have been subject to a point of order, increasing the amount. If we are to entertain these gentlemen, we ought to do it with dignity.

Mr. PERKINS. That matter was carefully considered by the committee, and it was thought that for the purpose of entertaining the delegates here $10,000 was amply sufficient. It was suggested by some interested in the cause that our Government should pay the expenses of delegates from the other countries who should go over the United States and view the prisons, inasmuch as the prison at Washington does not make this a special point for investigation. It did not seem to the committee that it was reasonable that the Government of the United States should pay the expenses of a large number of gentlemen interested in this subject traveling all over the land. We will entertain them here, but it did not seem right that we should take the money of the people of the United States to pay their traveling expenses for investigations.

Mr. MANN. When the gentleman says "travel all over the land," of course nobody would justify that.

Mr. PERKINS. Oh, no; but to go to various places where prisons are found, to go to places of special interest to those engaged in the study of criminal or prison statistics.

Mr. MANN. Here is an international prison congress, originated in this House, originated by this Government, which for the first time in its history meets in this country; and what do we propose to do? As Congress is not in session they can not show them Congress. Certainly they will not show them any prison in the District of Columbia, because there is no prison here that any gentleman would want to show to a foreign prison delegate with respect to himself or with respect to the delegate. What will they do? They ought to be able to show them the prisons in the district represented by the gentleman from Kansas, Fort Leavenworth—a credit to the United States. They ought to be able to show them some prisons that are a credit to the United States; but they will come here and go away, perhaps, after viewing the prison in Washington, with a feeling that the United States is so far behind on any kind of humanitarianism that they ought never to come back to this country.

Mr. PERKINS. I would like to ask the gentleman whether, when the delegates from this country have gone to other countries, the other countries have paid their expenses or whether our own Government has? I understand that we paid the expenses of those we sent abroad to investigate the question of prisons there, and I do not see why delegates coming here now should not do the same.

Mr. MANN. My information is that these delegates have been shown the prisons in foreign countries at the expense of the foreign countries, but that has gone by.

Mr. COUSINS. I think very likely out of this sum they could take them to Chicago and show them the institutions there that may be a credit to the Nation; and, furthermore, I want to suggest that there is no telling what may happen to this legislation in its travels after it leaves the House. Possibly it might be well for us to be a little conservative of the amount to start with.

Mr. MANN. Well, while I believe that the Senate is the greatest legislative body in the world, and occasionally crosses a "t" or dots an "i" with advantage, I hope that it will do it this time.

Mr. COUSINS. I hope, then, that if we are thrown down and forced to accept a larger amount, to have the able assistance of the gentleman from Illinois in the final test.

Mr. MANN. I believe that when you do a thing at all you ought to do it in a creditable manner. If you are entertaining guests, do not be stingy about it. If you do not want to invite guests, do not invite them. [Applause.]

Mr. COUSINS. I am very glad to hear that announcement, and I think it will help other provisions in the bill and in other bills. I quite agree with the gentleman, but the committee reached this conclusion.

Mr. MANN. Now, may I ask the gentleman in reference to the paragraph under discussion, which relates to the publication of the Bureau of the American Republics and which provides that the amounts received from the sale of the bureau publications shall be paid into the Treasury as a credit in addition to the appropriation? Does not the gentleman think that these indefinite appropriations of that sort, as a rule, are improper? Do not we appropriate enough money to publish the bulletin issued by this bureau?

Mr. COUSINS. Well, this is existing law and they are now issuing the most valuable bulletins that have ever been issued by the department, and I think the Members of the House realize that fact. I myself have received lately some of the most valuable publications that I have ever had, to be bound for my private library, and I am fully in accord with this appropriation, as I believe other Members are.

Mr. MANN. Nobody is objecting to that, but $54,000 is appropriated. Now, it has been the constant practice of this

House to object to a provision covering money received from something of that sort back into an appropriation, and not covering it into the Treasury.

Mr. COUSINS. Well, the amount realized from the sale of publications last year was $1,690.21.

Mr. MANN. I do not think they need it. I make the point of order on the words in line 17, page 15, "or from the sale of the bureau publications." That simply means they will be covered into the Treasury. We appropriate the money necessary to run the publications.

Mr. NORRIS. That would mean also that the appropriation would be cut down by whatever amount would otherwise come in by virtue of these sales.

Mr. MANN. They would lose this thousand dollars.

Mr. NORRIS. The appropriation is already too small for that particular item.

Mr. COUSINS. I hope the gentleman will not cripple the publication of these documents. It is a small matter. I doubt if it is subject to a point of order. It is existing law.

Mr. MANN. I beg the gentleman's pardon, but it is not existing law.

The CHAIRMAN. Just a moment. Let the Chair understand the objection made by the gentleman from Illinois. Is it to the words in line 17, beginning with the word "or" and ending with the word "publications?"

Mr. MANN. Yes.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from Iowa.

Mr. COUSINS. Mr. Chairman, the only thing to say is that it has been existing law for many years. I suppose it went in originally on an appropriation bill, and I suppose this committee can deprive itself of the credit of nearly all legislation if it wants to by technical points of order.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa whether this is existing law in any statute outside of an appropriation bill?

Mr. COUSINS. I think not; I think it went in on an appropriation bill. I am going to be perfectly frank with the committee; but I want to say again that the committee can deprive itself of the credit of a great deal of good legislation if it chooses to do so.

Mr. FASSETT. Mr. Chairman, I would like to ask the gentleman from Illinois, if he insists upon his point of order and it goes out, whether it will not be well to increase the total amount from $54,000 to $55,600?

Mr. MANN. I have no objection.

Mr. FASSETT. That will make it then about as broad as it is long.

Mr. MANN. The House has always maintained the principle.

Mr. COUSINS. Well, if the point of order is insisted on, I will offer the amendment that the total——

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

Mr. COUSINS. Mr. Chairman, I offer this amendment: In line 14 strike out the word "fifty-four" and insert "fifty-six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 14, strike out the word "fifty-four" and insert the word "fifty-six."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word. I want to say, Mr. Chairman, I was very much pleased to hear the chairman of this committee make the comment he did make upon the publications of this bureau. I have been looking into it somewhat recently, and it seems to me that several copies of these bulletins that were issued are of exceptional high grade and quality; and it does occur to me that there ought to be some steps taken by which quite a number of these publications could be given as a quota to Members of Congress for free distribution, or that some other method should be adopted by which some of these publications could be distributed without expense; and I would like to ask the chairman if his committee has given any consideration to that subject?

Mr. COUSINS. I will say to the gentleman that I recently had a letter from the director of the bureau inviting me to give the names of such persons as might wish to receive these publications, and I have not the slightest doubt that if the gentleman will address a communication to the director that he can have the publications to furnish such libraries in his district as he may desire.

Mr. NORRIS. But I judge the law provides, from this item in this bill, that these publications shall be sold, and I presume that, comparatively speaking, a very small number of them could be given out free, and it is a publication that, as an educational medium on the subjects dealt with in the publication, can hardly be surpassed; and it ought to be, it seems to me, given for distribution. There are many people all over the country who do not know that such a thing is issued, who would be immensely interested if it could be brought to their attention.

Mr. COUSINS. Well, these publications are costly; they are illustrated——

Mr. NORRIS. Yes.

Mr. COUSINS (continuing). And the committee has been, as I have indicated, very conservative about expenses; and as I have said, I think the gentleman can get these for his libraries, where reference can be had to them.

Mr. NORRIS. Well, it may be that is true; but it occurred to me since they are published for sale that it would be like an ordinary magazine or newspaper that you could get only what would be given out as sample copies, and if all the Members of the House and Senate were to ask for a reasonable number——

Mr. MANN. If the gentleman will send his name and address, they will send the publication annually. What more can the gentleman ask?

Mr. COUSINS. Certainly; and it will be only a little while when we shall move into the premises provided by Mr. Carnegie, and then we hope our expenses will be curtailed.

Mr. MANN. And if everybody asked for them, they would have to increase the quantity published.

The Clerk read as follows:

INTERNATIONAL INSTITUTE OF AGRICULTURE.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1909, $4,800.

Mr. COUSINS. Mr. Chairman, I offer the following amendment:

Page 16, line 13, strike out the word "nine" and insert the word "ten."

So as to read:

Calendar year 1910.

It is a clerical error in the print.

The Clerk read as follows:

Page 16, line 13, strike out the word "nine" and insert the word "ten."

The question was taken, and the amendment was agreed to.

Mr. MANN. I move to strike out the last word. If anyone in the House is able to give any excuse whatever for this appropriation I wish somebody would do it. The idea of our contributing to maintain an agricultural institute in Rome, when we are the agricultural nation of the world, is to my mind the most ridiculous proposition that I have ever heard submitted. It is not in the interests of agriculture; it is for a particular individual.

Mr. COUSINS. We have agreed to this by international convention, the most solemn obligation that we have; and we have cut down the amount of the estimate from $14,000 to $4,000.

Mr. NORRIS. Will the gentleman explain what this institute is for?

Mr. COUSINS. It is to consider agriculture in all its phases.

Mr. NORRIS. When was the international agreement made in regard to it?

Mr. COUSINS. It was signed at Rome, June 7, 1905.

Mr. NORRIS. Do we get reports from this institute?

Mr. COUSINS. Yes; the Department of Agriculture gets reports.

Mr. NORRIS. Have they been of any practical benefit to our people?

Mr. COUSINS. Probably no nation in the world can help us very much on agriculture, but it helps in international amity.

Mr. MANN. Then this contribution is not to agriculture, but to amity?

Mr. COUSINS. There are many things that we gain by international amity.

Mr. MANN. Has the gentleman ever heard of a report being made?

Mr. COUSINS. I dare say that the conventions that are held between the nations of the earth are of vastly greater importance to the United States than to other governments.

Mr. MANN. The gentleman speaks of convention. This is a private snap over in Rome.

Mr. COUSINS. Not at all.

Mr. MANN. Certainly.

Mr. COUSINS. It is an international convention between us and eight other nations.

Mr. MANN. It is a private snap over in Rome. I know what it is.

Mr. WILLIAMS. I move to strike out the last word.

Mr. COUSINS. Why, the gentleman calls it a private snap. Our representative gets no salary whatever. The conventions are carried on by our representatives over there.

Mr. NORRIS. Is the institute always held in the same place?

Mr. COUSINS. Yes.

Mr. WILLIAMS. I believe I have the floor. I wish to ask the gentleman a question. Have you any idea how long these various international congresses and institutes are going to be continued? We have a dozen international institutes and congresses. We have the Institute of Agriculture, the International Railway Congress, the International Prison Commission, and all these various things. Is there any idea to make them permament, or what do they expect to do with them?

Mr. COUSINS. I remember the gentleman asked the question as to the prison congress last session. I told him then that we should investigate the subject, and in all probability we will get rid of that at the next session. But this year it happened to be the fact that we have invited these nations to participate in a meeting which we ourselves originated.

Mr. WILLIAMS. I see the force of that.

Mr. COUSINS. I can not answer as to how long this international agricultural convention will be held.

Mr. WILLIAMS. It seems to me it would be very bad policy to encourage the existence of a lot of permanent international institutions and congresses of this sort.

Mr. COUSINS. Let me say to the gentleman that this year the State Department had invitations for 48 various conventions or congresses and recommended only four. The department has been very conservative in that matter; and, as I said before, the Department of State believes that these international meetings and conventions are of very great good to the country in many ways.

Mr. COLE. I want to say just a word in relation to this international institute of agriculture. About two years ago there was a conference in Rome on the subject of agriculture. Many nations were represented. The authorities in Italy agreed to and did build a very fine building as a permanent home for this institute. They expended $400,000 in the construction of this building, and each nation is supposed to keep a delegate there, a personal representative.

The purpose of this agricultural institute, as I understand it, is to afford a sort of clearing house for all agricultural information throughout the world. At the present time we have a great many agricultural agents seeking information, making investigations throughout the world. Instead of sending out all those agents to all the various nations of the earth, each nation gathers its information, sends it to this headquarters, and from there as a central point it is disseminated throughout the world, and the United States at the present time receives regular reports from this international court.

And instead of sending special agents out, costing the United States Government tremendous sums of money, we have there a clearing house where all this information can be gathered for a very moderate price.

Mr. YOUNG. Does this institution issue a report, and if so, how is it distributed, and how many come to the United States, and how are they distributed here?

Mr. COLE. I am not familiar with the details of the working of this institute, but, as I understand it, their information is transmitted to the Agricultural Department of the United States, and it is disseminated in the same manner that all other information is disseminated by that department.

Mr. YOUNG. Is it issued by the Department of Agriculture as a special report?

Mr. COLE. I am not familiar with that. In fact, it is merely in its incipiency. Our agent has only been there for about a year and a half or two years, and its practical operation is not perhaps yet perfect, but I think it has within it elements of great value to the agricultural interests, not only of this Nation, but of the civilized world.

Mr. COUSINS. I think it ought to be said in this connection, referring to the remarks of the gentleman from Mississippi [Mr. WILLIAMS] as to the International Railway Congress, that only a year and a half ago probably the most significant evidence furnished to the Senate was by a gentleman from Great Britain, giving the details of their system of railways and railway management. That is published in the documents which you all receive, an outgrowth of this International Railway Convention.

Mr. MANN. Mr. Chairman, the gentleman from Iowa is not to be criticised because he is not familiar with this item or with the work done by the item, and no gentleman in the House is subject to criticism for lack of knowledge of the subject. The gentleman from Iowa seemed to assume that this item was for a convention. He stated that it was to pay the expenses of a convention. Now, there was no convention held last year, there is no convention held this year, there will be no convention held next year, but the item is just the same. It is not for a convention at all.

Mr. COUSINS. The gentleman must not put me in that attitude. My statement was that it is a permanent institution.

Mr. MANN. Well, the gentleman may revise his remarks as he pleases. I do not care what he says.

Mr. COUSINS. I have no need to revise my remarks.

Mr. MANN. That is all right. I am perfectly willing; but what the gentleman said was that it was to pay the expenses of a convention.

Mr. COUSINS. Oh, no. Now let us understand each other. What I said was that it was created by a convention. This appropriation is not for any special meeting. It is for a permanent institution that was created by an international convention.

Mr. MANN. Some distinguished gentleman of Rome conceived the notion of having an agricultural institute in Rome which he would head, and he went so far that he persuaded a number of nations to agree to that.

Mr. COUSINS. It was a Californian who originated the idea, and the gentleman from Illinois should know that most of the distinguished men of Rome have been dead for a good many years. [Laughter.]

Mr. MANN. And it would be better for the world, probably, if this one were with his fathers. It certainly would be better for our Treasury. This agricultural institute is a pure fake. It does no good for anybody except those who draw the money. It has no standing with the Agricultural Department here. It issues no reports of value to anyone. It is a pure and simple private snap.

Mr. COLE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COLE. I wish to state that this proposition is indorsed by the Agricultural Department here, and was indorsed by the agent of the Agricultural Department before the Committee on Agriculture not more than six weeks ago.

Mr. MANN. Oh, I have no doubt of that. I do not deny that statement. I said it had no standing with the Agricultural Department here. Of course, the man who represents the Government over there, drawing this salary, is for the item, and will continue to be.

Mr. WILLIAMS. How much is paid in salaries for this agricultural institute by the United States Government?

Mr. COUSINS. There is no officer that draws a salary under this appropriation.

Mr. MANN. There is not? What is that money used for?

Mr. COUSINS. It is purely for clerical work, in collecting and disseminating information.

Mr. MANN. Who represents the United States at this institute?

Mr. COUSINS. Our representative at Rome.

Mr. MANN. The gentleman from Iowa and the gentleman from Ohio ought not to have their wires crossed. The gentleman from Ohio just said that we had a representative there who is paid out of this appropriation.

Mr. COLE. I did state that we had a representative there——

Mr. MANN. And the gentleman was correct.

Mr. COLE. We have a representative there, but he is not drawing a salary, aside from what he receives as the regular compensation as an agent of the Agricutural Department.

Mr. WILLIAMS. Does anybody know to whom and for what this money is paid? I will ask the gentleman from Ohio or the gentleman from Iowa.

Mr. COUSINS. I said that this is purely for clerical work. Mr. David Lubin does not draw a cent of salary out of this appropriation.

Mr. MANN. I will tell the gentleman what this is for; neither the gentleman from Iowa nor the gentleman from Ohio seems to know what it is for. The money is to maintain and pay the expenses of a part of a building for the benefit of somebody else. A little of it may go for clerical services, but they have a large building there, and this is to pay the running expenses of that building. What is the building for? You might as well have a building at the bottom of the Pacific Ocean as far as any good to this country is concerned.

Mr. COUSINS. Of course the gentleman from Illinois knows more about it than anybody else in the world, when he says that we receive no benefit from it.

Mr. MANN. I may not know more about it than anybody else in the world, but I am willing to put my knowledge against that of the distinguished gentleman from Iowa.

Mr. COUSINS. I think the gentleman knows more about every subject than anybody else in the world. [Laughter.]

Mr. MANN. I am still willing to put my knowledge against that of the gentleman from Iowa.

Mr. HAMLIN. Mr. Chairman, I would like to ask the gentleman if he can give us the name of our representative at this institute at this time?

Mr. COUSINS. David Lubin.

Mr. HAMLIN. Does he make any pretense toward any special knowledge of agriculture?

Mr. COUSINS. I do not know what is in his mind or what his abilities are.

Mr. HAMLIN. Can the gentleman give us any idea how this institute benefits the farmers of America?

Mr. COUSINS. As I said a while ago, I believe every international convention and all international congresses are a benefit to our country. They bring the nations closer together; it helps us in our commerce; it helps us in matters of amity; and there is no doubt, in my judgment, that every time they meet together all conditions are improved.

Mr. HAMLIN. I would like to ask one more question. What authority appointed this man Lubin as our representative?

Mr. COUSINS. The President is authorized by the treaty to make the appointment.

Mr. HOWARD. Mr. Chairman, this provision did not originate with the Committee on Foreign Affairs. It is the result of a convention, technically so—more plainly stated, a treaty—introduced by and between the Government of Italy and the President of the United States and ratified by the Senate of the United States.

This convention imposed certain obligations on the Government of the United States, and it is in pursuance of that obligation, which has the binding effect of law, that the Committee on Foreign Affairs made this appropriation. The history of it is set out, and if the gentleman will permit me, I will read it:

INTERNATIONAL INSTITUTE OF AGRICULTURE AT ROME.

This institute was created by an international convention signed at Rome on June 7, 1905, to which the United States is a signatory government. The convention was approved by the Senate on June 27, 1906, was ratified by the President on July 7, 1906, and was proclaimed by the President on July 29, 1908.

Under this convention the United States is required to pay annually the sum of $4,800 as its share of the expenses of the institute. Connected with the institute is a permanent commission and a general assembly, membership and representation in which require an additional estimated appropriation of $8,600, making $13,400. The convention makes no provision for withdrawal therefrom.

The institute has been too recently established to afford an idea of its practical benefits and results. It is primarily of interest to the Department of Agriculture.

Now, then, we appropriate in this bill for the proportional part for the United States of all the expenses.

Mr. HAMLIN. I understand it is not a question whether we want to make the appropriation, but by virtue of the treaty we are compelled to make it.

Mr. HOWARD. We are, unless the treaty is denounced and withdrawn from by the United States.

Mr. HAMLIN. Then there is no use in arguing the matter any further. I think we ought to withdraw from it, but if we have not withdrawn we must make the appropriation.

Mr. HOWARD. The Department of State in the estimate requested an additional $8,000 for the purpose of enlarging, in a measure, the participation of the United States in this institution. This committee declined, and refused to incorporate one dollar of that additional increase in this bill, and limited the appropriation to only the exact amount required under the treaty.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SCOTT. Mr. Chairman, it might perhaps be of some interest to the gentleman from Missouri [Mr. HAMLIN] and to others whose attention has been directed to this matter to know that the Committee on Agriculture inquired into it in connection with the hearings had by that committee in preparing its appropriation bill. The hearing was taken up in connection with the remarks made by Doctor Clark, Assistant Chief of the Bureau of Statistics in the Department of Agriculture, who was a delegate to the institute in Rome last summer, and inquiry was made of him as to the practical value of the work being done by the institute. His reply was that that work was regarded by agricultural experts all over the world as being of very considerable value, that the function of the institute was to afford a sort of clearing house for agricultural information throughout the world, and that the information accumulated by that institute and distributed around among various governments through their agricultural departments was of actual practical benefit and value.

Mr. RUCKER. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. RUCKER. Does the gentleman know of any benefit the United States has received from that institute?

Mr. SCOTT. I think the gentleman from Missouri [Mr. RUCKER], in questioning Doctor Clark, brought out the suggestion pretty strongly that the United States was giving more than it was receiving through this institute, and yet I think Doctor Clark rather insisted that while at present we may perhaps be contributing more than we gain, still there is a chance that now and then some matter of information may come to us which will be in the nature of news, and may have some real value to us.

Mr. RUCKER. Is it not also true that there is a chance, a strong probability, that if we carry on this nonsensical work over there we will impart to other nations a thousandfold more than we receive?

Mr. SCOTT. That is entirely probable, but I do not see that there is any objection to that. We are living in an altruistic age, and it ought not to be a condemnation of a proposition that as a result of it we give to others more than we obtain from them.

Mr. RUCKER. Does not the gentleman from Kansas believe that this country, the greatest agricultural country in the world, expending ten or twelve million dollars every year in the interests of agriculture, ought not to give the benefit of our researches and our discoveries to nations which compete with the American farmer in the sale of products?

Mr. SCOTT. I would hardly take that view of it. I think that our situation, agriculturally, is so different from that of any other country that any little advantage which they might obtain through acquaintance with information which we have developed here will not bring us any harm.

Mr. RUCKER. Let me ask the gentleman, Did not Doctor Clark also suggest—without undertaking to quote his language—that each representative there refrained from imparting more than he had to; that each sought to get as much from others as possible, in order to derive a benefit; and did not he state that we had infinitely more to impart in respect to the modern methods of agriculture than any other nation on earth?

Mr. SCOTT. I did not get the impression that there was any disposition on the part of representatives of other nations to withhold information which they might have and draw from us all they could get.

Mr. RUCKER. Did the gentleman get the intimation that other nations had any information that would be beneficial to us?

Mr. SCOTT. I fear I have not time to answer that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I ask that his time be extended two minutes.

There was no objection.

Mr. HAMLIN. Mr. Chairman, I am confident that there is no better source of information than the chairman of the great Agricultural Committee of this House on this proposition.

Mr. SCOTT. The gentleman does me great honor.

Mr. HAMLIN. I want to ask if he has ever seen any report that has been issued by the Italian institute that would give any information to the farmers whatever?

Mr. SCOTT. I have not seen any such report, but the fact that I have not seen it does not argue that such a report may not have been made. My understanding is that whatever reports do issue from this institute go to the departments of agriculture of the various countries, and the results are used by the officials in those departments.

Mr. HAMLIN. Does the gentleman understand that it is the purpose to issue reports touching on subjects appertaining to agriculture?

Mr. SCOTT. That is my understanding.

Mr. HAMLIN. But the gentleman does not know of any having been issued?

Mr. SCOTT. I do not know personally of any individual reports.

Mr. HAMLIN. Is it a question of theoretic farming, or what is it over there anyway? There are no experimental farms or anything of that kind used in connection with it?

Mr. SCOTT. Oh, not in connection with this institute. All the governments of Europe are spending a greater or smaller sum of money to get information in order to promote agriculture in their respective countries, and in connection with the expenditure of that money naturally they develop information, methods of tillage, breeding of seeds, or things of that sort that are of interest to our people, and it is the expectation that when-

ever anything is developed of special interest so as perhaps to make it important to be known by any other country it will be reported to that country through that institute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I ask that the gentleman's time be extended in order to answer a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. Is it not true that the United States Department of Agriculture has been making extensive experiments in the matter of the production of what is called "macaroni" wheat?

Mr. SCOTT. Macaroni wheat was introduced into the United States through the Department of Agriculture several years ago, but the department is no longer conducting experiments in connection with it for the reason that the industry seems to be thoroughly established, inasmuch as we produced last year about 50,000,000 bushels of macaroni wheat.

Mr. HOWARD. Is it not a fact that information with respect to the production and adaptation of macaroni wheat to certain sections of our country was aided by this very institution at Rome?

Mr. SCOTT. I have no doubt that has been the fact.

Mr. MANN. What makes the gentleman believe it?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GAINES of Tennessee. I want to get some information about this matter over in Rome or somewhere, and I move to strike out the last word. Mr. Chairman, I have listened some little while to get the information that I still would like to get. What good is this institution doing the people of the United States? Where is the return for the investment that we are making? My friend from Georgia has clearly elucidated the matter to the extent of saying that a treaty—which is a law and no higher dignity than a statute—has been made that calls for the making of an appropriation to carry it on.

Mr. COUSINS. I would ask that the Clerk read from the provisions of the treaty.

Mr. GAINES of Tennessee. Will the gentleman state what it is? If not, then I ask unanimous consent that it be read, but not in my time.

The Clerk read as follows:

ARTICLE 9.

The institute, confining its operations within an international sphere, shall—

(*a*) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

(*b*) Communicate to parties interested, also as promptly as possible, all the information just referred to;

(*c*) Indicate the wages paid for farm work;

(*d*) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them;

(*e*) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries in the organization of works connected with agricultural cooperation, insurance, and credit;

(*f*) Submit to the approval of the governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agricultural societies, academies, learned bodies, etc.

All questions concerning the economic interests, the legislation, and the administration of a particular nation shall be excluded from the consideration of the institute.

Mr. GAINES of Tennessee. Mr. Chairman, we have heard article 9 read, and I now have a copy in my hand. I should like to know from the committee reporting the bill, if any of this work that this institution has referred to it has been done? I am trying to get at the result of it; I am trying to find out what we are getting for our money. I understand that we started out on a large scale to collect everything on the other side of the world, and compile all that is fit to be gathered and compiled, and send it over here for our information. Now, what has been gathered, and what has been published?

Mr. COUSINS. If the gentleman will go to the Department of Agriculture he will find everything——

Mr. GAINES of Tennessee. Has the gentleman been there?

Mr. COUSINS. I have probably distributed a good many thousand copies of the bulletins that copy from these reports.

Mr. GAINES of Tennessee. Will the gentleman tell me one thing new that has been sent here that the gentleman has distributed?

Mr. COUSINS. Oh, I have not learned them by heart, but I suppose I have distributed a good many thousands of them that contain copies from the articles that have been sent to our Department of Agriculture.

Mr. GAINES of Tennessee. Mr. Chairman, I have distributed everything that that great friend of the farmer, Secretary Wilson, has had to pass through his department that has gone to my credit, and I think I have an intelligent constituency, as much so as any other man in the United States, and I have never heard of a scientist, I have never heard of the real farmer, I have never heard of a stump speaker, I have never heard of a preacher, I have never heard of a country doctor, I have never heard of a banker, I have never heard of a presiding elder in my whole district who ever got any information from Rome about how to farm.

Mr. COUSINS. In view of the action of the gentleman's constituency at the last election, I can not quite agree with him in his statement as to the intelligence of his constituency.

Mr. GAINES of Tennessee. I stood up in front of my enemy and I did not turn tail and run in that campaign, like the gentleman did. [Laughter and applause.]

I stayed at my post, and because I did I was assassinated by the tobacco trust, the powder trust, and the other people that I have fought like a man, when the gentleman was absent from his post. I make no apologies for my defeat. I am proud of having such enemies; they may be your friends.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I move to strike out the paragraph for the purpose of getting this matter before the committee; and one way to get rid of it is to strike out the appropriation.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The first amendment offered by the gentleman was to strike out the last word of the paragraph. He now offers an amendment to strike out the paragraph. By unanimous consent this second amendment will be entertained by the Chair.

Mr. FASSETT. I object.

Mr. GAINES of Tennessee. Who objected, the gentleman from New York?

Mr. WILLIAMS. A parliamentary inquiry. Is the motion of the gentleman from Tennessee still before the House?

The CHAIRMAN. The motion of the gentleman to strike out the last word is still before the House.

Mr. WILLIAMS. Is the motion to strike out the paragraph before the House?

The CHAIRMAN. It is not.

Mr. WILLIAMS. I desired to be heard if it were.

Mr. HARRISON. Mr. Chairman, I desire to be heard on the pro forma amendment for a few moments. The debate we have just heard about the agricultural institution at Rome is very illuminating to all the Members of the House. It illustrates very clearly some of the difficulties under which the Committee on Foreign Affairs is laboring in attempting to prepare its annual appropriation bill. The Department of State seems to feel that the Committee on Foreign Affairs and the membership of this House are not to be trusted too far in investigating our international relations. The time was when the House of Representatives constituted practically the Committee on Foreign Affairs and the Congress managed the foreign affairs of our country.

For one, I wish that those days were here now. The present Department of State has not given us sufficient information to enable us to explain fully upon the floor of the House all of the items in this bill in which Members are interested. We called before the committee the Assistant Secretary of State, now serving as Secretary of State, and particularly requested that he should inform us specifically, item by item, the purpose of each one of these appropriations for international bureaus; the purpose for which money had been already expended, and the bases of authority under which we are now asked to appropriate money. But the Secretary did not give us information as to all of these items. There are some 16 or 17 which were originally recommended by the Department of State. As to two of these, by independent investigation the committee discovered that there was no convention or no treaty authorizing the appropriation, and no law requiring the appropriation, and as to these two items the appropriations went out on a point of order in the committee; but as to the remaining 14 or 15 international bureaus and institutions of one sort and another, we had printed the testimony of the Secretary of State. The gentleman from Georgia [Mr. HOWARD] has just read to the House the testimony of the Secretary of State covering this International Institute of Agriculture at Rome. It does not explain, and from

the context we can not explain exactly for what purpose this appropriation was used last year in Rome. All we can tell you is what the Secretary told us in the Committee on Foreign Affairs, and I am sorry to say the information is not as full as we should have hoped it to be. I, as a member of the committee, even though only a minority member, could wish that the Department of State would not hold us at arm's length, but would show more confidence in the membership of the committee and the membership of this House. Now, I for one am opposed to the establishment of all these international bureaus, but the House of Representatives is not responsible. It is done by treaty, ratified by the Senate in all these cases, and we are called upon under the terms of those treaties to appropriate the money to carry out all these conventions. Therefore, as a member of this committee, I feel that I am obliged to vote in committee and on the floor of the House for the item which the bill carries. But I regret, as a member of the committee, that we can not furnish the House with more complete information, and I have just informed the House why we are unable to do so.

Mr. DENBY. Mr. Chairman, I wish, in replying to the gentleman from New York, to say that although in my work with him on the committee I have noticed and admired the zeal with which he does seek to secure information and the skill and ability with which he conducts himself on the floor, I must say that I can not agree with him in his references to the Department of State.

I can not feel that the Committee on Foreign Affairs deal at arm's length, or in any other way, except sympathetically, with the Department of State; and certainly since I have been a Member of this body I have never seen a tendency on the part of the Department of State to decline to furnish any information at any time that has been asked for by the Committee on Foreign Affairs or by any member thereof. If we have not informed ourselves concerning these items, it is our own fault, and I am very glad for one to take my share of the blame. I can not feel it right to pass it on to Mr. Elihu Root, the Secretary of State, or the other members of the Department of State. I have never addressed a request to the department that has not been at once honored with as full information as they could give, and I am quite confident that such has been the experience of every member of the committee, I hope not excepting the gentleman from New York [Mr. HARRISON].

I think it only right that this statement should be made as coming from one member of the Committee on Foreign Affairs at least; and in saying this I feel confident that I voice the sentiments—I was going to say of all the other members of the committee, and I think I may indeed say all but a very few of the other members of the committee. And in saying that also I would like to add that I know of no committee that has more harmony between the two sides of the House, the two parties, than the Committee on Foreign Affairs, where the Democratic and Republican members work together in absolute sympathy, as they should, peculiarly in relation to the matters over which this committee has jurisdiction.

Mr. PERKINS. I agree with my friend from Michigan [Mr. DENBY] and must somewhat disagree with my friend from New York [Mr. HARRISON] in reference to the information obtained from the Department of State. I think the gentleman from New York is right perhaps in his suggestion that there may be some ancient items in this bill, in reference to provisions of treaties made long ago, which might profitably be investigated; but if there has been any lack of investigation, I think it has been rather the lack of the committee in asking information than any refusal to furnish information.

The gentleman referred to the provision in reference to this convention or agricultural college in Rome, by whatever name it is properly called, which item has brought about this debate. Now, there was no full information in reference to that furnished by the Secretary of State, but certainly there can be no charge made of any unwillingness on the part of the department to furnish all it knows. This appropriation is of such a peculiar character, its utility is so uncertain, as is shown by the debate we have had here to-day, that if the Department of State could not furnish full information as to its usefulness, it is quite apparent that the entire House of Representatives is at some trouble to ascertain satisfactorily whether or not there is any utility to be found in it. That the department was unable to furnish us information which nobody is able to furnish us certainly is no cause of surprise, and certainly is no cause of criticism.

Mr. HARRISON. My colleague was present at the committee meeting in which we pointed out to the Assistant Secretary of State the fact that there were a great many of these international bureaus and institutions for which we were asked to appropriate, and at which we asked the Assistant Secretary of State to give us as full a statement as possible for each one of these appropriations.

Now, the gentleman heard the gentleman from Georgia [Mr. HOWARD] read on the floor here a few moments ago the statement of the Assistant Secretary of State as to the necessity of this appropriation, but it did not satisfy the House, and I, for one, am free to say it did not satisfy me.

Mr. PERKINS. In reference to that, I can say, Mr. Chairman, that I think some of these items run so far into the past, have become so rusty from the course of years, that I doubt if in the State Department or anywhere else any satisfactory information can be found; but that is not the fault of the State Department, it seems to me.

Mr. HARRISON. The gentleman's criticism certainly does not apply to this item, because this is only about two years old.

Mr. PERKINS. No; this, though new, is still obscure.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

The Clerk read, as follows:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto, between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, and draftsmen as are necessary to reduce field notes, $100,000, to be immediately available, together with the unexpended balance of the previous appropriation for this object.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill a question. I notice in this paragraph that you appropriate $100,000 to enable the Secretary of State to mark the boundaries and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada.

Mr. COUSINS. For the next fiscal year.

Mr. MACON. And you appropriate $75,000 for the present fiscal year. Was this $75,000 used?

Mr. COUSINS. Most of it. They are providing this year for a more extensive survey and demarcation than for several years. It must be remembered that this work can be carried on only about six months in the year. They have made very extensive preparations with reference to the proposed work for the coming year.

Mr. MACON. How many years has this provision been carried in the bill?

Mr. COUSINS. About six years.

Mr. MACON. What is the amount appropriated heretofore?

Mr. COUSINS. Four hundred and fifteen thousand dollars, all told.

Mr. MACON. About how long does the gentleman think it will take to establish this boundary line?

Mr. COUSINS. The estimate is from eight to nine years.

Mr. MACON. Pretty expensive proposition, is it not?

Mr. COUSINS. Yes; because it is very difficult work.

Mr. MACON. Mr. Chairman, I withdraw the pro forma amendment.

Mr. HAMLIN. Will the gentleman from Iowa permit a question? I understood in another part of the consideration of this bill that in all these items any unexpended balance reverted automatically to the Treasury.

Mr. COUSINS. Except in continuing appropriations, such as for international surveys.

Mr. HAMLIN. That is the point I want to raise. I see at the end of the fiscal year 1908 there was an available balance of this fund of $106,797.39, and then you appropriate $75,000 more.

Mr. COUSINS. No; since that report, the most of that $106,000 has been spent.

Mr. HAMLIN. The gentleman did not catch my question. Since the available balance, you appropriate $75,000 more, which would make about $181,000, and now you propose to appropriate a hundred thousand dollars more.

Mr. COUSINS. I say that the available balance has been nearly all spent. They are already getting the parties together, horses and all manner of equipment, on the Pacific coast, ready to start as early as they can.

Mr. HAMLIN. When did they spend this $100,000?

Mr. COUSINS. Since the preparation of the report which the gentleman holds in his hand, and principally, I think, during the last three months.

The Clerk read as follows:

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June 30, 1909, be vested in and exercised by a vice-consul-general of the United States to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

Mr. MACON. Mr. Chairman, I make a point of order against the provision just read. I want some information concerning this change. I understand that the consul-general insists that the work is too heavy for him.

Mr. COUSINS. Yes; his time is needed for the transaction of business that belongs to the office. This merely gives authority to the vice-consul-general to try these cases.

Mr. MACON. Without any additional compensation?

Mr. COUSINS. Yes.

Mr. DENBY. The Secretary of State is authorized to designate the person who shall discharge the duties that are now discharged by the consul-general. I have a statement here showing the vast amount of minor judicial work which has been heretofore and is now imposed on the consul-general, and which interferes with the discharge of the more important functions of his office. I do not think it necessary to read the report of the number of cases. I assure the gentleman that it is absolutely essential that he be relieved of this work.

Mr. MACON. If there is to be no extra expense, no extra office created, I can not see why the responsibility for this class of work should not be shifted from the consul-general to the deputy.

Mr. DENBY. There is no extra expense.

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

INTERNATIONAL OFFICE OF PUBLIC HEALTH.

For the payment of the quota of the United States for the year 1909 toward the support of the international office of public health, created by the international arrangement signed at Rome December 9, 1907, in pursuance of article 181 of the international sanitary convention signed at Paris on December 3, 1903, $3,000.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman from Iowa whether he remembers the provisions of the treaty upon which this appropriation is based? Is that an indefinite and permanent provision? Has that to go on forever, or does the treaty itself fix any period of expiration?

Mr. COUSINS. I have the treaty here. It is quite lengthy.

Mr. WILLIAMS. Does the gentleman remember that particular point, as to whether it is indefinite?

Mr. COUSINS. It is indefinite.

Mr. WILLIAMS. It does not expire by its own limitation?

Mr. COUSINS. No; it does not.

Mr. WILLIAMS. Does not the gentleman think it would be well to suggest to the State Department to give notice of its termination? Of course I believe that as long as we have a treaty and we have undertaken to pay our share, the only decent way of seeking to pay our share is to put an end to the treaty. Does not the gentleman think it would be well to give notice in this case? This has been going on now since 1881, has it not?

Mr. COUSINS. No; this is new, 1903, and this is the first appropriation.

Mr. WILLIAMS. Oh, this is the first appropriation?

Mr. COUSINS. Yes.

The Clerk read as follows:

PURCHASE OF PROPERTY FOR LEGATION PURPOSES AT TOKYO, JAPAN.

Purchase of residence erected by Mr. R. S. Miller, Japanese secretary to the embassy at Tokyo, at his own expense, on ground held by the United States in perpetual lease for legation purposes in Tokyo, $3,267.

Mr. MACON. Mr. Chairman, I reserve the point of order against that provision.

Mr. COUSINS. Mr. Chairman, I will simply offer in explanation of this the statement of Mr. Secretary Root, and then I will yield to the gentleman from Michigan [Mr. DENBY], who has further data upon the subject. The Secretary had this to say:

For the purchase of the residence erected by R. S. Miller, Japanese secretary to the embassy at Tokyo, at his own expense, on ground held by the United States in perpetual lease for legation purposes in Tokyo, the appropriation of the very moderate sum of $3,267 is requested. This would add to the embassy property at Tokyo a good modern house as a permanent residence for the Japanese secretary adjacent to the houses of the ambassador and of the secretary of embassy, which have long been owned by the Government. The house could not be duplicated to-day at the sum named.

This recommendation was first made by me on January 23, 1906, and was repeated last year. My conviction that this is an entirely just and proper request constrains me again to ask its favorable consideration. The particulars with reference to this item may be found in House Document No. 432, Fifty-ninth Congress, first session.

In considering the question as affecting the present Japanese secretary, it is only fair to recall that when he entered upon his present duties some twelve years ago, among the buildings comprising the present embassy premises there was a dwelling for the Japanese secretary, which, however, was later on condemned and torn down; and also that the present building was erected on government property with the permission of the then minister and mainly by reason of his desire, for reasons of official business, to have the Japanese secretary live conveniently near.

I had a conversation with the consul-general at Yokohama recently, in which he said that he had seen this building and that it could not be reproduced now for less than $4,000. These are the facts in the case, and probably it is a very good investment. We now own nine of our buildings abroad, and this will make ten.

Mr. MACON. Mr. Chairman, if this matter stood alone, perhaps it might be a fairly good investment for the Government at this particular time. I am not going to question the gentleman's statement as to its probable cost if it were to be constructed now; but I do not think there is any warrant of law for carrying this appropriation upon this appropriation bill; that it is unauthorized by existing law, and if it were permitted to remain in the bill, when a point of order might be made against it, we would have each year some new amendments providing for the construction of this or that building here or there, a magnificent structure in London, one at Paris, one perhaps in the City of Mexico, one at Berlin, and so on, and there is no telling where it would stop. I do not believe in establishing such a precedent, and for that reason I must insist upon the point of order, believing that it is my duty to do so.

Mr. DENBY. Will the gentleman withhold his point of order for a few moments until I can offer further explanation?

Mr. MACON. Yes.

Mr. DENBY. The gentleman's objection seems to be that this might establish a bad precedent, and that upon other legation property in other countries similar houses might be erected, and then Congress would be called upon to purchase them. As a matter of fact, that is not possible. We own only three legation sites in all the world. In fact, we do not own this site.

Mr. MACON. No; this is under a lease.

Mr. DENBY. Yes; but it is practically owned by the United States Government. The circumstances surrounding the construction of this house were very peculiar. Mr. Miller was the Japanese secretary of the legation as it then was and lived in a residence which, as the chairman has stated, became uninhabitable. Just before the outbreak of the Russo-Japanese war it became peculiarly necessary that Mr. Miller should be close to the ambassador and ready with his advice and his skill in the interpretation of languages at all hours of the day and night. There was no room in the house of the minister or ambassador at that time.

There was no house convenient near at hand, and so Mr. Miller asked the minister if he might be authorized to put up the house at his own expense on the legation grounds, which were very extensive. The minister recommended to the Secretary of State that he be given that authority, and the Secretary of State gave that authority to him to erect a house at his own expense. I would say that Mr. Miller, while one of the most valuable men in the foreign service of the United States, and practically the backbone of the embassy at Tokyo, is a very poor man. He had to borrow the money with which to erect this house. He borrowed it at a high rate of interest, and is now paying a high rate of interest on the loan. The house cost him 6,535 yen. We are not asking the Government to reimburse him for interest or any incidental expenses or any appreciation in the value of the house, but merely the exact cost of the house to him in the year 1903. And it seems to me that equity and simple justice, I will say to the gentleman from Georgia, if he will look at the matter from that standpoint——

Mr. MACON. If the gentleman locates me as being from Georgia he can not hope to get me to see this matter his way at all——

Mr. DENBY. I beg the gentleman's pardon.

Mr. MACON (continuing). For I am very proud of Arkansas and do not care to lose my identity with it.

Mr. DENBY. It is a great honor to come from either State, and I feel it is not at all necessary to apologize for the mistake. I think if the gentleman from Arkansas will consider and take into consideration all the peculiar facts concerning this case, the small salary, the poverty of this man, his great service to the Government, and the fact we are getting a splendid investment, and the further fact that a precedent can not be established, and the precedent can not be a bad one, because there is no other quarter of the world except Peking, Tokyo, and Seoul where we own premises or come so near owning them as we do at Tokyo; and, therefore, I do not think there is any danger in Europe where this thing can be repeated. If the gentleman will consider, it is merely a question of justice between the United States and this man.

The United States owes him a residence. We give our Chinese secretary in Peking a residence, and there is no reason why we should not give this man a residence and no reason why we should compel him to pay the cost of the residence himself practically on American territory.

Mr. MACON. Why are not all the secretaries furnished with residences, if we owe them to them?

Mr. DENBY. It is not always necessary for the secretaries to be in the same compound and so close to the ambassador as in Tokyo. It is absolutely essential that he should live on the embassy's premises, and particularly as the case was then, with a great war brewing, which immediately broke out in 1904. He had to come there; there was no place for him to go. There was no appropriation for a house and they permitted him to build, under the circumstances that arose in that case. We did not make him any promises that we would reimburse him—that is, any official promises—but he was told, and has been told consistently, that every effort would be made to get back the cost of the residence.

I can not see that there is anything to it except—I quite appreciate the validity of the gentleman's objection on general principles as to creating a precedent if the circumstances were not so unique as they are in this case, and therefore the precedent to which he objects, and soundly objects, can really have no effect in this case. I hope the gentleman will try to look at it from the point of view that this country practically really owned this land. We are too big to make him pay out of his funds in fact for the right of serving the Government.

Mr. MACON. Mr. Chairman, I would like to oblige the gentleman from Michigan, as I would each and every other Member of this House whenever they ask me to oblige them in any way; but I have a duty to perform, and I can not see that duty through the eyes of each and every Representative here. I must view it through my own.

I do not think it wise for the Government to purchase houses that have been erected upon grounds leased by the Government, not owned by any of its officers, and in that way establish a precedent of allowing its officials abroad, when they think they need a home, or really know they need one, to erect a building without lawful authority and then expect the Government of the United States to take it off of their hands. I do not believe it would be a good precedent, and I will not lend my voice or vote to it, and hence I insist upon the point of order.

Mr. DENBY. Mr. Chairman, if the gentleman will permit, I desire to offer one remark from the present first secretary of the embassy at Tokyo, and I will say, in this connection, I have never seen Mr. Miller, and there is nothing personal to me in this nor——

Mr. MACON. I am sure of that; the gentleman sees it that way; that is all.

Mr. DENBY. The first secretary states that Mr. Miller was persuaded, with the consent of the department, to build at his own expense a small residence in the legation grounds. I can not see how any more equitable case could ever be presented for reimbursement than this case.

Mr. MACON. Then I do not think it wise for the department to encourage one of its employees to do a thing that is directly in the teeth of the law, and I will not give my sanction to it.

Mr. DENBY. It is the only case of the kind that has ever arisen, and it is the only case of the kind that can ever arise.

Mr. MACON. It will not be long, if this is allowed, before we will probably have another.

Mr. DENBY. This can be the only one; there is no more property on which a house can be erected.

Mr. MACON. In my opinion, this will be construed to be a precedent for the construction of other buildings in a similar way, and I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas insists upon the point of order to the whole paragraph. The point, as the Chair understands it, is that there is no warrant of law existing upon which this appropriation can be based.

Mr. MACON. Authorizing this purchase.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. COUSINS. Of course it is admitted that it is subject to the point of order. I would like to appeal to the gentleman's benevolent consideration. [Laughter.] It seems to me so justifiable that I hope he will withdraw his point of order.

Mr. MACON. I must insist. I have given my reasons.

The CHAIRMAN. The gentleman from Arkansas insists upon his point of order, and the Chair sustains the point of order.

Mr. LONGWORTH. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

After line 16, on page 22, insert a new paragraph:

"That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings, suitable buildings for this purpose to be either purchased or erected as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officers and for the offices of the diplomatic establishment: *Provided, however*, That not more than $1,000,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alterations, repairs, and furnishing of buildings at each place in which the expenditure is proposed, which limit of cost shall not thereafter be exceeded in any case, except by new and express authorization of Congress."

Mr. MACON. Mr. Chairman, I reserve the point of order against the amendment.

Mr. WILLIAMS. I make the point of order.

Mr. MACON. Then, I make the point of order.

Mr. WILLIAMS. I make the point of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard upon the point of order?

Mr. LONGWORTH. Oh, no; it is plainly subject to the point of order, but I hoped the gentleman might reserve it so that I might have the privilege of making a remark or two upon the subject.

Mr. MACON. I was proposing to reserve it.

Mr. LONGWORTH. I understand the gentleman from Mississippi makes the point of order?

Mr. WILLIAMS. Mr. Chairman, there is nothing that I could do in the way of courtesy for the gentleman from Ohio that I would not like to do. Propositions of this kind ought to come up in an independent measure and be permitted to be considered and disposed of on their own merits, and therefore I did not reserve the point of order, but make the point of order.

Mr. HITCHCOCK. I would like to suggest to the gentleman from Mississippi, if he will permit me, that we are substantially in a helpless position here in the matter of bringing up new legislation, and I think when legislation of this sort is proposed which has some merit, as many think, a few minutes' opportunity for discussion might be well be allowed.

Mr. WILLIAMS. Which is a very good argument——

Mr. MANN. The gentleman forgets that we have considered this very proposition.

Mr. WILLIAMS. The gentleman from Nebraska has made a very good argument for a change of the rules, but so long as the rules continue as they are now I shall object to permit an independent proposition like this to come up, because I think it ought to come up on its own merits at the proper time.

The CHAIRMAN. The Chair understands the gentleman to insist upon the point of order.

Mr. WILLIAMS. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SCHEDULE B.

SALARIES, CONSULAR SERVICE.

For salaries of consuls-general and consuls, as provided in the act approved May 11, 1908, entitled "An act to amend an act entitled 'An act to provide for the reorganization of the consular service of the United States,' approved April 5, 1906," as follows: Consuls-general, $303,000; consuls, $733,000; in all, $1,036,000.

Mr. COUSINS. Mr. Chairman, owing to the action of the House a few weeks ago, when the consulate at Messina was destroyed by earthquake, removing that consulate to Catania, at a salary of $3,000, it becomes necessary to amend this paragraph, and I offer the following amendment to accomplish the legislation already enacted by the House:

Page 23, line 2, strike out the word "three" and insert the word "four;" and in the same line strike out the word "six" and insert "seven."

Mr. MACON. Do I understand this amendment is offered to page 2?

The CHAIRMAN. To page 23, line 2.

Mr. MACON. I reserve the point of order.

Mr. COUSINS. This, of course, is not subject to a point of order, because the House has already legislated in regard to it.

Mr. MACON. Then I will say that there is no point of order reserved or contemplated.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. HULL of Tennessee. I offer the following amendment.

The Clerk read as follows:

Amend by inserting in line 3, page 23, after the word "dollars," the following:

"*Provided*, That the consuls-general and consuls shall ascertain the law and practice and experience of foreign countries in which they are stationed dealing with an income tax; inquire into the present mode of assessing and collecting this tax, the rates imposed and revenue received from this source; ascertain the effect of this tax upon trade and business, whether it causes money to be locked up or to disappear or the wealthy class to emigrate with their wealth to other countries not imposing such tax; and also investigate and ascertain whether these laws are avoided and evaded; and if so, by what means and to what extent, and report the results of their investigations to the Secretary of State for the information of Congress."

Mr. COUSINS. Mr. Chairman, I make the point of order that this is new legislation.

Mr. HULL of Tennessee. I hope the gentleman will reserve the point of order.

The CHAIRMAN. The gentleman makes the point of order. Does the gentleman desire to be heard upon the point of order?

Mr. HULL of Tennessee. Mr. Chairman, I desire to say in reference to the point of order just made that it seems to me that this amendment is pertinent and relevant. The amendment does not undertake to make new law or new legislation, nor does it undertake to change existing law. The amendment clearly directs our consuls and consuls-general to perform certain portions of the general duties already imposed upon them by the law creating the positions they occupy. So I respectfully insist that this is a directory order proposed to be inserted in this appropriation bill, asking our consuls and consuls-general to furnish the Secretary of State, for the information of Congress, facts that every Member here agrees is interesting and pertinent, and they should perform this as a part of the general duty already imposed and resting upon our representatives abroad.

Mr. HITCHCOCK. Mr. Chairman, I should like to supplement what the gentleman has said by calling attention to the fact that this House has on several occasions passed resolutions calling upon the Secretary of State to obtain from our consular agents specific information on the operation, enforcement, and results of the income tax in foreign countries. I remember that such a resolution was adopted by this House at the time the Wilson tariff act was being considered, and that information when secured was incorporated in the records of the House of Representatives. It seems to me, therefore, plain that the information which is called for by this resolution is only an elaboration of the duties already performed by consular agents from time to time. In fact, that is exactly what the consular agents are for. They are to secure in foreign countries and send to the Department of State, or possibly under the present law to the Department of Commerce and Labor, information which may be of interest to the people and to the Congress of the United States, and this information, Mr. Chairman, will be of peculiar interest at this time, because the extra session of Congress which is soon to convene will be called upon to enact a revenue bill—a tariff law—into which there may be incorporated and into which there certainly ought to be incorporated an income tax to provide additional revenue and to relieve the people of the United States of some of those taxes which go to increase the cost of living, and which do not fall upon the wealth of the country. It seems to me, therefore, that this resolution offered by the gentleman is not only in accordance with the former practice of this House, but it is in the development of the very duties of the consular agents.

Mr. MANN. Mr. Chairman, I think the amendment is clearly subject to the point of order. If it be true that under a resolution of the House the Secretary of State is authorized to obtain this information, then it is a discretion now lodged in the Secretary of State, with which this amendment proposed to interfere. Doubtless the Secretary of State has authority at present to direct the consuls to report upon any proposition abroad or upon any question which relates to our interests here, obtaining information from abroad. But this is legislation proposing to interfere with that discretion, and its purpose is to legislate upon an appropriation bill.

Mr. COUSINS. Mr. Chairman, it ought to be said in this connection, I think, that there is not a line of legislation on the statute books specifying the duties of foreign representatives. Under the Constitution, the President of the United States shall appoint our representatives abroad, and Congress could not in any way modify that right of the Executive, and therefore it is plainly subject, as I insist, to the point of order.

The CHAIRMAN. It seems very clear to the Chair that the amendment proposes to impose new duties upon the consuls, not now imposed by statute, and therefore is subject to the point of order, and the point of order is sustained.

Mr. HITCHCOCK. I have called the attention of the Chair to the fact that those consular agents have already, from time to time, reported as to the operation of the income-tax law abroad, just as they have reported, and continually report, on the operation of the postal savings banks abroad, and other functions of government in which the people of the United States have a peculiar interest.

Mr. COUSINS. Will the gentleman yield for a moment?

Mr. HITCHCOCK. Yes.

Mr. COUSINS. I dare say if the gentleman would address a letter to any consul, or to any consular agent, such consul or consular agent would advise him in reply of the conditions that he seeks information about.

Mr. HITCHCOCK. I do not doubt that fact, and I do not doubt the fact that these consular agents are making these periodical reports to the Department of State. But if I introduced a resolution to-day calling upon the Secretary of State, as I ought to have the right to do, for such information as he may have concerning the operation of the income tax in foreign countries, I might get a more or less complete report from the Secretary of State for use here upon the floor. But, Mr. Chairman, if we are to have such information complete and useful, it ought to be proper for Congress to suggest to the Secretary of State, as is proposed in this resolution.

The CHAIRMAN. That is an argument that might properly be addressed to the gentleman who made the point of order; but the point of order having been made, under the conditions the Chair is obliged to sustain it.

The Clerk proceeded with and completed the reading of the bill.

Mr. COUSINS. Mr. Chairman, I move that the committee do now rise and report the bill, with the amendments, to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. DIEKEMA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, and having made sundry amendments thereto, recommended that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken upon the amendments in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COUSINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY ACADEMY BILL.

Mr. HULL of Iowa. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28059) making appropriations for the Military Academy for the fiscal year ending June 30, 1910.

Mr. SULZER. Mr. Speaker, pending that motion I would like to make some inquiry about time for general debate.

Mr. HULL of Iowa. I ask unanimous consent that all general debate be closed in ten minutes.

Mr. SULZER. Mr. Speaker, I understood this bill was coming up next week, and I promised considerable time. The bill has been brought up to-day unexpectedly, and I would like to have at least thirty minutes on this side.

Mr. HULL of Iowa. I have withdrawn all yielding of time on this side because of the impossibility of getting the appropriation bill through the Senate. We gave seven hours' general debate on the bill making appropriations for the army, and there are other bills coming up next week, and it is absolutely necessary to close this bill up to-day or it may not get through in ten days.

Mr. SULZER. Will the gentleman make it twenty minutes?

Mr. HULL of Iowa. I can not do that. I will not object to giving the gentleman the whole ten minutes on that side and take none of it myself.

Mr. SULZER. I accept that, with the understanding that if anybody, under the five-minute rule, wants an extension of time the gentleman from Iowa will not object.

Mr. HULL of Iowa. That is according to how much time he wants.

Mr. SULZER. Well, say ten minutes.

Mr. HULL of Iowa. I would not object to any man that has anything to say having ten minutes.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, pending the motion of the gentleman from Iowa, I ask unanimous consent to take from the Speaker's table the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the pension appropriation bill with Senate amendments and that the House disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KEIFER, Mr. GARDNER of Michigan, and Mr. BOWERS.

MILITARY ACADEMY APPROPRIATION BILL.

The motion of Mr. HULL of Iowa to go into the Committee of the Whole was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. STERLING in the chair.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HULL of Iowa. I now yield ten minutes of the general debate to the gentleman from New York [Mr. SULZER].

Mr. SULZER. I yield ten minutes to my friend from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Chairman, I desire to make a few remarks on the subject of an income tax. During the present fiscal year we are incurring in the operation of the Government a deficit, which, at the end of the year, will probably amount to about $125,000,000. One of the problems before the Committee on Ways and Means at the special session of Congress soon to assemble will be to provide additional revenues for the Government. It has been proposed that a part of this additional revenue shall be raised by lowering the customs duties so as to bring into the country additional imports and increase the income of the Government in that way. This change will tend to place the tariff upon a revenue basis, with incidental protection when circumstances make it necessary in order to maintain competition between foreign and domestic products.

With this programme I am decidedly in accord. It has been also proposed, however, to increase internal-revenue taxes upon certain articles of common consumption and to lay duties not now in existence on certain articles of importation, such as coffee. To this proposal I am decidedly opposed. It involves an increase of the present evil. It involves the idea of increasing the living expenses of the American people. It involves a tax on the breakfast table of every family in the land.

Mr. Chairman, there is a method which the Committee on Ways and Means can resort to. There is a method of taxation which it can appeal to, which involves no increase in the cost of living to the American people, no restraint on any industry. It is a method which has gone through more than a century of trial in European countries—a method which has been used in Great Britain since 1798 off and on, and which has been used in Great Britain constantly since 1842. It is a method which has been used and is now in use in Prussia, in Austria, and, I think, also in Italy and Switzerland.

It is the income tax, a tax which at the present time is raising for the use of the British Government $162,000,000 a year on a 5 per cent basis, a tax which was tried in the United States from 1863 to 1874, and which during that time raised a total of $346,908,000, a tax which has stood the test of the Supreme Court on many occasions. A subsequent income tax was only declared invalid by a doubtful and divided court by a decision in the Pollock case. Mr. Chairman, the income tax is not, as most of our present national taxes are, a tax on consumption. It is not a tax which increases the cost of living to the people of the country, as most of our national taxation does, and it is a tax which, with peculiar propriety, calls upon the people in proportion to the benefits which they derive from the protection of the Government, and which falls upon them also in proportion to their ability to pay. I have no doubt that if we levied a tax of only 2 per cent on the incomes exceeding $1,000, this Government can secure a revenue greater than the Government of Great Britain derives from its tax of 5 per cent. It would more than make up the deficit. It would give us all the additional revenue that we require. This revenue which can be raised in this way will not fall upon the people in proportion to what they consume, as is now the case with practically all of our national revenues, but it will fall upon them, as I have stated, in proportion to the benefits which they derive from the Government, and also in proportion to their ability to pay.

Mr. Chairman, it is one of the crying disgraces of this country that wealth does not share its proper portion of the burdens of government. It escapes in all great cities, it escapes in state taxes to a large extent, and when we come to the national revenues, it escapes completely. These millions which we raise every year, these eight or nine hundred millions of dollars in taxes which we levy upon the people of the United States, fall as a burden upon individuals and not as a burden upon wealth. They are levied almost in a per capita method of taxation, so that this great Government, bringing prosperity to the people of the United States in great disproportion, is not supported by the people of the United States in proportion to the benefits which they derive, but is supported by them practically as it would be supported if we levied a per capita tax.

Mr. Chairman, I am in favor of an income tax, and I am in favor of an income tax levied upon a sliding scale, so that the smaller incomes shall not be taxed as heavily as the larger incomes are taxed. This was the revenue income tax which was enacted in 1862 and which was amended several times later, once in 1865, once in 1867, and again in 1870. The first law passed provided a tax of 3 per cent on incomes up to $10,000, but exempted those below $600. It provided a tax of 5 per cent on incomes over $10,000; and in my opinion, Mr. Chairman, the Committee on Ways and Means, which is even now engaged in the work of framing a new revenue bill, should not omit the duty of devising such an income tax as will stand the test of law and at the same time lay a proper share of the burdens of government upon the wealth of the United States, upon the incomes of the people of the United States in proportion to their incomes, with a lighter tax upon the low incomes and a heavier tax upon the larger incomes. [Applause on the Democratic side.]

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

The CHAIRMAN. The Clerk will read the bill under the five-minute rule, the time for general debate having been exhausted.

The Clerk read as follows:

For pay of one commandant of cadets (lieutenant-colonel), in addition to pay as captain, $1,100.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 2, line 12, strike out the words "captain, one thousand one" and insert the words "major, five," so that the line will read:
"In addition to pay as major, $500."

Mr. MANN. Mr. Chairman, I reserve the point of order on that amendment.

Mr. HULL of Iowa. I want to say in explanation that since the bill was framed there has been a redetail to this position of commandant of cadets, and in place of a captain being there there will now be a major, so it makes this bill carry the additional pay provided by law. It makes the pay $500 in place of $1,100.

Mr. NORRIS. Is he the same man?

Mr. HULL of Iowa. No; it is not the same one.

Mr. MANN. Mr. Chairman, as very much of the time of ten minutes given for general debate on this bill was exploited in the consideration of an income tax, may I ask the gentleman in regard to the bill itself? Would there be any impropriety in that?

Mr. HULL of Iowa. I should imagine not.

Mr. MANN. Is there any practical change in this bill?

Mr. HULL of Iowa. There is a change in regard to one clerk, where we increase the salary, as I remember now, $300, a clerk who has been there for a long time. In the last part of the bill there is a provision in regard to Constitution Island which we will strike out, because it is now agreed to by both Houses. I say to the gentleman there is a little difference in regard to the professor of English. The department and the academy wanted to make him a professor of the academy. Under the law that would make him a colonel, making him a lieutenant-colonel first and afterwards a colonel, and——

Mr. MANN. And be on the retired list eventually.

Mr. HULL of Iowa. Yes. Heretofore we carried this professor of English among the army officers detailed to West Point, and now, in order to make it sure that there will be a civilian officer, we put that professorship or instructor under the civilian employees of the institution and provide that he must be taken from civil life. Now, we increase that salary $500.

Mr. MANN. How many civilian professors are there at West Point?

Mr. HULL of Iowa. This is the only one, except——

Mr. PARKER. There are civilian professors for Spanish and French.

Mr. HULL of Iowa. Yes; there are civilian professors for Spanish and French.

Mr. MANN. The other professors are army officers?

Mr. HULL of Iowa. The others are all army officers. All the instructors of the higher grades are army officers.

Mr. MANN. In that respect different from Annapolis.

Mr. HULL of Iowa. They have always been different from Annapolis.

Mr. MANN. And the Annapolis professors are now seeking to get on the retired list, so as to get on an equal plane with the professors of West Point.

Mr. HULL of Iowa. Yes. I do not believe in it, and I will say, when we gave it to them last year, although we did not give it to them in the language they wanted, we did last year give the right to employ a professor of English outside of the academy, but we carry him as a civilian.

Mr. MANN. But there is nothing in this bill at any place which would authorize the placing of a civilian professor on the retired list.

Mr. HULL of Iowa. On the contrary, we have guarded against it in the most careful manner and carry him in a different part of the bill from that in which we have heretofore carried this position. The instructors are nearly all army officers, and we now carry this place under the head of civilians and not in any part connected with the army, and we declined absolutely to give him the title of professor. We give him the full pay, however, of a professor.

Mr. OLCOTT. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly; but the gentleman from Illinois has the floor.

Mr. MANN. I will yield to the gentleman. I did not know who the gentleman addressed.

Mr. OLCOTT. As a matter of fact, the civilian professors at West Point now are retired on three-quarters pay.

Mr. HULL of Iowa. I did not know that; it is news to me.

Mr. OLCOTT. There are no civilian professors, but they are taken from civil life and given the rank——

Mr. HULL of Iowa. Not at all; not one of them is given the rank except the master of the sword, and we gave him by special act the rank of a first lieutenant.

Mr. MANN. I was trying to conduct this school for the benefit of the gentleman from New York, who has a bill seeking to put the professors at Annapolis eventually on the retired list.

Mr. OLCOTT. I am only trying to get the civilian professors at Annapolis in exactly the same category as those at West Point. I am very glad, indeed, to have this school, and it is certainly a fact——

Mr. HULL of Iowa. The professors and instructors at West Point are all army officers, except as above stated, and in the army before detailed to West Point; and I will say to my friend from New York, in trying to secure the reappointment of officers now on the retired list of the navy to professorships of Annapolis, the Secretary of the Navy told me he was very strongly in favor of making the professors of Annapolis naval officers, believing it would be better than to take them from civil life.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITCHCOCK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For pay of one constructing quartermaster in addition to pay as major, $1,000: *Provided*, That this increased salary shall only apply during the time this office is held by the present incumbent.

Mr. MACON. Mr. Chairman, I reserve the point of order upon that provision.

Mr. HULL of Iowa. I think it is only a limitation; but I will say to my friend from Arkansas that on account of the very superior ability of the man now in charge of this department, on account of the great work that is carried on by him, he is given an additional compensation of $500 more than he would otherwise receive. Now, while the bill carries this additional compensation, we believe that he has saved the amount many times over by his great ability. If, at the expiration of the present fiscal year, he goes out, and a new quartermaster shall be detailed, the committee believe that he ought not to have this additional compensation "on account of his superior ability," because he will have had no experience. We are spending $7,000,000 there, and if the gentleman will examine into the work under the control of Major Carson, the quartermaster in charge, he will find that he has saved, from what we know such work would have cost when done at other places, hundreds of thousands of dollars.

Mr. MACON. You propose to increase his salary $500?

Mr. HULL of Iowa. We propose that the next officer shall not have this increase if the officer now in charge is detailed and must go to another place.

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

In all, for extra pay of officers of army on detached service at the Military Academy, $29,900.

Mr. HULL of Iowa. Mr. Chairman, we have reduced the compensation of the commandant of cadets $600, and so as to make the provision conform to the action we have already taken, I move to strike out, on line 8, the word "nine" and insert the word "three."

The Clerk read as follows:

Page 4, line 8, strike out "nine" and insert "three," so as to read "$300."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For extra pay of two enlisted men employed as clerks in the office of the adjutant, United States Military Academy, at 50 cents each per day, $365.

Mr. MACON. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. HULL of Iowa. That is simply carrying out what the law provides. We have a great many men at West Point who are enlisted to do this character of work, and it saves the employment of a large number of civilian employees at much higher wages.

Mr. MACON. Does the existing law allow the additional pay of 50 cents a day in the paragraph reading "For pay of two enlisted men employed as clerks in the office of the adjutant, United States Military Academy, at 50 cents each per day, $365?"

Mr. HULL of Iowa. That is simply carried in the law. The law provides that men doing this class and character of work shall have 50 cents a day each. It is in the statutes. I will say, why we see so many of them here is for the reason that it is a permanent enlistment of men to do this class of work. It is a saving to the Government. At the same time, it gives a class of men encouragement to continue all the time as clerks, whereas the clerks that they would have to employ might be young men who would be offered really higher wages if employed as clerks than these men when they are in the employ of the Government.

Mr. NORRIS. I notice so often this item: "Clothing on discharge." Why is that repeated, and what is it for?

Mr. HULL of Iowa. I will say that that comes in here under the different heads of the service. For instance, the law authorizes certain men in each branch of the service at West Point, and their pay as "cavalry detached." Now, it is clothing on discharge from cavalry detached. In other places it is for other detachments.

Mr. NORRIS. What does it mean?

Mr. HULL of Iowa. It means that the law authorizes certain allowance for clothing to soldiers. If they do not use the amount allowed, the Government pays them on discharge the difference between what they are allowed and what was used. That is what it means.

Mr. MACON. After the gentleman's explanation, Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at 50 cents each per day, $365.

Mr. TIRRELL. Mr. Chairman, I move to strike out the last word. I desire to call attention to the condition, as it appears in the press and from private investigation, of affairs at West Point, inasmuch that there seems to be a steadily decreasing interest throughout the country in young men seeking an education there. It is not many years ago that West Point of all other institutions was sought for by the young men of the country for educational and patriotic purposes. Now, I think—at least it is so in New England, and I assume that section of the country represents the whole—it is sometimes exceedingly difficult to find anybody who will take examinations for that institution. I have not, indeed, been able to get more than half a dozen by advertising in every paper in my district for young men who are ready to compete in a competitive examination for that position.

The question arises, On account of this decreased interest, inasmuch as we are spending some $3,000,000 a year there and inasmuch as many of the boys who have entered there do not remain, what is the cause of this and what should be the remedy? I have obtained from one of the boys in the senior class, not appointed by me at West Point, the record of his own class in this respect. He has been there some three and a half years. His class entered 168 in number. They now number only 103. In three years they have diminished one-third of the entire number. Take the lower classes; and, with the exception of the freshman class, he says the average is about 83. That is, they are only educating at this enormous expense about 400 cadets, when the number should be some 550. Not only that, but there is a considerable disposition among the cadets at West Point to resign, as you see many of them have resigned, by the great diminution in the numbers of the senior class. I think one reason of this condition of affairs is a false idea

as to the qualifications a cadet should possess. Inasmuch as the best scientists and mathematicians have been selected as instructors in that institution, the idea seems to have obtained an ineradicable foothold there that no boy should be admitted to that institution who is incapable of solving the abstract problems of the calculus or an intricate problem of logarithms. Important as is a mathematical and scientific education, it is not the whole thing in the makeup of a man.

Mr. HULL of Iowa. Does not the gentleman know that the larger proportion of the great high schools of the country now prepare boys so that they are admitted to West Point? The high school in my town and the high school of my county town have prepared boys who have never gone to any other school on earth, and they have been admitted to West Point on the prescribed examination.

Mr. TIRRELL. I know nothing about that; but in our section they not only have competitive examinations, but the boys have to pass through an exceedingly severe entrance examination, in which many have been turned down because they have not, in mathematics, been up to the standard demanded by the institution.

Mr. MADDEN. Does not the gentleman know that the rules for admission to West Point provide that any boy having the physical qualifications, with a certificate of graduation from a high school, is entitled to admission to the academy without any further mental examination?

Several MEMBERS. Oh, no.

Mr. NORRIS. The gentleman is mistaken about that.

Mr. TIRRELL. The truth of the matter is, Mr. Chairman, that important as mathematics is it does not constitute all the education, by any means, that a graduate from West Point should possess. He should, above all things, be so cultivated in polite literature, languages, and collateral studies that his imaginative faculties may also be alert; because without the imaginative faculties, without the possibility of picturing the conditions of a field of battle and providing for emergencies—a quality not stimulated by a mathematical and scientific education—a man becomes largely incompetent to fill the positions to which he may be assigned.

Now, Mr. Chairman, I am not criticising the institution or its methods of study. I am simply directing the attention of the House to the fact that I believe, in that particular line, they are carrying their requirements too far, and that they are excluding a large number of boys who would make brilliant records in the military history of the country who do not possess the extremely developed mathematical faculty which seems to be demanded by the examiners of this institution.

In the remainder of my time, in order that the condition of affairs at West Point may be fully understood, I ask that this clipping from a newspaper be read at the Clerk's desk.

Mr. YOUNG. Before that is done, do I understand that the gentleman wishes to lower the standard for admission to West Point?

Mr. TIRRELL. Not at all, but I claim that by the extreme mathematical test required many boys who would average up high in that institution and be amply qualified to fill all the requirements of military service are shut out.

[The time of Mr. TIRRELL having expired, by unanimous consent it was extended ten minutes.]

Mr. TIRRELL. In other words, it strikes me, from the experience I have had in the last four Congresses, that the question of mathematical ability is carried to such an extent that many young men are unable to get in. And yet we have had boys recommended by the principals of the best high schools in my State and boys of that class as boys of exceptionable ability and, in their judgment, amply qualified.

Mr. YOUNG. Will the gentleman yield?

Mr. TIRRELL. Certainly.

Mr. YOUNG. Has the gentleman ever examined the list of questions asked in mathematics in these examinations?

Mr. TIRRELL. I have.

Mr. YOUNG. Are they not such as any bright, educated boy could answer—65 per cent of them?

Mr. TIRRELL. No, sir; I have studied the examination papers, and I would be willing, notwithstanding my friend from Michigan is a brilliant scholar, to venture the assertion that he could not pass the examination.

Mr. YOUNG. Perhaps I could have done better forty years ago. [Laughter.]

Mr. ESCH. Will the gentleman yield?

Mr. TIRRELL. Yes.

Mr. ESCH. Some four years ago the graduates of the high schools could be certified and get certificates which would enable them to enter the academy without having an examination. Can the gentleman inform the House why that practice is no longer pursued?

Mr. TIRRELL. I can not.

Mr. ESCH. Was it due to the fact that the students admitted on on those certificates were not sufficiently high in mathematics?

Mr. TIRRELL. Very likely. Now, Mr. Chairman, I will ask the Clerk to read the article I have sent to the desk.

The Clerk read as follows:

TOO FEW CADETS AT WEST POINT—CLASSES NOT FILLED AND AUTHORITIES ASK FOR MORE—CONGRESSMEN BLAMED FOR NOT NAMING ALTERNATES AND SO CAUSING VACANCIES WHEN APPOINTEES FAIL.

WASHINGTON, *January 26.*

Because of their inability to get full classes at the Military Academy the West Point authorities are asking Congress to pass a new law providing for more entries each year.

At the present time the cadet corps is more than 20 per cent below its maximum strength. The situation has grown so serious that it is attracting attention of the War Department.

The appeal to Congress is intended to stimulate interest in the needs of the service by giving more opportunity for appointment to the Military Academy.

The authorities ask that in addition to the present number of cadets authorized a law be enacted permitting the appointment of two additional men from each of the various States.

The maximum strength of the corps, were all the vacancies filled, is 530; but at latest accounts there were only 409 cadets in the academy, a shortage of 121.

This dearth of material for new officers is particularly deplored, because so many demands are made on the regular establishment for officers to act as instructors at military schools and colleges, and also to act with militia organizations.

With these officers on detached duty, there are not enough experienced men to take charge of the troops and maintain the army in the high degree of efficiency that is absolutely imperative because of its low numerical strength.

In the recommendations for appropriations from Congress the West Point officials offer the suggestion for more appointments and would have the law provide as follows:

"Hereafter the corps of cadets shall, as nearly as practicable, be maintained at its maximum authorized strength, and for this purpose a sufficient number of extra appointments are authorized not to exceed two from each State, extra appointments to be distributed in an equitable manner among the congressional districts of the States and Territories, the District of Columbia, and Porto Rico, according to a roster to be kept by the Secretary of War."

Just before he retired as superintendent of the academy, Col. Hugh L. Scott submitted a report on the examinations of last spring. He said at that time that, with two entrance examinations just completed, the number of vacancies should be at the minimum; but, as a matter of fact, there were actually more than 100 places unfilled.

These were attributed to a number of causes, as shown in these figures:

Failure to report for examinations (principals, 20, and alternates, 91)	111
Failed to complete examinations	14
Mentally and physically disqualified	61
Qualified mentally, physically rejected	10
Qualified physically, mentally disqualified	131
Qualified alternates, no vacancy	7
Qualified physically, withdrew from mental examinations	1
Qualified principal, appointment revoked	1
Qualified and directed to report for admission	124
Total	460

"It is probable that no plan will keep the corps entirely filled," said Colonel Scott in submitting these figures, "except legislation to authorize a sufficient number of extra appointments to offset the normal shortage."

Much of the blame for the conditions at West Point is laid at the doors of Members of Congress. Each Member has the appointment of one cadet and two alternates.

"But we can not get Congressmen to name the alternates," said a member of the General Staff. "They seem to think that the naming of alternates in some way detracts from the rights and opportunities of the principal. The result is that when the principal fails to 'make good,' there is no one to step into his place, and the Congressman who has followed this policy can not name another candidate until the following year.

The logical result of this shortsightedness is found in the number of vacancies that exist at the academy. The army can not fill these vacancies as is done at Annapolis. So, accordingly, the Military Academy grinds on with mighty little grist on which to work.

"As a matter of fact, the Military Academy has never in its history had full classes. The present situation, however, is causing concern because of the imperative need for more officers."

Mr. PARKER. Mr. Chairman, I had intended, on the item of "pay of cadets," to have taken up the subject of the number of cadets in the Military Academy. It is an important subject. There are only 403 cadets now in the Military Academy. There is room for 672 in the barracks, and with such a plant as we have at West Point and considering the need of officers of high ability, for the engineers, the ordnance, and the artillery, we should have more cadets.

The gentleman from Massachusetts is mistaken in thinking that we do not need mathematical ability in men who are to do engineering——

Mr. TIRRELL. I hope the gentleman will not misrepresent me.

Mr. PARKER (continuing). Men who are to do engineering, men who are to build ordnance, and men who are to take care of the problems of gunnery. It is one of the sad things in our army now that we have not cadets enough to fill all these branches, and that many officers, even in the coast artillery, have had to be taken, with more or less success, from civil life. In the infantry and cavalry it may be a different thing. It may

be well to give college graduates, as they do in Germany, an opportunity to go into the army and then stand examination for promotion. It is not well to have ill-educated officers.

Mr. WILLIAMS. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. WILLIAMS. Is it not true that nobody can be a great general or strategist unless he has instinctively to a high degree the mathematical sense?

Mr. PARKER. I agree. Now, with reference to the entrance examinations, they do not require logarithms and the calculus. The gentleman from Massachusetts is mistaken. It is an examination, so far as mathematics are concerned, only in ordinary arithmetic and in algebra up to the simpler quadratic equations. It asks only what any boy ought to be able to get in any high school. If the high schools—well, Mr. Chairman, I will not say anything about our public schools and other schools, but there is too much of a disposition in these days to wish to graduate pupils with honor, and to pass them if they have done fairly in a certain number of recitations from day to day for a number of years, without proper reviews or being at all sure at the end whether they remember what they have learned or not. I have seen men, graduates from high schools, who could could not spell well or write a decent letter, because they were not examined when they entered the high school to find out what they had really learned in the grammar schools.

In West Point they have the best system of instruction that I have ever known anywhere. Every class is divided into many divisions—first, second, third, fourth, fifth, sixth, seventh—and with a small number of scholars in each division, under practical military officers as instructors. The cadets are promoted from one division to another or put down from one division to another, according as they do. The first division goes over much more ground than the last. But whatever is learned at all must be learned thoroughly. As a result, there is real work done at that academy, and if a man does not keep up he is dropped. A class that begins at 168 may graduate only 103, because it is the survival of the fittest, and the most manly fight is fought in that work at West Point that ever was done in any army. It brings us men who are ready to work, ready to do their duty, and fit for their places.

Mr. TIRRELL. Will the gentleman yield? Does the gentleman think it advisable to have a system of study which cuts down students one-half during the course?

Mr. PARKER. I do. The best school I ever went to was at Andover, Mass., where one-fifth to one-third of every class were dropped yearly, and that is why Andover scholars have always stood well in the community. The West Point system gives us officers for the high grades, who proved themselves in the civil war. If we could graduate more than enough for the army and, as we used to do, too, send to civil life West Point graduates, instead of putting them all into the army, we would have a better reserve for a time of war than could be made in any other way. Think of Jackson, think of McClellan, think of Grant, think of the many officers that came from civil life on either side of that great struggle, who were graduates of West Point. Think of those who carried the war with Mexico to a triumphant conclusion. West Point graduates are the real reserve for this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL of Iowa. I ask unanimous consent that the gentleman may proceed for one minute.

There was no objection.

Mr. PARKER. Now, it is proposed, and was proposed in the committee, that in order to use that plant at West Point worthily, and to make it the great school that it should be, Congressmen and Senators and the President should send cadets there once in three years instead of once in four years, just as at the Naval Academy they increased appointments from once in six years to once in four years, and later to once in two years. Such a provision would increase the number without diminishing the standard. I am sorry to say that we ascertained in the committee that objection would be made on the floor of the House, and we did not put that provision in the bill. Before this bill was opened I wanted to lay this matter before the House, because I believe it imperative to the success of that institution that there should be more appointments and more graduations, and even with that increase a large number of officers will have to be appointed from the enlisted men or from civil life.

Mr. SULZER. Mr. Chairman, just a few words on the subject under discussion. In reply to the gentleman from Massachusetts [Mr. TIRRELL], I want to say that, in my judgment, the trouble about which he complains is not so much the severity of the examinations at West Point as it is the neglect of Members of Congress to keep the vacancies in their districts filled. I understand that there are to-day over a hundred vacancies at West Point which have not been filled by Members of Congress. I take a deep interest in the welfare of the Military Academy at West Point. We all know that there is no better military school in the world. The standard of admission should be high. America is proud of West Point as a military institution; we are proud of its record in the past; and I am now and always have been in favor of maintaining there the highest standard. It ought to be done. Instead of lowering the standard, we should keep it up, at least, to what it is to-day. We know that a young man physically qualified and who has graduated from a high school will have no difficulty in passing the preliminary examination and getting in; and after he gets in he will have no trouble in staying in if he works and studies. The great trouble with some of the cadets at West Point is that they fail to keep up with their studies and pass the examinations. It is their own fault. If a young man admitted to West Point will study and work and keep up with his class, there will be no trouble about passing his examinations and graduating with honor. If he will do the work required, he will never be set back, never dismissed, never asked to resign because he has failed to meet the requirements of the institution.

In my judgment the gentleman from Massachusetts is laboring under a misapprehension regarding this matter, and I wish to say that I agree with the gentleman from New Jersey [Mr. PARKER] that one of the best changes Congress can make at the present time is to have cadets appointed by Members of Congress every three years instead of every four years, as at present. That would keep up the maximum quota of the classes. To-day the principal reason it is not done is due largely to the fact that there are so many vacancies from various congressional districts. These vacancies should be promptly filled.

I believe if we would amend the law so that every three years a Member of Congress could appoint a cadet to West Point from his district that there would be no further trouble in keeping the classes up to the maximum. I want to say that so far as my own district is concerned I never have any trouble. There are always young men in my district asking to be sent to West Point, and most of them are well qualified, physically and mentally. I have no doubt that is true in regard to most of the other districts of the country. The trouble is that some Members of Congress appoint young men in whom they take a personal interest, or as a matter of favor, and many of these young men are not qualified. They have not studied long enough, and they do not take the trouble to go to preparatory schools. That is the trouble. And that trouble can be easily obviated; but at the same time I want to say again that I concur most heartily with the suggestion made by my colleague from New Jersey [Mr. PARKER] that the law be amended so that Members of Congress have the right to appoint cadets to West Point every three years instead of every four years. [Applause.]

The Clerk read as follows:

For extra pay of four enlisted men as printers, at headquarters United States Military Academy, at 50 cents each per day, $626.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I dislike very much to delay the consideration of this bill for the purpose of discussing a feature of the administration of the academy that is not immediately and acutely in issue, and I do want to submit a few observations, and I desire to print something in the RECORD in addition to what I am going to say, and I now ask unanimous consent that I may be permitted to print in the RECORD certain documents.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to print certain documents in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, the complaint of the gentleman from Massachusetts [Mr. TIRRELL] strikes me as very remarkable. So far from there being a lack of interest in my section of the country in regard to appointments to the Military Academy, I—and I am sure it is the experience of my colleagues—am overrun by applications whenever a vacancy occurs, and the young men in my district seem to know in advance of its occurring, so I begin to get letters from applicants——

Mr. SULZER. That is my case also.

Mr. SLAYDEN. I want to say also, Mr. Chairman, I have never had any difficulty which the gentleman suggests with reference to the graduation of the young men whom I have sent there. All of them have graduated, and most of them, I am pleased to say, have graduated with distinction, too, at both the Military Academy and the Naval Academy. I believe there is something wrong with the Military Academy, seriously wrong, that requires attention and requires it now, and I regret to say I believe the chief source of the trouble lies within this Hall and the other Chamber of Congress. The discipline of the academy, the control of the young men who are there as cadets, has been interfered with, has been impaired in a way that threatens, according to the language of the academic board, the

very existence and usefulness of the academy itself if it is not stopped.

Now, we all know that for years when young men by infraction of the rules have gotten themselves into trouble and have incurred the penalties thereof and have been dismissed, they immediately hotfooted it to Washington, where, exercising "pull," they have persuaded Congress or the President to set aside the findings of the academic board, the one competent body in all the world best qualified to pass upon the question at issue. Within the last year and a half there have been a number of dismissals from the Military Academy—at least, recommendations by the academic board for dismissal. Unless that board reverses itself, unless it withdraws its recommendations for dismissals and suggests leniency in lieu of the penalties that the law imposes, they must be dismissed. The report sent to the House recently, known as "Document No. 1455," gives in detail a history of these cases at the academy since January 1, 1908, where some young men were dismissed for deficiency in study and some for hazing, and it also shows unfailingly and without exception that immediately after conviction they and their friends asked that Congress and the Executive should have the laws of the Government set aside and to have these young men who had been guilty of breaches of discipline replaced in the academy.

In a letter dated West Point, January 4, 1909, of Lieut. Col. Robert L. Howze, commandant of the cadets, the situation is set forth in clear and strong language, and I commend the reading of it to every Member of this House who wants to see the academy maintained at a high state of efficiency.

HEADQUARTERS UNITED STATES CORPS OF CADETS,
West Point, N. Y., January 4, 1909.

Respectfully returned to the adjutant, United States Military Academy, recommending that this application be disapproved.

Whenever at any time this cadet had more demerits than an average of 18 per month he was duly notified. He had free access to the books which exhibit the number of demerits cadets have, provided he was not serving special punishment. In that case it would have been a simple matter for him to have prevailed upon a classmate to get the information; further, he could have gotten the information by applying directly to this office.

The facts are that at the end of October he did not have a monthly average of 18 demerits, but during November, the last month of the six-month period, he committed offenses which resulted in his receiving some 41 demerits. It is evident that during this last month he deliberately and purposely disregarded the regulations in every way that he possibly could, going so far as to commit an intentional breach of confinement, for which he was awarded two months' special confinement and 10 demerits. This cadet has been not only indifferent to the observance of the regulations, but he has shown a thorough disregard of them, increasing in these respects as he has advanced in his cadetship.

The total number of demerits recorded against this cadet was 123. His case was carefully considered by a board of officers, which called upon him and weighed every claim and statement he had to make concerning the demerits recorded against him, and after giving him the benefit of all doubt recommended that 8 demerits be removed, which recommendation was approved. All but one member of the board voted upon the merits of this cadet's case without knowing the number of demerits involved. The board acted conscientiously, guarding well the cadet's interests, and at the same time the interests of the academy; if it erred at all it was distinctly on the side of leniency toward the cadet. The limit of demerits which a cadet may get during the six months is 108. This limit is sufficiently large for any cadet who desires and tries at all to keep within it—in fact, there was a distinct liberality shown in fixing this high limit.

The regulations concerning discipline have with but few modifications been enforced since the beginning of the academy; without the proper enforcements of these regulations the ends intended would not be accomplished; it would not be a fit place for the training of young men in the observance of discipline and the military regulations, and the good men of the country would not want their sons trained here. The aim of the institution would miss its mark. Fortunately, from the beginning and up to the present time when a cadet has without any doubt so violated the rules and regulations as to have received a number of demerits in excess of the authorized allowance he has invariably been discharged, and, I think, never reinstated or even turned back to another class.

The strict enforcement of these regulations is the main sustaining principle upon which the good name and reputation of the academy depend, and there should under no circumstances be any divergence therefrom. The fact that this is a military academy should not be lost sight of, and it is my fixed opinion that a young man, while in the atmosphere which surrounds him here, who so disregards the requirements of discipline and is declared deficient therein can rarely, if ever, make an efficient and capable officer, fitted for the serious responsibilities which will be imposed upon him. There are other and better young men ready to take his place, and certainly they should be given a chance to do so.

Should cadets who have been declared deficient in conduct be returned the effects on discipline would be seriously felt, and the respect which cadets should and at present do have for the authorities here would be very much lowered. Under no circumstances should cadets so discharged be reinstated.

ROBERT L. HOWZE,
Lieutenant-Colonel, U. S. Army, Commandant of Cadets.

Observe that Colonel Howze says that "from the beginning" when a cadet has been clearly guilty and the academic board advised dismissal, he has been invariably discharged; that is, mark you, up to the present time.

The President saw fit on the 4th of January to write to the Secretary of War that in his judgment the penalties imposed upon these young men were unnecessarily severe, and he hoped the academic board would be reconvened in order to reconsider its action so far as it relates to these young men:

THE WHITE HOUSE,
Washington, January 4, 1909.

There are five young men who have been recommended for dismissal by the academic board at West Point for what seems to me insufficient reasons. They are Cadets ———, ———, ———, ———, and ———.

Can not the academic board be reconvened to consider again its action, so far as relates to these men? It seems to me that the needs of the service can be met by some arrangement less than discharge. I think it would be an entirely needless hardship to turn these boys out. If necessary, let them each go back one year.

THEODORE ROOSEVELT.

The WAR DEPARTMENT.

Of course, a suggestion or intimation of what the Executive desires always has the effect of a command among military officers. The board was immediately convened again, and upon January 9 they submitted this letter:

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., January 9, 1909.

The academic board of the United States Military Academy, having before it the autograph letter of the President of the United States of January 4, 1909, concerning the cases of Cadets ——— and ———, of the first class, ——— and ———, of the third class, deficient in discipline, and Cadet ———, of the third class, deficient in mathematics and drawing, desires to submit for his consideration the following presentation of the principles which have guided it in these and similar cases, and of the particular circumstances attending each of the cases under advisement.

In a great military school of the importance and high standing of this institution, the board conceives that one of its chief functions is the disciplinary training it confers and its efficiency as a character-forming mechanism. These attributes, which above all others go to the development of an efficient officer whose duties concern the command, the guidance, the well-being, and even the lives of those under him, and upon whom the country relies in time of emergency for the exhibition of the highest qualities of mind and character, are essentially matters of discipline, of self-control, of a sense of responsibility, and of conformity to law and authority.

These qualities are acquired only by habit and under an impartial enforcement of the regulations and orders which govern their daily duties. This disciplinary influence is progressive and cumulative and should, before the student is intrusted with command, have been assimilated and should have been productive of results sufficient to justify the authorities in certifying that he has qualified for the responsibility of command as an officer of the United States Army. Failure to show this acquirement on the part of the individual becomes increasingly reprehensible and indicative of incapacity for responsibility in proportion to the length of the period of probation.

During the first year of cadet service every leniency is shown in the consideration of the disciplinary shortcomings of the novice, and he is given abundant opportunity to adjust himself to the conditions of military service and requirements. During the second year the responsibilities are increased, the novitiate has been passed, and the cadet is familiar with the obligations and regulations and the necessity of conforming thereto. From that time forward ignorance of the requirements of his environment are no longer to be pleaded in extenuation. Whatever breaches of discipline are committed are done with a full knowledge of their character and the consequences involved. By the time the cadet has attained the dignity of a first class man (corresponding to that of senior in college) not only has he become experienced in the exactions of the military life, but he has attained maturity of mind and of body; he is about to assume command and its responsibility. Furthermore, in the administration of discipline by cadet officers, as a cadet advances in class rank he is reported with much less frequency for trifling violations of discipline.

When a first class man, therefore, receives so many reports as to endanger his status it indicates a very high degree of carelessness and indifference to regulations.

Prior to this year, since 1884, but one first class man has been deficient in conduct.

In this connection, the board observes the fact that these cadets are no longer boys, but have attained the age of manhood. The actual ages of the four individuals now deficient in discipline are as follows: Cadets ——— and ———, first class, are, respectively, 22 years 11 months and 23 years 5 months of age. Cadets ——— and ———, third class, are, respectively, 23 years 1 month and 22 years 5 months of age. Cadet ——— is not in the same category, but is deficient in two studies, and his case will be referred to subsequently.

It has has been urged in reference to the deficiency of these cadets in conduct that they have exceeded the limit by only a few demerits. In the first place, the limit of demerits fixed by the regulations of the Secretary of War is exceedingly liberal, and no cadet at any time, with reasonable attention to his duties, need come anywhere near the danger limit. The limit is made thus liberal for the purpose of affording no excuse to those who exceed it. The same plea could be urged in extenuation of a slight excess of any limit whatever, no matter how liberal it might be. To show that this plea is not valid in these cases, the board wishes to state the fact that the average number of demerits of the other cadets in the first class was 32, Cadets ——— and ——— having received, respectively, 118 and 123. Their final showing of 109 and 115, respectively, was due to the fact that a special board of officers was appointed to consider their deficiencies; to examine the nature of each report given; to afford the individuals opportunity to protest or explain in any case as to the justice or validity of the report; and to remove whatever reports in its judgment could be overlooked by a lenient construction of the circumstances under which they were given. This board cited the cadets before it, listened to any special explanation they had to give, and finally removed a certain number of reports in each case without knowledge of the number of demerits attaching to each report. This resulted in leaving Cadet ——— still deficient, with 109 demerits, and Cadet ——— also deficient, with 115.

In the case of Cadets ——— and ———, of the third class, the same process was put into operation by the board, with the result of leaving these men deficient, with 111 and 109 demerits, respectively.

In the third class the average number of demerits for the other members of that class was 56. It will be observed, therefore, that in the case of the first class men Cadet ——— had over three times the average number of demerits of his classmates, and Cadet ——— nearly four times that number. Cadets ——— and ——— had about twice as many as the average of their classmates.

Offenses against discipline are divided into seven classes, for each of which a fixed number of demerits is given. Cadets are stimulated to observe the regulations by dividing them into three grades according to conduct, each grade being given certain privileges. In the first class the first grade requires that a cadet shall obtain less than 18 demerits in six months; the second grade less than 42; and the third grade includes those who exceed the latter limit. In the third class these limits are 24 and 54, respectively. As showing how readily excessive demerits may be avoided, it can be stated that about 75 per cent of each class is habitually in the two upper grades.

It has been the practice of the academic board, therefore, to regard a deficiency in conduct as final, and as one of the most satisfactory proofs that can be secured of the unfitness of an individual for the military career. Deficiency in conduct is a clear evidence, after a certain period of probation, of a want of a proper sense of responsibility and subordination, which in the cases of the two first class men under consideration led to flagrant and overt acts against discipline. They could not have been ignorant of the fact that they had received many reports and were in more or less danger of deficiency. As long ago as last August the superintendent took occasion to publish a special order to the corps of cadets warning all of the necessity of the exercise of extreme care in regard to their conduct. In spite of and in defiance of these facts these cadets deliberately committed an offense carrying the maximum number of demerits.

As stated above, the case of Cadet ——— is one of deficiency in studies and not in conduct. He stood at the bottom of the cadets, deficient in mathematics and drawing, after final examination for proficiency.

The academic board, with a long and intimate experience of the disciplinary methods of this institution, and the effects upon the cadets of unusual leniency, respectfully asks an earnest consideration of the very serious effect upon the morale of a body of young men who are being educated to high standards of conduct and of honor in seeing the disciplinary standards of the institution set aside in spite of the warnings of experience and the admonitions of their superior officers. If the young gentlemen of the corps feel that upon every occasion when they have brought upon themselves the penalties of failure, and when, after the administration of the institution has conscientiously sat in judgment upon their status, a reversal can be obtained by an appeal to higher authorities, the administrative authority of the institution is brought into contempt and the powerful influences which an impartial operation of the governing mechanism of military education should bring about is nullified.

The board finds a growing tendency on the part of all those who, from one cause or another, have failed to come up to the standards of this institution to endeavor to secure by a presentation of their case and an appeal to the sympathies of friends in authority a reversal of judgment in their favor. The board believes that it is of the highest importance, in order that the standards and traditions of this institution may be maintained, that the hands of the academic authorities should be upheld. The academic board, far from being austere or harsh in its action upon cases of deficiency, either in conduct or studies, endeavors on the contrary to be most lenient, and acts only after long deliberation and careful inquiry into all the conditions surrounding each individual case.

If, after a consideration of this statement, the President is still of the opinion that leniency should be exercised in these cases, the board, in deference to the judgment and wishes of the President of the United States, recommends with reluctance that Cadets ——— and ——— be suspended without pay and allowance until January 1, 1910, and at that time turned back to join the then first class; that Cadets ——— and ——— be suspended without pay and allowances until August 28, 1909, and at that time turned back to join the then third class; that Cadet ——— be turned back to join the present fourth class immediately.

H. L. SCOTT,
Colonel, United States Army, Superintendent,
President Academic Board.
J. S. HERRON,
Captain, Second Cavalry, Adjutant,
Secretary Academic Board.

The judgment of the academic board was not swayed; they were still convinced that the law ought to be enforced. They say so in that letter, which I earnestly commend to the consideration of every Member of this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. I ask for two minutes more.

The CHAIRMAN. The gentleman asks that his time be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. They earnestly state that the discipline of the academy, the existence of the academy, the usefulness of it, is seriously imperiled by the unwillingness of those in authority, those high up in authority, as they say, to permit the orderly, ordinary execution of the laws which we have passed, and the enforcement of the regulations made under those laws.

Mr. Chairman, I think that the academy is big enough. I believe that opportunities ought to be left to the cadets of high schools, to the graduates of colleges, and to the graduates from our national guard to get commissions in the army. I do not believe in making too small and select a circle from which the officers of the United States Army are to be drawn. I believe the experience of the country shows that in the past we have secured from civil life some of the most efficient military men ever known in history in this or any other country. I believe the academy is big enough; and if Members will exercise due diligence in sending to the academy young men who are fit morally, physically, and mentally, we will graduate as many officers from that academy as the Government will need plus those secured from civil life.

Mr. HULL of Iowa. Mr. Chairman, I submit that this debate is all out of order and has been proceeding by unanimous consent; but I did not like to raise the point of order against members of the committee, and I will now ask the Clerk to read.

The Clerk read as follows:

For extra pay of one sergeant of engineers, acting first sergeant, $108.

Mr. POLLARD. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Iowa a question in reference to these enlisted men to which this extra pay is granted. Are they from the Regular Army, or are they cadets detailed?

Mr. HULL of Iowa. They are from the Regular Army. The establishment at West Point is distinct from the Regular Army in this, that it is almost a permanent force there. They have more married men there. They take the older class of enlisted men, and a great many men are enlisted in order to get this extra pay. They provide quarters for married enlisted men at West Point, which is not done elsewhere. It is part of the Regular Army that are not ordered away, except in the cavalry and infantry.

Mr. POLLARD. Are they men who have been in the service a long period and transferred when they are incapacitated for other service?

Mr. HULL of Iowa. Not at all. They are entirely capacitated for work. The theory of the Government is to discourage married enlisted men in the army at large; but where a good soldier is married he is transferred to West Point. That is, he can be transferred there.

Mr. POLLARD. I withdraw the pro forma amendment.

The Clerk read as follows:

In all, for pay of Military Academy band, field musicians, general army service, cavalry detachment, artillery detachment, enlisted men on detached service, and extra pay of enlisted men on special duty at the Military Academy, $188,415.33.

Provided, That the extra pay provided by the preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations.

Mr. SULZER. Mr. Chairman, I rise to say a few words for the soldiers and the sailors of the Union, for the bravest men on land and sea that ever faced a foe, for those heroic men who saved the Republic from destruction during the darkest hour in all our history. They need no eulogy. The glorious Union is their everlasting monument. For ages yet to come their achievements will be sung in song and story.

Nearly fifty years have passed since the close of the great civil war—a conflict unparalleled in the annals of time. More than two-thirds of the soldiers and the sailors who participated in that tremendous struggle have been gathered to the fathers, and those that remain will soon cross the "great divide" to join their comrades on "fame's eternal camping ground." During the few years they will be with us on earth I believe it is the duty of the Government to care for those in poverty and distress and to see to it that none lack the necessaries of life. The Government owes the volunteers for the Union a debt of gratitude it can never pay, and gratitude to these men should be the fairest flower that blossoms in the great heart of our reunited country. Our soldiers and our sailors should be generously treated by the Government they did so much to preserve. That is the least we can do for them in their declining years. Those that are incapacitated and dependent should be liberally pensioned, and their widows and orphans should be the wards of the Republic. As Lincoln said, the Nation should care for those who have borne the battle and for their widows and orphans, so that none shall be left in want and destitution.

I am now, always have been, and always will be the friend of the soldiers and the sailors of the Union. I am proud of the fact that I am called the "old soldiers' champion;" and I want to say again what I have frequently said on the floor of this House, that in Congress or out of Congress, the men who saved the Union can always depend on me to do all in my power to see to it that they get their just rights and the thanks of a grateful Republic.

For several years these brave old veterans have been trying to enact a law known as the "volunteer retired list bill." I have done all in my power to aid them in their struggle. This year after a hard fight I succeeded in reporting a bill favorably from the Committee on Military Affairs. My report is now before the Congress, and the bill is slumbering on the calendar of the House, and will sleep there, I am sorry to say, until this Congress adjourns on March 4. The fault is not mine. I would make the bill a law to-day if I could. For reasons unnecessary for me to express at this time that bill can not pass this Congress. However, I indulge the hope that some bill along similar lines will pass the next Congress and become a law. With that end in view I shall, just as soon as the extraordinary session of the Congress convenes, on the 15th day of next March, reintroduce the bill I have carefully prepared, and which I now send to the Clerk's desk and ask to have read.

The Clerk read as follows:

A bill (H. R. 28337) to create in the War and Navy Departments, respectively, a roll to be known as the "Volunteer officers' retired list," to authorize placing thereon with pay surviving officers who served in the Volunteer Army, Navy, or Marine Corps of the United States in the civil war, and who are not now on the retired list, and for other purposes.

Be it enacted, etc., That upon written application to the Secretary of War, or to the Secretary of the Navy, and subject to the conditions and requirements hereinafter contained, the name of each surviving officer who served in the Volunteer Army, Navy, or Marine Corps of the United States in the civil war, shall be entered on a roll to be known as the "Volunteer officers' retired list." Each person so entered shall have served with credit as an officer in said Volunteer Army, Navy, or Marine Corps in the civil war, and shall have been honorably discharged, and shall not have been retired; said application to be accompanied with proof of identity of the applicant, and both the application and proof to be under oath.

SEC. 2. That each applicant whose name shall be entered upon said list shall be entered as of the highest mustered rank held by him while serving in said Volunteer Army, Navy, or Marine Corps, and when so entered on said list he shall be paid, out of any money in the Treasury not otherwise appropriated, as follows: From the time that he attains the age of 64 years, $50 per month; from the time he attains the age of 70 years, $75 per month; and from the time he attains the age of 76 years, $100 per month during the remaining period of his natural life, such pay to begin on the date of filing his said application with the Secretary of War or the Secretary of the Navy: *Provided*, That this act shall not apply to any officer while serving as an official or employee of the United States or any state or municipal government or whose income from any source exceeds $1,200 per annum.

SEC. 3. That each person who shall receive pay under this act shall thereby relinquish all his right and claim to pension from the United States after the date of filing said application, and any payment of such pension made to him covering a period subsequent to the filing of his said application shall be deducted from the amount due him on the first payment or payments under this act. The pay allowed by this act shall not be subject or liable to any attachment, levy, lien, or detention under any process whatever, and persons whose names are placed upon said roll shall not constitute any part of the United States Army, Navy, or Marine Corps.

SEC. 4. That this act shall take effect immediatly.

Mr. SULZER. Mr. Chairman, that bill speaks for itself. It is just and honest and fair and square. No liberty-loving citizen should object to it. I believe it meets with the approval of the soldiers and sailors of the Union—of those that are left of the Grand Army of the Republic—and I shall do everything in my power to make it a law before the Sixty-first Congress shall adjourn on the 4th of March, 1911, and to this end I invoke the aid of every friend of the soldiers and sailors of our country.

Sir, every sentiment of my heart impels me to say that the surviving volunteer officers who served with credit during the civil war are entitled to receive honors and emoluments equal to those which have been bestowed upon any officers who have served in defense of the country. It must be recognized that in time of war reliance has been had upon volunteers to bear the heat and burden of the conflict, and that it has always been, and will no doubt be to the end, the policy of the Government to maintain a small Regular Army. The civil war involved the perpetuity of the Union. The Union was preserved and the national authority maintained at the end of the greatest war of the world, in which more than two millions of volunteers marched and fought under the triumphant banner of their country.

A great reunited people now owe their repose and peace at home, their phenomenal progress and prosperity, their commercial success, and their influence abroad to the preservation of the Union. I invite particular attention to the fact that this proposed legislation has received the approval of a very large number of prominent and influential men in various parts of the country. The petitions of these citizens are now in the hands of the military committees of the two Houses. Public opinion favors this legislation, and the legislatures of the States of Illinois, Ohio, New York, Michigan, Nebraska, Colorado, Wyoming, Utah, and Kansas, by unanimous votes, have passed resolutions indorsing it, and requesting the Senators and Representatives from these States to vote for the enactment of a volunteer retired list law. The bill should have been passed and enacted into law long ere this. Patriotism commands it. Gratitude demands it. Let us do our duty and pass the bill.

And now, Mr. Chairman, that is all I care to say at this time in connection with this matter, but ere I take my seat I ask unanimous consent to print in the RECORD, as part of my remarks, several letters from distinguished volunteer army officers in favor of this legislation. These letters are similar to dozens I am receiving weekly from all over the country, and they speak eloquently for justice to the soldiers and sailors of the Union.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and the request is granted.

The letters follow:

235 WEST ONE HUNDRED AND SECOND STREET,
New York, February 22, 1909.

Hon. WILLIAM SULZER, M. C.,
Washington, D. C.

DEAR MR. SULZER: Through the courtesy of my old comrade, our esteemed mutual friend, Colonel Lowry, I have a copy of your bill to create a volunteer retired list, and as a party in interest I sincerely thank you for your wise, patriotic, and energetic efforts in that direction. While this bill does not make the same allowance for the surviving officers of the civil war that had been so deservedly extended to those of the Revolution by the acts of 1828 and 1832, granting them full pay during life, if the Government of the country that we fought to protect through all the perils of a terrible war, without counting any risk of life or financial sacrifice, is not willing or can not afford to do us justice, we must be grateful for what we can get and be content with the thought that "half a loaf is better than none," but we want that half loaf now, while we are alive to eat it. I was wounded nine times in battle and know whereof I speak.

The question of other necessary large appropriations should, in my opinion, not be allowed to cause delay, for the Government had to issue bonds to raise funds to prosecute the war and it can do so now to help those who had volunteered their lives in her service.

Gen. Edwin L. Hayes, who is in his ninety-first year, called to see me last Friday. He has a brilliant war record, but is physically feeble and financially needy. I read him your bill, and he answered:

"Please thank Mr. SULZER for me, but tell him, for God's sake, to have the bill passed at this session, for I do not expect to live until the next."

There are hundreds of similar cases that should not be suffered to plead in vain to the heart of our great Nation. Private soldiers, on an average, now receive as much in pensions as they received pay during the civil war, while officers do not receive one-tenth of their former pay.

Although it takes private soldiers to make generals and win battles, it required good officers and hard, persistent work to convert the raw material into the brave, efficient soldiers that won the battles of the civil war.

You are known throughout the land as the "soldier's friend," and can you not add one more golden link to the long chain of noble deeds for which we owe you love and gratitude and have your bill enacted into law at this session of Congress?

With esteem and best wishes,
Very truly, yours,
SAML. K. SCHWENK.

PHILLIPSBURG, N. J., *November 30, 1908.*

Hon. WILLIAM SULZER, Esq.,
New York City,

DEAR SIR: I have been told that you are drawing up a bill having for its object the placing of the ex-officers of the United States Army, Navy, and Marine Corps who served during the late civil war on the retired list and treated in every respect with the same honors and considerations shown to the regular officers who served in that war.

In one of the bills introduced last winter for the army it made it obligatory to have served eighteen months. Another bill made the time limit one year.

I have for years been a medical examiner—United States pension surgeon—and to secure a pension ninety days' service is required. In your bill I would suggest as a time limit six months or nine months, as it is not fair to exact a year or eighteen months for those who went and did their duty and stayed in until the end of the war. They should be entitled to be placed on the retired list, as it was not their fault that the war was over and they mustered out. If in your bill you exact a six months' service, that would be all right.

A second suggestion is this: In one of the bills of last winter the officer must have resigned or been honorably discharged on or before July 15, 1865. This is not right, for the Government could not disband so large an army and navy in so short a time. I was in the navy and not discharged until August 10, 1865, and others on my ship and some I know of not until September and later. At this point I would suggest that to be placed on the retired list they must have entered the service on April 15, 1861, and resigned or been honorably discharged prior to October 1, 1865, or December 31, 1865.

A third suggestion—as to being retired on the rank one grade higher than the highest grade attained in the service. This is the rule in the navy, I know, and I believe the same applies to the army. All officers, as a mark of honor, especial honor of the Regular Navy, on being retired and who served for any length of time in the civil war are retired one rank higher than the highest in which they served. No other naval officers who are placed on the retired list of the navy—and I think the army—are given this extra rank on retirement. It is a special mark of appreciation and honor, intended only for the regular officers who served in that war.

Now, if regular officers are given this special mark of appreciation and honor, should not volunteers on their being retired be treated with the same consideration and respect and have equal honors with the regulars for their (the volunteers) service in the same war?

I would suggest, therefore, when drawing your bill, that you incorporate in it this special honor, making, as I presume you intend to, that the volunteer shall be in every respect on the same footing and with equal consideration and respect and with the same honors accorded to the regulars. I have had all the papers from the Navy Department relating to naval officers' retirement, and know just what I am writing about. I ask and hope that you will give my suggestions your careful consideration, and hope you may decide to incorporate them in your new bill. I am, sir,

Very truly, yours,
J. A. PETRIE, M. D.

PHILLIPSBURG, N. J., *November 30, 1908.*

HEADQUARTERS CAMERON POST, 79,
DEPARTMENT NEW YORK, G. A. R.,
New York City, February 22, 1909.

Hon. WILLIAM SULZER, M. C.,
Washington, D. C.

DEAR SIR: I have just been reading a copy of your bill to authorize placing on the retired list certain surviving officers of the United States Volunteer Army. I wish to thank you for your tireless labor in our behalf, and assure you that I am firmly impressed with the justice of this proposed measure and believe that the passage of such a worthy and righteous act should be secured soon as possible. I know many worthy surviving officers who are earnestly interested in the enactment of such a bill; some that are not able to work, and others who can not find employment and are living on charity and slowly starving. May God help you in this good work.

Very sincerely, yours.

LUCIUS E. WILSON,
Commander Cameron Post, 79, G. A. R.

67 West Eleventh street.

Richard H. Bermingham, recording secretary, 56 West Ninety-third street; William A. Peet, financial secretary, 52–54 Park street; Sixty-third, Sixty-ninth, Eighty-eighth, Fourteenth, and Fifteenth batteries, New York, Twenty-eighth Massachusetts and One hundred and sixteenth Pennsylvania Volunteers, comprising Meagher's Irish brigade, Col. James J. Smith, honorary president, New Sixty-ninth Regiment Armory, Lexington avenue, between Twenty-fifth and Twenty-sixth streets.

NEW YORK, *February 24, 1909.*

Hon. WILLIAM SULZER, M. C.

MY DEAR MR. SULZER: Your favor of the 16th, together with the copies of the volunteer officers' bill, came duly to hand. I have seen quite a number of the ex-officers, and all of them approve of the bill, without an exception, and will cheerfully aid you to the best of their ability in making it a law. I want to say that we all know that you are our consistent friend and fully appreciate your efforts in our behalf, and thank you most cordially for the same. Wishing you success in every direction, and with kindest wishes and best regards,

I am, very truly, yours,

JNO. R. NUGENT,
35 Mount Morris Park West, New York City.

Illinois and Chicago Volunteer Retired List Committees, Joseph B. Leake, brevet brigadier-general, president; F. A. Battey, lieutenant-colonel, Fifty-seventh Illinois Volunteer Infantry, secretary and treasurer. Vice-presidents at large: Samuel Fallows, brevet brigadier-general, Chicago; James A. Connelly, major One hundred and twenty-third Illinois Volunteer Infantry, Springfield. Vice-presidents of congressional districts: First district, Col. W. L. Barnum, 174 Dearborn street, Chicago; second district, Capt. M. J. Sheridan, 4351 Calumet avenue, Chicago; third district, Capt. James G. Everest, 6611 Yale avenue, Chicago; fourth district, Lieut. Joseph S. Smith, Forty-fourth street and Center avenue, Chicago; fifth district, Bvt. Brig. Gen. Charles T. Hotchkiss, Chicago; sixth district, Adjt. Edward A. Blodgett, 510 West Monroe street, Chicago; seventh district, Col. John W. Bennett, 122 South Central avenue, Chicago; eighth district, Lieut. Robert S. Bennett, 138 West Monroe street, Chicago; ninth district, Maj. William Elliot Furness, 417 Orchard street, Chicago; tenth district, Maj. E. D. Reddington, Evanston; eleventh district, Lieut. E. W. Willard, Joliet; twelfth district, Capt. J. August Smith, Rockford; thirteenth district, Maj. George S. Avery, Galena; fourteenth district, Lieut. W. H. Sexton, Monmouth; fifteenth district, Lieut. George M. Janes, Quincy; sixteenth district, Lieut. H. M. Trimble, Princeton; seventeenth district, Gen. George F. Dick, Bloomington; eighteenth district, First Lieut. Samuel F. Wilson, Neoga; nineteenth district, Maj. F. L. Hays, Decatur; twentieth district, Capt. W. A. Kirby, Jacksonville; twenty-first district, Lieut. B. R. Hieronymus, Springfield; twenty-second district, Maj. William R. Prickett, Edwardsville; twenty-third district, Capt. C. D. Kendall, Newton; twenty-fourth district, Capt. C. M. Lyon, McLeansboro; and twenty-fifth district, Capt. N. B. Thistlewood, Cairo.

ROCKFORD, ILL., *February 22, 1909.*

Hon. WILLIAM SULZER,
Congressman from New York.

HONORABLE SIR: From Col. F. A. Battey, of Chicago, Ill., I learned that you had introduced a new bill to Congress in the interest of the civil-war officers.

As vice-president of the twelfth congressional district of Illinois, I extend to you the thanks of the civil-war officers in this congressional district, and hope that your bill will become law.

Respectfully,

J. AUGUST SMITH,
1121 North Church street.

JANUARY, 1909, LIST OF SURVIVING MAJOR-GENERALS AND BRIGADIER-GENERALS OF VOLUNTEERS OF THE CIVIL WAR.

The following printed list, prepared January, 1909, gives the name and age of 2 major-generals and 25 brigadier-generals of volunteers, the survivors of 131 major-generals and 549 brigadier-generals of volunteers appointed and who served during the civil war.

There are now only 2 major-generals and 25 brigadier-generals of volunteers surviving who are eligible to the provisions of the volunteer-retired list bills now pending before Congress:

Name.	Address.	Age at birthday after January 1, 1909.
MAJOR-GENERALS OF VOLUNTEERS.		
Dodge, Grenville M.	New York, N. Y.	78
Stahl, Julius	do	83
BRIGADIER-GENERALS OF VOLUNTEERS.		
Ames, Adelbert	Lowell, Mass.	74
Andrews, Christopher C.	St. Paul, Minn.	80
Beatty, John	Columbus, Ohio	81
Bussey, Cyrus	Washington, D. C.	76
Catterson, R. F.	Minneapolis, Minn.	74
Chamberlain, Joshua L.	Brunswick, Me.	81
Chetlain, August L.	Chicago, Ill.	85
Clayton, Powell	Eureka Springs, Ark.	76
Connor, Selden	Augusta, Me.	70
Cook, John	Ransom, Mich.	84
Cooper, Joseph A.	St. Johns, Kans.	86
Curtis, Newton M.	Ogdensburg, N. Y.	74
Grant, L. A.	Minneapolis, Minn.	80
Gregg, D. McM.	Reading, Pa.	76
Harland, Edward	Norwich, Conn.	77
McCook, Edward M.	319 Broadway, New York, N. Y.	74
McGinness, G. F.	Indianapolis, Ind.	83
Nickerson, Frank S.	Needham, Mass.	83
Paine, Charles J.	613 Sears Building, Boston, Mass.	76
Pierce, Byron R.	Grand Rapids, Mich.	80
Raum, Green B.	Chicago, Ill.	80
Seward, William H.	Auburn, N. Y.	70
Shaler, Alexander	Ridgefield, N. Y.	82
Smith, William Sooy	Monadnock Block, Chicago, Ill.	79
Webb, Alexander S.	Riverdale, N. Y.	74

Mr. SULZER. It is at present impossible to give the number of colonels, lieutenant-colonels, majors, captains, and lieutenants of volunteers during the civil war who are living, but it is suggested the proportion as above would be about the same.

The Clerk read as follows:

For pay of one clerk to the adjutant, $1,500.

Mr. MACON. Mr. Chairman, I reserve a point of order against lines 1 and 2, on page 13. I am advised that that is an increase of salary.

Mr. HULL of Iowa. It is an increase of $300 a year. The academy urged us to increase it to $1,800, on account of the long service and special fitness of this clerk. We compromised by making it the same salary as the other clerks of his grade.

Mr. MACON. How many increases have you made in this bill?

Mr. HULL of Iowa. Very few; and this is one of them. When you come to civilian employees, like engineers and other skilled labor, we had to increase them on account of the increased work put upon them. I believe this is the only increase in the salary of a clerk. They tried to get the salary of this clerk raised last year, but the committee did not believe they could do it then. As a matter of justice in connection with his work, under the evidence, we believed he ought to have the $1,500. As I say, the department urged us to increase it to $1,800.

Mr. SULZER. In reply to the gentleman from Arkansas [Mr. MACON] I desire to say that this clerk is one of the most efficient and competent clerks at West Point. He is doing a great work, and the pay he is getting is very inadequate for the work he is doing. In my judgment, instead of getting $1,500 a year, he is entitled to at least $1,800 a year. The officers at West Point requested that he be paid $1,800 a year, because he is worth it.

Mr. HULL of Iowa. I should like to refer my friend to page 211 of the estimates.

Mr. MACON. One minute, if the gentleman will excuse me, while I ask the gentleman from New York [Mr. SULZER] a question.

Mr. HULL of Iowa. Certainly.

Mr. MACON. I notice on page 14, line 7, an increase of the salary of an engineer from $1,500 to $1,800. Can the same be said about the engineer, that he is so necessary and so efficient——

Mr. HULL of Iowa. When we reach that, the gentleman can raise the point.

Mr. MACON. I was inquiring of the gentleman from New York, who was insisting that this clerk was so efficient that it was absolutely necessary to increase his salary, if the same could be said about this engineer whose salary has also been increased?

Mr. SULZER. I will say to the gentleman from Arkansas that the comments I made with reference to this clerk will apply with equal force to the engineer. He is being paid entirely too little for the work he is doing.

Mr. MACON. Now I yield to the chairman of the committee.

Mr. HULL of Iowa. If the gentleman will look on page 211 of the Estimate he will find this note:

An increase of $600 is asked for, and is deemed proper for the reason that this clerk has recently been appointed chief clerk of the adjutant's office, and the rate of pay is recommended that he may receive a salary commensurate with the duties and responsibilities of his position. He has been employed as a clerk in the adjutant's office since 1872, and has earned the promotion which has been bestowed upon him.

They promoted him to chief clerk, increasing his duties; but in any event the office of adjutant is always of enough importance for the clerk to get as much salary as the clerks for the other departments.

Mr. MACON. Can the gentleman give me some idea of the total increases of salaries in this bill?

Mr. HULL of Iowa. I would not call an increase to an engineer or plumber an increase of salary.

Mr. MACON. This is an increase from $1,500 to $1,800. I call that an increase of $300.

Mr. HULL of Iowa. This is an increase of $300 for this one office.

Mr. MACON. But the salary of this engineer has also been increased from $1,500 to $1,800.

Mr. HULL of Iowa. I think that $300 is more than made up by dispensing with another officer there, which I can explain when I reach it. Of course I would not want to talk offhand about all these matters; and when we reach it I will try to give the gentleman the information.

Mr. MACON. Will the gentleman give me some idea of the total amount carried in the bill as increases of salaries?

Mr. HULL of Iowa. I should think $2,000. We have been very parsimonious in the preparation of this bill.

Mr. MACON. That is all. I withdraw the point of order.

The Clerk read as follows:

For pay of one draftsman in department of civil and military engineering, $1,000.

Mr. KAHN. Mr. Chairman, I move to amend line 14, page 14, by inserting, after the word "thousand," the words "two hundred," so that it will read "$1,200."

The Clerk read as follows:

Insert on page 14, line 14, after the words "thousand," the words "two hundred," so that it will read "$1,200."

Mr. KAHN. That is the salary that is being paid at the present time to this inspector. It was a mistake of the copyist.

Mr. MACON. And there is no increase?

Mr. KAHN. No increase at all.

The amendment was agreed to.

The Clerk read as follows:

In all, to civilians employed at Military Academy, $77,058.

Mr. HULL of Iowa. Mr. Chairman, I ask to correct the total in line 10 by adding $200 to the total.

The Clerk read as follows:

Page 17, line 10, after the word "thousand," insert the words "two hundred."

The amendment was agreed to.

The Clerk read as follows:

Total pay of Military Academy, $627,153.33.

Mr. HULL of Iowa. Now I move that the total be amended to correspond with the $200 added.

The CHAIRMAN. Without objection, the total will be corrected.

There was no objection.

The Clerk read as follows:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, $3,520.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word in order to get some information as to what is meant by this children's school.

Mr. HULL of Iowa. Congress established a children's school at West Point. It is largely for enlisted men's children. There are, as I understand, over 200 children there now; my friend from Texas [Mr. SLAYDEN] can perhaps state better about that, as he has just been there.

Mr. SLAYDEN. There are more than that.

Mr. HULL of Iowa. Before that they were compelled to go to Highland Falls, and the people there protested against their being sent there, and Congress, after fighting over it several years, finally established this school. This is a continuation of the same work started a year ago.

Mr. COX of Indiana. And this school is for children of the employees of the academy?

Mr. HULL of Iowa. For anybody who is on the academy grounds.

The Clerk read as follows:

For necessary alterations to frame building on the recently purchased "Dassouri" property to convert into quarters for gardener's house (submitted), $1,000.

Mr. HULL of Iowa. Mr. Chairman, in line 5, page 30, I move to strike out the word "submitted."

The Clerk read as follows:

Line 5, page 30, strike out the word "submitted" in parentheses.

The amendment was agreed to.

The Clerk read as follows:

Total buildings and grounds, $1,724,035.

Mr. SLAYDEN. Mr. Chairman, this bill is about to be concluded, and before it is I want to congratulate the chairman for bringing in and getting through a bill with the apparent approval of the entire House, and on the skill which he has manifested in steering it through. I also want—because I am afraid I shall not have another occasion, and no one else would think of it—to take a little credit to myself for one feature of the bill.

Gentlemen will have observed that the item to pay the cost of the committee referred to as the "Board of Visitors" is $1,000. In the bill last passed it was $2,000, and previous to that it was $3,500 a year. The actual expenses incurred by the visitors to the academy on the occasion of the last visit a few weeks ago was something under $500. This very item, in my judgment, is now twice as large as it need be.

Mr. MANN. Will the gentleman yield for a question?

Mr. SLAYDEN. Certainly.

Mr. MANN. Can the gentleman inform us how many times the Board of Visitors make a trip to West Point?

Mr. SLAYDEN. Mr. Chairman, I think perhaps I know what the gentleman has in mind, and if I am not correct he can set me right. The law contemplates one visit a year by the Board of Visitors. But the present board passed a resolution, or on a motion, which is not law, however, agreed to adjourn to meet again in June. Under what conditions they will go there I do not know.

Mr. PARKER. I do not understand it so with respect to the call of the chairman, and we expect to hold a meeting next Wednesday to determine on that question.

Mr. SLAYDEN. The report shows that the motion was to adjourn and to assemble again at the academy in June. I speak from memory, but think I am right.

Mr. PARKER. The record is to assemble at the call of the chairman.

Mr. MANN. It is admitted they have adjourned to meet again and go to West Point again?

Mr. PARKER. No; it is not.

Mr. MANN. Is it contemplated that this Board of Visitors shall make two trips to West Point instead of one?

Mr. PARKER. I shall propose at the next meeting—and of course this is not yet arranged—that not more than three or five of the committee shall attend in June in order to act as a visiting board at that time.

Mr. MANN. Does that limitation of numbers include the wives?

Mr. SLAYDEN. Mr. Chairman, as this is all going on in my time I presume I have a right to ask a question. It makes no difference how many gentlemen go to the academy in June, as they will perhaps go at their own expense, the work of the Congress being done. I see no public reason why a second visit should be made. This discussion brings up the point of when visitors should go to the academy. I have my views about that, and other gentlemen have different views. My own impression is that they ought to go during the working season. I do not believe they ought to go there when the academy is on parade—that is, if they go for the information of Congress.

Mr. MANN. In other words, the gentleman thinks they ought to go to investigate and not to attend a hop.

Mr. SLAYDEN. That is it exactly. That is the distinction, and the gentleman has drawn it very clearly and sharply. If they go in June they have a better time. Then the grass is green and the sun is shining, and there are a great many agreeable visitors there, and it is an exceedingly pleasant occasion; but the argument that they would go there and see the classes and go into the recitation rooms, and so forth, has no influence on my mind, because, with all due respect to the attainments of the Members of Congress, I doubt if one in five would know what was going on anyway if he got into one of the classrooms. I do not believe that the people who make the argument are impressed by it. They seek to justify the visit in June in order to have a good time.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman from Texas if he has noted the language of the superintendent in his report in regard to this question? I notice here that he says he is opposed to the Congressmen composing this Board of Visitors, that he prefers distinguished visitors. In other words, that he does not believe that the common, garden variety of Congressmen are really distinguished visitors. As the gentleman is on that board, I would like to ask him if he has read the report?

Mr. SLAYDEN. I have no personal resentment because of the language of the superintendent, with reference to the character of the board, but I do object to his recommendation for this reason: Congress, after having considered it for a long time, amended the statutes. Before there was an opportunity to try what would be done under that new law, before there was an opportunity to test it, the Superintendent of the Military Academy, learned and trained in the law, I dare say, recommended that the old policy be returned to. He set his judgment up against that of the entire Congress and advised us to repeal a law that had commended itself to the judgment of both Houses before it could be put in operation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Was not the reason for that, that he used to be consulted about who would be appointed, and thus have a chance to appoint some of his friends, and that now he is not?

Mr. SLAYDEN. Mr. Chairman, I can not answer that question. Those were places that went to the administration, and as I have never been inside the fold I can not say. But he did

recommend before it had been tried that a law of Congress enacted without opposition should be repealed. I think it almost approaches impertinence, though not meant to be so, of course. In view of what has actually been done, in view of the entirely satisfactory working of the law, in view of the manifest economy, it ought to be continued, and I believe that it ought to be strengthened. Whether the Board of Visitors should be reduced, as suggested by the gentleman from New Jersey [Mr. PARKER], is a question for Congress to determine. I wrote the amendment originally, and I provided for exactly the number now suggested by my friend from New Jersey [Mr. PARKER], but it was subsequently increased in the other body. I think a smaller subcommittee would do as well and it would cost less.

Mr. CAMPBELL. Is this superintendent absolutely necessary to the service at the Military Academy?

Mr. SLAYDEN. I hardly think so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I would like to ask the gentleman from Texas if, in his judgment, the visit of the committee at that time interfered with the academy work, as also intimated by the superintendent?

Mr. SLAYDEN. No; my colleague from New Jersey has just answered "not a bit," and I entirely indorse what he says. On the contrary, we dispatched the business promptly and satisfactorily, and came back with a better understanding of what the needs of the academy were with reference to this bill than if we had had the superintendent down here. He would have made two trips, mileage and expenses each time, and possibly have had an officer with him. That also has been saved.

Mr. ANTHONY. I also failed to hear the gentleman's reply to my former question upon the difference between distinguished citizens and Congressmen.

Mr. SLAYDEN. Well, Mr. Chairman, I am afraid, now, that a mere Member of Congress will never satisfy the taste of gentlemen who have been so used to "distinguished society." I fear that distinguished society is preferred to economy and mere usefulness. The old style Board of Visitors wrote solemn reports that were published at considerable expense but never read. They were ornamental and distinguished but not useful, and never impressed the Congress.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that all that part of the bill commencing with line 24, on page 30, down to and including line 15, page 31, be stricken out without reading. I will say that the Congress has agreed on an exact provision and it is simply a waste of time to read the provision, so I ask unanimous consent that it may be stricken out.

Mr. SULZER. Mr. Chairman, before the motion of the gentleman from Iowa [Mr. HULL] is put I want to say just a word. It is well known that recently the Congress passed a bill, which is now a law, to accept the substantial gift of Mrs. Russell Sage of Constitution Island, in the Hudson River, and that the same be made a part of the military reservation at West Point. When this legislation was under consideration I thought that, on account of the great value of the donation, the least the Congress could do would be to record a vote of thanks to Mrs. Sage. For some reason this was not done. I for one think that omission was a mistake. Mrs. Sage is to-day one of the noblest women in all the world. She is the grandest example in our land of what a rich woman with noble impulses can accomplish for good. She is doing a most commendable and beneficent work along charitable and humanitarian lines. She is entitled not only to the thanks of the Congress for the gift to the Government of Constitution Island, but, in my opinion, she is entitled to the thanks of every true American for the great and the grand and the glorious work she is doing for humanity. God bless Mrs. Sage! God spare her life to do good for many, many years to come! [Loud applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. HULL of Iowa. Mr. Chairman, just one word before I move that the committee rise, and that is in reference to the Board of Visitors' business, which has been under discussion here. I want to say this for the new plan, that we have never yet had such information or such valuable information as we had in the preparation of this bill this year as a result of Members of Congress going to West Point and discharging the duties for which they were sent there in place of discharging the duties of great social occasions. Now, Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be adopted and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STERLING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28059) making appropriations for the support of the Military Academy, and had directed him to report the bill with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any one of the amendments? If not, the vote will be taken on the amendments in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the last vote was laid on the table.

RIVERS AND HARBORS BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

Mr. KEIFER. Mr. Speaker, I would like to know whether there is to be general debate on this bill.

The SPEAKER. The Chair can not inform the gentleman.

Mr. BURTON of Ohio. I would state that it is the earnest desire of the committee that the bill be passed this evening.

Mr. KEIFER. If this be so, it is the earnest desire of a good many Members around me that we should pass the bill after we have given it some proper consideration, and if we can not get it we will have to insist on staying here all night before we will agree to pass this bill.

If we can not get that, we will have to insist on sitting here all night before we will agree to pass this bill. If we can have a fair amount of debate to-night, I shall make no unreasonable objection.

Mr. BURTON of Ohio. I would state that a bill from the committee of which my colleague is a member—the sundry civil bill—is to be considered, as I am informed, on Monday; so that if this bill is disposed of, it will have to be disposed of to-day or else take its chances at a later time.

Mr. KEIFER. I will be willing to consider this bill, but we are not willing to take it and pass it in its present state without full consideration; and we can not more than give the gentleman notice that we shall use every means we have to prevent its passage until we have a discussion.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of Union.

Mr. CLARK of Missouri. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Can not we agree upon some time, I will ask the gentleman from Ohio, with the permission of the Chair?

Mr. BURTON of Ohio. I have heard from none who desires time in favor of the bill, nor from others opposed to the bill, except from one or two Members who desire to put amendments on the bill.

Mr. CLARK of Missouri. I do not desire to say a word upon the bill myself, but the easiest way is to give these men some time.

Mr. BURTON of Ohio. I ask unanimous consent that general debate close in one hour.

Mr. KEIFER. Two hours.

Mr. CLARK of Missouri. I suggest a compromise between the two; take an hour and a half.

Mr. KEIFER. I understand that it is the object to pass this bill as it is presented. The House may have power to do it, but we want to have some discussion on this matter.

Mr. BURTON of Ohio. How much time does my colleague desire?

Mr. KEIFER. I have just seen the bill this afternoon. I should be satisfied entirely with an hour myself. I do not want to be factious.

Mr. SULZER. How would you like to have it on the 5th of March? [Laughter.]

Mr. MANN. You might as well have it on the 5th of March as insist now.

Mr. KEIFER. I have no objection to the bill being considered in a proper way, but I have no idea that any Member here has read the bill, unless it be a member of the Committee on Rivers and Harbors, and I doubt whether they have all read it. Therefore I think we ought to have some proper considera-

tion in a matter which is carrying in appropriation an amount vastly greater, although it is a mere survey, than the old river and harbor bills carried. We ought to consider it.

Mr. BURTON of Ohio. Mr. Speaker, I modify my request for unanimous consent so that there be two hours of general debate.

The SPEAKER. The gentleman asks unanimous consent that there be two hours of general debate. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28243, the river and harbor appropriation bill.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. KEIFER. I object to that.

The CHAIRMAN. Objection is made, and the Clerk will report the bill.

The Clerk proceeded to report the bill.

Mr. BURTON of Ohio (during the reading of the bill). I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. GILHAMS. I object.

The CHAIRMAN. The gentleman objects.

The Clerk resumed the reading of the bill.

Mr. BURTON of Ohio (interrupting the reading). Mr. Chairman, I ask that the reading be suspended for a moment. I should like to inquire if any members of the committee desire to discuss this bill, or any special paragraph of it?

The CHAIRMAN. The gentleman asks if Members desire to discuss the bill.

Mr. FITZGERALD. I shall want to ask some questions in the five-minute debate.

Mr. BURTON of Ohio. On any particular project?

Mr. FITZGERALD. On one or two items in the bill.

Mr. BURTON of Ohio. Would not the gentleman take the opportunity in the discussion that would be provided under a motion to suspend the rules?

Mr. FITZGERALD. I might want to reserve some points of order and make them. I am not joining in any obstructive tactics.

Mr. BURTON of Ohio. I want to know if there is anyone who wants to discuss this bill under the five-minute rule? There is but one answer.

Mr. KEIFER. I am trying to make the second answer.

Mr. BURTON of Ohio. Mr. Chairman, the situation is this: Two members of this committee have desired that a survey for canals, which would be entirely out of place in this bill, should be included in the measure. They were very properly rejected, not only because they do not belong here, but because we have a dozen others quite as meritorious that we felt compelled to turn down. I question whether we should detain this committee and the House here merely to meet such a situation as that if there is no one else who desires to discuss this bill on its merits. Here is a bill that has certain provisions, and it stands or falls on its merits. Now, it seems to me there is no desire for any discussion except for the purpose of obstruction, by reason of disappointment, which has no rational or just basis.

Mr. KEIFER. Mr. Chairman, I ought to be allowed to reply. A moment ago I was called out of the door by a gentleman who desired to have a word with me, and in my absence the gentleman in charge of this bill thought he would get the unanimous consent of this committee and defeat the opposition that I have set up to his bill.

The gentleman in charge of this bill says that the measure that I am interested in has no place on the bill. There are three or four just such provisions in this bill, one of which looks to an improvement which, if made, would cost $1,000,000,000, while mine, which is not in this bill, and more meritorious, would only cost about $20,000,000 or $25,000,000. Now, I am not mistaken. I asked simply for a survey. The gentleman turned it down, and in the presence of this committee says that that has no place as a survey on this river and harbor bill, which is little else than a survey bill, with literally hundreds of survey propositions in it.

The committee has put in the bill a provision for a survey of a ship canal paralleling the Atlantic Ocean from Boston, Mass., practically to Key West, Fla., two thousand and more miles, I understand, a project which, if carried out, if the improvement were made, would cost a billion dollars. What I wanted to have considered by the House the gentleman thinks should not be considered, and that is a survey for a ship canal between Lake Erie and the Ohio River.

Mr. WILLIAMS. Mr. Chairman, I do not think this method of doing business is conducive either to good order or good humor. I call for the regular order.

Mr. GILHAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GILHAMS. I would like to make a statement.

Mr. WILLIAMS. I have called for the regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will read.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28243, and had come to no resolution thereon.

Mr. BURTON of Ohio. Mr. Speaker, I move that the rules be suspended, and that the House pass the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, with the two amendments which I will send to the Clerk's desk, and that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from Ohio moves that the rules be suspended, that the further reading of the bill H. R. 28243 be dispensed with, and that the House do pass the bill with the following amendments, which the Clerk will report.

The Clerk read as follows:

Page 12, line 20, strike out the period after the word "eleven," insert a colon, and add the following:

"*Provided*, That the said dam shall immediately upon its completion become the property of the United States, and that the grantees under the said act of May 1, 1906, shall operate and maintain the other works authorized by the said act in accordance with and subject to the provisions of the act entitled 'An act to regulate the construction of dams having navigable waters,' approved June 21, 1906, so far as the provisions are applicable."

On page 43, after the word "yard," in line 6, insert:

"Channel across Newport News middle-ground bar, with a view to obtaining a suitable depth and width between Old Point and Newport News."

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. KEIFER. I demand a second on this motion to suspend the rules.

Mr. BURTON of Ohio. I ask unanimous consent that a second be considered as ordered.

Mr. MANN. I have no objection to the gentleman from Ohio demanding a second, although I made the demand, if I may have a little time.

Mr. KEIFER. I will give you all the time I have to spare.

The SPEAKER. The Chair recognizes the gentleman from Illinois. Is the gentleman from Illinois opposed to the bill?

Mr. COOPER of Texas. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. I am opposed to part of the provisions of the bill.

Mr. KEIFER. If the gentleman is not opposed to the bill, I think I ought to be recognized. I will give the gentleman from Illinois half my time.

The SPEAKER. The gentleman from Texas rises to a parliamentary inquiry.

Mr. COOPER of Texas. At this time, is it permissible to offer an amendment that is germane to this bill and that has already been favorably reported by the Committee on Rivers and Harbors?

The SPEAKER. It is not, except by unanimous consent.

Mr. COOPER of Texas. Then I ask unanimous consent that I be permitted to offer as an amendment at this time a bill that has this morning been favorably reported by the Committee on Rivers and Harbors.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. BURTON of Ohio. It is true this bill has been reported, but we have reported it as a separate measure, and I should object.

The SPEAKER. Objection is heard.

Mr. MANN. Mr. Speaker, I will yield to the gentleman from Ohio [Mr. KEIFER] to demand a second.

The SPEAKER. Is there objection to a second being considered as ordered?

Mr. KEIFER. I make the point of no quorum.

Mr. BURTON of Ohio. I ask for the previous question.

Mr. KEIFER. There is no previous question when you move to suspend the rules.

The SPEAKER. The point of no quorum is made. Is there objection to ordering a second?

Mr. KEIFER. There is until we find out whether there is a quorum.

Mr. BURTON of Ohio. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. KEIFER. Until we find out whether there is a quorum, I object.

The SPEAKER. The gentleman from Ohio, Mr. BURTON, and the gentleman from Ohio, Mr. KEIFER, will take their places as tellers.

The House divided, and the tellers reported that there were 117 ayes and 2 noes.

The SPEAKER. It appears to the Chair, after inquiry and examination of the House, that no quorum is present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, the Clerk will call the roll, and as many as are in favor of ordering a second will, as their names are called, answer "aye," and those opposed "no."

The question was taken; and there were—yeas 223, nays 7, answered "present" 12, not voting 143, as follows:

YEAS—223.

Adair	Dixon	Holliday	Olcott
Alexander, Mo.	Douglas	Houston	Page
Alexander, N. Y.	Draper	Howell, N. J.	Parsons
Allen	Driscoll	Howell, Utah	Payne
Ashbrook	Dwight	Howland	Perkins
Barchfeld	Edwards, Ga.	Hubbard, Iowa	Peters
Barclay	Edwards, Ky.	Hubbard, W. Va.	Pray
Bartlett, Ga.	Ellerbe	Huff	Rainey
Bartlett, Nev.	Ellis, Mo.	Hughes, W. Va.	Randell, Tex.
Beall, Tex.	Ellis, Oreg.	Hull, Tenn.	Ransdell, La.
Bede	Englebright	Humphrey, Wash.	Rauch
Bell, Ga.	Esch	Humphreys, Miss.	Reynolds
Bingham	Fassett	Johnson, Ky.	Richardson
Birdsall	Favrot	Johnson, S. C.	Robinson
Bonynge	Ferris	Jones, Va.	Rodenberg
Boutell	Finley	Jones, Wash.	Russell, Mo.
Boyd	Fitzgerald	Kahn	Russell, Tex.
Brantley	Floyd	Kennedy, Iowa	Scott
Brownlow	Focht	Kennedy, Ohio	Sheppard
Burgess	Fordney	Kinkaid	Sherley
Burleson	Foster, Ill.	Kitchin	Sims
Burnett	Foster, Vt.	Knapp	Slemp
Burton, Del.	French	Küstermann	Smith, Iowa
Burton, Ohio	Gaines, Tenn.	Laning	Smith, Mich.
Butler	Gaines, W. Va.	Lawrence	Smith, Mo.
Byrd	Garner	Lee	Smith, Tex.
Calderhead	Garrett	Lever	Snapp
Campbell	Gilhams	Lindbergh	Southwick
Candler	Gillespie	Lloyd	Sparkman
Capron	Gillett	Longworth	Sperry
Carlin	Godwin	Lovering	Steenerson
Carter	Goebel	McCall	Stephens, Tex.
Cassel	Gordon	McCreary	Sterling
Caulfield	Goulden	McGuire	Stevens, Minn.
Chaney	Greene	McHenry	Sturgiss
Chapman	Gregg	McKinlay, Cal.	Sulloway
Clark, Fla.	Griggs	McKinley, Ill.	Sulzer
Clark, Mo.	Gronna	McKinney	Tawney
Clayton	Haggott	McLachlan, Cal.	Thomas, N. C.
Cocks, N. Y.	Hale	McLain	Tirrell
Cole	Hall	McLaughlin, Mich.	Tou Velle
Cooper, Pa.	Hamill	Macon	Townsend
Cooper, Tex.	Hamilton, Iowa	Madden	Underwood
Cooper, Wis.	Hamilton, Mich.	Mann	Volstead
Cox, Ind.	Hamlin	Marshall	Vreeland
Craig	Hardwick	Martin	Wallace
Cravens	Hardy	Maynard	Watson
Crumpacker	Harrison	Mondell	Webb
Currier	Haugen	Moon, Tenn.	Weeks
Dalzell	Hawley	Moore, Tex.	Wiley
Darragh	Hayes	Morse	Williams
Davidson	Heflin	Murdock	Wilson, Ill.
Dawson	Henry, Conn.	Needham	Wilson, Pa.
Denby	Henry, Tex.	Nelson	Woodyard
Denver	Higgins	Nye	Young
Diekema	Hill, Conn.	O'Connell	

NAYS—7.

Booher	Helm	Rucker	Thistlewood
Hay	Hitchcock	Smith, Cal.	

ANSWERED "PRESENT"—12.

Adamson	Gardner, Mich.	McMorran	Parker
Alken	James, Ollie M.	Madison	Sabath
De Armond	Keifer	Norris	Sherman

NOT VOTING—143.

Acheson	Bowers	Cook, Colo.	Flood
Ames	Bradley	Cook, Pa.	Foelker
Andrus	Brodhead	Coudrey	Fornes
Ansberry	Broussard	Cousins	Foss
Anthony	Brundidge	Crawford	Foster, Ind.
Bannon	Burke	Cushman	Foulkrod
Barnhart	Burleigh	Davenport	Fowler
Bartholdt	Calder	Davis	Fuller
Bates	Caldwell	Dawes	Fulton
Beale, Pa.	Cary	Durey	Gardner, Mass.
Bennet, N. Y.	Cockran	Estopinal	Gardner, N. J.
Bennett, Ky.	Conner	Fairchild	Gill
Glass	Knowland	Moon, Pa.	Saunders
Goldfogle	Lafean	Moore, Pa.	Shackleford
Graff	Lamar, Fla.	Mouser	Sherwood
Graham	Lamar, Mo.	Mudd	Slayden
Guernsey	Lamb	Murphy	Small
Hackett	Landis	Nicholls	Spight
Hackney	Langley	Olmsted	Stafford
Hammond	Lassiter	Overstreet	Stanley
Harding	Law	Padgett	Swasey
Haskins	Leake	Patterson	Talbott
Hepburn	Legare	Pearre	Taylor, Ala.
Hill, Miss.	Lenahan	Pollard	Taylor, Ohio
Hinshaw	Lewis	Porter	Thomas, Ohio
Hobson	Lindsay	Pou	Waldo
Howard	Livingston	Pratt	Wanger
Hughes, N. J.	Lorimer	Prince	Washburn
Hull, Iowa	Loud	Pujo	Watkins
Jackson	Loudenslager	Reeder	Weems
James, Addison D.	Lowden	Reid	Weisse
Jenkins	McDermott	Rhinock	Wheeler
Keliher	McGavin	Riordan	Willett
Kimball	McMillan	Roberts	Wolf
Kipp	Malby	Rothermel	Wood
Knopf	Miller	Ryan	

So a second was ordered.

The Clerk announced the following pairs:

For the session:

Mr. BENNET of New York with Mr. FORNES.

Mr. SHERMAN with Mr. RIORDAN.

Mr. MCMORRAN with Mr. PUJO.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. STEENERSON with Mr. STANLEY.

Mr. MOON of Pennsylvania with Mr. POU.

Mr. WALDO with Mr. SAUNDERS.

Mr. LAFEAN with Mr. DAVENPORT.

Mr. AMES wtih Mr. AIKEN.

Mr. FULLER with Mr. LAMAR of Missouri.

Mr. PEARRE with Mr. SMALL.

Mr. TOWNSEND with Mr. STEPHENS of Texas.

Mr. MCGAVIN with Mr. PRATT.

Mr. GARDNER of Michigan with Mr. BARNHART.

Mr. JACKSON with Mr. WOLF.

Mr. CARY with Mr. WEISSE.

Mr. ADDISON D. JAMES with Mr. LEWIS.

Mr. FOULKROD with Mr. OLLIE M. JAMES.

Mr. COOK of Pennsylvania with Mr. FULTON.

Mr. CALDER with Mr. FLOOD.

Mr. BURLEIGH with Mr. ESTOPINAL.

Mr. BURKE with Mr. DE ARMOND.

Mr. BRADLEY with Mr. COCKRAN.

Mr. BEALE of Pennsylvania with Mr. CRAWFORD.

Mr. BATES with Mr. CALDWELL.

Mr. BARTHOLDT with Mr. BRUNDIDGE.

Mr. BANNON with Mr. BRODHEAD.

Mr. ANTHONY with Mr. BROUSSARD.

Mr. ANDRUS with Mr. BOWERS.

Mr. ACHESON with Mr. ANSBERRY.

Mr. FOSS with Mr. HOWARD.

Mr. FAIRCHILD with Mr. HOBSON.

Mr. DUREY with Mr. HAMMOND.

Mr. DAWES with Mr. HACKNEY.

Mr. DAVIS with Mr. HACKETT.

Mr. CUSHMAN with Mr. GOLDFOGLE.

Mr. COUSINS with Mr. GLASS.

Mr. COUDREY with Mr. GILL.

Mr. GRAHAM with Mr. KIMBALL.

Mr. GRAFF with Mr. KELIHER.

Mr. FOSTER of Indiana with Mr. HUGHES of New Jersey.

Mr. GUERNSEY with Mr. KIPP.

Mr. LORIMER with Mr. MCDERMOTT.

Mr. LOUD with Mr. NICHOLLS.

Mr. LOUDENSLAGER with Mr. PADGETT.

Mr. LOWDEN with Mr. PATTERSON.

Mr. MCMILLAN with Mr. REID.

Mr. MALBY with Mr. RHINOCK.

Mr. MILLER with Mr. SHACKLEFORD.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. MUDD with Mr. TALBOTT.

Mr. OLMSTED with Mr. ROTHERMEL.

Mr. OVERSTREET with Mr. RYAN.

Mr. PRINCE with Mr. SLAYDEN.

Mr. BENNETT of Kentucky with Mr. LIVINGSTON.

Mr. LAW with Mr. LINDSAY.

Mr. KNOWLAND with Mr. HILL of Mississippi.

Mr. JENKINS with Mr. LENAHAN.

Mr. HULL of Iowa with Mr. LEGARE.

Mr. HEPBURN with Mr. LEAKE.

Mr. HASKINS with Mr. LASSITER.

Mr. HARDING with Mr. LAMB.

Mr. TAYLOR of Ohio with Mr. WATKINS.

Mr. SWASEY with Mr. TAYLOR of Alabama.
Mr. ROBERTS with Mr. SPIGHT.
Mr. THOMAS of Ohio with Mr. WILLETT.
Mr. WEEMS with Mr. MURPHY.

The SPEAKER. Upon this vote the yeas are 223, the nays 7, present 12, a quorum. A second is ordered. The Doorkeeper will open the doors. The gentleman from Ohio [Mr. BURTON] is entitled to twenty minutes and the gentleman from Ohio [Mr. KEIFER] to twenty minutes.

Mr. BURTON of Ohio. Mr. Speaker, I reserve my time. If no one cares to discuss this question, I move the previous question——

Mr. KEIFER. Mr. Speaker, I have witnessed the anxiety of the gentleman to keep the floor and say that nobody wished to speak, and now he tries to move the previous question, a thing entirely out of order. It is the second time, but I happened to be in the room this time.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] is recognized for twenty minutes.

Mr. KEIFER. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. BURTON] whether he intends to use his time all in one speech at the close or whether he has resigned all of his time now. That is the usual courtesy when we have such motions.

Mr. BURTON of Ohio. Mr. Speaker, I regret that my colleague takes such an unhappy view of this situation. I can not answer that question at this time. It depends upon the demands that are made upon me by the House as to what I shall do and what points require answer.

Mr. KEIFER. I supposed I had the right to ask the usual question. That is a courtesy among people here. I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I simply wish to call attention to one provision of the bill for a purpose which I will endeavor to make clear. Recently there was introduced into the House, on January 26, a bill authorizing the appointment of a waterways commission. That bill was properly referred, under the rules of the House, to the committee which had jurisdiction of the subject, which was the Committee on Interstate and Foreign Commerce. That bill has been receiving consideration by that committee. In the pending bill before the House is a provision contained providing for the appointment of a waterways commission. It would have been subject to a point of order if the bill had been considered in Committee of the Whole. It was not my purpose to make a point of order upon the provision, but to call attention to the fact that by the usurpation of jurisdiction by the Rivers and Harbors Committee they were not entitled, when it came to the appointment of that commission, to insist that the commission should be appointed from the Committee on Rivers and Harbors. The committee which had jurisdiction of the subject was the Committee on Interstate and Foreign Commerce. An item is reported, as I say, in the river and harbor bill, an item over which the Rivers and Harbors Committee has no jurisdiction, and about which it has no right to report. I insist that, while under no circumstances would I be a member of the commission, the members of the Interstate and Foreign Commerce Committee have an equal right to appointment on the commission with the members of the Committee on Rivers and Harbors; and that the same is true of the Committee on Appropriations, which will have to find the money; and the Committee on Ways and Means, which will have to find a way for raising the money; and I might say the same is equally true of any Member of the House, because, by the usurpation of jurisdiction, the committee obtains no title to the naming of the commission.

And I say this with perfect frankness, knowing well, although the distinguished gentleman now at the head of the Rivers and Harbors Committee is soon to be a great gain to the body at the other end of the Capitol [applause] and a great loss to this, that I assume that if this commission shall be appointed during the life of this Congress, regardless of where his activities shall be in the future, the commission will not lose the benefit of his personality, and that in any event that distinguished gentleman will be a member of that committee. [Applause.] I yield back the balance of my time.

Mr. KEIFER. Mr. Speaker, if the gentleman from Ohio, in charge of the bill, does not wish to consume some of his time, I yield two minutes' time to the gentleman from Indiana [Mr. GILHAMS].

Mr. GILHAMS. Mr. Speaker, I rise at this time to make a statement in order to set my position with this House right. The gentleman from Ohio made the statement that I was trying to retard the progress of the passage of the bill because I failed to get my canal proposition upon this bill. I am sorry to see that he feels that way, and I want to say to the House that my only purpose was to secure time and an opportunity that I might offer an amendment to the bill while it was being considered, and I am very sorry at this time that the bill has been taken from the Committee of the Whole House and we are undertaking to pass it under suspension of the rules, because this will give me no opportunity to do the thing which I very much desired.

Mr. KEIFER. Mr. Speaker, no other gentlemen now desiring time, I will occupy a little myself. We are all aware that about three months' time has been devoted, as is claimed by the distinguished gentleman from Ohio [Mr. BURTON], in the preparation of this bill. It has come in here late in the session and was only printed last night. It required almost the exclusive attention of that distinguished gentleman and his committee three months to prepare and comprehend it, and he now asks us to-day to be so much wiser than he as to comprehend it inside of two hours, without even being allowed time to read it. That is not all. Under the motion to suspend the rules, it means that the House of Representatives shall vote to pass the bill without its ever being read at the Clerk's desk. We are to know its contents without having read the bill or being allowed to hear it read. The motion to suspend the rules is to pass the bill without its being read. No Member off of that committee, I guess not a single man of this House, has ever read connectedly a single section of the bill——

Mr. MANN. Oh, there are plenty of us who have read it.

Mr. KEIFER. There are not half a dozen in the House outside of the committee who have looked at it until this evening. Now, what does it mean? I remember that during an earlier service of mine in this Congress the country arraigned both parties for passing a river and harbor bill containing an appropriation amounting to $8,000,000. This is only a survey bill and contemplates expenditures running into many millions and most likely hundreds of millions of dollars. It provides for surveys, much of it at a cost worked out through the War Department, but it proposes in addition to this cost to appropriate for surveys, so far as I have looked at it, over $9,000,000, to be immediately available. To be more accurate, one of the bills appropriates $8,185,750; section 2, $500,000; section 3, $600,000; and section 13, $600,000; in all, $9,885,75. This does not include other smaller sums appropriated nor the $50,000 appropriated to commence the junket provided for in section 7 of the bill. Some of us wanted an appropriation of $25,000, and it is said that it is not germane to the bill, but along comes a waterways association and said to the chairman and his committee, "give us a survey to parallel the Atlantic Ocean, running down along the coast from Boston to New York, thence to Baltimore, thence down to the Carolinas, down to St. Augustine or the St. Johns River, Florida, then fellowing down the coast with a maximum depth of canal of 6 feet, as that line seems to be planned, until you reach water that will go out to Key West," and that is germane to this bill and appears in it under the heading, "Intra-Coastal Waterways." That is not all. That is called sometimes an "extra coastal waterway." Then, we get in the bill a so-called "inland waterway" to be surveyed from the Mississippi River through Louisiana and Texas to Bayou Teche and on through Louisiana and Texas to Point Isabel, and thence to the Rio Grande. This is practically to parallel the Gulf of Mexico. That is to be surveyed, as the bill provides, and there are still others of like character.

There is another through or across Florida over to New Orleans and Pensacola Bay along the Gulf of Mexico from St. Georges Sound, Florida, to the Mississippi River, at New Orleans. Another for a "continuous inland waterway across the State of Florida," and still others paralleling sea or ocean navigation. They are along the coast, waterways in each case, with a channel depth of 12 feet. They are deep waterways—ship canals. This whole land, Mr. Speaker, has been alive with interest in inland deep waterways and it has been resounding in oratory in the last year, especially on the importance of deep interior waterways, and this bill contains no provision for even the survey of one such as I have described paralleling salt water somewhere over which navigation is now ample.

What I want, and what the great deep waterway congresses and associations have been demanding, is water transportation through the interior of this country, where the surplus agricultural and manufactured products are produced.

The canal I propose to have built is to connect the waters of the Great Lakes and the Ohio River, and thus link the interior water transportation of the Lakes and the Gulf of Mexico, and this at comparatively small cost.

I have recently—February 2—discussed here at some length the importance, practicability, and necessity for a ship canal over the Miami and Erie Canal from Lake Erie to the Ohio River—Toledo to Cincinnati.

I believe the gentleman [Mr. BURTON of Ohio] in charge of this bill was cheered when he delivered his speech before the great Waterways Congress here, and then he comes in here and

opposes all the plans of that congress, and the plans of associations organized for a like purpose. Some men say we want a waterways commission. For what purpose? Of making suggestions at the end of two or three years? What suggestions? That water may be used for navigation? Why, we supposed we knew that when we were younger than some of us are. Make suggestions? Why? These suggestions came from the Father of his Country long ago, more than one hundred years ago, and Jefferson followed him with the suggestion for the very ship canal that I wanted to test the judgment of the House with reference to its being built. The great governor of New York, De Witt Clinton, paid a visit to Ohio about eighty-five years ago to make an investigation when he was one of the commission that was building the Erie Canal in New York. And he made a report on it, and others, great engineers, have made reports recommending the improvement I advocate. We have had plenty of surveys. We do not want suggestions, especially from a congressional committee proposed to be created by section 7 of this bill.

What we want is plans and specifications if we find these waterways are practicable. We do not want mere surveys. We want inland water transportation; and I have simply asked that this House should be allowed to consider whether or not it would be practicable to connect the waters of the Great Lakes from Lake Erie to the Ohio River by a canal with a depth of water greater than the Welland Canal—14 feet—that now carries ocean vessels to and from the Lakes.

Some man put the question and said: "What do you mean? Do you want only 15 feet of water? Why, a vessel that draws 18 feet will not go through it." I thought that question was a foolish one at first; but I found that they did go through just such canals, and they rushed them right through by the use of lighters, as is daily now done by the Welland and other such canals.

Mr. BOOHER. I would like to ask the gentleman a question, if he will yield.

Mr. KEIFER. Yes.

Mr. BOOHER. If this bill is passed as it now stands, would not the constitutional prohibition deny to any Member of this House the right to take an office such as provided in this bill which is created during his term?

Mr. KEIFER. That ought to; but I suppose it will not. [Great laughter.]

The bill, section 7, I see, expressly makes Members of this Sixtieth Congress eligible for appointment on the commission.

What I mean to say, Mr. Speaker, is that a vessel goes through one of these canals like that about to be constructed across the State of New York, with 12 feet of water, but they have lighters for the purpose and take off a part of the freight when necessary. Part of the cargo is taken off the ship and put upon the lighters, which are then towed by the ship through the canal, and then reloaded on the ship when it can sail off to the lake or to the ocean. It has been done frequently, and that has been the plan for effectively using the majority of the ship canals in this country and in Europe for more than half a century.

But I have said enough to emphasize my opposition to passing a bill of this kind that provides for surveys alone that are to cost much over $9,000,000. Many of them were surveyed long before my colleague from Ohio was born and long before even I was born myself, and yet we are to have surveys of them over and over again and a commission of Congressmen to make suggestions to us as to our duty. Otter Creek is to be resurveyed, I see by the bill. I think it is about the fourteenth time in the history of the country it has been surveyed; but the Miami and Erie Canal is not worthy of it, the gentleman thinks. I ask the question, Is not the improvement of the Miami and Erie Canal of the character of the proposed ship canal—proposed by the bill to have surveyed—to parallel the ocean or the Gulf? If this House could vote upon a proposition as to whether we were to tie together for navigable purposes the waters of the Great Lakes and the Ohio River and the Mississippi and the Gulf, I am certain they would vote to do it if it should be found upon survey to be practicable.

Now, I have said enough and done enough simply to emphasize my opposition to the methods adopted to prevent the possibility of getting a vote at this session of Congress upon a proposition so important, so worthy, and so easy to be tested as to its practicability. The proposition was to expend $25,000 to make a survey with plans and specifications. The proposition is to spend but a small sum, $25,000, for this purpose. This is a small sum proposed to be expended for a congressional commission. A bill was introduced a few days since for the purpose of having a waterway commission. It was to expend in the coming three years about $500,000, which would be sufficient to survey twenty such propositions as I favor; and then we would know exactly whether they were each practicable. The bill we are now considering may not require that much to be spent. I look upon a waterway commission as a polite way of saying we will have a junket over the country and no deep waterways. I believe this bill allows them to extend the junket to Europe; and then, in the meantime, needed improvements in the United States that should go on must stand still. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, I have sometimes listened to arguments and attacks even to which I did not think it was necessary to make reply. I have never known so notable an instance in which it was unnecessary to make reply as in the case of my colleague, notwithstanding his magnificent earnestness. [Great laughter.] I ask for a vote.

The question was taken on the motion of Mr. BURTON of Ohio; and on a division (demanded by Mr. KEIFER) there were—ayes 216, noes 17.

Accordingly, two-thirds having voted in the affirmative, the amendments were agreed to, and the bill as amended was passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill (H. R. 28245), and, pending that motion, I ask unanimous consent that all general debate on the bill be closed in ten minutes, five minutes to be controlled by the gentleman from New York [Mr. FITZGERALD] and five minutes by myself.

Mr. SULZER. Mr. Speaker, I hope there will be some time allowed for general debate on this bill.

Mr. GAINES of Tennessee. How many million dollars does the bill propose to appropriate?

Mr. SULZER. There are several gentlemen over here who desire time. We should have at least one hour on a side.

Mr. TAWNEY. I want to say that the time of the session is becoming short. There will be ample opportunity for the consideration and discussion of the various provisions as they are reached in the reading of the bill. This has been the practice for many years in the consideration of the sundry civil bill at the short sessions of Congress. The bill is a large one. General debate that does not pertain to the provisions of the bill will be of no benefit whatever so far as giving the House information is concerned. For that reason I trust that we may close general debate with a short statement, on each side, respecting the general provisions of the bill.

Mr. GAINES of Tennessee. I should like to ask the gentleman how many million dollars this bill proposes to appropriate?

Mr. TAWNEY. A little over $137,000,000.

Mr. GAINES of Tennessee. How many different subjects are treated by the bill?

Mr. TAWNEY. It is impossible for me to answer. I do not know.

Mr. GAINES of Tennessee. It is impossible for me to give unanimous consent, then, to close debate in ten minutes.

Mr. TAWNEY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, with Mr. WATSON in the chair.

The Clerk read the title of the bill.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, the sundry civil appropriation bill as reported to the House by the Committee on Appropriations carries, in round numbers, $137,000,000.

This sum is made up by a great variety of items and appropriations. There are, however, three principal appropriations recommended in the bill that equal more than one-half of the total amount that the bill carries. The sum of $23,000,000 is recommended for continuing the work of constructing the Panama Canal. Nineteen million dollars, in round numbers, is appropriated for carrying on river and harbor work now under contract and previously authorized by law. There is also the sum of $18,000,000 recommended by this bill for the purpose of carrying on the work of constructing public buildings authorized and now under contract, or authorized and which will be under contract during the next fiscal year.

These three items in the aggregate amount to a little over $72,000,000 of the $137,000,000 which the bill carries. The remaining amount is made up of various appropriations of different sizes, which it is not necessary at this time to state in detail.

Every paragraph in the bill carrying an appropriation will be read, and I propose, Mr. Chairman, in the consideration of the bill under the five-minute rule, as has been the custom in the past, to allow most liberal time for consideration of each specific item; and I therefore prefer not to make any further general statement regarding the bill.

Every Member in this House knows that the appropriations carried in the sundry civil bill are expended in every congressional district in the United States and in all our island possessions. It would therefore require a great deal more time than is ordinarily allowed for general debate on appropriation bills to cover the entire bill at this time in a general statement.

I desire also to make this important statement, that the amount carried in the bill is almost $27,000,000 less than the amount estimated for sundry civil expenditures.

I will yield to the gentleman from New York ten minutes.

Mr. FITZGERALD. I would like, Mr. Chairman, to be recognized in my own right. I suggest that the gentleman from Minnesota let me be recognized in my own right. It will not affect what the gentleman wants to accomplish. I have had but one request for time on this side. One gentleman desires an hour on Monday. He is unable to proceed to-day. No one else has made any request for time in general debate. In what I shall say I can complete my remarks in five or ten minutes.

It would be very desirable if the gentleman from Minnesota would either arrange that an hour could be had on Monday, or give assurance that when he brings in the general deficiency bill the gentleman from Illinois [Mr. RAINEY] will be assured of one hour's time in general debate.

Mr. TAWNEY. Mr. Chairman, I will say that it will be impossible to give positive assurance as to how much time will be devoted to general debate on the general deficiency bill. The bill has not been prepared yet, although the subcommittee expects to get to work on it to-morrow, and have it completed in season to follow the sundry civil, if possible. There are a great many conference reports that will have to be considered during the two remaining days of the session. There has but one appropriation bill passed both Houses, and become a law, and that is the urgent deficiency bill. Therefore, all of the regular twelve appropriation bills must either pass one House or the other, and be agreed to in conference, and the conference reports be agreed to. It will therefore be manifest to every Member of the House, that I can not at this time give assurance for time.

If there is an opportunity for general debate on the general deficiency bill, I shall have no objection to granting one hour's time on each side. I have had no request for general debate on this side on this bill. In view of the importance of the bill, the great variety of subjects that it covers, and the aggregate amount of appropriations, I insist on getting it to the other side of the legislative department of the Government as soon as possible, that they may consider it there. I hope we can get along without any general debate. I can only make the statement to the gentleman from New York that if there is opportunity for general debate on the general deficiency bill, I shall have no objection to allowing an hour on each side. I speak of the vast amount of business that the House has to consider and pass upon before the close of the session, which may possibly cut off any opportunity for general debate hereafter.

Mr. FITZGERALD. Of course the condition is somewhat different now than it would be at a session of Congress similar to this. We will convene again on the 15th of March, and there is no pressing necessity to hurry the disposition of the appropriation bills in order to have them passed before the 4th of March. It would be much better to take ample time to consider them thoroughly and properly, even if it necessitates the use of some of the time that will surely hang on our hands during the next session. The position that the gentleman from Illinois [Mr. RAINEY] is in is so peculiar that I had hoped that the suggestion that he use time would come from that side of the House instead of him asking for time. He made a speech here, which I do not characterize in any way; but a number of gentlemen on that side of the House have since felt called upon to speak as the result of the speech of the gentleman from Illinois. They have all asked, or insisted, or demanded, that he make another speech. I am simply asking now that an arrangement be made that will give him an opportunity to make the speech that has been insisted upon by the Members on that side of the House. Whatever the little inconvenience to which it might put the House, I am sure that that side of the House will do everything possible to permit him to do that which they have been insisting that he should do.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from New York [Mr. FITZGERALD] that his intimation that there will be plenty of time for the consideration of appropriation bills in the extra session of Congress to be called, applies with greater force to the time that will be available to the gentleman from Illinois [Mr. RAINEY] in which to make his speech, rather than to have us delay public business now for that purpose.

Mr. FITZGERALD. Mr. Chairman, I think not, for this reason: Some one has intimated to me that some things stated by the gentleman referred in some way to the present Executive. I wish to say that so far as I am concerned any criticism of the present Executive which I have to make I desire to make before he leaves office, and everybody on this side of the House has the same desire, whatever may be the disposition on that side of the House. For that reason I hope that if the gentleman from Illinois [Mr. RAINEY] has anything to say that may be considered or construed as a criticism of the present occupant of the White House, in justice to all parties, he be given the opportunity before the expiration of this session of Congress. Perhaps the gentleman will agree to permit the gentleman from Illinois to occupy an hour on Monday.

Mr. TAWNEY. I will say to the gentleman from New York that my understanding is that the gentleman from Illinois has already occupied between two and three hours on the same subject on which he again desires to address the House.

Mr. FITZGERALD. I so understand; but it is a subject that is almost inexhaustible, and he could well occupy much more time on the same subject with benefit to the country.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

Mr. FITZGERALD. Oh, I hope the gentleman will not do that. I want to say a few words on the bill.

Mr. TAWNEY. I understood the gentleman to say that he did not desire to say anything on the bill at this time.

Mr. FITZGERALD. I said "a few words."

Mr. TAWNEY. I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, it is impossible in any reasonable time to make any review of the provisions of this bill. They cover every department of the Government and every conceivable subject for which money is appropriated for the Government. There are many items in the bill which will properly be discussed and debated in the House and some of them which will justify criticisms of the methods of the present administration. In my judgment it will be more conducive to the proper disposition of these subjects to reserve what may be said until the various items are reached. Some of these items will not be agreed to, in my judgment, with the consent of the great majority of this side of the House. I simply wish this side of the House to know that there are many matters in the bill impossible to discuss now in the few moments given by the gentleman from Minnesota, although I should be pleased to do so could I have the time. I, however, hope to give to the committee, and particularly to the Members on this side of the House, such information as will enable them to vote intelligently on the various items as they are reached in the consideration of the bill.

If the gentleman from Minnesota will not permit any further time of course we are powerless, but I do hope that after further reflection he will consent to permit this discussion, which his own side has been so insistent should be continued, to be completed as early as possible, by allowing it to proceed on Monday.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, in view of the appeal of the gentleman from New York [Mr. FITZGERALD] I ask unanimous consent that general debate on the sundry civil bill be closed in two hours, one hour to be under the control of the gentleman from New York and one hour under the control of myself.

The SPEAKER. Is there objection?

There was no objection.

CIVIL GOVERNMENT, PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, authorized to cancel their signatures to the enrolled bill H. R. 25155, "An act to amend an act approved July

1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,'" and that the said bill be reenrolled with the insertion of the words "third paragraph of the" after the words "That the," in the first line after the enacting words of said bill.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I would like to know what this does.

Mr. COOPER of Wisconsin. There was a mistake made in this bill. Section 7 of the organic act of July 1, 1902, contained four or five paragraphs. This bill was intended to amend only paragraph 3 of that section, but the words "third paragraph of the" were omitted, and therefore, if the bill were enacted in that form, it would in effect repeal all of that section except paragraph 3. It was a mistake, that is all, and this resolution carries out what was intended by the original bill when it was passed.

Mr. GARRETT. This resolution simply causes the act to be enrolled as it passed?

Mr. COOPER of Wisconsin. It causes it to be reenrolled so that it will amend paragraph 3, and thus carry out the intent of the bill.

Mr. GARRETT. Was that a mistake made in the enrolling room or a mistake made in the bill as it passed?

Mr. COOPER of Wisconsin. It was a mistake in the bill as it passed.

Mr. GARRETT. And not in the enrolling room.

Mr. COOPER of Wisconsin. And not in the enrolling room. This is a concurrent resolution and was drawn after consultation with the Speaker's clerk, Mr. Hinds; in fact he drew the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

So the resolution was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE., from its present terminus near Fortieth street SE., to Bowen road;

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pensylvania avenue SE. to the Sheriff road;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 4307. An act for the relief of E. J. Reed;

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 23767. An act to incorporate the Imperial Palace Dramatic Order Knights of Khorassan;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes;

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 27894. An act amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.;

H. J. Res. 219. To accept the gift of Constitution Island, in the Hudson River, New York; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9348. An act to reimburse Frank Wyman, postmaster at St. Louis, Mo., for embezzlement of money-order funds by clerk at said post-office—to the Committee on Claims.

S. 9402. An act for the relief of John H. Layne—to the Committee on Military Affairs.

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.—to the Committee on the Public Lands.

S. 8424. An act for the relief of the owners of lighter No. 128—to the Committee on Claims.

S. 5092. An act to remove the charge of desertion against the military record of James A. Windsor—to the Committee on Military Affairs.

S. R. 138. Joint resolution to provide for the printing of 25,000 copies of a portion of the report of the National Conservation Commission—to the Committee on Printing.

Senate concurrent resolution 101.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view to ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year; and if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams, or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved—

to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now take a recess until five minutes to 12 to-morrow, or 11.55.

Mr. FITZGERALD. Mr. Speaker, is not to-morrow set aside for eulogies?

Mr. TAWNEY. Yes.

The SPEAKER. It is a legislative day and we could recess until to-morrow.

Mr. FITZGERALD. But if we recess the legislative day of to-morrow will not be Sunday.

The SPEAKER. We can make Sunday a legislative day, as the House has already done by unanimous consent, and we can recess until 11.55.

Mr. CLARK of Missouri. Mr. Speaker, I would like to make a parliamentary inquiry. If we take this recess, to what hour would it be?

The SPEAKER. To 11.55.

Mr. CLARK of Missouri. I thought it was 2 o'clock when we were to have these eulogies.

Mr. MANN. One order is set for 2 o'clock and one order for 12 o'clock.

Mr. CLARK of Missouri. The question I want to ask is this: When we meet tomorrow morning, without any limitation being put on the House, can not it enter into any kind of legislation that it wants to?

Mr. KEIFER. They do not do that.

Mr. CLARK of Missouri. How do you know?

The SPEAKER. The Chair will read the order:

On motion of Mr. CLAYTON, by unanimous consent, ordered that there be a session of the House at 12 m. Sunday, February 21, for the delivery of eulogies on the life, character, and public services of the late Mr. WILEY.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry. Unless the House adjourn before 12 o'clock to-morrow, could that be done under that order?

The SPEAKER. How is that?

Mr. SHERLEY. Unless to-morrow the House adjourn at the expiration of this recess that is now suggested by the gentleman from Minnesota, could the House operate under the order read by the Chair?

The SPEAKER. It could meet under a recess clearly——

Mr. SHERLEY. Could it? We will not be meeting on Sunday; we will be meeting on the legislative day of last Monday.

Mr. TAWNEY. Mr. Speaker, pending the motion I will ask unanimous consent that nothing be considered to-morrow except eulogies and a motion to take a recess until the following day.

Mr. KIMBALL. Mr. Speaker, I shall have to object.

Mr. TAWNEY. Then, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending that motion the Chair will designate Representative SMITH of Iowa to act as Speaker pro tempore to-morrow.

The motion to adjourn was agreed to; and accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for satisfaction of judgment in the case of Jordan against The United States (H. Doc. No. 1468)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for deficiencies (H. Doc. No. 1469)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimates of appropriations needed to satisfy the requirements of certain private acts (H. Doc. No. 1470)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 26825) to extend a street from Nineteenth street NW., near U street, westward to Columbia road, reported the same with amendments, accompanied by a report (No. 2211), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 27369) to amend an act approved August 15, 1894, an agreement with the Alsea and other Indians on the Siletz Indian Reservation in Oregon, reported the same with amendments, accompanied by a report (No. 2213), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 28103) to amend an act entitled "An act for the widening of Benning road, and for other purposes," approved May 16, 1908, reported the same without amendment, accompanied by a report (No. 2214), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 260) to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes, reported the same without amendment, accompanied by a report (No. 2215), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 28190) to provide for the sale of isolated tracts of public land in Imperial County, Cal., reported the same without amendment, accompanied by a report (No. 2218), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the resolution of the House (H. Res. 445) requesting certain information from the Commissioners of the District of Columbia relative to the police department, reported the same without amendment, accompanied by a report (No. 2210), which said resolution and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia, reported the same with amendment, accompanied by a report (No. 2212), which said joint resolution and report were referred to the House Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes, reported the same without amendment, accompanied by a report (No. 2216), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia, reported the same without amendment, accompanied by a report (No. 2207), which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8822) providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho, reported the same without amendment, accompanied by a report (No. 2208), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Arizona, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 27889) granting certain land to the town of Yuma, in the Ter-

ritory of Arizona, reported the same without amendment, accompanied by a report (No. 2209), which said bill and report were referred to the Private Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8555) to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr., reported the same without amendment, accompanied by a report (No. 2217), which said bill and report were referred to the Private Calendar.

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 28226) to authorize the cancellation of trust patents in certain cases, reported the same without amendment, accompanied by a report (No. 2219), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 25300) for the relief of Theodore Bruener—Committee on the Public Lands discharged, and referred to the Committee on Claims.

A bill (H. R. 8694) granting a pension to Gustave Kipper—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HINSHAW (by request): A bill (H. R. 28261) regulating the payment of commutation money to soldiers—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 28262) extending the provisions of the act approved March 10, 1908, entitled "An act granting to A. J. Smith and his associates, their successors and assigns, authority to construct, maintain, and operate a dam across the Choctawhatchee River about one-eighth of a mile below or west of the bridge across said river on the road known as the Newton and Ozark public road, in Dale County, in the State of Alabama, in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable waters,'" approved June 21, 1906.

By Mr. HOWELL of Utah: Memorial of the legislature of Utah, asking an appropriation of 3,000,000 acres of arid lands, etc.—to the Committee on the Public Lands.

By Mr. CANNON: Memorial of the legislature of Wisconsin, protesting against legislation to abolish the pension agencies—to the Committee on Appropriations.

Also, memorial of the legislature of Arizona, praying for an investigation of a certain contract between the Government and the Pacific Gas and Electric Company, of Phoenix, Ariz.—to the Committee on the Territories.

Also, memorial of the legislature of Arizona, praying for an appropriation to liquidate and pay for certain bonds of Pima County, Ariz.—to the Committee on the Territories.

Also, memorial of the legislature of Arizona, praying for an appropriation for the restoration of the San Xavier Mission building, in Pima County, Ariz.—to the Committee on the Territorries.

Also, memorial of the legislature of Idaho, praying for legislation for the relief of certain settlers on the Minidoka tract, in Idaho—to the Committee on Irrigation of Arid Lands.

By Mr. MARTIN: Memorial of the legislature of South Dakota, requesting Congress to call a convention for the purpose of amending the Constitution of the United States in relation to polygamy, etc.—to the Committee on the Judiciary.

Also, memorial of the legislature of South Dakota, requesting Congress to make Fort Meade, S. Dak., a brigade post, etc.—to the Committee on Military Affairs.

By Mr. MONDELL: Memorial of the legislature of Wyoming, urging Congress to pass a law creating a roll to be known as "the civil war officers' annuity honor roll"—to the Committee on Military Affairs.

Also, memorial of the legislature of Wyoming, relating to the land laws of the United States—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, requesting Congress to grant to the State of Wyoming certain lands for the winter refuge of game—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 28263) granting a pension to Iva Sexton—to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 28264) granting an increase of pension to John C. F. Martin—to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 28265) granting a pension to Thomas B. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28266) granting a pension to John Steely—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 28267) granting a pension to Leudora Getchell—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 28268) to remove the charge of desertion from the military record of George M. Thomas—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 28269) for the relief of Elizabeth Reilly—to the Committee on Claims.

Also, a bill (H. R. 28270) for the relief of Theodore Schroeter—to the Committee on Appropriations.

By Mr. HAWLEY: A bill (H. R. 28271) granting an increase of pension to Joseph Gaunyau—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 28272) for the relief of William H. Nolcini—to the Committee on War Claims.

Also, a bill (H. R. 28273) for the relief of Joseph E. Lindsey, surviving partner of John Lindsey & Son—to the Committee on War Claims.

Also, a bill (H. R. 28274) to correct the military record of W. J. May—to the Committee on Military Affairs.

By Mr. MORSE: A bill (H. R. 28275) for the relief of Huldah Powell, widow of S. Benton Powell, deceased—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 28276) for the relief of George M. Smith, of New Market, Md.—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 28277) granting an honorable discharge to Green B. Gibson—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 28278) for the relief of heirs or estate of Lemuel I. Capell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 28279) for the relief of the heirs or estate of Joel L. Ingram, deceased—to the Committee on War Claims.

By Mr. STAFFORD: A bill (H. R. 28280) granting an increase of pension to Friedrich Backhaus—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 28281) granting an increase of pension to Edward K. Chapman—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 28282) granting an increase of pension to Joseph A. Bunch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28283) granting an increase of pension to Richard M. Ward—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 28284) granting an increase of pension to William B. Banks—to the Committee on Pensions.

By Mr. SULZER: Resolution (H. Res. 578) to pay to Edward J. Cantwell, administrator, a certain sum of money—to the Committee on Accounts.

By Mr. CAPRON: Resolution (H. Res. 579) to pay Michael A. Rattigan a certain sum of money—to the Committee on Accounts.

By Mr. BROWNLOW: Resolution (H. Res. 580) providing for the printing of first and second inaugural addresses of the late President Abraham Lincoln, etc.—to the Committee on Printing.

By Mr. FOSTER of Vermont: Resolution (H. Res. 581) relating to the pay of clerks to certain committees—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorials of the Merchants' Review Company, of Chicago, Ill.; Charles Meyer and 7 others, of Gilman, Ill.; H. G. Moore & Co. and 4 other firms and individuals, of Ashkum, Ill.; C. J. Linden and 20 other firms and individuals, of Kankakee, Ill.; Jensen Madison and 6 others, of Clifton, Ill.; Edward Metzler and 5 others, of Mansfield, Ill.; George Warrick and 6 others, of Sheldon, Ill.; Warden & Hazard and 6 others, of Momence, Ill.; Patrick Murphy and 7 others, of Chebanse, Ill.; Riggs & McClane and 5 others, of Buckley, Ill.; Charles Classen and 6 others, of Danforth, Ill.; P. H. Orth and 14 others; and Edward S. Pendexter and 19 others, protesting

against the establishment of a parcels post and also in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, memorials of William B. Plant and eight others, of Philadelphia; of the Southwestern Union Conference of the Seventh Day Adventists; of the Ohio Seventh Day Adventist Conference; and of the Lake Union Conference of the Seventh Day Adventists, protesting against the passage of the bill for the proper observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, memorial of James A. Rundle and 13 others, of Sussex County, N. J., praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, memorial of Black Lick Grange, of Pennsylvania, praying for the establishment of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Otto Kuehne Preserving Company, of Topeka, Kans., praying for the reduction of the duty on sugar—to the Committee on Ways and Means.

Also, memorial of the legislative assembly of New Mexico, praying for an amendment to the irrigation law—to the Committee on Irrigation of Arid Lands.

Also, memorial of I. D. O'Donnell and 19 others and J. F. Seavy and 19 others, all citizens of the United States, praying for federal aid in road construction—to the Committee on Agriculture.

Also, memorial of S. J. H. Trine, of Union City, Ind., protesting against the extradition of 3 citizens of Mexico incarcerated in the Los Angeles jail—to the Committee on Foreign Affairs.

Also, memorial of the American Association for the Advancement of Science, praying for legislation to increase the scope and importance of the United States Bureau of Education—to the Committee on Education.

Also, memorial of the Williamsburg (Ohio) Council, Order United American Mechanics, and Bushnell Council, of the same order, of Springfield, Ohio, praying for an act to prohibit the immigration of Asiatics—to the Committee on Foreign Affairs.

Also, memorial of John M. Gudvangen and 3 others, of Climax, Minn., praying for the removal of the tax on stills—to the Committee on Ways and Means.

Also, memorial of the Standard Extract Company and other corporations, firms, and individuals of the United States, praying for the removal of the duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of citizens of Middleton, N. Y., favoring passage of H. R. 24148, for creation of child-labor bureau—to the Committee on Expenditures in the Interior Department.

By Mr. BURGESS: Petition of citizens of Goliad County, Tex., against extradition of Magon, Villarreal, and Rivera—to the Committee on Foreign Affairs.

Also, petition of citizens of Bee County, Tex., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Augusta (Me.) Lodge, No. 964, Benevolent and Protective Order of Elks, of Plainfield, N. J., for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. BURNETT: Paper to accompany bill for relief of Nancy L. Kirby (H. R. 15818)—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of the Board of Trade of Jacksonville, Fla., against removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of the National Shoe Wholesale Association of the United States, for repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of the C. B. Van Deman Company, candy manufacturers and wholesale grocers, of Jacksonville, Fla., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Board of Trade of Jacksonville, Fla., for an increase in the salaries of the circuit and district court judges of the United States—to the Committee on the Judiciary.

Also, petition of the Jacksonville (Fla.) Board of Trade, favoring the Davis bill (H. R. 18204), to provide an appropriation for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch agricultural experiment stations, and regulating the expenditure thereof—to the Committee on Agriculture.

Also, petition of Gainesville (Fla.) Lodge, No. 990, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on Agriculture.

By Mr. COOK of Pennsylvania: Petition of Chamber of Commerce of Pittsburg, favoring appropriation of not less than $50,000,000 per annum for inland waterway improvement—to the Committee on Rivers and Harbors.

By Mr. COOK of Colorado: Petitions of E. W. Plympton and many others, of Salada; the Methodist Episcopal Church of Pueblo, 150 members voting; the Presbyterian Church of Pueblo, 539 members voting (no negative votes); Mrs. Myra B. King, of Pueblo, president of Central Woman's Christian Temperance Union; the First Baptist Church of Pueblo, 450 members voting; Ethelyn B. King, of Pueblo, president of Stevens Young Woman's Christian Temperance Union, 8 members voting; the Central Christian Church, of Pueblo, 450 members voting; and the Merritt Memorial Episcopal Church, of Denver, all in the State of Colorado, favoring the Littlefield-Bacon bill and other measures promotive of temperance—to the Committee on the Judiciary.

By Mr. DIXON: Petition of Sylvester Yunker and others, favoring parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grange Lodge, of Hartsville, Ind.; Eagle Spring Grange, No. 1510, of Jefferson County, Ind.; and Aurora (Ind.) Grange, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of Edward Long and 15 other citizens of North Vernon, Ind., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. ELLIS of Oregon: Petition of Edward Coles and 27 others, of Haines, Oreg., favoring removal of duty from jute grain bags and the burlap cloth from which bags are made—to the Committee on Ways and Means.

Also, petition of Fred Reid and 33 others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. ESCH: Petition of the Trade League of Philadelphia, favoring such amendment of the interstate-commerce act as will protect interest of shippers from damage arising from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. C. Maher and other citizens of Augusta, Wis., against removal of duty on farm products—to the Committee on Ways and Means.

Also, petition of Ida J. Taylor and other citizens of Sparta, Wis., favoring amendment to the Constitution enabling women to vote—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of A. T. Clark and other citizens of Vermont, favoring parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. C. Mason and other citizens of Vermont, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FRENCH: Petitions of G. W. Williams, for citizens of Midvale; G. H. Shearer, for citizens of Ontario; G. G. Haley, for citizens of Payette; Mary C. McDowell, for citizens of Star; and citizens of Indian Valley, all in the State of Idaho, to subject liquor shipped from one State to another to the law of the State into which it is shipped—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Newberry Library of Chicago, against increase of duty on books and other printed matter or to remove from the free list any class of books now included thereon—to the Committee on Ways and Means.

Also, petition of D. J. Stewart & Co., for reduction of duty on oilcloth and linoleum—to the Committee on Ways and Means.

By Mr. GARRETT: Paper to accompany bill for relief of Lindora Getchell—to the Committee on Invalid Pensions.

By Mr. GREENE: Petition of Samuel W. Case and others, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. GRONNA: Petition of citizens of Gardar, N. Dak., against import duties on tea and coffee—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of citizens of Allegan County, Mich., for regulation of interstate commerce in intoxicating liquors and opium—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of the R. L. Hunter Dry Goods Company and others, of Augusta, Ga., against increase of duty on kid gloves—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of S. A. Holden and 13 others, of South Windham, Vt., against Sunday-closing bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of the Abraham Lincoln Council, No. 2, Junior Order United American Mechanics, of San Francisco, Cal., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of San Jose (Cal.) Lodge, No. 522, Benevolent and Protective Order of Elks, asking for the creation of a reserve in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. HOWELL of Utah: Petition of Provo Lodge, No. 849, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Daniel Main (H. R. 16027)—to the Committee on Military Affairs.

By Mr. KAHN: Petition of San Francisco Lodge, No. 38, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of $30,000 therefor (H. R. 21980)—to the Committee on the Public Lands.

By Mr. KNOWLAND: Petition of the Chamber of Commerce of San Francisco, Cal., to provide for transportation in American vessels of material for use of Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: Petition of citizens of French Lake, Minn., against a duty on teas and coffees—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of residents of Mullica, Hill, N. J., for an amendment to the Constitution permitting women to vote—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of the National Business League of America, favoring the appointment of a tariff commission—to the Committee on Ways and Means.

Also, petition of industrial and commercial organizations, favoring S. 7804 and H. R. 22883, for a complete system of examinations in the consular service—to the Committee on Foreign Affairs.

By Mr. McKINNEY: Papers in support of H. R. 23976—to the Committee on Rivers and Harbors.

By Mr. NYE: Petition of the Minneapolis Retail Grocers' Association, favoring passage of Senate bill 1570—to the Committee on the Judiciary.

By Mr. ROBINSON: Petition of J. W. Strenger and others and the Wisconsin and Arkansas Lumber Company, favoring retention of present duty on lumber—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of W. C. Whitthorne—to the Committee on Pensions.

By Mr. RYAN: Petition of the Chamber of Commerce of Pittsburg, Pa., for an annual appropriation of $50,000,000, at least, for internal improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of George J. Metzger and 38 other members of the Buffalo Chapter of the American Institute of Architects, favoring the Newlands bill (for Lincoln memorial)—to the Committee on the Library.

By Mr. SIMS: Paper to accompany bill for relief of heirs of Thomas Warfield—to the Committee on War Claims.

By Mr. SPIGHT: Paper to accompany bill for relief of estate of Joel L. Ingram—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of Wichita Falls (Tex.) Lodge, No. 1105, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

Also, petition of Denton (Tex.) Lodge, No. 807, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of $30,000 therefor (H. R. 21980)—to the Committee on the Public Lands.

By Mr. SULZER: Petition of the Roessler & Hasslacher Chemical Company, favoring an appropriation of $25,000 in the interest of the clay-testing department of the Geological Survey, under consideration in the pending sundry civil bill—to the Committee on Appropriations.

Also, petition of Albert E. Henschel, for appropriation to promote the commerce of the port and State of New York—to the Committee on Rivers and Harbors.

Also, petition of the Star Egg Carrier and Tray Manufacturing Company, favoring H. R. 21929—to the Committee on the Judiciary.

By Mr. SWASEY: Paper to accompany bill for relief of Edward D. Chapman—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of Greenville (Ohio) Lodge of Elks, favoring a reserve for the American elk in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. WILEY: Petition of Troy (Ala.) Lodge, No. 929, Benevolent and Protective Order of Elks, favoring an American elk reservation (H. R. 21980)—to the Committee on the Public Lands.

Also, petition of W. C. Randolph and others, against any reduction of the duty on lumber—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 21, 1909.*

The House met at 12 o'clock m., and was called to order by Mr. SMITH of Iowa, as Speaker pro tempore.

The following prayer was offered by the Chaplain, Rev. Henry N. Couden, D. D.:

Almighty God, our Heavenly Father, in whom we live and move and have our being; we would pour out the oblations of our hearts in gratitude and praise to Thee, the dispenser of all good gifts, and hallow Thy name in a faithful and unselfish devotion to Thee and our fellow-men, and thus prove ourselves worthy of all the gifts Thou hast bestowed upon us. We thank Thee for that spirit down deep in the hearts of men which recognizes and appreciates the nobility of soul in their fellows, which displays itself in a faithful service to the public weal, for this special service to-day, sacred to the memory of men who have conspicuously served their country in the Congress of the United States, and passed on to their reward. Grant, oh most merciful Father, that their example may serve as beacon lights to guide us and those who shall come after us to high and noble living. Comfort the friends, colleagues, and families of the departed, and help them to look forward with bright anticipations to that larger life beyond the grave, where there shall be no more parting, and where God shall wipe all tears from all faces, and where peace and happiness shall reign forever. In Jesus Christ, our Lord. Amen.

The Journal of Monday, February 15, was read and approved.

DEATH OF HON. DANIEL L. D. GRANGER.

Mr. CAPRON. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the resolutions, which I send to the Clerk's desk, in regard to the death of my recent colleague, Hon. DANIEL L. D. GRANGER.

The resolutions were read, as follows:

House resolution 582.

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CAPRON. Mr. Speaker, upon the passage of the resolutions, in view of the fact that the present Congress is so near its close and Members can not have an opportunity for a special occasion, I will ask unanimous consent that Members desiring to do so may have leave to print remarks in the RECORD on the life, character, and public services of Mr. GRANGER during the remainder of the present session.

The SPEAKER pro tempore. The gentleman from Rhode Island asks unanimous consent that Members may have leave to print remarks with reference to the life, character, and public services of the late Mr. GRANGER during the remainder of the session. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolutions were unanimously agreed to.

EULOGIES ON HON. ARIOSTO A. WILEY.

The SPEAKER pro tempore. This hour has been set apart for exercises in memory of the life, character, and public services of the Hon. ARIOSTO A. WILEY, and the Clerk will read the special order.

The Clerk read as follows:

Ordered, That there be a session of the House at 12 m. Sunday, February 21, for the delivery of eulogies on the life, character, and public services of the Hon. ARIOSTO A. WILEY, late a Member of this House from Alabama.

Mr. CLAYTON. Mr. Speaker, I move the adoption of the resolutions which I send to the Clerk's desk to be read.

The Clerk read as follows:

House resolution 583.

Resolved, That the House has heard with profound sorrow of the death of Hon. ARIOSTO APPLING WILEY, late a Member of this House from the State of Alabama, which occurred at Hot Springs, Va., June 17, 1908.

Resolved, That the business of the House is now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased, and in recognition of his distinguished public service, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] will take the chair.

Mr. UNDERWOOD. Mr. Speaker, we will all agree that the greatest pleasure that comes to us from a membership in the House of Representatives springs from the strong, warm friendships that we form among our associates, and that there is no sadder experience that confronts us as Members of this body than when we are called upon to mourn the loss of one of our comrades.

ARIOSTO A. WILEY was a friend of many years standing; I knew him well long before he was elected to Congress, and I share with the others who knew him in feeling deeply the great loss that has come to us. It is impossible for any of us to pay a just tribute to our silent and absent friend; we can only admire some of his many good deeds and leading characteristics. One side of his life reveals the soldier, another gives us a view of him as an able and strong lawyer, and when we look into the fading light of the past, we love and admire him most for the warm and generous characteristics that bound him to us as a friend. His life work speaks more eloquently for him than the words of his former colleagues here; we can only say that we will ever remember and cherish the charm of manner, the warmth of heart, the honesty of character of his true life as long as time shall last for us.

Some of our comrades pass to the great beyond, and when they are gone there is little left to say except "Amen. There are others who fill our hearts and minds with tender memories and sweet remembrances of the days that are dead that can never come back to us, and our souls revolt against the bitter decree that has snapped asunder the ties of friendship that bound our earthly destinies together.

For many months our friend bravely and patiently lingered in the cruel agonies of his last sickness, and during that period of uncertainty many of us anxiously hoped that the dreaded message which we feared must come might in some way be averted. When the final message came that our friend and companion had passed to the great beyond, we rebelled against the cruel decree, and all our philosophies failed to keep down the bitter plaint that we sent forth from unwilling hearts.

Why should he go in the very ripeness of his mature manhood; so fond of life, so useful to his people, so thoughtful of the needs of others? The power that issued the final edict not only pierced the hearts of his devoted family, but of friends whose names are legion.

Some men are made of only one material. We see a man made of the finest clay, but of the softer mold; another stands against the storms of time as granite rock; another rises above the plains of mediocrity as a mountain peak, until the sunlight of the world's fame flashes about his head.

Here we find a man who lives out his existence amid the soft breezes and delicious perfumes that seem to be wafted by unknown powers from a sleeping Orient; another draws life's material from the sorrows of humanity through the uplifting of great strife and pain. One is made of stern material; another of the sweeter virtues that carry only peace along the lines of least resistance.

When time shall write the true history of our departed friend, we will find portrayed a man of composite character; the courage and strength of the soldier; mind and logic of the lawyer; the eloquence of the statesman; and, above all, the warm, true heart that bound his friendships to him.

When the war clouds enveloped our country and men of the stronger mold were found at the front, our friend offered his sword in his country's cause and served in foreign lands to the honor of his country and the credit of his State. When the dove of peace had once more closed the gates of war, he returned to his native State and received from a loving constituency a commission to serve them in the council of the Nation, which place he filled with earnest endeavor and strong devotion to the people he represented.

He had unyielding courage against the oppressor; he had a strong heart in the face of danger; he was ever quick to respond to duty's call, and his soul always beat in sympathy with the suffering and the destitute.

We have lost in his death one of the truest and best among us. A comrade has gone from us and left a place that can not be filled in the hearts of those who knew and honored him.

There is no death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

Mr. TAYLOR of Alabama. Mr. Speaker, ARIOSTO A. WILEY was born at Clayton, in the celebrated county of Barbour, Ala., in 1848, and was descended from distinguished Scottish ancestry, who settled in Mecklenburg County, N. C., and were in full sympathy with the earliest American idea and spirit of independence as expressed in the famous Mecklenburg declaration. His father, James McCaleb Wiley, was an honored and eminent citizen, an able lawyer, and a learned judge, and grand master of the Masonic fraternity in the State of Alabama, who lived a long life of usefulness, in which he enjoyed the full confidence and approval of his people. His mother was a granddaughter of the Rev. John Brown, the first president of the college at Athens, Ga., and a noted and accomplished preacher and scholar.

The boyhood of young WILEY was spent in the city of Troy, and his school days were passed in the common schools of that period, the greater part of which was during the civil war. More fortunate than many in those days, he had the advantage of college training and was graduated from Emory and Henry, Virginia, in 1870. In 1871 he read law according to the custom of the day in a private law office in Clayton, his native town, and was admitted to practice within the same year. On the day following his admission to the bar he undertook the defense of a man on the charge of murder, and acquitted himself so signally as to spring at once into notice and reputation. In the same year he removed to Montgomery and became associated with one of the leading law firms in the State, which later became known as Rice & Wiley, and so continued till the death of the senior member, Hon. Samuel F. Rice, one of the most eminent jurists and attorneys of the South.

As a lawyer, Colonel WILEY took position early in the first rank of the profession. He was an indefatigable worker, a thorough student, vigorous, bold, able, and aggressive in the court room, and a formidable advocate in the management of his cases. He was equally strong in the practice in the Supreme Court, and commanded always the attention of court and bar.

He was a winning, eloquent, and persuasive speaker, and one of the charms of his nature and habit was that he paid the same attention and gave as much time to the preparation and study of his clients' cause without regard to the amount involved or the relative importance of parties. In other words, he was thorough and conscientious at all times. He was earnestly and enthusiastically the friend as well as the attorney of his clients. Their cause was to him always right. This ready sympathy and clannish devotion won for him among his clients the warmest feelings of friendship, and the generous and chivalrous nature of the man enabled him to hold his friends with "hooks of steel." It also served to make for him enemies, and be had them, as all strong men have had in the past and will continue to have in the future. What enemies he had were gained by aggressive services to clients and devoted loyalty and support to friends.

His range of practice was wide and varied, extending from the court room of the justice of peace to the Supreme Court of the United States.

As an evidence of the stability with which he held his clients he was elected attorney for the Atlantic Coast Line Railroad at its organization, and held the post for many years, and died in harness with them, beloved, honored, respected, and approved.

His boyhood developed during the civil war, and doubtless this had its influence upon the character as well as upon the life and life work of the man. At any rate, he seemed to take naturally to the military, and was early connected with the State volunteer militia, and held many responsible offices in this service, from captain of cavalry to colonel and staff officer with several governors of his State.

So he was prepared for military service in the Spanish-American war, and promptly responded to the call to arms. He was lieutenant-colonel of the Fifth Immune Regiment, and reached Cuba soon after the capture and occupation of Santiago.

In public as in professional life, Colonel WILEY was a conspicuous and successful man. He was eminently public-spirited and eminently well qualified for civic duties. He served as councilman in his home city for years, and was for many years elected first to the house and then to the senate of the State of Alabama. In his service as councilman and legislator no man did more arduous or successful work, and he was a recognized leader in every body to which he was called to membership, serving as chairman of the judiciary committee of the senate when he was elected to Congress.

So he was exceptionally qualified for the service which fell to his lot in Cuba. The Province of Santiago was in political and legal chaos. The general in command detailed Colonel WILEY, and he prepared a code of laws which was most effective in bringing about a speedy and peaceful settlement of all dis-

orders, so much so that the governor of the Province gave him high credit and recommended his efforts as worthy of promotion.

Colonel WILEY was a broad-minded American, full of patriotism for the old flag, for the Union, and the United States. In his brave heart there lived as loyal and devoted patriotism and love for the flag as ever beat in all our history under "a coat of blue."

After the Spanish-American war Colonel WILEY was elected to Congress in 1900, and remained in office till his death. He was renominated for the Sixty-first Congress without a personal canvass and while he was lying upon the couch of his last illness. It was a splendid tribute of a splendid people to a splendid man and citizen. It was the voice of a great State to a beloved and honored son, saying unmistakably—

Well done, thou good and faithful servant.

Colonel WILEY was recognized as an orator of ability outside of his profession. He made numerous addresses upon a wide range of subjects and in different States. Among these special honors paid him was the invitation to represent his country in the Queen's Jubilee at Tampa, Fla., where he acquitted himself in such a way as to receive thanks in a personal letter from the Queen.

I knew Colonel WILEY for many years and knew him well. He was my friend always, and I loved him for his loyalty and his royal generosity. No man I ever met went further in the call of friendship or could be more implicitly relied upon to do a friend's part than ARIOSTO WILEY. He had ideals of friendship of his own, lofty as the towering pines of his loved State. Friendship was to him a principle and lifted him above the clouds and into the bright sunshine, where he lived up to the highest conception of that rare virtue. He was a friend "to tie to and to count on" with absolute faith and confidence. It was my lot to see him often in his last illness. I never saw a braver, truer man in pain and sickness. Racked with torture, which at times overcame the power of human nature to endure in silence, when the paroxysm passed his bedside was as his home was always, a rare delight and pleasant place for friends to meet and be happy. He was bright, cheerful, full of anecdotes, affectionate, and appreciative to the last, and uncomplaining. His people at home buried him with all the honors of a distinguished citizen and with what makes honors greater and more sacred—with tears from a thousand eyes and sighs from a thousand hearts, the perfect testimony of love and friendship.

There have been few men in Alabama who won and kept and deserved the honor and affection given by the people, especially the people of Montgomery, to ARIOSTO A. WILEY, lawyer, legislator, patriot, soldier, statesman, and friend.

Mr. PARKER. Mr. Speaker, it was a very great shock to those of us who, in so short a time, had grown to know and love ARIOSTO A. WILEY when we learned of his death. I saw him a few days before he left Washington to die. His manly form and splendid presence were prostrate under searching pain, but the same heart, the same courage, and the same friendship that belonged to him here will go with him to eternity. There was a singular poetry in his nature. It came forth in all that he said and all that he did. His earnestness and belief in the higher things were such as are seldom to be found, and with them were knightly chivalry and courage, belief in man, belief in woman, and the disposition to do his duty without fear of consequences and without reck of what other people might think.

I feel always as though in these descriptions of friends on such occasions we tell very little. We can no more describe the personality of a man's mind and character than we can describe his bodily person so that it will be recognized.

His real memory, for those who knew and wish to know our friend, lies in his many works and in his many speeches. They tell of him. I looked over a few of those speeches within the last few days and found them brim full of himself. In one he was urging the passage of a law to allow the fighting masts of the *Oquendo*, which was sunk at Santiago, and of the *Don Juan d'Austria*, which was sunk at Manila, to be placed in the capitol grounds in Montgomery, a city which was, as he recalled, not only the capital of the State of Alabama, but also the first capital of the Southern Confederacy. He said:

They are to be used as flagstaffs from which to display the starry banner of the Union—the standard of a united country—as an emblem of the blended patriotism of the men and the sons of the men who wore both the blue and the gray in the fratricidal conflict in the long ago between the two great sections of our great and glorious Republic.

It will furnish another evidence of the truth that all sectional lines have been obliterated, and that we are banded together once more and forever in the common bonds of union, loyalty, fraternal love, and civil liberty.

Patriotism like this filled his nature, a patriotism that went out not only to his country, but to its people—to all his many friends that he made in every walk of life. I have felt that a eulogy which he delivered upon his friend, Robert E. Burke, could well be applied to himself:

Full of humanity himself, a reciprocating people delighted to honor him. Elected to Congress, he served his constituency faithfully and well. His life filled the measure of lofty aspiration, of a high and honorable ambition. His influence will work on silently for good, long after we have passed away. The virtues of such men are the common inheritance of us all.

We believe, Mr. Speaker, that light everlasting does shine on such souls as his.

Mr. RICHARDSON. Mr. Speaker, an intimate acquaintance for many years afforded me the opportunity of understanding and appreciating the marked traits of personal character that made our deceased friend and colleague, Col. A. A. WILEY, distinguished among his fellow-men.

A man possessed of his temperament, endowed with an energy that never tired, guided by a well-trained, vigorous, active intellect, would necessarily and inevitably reach high rank with his countrymen. The entrance of Colonel WILEY to Congress was at the most opportune period of his life—ripe with a valuable experience and equipped with useful knowledge. For years he had been a most successful lawyer at his home in Montgomery, Ala., easily ranking with the foremost lawyers of his State. As a legislator in both branches of the general assembly of Alabama he acquired a knowledge of legislation and parliamentary work that made the broader work and duties of a Congressman of easy performance to him. He was thus equipped when he entered Congress.

Many of the great national questions that came up for discussion on the floor of the House were familiar to him, and he was at ease and fluent in such debates. That it was but a short time after his entrance in congressional life before he acquired influence and strength among his colleagues was a matter of no surprise to those of his friends who knew his true worth.

Death came to him at the most important period of his usefulness to his district, his State, and his country. His four terms in Congress brought him to the broad plane of useful American statesmanship. No public man in Alabama had a more promising future, with stronger assurance of full realization of hopes of future political preferment, than Colonel WILEY. Energy, industry, and ability, supplemented with a love of method and system in all he did, were the leading characteristics of Colonel WILEY. His mind yearned for the true analysis and solution of difficult problems of political, legal, or governmental science and policy, and it was a labor of love to him to work and toil.

In his convictions he was honest, sincere, and immovable. Being a generous man by nature, affable and courtly in his manner and address, I have found but few among the public men of our country more gentle and kindly tolerant of the views and feelings of those who differed with him than was Colonel WILEY. It grieved and pained him to wound anyone, and when conscious that he had done so a full and unstinted apology gave his heart pleasure.

His methodical habits and his love for training and preparedness naturally led Colonel WILEY to participate in military affairs. The Military Committee of the House was his preference when he entered Congress, and at his death he was one of the most laborious as well as distinguished members of that important committee.

He was appointed lieutenant-colonel by President McKinley in the Spanish-American war, and he is justly credited with having performed, in connection with his military duties, most valuable service in preparing a code for the regulation of the island of Cuba. I have no doubt that it was while in the discharge of his duties in Cuba that he contracted the disease that finally brought about his death.

In the walks of private life and in the circle of his personal friends, the light of his inmost life was fully revealed. Affectionate, generous, and sociable, he loved the society of his friends. His attachments were sincere and deep and without dissimulation. He was hostile by temperament to deceit or sycophancy, and scorned the greetings of the insincere flatterer. Colonel WILEY had his trials and struggles in early young manhood, and he never forgot the man who extended to him a helping hand. His pathway was not strewn with the roses of life that fall from the hands of strong and influential friends. At the close of the great civil war between the States he was but a boy. Poverty, with its harsh trials, confronted him. Possessed of the buoyant spirit of a manly boy, with an undaunted courage he grappled the situation and eagerly pressed forward

with an outstretched hand to grasp the goal of life success. Discouragements must come and always come to such a man in his contest in life, but with Colonel WILEY disappointments found no abiding place in his make-up. They cast no shadows across the path of his life, but served to strengthen and encourage him in the life work before him. He made up his mind to come to Congress and one or more defeats did not discourage him.

In my close personal relations with Colonel WILEY I found him to be preeminently a broad-minded man, patriotic in all of his noble impulses and absolutely free from the touch of a sectional feeling. He was in the truest sense a first-class southern man, not narrow or governed by impracticable or unwise policies, but faithful in his love to the great events and wonderful history of the South, in war and peace. He by his speeches and acts held up the bright light of hope to the people of the South, the great industrial and agricultural growth and wealth that awaited us in the near future that would give us our pristine glory and power in the Union of the States and the councils of the Republic. In his public life and utterances it was such broad and patriotic sentiments that ever animated him. It can be truly said of A. A. WILEY that he loved his fellowman. No feeling of envy or jealousy marred or distorted the natural relations of his life. He grieved for those that had a sorrow and rejoiced with those that were happy, and his generous and liberal hand was ready at all hours to extend aid to the poor and the needy.

Colonel WILEY was a modest and retiring man. It was never his desire to thrust himself into the limelight and make himself conspicuous over others. He preferred to do his work and his duty quietly and unobtrusively.

I was with him, Mr. Speaker, often in his last sickness before he left this city. His sufferings were intense, but under the tender and affectionate care of his noble and beloved wife, whose great love had crowned his life with domestic happiness and peace, he bore without murmur or complaint the tortures and pain that racked his body even to death.

Such, Mr. Speaker, is but a feeble portrayal of the character and life of a splendid man—my good friend. His home city of Montgomery, Ala., where he was known well in all the walks of life, honored and loved him in life, and no people, I dare say, in any section of the world could have paid more beautiful, pathetic, and sincere tributes of respect and love to the dead than those noble people in that beautiful southern city paid to their true friend, worthy fellow-citizen, and distinguished Congressman, Col. A. A. WILEY. And Mr. Speaker, he deserved it all.

Mr. HOLLIDAY. Mr. Speaker, the world needs strong, brave, sincere men. When a man who is strong, brave, and sincere passes out of the world in the very prime of his powers, in the zenith of his splendid faculties, the world is a loser.

I met ARIOSTO A. WILEY in the committee room. Some mutual taste drew us together. I came to know him; and like every other man who came to know him, I came to like him exceedingly well. If I were to define his character, I should say, first of all, that he was a manly man. He was absolutely incapable of doing a small or dishonorable thing. Such a thing in connection with Mr. WILEY would be absolutely unthinkable. He was a man of the highest honor, the finest tastes, and a gentleman to his finger tips.

Mr. WILEY was an Alabamian, proud of his State, but above and beyond all he was an American. There was nothing sectional about him. He loved the old flag, and he loved with equal devotion each particular star in the splendid constellation which adorns it.

In the Spanish war there was very little opportunity for the display of great military ability. The war did not last long enough and the enemy was of too small importance to really give scope to military genius. But if we had had a great war, if we had met foemen worthy of our steel, if the war had lasted some years, Mr. WILEY would have gone to the front, because he belonged at the front.

I have seen something of military matters myself. I have met and mingled with soldiers a great deal. I think I know one when I see him. I feel absolutely certain that if the opportunity had come, he would have gained great military distinction. I am glad, and I have no doubt he was glad, that the opportunity never came, that there was no great effusion of blood, and that the war passed away in a few days.

Most of us know Mr. WILEY by his speeches in the House. He was a convincing orator; he made an excellent argument.

I know him and remember him better by his conversation. I never knew a man of better colloquial abilities; I never knew a man who could keep up a sustained conversation more interestingly. He was a charming talker, and always along elevated lines. No coarse jokes, no improper allusions ever marred the splendid diction of his conversation, and I learned to like him for it, as probably every man did who became intimately acquainted with him. One of the pleasures that a man enjoys in Congress is the opportunity to get acquainted with splendid men like our departed friend. It is a legacy which I shall gladly carry with me when I go away to my Indiana home. I like to remember the kindly words; I like to remember the pleasant greetings; and WILEY always had a kindly word and a pleasant greeting.

You had to know him very well to understand him well. He was hardly a hail-fellow well met. He did not slap men on the shoulders and call them by their Christian names, but maintained a proper dignity; but behind that dignified exterior was a heart of gold, and you had only to get well enough acquainted to find it.

I believe that cases like this bring us into personal relationship, make us better friends, and when it comes to speak of a departed brother of whom we know and like, there is a touch of nature that makes the whole world kin. We forget everything else and remember only the pleasant episodes.

In this connection I may say there is too much talk about eastern men, western men, northern men, and southern men; the term "American" is a far more appropriate term, and that is what Mr. WILEY was. I never knew a more patriotic man, a man more thoroughly in love with his country; I never knew a man of higher ideals in regard to his country. I am glad I knew him. I am glad to have had the pleasure of his acquaintance. I have felt that I am a better man for it. I have felt that my own ideals have been raised. I feel that there has been an uplifting influence in my life, as no doubt there has been in reference to other people. Let us emulate his virtues; let us, like him, use what there is in us of strength and power in promoting the best interests of our whole common country.

Mr. BURNETT. Mr. Speaker, I desire on this quiet, holy Sabbath to join my colleagues in paying my feeble tribute to the memory of ARIOSTO A. WILEY, who, in the midst of a useful career, was stricken down by the ruthless hand of Death.

Colonel WILEY was a native Alabamian. He was born in Barbour County in 1848, and his whole life was spent within the borders of the State of his birth. He graduated from Emory and Henry College, Virginia, in 1871.

In early life he settled at Montgomery, Ala., in the practice of law, and was the partner of Hon. Samuel F. Rice, at one time chief justice of the Alabama supreme court. Colonel WILEY was devoted to his profession, and his tact, industry, and ability always commanded for him splendid fees and retainers. He loved politics, and was for many years a member of one or the other branch of our state legislature.

I first met him in 1884, when I was a member of the legislature from Cherokee County, and he from Montgomery. I was then a youthful member from the mountains, and he from the capital city of our State. At first I thought him cold, haughty, and repulsive, but as I learned to know him better, I found him possessed of as warm a heart as ever throbbed in response to the pulsations of friendship.

After serving with him one session in the legislature our meetings were infrequent, and my association with him was only occasional until we met in the Halls of Congress. Here I learned to know him well, and what was before merely an acquaintanceship grew into the closest and warmest friendship.

As a lawyer Colonel WILEY was the equal of any; as an official he was earnest, honest, and courageous; and as a friend he was loyal, generous, and true. In energy he was tireless. At the bar he made the cause of his client his own, and as a representative of the people the zeal and energy with which he always looked after their interests was the subject of admiration by all. He was scholarly and logical in debate and would champion the cause of the poorest client or humblest constituent with just as much earnestness and study as he would that of the richest corporation that poured its fees into his till.

Some of the most eloquent speeches that I heard him deliver on the floor of this House was when he was seeking justice for the humblest of his constituents. He liked the tented field, and when our flag was insulted by Spain he was among the first to tender his services to wipe out the stain. He was appointed lieutenant-colonel of one of the immune regiments enlisted during the war with Spain, and served as such in Cuba. After the war had ended he remained some time in Cuba and rendered efficient serviee in restoring civil government to that unfortunate island.

In whatever position he was placed he was always a full-grown man, and one whom his people ever delighted to honor. In municipal, state, and federal relations he was always a fear-

less, aggressive, independent leader. In Alabama's battle for our new constitution, he took a prominent part. In any struggle, civic or military, he was always in the vanguard and never skulked with the laggards or camp followers. He was truly a man who did things. His life was one of quick, active, intelligent motion.

In his eloquent address on the acceptance of the statue of Hon. John James Ingalls, Colonel WILEY said:

> A world-renowned Roman orator once declared: "I hold that no man deserves to be crowned with honor whose life is a failure. He who only lives to eat and drink and accumulate money is a failure. The world is no better for his being in it. He never wiped a tear from a sad face, never kindled a fire on a frozen hearth. I repeat, with emphasis, he is a failure. There is no flesh in his heart. Let no such man be honored."

This quotation aptly applies the views of my departed friend as to his own life. He was ambitious and sought honors, but not without meriting them. He knew his powers and his ability, but he did not expect his people to blindly worship that ability while he folded his hands and rendered them no service in return.

His constituents were quick to appreciate the ability of Colonel WILEY, and, I believe, never allowed him to be defeated for any office to which he aspired. He was for many years a member of the city council of Montgomery, and in this position, as well as all others, he showed himself worthy the confidence of those who intrusted him with power.

Had he lived, he would no doubt have remained in this body as long as he desired. His memory is embalmed in the hearts of his people as one who "knew his duty, and, knowing, dared to do." We mourn him dead, but "his deeds do live after him."

> Now is the stately column broke,
> The beacon light is quenched in smoke;
> The trumpet's silver voice is still,
> The warder silent on the hill.

Mr. HULL of Iowa. Mr. Chairman, I first knew Colonel WILEY when he came to Congress, at first only generally. During the last years of his life I knew him well, as a result of the intimate relationship that comes to those on committees, engaged in the same line of work, where the parties engaged are desirous of doing their full duty. This he always was desirous of doing.

If I can, in the few minutes I shall speak this afternoon, say anything that may add to his fame or of gratification of his family, it will be a pleasure to me. Friendships are not always results of time. With some it takes years of intimacy to feel that you are acquainted, that you are friends; with others only a short time is needed until you are bound together by the warmest ties of friendship. It is not for me to speak of his past life; that is well and eloquently done by his colleagues, but I would like to say a word of Colonel WILEY first as a man. He was one of the most genial, companionable, and interesting personalities that it has ever been my fortune to meet. In talking with those who went to Manila with him on that trip I have found without exception universal praise for his courtesy and kindness of heart and genius for entertaining his friends and grappling them to him with hooks of steel.

One of these men from my own State, who has met men from all parts of the world, expressed himself to me before Colonel WILEY's death that never had there been a man to whom all of the party were more attracted than to Colonel WILEY, and so, continuing the remark made by my friend from Alabama [Mr. RICHARDSON], I want to say that he possessed that other rare quality which made his fellow-men love him.

Colonel WILEY was a patriot. Born in the South, in his early youth, when the country was torn and distracted with all the horrors of internecine strife, he never allowed these scenes and experiences to cause him to love his country less. Always loyal to his people and his State, in a larger sense he was devoted to the Republic.

As a member of the Committee on Military Affairs, there never was a measure brought before that committee which he conceived would be for the honor, dignity, benefit, or glory of his country that he was not an eloquent, earnest, and persistent champion of the measure. In that great committee, over which I have the honor to preside, politics rarely enter. We try to consider the measures, not upon their political bearing in any sense, but with Colonel WILEY, almost above any other member of the committee, it never was a question of party, but always a question of country.

He was a patriot, because during his middle life, when the war broke out, he left the people he loved at home to brave the dangers of a tropical climate and face a foreign enemy, and he remained under the flag until his services were not longer needed. It was a matter of pride to him. He bore an honorable part in bringing the blue and the gray together under the flag, battling for a common cause. No longer can any patriot draw the line between the sections of our common country.

As a Member of the House of Representatives he was always earnest and diligent, eloquent and able. As a man I can only say that if the world were inhabited only by such men as Colonel WILEY we would all be happy. I have never, in all my relations with men here, met a man who had so remarkable an influence with his fellow-men. We had, in the committee, disputes that looked as though they might lead to bad feeling with the membership; yet Colonel WILEY was always a peacemaker. While not giving up a single particle of his convictions, he stilled the passions and established peace.

To me it was a great sorrow and a great surprise when the telegraphic news of his death flashed over the country. I am glad it was not my privilege to see him after he was stricken with illness. I remember him as a buoyant, splendid, physical man that impressed everyone with whom he came in contact with his strength, both mentally and physically; and to me he will always remain in the prime of his life and the vigor of his manhood. I hope as years go by his virtues may be emulated, and that other sons of the Southland may come here bearing with them the same high type of statesmanship and manhood that was possessed by our deceased friend.

I want to say, in conclusion, carrying a little further what the gentleman from Alabama [Mr. UNDERWOOD] said, "There is no death;" let us hope, as we who believe in the Christian religion do hope and believe:

> There is no death! The stars go down
> To rise upon some fairer shore.

And in the great beyond, with the recognition of friends there, may we meet this great and good man who has gone before.

Mr. DENBY. Mr. Speaker, in the natural course of events, we are called upon all too frequently to mourn the loss of dear friends. In Congress the kindly custom prevails of giving to surviving associates of Members who have passed away the opportunity to put on record in enduring form their estimate of their former associates.

Seldom, indeed, do we approach consideration of the character and achievements of any Member who had so clear a title to our respect because of those qualities of heart and brain which endear men to their fellows as was the case with our late colleague from Alabama, in whose honor we have met to-day.

Men may not justly be judged merely upon the record of their actual material achievments, but rather by the standard of their attitude toward humanity and their influence upon their generation. The question is not so much what has our departed brother done, but how has he borne himself as a man and a citizen? How has he met the requirements of daily life and the unceasing demands of his environment? Summing it all up, the inquiry is simply, Is the world better because he has lived? We are fortunate to-day in that from whatever angle we approach the life and character of ARIOSTO A. WILEY we find fitting occasion for words of praise and kindliness.

He was born in the State of Alabama—which through his long life he served so well—thirteen years before the outbreak of the great war. He lived through the dark period after the war and long enough to see the proud South raise her head proudly again from the ashes and begin that splendid career of development and progress, in the midst of which she is going forward to-day. All the bitterness left by the war, in the midst of which he lived when a young and impressionable man, seemed to have no warping effect upon his cheerful and kindly disposition. He came to Congress a courteous and charming southern gentleman, and his presence and his labors here did much to prove that the Nation's scars have disappeared and that we are again a united people in thought and heart and purpose.

Representative WILEY was truly a representative of his section and his State. Born in Alabama in 1848, he was educated at the Emory and Henry College, in Virginia, from which he was graduated in 1871. He was admitted to the bar in 1872, and thereafter he practiced law with great success in his home city of Montgomery. For the first eighteen years of his professional life he was associated with an eminent jurist, a former judge of the Alabama supreme court, Samuel F. Rice.

The fact that during the period of life when lawyers ordinarily handle the most trivial matters he was charged with the conduct of many important cases involving large interests, proved his capacity in his chosen profession and justified his rapid rise to the front rank of the local bar. In 1882 he was elected to the house of representatives of the State and gave his

legal abilities to the service as chairman of the committee on revision of the laws and member of the committee on corporations. Thereafter, and until called to a broader field of activity, he served almost continuously in the general assembly of the State, and his service was always signalized by the keenest interest in and devotion to the welfare of Alabama. An aptitude for military affairs caused him to take an active interest in the militia, in which for five years he was captain of the Montgomery Mounted Rifles and a member of Governor Seay's staff, where again his knowledge of law stood him in good stead. He served as judge-advocate-general on the staff, with the rank of colonel of cavalry, and later he also served on the staff of Governors Oates, Johnston, and Sanford.

When the war with Spain broke out and the loyal South sprang to the colors as earnestly as did the North, President McKinley issued to Colonel WILEY a commission as lieutenant-colonel of the Fifth Regiment U. S. Volunteer Infantry, one of the immune regiments raised for special service during the war. He received his commission on June 17, the same date on which, ten years later, he died in Washington. Proceeding to Santiago de Cuba with his command, he was appointed by that superb soldier, General Lawton, his chief legal adviser, and subsequently was made civil governor of Santiago.

In this position Colonel WILEY rendered great service to his country by framing a constitution which appears to have met the approval of the people of the province and to have had a marked effect in aiding the permanent restoration of good order. It is enough to say in regard to the notable services rendered by Colonel WILEY during the war with Spain that he was recommended by so distinguished a regular officer as General Lawton for appointment as brigadier-general, a position to which the early termination of the war and the muster out of his command prevented him from being appointed. Thereafter his district in his beloved State manifested its approval of the character and services of its distinguished citizen by electing him to the Fifty-seventh Congress and continuing to return him to Congress until his death.

So reads the life record of ARIOSTO WILEY. It is a bare recital of facts. It does not, nor can we, fittingly characterize the personality through which shone forth a generous and lovable nature. What he did in a public way as a citizen, responsive to every call of duty, we can state, but we can not measure the great good that his mere presence among his fellow-men accomplished, because of his kindness, his courtesy, and his cheerful optimism. The men in Congress who knew him best all bear unvarying testimony to the sweetness and purity of his character and his lofty ideals as a citizen of the Republic.

I take it as an honor to myself and to my State that I am to-day permitted to lay this sprig of northern pine upon the tomb of Alabama's lamented statesman—Representative WILEY.

Mr. HEFLIN. Mr. Speaker, when I first knew Representative WILEY he was a member of the Alabama legislature, and I had the honor of serving with him in that splendid body of men. I soon recognized his sterling qualities and his great ability. From that time on until he was elected to the Congress of the United States I watched his career with peculiar pride and interest. He was an earnest man, a man of high purpose, and but few men in my acquaintance could do the mental work and endure the physical strain incident thereto that this man could. He was full of energy and industry and was an untiring worker. Whatever his hands found to do he did it and did it well, and the bright star of a beautiful enthusiasm was ever shining over the path of his labors.

As a lawyer he ranked among the ablest and best of the great bar of Alabama.

Mr. Speaker, it was the ambition of his life to represent his people in this the greatest lawmaking body in the world, and in 1900 his people, with unanimous voice, bestowed upon him the distinguished honor that he had longed for, and in return for this honor he gave to his people the full measure of an able and faithful service.

When I came here, four years ago, he gave me a very cordial greeting and manifested an interest in and friendship for me that I shall never forget. For three years we lived in the same hotel and ate at the same table. He was my warm, personal friend, and my devotion to him grew stronger as my intimate knowledge of him increased and the time of my association with him lengthened. Every throb of his big heart beat loyal to his friends. No taint of ingratitude or unfaithfulness found place in his broad and honest nature. He was a magnetic man, a prince in conversation, and, in fact, one of the most delightfully entertaining men that it has ever been my pleasure to know. He was a logical and eloquent speaker, a very studious man, and no Member of Congress devoted more of his time to study and to his labors here than did this lamented and beloved Alabamian. In my judgment, he overtaxed his strength. Any cause that he espoused had in him an able, earnest, and fearless champion. He was a splendid type of the southern gentleman—courtly, gallant, and brave. He loved the South, and no man living could describe her beauty and glory better than he. He caught the song of her rills and the music of her birds, and these, mingling together, ever sounded in his soul. There was sunshine in his manner, and the bright sparkle of good cheer was always in his eye; and back of it all beat the big heart of a sincere, manly man. He loved life and enjoyed it to the full; he dwelt on its bright side and contributed his full share to the fund of good cheer and happiness of those with whom he came in contact. He was a painstaking, industrious, able, and faithful representative of his people.

Mr. Speaker, we come here from the various walks of life, come in health and strength, and in the whirl of our routine labors seem to forget that—

Death rides on every passing breeze,
He lurks in every flower.

This grim monster is no respecter of persons; the statesman delving into the science of government and pleading for the enforcement of the laws of justice; the minister preaching the gospel unto the least of these, my brethren; the soldier with drawn sword, defending his country; the physician battling with the germs of disease; the teacher with his pupil; the merchant in his store; and the farmer in his field, aye, the mother and infant at the peaceful fireside, all must quit this tenement of clay when the death angel comes. Voices that we heard in this Hall just a little while ago are still, and bright eyes into which we looked are closed forever. Forms that moved in vigor and health here, our friends and colleagues, are cold in the icy arms of Death. Here in the bustle and stir of things, in the midst of a life that is never still, we labor and we lift our voices in advocacy of the measures that we believe to be right, and our words and votes are recorded in the great record of this great lawmaking body. On and on the wheels of national legislation turn. Morning after morning the clear voice of the Speaker is heard:

The House will be in order, and the Chaplain will open with prayer.

Ever and anon in the Chaplain's prayer we hear him invoking God's blessings upon the bereaved ones of another Member of Congress, dead, and we realize the truth of the scripture:

In the midst of life we are in death.

Mr. Speaker, during Mr. WILEY's last illness his loving wife—one of the noblest types of true and beautiful womanhood—the woman who had been his good angel in sunshine and in shadow, was there, lovingly and tenderly ministering to every want. In her and in his manly son Noble, and in his devoted brother OLIVER, who succeeds him here, the star of his affection was fixed and immovable, save by the hand of Death. I believe that he realized that his end was near. Not long before he passed over the river, in a most feeling way he repeated to me the last words of Judge Rice, of Alabama, who was his law partner when he died. He talked of the Judge's hope of immortality, and described him rising from his pillow, exclaiming in animated delight: "The city, the beautiful city."

Mr. Speaker, if the man who loves his fellow-man and adorns his daily life with the jewels of good deeds and contributes all in his power to human happiness, to truth, justice, and right finds eternal rest, my friend, Congressman WILEY, has joined his good friend and former law partner, Judge Rice, in that "beautiful city not made with hands"

Mr. GORDON. Mr. Speaker, in attempting to exercise the esteemed privilege accorded me in these memorial ceremonies I remark that the flowers fade, the leaves fall, and men die. But what men are, what they think and say and do, does not, and should not, always die with them.

It was said in the olden time, "Debimur morti nos, nostraque;" that is, "We owe ourselves and all we are and have to death." But with this solemn declaration of the pagan philosopher we can not wholly agree. It is plaintively true that all who live are doomed to die. From that dread decree there is no appeal. But while it is true that the physical man perishes and passes by transmutation into other forms of matter, it is equally true that what he has thought and said and wrought is not always subject to annihilation and oblivion at the hands of the relentless monarch of the tomb. While the tangible and bodily man falls and vanishes from human view, the mental, the ethical, and the executive man continues to live and act in the record he has made. And so to-day, while honoring his name and memory, we would, with melancholy

pleasure, briefly enumerate some of the principles, sentiments, and virtues that actuated and adorned the life, and recount some of the services that distinguished the career of our late lamented friend and colleague, the Hon. ARIOSTO APPLING WILEY, who at the time of his death, June 17, 1908, represented as a Member of this illustrious body the second district of the Commonwealth of Alabama.

I say briefly, because I had not the honor and pleasure of an extended or intimate acquaintance with our departed friend. But during the time I knew him and served with him as a member of the Committee of this House on Military Affairs, extending through some months, I was especially impressed with his tranquil dignity of character, uniform but quiet urbanity of manner, and a pronounced gravity of demeanor. I have since supposed that his deep seriousness was superinduced by a sense of declining health and apprehensions of impending dissolution.

His varied literary attainments, his legal acquirements—being a lawyer by profession—his active energy, laudable ambition, punctilious integrity of character, and commanding social position all combined to make him the recipient alike of popular admiration and esteem, and of public honors, trusts, and responsibilities. And so it was for nearly twenty years he was almost continuously a member of the Alabama legislature, serving in both houses of that body and being chairman of the judiciary committees in each; was more than once a delegate to represent his State in the Democratic national convention, and was presidential elector in the national campaign in 1884. In 1898 he was commissioned a lieutenant-colonel of the Fifth Regiment U. S. Volunteer Infantry in the Spanish war, served nearly a year in Cuba, acting the greater part of that time as chief of General Lawton's staff and as civil governor of the eastern Province. Colonel WILEY was elected to the Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, and died in the eighth year of his incumbency in our great National Legislature.

And here I remark that in our estimate it is a distinctive and distinguished honor for any man to represent directly and immediately 200,000, and indirectly and remotely more than 80,000,000 of people in the lawmaking assembly and guiding power of this young but mighty, imposing, and expanding Republic. Our colleague died crowned with that exceptional distinction. And it was a delicate, a beautiful, and significant tribute to his name and memory when his brother, the Hon. OLIVER C. WILEY, was selected by the unanimous voice of his bereaved constituency to serve out the unexpired term for which he had been elected. What a gratifying evidence this is of the esteem in which he was held and of the influence he has left upon those who had known and honored him and whom he had loved and served so well. And thus was illustrated what was said in the beginning, namely, that while the physical man perishes and passes, his example, his deeds, his work, and his worth live after him. The best evidence of a man's merit is the influence he leaves upon the community in which he lives—an influence that may be happily transmitted from generation to generation.

To summarize: Our lamented colleague was a refined and cultured gentleman, a true and trusted friend, an exemplary and leading citizen, an accomplished and successful lawyer, an able and conscientious legislator, an ardent patriot, and a gallant soldier.

Finally, when all is said and done here, when we have rendered the last tributes of love and honor to the memory of our sacred dead, we are prone to philosophize upon what, if any, of another life may yet come to them and eventually to ourselves. But reflection soons tells us that the beginning and end of life are mysteries too deep for human thought to fathom and too inscrutable for human wisdom to illumine. "If a man die, shall he live again?" was the troubled inquiry of the prophet of old. And so it would appear that the infant of an hour has as much definite knowledge of the whence and whither of all things as the profoundest philosopher, propagandist, cosmogonist, or psychologist that has ever lived or ever died. And in our ignorance and blindness we cry out: "Whence did we come and whither are we going?" And the despairing answer comes back: "We know not! We know not! We know not!" And again we cry out: "Where are philosophy and reason? Can they give us no light?" Philosophy and reason? Why, they have encountered the mystery of the origin and end of all things, have made noble and valiant efforts for light, but as often have been baffled and beaten, and have fled the field of inquiry in despair. Is there nothing, then, to light and cheer our darkened way? Yes! Yes! Hope fondly whispers and Christian faith earnestly insists that there is a higher, a better, and more beautiful existence beyond this life. And if there is, as we believe, we trust that the departed spirit of our honored colleague is in that radiant realm—

Where the faded flower shall freshen,
Freshen never more to fade;
Where the shaded sky shall brighten,
Brighten never more to shade.
Where the sun blaze never scorches;
Where the star beams cease to chill;
Where no tempest stirs the echoes
Of the wood or wave or hill.
Where no shadow shall bewilder;
Where life's vain parade is o'er;
Where the sleep of sin is broken;
And the dreamer dreams no more.

Mr. CRAIG. Mr. Speaker, Alabama has been peculiarly stricken in the recent past. Since the beginning of the Sixtieth Congress she has mourned the death of two Senators and a Representative in Congress. Less than a year ago, sir, we met in this Hall to pay tribute to the memory of our venerable Senators, John T. Morgan and Edmund Winston Pettus. To-day we meet to honor the memory of our distinguished colleague, who joined with us in those tributes, but who himself was destined in a short time to follow them to that land of rest and happiness across the dark Valley of Death.

It is not for us, by our poor words, to consecrate to the State and Nation that we love so well the life, works, and character of our late colleague, ARIOSTO A. WILEY, for from his earliest manhood his life, his works, his character, in all that he thought and said, in all that he did, and in the performance of every duty, were consecrated to the State; and it is only left for us, in our weak way, to pay to him a tribute born of our love for the man and inspired by our admiration of his unwavering loyalty to his country and his duty, and his magnificent ability to represent in the highest and noblest manner the people of the whole Nation as well as those of his own district.

Beginning his public services as a representative in the legislature of Alabama from Montgomery County when he was but a young man, he was constantly, up to the time of his death, laboring in the cause of humanity and serving his country with undoubted honesty of purpose and ever-increasing zeal. As naturally as summer follows spring, his eighteen years of splendid service in the state senate and house of representatives of the State of Alabama carried him into the broader fields of legislative endeavor in the Congress of the Nation. His marked legal ability, his splendidly trained mind, and his knowledge of men and of the affairs of state made of him at all times a legislator of unsurpassed ability, while his love of truth and honor led him unerringly in the paths of legislative righteousness so dear to the hearts of the American people. We who served with him know how untiring he was in the service of his constituents. From morning until night he was looking after their interests in the different departments of the Government, before committees, and in the House; and night after night he could be found in his office continuing his labors when others had gone to rest, answering the correspondence of the humblest constituent as carefully and with as much pains as he would that of the most prominent and influential citizen of his district.

But his influence was felt not alone at the bar and in legislative halls. He believed that every American citizen owed to his country military as well as civil service. Applying that theory to himself, he served many years in the National Guard of Alabama. For five years he was captain of a troop of cavalry in Montgomery; and he served with the rank of colonel on the staffs of four governors of the State of Alabama.

Being thus fitted, is it strange that he should have answered the call to arms in 1898? Mr. Speaker, when the explosion in Habana Harbor which carried the *Maine* and her noble crew to the bottom of the ocean was answered in this country by the sound of the war trumpet, and our martyred President, William McKinley, flung to the breezes the Stars and Stripes and in the name of God and humanity called upon the country for volunteers, the men who had worn the blue, the men who had worn the gray, and their sons met under that banner as brothers, and among them was ARIOSTO A. WILEY offering his services to his country. His ability was at once recognized by the President. He was made lieutenant-colonel of the Fifth U. S. Immune Regiment. In this capacity he served an enlistment of eleven months in Cuba, his ability being recognized to such an extent that he was made the legal adviser of General Lawton and chief of his staff.

His influence in Cuba will probably be felt longest because of the splendid service he rendered that country and the world in the establishment of a civil government for the Eastern Province of that island, where he cooperated with Gen. Leonard Wood in bringing about a modern civil government, in accordance

with American ideas, in a country that had known nothing but Spanish oppression and native insurrection for centuries.

It is sad, indeed, to see a life such as his cut off in its prime, and it brings home to us in most forcible fashion the fact that, although our careers are what we make them, we know not the time nor the place of their ending.

It is a source of great gratification to us who knew and served with Colonel WILEY, that the people of his district unanimously selected his distinguished brother, O. C. WILEY, to finish out the term in this Congress to which he himself had been elected. In so doing the people of the second district of Alabama fittingly recognized the worth and ability of our present colleague, while, at the same time, paying a just and deserved tribute to his illustrious brother.

Mr. Speaker, Alabama mourns with the bereaved family of Colonel WILEY, and the whole Nation pays to him a just and deserved tribute for his magnificent service and his sterling character.

Mr. HOBSON. Mr. Speaker, we come to-day to pay tribute to the memory of one whom the Angel of Death has recently removed from among us.

The life and work of our late colleague, Hon. A. A. WILEY, has been dwelt upon by those who have already spoken, so I will only briefly mention a few of the characteristic traits of this distinguished son of our State. No one came within the range of his acquaintance but was impressed with his sympathetic kindliness. So generous and open-hearted was his nature that he almost seemed to radiate kindness, good will, and cheerfulness; for, indeed, he was one who loved his fellow-men as he was in turn loved by them.

Strong, courageous, and manly, he was never so busy that he would not turn aside to say a kind word or do a generous deed. Joined with his kindly sympathy was another characteristic for which he was noted—that of loyalty. Loyal to friend and country, he never failed to respond when either needed his services. Having prepared himself for usefulness to his country in time of stress by long service in the National Guard of Alabama, he early answered the call for volunteers to defend the Nation's honor in the war with Spain. During this brief but trying conflict I met him in Cuba and can bear personal testimony to his bravery and untiring devotion to duty. As legal adviser to General Lawton and chief of his staff, he rendered service to his country of which Alabama has a right to be justly proud.

His work toward establishing the civil government in Cuba in accordance with the principles of enlightened liberty showed him to be possessed of a constructive statesmanship equaled by few men of this generation. His career in the halls of the Alabama legislature and the National Congress was one of energetic usefulness, and the record of his service is praised so high that words can not add to it.

As a man, a soldier, and a statesman his name and fame will be perpetuated in the annals of Alabama and of our country.

Mr. WILLIAMS. Mr. Speaker, ARIOSTO APPLING WILEY, the friend of all those who would be friendly, a man who obeyed Solomon's injunction, "He that hath friends must show himself friendly," and the subject of this sketch, was born in Barbour County, Ala., in November, 1848. He was too young to enter the Confederate army, otherwise, judging him by his whole private and public record, he would have been found carrying a musket for his State, right or wrong, and for the historic cause of local self-government.

His funeral took place in Oakland Cemetery, near the site of the first capital of the Confederacy, Montgomery, Ala., on Saturday, June 20, 1908, his death having come after many days of sickness and suffering at Hot Springs, Va., on the 17th day of June, 1908, and just two days after the nomination by the Republican party of William Howard Taft for the Presidency of the United States. Nothing better illustrates the broad national and American and patriotic character of Mr. WILEY than the fact that this cultured and experienced nominee of an opposing party, even in the moment of success and triumph, turned aside to send this message to the city of Montgomery and to the people of the Second Congressional District of Alabama:

> Colonel WILEY was a patriot and a gentleman, with all the graces of good-fellowship that made him most dear to his friends. * * * I extend my sympathy to his constituents, who are deprived in his death of a most able, worthy, and conscientious Representative in Congress.

At the beginning of his congressional career, at a dinner celebrating his nomination by the Democratic party, Colonel Oates, an officer in the Confederate army, a former Representative in Congress, and later a governor of Alabama, had said:

> WILEY is one of the best fitted men to go to Congress that I ever knew. He will, in my opinion, make an ideal Congressman.

Thus the opinion of a great Republican at the close and of a distinguished Democrat at the opening of his political career as a federal legislator were in remarkable and true accord. Before coming to Washington he had had experience and training as a legislator, having been, since 1882, almost continuously in the house or the senate of the Alabama legislature, and having there taken and held a prominent place, as was demonstrated by the fact that he was chairman of the judiciary committee in both branches of the state lawmaking body.

The confidence of his people in him was further shown by the fact of his choice by them as a delegate to two national Democratic conventions and as a presidential elector.

He became a Member of this august body at the convening of the Fifty-seventh Congress, and was reelected to the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, the last time defeating a strongly organized opposition by a vote of nearly two to one, although in bed sick and unable either to go home to "meet his enemies in the gate" or to carry on a campaign by correspondence. I am glad that it was I who had the honor of recommending him to the Speaker for appointment on the two committees—on the Militia and on Military Affairs—and he did good service in both places, having, prior to his entrance into this body, had much experience and equipment by long and sympathetic identification with the national guard and the United States Army.

He was first a captain of a cavalry troop of the Alabama National Guard and later a lieutenant-colonel commanding the second regiment of infantry of the Alabama National Guard, and still later served in Cuba as lieutenant-colonel of the Fifth Alabama, U. S. Army, being one of the so-called "immune regiments." Here his energy, knowledge, and efficiency recommended him to General Lawton, who made him his chief of staff. His knowledge of law and of military affairs naturally suggested his appointment as governor of the Eastern Province in Cuba, in which position he did valuable work of a constructive and reconstructive character.

His identification with military affairs was made all the more complete and strenuous by the fact that one of his boys had chosen arms as a profession and career—Lieut. Noble J. Wiley, Fifth Artillery, U. S. Army.

Colonel WILEY graduated from Emory and Henry College, Virginia, and went soon afterwards to the bar, having meanwhile studied law. Like so many southern men soon after the war he took up his life-work penniless. It is said that when he moved to Montgomery and "hung out his shingle" he had just $30, and that yet he never wrote home for more, but managed to forge his own way from this start without further financially embarrassing his family.

His marriage to Miss Noble, of Montgomery County, counted for much in his happiness and success. No man had a sweeter, more attractive, or more aidful and sympathetic helpmate. It is one of the regrets of my life that, although appointed by the Speaker as one of the congressional committee to attend his funeral cortege, I was not able to be present and personally speak a weak but sincere and earnest word of condolence and sympathy to this distressed and widowed lady. I was far away at Pine Bluff, Ark., where I had been engaged to deliver a lecture.

ARIOSTO WILEY was earnest, life-loving, full of geniality, fond to extravagance of wife, son, grandchildren, and friends; open-hearted and open-handed to a fault.

Energy and "diligence in business," the virtue recommended by St. Paul, were perhaps his salient characteristics. He was a "human steam engine." While he preached nothing concerning a strenuous life, he lived it. He was simply untiring in his attention to his constituents' letters, wants, and calls, and to the detail work for them in the departments. His friends he served to the full length of his cable tow, and sometimes to its stretching. The minister who read the service over his grave referred feelingly "to his ability to make friends and to hold them." This best and most useful of all abilities he possessed in an exceptionally high degree. Other abilities he was not lacking in. The same minister—the Rev. Charles A. Stakeley—spoke of him as a "pillar which had fallen—a pillar of good deeds, of humanity, of brains, of leadership." His death has left a void in his city, his State, and in this body, and a heartache, never to be wholly cured, for his friends and his family.

The sun shone brightly on the day of his funeral, as it is apt to do on the funeral days of any of us, for nature takes no note of our births or deaths. It concerns itself not with us. And yet a generous human life is not utterly insignificant—far from it. In a moral and mental sense it is more significant than sun or stars, because it long outendures material things in that part of duration which we call "eternity," if not in that part of duration which we call "time." I have an indestructible faith

in the sweet doctrine of the author of Annabel Lee, the doctrine of the inseparability of immortal souls. This is the sole rational solace of wife, child, brother, or friend.

Mr. STEVENS of Minnesota:

Though modest, on his unembarrassed brow
Nature has written "Gentleman."

No one could have been associated with our late colleague, Col. A. A. WILEY, and not fail to have for him a sincere personal regard and a profound respect for his character and manliness. It was my privilege to know him as a member of the Committee on Military Affairs of this House, and from the first, I think, we all realized that his personal qualities and his extended and varied experience would not only be a source of enjoyment to his associates, but also of continuing and increasing value to his country. In addition, we always knew that his convictions were well grounded, and firm as the everlasting hills, and that he could always be depended upon to stand for what he conceived would be of lasting and general benefit to his countrymen. He was ever ready to devote himself to the cause in which he believed, whether in the field, in the forum, in the legislative halls, or in the seclusion of important work of the committees of which he was a member. But wherever he would be found and whatever his occupation, he always displayed those qualities of manliness and patriotism which won so strongly for him our sincere personal respect and affection.

The membership of this House is so large and the mass of work before it so great and the pressure for action so tremendous that the vast majority of its membership always realizes that the best and indeed only proper way to perform the important duties of our high office is to diligently and intelligently attend to the various details as they may arise in the daily business which comes to us. The true and sincere Representative is aware of this and daily adds his mite of duty well done to the volume of the similar services of his colleagues. This constitutes the bulk of the legislation and administration which control the activities and destinies of our 90,000,000 of people. The people do not always comprehend the immense importance and amount of those duties, many of them trivial, yet which must be performed, if our people shall be satisfied and encouraged to continue in their pathway of progress and prosperity. Colonel WILEY appreciated this duty and necessity to the fullest extent and devoted himself assiduously and conscientiously to the real needs of his people. He was proud of their achievements and wonderful successes, and he labored unceasingly that all the assistance the Federal Government could render in its various branches and departments should be made available to those under his supervision. He was equally ready to devote himself for other sections or individuals wherever he could serve them in this broad land. This liberality of action and generosity of spirit gradually gave him an influence and standing among his colleagues which must have been a source of great satisfaction to himself and redounded always to the welfare of his own people; because, after all, in most cases it is the real service to the people which will commend the Representative to his own constituents at home and to his colleagues in the House.

The abiding memories of our associates when they depart from us are not always from the public and official work they may do as for the qualities of themselves which they contribute to our membership. It is here that Colonel WILEY will long leave his impress upon those of us who were associated with him intimately within the committee room or less closely upon the floor. His constant courtesy and unfailing kindliness and good nature, his frankness and manliness and courage, his broad and liberal views of life and duty, and his lofty ideals of private and public character and service gave him always a position among his fellows of increasing respect and tender affection.

Stricken in life's prime, in the fullness of a splendid usefulness and fame, he left to his family a heritage "more precious than gold and a monument more enduring than brass."

When to last sleep we give ourselves away,
And in a dream, as in a fairy bark
Drift on and on through the enchanted dark
To purple daybreak, little thought we pay
To that sweet, bitter word we knew by day.
We are clean quit of it, as is a lark
So high in heaven no human eye can make
The thin, swift pinion clearing through the gray.

Mr. ELLERBE. Mr. Speaker, we come this morning to pay a last tribute to one who, less than a year ago, walked among us overflowing with energy, shedding on all around him the genial rays of his personality.

A man ambitious to achieve, not because of self-interest, but because he was the Representative of a people who had honored and trusted him, and who looked to him for the preservation of the best interests of the State he loved and served. Even while Colonel WILEY lay upon his couch of pain here in Washington his constituents were proving their love and appreciation by giving him an overwhelming majority over those who sought his place.

That love and approbation must have been sweetest balm to him in the hours when his very soul was tried with suffering. Colonel WILEY has been called the "ideal Congressman," and the title was earned by the broad statesmanlike qualities of the man, not by success in the usual political methods. He did little campaigning, it is said. Instead he devoted his time to the accomplishment of benefits for his district and State, and his people recognizing that deeds meant more than words, said to him again and again at the ballot box—

Well done, thou good and faithful servant.

Of Colonel WILEY's executive ability there can be no doubt. Wherever he went it was recognized and used.

Responding to his country's first call for arms after the tragedy of the *Maine*, he was sent to Cuba as lieutenant-colonel of the immune regiment intended for immediate service. But after Santiago was captured the soldier was once more merged into the legislator, and Colonel WILEY was commissioned to draw up the code of laws established in that Province. Upon his return from Cuba he again took up his public career. It would have been almost impossible for a man of Colonel WILEY's temperament and talents to have avoided the field of politics.

In Washington his friends included all who knew him, from the President and President-elect to the poorest office seeker who came asking favors, which, when possible, were always granted.

Here he lived and labored until stricken by the hand of disease.

Poets for ages have sung of the sadness of death when it comes to a man full of life and vigor, ready and willing to do a man's part in the world of men.

Yet the Greeks personified death by a beautiful boy crowned with immortal youth, and, somehow, that ideal seems fitting. It is more glorious to pass from the world ere the hand of Time has dimmed the eye or rendered the footstep unsteady; more glorious to pass into the land where each shall in fullest measure achieve his best ambition while that ambition is still thrilling his entire being.

Our friend, the soldier-statesman, has answered "the one clear call," and his bark has set forth to sea, but his life is the heritage of those he has left behind. The memory of his genial nature will be with us until to us, as to him, it comes, that "the golden bowl shall be broken and the silver cord be loosed."

Mr. SHERWOOD. Mr. Speaker, let me add a respectful tribute to the many splendid eulogies on our departed friend; eulogies by those who knew him best. My acquaintance with Colonel WILEY commenced with the opening of this Congress, in the December of 1907, in the Committee on Military Affairs. I was not long in his company until I appreciated his many manly qualities of mind and heart and his sincere and earnest desire as a legislator to promote right legislation.

I discovered early that he was a man of deep sympathy for his fellows and high ideals. Furthermore, his ready grasp of subjects under discussion in the committee and his concise and lucid presentation of his ideas impressed me from the first with the conviction that Colonel WILEY was not only strong in the ethical qualities, but a well-rounded and matured mental athlete.

The able and accomplished gentlemen of the Alabama delegation who have preceded me to-day have given a comprehensive recital of the successful public career of Colonel WILEY, to which I can add nothing. What I hope to say is that his example as a public man; his devotion to his people and his native State; his scope of vision to embrace his whole country in patriotic love; his courage to do the right, as he had knowledge to know the right, make his untimely death a calamity to his State and country.

We have never had in this country too many men of heart and brains and morals and courage in public life, and at no period in our history have men of this type been more needed than now. At no time in our history has there ever been a more urgent demand for just men of courage, patriotism, and ability on the floor of Congress.

It was our own poet of patriotism, Fitz-Greene Halleck, who wrote, in Marco Bozzaris, this pathetic and heartrending couplet:

Come to the bridal chamber, Death!
Come to the mother's when she feels
For the first time her first-born's breath! * * *
And thou art terrible!

But more terrible is the loss of a fully equipped man, mentally and morally, because his loss is not only to the family, the wife, the child, but to the State. The one loss to the other is as the rosebud compared with the full-blown rose, grown fragrant and beautiful in God's sunshine. And the example of a well-rounded man, of power and influence for the good of his fellow-man, does not attach to the new-born child.

One of the greatest of Athenian philosophers said:

Most of all, fellow-citizens, if your sons ask whose example they shall imitate, what will you say? For you know well it is not music, nor the gymnasium, nor the schools that mold young men. It is much more—the public proclamation, the public example. If you take one whose life has no high purpose and crown him in the theater, every boy who sees it is corrupted. Beware, therefore, Athenians, remembering posterity will rejudge your judgment, and that the character of a city is determined by the character of the men it crowns.

Two thousand years have elapsed since this classic was uttered, and it is still vital and valuable. The hope and ambition of our young men of to-day are fostered and fed by the character of the men the people of this Republic send into our highest legislative body. Colonel WILEY's example is a potent teacher to the young men of his district and his State. Example teaches without a tongue. It is silent, but its action for good is more forcible than words, however eloquent.

And I must not fail to commend Colonel WILEY's patriotism. He won his eagles in the war with Spain, but his patriotism was in harmony with the humane theory that the future of this country depends more upon the virtue and purposes of the people than upon a bannered army with shotted guns. On this topic let me dwell until I close this modest tribute to this prescient and beloved son of Alabama.

In the throes of human contention and fierce ambition came that mighty conflict of 1861–1865, from which a new Nation was born, and now, after long years, when the bitterness of strife has vanished, and we can calmly recount the common deeds of valor and devotion, the immortal flower song of the young English poet, James Collins, of over a century and a half ago, comes as a sweet solace to blossom in our hearts and lives:

How sleep the brave who sink to rest,
By all their country's wishes blest.
When spring with dewy fingers cold
Returns to deck each hallowed mold,
There honor comes a pilgrim gray
To bless the turf that wraps their clay.

Never before has there been such a spectacle in all the ages, since history was born out of the womb of the dead centuries, as when on Memorial Days, with the rose and the lily, North and the lotus and the magnolia, South, the men who wore the blue and the men who wore the gray clasp hands in fraternal kinship, remembering that God is good, and consecrating themselves to fraternity and unity and a mighty future.

It was Charlotte Corday who said that—

All true patriots will meet in the next world.

And Acton, a much greater prophet of human destiny, says:

No nation can expect to prosper and become great without ardent and devoted patriotism.

And let us, here in this historic Chamber, reconsecrate ourselves to that patriotism that was always so fervently typified in our dead friend—a statesman whose association and friendship added to our joys of living, and whose character and example gave us hope for higher ideals in government.

Mr. COOPER of Texas addressed the House. See Appendix.

Mr. TAYLOR of Alabama was called to the chair.

Mr. CLAYTON. Mr. Speaker, the Hon. ARIOSTO APPLING WILEY made his advent into federal politics at the beginning of the first session of the Fifty-seventh Congress, on the first Monday in December, 1901. He brought with him a long and successful experience in the public affairs of his State, and his subsequent highly creditable conduct fully justified the wisdom of his constituents in retaining him as their Representative until the end of his earthly career, which occurred on June 17, 1908.

Our deceased friend was born November 6, 1848, at Clayton, in the county of Barbour, in the State of Alabama. When 1 year of age he moved with his parents to Troy, Pike County, in that State, and there the son was reared to manhood. He received a classical education, having been graduated at Emory and Henry College, Virginia, an old and renowned institution, in June, 1871. Soon thereafter he read law, was admitted to the bar, and located in the city of Montgomery, the capital of his State, and there he began the practice of law in 1872. Early in his professional career he became the partner of the eminent jurist and celebrated wit, Judge Samuel F. Rice, formerly the chief justice of the supreme court of Alabama. This partnership lasted eighteen years, and until it was terminated by the death of Judge Rice.

The ability and splendid equipment of our friend, whose untimely departure we now lament, enabled him in almost the beginning of his work as a lawyer to be trusted with many important matters and litigation celebrated in the court annals of his State. He was several times a member of the legislature of Alabama, having been a member of the house of representatives and of the senate, and he was at all times while there a conspicuously industrious, able, useful, and influential public servant, and he left his impress upon many of the laws of his native and beloved Commonwealth.

The love of our friend WILEY for the law was hardly stronger than his love for the military, for he was possessed of the martial spirit and admired the glory of the field as intensely as the renown of the forum. He was at one time judge-advocate-general in the state military establishment, and afterwards served as its inspector-general and then twice as its chief of ordnance. When the war between the United States and Spain had been begun, President McKinley, recognizing the valuable military training and superior qualifications of Colonel WILEY, appointed him lieutenant-colonel of the Fifth Regiment of United States Volunteer Infantry, one of the so-called "immune regiments" organized under special act of Congress.

On June 17, 1898, he went with his command to Santiago de Cuba, his regiment arriving there just after the battle of San Juan Hill. He had been there only a short while when General Lawton, of the United States Army, the commander of that department, appreciating his extensive military experience and his superior attainments, appointed him his chief legal adviser.

Subsequently Colonel WILEY was assigned to the duty of acting as civil governor of Santiago. While in this position he framed a constitution that pleased the people of that Province, and tended to harmonize all discordant elements among the Spaniards and Cubans there. He organized the courts, and contributed more than any other man to the restoration of law and order in the eastern part of the island of Cuba. General Lawton was so much impressed with Colonel WILEY's qualifications and good work that he recommended his appointment to the office of brigadier-general, but the war ended before the recommendation could be acted on by the President. After eleven months' service in behalf of his country and away from home and loved ones, he was mustered out when his country no longer needed his services as a soldier.

This, Mr. Speaker, is a brief summary of the salient facts in the public life of our distinguished friend until he came and took his place in this body as the Representative of the people of the Second Congressional District of Alabama. What I shall say of his career here shall be no more than a short statement of a part only of his labors and accomplishments in behalf of the people of his district, State, and country.

He was always thoughtful, industrious, and diligent in behalf of his immediate constituents, who so often and so signally delighted to honor him.

When Colonel WILEY came to Congress there was not a rural free-delivery mail route in his district. At the time of his death there were more than a hundred established through his efforts. He succeeded in having a soil survey of about one-third of his district made under the auspices of the state and federal authorities. His diligence resulted in numerous agricultural experiments for the benefit of the great farming interests of his district. He secured liberal appropriations by Congress for the Alabama River and other navigable waters in his district.

He introduced and had passed a bill that gave relief to nearly a thousand homesteaders and their families on public lands which had become involved on account of the old land grant by Congress to aid in the construction of the Mobile and Girard Railroad. I have recounted but a small part of his services to his immediate constituency. He rendered to his people prompt and efficient service in their multitudinous private matters before Congress and before the several executive departments of the Government.

Mr. Speaker, it will be remembered gratefully by the surviving Confederate soldiers that through the efforts of our lamented friend a former distinguished Representative in this House, afterwards the governor of Alabama, and after that one of the old Confederate soldiers commissioned by President McKinley as a brigadier-general of the United States Army in the volunteer service, William C. Oates, was appointed by President Roosevelt to locate and to have the graves of Confederate soldiers who died in northern prisons appropriately marked.

Moreover, Mr. Speaker, he was a faithful and well-nigh a constant attendant upon the sessions of this House. He never neglected his duties before the committees of which he was a member. He was a conscientious and wise legislator, and did

much good in constructive effort, particularly in the enactments pertaining to the military establishment. The proceedings of his committee, his conduct, and his votes in the House furnish ample evidence of his great usefulness and witness his contributions to the legislation affecting the welfare of the country.

Shortly before his death his people selected him for the fifth time as their Representative in Congress, and thereby accorded to him the indorsement that this faithful servant richly deserved.

Here in this body his uniform urbanity, his ability, natural and acquired, and devotion to duty won for him a deserved and enviable reputation and the esteem of his associates. A conspicuous attestation of the great respect in which he was held was the telegram of sympathy on account of his death which was sent by Mr. Taft, who was then Secretary of War and who will be inaugurated President on the 4th of next month. With your indulgence, I shall read this telegram:

WASHINGTON, *June 17, 1908.*

The ADVERTISER, *Montgomery, Ala.:*

I am greatly shocked to hear of the death of Colonel WILEY, your Congressman. Colonel WILEY was a patriot and a gentleman, with all the graces of good fellowship that made him most dear to his friends.

He went with us on the Philippine party in 1905 and was beloved by all. He honored me with his warm friendship, and his death is a great personal loss.

I extend my sympathy to his constituents, who are deprived by his death of a most able, worthy, and conscientious Representative in Congress.

WILLIAM H. TAFT.

That, Mr. Speaker, is a just tribute from the gentleman who is now the foremost American citizen. No higher encomium can be pronounced than to say of our friend who has gone to the undiscovered country that he was "a patriot and a gentleman."

Now, Mr. Speaker, you will permit me to indulge in some observations of a more personal nature. I was born in the same county where our distinguished friend who has gone from amongst us first saw the light, and was reared within less than 30 miles of the scene of his early youth. It was my good fortune to know him intimately ever since I reached man's estate. I treasure most fondly and as a precious jewel the memory of this fact, and, therefore, the duty I perform here to-day is most melancholy to me. From time to time, Mr. Speaker, during my experience in this House I have had occasion to speak on the life, character, and public services of one friend, then another friend, and then still another, and again another, but I was not as intimate with any one of them nor indebted to any one of them for a friendship so long and unbroken, and I may say so sweet, as that friendship which existed between ARIOSTO WILEY and myself for many years.

It is a sweet reflection that this friendship was never disturbed for any moment during the long years which it covered. Often have I confided in him for his judgment and advice, and often it pleased me to render him friendly counsel and service. Perhaps I can truthfully say that, with the exception of his good brother who succeeded him in this Congress—and who has made an enviable record here during his short term—I knew ARIOSTO WILEY better than any other friend in Congress. My association with him always yielded me a large profit of pleasure. Accordingly, I can truthfully say that I stand here to discharge the most mournful duty that has ever confronted me while I have been a Member of this House. Would that I could portray what I believe to be a just estimate of this man, and speak a fitting tribute to his life, character, and public services.

Mr. Speaker, let me refer to our friend in some of his other relations in life. He was the devoted son of fond parents. The devoted son became the devoted and affectionate husband and father. His love and solicitude for every member of his family, including his brother who succeeded him here, was touching and exquisitely beautiful. He was gentle, brave, considerate, generous, and unselfish. Often have I heard the prayer fall from his lips:

Out of my selfish self, O lift me up.

I have attempted to portray some of the features of the character and career of this upright, noble man. He was scholarly, gifted with eloquence, and a learned and successful lawyer. He was a brave soldier and a true patriot. He was a wise and useful legislator. He was a valuable and faithful friend. He was a loving son, husband, father, and brother. His nature was gentle and his manner genial, and his heart was full of the tenderest and sublimest sentiments.

He has gone from our midst. He has solved the mystery of death and has unraveled that other mystery which we call life. His manly demeanor furnished an example worthy of emulation. His bright smile is now a fond recollection. His cheerful voice is silenced forever, but abides with us as the memory of a sweet song that has been sung. After life's fitful fever he sleeps. His lofty soul has gone to its reward in the celestial life.

He has done the work of a true man,
Crown him, honor him, love him.
Weep over him tears of women,
Stoop manliest brows above him.
For the warmest of hearts is frozen,
The freest of hands is stilled,
And the gap in our picked and chosen,
The long years may not fill.

EULOGIES ON THE LATE SENATOR ALLISON.

Mr. SMITH of Iowa took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The hour of 2 o'clock having arrived, the Clerk will read the special order.

The Clerk read as follows:

Ordered, That there be a session of the House at 2 p. m. Sunday, February 21, for the delivery of eulogies on the life, character, and public services of the Hon. WILLIAM B. ALLISON, late a Member of the United States Senate from the State of Iowa.

Mr. COUSINS. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 584.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM B. ALLISON, late a Member of the United States Senate from the State of Iowa, which occurred at his home in the city of Dubuque, August 4, 1908.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased and in recognition of his distinguished public service the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. COUSINS. Mr. Speaker, our custom of memorializing Members of Congress who die while in the public service has been commented upon extensively. Differing opinions are entertained in Congress itself, and more widely differing views throughout the country; but as for the observances of this particular hour, no question will be raised, either in or out of Congress, as to the propriety, the fitness, or the willingness of all our countrymen, and, indeed, of other countries, to set apart a portion of this day for opportunity to pay tribute to a statesman who served his country in the United States Senate for a longer period of time than any other man in all our history—WILLIAM B. ALLISON. That fact is prima facie evidence that he deserved the preferment bestowed upon him.

His Creator saved him and prolonged his life for nearly a full decade beyond the mark of three score years and ten—from March 2, 1829, to August 4, 1908—and all mankind, especially his countrymen, are wishing to-day that he could have been spared longer for continuance of his unprecedented usefulness.

Long before I ever held or dreamed of office, he was the first of the really strong men in public life whom I had opportunity of knowing, and he was the most unselfish and genuine friend I ever knew intimately in eminent and exalted station. He was like a father to all young men of his adopted State, and he never lost the loyalty of any one of them who knew him and who had any sense of gratitude.

Coming from Ohio, he fitted well into the hard-working, serious, and patriotic citizenship of Iowa.

Senator ALLISON, like most of us, had to work, and he always had sympathy for those of the younger generation who he knew were born to toil. He never ran ahead of the column. He stood shoulder to shoulder with his colleagues. He did not seek distinguishment, but deserved it always when it was bestowed upon him.

Thus he came into the confidence of all men—by modesty and honesty and industry and tolerance, and by such solicitous and faithful interest in the public welfare that all men the country over finally came to trust him and respect him.

First, a Representative in Congress for eight years; then, after one defeat, our Senator; then came the longest and most useful career in all our history—nearly thirty-six years in the Senate. Early in his senatorial career his ability was most fitly exercised in a sensible and practicable system of government for the District of Columbia, and then in an internal-revenue system that has survived throughout many years of trial with few improvements. Then at last he came to that great and large responsibility and usefulness of shaping tariffs and of appropriating necessary and stupendous sums of money for our foreign and domestic needs and obligations. And in that great capacity and practice he acquired a knowledge and familiarity that surpassed all others in our history.

With a memory that was marvelous, with industry the equivalent of our fathers', and with a mind intent upon equity and justice, he became the trusted counselor in fiscal affairs and in matters of appropriations, so that he was relied upon as the prudential adviser on the most intricate and difficult subjects of our Government.

The late Senator Hoar, of Massachusetts, writing his autobiography in 1903, six years before the death of Senator ALLISON, whom he knew well and personally for more than forty years, recorded this significant and deliberate estimate:

His chief distinction has been gained by a service of thirty years in the Senate. He was out of public life two years, and then was elected to the Senate, where he has been kept by the State of Iowa, maintaining the confidence of his State and of his associates in public life. During all that time he has done what no other man in the country, in my judgment, could have done so well. He has been a member of the great Committee on Appropriations for thirty years, most of the time chairman, and for twenty-six years a member of the Committee on Finance. He has controlled, more than any other man, indeed more than any other ten men, the vast and constantly increasing public expenditure, amounting now to more than one thousand millions annually. It has been an economical, honest, and wise expenditure. He has been compelled, in the discharge of his duties, to understand the complications and mechanism of public administration and public expenditure. That is a knowledge in which nobody else in the Senate, except Senator HALE of Maine and Senator Cockrell of Missouri, can compare with him. He has by his wise and moderate counsel drawn the fire from many a wild and dangerous scheme which menaced the public peace and safety.

On the day when this great friend of all of us departed it happened I was traveling in a foreign land. A clergyman of that country, reading from a paper, said aloud, "Another good man gone, ALLISON of Iowa." Observing my concern, although a stranger, he passed to me the paper containing the dispatch that chronicled the sad and sudden information. It was impossible for me to reach our State in time to lay a flower upon the most distinguished and respected grave which the city of Dubuque has ever known, and I am content that I never saw the face of Senator ALLISON after his serene and amiable spirit had departed.

There never was in all our world a kindlier countenance than his when animated with the glow of life and health and with that peculiar cast of gentle and serene nobility. His intelligent and lofty spirit shone always in his faultless face, and his hand was always warm with a fatherly and genial grasp.

It was my great, good fortune to travel with him in many countries of the world and likewise here at home. Even when nearly 80 years of age he was a most interesting companion, better than most of the young men of our day, because his memory was stored with rich and vivid reminiscences of early days and of public life and characters. The proprieties of this occasion do not offer opportunity for details of his conversations, but the memory of them shall never be obliterated.

His life, as indicated by his countenance, was noble and serene, even to the very last of his useful and unselfish service; and save for one or two unspeakable political attacks which emanated from a debauchery of our modern journalism, his great and generous heart was never hurt by hostile comment.

The fertile and appreciative State of his adoption registered most emphatically, not long before his dying hour, pronounced approval of his life and noble services.

After more than forty years of powerful and devoted service to the Nation, thrice bidden to the Cabinet, once almost nominated for the Presidency, he stood at last a master in the consideration of the details of free government amongst a great constituency and amongst his colleagues in the Congress, as a mighty oak tree stands in the midst of a forest, bending at times and bowing with lofty and respectful salutations and with stately and dignified humility, which always and forever in our world betokens wisdom.

We scarcely dare inquire of history what shall finally be the destiny of the republics of our world; but with such lives and characters as the wise and patient one whom we memorialize to-day, the generations of the future centuries may look backward with all confidence upon an example of intellectual industry and honesty, and then look forward with an inspiration that should lift them to a greater and a nobler destiny and, maybe, to an approximately perfect day, when intelligent and modest righteousness may govern in our world.

Mr. HEPBURN. Mr. Speaker, my personal acquaintance with Senator ALLISON covered a period of more than fifty years. I met him very shortly after his removal to the State of Iowa, in the city of Des Moines, during the first session of the general assembly ever held in that city. With him I assisted in casting the vote of Iowa in the Republican national convention of 1860 that nominated Abraham Lincoln for the Presidency. During a long portion of these fifty years of which I have spoken I knew the late Senator intimately, and I have often thought that he was most fortunate in the period of the world's history in which his great services were rendered. He was fitted for service in that period by his early life and early associations. He was born and reared and educated in the Western Reserve. Gentlemen who are familiar with the history of that portion of our country know that in that region flourished as in no other portion of the United States, fifty or more years ago, that love of liberty, that discussion of liberty, of equality of men, of their rights under the Constitution and under the broader constitution of God's law, developed later in the terrific strife and in the adjustment of the questions settled later, calling for the exercise of the highest possible genius.

Senator ALLISON'S first political thought came at a time when men were discussing the wisdom of the legislation known to be embodied in what was then called the "Kansas-Nebraska bill," the discussion that brought bloodshed, chaos, and anarchy into one of the Territories that challenged the attention of the world, that led to civil strife and to all of the sanguinary scenes on the battlefields in this country between 1861 and 1865. He did much in the organization of armies, or at least the operation of the great armies that participated in that struggle. He served as a special aide to the governor of Iowa in the raising of troops during the period when 45,000 men were put into the field—40 per cent of the entire military force in that State.

One can readily see that in this sudden transition from the days of peace to the days of war, calling for such great musterings of men, great effort was required.

Senator ALLISON, after the raising of this vast force, took his seat in this House and served continuously for eight years. During that period every question that was involved in the legislation that led to that outbreak of war, to the conduct of that war and to that pacification of the country that resulted from reconstruction of the States after the war occurred, and all were familiar to him, just as was all of that legislation that involved the building up of the resources of the country, prostrated as it was by the expenditure of so many billions of money, and the loss of so much of the vital and wealth-creating forces as this country suffered during the four years.

Senator ALLISON was familiar with all of that earlier legislation. He was familiar with all the efforts resulting in constitutional amendments. He was familiar with all of that legislation that gave us the sinews of war to successfully stand the expenditures of three and one half million dollars in a day. He did much toward that pacification of which I have spoken—that reconstruction of States. It gave to him a wonderful advantage, first, because most of the themes that were discussed were emotional themes in a great degree; the theme of liberty, of equality, of the rights of men under the Constitution and the laws of nature. The necessity of preserving the Federal Union, the certainty of destruction to the individual States should their bond of union be severed, all of these questions, familiar to him, enforced upon him by study, by observation, by feeling, by conscience, enabled him to know and not merely to assume or guess.

There is an idea among men that Senator ALLISON was a man who lacked positiveness, and many anecdotes are told of him, often mere matters of fancy, that would indicate his lack of positiveness. And yet I undertake to say that among all of the distinguished characters that this country has produced, with regard to matters of importance, matters that he had thoroughly weighed, where he had arrived at a conclusion, there was no man more positive than he was. His convictions were to him a certainty about which he had no difficulty or hesitation in giving expression. A cautious man, not giving a hasty conclusion, he waited until the arrival of that condition of thought that was the result of study; and when it came, the conviction was one that he did not hesitate to express.

I think that probably the times in which he lived gave him this power. He was aided in it, too, by the certainties that he had in his mind. The man who lives in public life after this and who desires to know of the stirring events that were in the life of Senator ALLISON must go to the records; research alone can enable him to secure that fund of information that will be the basis upon which conclusions must be built. Not so with the Senator. All these great questions were part of his life; all of these great questions were happenings of his daily occupation. He simply had to indulge in introspection, and stored away in the pigeonholes of his memory were all of these great facts that made him so useful in his day and generation.

It is not claimed by the friends of Senator ALLISON that he was a brilliant genius. But those who knew him best know no man of all his contemporaries was more useful to his country than was the late Senator. He was a man who did not

beget love, but who did invariably inspire respect and confidence. The best proof of that is to be found in the almost reverential manner in which his colleagues regarded him. Reference has been made to his unselfishness.

He was always willing that every one of his colleagues should have his full share of whatever there was that he thought might be beneficial to him. He was always ready to cooperate with his colleagues in seeing to it that their rights were observed, and that was one of the secrets of his strength; that was one of the reasons why the people of Iowa were content—aye, more than content; glad—seven times to express their preference that he should be their representative in the Senate of the United States. He never had controversies with his colleagues. He always had the support of them all. Can you think, gentlemen, of any time in all of the history of our State and its political contentions when those gentlemen that served in the Congress of the United States with him were not ready to testify to his worth and ready to assert their content that he should still be the head of the column?

Mr. Speaker, he was a great character; great in his life, useful in his life, and useful in his death; because his life and character will be an inspiration to many and many a youth, teaching him that the door of opportunity here is wide open to all who have the courage and the energy to serve and to achieve.

Mr. CLARK of Missouri. Mr. Speaker, Missouri and Iowa are two of the greatest States carved from the Louisiana Purchase. They lie side by side and are bound closely together by ties of interest and of blood. Iowa's first two United States Senators were Missourians—Col. George W. Jones and Gen. Augustus Cæsar Dodge. Both were from Ste. Genevieve, Mo., in which town, when it contained not over 1,000 inhabitants, lived simultaneously six men and boys destined for the high distinction of serving in the Senate of the United States. The most renowned of the six was Col. Thomas Hart Benton. When Senators Jones and Dodge arrived in Washington to take the oath of office, they discovered, to their dismay, that they had lost their credentials. Colonel Benton, the dean of the trans-Mississippi delegation in Congress, who had known them in their youth, smoothed their way by moving that they be admitted without credentials, and it was so ordered.

Though a majority of Missourians are, and always have been, of different political faith from Senator WILLIAM BOYD ALLISON, we have always agreed with Iowans in pride in his blameless life, his high character, his fine ability, and his conspicuous career. He was Missouri's neighbor and her friend.

A well-informed Missourian can not think of Gen. Francis Marion Cockrell without also thinking of Senator WILLIAM BOYD ALLISON, and a well-informed Iowan can not think of Senator ALLISON without also thinking of General Cockrell, because these two eminent men for more than a quarter century were bosom friends and alternated in the powerful position of chairman of the Senate Appropriations Committee.

Senator ALLISON served longer in Congress than any other man in the one hundred and twenty years under the Constitution, a total of forty-three and one-half years, eight in the House and thirty-five and one-half in the Senate, thus leading Senator Justin S. Morrill, of Vermont, by a few months. Senator Morrill served ten years in the House and a little over thirty-two years in the Senate. They and Gen. John T. Morgan, of Alabama, are the only men ever elected for six full consecutive terms to the Federal Senate. Death alone prevented Senator ALLISON'S election for a seventh full term, as he had been nominated for that unprecedented honor.

Colonel Benton was the first Senator to serve five full terms. He was for a long time popularly known as "The thirty years' Senator," and when he wrote his invaluable book he entitled it "A Thirty Years' View." His record was never equaled till March 4, 1897, when Senator Morrill began his sixth consecutive term in the House of the Conscript Fathers. Only Senators WILLIAM BOYD ALLISON, Justin S. Morrill, John P. Jones, Francis Marion Cockrell, and John Tyler Morgan have equaled Benton's record for consecutive senatorial service. In addition to these, only John Sherman and William M. Stewart have equaled Benton's length of senatorial service. Missouri is the only State that has given two men thirty years of senatorial service each. Benton was defeated for a sixth term because he quarreled with his party, and Cockrell was defeated for his sixth term because the political complexion of the Missouri legislature was accidentally changed.

In passing, it is both apropos and interesting to state that only three men have served more than thirty years in the House: Judge William S. Holman, of Indiana, General Ketcham, of New York, and Mr. Speaker CANNON. On the 4th of March General BINGHAM, of Pennsylvania, will enter upon his thirty-first year of service in the House.

The chances are that it will be one hundred and twenty years before another man equals Senator ALLISON'S length of service in Congress. In order for his career in that regard to be duplicated, there must be a man worthy of the place and more popular with his party than any other man in his State, and it must also happen that his party holds the legislature continuously—at least control it every time his successor is to be elected. It is rare that one party controls the legislature of a State continuously for thirty years. Indeed, at one of his reelections Senator ALLISON won by only one vote. In Great Britain several men have served longer in the House of Commons than Senator ALLISON has served in Congress, but their system is different. There a man may be elected by any constituency. Here he must be a resident of the State from which he is elected to serve in either branch of Congress. In that way the British always keep their strongest men in the Commons. At the last general parliamentary election the Liberals made such a clean sweep that the leader of the Conservatives was defeated in two districts and was compelled to appeal to a third before he could be elected. It was hinted that he was elected even then only through the connivance of the Liberal chieftains.

For a score of years Senator ALLISON was a presidential possibility, and for a decade a presidential probability. It has been frequently stated that but for the objection of one of the present Senators, who was himself a candidate for the presidential nomination in 1888, Senator ALLISON would have been nominated instead of Gen. Benjamin Harrison that year. At least twice was Senator ALLISON pressed to accept a Cabinet portfolio. He refused the tempting offers.

In the summer of 1899 I had the extraordinary and highly prized experience of conversing with two illustrious Americans now gone to their reward—Hon. James Harlan, of Iowa, the last man nominated for a Cabinet position by Abraham Lincoln, and Judge John H. Reagan, of Texas, then the only survivor of the cabinet of Jefferson Davis.

I happened to speak in the beautiful little city where Senator Harlan resided. After the speaking, somebody told me at the hotel that the Senator, then a feeble man, was pleased to have visiting public men call on him. So I asked my informant to arrange an interview, which he did.

Senator Harlan had gone from the Senate to the Cabinet, and had the rare good fortune to go from the Cabinet back into the Senate.

So during the conversation I asked him if a man in the prime of life who liked a political career, being in the House or Senate and feeling that he had a good chance of remaining therein, would be wise in exchanging it for an appointive position.

He replied that he had been unusually fortunate in being sent back to the Senate after leaving it for the Cabinet, and his advice to such a man as I described would be not to exchange a seat in House or Senate, provided he held it by what appeared to be a certain tenure, for any appointive position except the Chief Justiceship of the Supreme Court of the United States or for any elective office except the Presidency of the Republic. Most assuredly that was a high estimate to place on the value of a seat in either House of Congress. Whether Senator Harlan ever communicated that idea to Senator ALLISON I do not know; but I do know that Senator ALLISON'S conduct was in harmony with Senator Harlan's idea.

Senator ALLISON was not in the lime light as much as several of his senatorial contemporaries, for there was no element of the spectacular in him, but he accomplished more perhaps in the way of legislation than any of them. Wherefore? Because he was conservative in all things, extreme in nothing; conciliatory, not aggressive; kind and affable in manner; he took things by the smooth handle; he acted on one-half of a famous adage by speaking softly, even if he did not carry a big stick. In the constitution of his mind and by habit he was as much of a compromiser as was Henry Clay, and when we remember that most legislation is by compromise, we can readily understand his success.

To him belonged the blessing vouchsafed to peacemakers in the Sermon on the Mount. His country owes him much, because through his conciliatory tactics many valuable laws were placed upon the statute books. His party owes him more, because, by gentleness and skill, by patience and forbearance, he composed many quarrels and feuds within the political family to which he belonged and which, if not composed, might have rent the party in twain. It is said that his constituents will erect monuments to his memory in both Iowa and the city of

Washington. He is well entitled to both. He served them well, and they honor themselves in honoring him. In this beautiful capital of a mighty Nation there are too many statues of soldiers and too few statues of statesmen; for "Peace hath her victories no less renowned than war."

Iowa has always been rich in public men. She has ever had and now has one of the strongest delegations in House and Senate. She has given to the service of the Republic many soldiers, jurists, orators, and statesmen. It is no exaggeration, no flattery, to say that of them all Senator WILLIAM BOYD ALLISON achieved the widest and most enduring fame.

[Mr. CANNON addressed the House. See Appendix.]

Mr. HULL of Iowa. Mr. Chairman, Senator ALLISON, for more than half a century as a citizen of Iowa, endeared himself to all by his courtesy, his ability, and devotion to the duties of high station. In his death the State lost her most distinguished son and the Nation one of her ablest and most trusted leaders.

My acquaintance with Senator ALLISON practically began when I came to Congress as the result of the election of 1890. I knew him before that as a great Senator, as a public servant in whom the people of the State had absolute confidence, but I have always felt that my real acquaintance with and knowledge of the man began with the relationship which comes to those who are working in harmony in the great legislative body of the Senate and the House.

As a new Member of Congress, I went to him for advice and counsel, and never in vain. Generous, considerate, kind, and wise, he helped every one of his colleagues who needed his assistance. To my mind a misconception, even in his own State, has grown up in regard to his characteristics and the habits of his mind. One of my colleagues earlier in to-day's proceedings referred to the fact that he was called and thought of by certain men as without firmness; in other words, accusing him of being a "trimmer."

After an intimate acquaintance with Senator ALLISON for the last eighteen years, I want to say that that charge against him is absolutely without foundation. He accomplished great results without the blare of trumpets and sounding of drums; he accomplished greater results than would have been possible if he had gone at the business he sought to accomplish by first arousing antagonism. He served his country not only during the time and stress of the civil war in this House, but he served his country in the Senate of the United States when great problems affecting the credit of the Nation were involved, and in place of antagonizing in trying to accomplish what we all now agree upon without regard to party as being right, he sought to avert the danger of impairment of the credit, depreciating the currency, by compromise that avoided an infinitely worse condition of affairs than those brought about through his efforts.

I think the great Senator from Iowa, by his ability to manage and harmonize and bring together conflicting interests, performed service to his Nation that has not been excelled in all the years of its past. Without his guidance the Republic would have gone upon dangerous rocks.

The first time I met Senator ALLISON was during his first canvass for the Senate of the United States. He was defeated in that campaign. Another distinguished Iowan was selected. In the next vacancy he was again a candidate, and successfully, and from that day on during his political life Senator ALLISON never was compelled to attend a session of the legislature in order to secure his reelection. The people of Iowa saw to that. His work in the House had given a broad foundation on which he could build his future political activity. His work in the Senate commended itself to the people of his State so that he stood without a rival in their affections. During all this long leadership his voice was always for harmony among his associates and for justice to all the people.

It is a pathetic figure that I recall to-day of only a year ago when, stricken with disease, he was attending to the duties of his high office and the discharge of the responsibility of his great leadership in the Senate with the idea among some that the people of Iowa were tired of his services. Without complaint and without a moment's hesitation he pursued the even tenor of his way, discharging with great ability all the duties of his commanding place in the Senate. When doubt existed on some lines of legislation—the Congress and the Executive not in full harmony—the great Senator from Iowa pointed the way to harmony and success.

Nothing could induce him to desert his post in the Senate of the United States. Nothing could induce him to say a word of criticism against any member of his party in his State. He toiled on here until the very day of the adjournment, in the early part of June; and I know it is a gratification to every citizen of our great State, without regard to party, without regard to faction, that the people of that great State of the West, by a majority vote, gave him a certificate of confidence that was the greatest comfort to him in the last months of his life.

Mr. Speaker, Senator ALLISON lived for fifty years in the city of Dubuque. Senator ALLISON lived for half a century in the State of Iowa. When he was called to pass to the other side, the people of the State and the people of his city, in the outpouring of mourners at his grave, gave absolute proof that he stood foremost in their affection, not only as a statesman, but as a man.

He had peculiar ability as a statesman; he had most winning qualities as a man; and it seems to me, when you balance up his great life, a life of public service far beyond what is usually given, that you must, when you see the affection for him which was held by the people of Dubuque, many of whom had known him from their infancy to their manhood and womanhood; when you see that great outpouring of people, regardless of party, regardless of faction, all bearing tribute of their love at his last resting place in the cemetery of that city of his choice, overlooking the majestic Mississippi River, near his old friend and associate, Colonel Henderson; when you see this you can say, "Here was a man."

And it does seem to me, Mr. Speaker, that in the estimate of his life, in the estimate of what he has done, more time must elapse before a true and just estimate can be made. We are too near to many of the great measures he fought to enact into law; but in the lapse of years the students of history will see that this unpretentious Senator from Iowa, this great Senator from Iowa, this constructive statesman of the United States, will take his place among the great public servants of the Republic, and his name will be revered more and more by all students of our political history as the years go by. That those who come after him may be as conspicuous in ability, as strong in leadership, as true to conviction, is the earnest hope of all citizens of our great State.

Mr. BIRDSALL. Mr. Speaker, Hon. WILLIAM BOYD ALLISON was born on a farm near Perry, Wayne County, Ohio, March 2, 1829, and died at his home in Dubuque, Iowa, August 4, 1908. His childhood days were spent like those of other country boys, in labor upon the farm and in attendance upon the district school. He then attended Allegheny College, at Meadville, Pa., and the Western Reserve College, at Hudson, Ohio. In 1850 he began the study of law at Wooster, Ohio, and the following year was admitted to the Wayne County bar.

The commencement of his political career was as a delegate to the Ohio state convention in 1856, which convention supported Fremont for the Presidency.

In 1857 he came west to Iowa and located at Dubuque, immediately entering upon the practice of his profession, in which he continued actively engaged until elected to Congress. He was an able lawyer, and the published records of the Iowa courts attest the fact that he was engaged as counsel in many important cases. Mr. ALLISON had, however, a natural aptitude for politics, and soon established himself in the confidence not only of the people of his immediate community, but of the State at large. In 1860 he was sent as a delegate to the national Republican convention at Chicago, was one of the secretaries of that convention, and aided in the nomination of Lincoln for the Presidency.

ALLISON was an early friend of Hon. Samuel J. Kirkwood, the war governor of Iowa, and upon the breaking out of the civil war was appointed a member of his staff and rendered valuable service in recruiting and enlisting a regiment in northeastern Iowa for the war. In 1862 he was elected to Congress and served by successive terms until March 4, 1871, declining reelection. He was promptly elected to the Senate of the United States for the term commencing March 4, 1873, and served continuously in that body until his death, on August 4, 1908.

In June, 1908, he received the indorsement of the Republican party of Iowa for reelection as his own successor for the term commencing March 4, 1909.

His term of service in the Congress of the United States is exceeded by that of but one other man in the history of our Nation, and his term of continuous service in the Senate exceeds that of any other man who ever served in that great body.

What a period in American history, my colleagues, is covered by his service here and in the Senate. With what events and what names his career is indissolubly connected, and how intimately he was associated with them. When he entered this House the clash of arms resounded throughout the Nation; brother was battling with brother in internecine conflict; the Constitution was being sorely tried by the convulsions of a Nation engaged in purifying itself. He saw that Nation redeemed, the Constitution sustained and made supreme in the

land. He lived to see the clouds of error pass away, the mists of prejudice and passion dissipated. He lived to see a government of the people, this monument to liberty and human freedom, wrought out through so much blood and treasure, builded upon a safe and secure foundation among the nations of the earth.

He helped to adorn the entablatures of that monument with the best fruits of peace and national progress, and to transmit it to posterity unstained and undimmed, carved with an imperishable record of valor and achievement.

In this House he was the colleague of Blaine, Stevens, and Garfield. In the Senate, of Bayard of Delaware, Logan of Illinois, Morton of Indiana, Ingalls of Kansas, Hamlin of Maine, Conkling of New York, Sherman and Thurman of Ohio, Cameron of Pennsylvania, Edmunds and Morrill of Vermont, Howe of Wisconsin, and other great men whose names adorn our history for the past thirty-five years.

Thrice offered Cabinet positions, he thrice refused, preferring to remain in the Senate and in the service of that great State whose people had learned his worth and loved and honored him.

He was the trusted counselor of Presidents and Cabinets from Lincoln to Roosevelt. No narrow system sunk him to the vulgar level of the politician. No domestic difficulties, no domestic weakness, surrounded him; but, aloof from the sordid occurrences of life, his sole ambition was the welfare of his country, and to this end he gave a lifetime of unremitting toil. He was a master of tact, and succeeded in subduing conflicts in the Senate when genius and talent failed.

He was for peace, but never at the sacrifice of principle. A leader in his party, seeking no self-advancement, his counsels were respected and his advice usually followed. He was the peaceful Warwick of American politics.

The handiwork and brain work of Senator ALLISON, found running through the statutes of the past forty-five years, attest his industry and capacity as a statesman and legislator. Our laws are but a reflex of the policy and manners of the age in which we live, and furnish the only reliable index to posterity of our achievements. The Tables of the Hebrew law, the Institutes of Menu, the Code of Justinian and that of Napoleon alike, furnish but a reflection of the genius, habits, civilization, and morals of a people. So the past forty-five years of American progress, the habits and morals of our people, will be reflected in the statutes of its lawmakers.

He was a moderate in legislation, but neither a laggard nor obstructionist. He loved the Constitution and believed it the ark of our safety, but welcomed reforms along any lines that could be safely pursued within the limits of our fundamental law. He welcomed progress, but also held fast to that which had been found sound and safe in governmental action and had little patience for those who wanted to see if the machine would run when broken.

Mr. Speaker, as a Nation we are set upon a hill in sight of all the other nations of the earth. We are working out here an experiment in self-government upon a scale never before attempted anywhere on earth. Ninety millions of people now—200,000,000 at the close of the present century—scattered over an area as large as all Europe, with a climate and with interests as diversified as are those of England and Russia, Norway and Spain; it is for our posterity to determine whether this vast population will hold together under the forms of a republic or whether centralization will get the better through actual or disguised monarchy; whether shifting corruption is better than permanent bureaucracy; and as our great cities increase in population the specter of want and the gaunt figure of famine will stalk through the land and socialism and communism claim to be heard. Truly, America has a great future before her—great in care, great in toil, great in responsibility, great in true glory if she be guided in wisdom and righteousness; great in shame if she fall.

Well for us and our posterity if men of the ALLISON mold shall shape our destiny as a Nation and are on guard to pilot the "ship of state."

Senator ALLISON was a gentleman of the old school, a philosopher of the new school, with the manners of Chesterfield and the learning of Parr, and combined with it all the gentleness and modesty of a woman. He was a worker.

He honored toil and dignified labor because he knew that within its warp and woof was contained the destiny of mankind. He had received the poor man's heritage, "Strong hands and a still hardier spirit."

Reared upon a farm, it was there amid the fragrance of the clover blossom and the perfume of a thousand flowers, where reflection went hand in hand with honest toil, that were laid those habits of industry that became the chief characteristic of his after life. By the light of the faggot he commenced in early life to store his mind with useful knowledge and in all his years kept garnering to that fund until his mind became a vast storehouse of information useful to his fellow-men.

The faculty of his mind for detail seemed infinite, and I believe it can truthfully be said that no other man in the public life of the Nation, either past or present, possessed so much knowledge of the intricate details of government. An event, a fact, a figure once impressed upon his memory seemed to be indelible and always capable of recall at his command, enabling him, though not an eloquent man, to express gigantic sentiments of instructive wisdom.

Mr. Speaker, the ancients deified their great men by dividing the stars into constellations named for them, that their memories might ever be before them; later pyramids and obelisks were built for the same purpose. Now monuments and commemorative tablets are erected to perpetuate the memory of the dead; but the greatest monument to any man is that builded by his own hands and engraven on the hearts of the people.

Three generations of men in the State of Iowa have known and loved Senator ALLISON, and his name and memory are engraven on the hearts of our people.

On the day when his remains were taken to their final resting place his home city was in mourning; business suits were hung in the closet; not a wheel in a factory stirred; not an office or place of business opened its doors. Thousands of people lined the way from his home to the cemetery, and with bowed heads attested their regard for a neighbor and respect to his ashes, while throughout our entire State a great and grateful people, their pulses beating in mournful unsion, paid reverential homage to our illustrious dead.

The record of his life will furnish an inspiration to youth, a lesson to age. A public life unsullied, a private life stainless as the stars, for he can say unto his heavenly friend, "I have kept unfringed my nature's law; the only written chart thou gavest me to guide me I have steered by to the end."

Amid the vicissitudes, allurements, and temptations of public life he demonstrated "that even in a palace life may be led well."

He died in the fullness of his years, ripe for the sickle, and ready for the Reaper. The world is better for his having lived; heaven will be richer for his having died.

With what further forms shall the great law of change and progress clothe its workings, gently so have good men taught into the new, the eternal flow of things, like a peaceful river of the fields of heaven shall journey onward in perpetual peace.

Mr. HAUGEN. Mr. Speaker, time will not now permit me to say all that I would like to say of the life, the services, and character of this great, grand, and noble man; but Senator ALLISON'S public and private life, as well as the character and magnitude of his public work, have been so eloquently and well described by his friends, both in the Senate and House, that I will not particularize as to his eight years of service in the House and thirty-five years in the Senate, but will confine myself to a brief, but sincere and loving tribute to his memory; not as a formal duty, but as a heartfelt tribute of affection—to speak of him as I knew him; to speak the truth as he would have one speak of him. Knowing him intimately, and admiring him as I did, and having studied his grand life and character, I know that if he could have a voice as to the character of this day's exercises, with his sense of propriety, his high regard for truth, honor, modesty, dignity, and integrity, he would not countenance false praise or desire that he be pictured in other than true colors.

With a life so bright, a character so pure, so many grand and noble qualities manifest in every walk of his life, both private and public, we have sufficient material to draw from to paint the most beautiful picture of a true man imaginable. I got to know him well, and the better I knew him the more I adored him—the more I loved and felt for him.

I first met Senator ALLISON about thirty years ago. He had the usual experience of men in politics, and especially of men who do great things well. He was then misrepresented, maligned, and made the target for criticism, abuse, slander, and libel invented by malicious enemies; but his onward and upward march was not to be impeded; he could not be despaired, nor could his usefulness be destroyed. Violent and unjust criticism was entirely ignored and disregarded; he steadily worked along the lines of duty as he saw it; misconception and misrepresentation of his purposes vanished; year by year he became stronger; the whole country came to understand that he was a great man and worthy of the most implicit confidence. Notwithstanding the fact that he was thus maligned, misrepresented, and misunderstood, his noble character, his patriotic and faithful services endeared him to his countrymen and gave him a most prominent place of honor, not only in our country's

history, but in the hearts of the American people as a statesman, a citizen of the highest type of character, and as a pure, grand man. He was held in most exceptional esteem and admiration by not only the people of his own great State, but his popularity went far beyond the borders of his own State and country to remote parts of the world.

Twelve years ago, when a member of our state legislature, when Senator ALLISON came up for reelection to the United States Senate, and was also prominently mentioned for President of the United States, I first became intimately acquainted with him. He was then at the zenith of his power, both mentally and physically.

Like most great men, Senator ALLISON was plain, simple, unassuming, unpretentious, and unselfish. "Simplicity belongs to greatness."

He was a thorough, kind, and obliging gentleman, of ability, purity, integrity, and the highest type of character; always genial, kind, cheery, generous, patient, considerate, and helpful to others. He always had a kind word for all, and was always ready to lend a helping hand, not for selfish purposes, but that he might the better serve them; not aggressive or sentimental in his methods, but always calm, patient, and industrious, with a clear, broad mind, good judgment, and keen vision, ever seeking to secure the best practical results. His natural talent, his good common sense; yes, his uncommon good common sense and intelligent honesty, so correctly described and beautifully pictured by the Speaker; his large store of knowledge of the needs and resources of this Government, acquired during his long term of service in the Senate, prepared by eight years in the House of Representatives; his good judgment; his never questioning integrity; his unswerving fidelity to public interests; his unfaultering faith and rectitude of purpose, dominated by the noblest and loftiest ideals; his firm determination to do justice and right; and, above all things, his abiding devotion to truthfulness, always shunning deceit, conceit, and cunning practices, made him an unusually popular and valuable servant to his country.

He was blessed with extraordinary intelligence, endurance, and foresight; a wonderful intuition and powers of comprehension; a most pleasing personality and an agreeable voice. Senator ALLISON, with so many grand virtues assembled, coupled with his never resisting charm of personality, became an acknowledged authority and an accepted leader. With his ripened experience, naturally the Senate and country looked to him for guidance and as an adviser and leader. As stated by one of his colleagues, "He was to the Senate that of a trusted pilot to a ship." He was for years one of the foremost Americans and statesmen, and his work and achievements left an indelible impression upon his countrymen, and history will give him a place in the front rank of the statesmen and citizens of his time.

As a statesman, Mr. ALLISON, in many respects, had no superior. His great work was largely in the Committees on Appropriations and Finance, but his work and influence were not confined to measures coming before those two great committees. He gave every question of importance careful and thoughtful consideration, which gave him a most comprehensive knowledge of national and international affairs and a thorough understanding of every important question that arose, and he always had at his command the detail and history of all important matters which led up to the issue. He was resourceful, ever ready to yield to better reason when it was made manifest; a man with a clear and practical mind, a remarkable degree of genius and common sense, honest in thought and purpose, honest with the world, honest with himself, true to his neighbors and friends, a most attractive personality, with warm and glorious impulses, and most delightful in his companionship, all of which drew his friends close to him.

Though an acknowledged leader—a place and power achieved not by accident, but by his genius and deeds well done, the virtue of honor, truth, labor, and devotion to duty—he never sought distinction by advertising himself or by pushing himself ahead. Apparently he was unconscious of his power, standing, and position. He was not one of those who passed himself to the front in active debate; his unusually good common sense and his knowledge of human nature and men enabled him to determine when and how to move, and it was generally in the final stages of the settlement of complex and difficult questions that his master art in construction and conciliation was applied with skill and effect, and that in the end his words and suggestions determined the fate of the question.

While he possessed to a full degree the power of great initiative, and was essentially a creator, not a destroyer, yet his master art was conciliation. He sought no compromise with wrong. What was right was right; what was wrong was wrong. He occupied no middle ground when the question of right and wrong was involved. He was a total stranger to the art of demagogy and duplicity. He was not an orator. His life work was not that of framing beautiful sentences, yet he was a speaker of uncommon power. His fancy was not rhetoric or to become an orator; he cared little for eloquence. He was a student; his aim was to get at facts, to fully understand and solve conscientiously and in a practical manner all questions with which he had to deal. He was one of the clearest, cleanest, and soundest minded of men, and with his ripened knowledge little attention was given to his speeches in advance, but they were shaped and fashioned as he delivered them. With his thorough knowledge of all questions, without previous preparation, he would at times speak for hours with great energy and fluency, mastering the subjects discussed with plain but forceful and orderly arranged language; and his able and logical presentation of facts and lucidity of utterances always received sympathetic attention, and his speeches proved most effective.

He was a good politician as well as a great statesman; he had a good memory for names and incidents. Prominent and influential as he was, naturally his advice and counsel was sought in determining political policies as well as in shaping legislation of national and international importance. His advice, counsel, and help were not desired by politicians and statesmen alone, but many people in all walks of life were benefited by it. As Carrie Harrison, an intimate friend of his, writes me:

> Many and many a time at his home his reception hall was crowded with people. Women in tears beseeched his advice and help as they would that of a father or priest, and he considered their petitions as a father would those of his own children.

And as has been referred to here to-day, he was to the Iowa delegation like a father. He filled a great place among the greatest men of his time. His death seemed a most unusual public loss. From Senator ALLISON'S life and character there are many lessons we may learn. Among the choicest memories, those that I will forever cherish, are his confidence and uninterrupted friendship, his noble life and character, and his deeds well done.

That he was respected, loved, and mourned by all classes in his country; that his honesty, character, patriotism, loyalty, and greatness were recognized, was fully demonstrated at his funeral at Dubuque, Iowa; and evidences of the regard and warm friendship entertained by his countrymen were made manifest by the multitude of people at his bier, coming not only from friends and neighbors in his home city and State, but from the remote parts of the whole country, there to pay their last sad tribute of love and to express a deep sense of bereavement.

Mr. CONNER. Mr. Speaker, the death of a prominent citizen inevitably results in bringing his life before the bar of public opinion for criticism and judgment. This is especially true as to one who for many years has been a conspicuous actor in the affairs of his country.

The estimate which the people form of a public man while living is less reliable than after his death. During his life his enemies are apt to minimize his virtues and his friends to magnify them; but after his death the world calmly and dispassionately weighs both the good and evil in his life and judges him fairly and impartially.

Fortunate, indeed, is the man who, after a long public career, when overtaken by death, has it universally said of him that his life made the world richer, and his death made it poorer.

Senator ALLISON was a distinguished citizen of the Republic, and while in a sense he belonged to the State of Iowa, because his home was there and from there he bore his commission, yet in a broader sense he belonged to the Nation.

For almost half a century prior to his death he was a national character, giving his time and services for the benefit of the whole country. While the State of Iowa is proud to claim him as her son, she recognizes the merit of the claim that he belonged to the Nation at large.

Iowa has produced many distinguished men and is proud of their achievements, but comparing them with Senator ALLISON, it is safe to assert that from the standpoint of statesmanship and legislative ability, not one of them was his equal, and it is doubtful if the Nation during his time produced his superior.

Senator ALLISON'S usefulness to his country and his capacity to serve it have not up to this date been fully appreciated. Time, however, will bring his splendid qualities as a statesman and lawmaker to be fully recognized.

The elements in him which contributed to his success were those which are generally found in great characters. He was possessed of a strong mentality, which enabled him to readily grasp and solve the great problems which from time to time have presented themselves during the last fifty years.

He was honest from principle and habit, and not as a matter of policy. No one ever came in contact with him without being impressed with his good faith and sincerity. His habits of industry were known to everyone familiar with his life. Not one of his colleagues in Congress kept in closer touch with the details of legislation, and no one more assiduously perused the daily CONGRESSIONAL RECORD for the purpose of keeping posted on pending legislation.

It was because of these facts that his colleagues leaned upon him and trusted him to guide them in important matters of legislation. It was not an infrequent occurrence, when complicated matters were pending in the Senate, for Senator ALLISON, by a timely suggestion, to solve the difficulties which confronted that body and to bring about legislation of a wholesome character.

He was universally courteous in his demeanor, always respectful in his treatment of those with whom he came in contact. The genial smile which lighted up his face when in conversation won for him the lasting friendship of those who met him.

It is a great compliment to the State of Iowa to have it said that the uninterrupted service of Senator ALLISON in the Senate of the United States was longer than that of any other man, and a still greater compliment to have it said that his services were of greater value to his country than those of any other man.

His life should be an example for the young men of the country, and we will all do well to emulate the virtues of this wise and illustrious statesman.

Mr. HUBBARD of Iowa. Mr. Speaker, we have just commemorated the birthday of Lincoln. To-morrow we recall with gratitude the name of Washington. The very greatness of these heroes has removed them, in a measure, from the common air, and they are become revered and symbolic names, typifying the making and saving of the Union.

We, friends, are assembled here to fondly recall the face and memory of a great man, once our friend, so newly gone that his touch and smile are still familiar, his voice still lingers. I can not analyze with weight and balance the elements that made Senator ALLISON great. He himself, I have been told, looked back half humorously, half in wonder, at the career which had lifted the obscure country lawyer, starting without wealth, friends or favor, to the leadership of the Senate, to an untitled premiership in nearly every administration for forty years. To a friend he spoke of this with modest pride and patriotic wisdom. To him his life was but another proof of the creative power of free institutions, taking our native clay and from it making and shaping men as men are needed. He said that the glory and safety of the Republic is that it is not governed by great men, but by common men, whom it raises to the heights of sacrifice, wisdom, and power, as the exigency requires.

My mind refuses to dwell upon his greatness. I mark him not in this hour, when I need but close my eyes to see his grave, by the laws he made, by his long years of distinguished public service. But tears are near and lips tremble when I see the indwelling spirit of the man. How gentle and patient that kindly wisdom, which made you your own adviser, you scarcely knew how. How friendly and unobtrusive the counsel—felt rather than heard. His very presence ended strife and appeased contention.

I can see him now as he greeted your coming with outstretched hand, with welcoming smile, with never-failing, heartfelt courtesy. His hand shall clasp our hand never again, his smile never more shall light our way; his memory shall dwell with us enduringly.

He is at rest. He dwells in peace. Peace, perfect peace, be his.

Mr. DAWSON. Mr. Speaker, it was my good fortune to be associated with Senator WILLIAM BOYD ALLISON in close, confidential relations for a period of six years. That association gave me an unusual opportunity to observe his life and character and to measure the importance of his service to the people and to the Nation. And if what I have to say of this distinguished statesman shall exceed in length the tributes usually paid on occasions of this kind, I ask the indulgence and the pardon of the House, because my words are prompted by a sincere appreciation of his high and unselfish public service and a deep and abiding affection for the man.

His record as a statesman and public servant will probably never be surpassed. It was a service not simply remarkable because of its length, but even more remarkable because of its importance. He entered this House as a Member when the Union was shattered by secession and the Nation in the throes of civil war; and an appreciative constituency kept him here for four terms and then promoted him to the Senate, where he served for a longer period than any man in the history of the Republic. Six successive times did the legislature of our State choose him for this high station, and only a few weeks before his death the grateful people of Iowa, by a decisive majority in a direct primary, renewed his commission for six years more.

To review the public career of Senator ALLISON would be to write the history of the Republican party from its birth to the present time; it would mean a review of practically all the important legislation enacted by Congress during the past forty-five years. The history of those years is without a parallel in the annals of time; it is the brightest half century which any nation has enjoyed since the dawn of civilization. The milestones which mark the progress of the Republic during that period are the great policies for which that party has stood: Free soil, free men, the Union, the payment of the debt, honest money, protection to American industry, internal development, the gold standard, the maintenance of law, and government regulation of great corporations. Under the operation of these policies we have become the most rich and powerful Nation on earth, and our development is the marvel of the civilized world.

Senator ALLISON not only had an important part in shaping these great policies, but no man in the Senate had a larger hand in that more difficult and exacting task of embodying them into the statute law of the land.

One writer expressed it tersely when he said that—

> He has not made as much noise as Alexander, or as much trouble as Julius Cæsar, but he has written into the statute books of his country more useful legislation than any legislator who has ever lived in this country or in any other government.

His first conspicuous service to the Nation, after assisting in the nomination of Abraham Lincoln for President in 1860, was in starting the movement to permit soldiers in the field to vote at the election in 1862. He induced Governor Kirkwood to call a special session of the Iowa legislature, which passed an act permitting soldiers at the front to vote. The action of Iowa was immediately followed by other Northern States, thus insuring a Congress in harmony with Lincoln's administration.

He bore a more influential part than any other man in all the financial legislation from the establishment of the national banking system in 1864, onward to the resumption act of 1875, the coinage act of 1878, down to the gold-standard act of 1900, and yet, because of his unwillingness in life to claim the credit which was rightfully his due, his name is popularly linked with only one of these great fiscal measures—the Bland-Allison Act of 1878.

We are all more or less familiar with that act, but few appreciate the far-reaching importance and the momentous consequences to our currency system which resulted from that portion of it drafted by Senator ALLISON. The Bland bill, as it passed the House of Representatives, provided for the free and unlimited coinage of silver at the ratio of 16 to 1, and in this form went over to the Senate and was referred to the Committee on Finance, which then consisted of nine members—four free-silver men, four gold-standard men, and WILLIAM B. ALLISON. A flat vote on one side meant free silver, with the result of making silver the single and sole standard of value; on the other side, a deadlock between the two Houses of Congress, with continued agitation and uncertainty on this vital subject at a time when the country was greatly disturbed over the question. In this crisis in the monetary affairs Senator ALLISON came forward with two amendments which obviated both of these difficulties, saved the country from the catastrophe of unrestricted silver coinage, and laid the foundation for the absolute acceptance of the gold standard.

In brief, these amendments provided for the limited coinage of silver by the Government and a conference of the nations of the world looking to international bimetallism. Subsequent events amply proved the wisdom of these amendments. After they had been adopted by Congress, both political parties accepted the proposition for an international conference and incorporated it in their platforms down to 1896, when the supreme test on the silver question was made.

In plain, understandable English the result of these two amendments was, first, the plan for limited coinage on government account, which strengthened the basic principle of the gold standard and pushed to the rear the demand for free and unlimited coinage of silver; and, second, the proposal for an international agreement removed the money question from partisan politics until such time as the logic of events had made the gold standard impregnable.

I need not review the fierce political battles that raged in two presidential campaigns over the money question. It is enough

to say that when the lamented President McKinley, on March 14, 1900, affixed his signature to the gold-standard act and made it a law he wrote "finis" to the liveliest and most exciting chapter in the monetary history of the United States. Senator ALLISON had a large part in writing that law, and its successful operation up to this time is known to all.

Less familiarity exists, however, with one feature of that law, a provision which marks a new epoch in the history of governmental financiering. The refunding provision of that law, which was drafted by Senator ALLISON, not only uplifted the standard of our national credit, but actually saved to the Government the enormous sum of sixteen and a half million dollars. The Allison refunding plan has demonstrated the ability of this Government to float a 2 per cent bond at par and to reduce the interest rate on more than one-half of its bonded indebtedness from 3, 4, and 5 per cent to 2 per cent.

When the Allison refunding amendment to the gold-standard act was presented it was characterized by not a few prominent Members of Congress as "rainbow chasing," and the skepticism extended even to the then Secretary of the Treasury. It was attempting the unattainable, they said, to ask holders of government bonds to surrender 4 and 5 per cent interest and accept 2 instead; and was not at that moment England's choicest 2½ per cent bonds and Germany's imperial 3 per cents selling below par? Some even characterized the proposition as visionary, but its author persevered, and the amendment became a part of the law.

In theory the plan seemed to be unworkable; in practice it demonstrated that American credit is the highest in the world. Under that amendment $646,250,150 of the public debt was refunded into 2 per cent bonds at a net profit to the Government of $16,551,037.54. Up to this time more than one-half of the public debt has been converted from an average of 4 per cent interest to 2 per cent, and if you will examine the bond quotations in the daily papers, you will note that these 2 per cent bonds were quoted yesterday above par.

This tremendous fiscal operation has gone on without the slightest jar to the money market and practically unbeknown to the public generally.

These examples of his conspicuous service to his country in financial legislation are only two of a large number of similar instances, both great and small, which might be cited to show how and why he attained his distinction as one of the greatest economists and financiers in the world. That he was so regarded is evidenced by the distinguished service he rendered as chairman of the International Monetary Conference of 1892 at Brussels and by the invitations extended to him by Presidents Garfield and Harrison to enter their respective Cabinets as Secretary of the Treasury.

But equally distinguished and valuable was his service to the Republic in connection with the revenue and tariff laws, a service which by unanimous consent won for him the title of the "Greatest tariff expert in the Nation." He possessed the broadest, deepest, and most comprehensive knowledge of tariff and governmental finance of any statesman of his time.

There is no class of legislation more intricate than that relating to the tariff. The first consideration must be the broad, general effect on the economic situation. To determine this requires the most careful consideration of the effects to be produced on the various industries involved, and no general tariff revision is made without affecting more or less directly every industry in the country. Questions of prices to consumers as well as to producers, the upbuilding of commerce and industry, the raising of revenue, the effect on foreign and home markets, the relations of treaty obligations, and countless other considerations great and small present themselves in bewildering confusion.

With the preparation of every one of the hundreds of paragraphs in each of the dozen or more schedules of a tariff bill comes pressure from those directly affected. From absinthe, aconite, and acorns down to zaffer, Zante currants, and zinc there are approximately 5,000 articles included in a tariff bill, and every man who buys or sells, imports or exports, produces or consumes any of them has an inalienable right to be heard, and most of them are not backward in coming forward to assert it.

Thirty-eight years' service on committees which formulate and perfect tariff bills made this ordeal oft-recurring to Senator ALLISON. Patient, thoughtful, and thorough attention to the endless details of frequent complete tariff revisions, to say nothing of partial revisions and attempts at revision which failed, followed by the prodigal-expenditure of adroitness and skill in piloting the bills through the tortuous channels of legislation, and the nerve-racking task of finally adjusting in conference the complex differences between the two Houses—this is the price he paid for this title which the public bestowed upon him.

In 1865 he was assigned to the Committee on Ways and Means by Speaker Colfax—an unusual honor for a Member in his second term. He continued as a member of that committee during the remainder of his service in this body, and served on the Finance Committee in the Senate from 1877 up to the time of his death. He has played an important part in the preparation and passage of every tariff bill for the past forty-five years.

A careful search of the records will disclose the fact that much of the tariff legislation written into our statute books during the last half century was actually penned by the hand of Senator ALLISON. As an example of his constructive ability in this direction, I might call attention to the fact that he wrote the tin-plate schedule which was first embodied into law in the McKinley tariff act of 1890—a schedule around which raged more fierce political discussion than any in recent times. This schedule was denounced and defended from one end of the country to the other, and there are many people who believe that the heated denunciation of this particular paragraph of the McKinley bill, which made it a national issue, followed as it was by the building up in our country of a great industry, was one of the most important factors in elevating the beloved and now lamented McKinley to the Presidency of the United States.

Be that as it may, it is a matter of record that Senator ALLISON was the author of this particular schedule. It will be recalled that the Democrats had control of the House in the Fiftieth Congress, and under the leadership of Hon. Roger Q. Mills, of Texas, this House passed what is known as the Mills bill (H. R. 9051)—a complete revision of the tariff. The bill went to the Senate and was referred to the Finance Committee. The Republicans had control of the Senate in that Congress, and when this bill was reported to the Senate, July 21, 1888, by Senator ALLISON, the House bill was all stricken out, and in its place was a revision of the tariff based on the principle of protection. An entirely new bill had been drafted by the Finance Committee, and in that bill appeared the first attempt to put a duty on tin plate. In the steel schedule of that bill is the following paragraph:

147. Sheets or plates of iron and steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, 1 cent per pound.

The Mills bill and the Senate substitute failed of enactment, the two Houses being unable to agree.

In the succeeding Congress (the Fifty-first) the Republicans had a majority in both the House and Senate, and the McKinley bill became a law October 1, 1890. That bill, as reported to the House and finally passed, contained the tin-plate paragraph above quoted verbatim et literatim.

It is no reflection upon the Committee on Ways and Means or upon its distinguished chairman that they incorporated into their bill this paragraph and many others which had been carefully worked out by the Senate committee in the previous Congress—they simply accepted the judgment of the other branch of Congress, formally expressed two years before.

While Senator ALLISON had a large and important part in writing the laws which produced the revenues, he had an equally important part in controlling the expenditures of the Government. From the time of his entry into the Senate in 1873 to the date of his death he was a member of the Committee on Appropriations and for nearly twenty-five years its chairman. During his incumbency as chairman he bore the tremendous responsibility of scrutinizing the appropriation of nearly $15,000,000,000.

Chairmanship of the Committee on Appropriations means constant toil and labor and the performance of more legislative drudgery than falls to the lot of any other committee. Senator ALLISON's sagacity and painstaking endeavors in this influential position undoubtedly saved his country millions of dollars. Not a penny of private gain ever came to him by his public service. He lived and died a poor man.

The highest tribute which can be paid to a man's service in Congress is the estimate of those with whom he associates, and in all the history of the Senate no man has ever attained greater influence or higher respect and confidence of all his associates, without regard to party, than did Senator ALLISON.

For several years prior to his death he was unanimously selected as chairman of the Republican caucus and also chairman of the committee on the order of business, commonly called the "steering committee." In addition, he was empowered by the caucus to designate the other members of the steering committee and to name the committee on committees. The func-

tions of these two committees, in executing the will of the majority party, is of the most far-reaching importance and consequences.

As is well known, the committee on committees has control of the assignment of Senators to committee places; in short, determines the personnel of the standing committees of the Senate. As to the steering committee, no reference to it is found in any of the government publications, and yet it is one of the most potential factors in the whole congressional legislative machine. It is the safety valve, the governor, and the brakes on the wheels, all in one. On broad lines, it determines what legislation shall be pressed for passage and what shall slumber in pigeonholes. It is a shaper of party policy—the watchdog of legislative enactment.

In intrusting the selection of these two committees to Senator ALLISON, more power over legislation could not well be conferred upon one man under a republican form of government. Certainly the United States Senate, regarded by some as the greatest legislative body in the world, could not bestow a greater badge of honor and confidence upon anyone.

And with what consummate wisdom and fairness did Senator ALLISON make up these powerful committees. I recall his method of choosing the steering committee of 10 members. With approximately 60 Republican Senators, they were divided geographically into groups of 6, beginning with New England and going through to the Pacific coast. From each of these groups of 6 Senators he selected 1 member of the steering committee, thus giving to every section of the country a representative upon this governing committee.

It was this unfailing spirit of fairness, coupled with wisdom and unerring judgment, which enabled him to do great things. The guiding star of his life was that brief sentence of Bacon's: "Knowledge is power."

Upon every important subject of legislation as it came up he worked with unflagging zeal to store his well-ordered mind with all the information available, and he never stopped until he had completely mastered the subject in detail. A close observer, a careful student, a clear thinker, and eminently practical, he proved all things and held fast to that which is good. As a consequence, those who were less informed, having implicit confidence in his judgment, were content to follow his lead, and I have never heard of anyone going wrong by so doing.

For many years he sat at the head of the table of the leaders of the Senate—the beloved and undisputed arbiter of that body. When important measures of legislation were threatened with defeat because of the pronounced differences of men, when complex legislative situations arose, Congress instinctively turned to Senator ALLISON to smooth over the rough places and point the way out of the difficulty. He possessed that rare faculty of harmonizing the apparently irreconcilable views of radical and obstinate men; his wise counsel saved many a worthy measure from failure. He was enabled to do this by his solid qualities of character, his well-poised mind, his clear perception, his patience, integrity, honesty, and single-minded devotion to the interests of the people.

Others might wrangle, but he never lost his temper. Others might impugn the motives of men, but he was ever mindful of the rights of his fellows. He occupied a place above the strife and contention of factions; he was the embodiment of prudence, patriotism; always calm, serene, optimistic.

With the quiet dignity of unconscious power he modestly performed his tasks—doing great things, but doing them quietly. To him the modern idea of glory measured by newspaper headlines was distasteful, almost repugnant. So content was he with the mere satisfaction of duty faithfully performed that he would not even allow his friends to claim for him the credit which was rightfully his.

It was in the committee room, where the real work of Congress is done, that his greatest impress on legislation was made. I dare say that within the four walls of the inner room of the Senate Committee on Appropriations more important legislation has been put into final form and more crises in the affairs of the Republic have been wisely met and solved than in any other spot in this capital. And in it all the wise conservatism and keen foresight of Iowa's most distinguished statesman have been determining factors.

While performing these larger tasks for the Nation, he was never unmindful of the interests of his State and her individual citizens. No man in all the history of Iowa has been so helpful to as many people, and an appeal from the humblest citizen met the same hearty and considerate attention as did the greater affairs of his life. If the little things which he did for others could all be brought together, it would form the greatest monument which can be erected to the conscientious devotion and zeal of this faithful public servant.

But Senator ALLISON is loved not only for what he did, but for what he was. He had a most attractive personality. Amiable in disposition, cordial in his bearing, his unfailing courtesy, quiet temperament, and charm of manner won for him the lasting esteem and admiration of all with whom he came in contact. His private life was as free from blemish as his public life was from the breath of scandal. A prodigious worker, he found relaxation and recreation in the quiet of his library here in Washington or at his home in Dubuque, with the companionship of his friends and his books and papers.

When George Washington died it was said of him that Providence left him childless in order that he might be in a closer sense the Father of his Country. Senator ALLISON, when bereft of his chosen companion, gave his whole life to the service of his country and his country alone. His highest ambition was the happiness and welfare of the people.

His memory will always be cherished not only for his greatness but for his goodness. Long association demonstrated to me that the strongest personal trait of this great man was his kindliness of heart and the consideration he invariably showed toward others. I never heard him utter an unkind word of a fellow-man, and he never harbored resentment toward another, no matter how great the provocation,

Possessed of a nature at once amiable and unselfish, he won his way into the affections of the people by his sincerity and strength, his generosity and kindliness. He was a living exemplification of the Golden Rule, and his lovable character and noble spirit has enshrined him for all time in the hearts of the people of his State and country.

Mr. HAMILTON of Iowa. Mr. Speaker, not having been personally acquainted with Senator ALLISON and only serving one session in this House while he served his last term in the Senate, I can not speak of him personally, but only as one of his constituents who for years held him in high regard, though differing politically. Senator ALLISON's name in his home State was known by every man, woman, and child. It was known to be revered, whether they agreed with him politically or otherwise. He was looked upon as being conscientious in whatever work he undertook to accomplish. And it seems to me the life and success of every man in this world is measured by what they accomplish and not by what they profess. Senator ALLISON made no vaunting profession, but steadily worked at his task until he had accomplished as nearly as possible the purpose in view. He was not one of those statesmen that we hear spoken of as a man who keeps his ear to the ground, but he was of that class of statesmen upon whom, after the man who keeps his ear to the ground and has perhaps mistaken the current there received and stirred by agitation the minds of the populace and caused all sorts of turmoil and disturbance, it rested to pour oil on the troubled waters and to bring out of this chaotic condition the legislation necessary for the progress and prosperity of his country.

This was the sphere he occupied as a statesman. Not an agitator, but one who steadily ground out those things which are absolutely necessary for the general welfare of the whole country. Not only did he occupy this position as a statesman in the halls of legislation, but my friends upon the floor of the House well know that he occupied a like position in one of the great political parties of this country with whom he had cast his lot—that political party which, whether we admit wisely or unwisely, has brought forth practically all the legislation for the last forty years, that has controlled the affairs of this country. In that political party he was also a peacemaker, and in their partisan difficulties, in their political strifes, it was he, not only in the State of Iowa, but in the Nation, that many times the leaders of his party went to in order that they might smooth over the difficulties that had arisen.

He always had a keen appreciation of the many diversified interests of the country—realizing that in order to carry out that principle, "the greatest good to the greatest number," it was necessary to concede many points in order to harmonize all. Like many others, he at one time possessed the ambition to be President of the United States. He, however, did not allow his personal ambition to overcome his never wavering devotion to his party or his country. Personal ambition with him was secondary to public service.

Therefore I say upon this occasion that he was one of that class of men that the country most needs—a man who, as has been stated here to-day, is capable of taking hold of the loose ends that have been unraveled by the strife of others, and by his power of compromise, his power almost of convincing a man against his will; by that power which he possessed he has done more, in my judgment, toward the legislation that has been placed upon the statute books of this country in the last forty years than any other one man in this Nation; and, as I sug-

gested a moment ago, while not personally acquainted with Senator ALLISON, when I attended his funeral and saw the thousands of his neighbors and friends who lined the streets as his remains were taken to their last resting place, I could not help realizing that he was a man of a kind heart and of a loving disposition, else not this demonstration.

I will say in conclusion that he has left us a statesmanship to be emulated, but one difficult to surpass.

Mr. KENNEDY of Iowa. Mr. Speaker, I heard Senator Harlan relate how WILLIAM BOYD ALLISON came to enter congressional life. He had taken quite an active interest in public affairs in Iowa and had rendered valuable service to Governor Kirkwood in raising troops to be sent to the front during the war. Early in the sixties he was a candidate for district attorney for the district of Iowa, and having received the indorsement of the two Senators from Iowa, he came to Washington to look after the matter of his appointment, and while there was a guest of Senator Harlan. For some reason the senior Senator found it necessary to withdraw his indorsement, and of course he failed to receive the appointment. Mrs. Harlan, realizing how keenly he felt the disappointment, suggested that he return to Iowa and secure the nomination for Congress. He acted on the suggestion and returned as a Member of the next House, thus starting a congressional career which, in length of service, has not been exceeded in the annals of American statesmanship and, in the point of accomplishment, not excelled in the past half century.

It was not my good fortune to have had a personal acquaintance with Senator ALLISON until I came to Washington as a Member of the Sixtieth Congress. I remember, however, the first visit I had with the Senator, when I called at his apartments on his invitation. In talking over the matter of what I expected in the way of committee assignments, he suggested that I ask for an assignment to a committee where the work would be congenial, stating that it was not within the compass of the human mind to fully master all the subjects of legislation; that this was an age of specialists, and a Member could serve his country best by striving to thoroughly familiarize himself with some particular line of work. I thought at that time how much Senator ALLISON had accomplished by following that course during his life in Congress.

Early in his career he secured membership on the two great Committees of Appropriations and Finance and became an authority on matters pertaining to the work of those committees.

Senator ALLISON had a natural aptitude for legislation. His industry, tact, patience, and consideration for the views of others were valuable assets when it came to harmonizing differences of opinion on some important matter of legislation. It has been said of Senator ALLISON that he put the finishing touches on more legislation than any man who has served in Congress in the past twenty-five years.

It is seldom a man receives the full measure of credit for work performed during his lifetime by the generation in which he lived, but future historians, in reviewing the work of Congress for the past half century, will accord to Senator ALLISON no inconspicuous place in the galaxy of American statesmen.

Mr. SMITH of Iowa. Mr. Speaker, WILLIAM B. ALLISON was reared and largely educated in Ohio, but it was Iowa that gave him to the Nation and to history. It was Iowa that gave him that long tenure of public place essential to enable the country to understand so great, but so quiet and so unostentatious, a man.

The State of Iowa is not without her pride in her great Senators, Grimes, Harlan, Wright, Wilson, Kirkwood, and Gear, and her great jurists, Miller, Dillon, and McCrary, and her great soldiers, Curtis and Dodge; but never, perhaps, will the history of Iowa contain another name of which she will be so proud as that of WILLIAM B. ALLISON.

His early life did not differ from that of thousands of American boys born and reared on frontier farms. Born of Scotch-Irish parents, David Robinson, jr., one of ALLISON'S schoolmates at Wooster Academy and Western Reserve College, in a letter to Miss Carrie Harrison, quotes Judge John Baxter, late United States circuit judge, as saying that Senator ALLISON was reared on the Shorter Catechism, the Westminster Confession of Faith, and a pretty light diet on Sunday. In the lapse of nearly fourscore years he never escaped from the influence of that training, and was molded by it all the days of his life.

When there came at the close of the dark ages an awakening of the human intellect, there was produced an age of scholasticism; and from that time to our own a familiarity with the classics has been regarded as almost the one essential of a liberal education. It was only yesterday that this notion began to be abandoned at the universities. WILLIAM B. ALLISON, practical even in his boyhood, was never a brilliant success in the classics, but excelled all his associates in such practical studies as orthography and mathematics.

His public service as a Representative of Iowa commenced in 1860, when, with the Hon. WILLIAM P. HEPBURN and many subsequently noted in Iowa's history, he represented that State in the convention that nominated Abraham Lincoln for the Presidency. Forty-four years later he headed the Iowa delegation to the convention that nominated Roosevelt and Fairbanks.

He became a Member of this House March 4, 1863. The other Iowa Members at that time were:

James F. Wilson, long chairman of the Judiciary Committee, one of the managers on the part of the House in the impeachment of President Johnson, and later for many years the colleague of Senator ALLISON in the Senate.

Hiram Price, who bore the reputation of being better able to tell what the people of the country wanted and would demand than any man in public life in his time.

J. B. Grinnel, a sturdy enemy of slavery, whose name has been given to a prosperous Iowa city and to an excellent and growing college within that State.

John A. Kasson, long celebrated in American politics and a distinguished American diplomatic representative abroad, still living in this city.

There was also Judge Hubbard, the brilliant and able father of the present Member from the Eleventh District of Iowa.

That was an illustrious company Mr. ALLISON met in his first Congress: Thaddeus Stevens, Owen Lovejoy, Henry Winter Davis, Elihu B. Washburn, George W. Julian, John A. J. Creswell, George S. Boutwell, Henry L. Dawes, Reuben E. Fenton, Robert C. Schenck, James A. Garfield, William D. Kelly, James G. Blaine, Schuyler Colfax, S. S. Cox, and George H. Pendleton.

Surrounded by such men WILLIAM B. ALLISON became, in his second term, a member of the Ways and Means Committee of this body. That committee was then of even greater importance than now, for it had all its present jurisdiction and all that of the Committee on Appropriations, and all the appropriating jurisdiction of the Committees on Military, Naval, Foreign, and Indian Affairs, and of the Committees on Agriculture and Post-Offices and Post-Roads.

To acquire so soon an appointment on such a committee, even in the time of peace, would have been unusual, but to have acquired it during the civil war in a Congress embracing such distinguished men as I have mentioned and many more was, indeed, extraordinary.

Mr. ALLISON served eight years in this body and more than thirty-five years in the Senate. His service in the Senate was longer than was ever accorded any American citizen, and his combined service in the two Houses was longer than that of any other man in American history, save one. Those who have known him best in his later life, when sobered by time and responsibilities, have always regarded him as distinctly conservative, but in his early history he was constantly referred to as an earnest radical.

In 1878, when a free-silver bill had passed this House and the political parties were vying with each other in their efforts to pander to the sentiment for free silver, it was WILLIAM B. ALLISON who had the courage to defy public sentiment and to defeat that project, now substantially unanimously conceded to have been a highly vicious one. For more than thirty years WILLIAM B. ALLISON has been the most powerful single individual in either House of Congress, and the statement of William E. Curtis is the simple truth, that—

WILLIAM B. ALLISON has written more into the laws of his country than any other statesman in any nation of the world.

WILLIAM B. ALLISON was never spectacular; but he was an able, high-minded, earnest, patriotic man, with supreme confidence in his country and its future; and it is no exaggeration to say that while others have with greater dash and brilliancy accomplished more in a given length of time, his ability and nearly half a century of service have enabled him to render his country more of valuable service in the aggregate than has been rendered by any other man in the American Congress in all its history.

So applicable to Senator ALLISON are the words of Garfield concerning Senator Sherman, I use them with but slight necessary modification:

You ask for his monument. I point you to forty-five years of national statutes. Not one great beneficent law has been placed on our statute books without his intelligent and powerful aid. He aided in formulating the laws to raise the great armies and navies which carried us through the war. His hand was seen in the workmanship of those statutes that restored and brought back "the unity and married calm of the States." His hand was in all that great legislation that created the war

currency, and in the still greater work that redeemed the promises of the Government and made that currency equal to gold. For forty-five years he has trodden the perilous heights of public duty and against all the shafts of malice has borne his breast unharmed. He has stood in the blaze of "that fierce light that beats against the throne," but its fiercest ray has found no flaw in his armor and no stain upon his shield.

If all the countless hosts of those who have known and loved WILLIAM B. ALLISON were asked what his most distinguished characteristic was, each would in substance say, "His kindliness of soul."

This man made every acquaintance a friend by his loving kindness. This dear, kind, lovable old man left no immediate family to mourn his departure, but the people of this nation had become to him as his family, and, molded by a mother's Christian teachings and mellowed by age, his loving kindness took in all the children of the Republic; and so, when he died, although neither father nor mother, nor sister nor brother, nor wife nor child of his blood attended the obsequies, the people, whose friend and beloved he was, sincerely mourned.

Truly,

Kind words are more than coronets,
And simple faith than Norman blood.

EULOGIES ON THE LATE HON. ASBURY C. LATIMER.

The SPEAKER pro tempore. The Clerk will read the next order.

The Clerk read as follows:

On motion of Mr. FINLEY, by unanimous consent—

Ordered, That at the conclusion of other special orders Sunday, February 21, there be a session of the House for the delivery of eulogies on the life, character, and public services of the Hon. ASBURY C. LATIMER, late a Member of the United States Senate from the State of Carolina.

Mr. FINLEY. Mr. Speaker, I ask consideration of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 585.

Resolved, That the House has heard with profound sorrow of the death of Hon. ASBURY CHURCHWELL LATIMER, late a Member of the Senate of the United States from the State of South Carolina, which occurred at Providence Hospital in the city of Washington February 20, 1908.

Resolved, That the business of the House is now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased, and in recognition of his distinguished public services, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. FINLEY] will take the chair.

Mr. JOHNSON of South Carolina. Mr. Speaker, once more the Representatives of 80,000,000 of people assemble, neither to engage in partisan debate nor to consider great questions of state. This occasion is one which demands no call of the "yeas and nays." It is of the highest privileged nature accorded any issue in this presence.

In these closing days of the session appropriation bills require early attention and great economic questions press hard for consideration and solution, but they have no bearing on the purpose of this assembling. We are here to do honor to the memory of a deceased colleague, the late Senator ASBURY CHURCHWELL LATIMER.

It is a fit occasion for serious contemplation of the fate that, sooner or later, awaits us all. For man must die.

Earth, that nourished thee, shall claim
Thy growth, to be resolved to earth again;
And, lost each human trace, surrendering up
Thine individual being, shalt thou go
To mix forever with the elements. * * *
Thou shalt lie down
With patriarchs of the infant world—with kings,
The powerful of the earth—the wise, the good,
Fair forms, and hoary seers of the past—
All in one mighty sepulcher. The hills,
Rock ribbed and ancient as the sun; the vales,
Stretching in pensive quietness between
The venerable woods; rivers that move
In majesty; and the complaining brooks
That make the meadows green; and poured round all,
Old Ocean's gray and melancholy waste—
Are but the solemn decorations, all,
Of the great tomb of Man.

The late Senator LATIMER was born near Lowndesville, Abbeville County, S. C., on July 31, 1851. Just one year ago yesterday he died in this city. How strikingly did his death exemplify that "in the midst of life, we are in the midst of death." In the prime of mature manhood, with the future beckoning alluringly onward, seized with a sudden malady, in a startlingly short interval of time this man of splendid physique, robust constitution, and superb vitality passed away like "the foam on the fountain, the dew on the heather." Born on a farm and reared as hundreds of his neighbors and thousands of the citizens of his State, young LATIMER received his education from the country school. He then engaged in farming. He was successful in his pursuits and soon became a substantial citizen. In recalling what impressions of our departed colleague remain most striking on us, we are reminded that—

If our virtues
Did not go forth of us, 't were all alike
As if we had them not. Spirits are not finely touch'd
But to fine issues, nor Nature never lends
The smallest scruple of her excellence
But, like a thrifty goddess, she determines
Herself the glory of a creditor,
Both thanks and use.

Senator LATIMER's personality was that of the distinctly persevering type—forceful and aggressive, forever pressing forward. He was a typical homespun man, who overcame great obstacles deemed insurmountable by many in his early struggles, and from his youth on his individuality left its impress with each encounter with his fellow-man. LATIMER was not reckoned a power in the politics of his State until the early nineties. Up to that time the people of Belton, S. C., his friends and neighbors, considered him a safe, prudent, thrifty farmer, of practical ideas and plenty of energy, which combination brought a fair degree of success to his agricultural pursuits.

In 1892 he was the head official of the Farmers' Alliance and became a candidate for Congress against George Johnstone, who is a ripe scholar and a superb orator. The dogged tenacity of purpose, aggressiveness, and perseverance which characterized the entire life of the man wonderfully demonstrated themselves in the campaign, and the outcome of the race was a safe majority for LATIMER over the brilliant Representative who had acquired something of a national reputation, even in one term of service in this body. Entering the House in the Fifty-third Congress, he served continuously throughout the Fifty-seventh, declining then to stand for reelection after his ten years of service for his people.

His zeal, energy, and perseverance as a Representative were stamped with the seal of approval by the people of his district, for they returned him every time he sought that honor. In the beginning of his career in Congress, Senator LATIMER was far more familiar with "Clark's Commentaries on the Bible" and the rules of the Methodist Church than he was with the Constitution of the United States and the rules of the House of Representatives. Realizing the lack of certain training for participation in great debate and without essaying the rôle of a student of great economics, he never attempted any "floor-leader" actions. But in the line of official duty immediately concerning his people—their wants and wishes—he served them diligently and effectively. And the bonds of intelligent sympathy and interest between them grew steadily as the years rolled by.

Six years ago he was chosen United States Senator from South Carolina in the primary election, defeating five of the most prominent men in the State who were aspirants for the honor. The same quiet, unostentatious course that characterized his service in the House was perseveringly pursued in the Senate Chamber. There was nothing of the statesman of the old school about LATIMER, and he made no pretensions that there were. He made no plays to the galleries, but quietly and faithfully attended to his official duties, serving the people of his State to the best of his ability, without attempting to focus the limelight upon himself. Whenever he took the floor it was to say something of immediate purpose affecting some legislation his people were interested in or would be benefited by.

In addition to his individuality and perseverance, he was distinctly a practical man, possessed of an abundance of good, hard common sense. And although the farmer lad grew up to fill one of the greatest offices within the gift of the people of his State, he remained throughout his continued honors and promotions the same strong, natural type of man. His fifteen years of service in Congress made him none the less affable and approachable to his old friends and neighbors and the constituents of his State. There was a native ease and simplicity and dignity in his mannerism and bearing.

Some writer has said of Robert Burns:

No wonder the people of Scotland loved Burns as, perhaps, never people loved a poet. He not only sympathized with the wants, the trials, the joys and sorrows of their obscure lot, but he interpreted these to themselves and interpreted them to others, and this, too, in their own language. He made the poorest plowman proud of his sta-

tion and his toil, since Robbie Burns has shared and sung them. He awoke a sympathy for them in many a heart that otherwise would never have known it.

Even so, the farm lad of Abbeville County, S. C., strove against his early obstacles and disadvantages of thorough mental training for the important work of national legislation; yet with his personality and perseverance, he pressed forward, not backward, and, finding a seat in the Nation's Council by the will of his people, he exerted his energies and position to be of practical benefit to them. And the same zeal and fidelity marked his career in the Senate. His advocacy of good roads and the improvement of the rural free delivery so continuously, measures with which he was familiar and could exert to their furthermost his zeal and influence in Congress, constrain one to the thought that it was the crying need for just reforms in the far-away rural sections of his old congressional district and his State that incited LATIMER to offer whatever energies were at his command for the lasting benefit and advantage of his people.

And in the heyday of his manhood—strong, hale, hearty—in the zenith of his public career, rounding out a term in the Senate of the United States, apparently with a long future of continued success and honors awaiting him, the "grim ferryman" bade this distinguished mortal embark in that mysterious craft bound for that "bourne from whence no traveler returns." Thus died the kind father, the affectionate husband, the devout churchman, the practical legislator.

What is death
To him who meets it with an upright heart?
A quiet haven, where his shattered bark
Harbors secure, till the rough storm is passed,
Perhaps a passage overhung with clouds,
But at its entrance, a few leagues beyond
Opening to kinder skies and milder suns
And seas pacific as the soul that seeks them.

Mr. BENNET of New York. Mr. Speaker, it is sometimes difficult to realize that the permanent absence from among us which we call "death" has overtaken a friend. So to-day many of us find it difficult to realize that the absence from among us of Senator LATIMER is anything more than one of those temporary separations of friends so common among those who are in public life.

My acquaintance and friendship with Senator LATIMER were brief. I knew him casually as a pleasant, active, friendly Member of the Senate until in the closing days of the Fifty-ninth Congress we were both appointed—he by the President of the Senate, I by the Speaker of this House—as members of the Immigration Commission. The duties of that commission naturally threw us into close connection. I learned not only to regard him with respect, but with esteem and affection. There was that about him, as the gentleman from South Carolina [Mr. JOHNSON] has mentioned, which drew to him the regard of men. His great frame incased a great heart, a great feeling, a great sympathy.

I can see him now in our earlier days on the steamer crossing the Atlantic, when we were, as members of a commission, to be a great deal together, forming the acquaintance of each other. I can even yet bring back the memory of the long consultations, in which his native ability, rising far above the deficiencies of an early education, drove and drove and drove, until the knowledge he desired upon any particular point was safely in his possession, and once in his possession, never forgotten.

I have said that he had early deficiencies of education. He had no early or other deficiencies of comprehension. He was capable of ideas embracing propositions of the greatest scope. The gentleman from South Carolina [Mr. JOHNSON] has alluded to his interest in good roads. I have never known a man, here or elsewhere, to entertain a more ambitious project than that of Senator LATIMER in relation to the good roads of the United States. Upon the subject of good roads and agriculture he was always intent.

His long training and deep interest in those subjects made him translate nearly every subject into the elements of either. I served with him on a subcommittee of the commission in southern Italy, in the island of Sicily, and I undertake to say that before he left Italy, assigned as he subsequently was to northern Italy, to which committee I was not, he knew the value of farm lands from one end of Italy to the other, the productiveness of the acreage in each part, the crops which would grow best everywhere, and it was nothing for him when journeying over the magnificent roads of southern Italy to stop the carriage and have some one who accompanied us with a camera to get out and take view after view of those splendid roads, to assist, as he frankly said, in the education, when he got back, of the American public on the subject of the benefit of good roads.

He was an intense man. It is not extraordinary to me why he succeeded; he could not help success with the force and the power of his great intellectuality and the interest which he had in all the subjects within the scope of his desires. Not only did he translate everything he saw abroad into the terms of agriculture and good roads, but, above all, he translated them into terms of betterment for the people of his State. He was one of those men who were useful in service for his community. He gauged all things possible by whether it would be better or worse for the people whom he represented; and as to whether the interests of South Carolina would be bettered or not by the things that he saw, so he judged them.

A simple, kindly man, but full at all times of natural dignity. From amongst the farming class of the country, the sturdiest class in our country, this man came; but he was at home everywhere. I have stood with him before high officials and watched his conferences with them. I have been with him at one conference or audience with a king of a European country; and it was all the same with Senator LATIMER, whether it was a colleague here, a farmer in his district in South Carolina, or the King of Italy, surrounded by the pomp and circumstance of his great office.

The gentleman from South Carolina [Mr. JOHNSON] has alluded to the fact that when he came to Congress he was, perhaps, more familiar with Clark's Commentaries on the Bible than he was with either the Constitution or Jefferson's Manual. The familiarity with the commentaries and with the Book concerning which the commentaries were written, continued to the end. On the steamer going over, we Americans of the commission rather surprised, I think, some of the other passengers. On the Sunday afternoon, in addition to the usual morning services, we had gathered around the organ and spent a considerable season in singing familiar gospel hymns. It was a service in which the Senator delighted. I did not at the moment exactly understand it, but I subsequently came to understand it fully. I have been with him in church in a foreign land, and I can testify not only to the depth and intensity of his religious feeling, but to the fact that he carried it with him under foreign flags, and it was as large a part of his daily being as any conditions could have been. I say that I did not at the time understand entirely his liking for these simple hymns; but when, just a year ago, he was taken from us and I was one of those appointed by this House to attend his funeral service at Belton, I gained a wider and more thorough comprehension.

My estimate of Senator LATIMER, already high, was raised by the sight of the church edifice in which he had worshiped. He had never permitted himself to be tempted away from the denomination which he had joined in his youth, though in the town in which he lived it was neither the most popular nor the largest. Around that simple country church no other atmosphere was possible than an atmosphere in which would flourish a real love for and joy in the simplest kind of service of the true gospel. Our friend who has left us was a good husband and a kind and indulgent father. He had few faults, few defects. He was faithful in all things—faithful to his constituents, faithful to his family, and faithful to his State. Like all of us, he had his obvious limitations, but within those limitations he left no one thing undone.

We have heard earlier in the day, in connection with the services in behalf of Senator ALLISON, of the "joy of service." There is such a joy; and during his fifteen years of service in either branch of this National Congress that joy of service was possessed by Senator LATIMER and was his chief and greatest compensation for what he did here.

It is well for a country, well for a State, well for a district, when its Representatives are cast in such a mold. He represented at the same time all that was valuable in the older thought and all that was best in the newer. He was conservative where conservatism could be of benefit, and yet not ashamed, when his belief was formed as to the efficacy of a particular project, to be a radical of the radicals in regard to that.

We can not mourn our friend, because we do not know; beyond the mystery of the dawning of the new life we can not look. This brief, flitting life here is all into which our mortal eye can look, and we can either mourn or rejoice as the life here was. There is none among us who, on the day when he shall separate himself from this life, can look back across the days of his pilgrimage with a clearer conscience and a better sense of duty well performed than Senator LATIMER. With a life like that, why should we mourn for him who is gone? We can rejoice for all the good that was in those fifty-six years. We can offer to those whom he has left sorrowing behind him the consolation that in his life he had many friends; that in his death he has lost none; that his works are written in the history of

his country; and that by his living he has contributed something to the betterment of the world—to his part of the world—and so far as in him lay to all the world—contributed his part toward the solving of the great problems, contributed the wisdom and shrewd common sense which Providence gave him to the every-day business of this great legislative body, and to the management and control of things here. As it is, his record is made, and in the golden dawn of the far-off future, when again we shall see him face to face in another world, our desire should be to take to that meeting as good a record as has our friend who left us.

Mr. LEVER. Mr. Speaker, death walks hand in hand with life. The one is the shadow of the other. Side by side with the strong, robust, healthy, is the ever-present companion of dissolution, decay, death. This fact was never more strikingly illustrated than when, just one year ago, the startling announcement came that Senator ASBURY CHURCHWELL LATIMER was no more. This announcement was a distinct and decided shock to his friends and to the people of South Carolina, who had so long honored him with the highest gifts in their possession. Born and reared upon the farm, trained in early life to invigorating outdoor manual labor, of strong and robust physique, with a constitution that seemed proof against all attack, accustomed to spending his vacation periods in the health-giving, health-preserving atmosphere of upper South Carolina, of even temperament, free from enervating worries, of temperate habits, and genial disposition, he would have been last chosen, in the body of which he was a Member, for grim death's visitation. Surely, in the midst of life we are in death, and surely we know not the hour when that other unknown and unknowable life shall begin. But to him who is strong in Christian faith, death ceases to be a fearful contemplation, and instead becomes a friendly pilot of the weary and worn, the hungry and thirsty, on the pathway from the life earthly to the life heavenly. The Apostle Paul, the greatest of all the inspired philosophers, in his First Epistle to the Corinthians, robs death of its sting by showing it to be the necessary step from corruption to incorruption, from mortality to immortality, from trials and tribulations, cares, and worries, to rest, peace, and endless happiness. How beautifully it is put; how comforting it is:

There is one glory of the sun, and another glory of the moon, and another glory of the stars: for one star differeth from another star in glory.
So also is the resurrection of the dead. It is sown in corruption; it is raised in incorruption:
It is sown in dishonor; it is raised in glory: it is sown in weakness; it is raised in power:
It is sown a natural body; it is raised a spiritual body. There is a natural body, and there is a spiritual body.
And so it is written, the first man Adam was made a living soul; the last Adam was made a quickening spirit.
Howbeit that was not first which is spiritual, but that which is natural; and afterward that which is spiritual.
The first man is of the earth, earthy: the second man is the Lord from heaven.
As is the earthy, such are they also that are earthy: and as is the heavenly, such are they also that are heavenly.
And as we have borne the image of the earthy, we shall also bear the image of the heavenly.
Now this I say, brethren, that flesh and blood can not inherit the kingdom of God; neither doth corruption inherit incorruption.

Senator LATIMER inherited his love for and interest in agriculture from his father, who was a practical farmer of Abbeville County, S. C., which has given to the State and Nation such a large proportion of those who have labored in war and in peace for the common good. Throughout his life, and especially his public life, the late Senator directed his thoughts and energies to the betterment of farm conditions in his native State. He himself was a practical and most successful farmer. Having early learned the lesson that the prosperity of the southern farmer was greatly retarded because of a lack of improved methods in farm management, he put into practice upon his own farm every theory of farm cultivation and farm-product utilization which had been put into successful operation by the best farmers of the country. It is said that his farm was, in a measure, the model for his entire community, and to this extent and in this respect his influence for good will be felt for years to come.

Senator LATIMER was the product, politically, of the revolution of 1890, which found its inspiration and leadership in the present distinguished senior Senator from South Carolina. He joined earnestly and heartily in that spectacular movement which must always remain a most interesting study to the historian. He was elected to Congress in 1892, and served in this body for ten consecutive years. It can not be said of his service that it was brilliant; he did not aspire to leadership, nor did he enter into the discussion of academic political questions. It can be said of him, however, in entire truthfulness and without the ordinary eulogistic fulsomeness, that he was an effective and energetic worker.

Assiduous in attention to the details of his district work, prompt in the dispatch of business, endowed with plenty of common sense, and ambitious to serve faithfully the people who had honored him, at the end of his ten years of congressional work he was perhaps the most popular man in his entire district. That popularity had extended somewhat to the State, so that when in 1902 he entered the race for the United States Senate in the Democratic primary against five of the very ablest men of the State, it was not surprising that his candidacy was received with considerable cordiality wherever he went. The campaign was hard and exciting, but through it all Senator LATIMER bore himself in such manner as to favorably impress his personality and the integrity of his purposes upon the people, with the result that he was nominated by a handsome majority, and subsequently elected without opposition. In the Senate, as in the House, he was a worker rather than a talker. He will live longest to fame perhaps as the advocate of federal aid to road building. He was regarded by the advocates of this idea as their most enthusiastic and effective champion, and succeeded by numerous public addresses throughout the Union in bringing to the plan considerable and enthusiastic support.

As a member of the Senate Committee on Immigration, he was appointed a member of the Immigration Commission, and during the spring and summer of 1907 toured the northern part of Europe investigating the subject of foreign immigration to this country. This investigation convinced him of the necessity for stricter laws against the influx of undesirable immigrants, and his opinion was set forth in an extensive report.

Of his standing in the Senate I shall let his colleague speak. Senator TILLMAN says:

We have been warm personal friends and political allies for nineteen years. I first became acquainted with him when I was governor of the State, and we have been warm friends ever since.

Senator SMITH of Michigan says:

He was unpretentious, kindly, generous; always just and strong in his likes and dislikes. When he gave his friendship he gave without limit. He was a manly man in every sense, and if he had lived to work out his career, which was evidently open to him in the Senate, he would have become one of the very strong men in that body.

Senator KEAN, of New Jersey, says:

While I did not know the Senator intimately, never having served with him on any committee, I was very sorry to hear of his death. It was a great shock to everyone. If you had looked around the Senate Chamber, and wondered who would be taken next, you would have never selected LATIMER.

Senator CARTER, of Montana, adds this tribute:

His sudden and unexpected death was a great shock to me. His genial personality and kindly disposition endeared him to all of his associates regardless of locality or party affiliations. He will be greatly missed and long remembered.

On the morning of his death the distinguished chaplain of the Senate, Rev. Edward Everett Hale, touchingly referred to Senator LATIMER's death in his opening prayer:

Father, Thou art pleased to show to us day by day, month by month, hour by hour, that we are in Thy presence always and that we pass from this life to that larger life, yes, in an instant, in the twinkling of an eye. Come to us to-day as we learn that another has gone from this circle, and that here and there Thou art pleased that he shall be serving Thee in that larger life. Speak to us, Father, and lead us as only a Father can lead us, by Thine own care and love, that we may learn the lesson of life and of what we call death.
We ask for ourselves, we ask for those who are nearest and dearest to us, we ask for the State that he has served and the Nation, that we may come nearer to Thee and enter into Thy divine life.

Senator LATIMER was a member of the Methodist Church, and in this connection I desire to read from the Southern Christian Advocate, the organ of the Methodist Church in South Carolina, its tribute and that of his immediate pastor to the late Senator:

[Southern Christian Advocate.]

SENATOR A. C. LATIMER.

The State of South Carolina is called upon to mourn for one of her most honored citizens, Senator ASBURY C. LATIMER. After an operation upon him in a hospital in Washington, D. C., he died of peritonitis Thursday morning, February 20, 1908. His family was with him in his last hours. He was about 57 years of age.
Senator LATIMER was a man of high Christian character, and made a clean and pure representative in Congress. He was faithful in the discharge of his duties, both to church and state. A good and noble Christian man has been called to his reward on high. At our request, his pastor, Rev. R. L. Holroyd, has prepared the following tribute to his memory:
"In the death of Senator A. C. LATIMER, South Carolina Methodism has lost one of her most prominent members and staunchest friends. The Belton Church has lost a tower of strength. Brother LATIMER was not only a liberal contributor to the church both at home and abroad, but he was a wise counselor and a sincere friend to the cause. The people had confidence in his religious life. His public prayers were very earnest and touching. Often have I seen him and many of the congregation bathed in tears after what might be called one of his 'face-

to-face talks with God.' He loved to talk to his friends on religious subjects. His conversion was clear-cut and unquestioned. He had his days of trial, but he never lost his hold on God.

"Brother LATIMER possessed for me, after three years of intimate association, a most charming personality. I loved him for his own sake, and now that he is gone, I pen these words with a sad heart—not sad because of any trace of doubt as to his future, but that inherent selfishness that hesitates to give up a loved one, though his state is far better.

"My last conversation with him was at his own home on the evening of December 27, 1907. He was just up from a case of grip and was in a few days to go back to Washington. We raised the question of his personal salvation. He talked freely, as he had done on former occasions. And after rehearsing some of the difficulties in his way, growing out of his public duties, he said, with triumph, 'After all, my faith is stayed on God. I do love His church and His people.' He died very triumphantly. There was no cloud in his sky when the sun went down."

His request was that he buried from the little church at Belton, which he loved, upon which he had bestowed much thought and labor, and where he was for a number of years the faithful superintendent of the Sunday school.

That his neighbors loved him was evidenced by the great number who gathered at the depot at Belton and awaited, in silence, the arrival of the special train that bore his body from Washington; and then through the intervening hours, viewing his body as it lay in the church so quietly and so much like his former self; and through the ceremony as provided in the book of discipline, and at the grave, until the last word was said committing his body to the grave, "Earth to earth, ashes to ashes, dust to dust."

One very touching scene in connection with the funeral was the presence near the church of nearly fifty negroes who, desiring to see their former friend, were allowed to pass through the church. With subdued silence, many of them in tears, they viewed his body and went away with heavy hearts. He was a friend to all his people. They will miss him.

Rev. W. T. Tate, pastor of the First Baptist Church of Belton, and Rev. A. J. Cauthen, presiding elder of Anderson district and a former pastor of the deceased, assisted in the funeral services.

I shall now read an editorial from the Press and Banner, of Abbeville County, the county of his birth, and one of the oldest and ablest papers in the State:

[The Press and Banner, Wednesday, February 26, 1908.]

THE LATE SENATOR LATIMER.

The people of the State were shocked to learn of the sudden illness and death of Senator ASBURY CHURCHWELL LATIMER. From the news sent out, hope of his recovery was entertained until his death was announced.

Senator LATIMER'S biography would read like a romance. Left, as a result of the war, with little means, he did not have the advantages of collegiate or even of high-school education, yet with this handicap he attained the highest position in the gift of the people of his State. And it may be truthfully said that he has fulfilled the trust to the satisfaction of his constituents. He was, above all things, a worker, self-reliant and persistent, and while this accounts in large measure for that popularity which kept him for ten years in the lower House and afterwards elected him to the Senate, it must not be forgotten that the ability and aggressiveness that he developed as a stump speaker enabled him to hold at bay some of the strongest men of the State when they entered the lists for the senatorship.

It is also well worthy of note that he was highly esteemed and honored by the Members of the Senate. His appointment by the Senate as one of the commission to visit Europe and investigate the question of immigration is a testimonial of the high esteem in which he was held by that body.

In the life of Senator LATIMER there is a striking illustration of a man truly estimating his own capabilities, and not overestimating his capabilities. He knew the channel of his adaptability and he broadened its scope year by year. Heedless of the small talk, of his lack of fitness that was indulged in by many in the early part of his political career, he bent himself to the task of improving himself, and how well he has done it the record shows.

Mr. Speaker, the career of Senator LATIMER, from a farm boy of limited means and education to a seat in the greatest deliberative body in the world, is only another testimonial to the greatness and glory of our Republic, where all men stand upon a plane of equality and equal opportunity. With us birth, ancestry, wealth, and social position are small considerations in determining our choice of public servants. With us the question can only be, Is he fit, is he honest, is he truly representative of the dominant ideas? It is the man we seek, the man representative of our traditions, history, thought, and aspirations. Further than this we do not look. Ours is truly a government of the people by its representatives for the people.

In conclusion, I read the following beautifully expressed article from the Washington Herald of February 21, 1908:

SENATOR LATIMER'S DEATH.

Death at all times is awesome and profoundly impressive. To journey from out this vale of tears into that undiscovered country whence no traveler returns is to enter a mystery older than the hills and more wondrous than the universe itself.

Never is death more shocking, however, than when it seizes suddenly and almost without warning upon a man in the full bloom of health, strength, and virility—such a man as Senator LATIMER, of South Carolina, appeared to be. A week ago he seemed reasonably sure of many years to come; to-day he is no more. A week ago he stood in the Senate Chamber of the United States—"the greatest and most august deliberative body body on earth," as it has been so often and so truly called—the peer of any Member. His State had no higher honor to offer, his friends no greater boon to ask in his behalf. Nature seemed to have provided him with a robust constitution; pain, sickness, and vital weakness, apparently, were strangers to him. All in a moment his call came; he lingered a little while and passed away. His great office is vacant, his toga laid aside. He is but common clay, sinking into its destined lot.

Men who pause not to contemplate the sadness of this shocking incident in the country's forward march are not true men. The striking down of a public servant against whom no adverse word may be said is not an incident lightly to be thought upon. Those men out yonder on Capitol Hill hold in their keeping the destinies of the proudest republic on earth. In the main they are good men, honest and patriotic. Nevertheless, we laugh at them, gibe them, criticise them, and often abuse them a good deal more than the occasion always justifies. We do this, perhaps, because it is our way of doing things; as a matter of fact, we entertain for them down in our hearts a large measure of respect.

The passing of Senator LATIMER—more than usually pathetic, as such things go—moves us to profound sorrow. He seemingly had so much to live for; to die upon the threshold of his career in the national forum was sad in the extreme.

Mr. AIKEN. Mr. Speaker, we feel the real chill of death only when it touches the sacred precincts where friendship and family ties are cherished.

Senator LATIMER and I were reared in the same county. I succeeded him as Representative from the third district of South Carolina after his promotion to the United States Senate. The most cordial relations existed between us to the day of his death. All of us have known him as an able and faithful representative; many of us have known him as a man and a friend.

To my mind, there is no public man of recent years whose career is so rich in lessons of hope and inspiration to struggling youth as that of our lamented friend. He belongs decidedly to that class referred to by Lord Bacon, who achieved rather than inherited greatness. What his opportunity was, that was the exact measure of his success. ASBURY CHURCHWELL LATIMER was born near Lowndesville, Abbeville County, S. C., July 31, 1851. Coming to young manhood during the wreck of estates succeeding the war of secession, he, like so many southern youths of this period, gave of his time to labor in repairing the ravages of war at the cost of his better education, which was limited to the opportunities afforded by the disorganized common schools of that day.

On the 26th of June, 1877, Mr. LATIMER was married to Miss Sara Alice Brown, of Belton, S. C., and to them were born five children, all of whom survive. Shortly after his marriage he moved to Belton, Anderson County, adjoining the county of his birth.

As a young man, Mr. LATIMER was not dainty in selecting his work. His motto was, "That success lay not in the character of the work, but in the vim and thoroughness with which it was executed." Better things came to him because he did well the things of less import.

In 1890 Mr. LATIMER was elected chairman of the Democratic party in Anderson County, and was reelected in 1892. So well did his career commend itself to the people of that county that he was proposed as a candidate for Congress, and was elected in 1892, serving continuously for ten years. In a heated primary, in which he was opposed by some of the ablest men of South Carolina, he was elected to the United States Senate in 1902. His further public career is a matter of public record here.

Mr. LATIMER grew with his opportunities. When elected to Congress he had never held office and knew not the arts of public speaking. But the good name of an honest and strong-minded ancestry was his heritage, and with these he linked frankness of speech and that energy that commanded success. Realizing the great opportunity afforded to the observant man by service in Congress, he set himself to the task of self-improvement. Not only did he get a ready grasp of affairs in Congress, but he developed into one of the most effectual stump speakers in his State. He knew well the channel of his capabilities, and he seldom ventured beyond, but with each setting sun he broadened and deepened this channel.

Stranger than fiction is the fact of mortal existence. Some men spend their lives in the mire; some reach only the foothills; while a few climb to the eagle's crag on the cloud-shaded summit.

And they die an equal death—the idler and the man of mighty deeds.

When death claimed Senator LATIMER on the 20th day of February, 1908, he was strong and vigorous of mind and body. Ripening experiences had made him a safe counselor and an able Representative. He was open to the appeal of his people and effectual in executing their wishes. Humanly speaking, we would stay the dread messenger who would strike man in the prime of his usefulness when, from his vantage ground, he could direct the steps and lighten the burdens of the struggling masses. This Senator LATIMER did for his fellow-men, individually and collectively. Many were the young men, helplessly poor, who have been lifted by him to better things. His heart was tuned to sympathy's appeal, when in the struggles of his youth he felt her gentle touch. He championed the cause of the masses,

and there he found that generous response that elevated him to position and stimulated him to higher and nobler endeavor.

He held his seat; a friend to human race.

When the shadows gather, when the waves of eternity break at our very feet, we pause in awe for a little moment, and with bowed head and with bated breath and in sorrow we lay our dead to rest. But what is that which we do not and can not bury? Yesterday it moved and animated this helpless mass, holding it up face to face with God, in whose image it was created. This is the spark of divinity, the real man. And is it dead? No more than the steam dies that yesterday quickened the giant locomotive. Returned to its original elements, yes; but not dead. Scientists tell us that annihilation is impossible in nature. Our thoughts, our words, our deeds—these are but evidences of the existing soul. These live when empires have crumbled. Then who will say that the fountain from which they spring has perished? Who will say that nature, constant in all things, in this one instant reverses its law and permits the annihilation of the soul?

No; in the essentials of being, our friend still lives, and will live throughout the ceaseless ages. Addison, the greatest of English critics, said of the soul:

The stars shall fade away, the sun himself
Grow dim with age, and nature sink in years.
But thou shalt flourish in immortal youth,
Unhurt amidst the wars of elements,
The wreck of matter, and the crush of worlds.

Mr. STAFFORD. Mr. Speaker, were it not for the many amiable and endearing qualities that won my friendship for the late Senator ASBURY C. LATIMER, I would not be here paying my meed of praise to his memory. His strong individuality marked him as a man of commanding intellect, of strength of character, and determined will that brought him to the exalted position which he held in the Senate and which had found recognition by service for five terms in the House of Representatives. To serve sixteen years continuously in the highest legislative councils of the Nation is a distinction rarely achieved and shared only by those who have special merit and who prove by their devotion to service and loyalty to cause their worthiness of trust and confidence. But too rarely does this sacrificing service meet with proper appreciation by constituents whose representatives seek to do their utmost in their behalf.

A fourth of his living years was spent in the public service. The inestimable record he bequeathed to the State he honored is measured by the high reputation he gained in this long period that no suspicion of disloyalty to trust was ever cast upon his fair name.

With the untarnished record in public, private, and civic life that Senator ASBURY C. LATIMER bestowed upon his State, South Carolina may well place in its hall of notables this exemplar of civic righteousness, exalted purpose, and devoted public service, to be remembered by the present and coming generations as worthy of emulation and pride. If her succeeding public servants prove as faithful to trust as this dutiful citizen of the Republic, its interests and that of the Union will be secure so long as the sisterhood of States remains intact.

A year has passed since his friends and colleagues were startled by the death of this apparently strong and well man, and in that brief span of a twelvemonth the appreciation in which he was held by his colleagues has not abated, nor will the perspective of history change the estimate that was placed upon him by his coworkers, who were best placed to judge of his work and of his worth.

The trait that impressed me most and must have left similar impression upon others was the absence of all sectional feeling in his attitude toward men and measures. He breathed no spirit of hate or hostility toward the North, though he was born and his young manhood was spent in the days of his State's travail following the civil war. It is this mellowing trait that so reflects the life, attitude, and trend of the new South that made Senator LATIMER a living exponent in principle and in achievement of the new policy of rejuvenation and rehabilitation of the Southland.

His labors in the cause of immigration and of movements indissolubly connected with his State and country's best development show that he was abreast in thought and movement, and was keen to recognize the opportunities of the present and the potentialities of the future.

Death has leveled the man of strong body and iron will to the memory of the past. Among the many Senators whose deaths in the last session eclipsed in somber shadow both House and Senate, no one is more sincerely missed than the illustrious son of the Palmetto State. He had a geniality that won him friends on first meeting. None could be his enemy and everyone his confidant. His beaming and open countenance reflected the honesty of purpose that was the inspiriting motive in all his career. No wonder, then, that as the representatives of the Senate and House returned the erstwhile healthy body to the native clay of South Carolina, Senators and Representatives who had associated with him in daily legislative work for years were really grieved at the loss of this sage counselor, wise legislator, and true friend.

Mr. FINLEY. Mr. Speaker, on the 20th day of February last the announcement was made to the House that the Hon. ASBURY CHURCHWELL LATIMER, an honored Member of the Senate of the United States, a former Member of this body, and a distinguished citizen of the State of South Carolina, had passed away. Senator LATIMER's illness was of short duration. He died at Providence Hospital, in this city, surrounded by the members of his family—his sorrowing wife and grief-stricken children. Everything that human agency could accomplish had been employed to prolong his life and to combat the fatal disease. On an occasion like this we are brought face to face with the realities of life and the certainty of death; that when life's activities are ended we must cross the river, where passengers go over, but do not return. We pass from mortality in this life to immortality beyond the grave.

And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.

I have never been able to understand how one can believe otherwise than in the doctrine of the immortality of the soul. This life is but a span; the future is eternity. Preparation is made here for the life to come. We have the great apostle saying:

If in this life only we have hope in Christ, we are of all men most miserable.

So that the man whose hope in Christ extends beyond the grave, at death is not miserable.

Senator LATIMER was born July 31, 1851, on his father's farm near Lowndesville, Abbeville County, S. C., where his early life was spent. His father was a farmer, and the future Senator was brought up inured to all the practices and usages incident to a boy's life on the farm. He attended the old-fashioned country school. When his services were needed, he labored on the farm. His early experiences included the years preceding and including the civil war. When this cruel war was over, the people of the Southland commenced anew the struggles of life, and the future Senator, in common with others, worked. This, however, proves the stability of our institutions—that the way to the highest position is open to all. Senator LATIMER possessed splendid talent for business. He succeeded to an eminent degree in all of his business undertakings. In the memorable campaign of 1876, when the white people of South Carolina used every effort to redeem the State from carpetbag, scalawag, and negro domination, Senator LATIMER played an important part. Bold, aggressive, and patriotic, he assumed a leadership that inspired his neighbors and produced results. I remember how Anderson, his home county, contributed largely to the election of Wade Hampton, governor of South Carolina, and the restoration of white rule in the Palmetto State. In 1890 he took an active part in party politics, contributing to the election of governor, now Senator, BENJAMIN RYAN TILLMAN. He declined to permit his friends to use his name for lieutenant-governor on the ticket with Governor TILLMAN.

In 1892 he was elected to Congress from the Third Congressional District of South Carolina; was reelected to the Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. During his ten years' service in Congress he endeared himself to his constituents by industriously looking after their welfare in a material way. In 1902 he was elected to the United States Senate over strong competition in the Democratic primary. Senator LATIMER had at heart the welfare of the rural population. He labored industriously to promote their interest. On account of his environments, largely conditions growing out of the civil war, he was denied ample educational advantages. He made up for this in a large measure by effort and continuous industry in after life. Success in life must be measured by results accomplished. Judged by this standard, Senator LATIMER's life was a success. He started in life handicapped by many disadvantages. He earned the good will and well done of the people amongst whom he lived. He achieved political prominence and wealth. On the occasion of his funeral, one year ago to-day in the Methodist Church where for a quarter of a century he attended and was an active and influential member, at his home town, Belton, S. C., the highest tribute that could be

paid to Senator LATIMER was paid by his neighbors, rich and poor. Every class of those amongst whom he lived sorrowed and lamented for that they had lost—a friend. "Peace to his ashes."

Mr. Speaker, I ask unanimous consent that Members who desire to do so may have leave within five days to print remarks in the RECORD on the life, character, and public services of the late Senator LATIMER.

There was no objection.

The SPEAKER pro tempore. Now, in pursuance of the several resolutions and as a further mark of respect to the memory of the deceased, the House (at 5.28 o'clock p. m.) stands adjourned until 12 o'clock to-morrow.

SENATE.

MONDAY, *February 22, 1909.*

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

The Lord hath made bare his holy arm in the eyes of all the nations, and all the ends of the earth shall see the salvation of our God.

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Who raised up the righteous man? Who gave the nations before him and made him rule over kings? Who hath wrought it and done it? I, the Lord, the first and the last. I am He.

Let us pray.

Father of life, Father of love, Almighty God, we come to Thee to-day to look back upon the memory of him who was the leader of this land in its weakness, in its doubt, in its difficulty—the first in war, the first in peace, the first in the hearts of his countrymen.

Father Almighty, come to us in this day as Thou wert pleased to come to him. Lead Thy servants to-day as in Thine infinite providence and by Thy law Thou wert pleased to lead him. Such men do not come to us by accident. They come to us because they seek the living God with all their heart and soul and strength.

And this is for this Nation to-day. Oh, that this were that happy people whose God is the Lord. Teach us and teach our children's children what it is to sanctify law—to make holy Thy law in our law; in our daily lives to go and come as the children of the living God. Show us how to bear each other's burdens, how to lift up what has fallen down, how to open eyes that are blind and ears that are deaf. Point out to us Thine acceptable way. And, Father, make us always grateful to those who have led us through the desert as he whom we remember to-day led us in his day.

Our Father who art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done, on earth as it is done in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

THE JOURNAL.

The Journal of the proceedings of Saturday last was read and approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. George Washington's Farewell Address will be read, by the order of the Senate, by the junior Senator from Mississippi [Mr. MCLAURIN]. The Senator will take the place at the Secretary's desk provided for him.

Mr. MCLAURIN read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of

that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual intesrests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy

of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked. Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the na-

tion subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference of public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorites are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be not greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free

government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

COMMISSION ON COUNTRY LIFE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture, submitting an estimate of appropriation of $25,000 for all necessary expenses to enable the Commission on Country Life to digest, etc., the material already gathered by the commission to complete its work, etc. (S. Doc. No. 734), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910;

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes; and

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed a concurrent resolution authorizing the Speaker of the House and the President of the Senate to cancel their signatures to the enrolled bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and providing for a reenrollment thereof.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. ALEXANDER of New York, and Mr. CLAYTON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26915) making appropriations for the support of the army for the fiscal year ending June 30, 1910, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. WILLIAM B. ALLISON, late a Senator from the State of Iowa; of Hon. ASBURY CHURCHWELL LATIMER, late a Senator from the State of South Carolina; of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island; and of Hon. ARIOSTO APPLING WILEY, late a Representative from the State of Alabama.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 4307. An act for the relief of E. J. Reed;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 17303. An act authorizing the extension of Girard street NW. from its present terminus to Fifteenth street NW.;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 27894. An act amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; and

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York.

CREDENTIALS.

Mr. McCUMBER presented the credentials of MARTIN N. JOHNSON, chosen by the legislature of the State of North Dakota a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

HOUSE BILLS REFERRED.

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, was read twice by its title and referred to the Committee on Appropriations.

H. R. 28059. An act making appropriations for the Military Academy for the fiscal year ending June 30, 1910, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public buildings acts, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint memorial of the legislature of Idaho, which was ordered to lie on the table and be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth, to the Honorable Senate of the United States of America in Congress assembled, which was filed in this office the 16th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 16th day of February, A. D. 1909.

[SEAL] ROBERT LANSDON,
Secretary of State.

Senate joint memorial 3. By Mr. Macbeth.

To the honorable Senate of the United States of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the mining industry we believe to be second in importance only to agriculture; and

Whereas one of the greatest things, in our judgment, to the credit of the United States Government is its cooperation through the Department of Agriculture with the American farmer; and

Whereas we believe a similar cooperation with the miner through a bureau of mines and mining would prove of great assistance to the mining industry; and

Whereas the frequent explosions and the terrible loss of life resulting therefrom, especially in the coal regions of this country, demand the assistance of the Government in discovering some method by which such shocking loss of life may be avoided; and

Whereas the terrible waste in our mining resources is taking place, which through proper assistance from the Federal Government could largely be avoided; and

Whereas we are reliably informed that a bill is now pending in the United States Senate for the creation of a bureau of mines and mining and that such bill has already passed the lower House of Congress: Therefore be it

Resolved by the senate of the State of Idaho (the house of representatives concurring therein), That we most respectfully urge upon the United States Senate the importance of an early passage of such bill, and that a copy of this memorial be forwarded to the Secretary of the United States Senate and to our Senators by the secretary of state.

I hereby certify that the within senate joint memorial No. 3, originated in the senate during the tenth session of the legislature of the State of Idaho.

F. A. SHAW,
Secretary of the Senate.

The within senate joint memorial No. 3 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

The within senate joint memorial No. 3 passed the house of representatives on the 13th day of February, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

The VICE-PRESIDENT presented petitions of sundry citizens of Englewood, N. J.; of New Brighton, Johnstown, Brooklyn, New York City, and Cuba, all in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a petition of Honolulu Harbor, No. 54, American Association of Masters, Mates, and Pilots, of Honolulu, Territory of Hawaii, praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a petition of the National Woman's Christian Temperance Union, of Washington, D. C., praying for the enactment of legislation providing for the appointment of a national liquor commission to investigate the effects of the liquor traffic upon the moral and industrial affairs of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Jackson Woman's Christian Temperance Union, of Brooks, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the memorial and executive committee of army posts, Department of New York, Grand Army of the Republic, of Kings County, N. Y., remonstrating against the enactment of legislation placing certain inscriptions upon military monuments, also against the erection of a monument to the memory of Gen. Robert E. Lee, and praying for federal supervision of the erection of monuments upon federal reservations and the placing of inscriptions thereon, which was referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of sundry citizens of Casey, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government buildings, grounds, and ships, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Dahlgren, Ill., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the John Crear Library, of Chicago, Ill., praying that the duty on books be increased and remonstrating against the repeal of the present duty thereon, which was referred to the Committee on Finance.

Mr. HEYBURN presented a joint memorial of the legislature of Idaho, which was ordered to lie on the table and be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth, to the honorable Senate of the United States of America, in Congress assembled, which was filed in this office the 16th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 16th day of February, A. D. 1909.

[SEAL.] ROBERT LANSDON,
Secretary of State.

Senate joint memorial 3. By Mr. Macbeth.

To the honorable Senate of the United States of America, in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the mining industry we believe to be second in importance only to agriculture; and

Whereas one of the greatest things, in our judgment, to the credit of the United States Government is its cooperation, through Department of Agriculture, with the American farmer; and

Whereas we believe a similar cooperation with the miner, through a bureau of mines and mining, would prove of great assistance to the mining industry; and

Whereas the frequent explosions and the terrible loss of life resulting therefrom, especially in the coal regions of this country, demand the assistance of this Government in discovering some method by which such shocking loss of life may be avoided; and

Whereas the terrible waste in our mining resources is taking place which, through proper assistance from the Federal Government, could largely be avoided; and

Whereas we are reliably informed that a bill is now pending in the United States Senate for the creation of a bureau of mines and mining and that such bill has already passed the lower House of Congress: Therefore be it

Resolved by the senate of the State of Idaho (the house of representatives concurring therein), That we most respectfully urge upon the United States Senate the importance of an early passage of such bill, and that a copy of this memorial be forwarded to the Secretary of the United States Senate and to our Senators by the secretary of state.

I hereby certify that the within senate joint memorial No. 3 originated in the senate during the tenth session of the legislature of the State of Idaho.

F. A. SHAW,
Secretary of the Senate.

The within senate joint memorial No. 3 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

The within senate joint memorial No. 3 passed the house of representatives on the 13th day of February, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

Mr. HEYBURN presented petitions of Pocatello Lodge, of Pocatello; Lewiston Lodge, of Lewiston; and Capital City Lodge, of Boise City, all of the Benevolent and Protective Order of Elks, in the State of Idaho, praying for the enactment of legislation providing for the creation of a national reserve in Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DICK presented memorials of the Typographical Union of Portsmouth, the Typographical Union of Dayton, the Typographical Union of Cincinnati, and the Typographical Union of Cleveland, all of the American Federation of Labor, in the State of Ohio, remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

He also presented petitions of Local Lodges Nos. 77, 295, 37, 208, 363, 523, 797, 419, 93, 422, 448, and 56, of Circleville, Warren, Columbus, Ashtabula, Akron, Piqua, Wilmington, Bellaire, Hamilton, Lebanon, Cambridge, and Mansfield, all of the Benevolent and Protective Order of Elks, in the State of Ohio, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TALIAFERRO presented petitions of sundry religious organizations of the State of Florida, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also to prohibit the importation of opium or other deleterious habit-producing drugs, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the Harrington & Richardson Arms Company, of Worcester, Mass., remonstrating against the enactment of legislation to regulate the sale of firearms in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a concurrent resolution of the legislature of Wyoming, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, William R. Schnitger, secretary of state of the State of Wyoming do hereby certify that the annexed has been carefully compared with the original enrolled house joint memorial No. 3 of the tenth state legislature of Wyoming, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.

[SEAL.] WM. R. SCHNITGER,
Secretary of State.

House joint memorial 3, relating to homestead laws.

Memorial to the Senate and House of Representatives of the United States.

Be it resolved by the house of representatives of the legislature of Wyoming, the senate concurring:

Whereas it has been demonstrated that the homestead act providing for the entry and settlement of 160 acres of public land by a qualified entryman does not cover the needs and reach all the conditions in the arid and semiarid sections of the West, owing to soil and climatic circumstances not considered when the homestead laws was passed;

Whereas in the higher altitudes of the Rocky Mountain West the moisture rarely exceeds 12 inches, the seasons are short, and the precipitation variable in quantity and uncertain during the growing season;

Whereas these facts render it necessary to conserve according to the most scientific methods all the moisture that falls in winter, spring, and summer, thus requiring that at least one-half of the tillable area lie fallow each alternate season; and

Whereas the farmer who undertakes to establish a home and make a living for himself and family in a region in which the greatest natural obstacles must be overcome can not with safety depend alone on his crops, but must have some grazing land: Now, therefore be it

Resolved, That the house and senate of the Wyoming legislature by joint memorial do hereby indorse and approve the 320-acre homestead bill of Hon. FRANK W. MONDELL, and urge the honorable Congress of the United States to enact the same into law at its present session.

Resolved, that a copy of this memorial be sent to each Member of the Senate and House of Representatives at Washington, D. C.

Approved February 17, 1909.

Mr. WARREN presented a joint memorial of the legislature of Wyoming, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, William R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original house enrolled resolution, No. 4, of the tenth state legislature of Wyoming, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.

[SEAL.] WM. R. SCHNITGER,
Secretary of State.

House joint resolution 4, relating to creating forest reserves.

Be it resolved by the house of representatives, the senate concurring:

Whereas the people of the State of Wyoming are oppressed by the present policy of the National Government in withdrawing large areas of the State from the operation of laws enacted by Congress, thus adding to the expense of maintaining law and order and protecting life and property; and

Whereas the creation of large forest reserves has taken from the State areas which contain many other natural resources aside from timber, which must be properly utilized if the State is to develop and become a prosperous Commonweaith among those of the Union; and

Whereas our people are living under a code of rules and regulations prescribed by the Forest Service rather than under acts of Congress; and

Whereas development is greatly retarded because those responsible for such rules and regulations are unacquainted with conditions; and

Whereas the Forest Service and other bureaus at Washington maintain, at government expense, advertising agencies which mislead the people as to the purpose and work of such bureaus; and

Whereas the people of the State of Wyoming are fully aware that the best and highest use of natural resources is not being made under the supervision of these bureaus and that great waste now occurs which might be easily prevented by a more localized control: Therefore be it

Resolved, by the senate and house of representatives of the State of Wyoming, in legislature assembled, That Congress be, and it is hereby, petitioned to enact such laws as may be necessary for the control of natural resources and to provide an administration of these laws, in order that direct acts of Congress may operate rather than rules and regulations prepared and enforced by an absent landlord; and be it further

Resolved, That Congress be petitioned to take such steps as will place the control and management of natural resources in the hands of the people of States as rapidly as those States prepare for the responsibility; and be it further

Resolved, That a copy of these resolutions be sent to each Member of Congress and to the chief administrative officers of the Interior and Agricultural Departments.

Approved February 17, 1909.

Mr. FRYE presented a petition of sundry citizens of Brooks, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Wellington Grange, Patrons of Husbandry, of Wellington, Me., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a petition of the congregation of the Methodist Episcopal Church of Mound City, Kans., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 1037, of Junction City; of Local Lodge No. 412, of Pittsburg; of Local Lodge No. 595, of Lawrence; of Local Lodge No. 579, of Fort Scott, and of Local Lodge No. 647, all of the Benevolent and Protective Order of Elks, in the State of Kansas, praying for the enactment of legislation providing for the creation of a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HALE presented a petition of sundry citizens of Brooks, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange, Patrons of Husbandry, of Wellington, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 9191) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by Mr. du PONT on the 18th instant, proposing that the annual salary of the United States attorney for the district of Delaware shall be, after the beginning of the fiscal year 1910, $3,000, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. WARREN. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, to report it with amendments, and I submit a report (No. 1055) thereon. I give notice that I shall ask to have the bill taken up at the earliest practicable time. I hope Senators will give this bill their attention and be prepared to consider it on its merits when it comes up. There is considerable new matter contained in the bill, and it is proposed to consider it at a later hour to-day and to-morrow.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 4434) to amend an act entitled "An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901, reported it without amendment and submitted a report (No. 1057) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, reported it without amendment and submitted a report (No. 1058) thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes, reported it without amendment and submitted a report (No. 1059) thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the amendment submitted by Mr. CULLOM on the 3d instant, proposing to appropriate $5,000 for the erection on the brink of the Grand Canyon in the Grand Canyon Forest Reserve in Arizona, a memorial to the late John Wesley Powell, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. PERKINS. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for

the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it without amendment, and I submit a report (No. 1061) thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

TERMS OF COURT AT YOUNGSTOWN, OHIO.

Mr. FORAKER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 27139) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district, to report it favorably without amendment, and I submit a report (No. 1056) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that from and after the passage of this act there shall be held at the city of Youngstown, in the northern district of Ohio, a term of both the circuit and district courts of that district on the first Tuesday after the first Monday in March of each year; that grand and petit jurors summoned for service at the terms of either of the courts aforesaid to be held at the city of Cleveland, may, if in the opinion of the judge holding court in that division the public convenience requires it, be directed to serve also at the term then being held, or herein authorized to be then held, at the city of Youngstown; that prosecutions for crimes or offenses hereafter committed in any part of the eastern division of the district shall be cognizable at the aforesaid terms of either of the courts having jurisdiction thereof, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SMOOT introduced a bill (S. 9440) to amend and consolidate the acts respecting copyright, which was read twice by its title and referred to the Committee on Patents.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (S. 9441) to amend the Code of Law for the District of Columbia regarding insurance (with an accompanying paper); and

A bill (S. 9442) for the relief of Emma L. Hines.

Mr. TAYLOR introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9443) for the relief of the estate of Lee Shute; and

A bill (S. 9444) for the relief of the heirs and legal representatives of W. A. Schoolfield, deceased.

Mr. DIXON introduced a bill (S. 9445) granting an increase of pension to David B. Todd, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 9446) for the relief of E. D. Miller, estate of G. Colhoun, S. B. Crow, James Tate, and others, which was read twice by its title and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 9447) to authorize and empower J. L. Hankinson, N. B. Dial, and their associates, successors, and assigns, to construct a dam, which was read twice by its title and referred to the Committee on Commerce.

Mr. SMITH of Michigan introduced a bill (S. 9448) for the relief of Orlando B. Willcox and certain other army officers and their heirs or legal representatives, which was read twice by its title and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 9449) for the relief of the Bank of Louisiana, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $2,840.83 to pay the Boston and Maine Railroad for railway mail service, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $1,385.22 in settlement of the claim of Pedro Mangalindan, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. McCUMBER submitted an amendment relative to the improvement of harbors and landings of the upper Missouri River, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relating to the improvement of the Missouri River from Sioux City, Iowa, to Fort Benton, Mont., and the Yellowstone River from mouth to Billings, Mont., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment proposing to appropriate $7,444.49 in full settlement of the defalcation of Lyman K. Lane, formerly a clerk in the Union Agency, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $250,000 for one steam revenue cutter of the first class for service in the waters of Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment authorizing the President of the United States, by and with the advice and consent of the Senate, to appoint J. Randolph Peyton, late a cadet at the Military Academy, at West Point, to the position of second lieutenant of infantry in the army, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $20,000 for the maintenance of the channel at the mouth of the Apalachicola River, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Commerce.

Mr. STONE submitted an amendment proposing to appropriate $150,000 to prevent the diversion of the waters of the Missouri River through Lake Contrary and other contiguous lakes, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $1,875 to pay John H. Bankhead, of Alabama, for services on the Inland Waterways Commission from March 14 to June 18, 1907, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $32,000 to purchase certain Indian relics deposited for safekeeping in the National Museum by Richard C. Adams, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CLAPP, Mr. CURTIS, and Mr. OWEN conferees on the part of the Senate.

JUDGES FOR HAWAII, ALASKA, ETC.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARK of Wyoming. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. OVERMAN conferees on the part of the Senate.

The VICE-PRESIDENT. Is there further morning business? If not, morning business is closed, and the calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

BILLS PASSED OVER.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government was announced as first in order.

Mr. CARTER. Let that go to the calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from Montana.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. CLARK of Wyoming. In the absence of the Senator from Pennsylvania [Mr. KNOX], I ask that that bill be passed over for the present.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Wyoming.

BANKS IN THE DISTRICT OF COLUMBIA.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was announced as next in order.

Mr. GALLINGER. Let the bill be read.

The VICE-PRESIDENT. The bill has heretofore been read.

Mr. KEAN. Let it be read again.

The VICE-PRESIDENT. The Secretary will again read the bill, at the request of the Senator from New Jersey.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. On page 4, in section 3, line 20, the bill reads "the 1st day of January, 1909." That needs to be changed. I suggest that it should read "the 1st day of April, 1909."

Mr. GALLINGER. Yes; that should be done.

Mr. KEAN. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, page 4, line 20, after the words "day of," it is proposed to strike out "January" and insert "April," so as to read:

SEC. 3. That from and after the 1st day of April, A. D. 1909, no company, association, or corporation shall transact a banking business or maintain an office or banking house where deposits or savings are received within the District of Columbia except associations organized under the national banking act, corporations organized under an act of Congress entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," approved October 1, 1890; except also a branch or branches in the District of Columbia of foreign banking corporations which have branches outside the United States and are engaged in international banking, building associations receiving payments from their own members, and corporations organized under this act, and any person, firm, or copartnership now engaged or that may hereafter engage in the business of private banking in the District of Columbia, etc.

The amendment was agreed to.

Mr. KEAN. Mr. President, the report of the committee sets forth two amendments. I do not know whether they are included in the bill as printed.

The VICE-PRESIDENT. No committee amendment is indicated on the face of the bill.

Mr. KEAN. If the Secretary will read the report of the committee, he will find that two amendments are indicated.

The VICE-PRESIDENT. The first amendment will be stated.

The SECRETARY. In section 3, page 6, line 1, after the word "bank," it is proposed to insert:

Provided, however, That every person, firm, or copartnership who shall have paid such tax or annual license of $500 may advertise and put forth signs having thereon, after the name of such person, firm, or copartnership, the words "private banker" or "private bankers," as the case may be.

Mr. GALLINGER. That amendment and the other one suggested in the report should be incorporated in the bill.

Mr. KEAN. Yes; they should appear in the bill.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Minnesota?

Mr. KEAN. Certainly.

Mr. NELSON. I desire to say, Mr. President, that I am at a loss to understand the scope of the provisions of this bill from the mere reading of it, and I should be glad to have some member of the committee that has reported the bill explain its object and purpose.

Mr. GALLINGER. Mr. President, the Senator from Vermont [Mr. DILLINGHAM] reported the bill. He is not in the Chamber at present, and I suggest that the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

CONDEMNATION OF LANDS FOR PUBLIC PURPOSES.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as next in order.

Mr. KEAN. This bill seems to relate to some big scheme. I think it ought to go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from New Jersey.

PAROLE OF UNITED STATES PRISONERS.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was announced as the next business in order on the calendar.

The VICE-PRESIDENT. The bill was considered by the Senate, as in Committee of the Whole, on January 6 last. The committee amendments were all agreed to, and the bill was ordered to be reprinted.

Mr. GALLINGER. Let it be acted upon now.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC LIGHT AND POWER IN LAHAINA, HAWAII.

The bill (S. 7697) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Lahaina, Territory of Hawaii, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

ELECTRIC LIGHT AND POWER IN WAILUKU, HAWAII.

The bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii, was announced as the next business in order on the calendar.

Mr. KEAN. Let this bill go over, also.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

WILLIAM T. ROSSELL, JR., AND HARRY G. WEAVER.

The bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy was announced as the next business in order on the calendar.

Mr. DICK. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Ohio.

CHEYENNE RIVER AND STANDING ROCK RESERVATIONS.

The bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., p. 460), entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," was announced as the next business in order on the calendar, and was read.

Mr. KEAN. I think the appropriation of $415,000 should be postponed. I object to the consideration of the bill.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from New Jersey.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

The bill (S. 7916) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" was announced as the next business in order on the calendar.

Mr. CARTER. The bill relates to a subject which has been very vigorously debated upon this floor from time to time. It seems to be a very important bill. It is appropriate, I think, for some member of the committee conversant with the change of law and the purpose to be subserved to make an explanation of the bill.

Mr. ALDRICH. The Senator in charge of the bill does not seem to be in the Chamber this mornuing, and I suggest that the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Rhode Island.

COMMITTEE ON INDUSTRIAL PEACE.

The bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," was announced as the next business in order on the calendar.

Mr. KEAN. May I ask a question? Did we not the other day pass a bill very similar to this, on the request of the Senator from Virginia [Mr. DANIEL]?

The VICE-PRESIDENT. The title has a familiar sound.

Mr. KEAN. Then I think this bill had better go over. I think the Senator from Virginia had such a bill passed. Let it go over.

The VICE-PRESIDENT. The Chair can not answer the Senator from New Jersey definitely. The bill will go over without prejudice, at the request of the Senator from New Jersey.

APPEALS FROM COURT OF CLAIMS.

The bill (S. 8245) to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 2, line 1, after the word "eighteen," to strike out:

Robert V. Belt and Joseph P. Mullen *v.* The Chickasaw Freedmen, No. 30192; Robert V. Belt and Joseph P. Mullen *v.* The Choctaw Freedmen, No. 30193.

So as to make the section read:

That either party to the cases hereinafter mentioned now pending before the Court of Claims may, within sixty days from the filing of any judgment by said court, appeal therefrom to the Supreme Court of the United States, to wit: Estate of Charles F. Winton, deceased, et al. *v.* Jack Amos et al., known as the Mississippi Choctaws, No. 29821; S. W. Peel *v.* The Choctaw Nation and The United States, No. 30018; Marion Westcott *v.* The Menominee Tribe of Indians of Wisconsin, No. 30178; F. F. Green *v.* The Menominee Tribe of Indians of Wisconsin, No. 30179; J. A. Liege *v.* The Menominee Tribe of Indians of Wisconsin, No. 30180; Heirs of Samuel Garland *v.* The Choctaw Nation, No. 30252; and also the case authorized by the act of June 21, 1906 (34 Stat. L., p. 325), to be brought by the heirs of Peter Pitchlynn against the Choctaw Nation, should said suit hereafter be instituted.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That that part of section 27 of the act of May 29, 1908 (35 Stat. L., p. 444), as follows: "That the lands allotted to said Mississippi Choctaws are hereby declared subject to a lien to the extent of the claims of the said Winton and of the other plaintiffs authorized by Congress to sue the said defendants, subject to the final judgment of the Court of Claims in said case;" and that part of section 16 of said act providing that "the same to be a lien against their respective allotments of land for their pro rata amounts thereof;" and that the following provision of the act approved April 30, 1908 (35 Stat. L., p. 90), "and such contracts as are approved as herein provided, when recorded in the county where such land is located, shall be a lien, in the event of the restoration of such persons to the rolls, against allotted lands or tribal funds of the person so restored to or given rights upon said rolls," be, and the same are hereby, repealed.

The amendment was agreed to.

Mr. KEAN. Let us have the report read.

The VICE-PRESIDENT. The report will be read, at the request of the Senator from New Jersey.

The Secretary proceeded to read the report submitted by Mr. DIXON on the 22d day of January, 1909, which is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 8245) entitled "A bill to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes," having examined the same, recommend that it be amended by striking out all of line 12, on page 1, and lines 1, 2, 3, and line 4 to and including the words "ninety-three," and that all of section 2 be stricken out, and as so amended the committee report said bill favorably and recommend its passage.

In support of the foregoing report the committee beg leave to refer to the attached letter of the Secretary of the Interior. The committee has amended the bill by striking out the reference to cases Nos. 30192 and 30193, because the acts authorizing said suits provide in themselves for an appeal to the Supreme Court, and the committee has recommended striking out section 2, because the acts authorizing the actions provide for liens, and the committee believe it would be unfair to the attorneys who have and are prosecuting these actions, and who have already incurred a great deal of labor and expense, to deprive them now of their liens.

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1908.

SIR: There is inclosed a draft of bill authorizing appeals in certain cases to the Supreme Court of the United States from the judgments or decrees of the Court of Claims.

By section 9 of the act of April 26, 1906 (34 Stat. L., 137), Charles F. Winton, deceased, "his associates and assigns," were authorized to bring suit in the Court of Claims "for services rendered and expenses incurred in the matter of the claims of the Mississippi-Choctaws for citizenship in the Choctaw Nation," and the court was authorized to render judgment on the principle of quantum meruit.

By section 17 of the act of May 29, 1908 (35 Stat. L., 444), William M. Vernon, J. S. Bounds, and Chester Howe, "their associates and assigns," were authorized to interplead in the Winton suit, and the department understands that J. E. Arnold and Joseph W. Gillett have also intervened in said suit, although the law does not specifically authorize them to do so. It is understood that they claim to have been associates of Charles F. Winton, deceased.

Section 16 of the act of May 29, 1908 (35 Stat. L., 444), authorized Robert V. Belt, of this city, and Joseph P. Mullen, of Ardmore, Okla., to bring suit against the Choctaw and Chickasaw freedmen "for services rendered and expenses incurred by them as attorneys" in prosecuting the claims of the freedmen for allotments of land within the Choctaw and Chickasaw nations; and by section 2 of the same act M. (Marion) Westcott and other traders mentioned therein were authorized to bring suit against the Menominee tribe of Indians of Wisconsin and certain members thereof "for supplies, goods, wares, merchandise, tools, and live stock furnished certain members of said tribe" after January 1, 1898.

By the act of February 18, 1907 (34 Stat. L., vol. 2, p. 2415), S. W. Peel, of Bentonville, Ark., was given the right to bring suit against the Choctaw Nation "for services rendered and expenditures had" in an action in the Court of Claims, wherein Yvon Pike, Lillian Pike, and Yvon Pike as the administrator of the estate of Luther S. Pike, deceased, were plaintiffs, and the Choctaw Nation was defendant.

Section 5 of the act of May 29, 1908 (35 Stat. L., 444), "authorized and directed" the Court of Claims to hear and adjudicate the claims "against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due."

The act of June 21, 1906 (34 Stat. L., 325), authorized and directed the Court of Claims to hear and adjudicate the claims against the Choctaw Nation "of the heirs of Peter Pitchlynn, deceased, and to render judgment thereon."

It is a well-settled principle that an appeal from the judgment of the Court of Claims to the Supreme Court of the United States, in a case of the character of any of those mentioned herein, will not lie unless the jurisdictional act authorizes an appeal to be taken (ex parte Warmouth, 17 Wall., 64, and ex parte Atocha, 17 Wall., 439). This doctrine was upheld by the Supreme Court at its present term in the case of the United States and the Cherokee Nation *v.* John J. Hemphill and Kenneth S. Murchison, case No. 529.

None of these acts provide for an appeal by either party to the Supreme Court of the United States. Many of the cases involve large amounts and are of great importance to the Choctaw and Chickasaw nations and also to the Menominee tribe of Indians. Usually in such cases Congress provides for an appeal by either party to the Supreme Court from the judgment or decree of the Court of Claims, and in the opinion of this department cases of the magnitude of some of these should not stop short of the highest court in the land. The claims against the Menominee tribe and certain individual members thereof are for supplies furnished such individual members in connection with logging operations. The supplies were not furnished to the tribe, and it is believed that should the Court of Claims render judgment against the tribe for supplies furnished individual members thereof such judgment should not be paid unless affirmed by the Supreme Court.

Although the Indian Office and the department recommended the enactment of that part of the act of April 30, 1908, making the contracts between attorneys and persons whose names were stricken from the rolls of the Five Civilized Tribes a lien on the land of such persons in the event their names are restored to the rolls, the department and the Indian Office have reached the conclusion that said provision is unjust and inequitable and should be repealed.

The same is true of similar provisions contained in sections 16 and 27 of the act of May 29, 1908, making the claims of Winton et al. and of Belt and Mullen a lien on the lands of the Mississippi Choctaws and Choctaw and Chickasaw freedmen, respectively. The lands of these people should not be burdened with a lien before judgment is rendered against them, and such legislation is unusual.

I urgently request that you cause the draft of bill inclosed to be introduced and that Congress enact it into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.

During the reading of the report,

Mr. DIXON. Unless the Senator from New Jersey is especially desirous of hearing the entire report read, I should like to make a suggestion.

Mr. KEAN. I was trying to find out what is the object of the appeal to the Supreme Court. I see what it is now. It is to pay certain attorneys' fees, and therefore I ask that the bill may go over.

Mr. DIXON. I will say to the Senator from New Jersey that the bill was prepared especially at the request of the Secretary of the Interior. I think if the Senator from New Jersey understood its full import he would not object to it.

There are several suits pending against certain Indian tribes which were referred to the Court of Claims and no appeal to the Supreme Court provided for. The Secretary of the Interior and the Commissioner of Indian Affairs are very much of the opinion that these claims should not be paid, and the Secretary asks that in the event of an adverse judgment in the Court of Claims he be permitted to take an appeal to the Supreme Court of the United States before he is compelled to pay over the money.

Mr. KEAN. Do I understand that these cases have been tried in the Court of Claims?

Mr. DIXON. They are now pending, and on account of the large amount involved and for fear of an adverse judgment the Secretary and the Commissioner of Indian Affairs are very anxious that the Government should be permitted to take an appeal in such an event.

Mr. KEAN. I may be very dull of comprehension, but the way I read the first part of the report it sounded to me as if it were a means of increasing attorneys' fees.

Mr. DIXON. No; it is to enable the Government to appeal these cases in the event of an adverse judgment.

Mr. KEAN. I am very strongly in favor of that kind of action, but I thought attorneys' fees had been allowed, and they thought they were a little too small and wanted to get a little more money.

Mr. DIXON. No. It was prepared by the Secretary and the Commissioner of Indian Affairs, and was transmitted at their request. I do not speak of the merits of the cases.

Mr. KEAN. I withdraw the objection.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN C. BEACH.

The bill (S. 4029) to appoint Warren C. Beach a captain in the army and place him on the retired list was announced as the next business in order on the calendar.

Mr. KITTREDGE. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from South Dakota.

ALASKA SHORT LINE RAILROAD.

The bill (S. 7781) to extend the time for the construction and beginning construction of the Alaska Short Line Railroad in Alaska, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

JOHN W. SAVILLE.

The bill (S. 3836) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank was considered as the next business in order on the calendar, and was read.

Mr. LODGE. Let the report be read. I should like to have time to look at the bill. It has some very unusual provisions.

The VICE-PRESIDENT. The report will be read, at the request of the Senator from Massachusetts.

The Secretary proceeded to read the report submitted by Mr. DICK on the 1st instant, which is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3836) placing John W. Saville on the retired list of the navy with an advanced rank, having had the same under consideration, respectfully submit the following report:

Passed Asst. Engineer John W. Saville, U. S. Navy, retired, excluded from participating in the benefits conferred on officers with creditable civil war service by the act of June 29, 1906, because of the proviso to that act "that this act shall not apply to any officer who received an advance of grade at or since the date of his retirement."

Mr. Saville did receive an advance of one grade—from assistant to passed assistant engineer—some time after the date of his retirement, namely, in 1884, by special act of Congress, but it appears that the advance in question was one to which he had become entitled before his retirement by reason of his length of service in the grade of assistant engineer, and an advance he would have received before retirement if he had been accorded his examination for promotion at the time when he became entitled to take it by law and navy regulations, to wit, in 1868.

On January 1, 1868, Mr. Saville was entitled to examination for promotion to passed assistant engineer and was at the time qualified, physically and otherwise, it appears, to pass it. He was, however, on duty on the Asiatic Station and it was not deemed advisable for the good of the service to detach him and send him home to stand the examination. After being detained in Asiatic waters until July 24, 1869, eighteen months beyond the time for his examination, he lost his health on account of arduous duties performed on board ship, was condemned by the medical survey, ordered home, and retired in 1871. His physical disability, incurred as the direct result of actual service in exceptional and trying duty, and incurred after the time set for his examination, prevented this officer from receiving the advance to passed assistant engineer before he retired.

Consequently, his advance by special act after retirement was one to which he had long before been entitled to receive and was not a promotion for creditable civil-war service. If Mr. Saville had been allowed to stand his examination at the time (1868) when his length of service as assistant engineer qualified him to do so, he would most probably have been advanced to passed assistant engineer prior to his retirement and would now be eligible for promotion under the act of June 29, 1906. Believing this, your committee is of the opinion that Passed Assistant Engineer Saville should receive the advance of one grade accorded by the act of June 29, 1906, for creditable civil-war service, and recommends the passage of this bill.

During the reading of the report,

Mr. LODGE. I do not ask for the further reading. Let the bill go over.

Mr. DICK. Does the Senator insist upon his objection?

Mr. LODGE. I have read the report, and I do not feel, after reading it, that this is a proper case for such action. Moreover, it takes the very unusual course of dating back the pay, which is carefully excluded from such bills ordinarily.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Massachusetts.

WESTERN JUDICIAL DISTRICT OF PENNSYLVANIA.

Mr. KNOX. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 26068) providing for an additional judge for the western district of Pennsylvania, and for other purposes, to report it favorably without amendment, and I submit a report (No. 1060) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LAND TO ALVA, OKLA.

The bill (S. 7226) granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, in line 9, to strike out all after the word "Oklahoma," so as to make the bill read:

Be it enacted, etc., That the acre of ground hertofore reserved by the United States for the location of a land office, together with the building located upon lot No. 1, block No. 40, of the plat of the town site of Alva, approved by the Commissioner of the General Land Office on September 14, 1893, is hereby dedicated and conveyed to the city of Alva, Okla.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF INTOXICATING DRINKS TO INDIANS.

The bill (S. 8553) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," was announced as the next business in order on the calendar.

Mr. ALDRICH. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Rhode Island.

STANDING AND SELECT COMMITTEES OF THE SENATE.

Mr. ALDRICH. I offer a privileged resolution, for which I ask immediate consideration.

The resolution (S. Res. 294) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the standing and select committees of the Senate, as constituted at the end of this session, be, and they are hereby, continued until the next regular session of Congress or until their successors are elected.

FUNGICIDES AND INSECTICIDES.

The bill (S. 6515) for preventing the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris greens, lead arsenates, and other insecticides, and for regulating traffic therein, and for other purposes, was announced as the next business in order on the calendar.

Mr. KITTREDGE. I promised the senior Senator from Florida [Mr. TALIAFERRO] that I would not ask to have the bill taken up in his absence. The Senator from Florida is unavoidably detained from the Chamber. Therefore I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from South Dakota.

CAPT. JOHN C. WILSON.

The bill (S. 4229) for the relief of Capt. John C. Wilson, U. S. Navy, retired, was considered as in Committee of the Whole. It authorizes the President to advance Capt. John C. Wilson, U. S. Navy, retired, on the retired list of the navy, to the grade of commodore on the retired list with the rank he would have occupied in such grade had he been retired June 30, 1907, under the provisions of the navy personnel act of March 3, 1899.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PINE RIDGE INDIAN RESERVATION, S. DAK.

The bill (S. 7380) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as the next business in order on the calendar.

Mr. KITTREDGE. Let the bill go over. I ask that a portion of the report, being a letter from the Secretary of the Interior, be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GAMBLE. I ask that the whole report be printed in the RECORD.

The VICE-PRESIDENT. Without objection, the bill will go over without prejudice, at the request of the junior Senator from South Dakota, and the entire report will be printed in the RECORD without being read, at the request of the senior Senator from South Dakota.

The report submitted by Mr. GAMBLE from the Committee on Indian Affairs on the 4th instant is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 7380) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect, having had the same under consideration, beg leave to report that said bill do pass with the following amendments:

On page 7, line 24, strike out the words "one dollar and twenty-five" and insert in lieu thereof the words "two dollars and fifty."

On page 8, line 13, strike out the word "sixty-five" and insert in lieu thereof the words "one hundred and thirty."

The present area of the Pine Ridge Indian Reservation aggregates about 2,765,000 acres. The lands proposed to be opened to settlement under the provisions of this bill will embrace an area of about 900,000 acres. It is the understanding of the committee that a majority of allotments to the adult Indians on this reservation have been made. Provision has been made under recent statutes for the allotment of all the minor children on the reservation. This work is now in progress and it is expected it can be completed on the lands proposed to be opened during the present year.

The provisions of the bill are substantially the same as the one passed during the last session of Congress for the opening of about 3,000,000 acres on the Cheyenne River and Standing Rock Indian reservations, in the States of North and South Dakota. In that case the bill in question was submitted to the Indians upon those reservations prior to its passage, and with slight modifications was approved by them. It was at first contemplated to submit this bill, through an Indian inspector, for the consideration of the Pine Ridge Indians, but the inspector, who for a number of years has had that especial work in charge, is otherwise occupied and has been unable to take it up, and it is felt by the committee that the provisions of the bill are fair and just to the Indians in all respects, and it would delay the consideration of the matter unduly if action were withheld for that purpose, and the measure could not receive consideration during the present session of Congress.

The reservation is large, and in the judgment of your committee the surplus and unallotted lands are unnecessary for the use of the Indians, and the opening of the reservation would result in a large increase in the settlement and the development of that part of the State and would enhance to a very large extent the value of the holdings of the Indians. Your committee regard it of the highest importance, not only to the Indians themselves, but to the people of the State and of the General Government, that all surplus lands should be opened to settlement at the earliest practicable date.

The bill provides that prior to the issuance of the proclamation for the opening of the lands to settlement the Secretary of the Interior shall cause allotments to be made to all Indians and minors belonging to or holding tribal relations with the Indians upon the reservation who have not heretofore been allotted. It also provides that the Secretary of the Interior, in his discretion, may permit Indians who have an allotment within the area proposed to be opened to relinquish such allotments and to receive in lieu thereof allotments anywhere within the reservation proposed to be diminished.

Sections 16 and 36 of the lands in each township are not to be disposed of, but are reserved for the use of the common schools of the State, and these lands are to be paid for by the Government in conformity with the provisions of the act admitting the State of South Dakota into the Union. The Secretary of the Interior is authorized to reserve such lands as are necessary for agency, school, and religious purposes in conformity with the practice of the Government in measures of this character.

The lands to be opened are to be inspected, appraised, and valued by a commission for that purpose appointed by the President of the United States, which appraisement is subject to the approval of the Secretary of the Interior. The lands to be opened are reserved for homesteads, and one-fifth of the price so fixed for the land is to be paid upon entry thereof and the balance in five equal annual installments. The Secretary of the Interior is also authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and the moneys realized from the sale thereof are to be applied to the benefit of the tribe. The moneys derived from the sale of the lands are to be deposited in the Treasury of the United States to the credit of the Indians of the tribe, and the same shall draw interest at 3 per cent per annum, and these moneys shall be expended for the benefit of the tribe under the direction of the Secretary of the Interior.

The communications from the Secretary of the Interior reporting upon the bill are herewith submitted and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1909.

SIR: The department is in receipt of your letter of December 15, 1908, transmitting a copy of Senate bill No. 7380, authorizing the sale and disposition of the surplus unallotted lands on a part of the Pine Ridge Reservation, S. Dak.

In response your attention is invited to a letter from this department, under even date herewith, addressed to you, regarding Senate bill No. 7379, authorizing the sale and disposition of the surplus unallotted lands on a part of the Rosebud Reservation. The suggestions made therein apply with equal force to Senate bill No. 7380, and if the committee and the Congress agree with Senator GAMBLE and the department that the views of the Indians should be procured before final action is had on this bill, then it would be advisable to delay such action until the next session of the Congress.

Again, the allotting work on this reservation has not been completed, and owing to the number of Indians yet to be allotted the department does not believe that any part of this reservation can be opened prior to the year 1910, in view of which it is not seen wherein any material advantage will be gained by pressing the matter at this session of the Congress.

Should action be taken at this session, however, it is respectfully recommended that the bill be amended by striking out the words "one dollar and twenty-five cents," in section 7, page 7, line 24, and inserting in lieu thereof the words "two dollars and fifty cents;" and that section 8, page 8, line 13, be amended by striking out the word "sixty-five" and inserting in lieu thereof the words "one hundred and thirty," the reasons therefor being the same as those suggested to you in the letter of even date herewith regarding the opening of a part of the Rosebud Reservation.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP, *United States Senate.*

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1909.

SIR: I am in receipt of your letter of December 12, 1908, transmitting for recommendation and report a copy of Senate bill No. 7380, authorizing the sale and disposition of the surplus unallotted lands on a part of the Pine Ridge Reservation, S. Dak.

In response, your attention is invited to a letter of even date herewith, addressed to you, regarding Senate bill No. 7379, authorizing the sale and disposition of the surplus lands on a part of the Rosebud Reservation. The suggestions in the letter referred to apply with equal force to Senate bill No. 7380.

If you still think that the views of the Indians should be procured before action is taken on this bill, then it would be advisable to delay such action until the next session of the Congress. Again, the allotting work on this reservation has not been completed, and as this work must be finished before the surplus unallotted lands can be classified and appraised, it is not believed that any part of this reservation can be opened prior to the year 1910; in view of which it is not seen wherein any material advantage will be gained by pressing the matter at this session of the Congress.

Should action be taken at this or subsequent sessions, however, it is respectfully recommended that the bill be amended by striking out the words "one dollar and twenty-five cents" in section 7, page 7, line 24, and inserting in lieu thereof the words "two dollars and fifty cents," and that section 8, page 8, line 13, be amended by striking out the word "sixty-five" and inserting in lieu thereof the words "one hundred and thirty," for the same reasons as those given in the other communication from this department addressed to you regarding the opening of the surplus lands on the Rosebud Reservation.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. ROBERT J. GAMBLE,
United States Senate.

The letter of the Secretary of the Interior, referred to in the foregoing communication, is also submitted and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1909.

SIR: The department has received your letter of December 12, 1908, transmitting for recommendation and report a copy of Senate bill 7379, authorizing the sale and disposition of the surplus unallotted lands on a part of the Rosebud Indian Reservation, in the State of South Dakota. You suggest that Inspector James McLaughlin be detailed for the purpose of bringing the provisions of the bill to the attention of the Indians with a view of procuring an expression of their views regarding the opening of that part of the reservation described in the bill.

In response you are informed that the department recognizes the fact that Congress can enact legislation of this character without the consent of the Indians interested, but agrees with you that the views of the Indians should be procured before the bill is finally acted on, as it facilitates the work of allotment if the Indians of the tribe have the provisions of the bill explained to them in advance and are given an opportunity to suggest amendments which, if deemed reasonable, Congress may be glad to adopt.

It agrees with you that Inspector McLaughlin, owing to his long experience with the Sioux Indians, is the most satisfactory person to bring this matter to the attention of the members of the Rosebud tribe, and it is believed that he can do more with these Indians in the way of discussing the provisions of the pending bill than any other man now connected with the service.

Mr. McLaughlin, however, has been detailed recently to the work of supervising the distribution of over $698,000 among some 4,440 beneficiaries under a recent judgment of the Court of Claims, payment for which was authorized by the act of May 30, 1908. (35 Stat. L., 514.) These beneficiaries are scattered throughout several States, and it will take three or four months, if not longer, to complete this work. Mr. McLaughlin's acquaintance with these Indians makes his services in connection with this payment almost indispensable, but while he is engaged therein an excellent opportunity will be given him to confer with the Indians of the Rosebud tribe regarding the intention of Congress to open a part of their reservation at an early date, thereby paving the way for ultimately procuring promptly the views of the Indians regarding the provisions of the pending bill.

The Rosebud Reservation has been reduced very rapidly during the last few years, and intimations have reached this department from trustworthy sources that there is danger that the land available for allotment may be exhausted if too large a reduction is made at this time. I do not believe, therefore, that the strip of land on the east of the present diminished reservation should be opened yet; but should the Congress take action at this session, it is respectfully recommended that the bill be amended by striking out the description of the part of the reservation to be opened (pp. 1 and 2) and inserting in lieu thereof the following:

"Commencing at a point on the tenth standard parallel of latitude north where it is intersected by the western boundary of the Rosebud Indian Reservation, in the State of South Dakota; thence north along said boundary line to a point in the center of the main channel of the White River; thence easterly along the center of the main channel of the said White River to a point where the range line 25 west of the sixth principal meridian intersects the same; thence south on said range line 25 west of the sixth principal meridian to a point where it is intersected by the tenth standard parallel of latitude north; thence west along said parallel to the place of beginning."

Whether action is had on the pending bill at this or subsequent sessions of the Congress, it is recommended further that the bill be amended by striking out the words "one dollar and twenty-five cents," in section 7, page 8, line 2, and inserting in lieu thereof the words "two dollars and fifty cents;" and that section 8, page 8, line 16, be amended by striking out the word "sixty-five" and inserting in lieu thereof the words "one hundred and thirty."

In connection with the foregoing, attention is invited to the fact that prior to the passage of the act of May 29, 1908 (35 Stat. L., 460), Inspector McLaughlin was sent to the Standing Rock and Cheyenne River reservations for the purpose of bringing to the attention of the Indians the provisions of the bill then pending to open the parts of the reservation named. At a meeting of the Indians of both of the tribes named it was informally agreed that $2.50 per acre would be paid them for all lands granted the States of North and South Dakota for school purposes. As originally passed by the Senate the bill then pending (S. 1385, 60th Cong., 1st sess.) did provide for the payment of these lands at the rate of $2.50 per acre, but as passed in the House the price was reduced to $2 per acre; but when the bill came from

conference and as finally passed it provided for the payment of these lands at the rate of $1.25 per acre.

On being informed of the provisions of the act of May 29, 1908, supra, the Indians of both reservations expressed themselves as being very much dissatisfied and disappointed, believing that the Government had not exercised good faith in dealing with them in this matter, inasmuch as in their opinion they should have received $2.50 per acre for their land, and, as appeared from the above facts, this was the belief also of a large number of Members of Congress who had given the matter careful attention.

It is believed, therefore, that the Congress can not only well afford but would desire, with all these facts before it, to arrange to pay the Indians for all lands granted the State of South Dakota for school purposes at the rate of $2.50 per acre.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. ROBERT J. GAMBLE,
United States Senate.

RETURN OF BOOKS TO LIBRARIES.

The bill (S. 7298) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill was considered as in Committee of the Whole February 15 last, and the committee amendment agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT POLICE AND FIREMEN'S RELIEF FUND.

The bill (S. 8276) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, was announced as the next business in order on the calendar, and the Secretary proceeded to read it.

Mr. BRANDEGEE. That seems to be a very comprehensive bill; the Senator who reported it is not in the Chamber, and I ask that it may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Connecticut.

ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26915) making appropriations for the support of the army for the fiscal year ending June 30, 1910, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted, and that the President of the Senate shall appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. WARREN, Mr. FORAKER, and Mr. TALIAFERRO conferees on the part of the Senate.

GOVERNMENT OF THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

IN THE HOUSE,
February 15, 1909.

House concurrent resolution 68.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, authorized to cancel their signatures to the enrolled bill H. R. 25155, "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,'" and that the said bill be reenrolled with the insertion of the words "third paragraph of the" after the words "That the," in the first line after the enacting words of said bill.

Mr. LODGE. I have examined the matter. I ask that the resolution be concurred in.

The concurrent resolution was considered by unanimous consent and agreed to.

JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. The next bill on the calendar will be announced.

The bill (S. 8518) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIANS OF FORT BERTHOLD RESERVATION.

The bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, was considered as in Committee of the Whole. It proposes to appropriate $13,860, or so much thereof as may be necessary, to pay such Indians of Fort Berthold Reservation, in the State of North Dakota, as the Secretary of the Interior shall determine to be entitled thereto the value of certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, the value of the horses to be ascertained and determined by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

A. R. HOLZHEID.

The bill (S. 706) for the relief of A. R. Holzheid, who sustained loss of property in the San Francisco fire of April, 1906, was read.

Mr. KEAN. Let the report be read.

The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from New Jersey.

Mr. KEAN. I think this is a case where there was some insurance recovered.

Mr. WARREN. This is a case where the chief clerk of the Department of California, instead of taking care of his own personal property, went with General Funston to take care of the sufferers in the earthquake and the fire. He is neither an enlisted man nor a commissioned officer, and therefore has no recourse except to Congress, whereas if he had been an enlisted man or an officer he could have collected the amount of his loss under the provisions of the general law.

Mr. SMOOT. I should like to ask the Senator from Wyoming if this is not a bill which should properly have been sent to the Committee on Claims

Mr. WARREN. I hardly think so, because the appeal was made by General Funston on account of the peculiar law relating to military affairs. For instance, an enlisted man would, of course, have recourse directly to the department; the department would have had a board of survey and made the return and paid the amount without expecting Congress to appropriate for the payment.

There is only one ground on which it should go to the Committee on Claims. Of course every claim for money might properly go to the Committee on Claims, but that rule has never been enforced. We passed the other day three bills of exactly the same character as this coming from other committees. We have passed such bills coming from the Committee on Post-Offices and Post-Roads and various other committees.

If in the next Congress the chairman of the Committee on Claims and others will approve the stand that every one of the calls upon the Government for money shall go to the Committee on Claims, I shall not resist it, but I would not like to have that rule applied to this particular bill, under all the circumstances.

Mr. SMOOT. I wish to say that, as far as I am personally concerned, I believe that any claim of this character coming to Congress ought to go to the Committee on Claims and that committee should pass upon it. We have claims similar to this one before the committee. I think this bill ought to have been passed on by the Committee on Claims rather than the Committee on Military Affairs.

I will not object any further to the passage of the bill.

Mr. KEAN. I wish to call the attention of the Senator from Wyoming to the letter from headquarters, Department of California, in the report. I ask the Secretary to read that part of the report in which the amount is reduced from $1,400——

Mr. WARREN. From $1,400 to ten hundred and some dollars.

Mr. KEAN. To $412.50.

Mr. WARREN. I say that it was reduced to ten hundred and something, and that is what the bill calls for.

Mr. KEAN. But in the report the amount is reduced to $412.50.

Mr. WARREN. I do not care to have a part of the report read unless all of it is read. The matter has had careful consideration by the Committee on Military Affairs. If the Senate presumes that that committee is incapable of passing upon it, let the bill go over. It is a matter, however, that is very dear to the heart of General Funston and others, who were so efficient in saving life and property after the earthquake at San Francisco. I think we all know that General Funston, together with his associates, even without definite law, rules, and regulations,

performed one of the greatest deeds that any American ever did when he took his army and went to the rescue of the sufferers in the earthquake and the fire which followed it. This man, who was directly under the General's orders, neglected his own property, which might have been saved if he had remained in his home, but he went out and assisted in the saving of life and property for others. If the Senate believes that he ought to lose all his private effects in the meantime, it will say so.

Mr. KEAN. That is not the question here at all. If the Senator from Wyoming wishes to reward this individual for his services, I am not questioning that, but it is proposed to pay him for clothing that was lost, and, as I read it, the department says that he is entitled to $412.50. That is what the department says.

Mr. WARREN. As I said before, if there is any question about it, either let the whole report be read or let the bill go over, if the Senator insists on it.

Mr. KEAN. Let it go over then.

Mr. WARREN. I want to say, if I may be permitted, that this is the first bill of this character that has been halted, upon the idea that it should go to the Committee on Claims. It is the most deserving of all the bills of this character, and we have passed probably nearly a hundred. On this particular man at this particular time, under the particular circumstances, I consider it in bad grace, if not in bad faith.

Mr. SMOOT. As far as the objections I offered are concerned, I did not offer them on that ground. I did it upon the ground that perhaps it would be better to investigate and find out just what amount should be paid, in view of the sum stated in the report.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

ALASKA CENTRAL RAILWAY.

The bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

SPECIAL PEACE OFFICERS IN ALASKA.

The bill (S. 8058) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior was considered as in Committee of the Whole.

Mr. KEAN. The last provision in the bill is rather a queer one.

Mr. GALLINGER. I move to strike out the last proviso, beginning in line 8, in the following words:

Provided, however, That no person so appointed shall be entitled to any fees or emoluments of any character whatsoever for performing any of the services herein mentioned, but may be allowed, in the discretion of the Attorney-General, expenses actually and necessarily incurred in connection with such services.

It is manifestly inconsistent with itself.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. KEAN. I ask the Senator from Montana to yield to me. I merely want to have a bill indefinitely postponed.

Mr. CARTER. I yield for that purpose.

INDUSTRIAL PEACE COMMITTEE.

Mr. KEAN. When on the calendar, a little while ago, we reached the bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace." I ask that it be indefinitely postponed, a similar bill having passed and become a law on the 18th day of February. It is the same bill with a change of only four words, the words "said committee to consist." That is the only change in the bill as it became a law. I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

Mr. CARTER. I yield for a moment to the Senator from Utah [Mr. SMOOT].

CONDEMNED CANNON FOR UTAH.

Mr. SMOOT. I ask unanimous consent to consider the bill (S. 9198) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARTER. I yield to the Senator from Colorado [Mr. GUGGENHEIM].

CONDEMNED CANNON FOR COLORADO.

Mr. GUGGENHEIM. I ask the Senate to proceed to the consideration of the bill (S. 9286) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, to report it favorably with sundry amendments, and I submit a report (No. 1062) thereon. I shall ask the Senate in the morning, after the routine morning business, to take up the bill.

The VICE-PRESIDENT. The bill will be placed on the calendar.

POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that a vote be taken on the pending bill and all amendments then pending or to be offered at 4 o'clock on the 24th.

The VICE-PRESIDENT. The Senator from Montana asks that a final vote be taken upon the pending bill and pending amendments and amendments to be offered at 4 o'clock on the 24th instant.

Mr. HEYBURN. Mr. President, I am constrained to object.

The VICE-PRESIDENT. Objection is made by the Senator from Idaho.

Mr. CARTER. I now offer the amendment to the bill which I send to the desk.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. Strike out all after the enacting clause and insert:

That there be, and is hereby, established a system of postal savings depositories under the supervision and direction of a board of trustees; which board shall consist of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, acting ex officio, and two members appointed by the President, by and with the advice and consent of the Senate, each for the term of five years; and each of said two members shall receive a salary of $10,000 per annum, and shall hold no other office of trust or profit under the United States while serving under such appointment. All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by the board of trustees herein established. It shall be the duty of said board to report to Congress at its next session a plan for the simple and economical administration of the business of said system; and any regulation prescribed by the Postmaster-General under authority of this act shall be subject to the approval of said board. Said board shall report to Congress at the beginning of each regular session their transactions under the provisions of this act, including a statement showing the number of post-offices receiving deposits of postal savings in each State and Territory, the aggregate amount of deposits made therein, the aggregate of withdrawals therefrom, the amount of interest paid to depositors, and the amount of extra expense incident to the system of postal savings, and all other facts which they may deem pertinent and proper to present.

SEC. 2. That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided,* That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the

money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices specified above.

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over in his or her own name, and by a married woman in her own name and free from any control or interference by her husband; but no person shall simultaneously have more than one postal savings account.

SEC. 4. That the postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made: *Provided*, That the Postmaster-General may, with the approval of the board of trustees, adopt some other device in lieu of a pass book as a means of making and preserving evidence of deposits.

SEC. 5. That at least $1, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and $1, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $100 in any one calendar month: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase from any depository office for 10 cents a postal savings card to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to $1, or a larger sum in multiples thereof, including the 10-cent postal saving card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of $1, or multiples thereof, and when a card and stamps thereto attached are redeemed by any postmaster he shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

SEC. 6. That every deposit must be accompanied by the depositor's pass book, and at the time of the receipt of such deposit the postmaster shall enter in such book the amount thereof and the date of receipt, and shall return the same immediately to the depositor. The postmaster shall forthwith notify the Postmaster-General of such deposit and the amount thereof, and the latter shall cause to be forwarded to the depositor written acknowledgment of its receipt. If the depositor shall fail to receive such acknowledgment within such reasonable time as the Postmaster-General shall by regulation prescribe, he shall so notify the latter. The entry upon the pass book shall be conclusive evidence of the making of such deposit until the receipt by the depositor of such acknowledgment or until the expiration of the period prescribed within which the Postmaster-General shall be notified by the depositor of his failure to receive such acknowledgment. Upon the receipt of such acknowledgment it shall be conclusive evidence of the making of such deposit.

SEC. 7. That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe; but interest shall not be computed or allowed on any amount less than one dollar, or some multiple thereof: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

SEC. 8. That every depositor shall forward his deposit pass book to the Postmaster-General in an envelope, free of postage, which will be furnished him at the postal savings depository office, once in each year, on or within thirty days after the anniversary of the first deposit made, for examination and entry of the amount of interest found due. In case a depositor shall lose his or her pass book he or she may secure a duplicate of the same upon application to the Postmaster-General, upon the payment of a charge to be fixed by him by general regulation, but in lieu of payment of cost of same it may be charged to the account of such depositor.

SEC. 9. That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe. All withdrawals of deposits must be made in even dollars unless the account shall be closed, in which event the depositor's pass book shall be surrendered; and repayments to depositors shall be made under such regulations as the board of trustees may prescribe. No bank in which postal savings funds shall be deposited shall receive any exchange or any other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

SEC. 10. That postal savings funds received under the provisions of this act and the regulations prescribed hereunder may be deposited in any solvent bank or banks in the neighborhood in which the funds are received at a rate of interest not less than 2½ per cent per annum, the board of trustees taking from such bank or banks such security for deposits so made as they shall deem necessary to insure the safety of the same; or such funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for repayment to postal savings depositors; or for investment (first) in bonds or other securities of the United States, or (second) in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits were received: *Provided*, That postal savings funds deposited in any State in which no provision is made by law governing the investment of savings bank funds may be invested in the same character of securities in such State as are made the subject of investment of savings bank funds by the laws of the States of New York or California: *Provided further*, That said board of trustees shall maintain a reserve fund, either with the Treasurer of the United States or the banks as herein provided, not less in amount than 10 per cent of the total funds deposited in postal savings depositories. Interest and profits accruing from the deposit or investment of postal savings funds shall be applied to the payment of expenses of administration authorized by the board of trustees and approved by the Postmaster-General and of interest due to postal savings depositors as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues, or, in the discretion of the board of trustees, the same may be deposited in the Treasury as a reserve fund for the payment of deposits: *Provided*, That in the Treasury or with the Treasurer of the United States postal savings funds shall be designated and held as "trust funds," subject to disposition as provided in this act and not otherwise. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

SEC. 11. That postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the postal service, who shall be held to the same accountability under their bonds for such funds as for other public moneys; and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General. All statutes relating to the safe-keeping of and proper accounting for public moneys are made applicable to such funds, and the Postmaster-General may require postmasters, assistant postmasters, and clerks at postal savings depositories to give any additional bond he may deem necessary.

SEC. 12. That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings depository business. Such compensation shall be at the annual rate of one-fourth of 1 per cent of the deposits received at such postal savings depository, and shall be paid from the postal revenues; but postmasters, assistant postmasters, and clerks at post-offices of the presidential grade shall not receive any additional compensation for such service.

SEC. 13. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated to enable the Postmaster-General and the board of trustees to establish a system of postal savings depositories in accordance with the provisions of this act; and the Postmaster-General is authorized to require postmasters and other postal officers and employees to transact in connection with their other postal duties such postal savings depository business as may be necessary, and he is also authorized to make, and with the approval of the board of trustees to promulgate, and from time to time to modify or revoke such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this act into effect.

SEC. 14. The postal savings depository funds are hereby declared to be public moneys, and all statutes relating to the embezzlement, conversion, and improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, and other improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to false returns of postal savings depository business, and the forgery, counterfeiting, alteration, and other improper use or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

SEC. 15. That this act shall take effect on the first day of the third calendar month after its approval.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, I was about to recall the attention of the Senate to the fact that there are now pending certain amendments which I presented to the bill as originally reported by the committee. I desire that those amendments shall be disposed of before the consideration of the substitute just offered is entered upon. I understand that there are some Senators who desire to speak upon the amendments offered by myself. I have already given my views to the Senate with respect to those amendments.

It will be noticed by those who have taken the pains to read the substitute, or who have heard it read, that it is substantially a new bill. The whole scope of the original bill has been changed. First, it is provided that there shall be appointed two trustees, who are not now in office, at a salary of $10,000 each. I am very much opposed to that feature of the substitute. This does not seem to me to be the proper time to take on additional officers for the transaction of this business.

The latter part of the bill is wholly changed. It commits the money collected at the post-offices to these trustees, and they are given the option to either deposit the money in the solvent banks in the neighborhood or to deposit it in the Treasury of the United States, from which, if the latter course be pursued, it may be withdrawn for certain investments. This discretion, as I view the subject, and as I believe the people, certainly of the western country, will view the subject, introduces a feature again into the bill which will be almost universally condemned. It is simply another opportunity to collect the money from these various localities so that it will eventually find its way into the money centers and be entirely incapacitated to render the service to the people of our country that money ought to render.

If the bill were changed so that these savings should be invested in bonds of the United States, if bonds are to be provided for, I would have no objection to it. But I am sure that the experiment which is proposed by this substitute will result disastrously to the people of this country. Therefore, I desire, when the proper time comes, that the amendments which I propose be considered and determined by the Senate before the substitute is taken up.

Mr. CARTER. Mr. President, certain definite objections were urged to the bill as originally reported from the committee. The Senator from Iowa [Mr. CUMMINS] objected directly to that portion of the bill which exempted the funds from garnishment and taxation, and likewise to that portion which provided for the deposit of the funds in national banks in the locality where the deposits were received, claiming, first, that the se-

curity exacted—that is, a prior lien on the resources of the bank—was objectionable; and, second, that the deposits should be made in banks organized under state laws, as well as under the national-bank law.

The amendment now being pressed by the Senator from Iowa is largely disposed of by the substitute, because it will be observed that the substitute does not in terms exempt the funds from garnishment, nor are the funds exempt from taxation as the property of the depositor. That leaves of the Senator's amendment only one question, and that involves deposits in state banks, and a supplemental question involving the security to be exacted from the banks in which deposits are made.

It is true that the substitute vests in a board of directors or trustees the authority previously vested in the Postmaster-General, or which was vested by the original bill. The committee has directed the report of this substitute for the measure previously reported.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I shall be glad to do so.

Mr. GALLINGER. I would ask the Senator what service these two $10,000 men are to perform? It seems that once a year a report is to be made of certain doings which the Post-Office Department undoubtedly will have in hand, and yet we are to appoint, in addition to the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, two persons at a salary of $10,000 a year each.

Mr. CARTER. Mr. President, the Postmaster-General, the Secretary of the Treasury, and the Attorney-General are now burdened with exacting official duties. They would be made, under this substitute, ex officio trustees of this fund, but, obviously, they could not give that close attention to the investment of the funds which both their importance and amount demand. The two additional officers would be the active officers connected with the investment of the funds. They would be undoubtedly constantly employed in making investments and would be expected to devote their entire time to the work.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. BORAH. Mr. President, I have only read this amendment while it was being read by the Secretary in the Senate today. As I understand, speaking to the Senator who is in charge of the bill, section 10 in the former bill is practically eliminated by the substitute?

Mr. CARTER. It is practically eliminated by the substitute.

Mr. BORAH. But the substitute leaves the question of deposit in state banks yet in existence; that is to say, it does not provide for deposits exclusively in national banks?

Mr. CARTER. It provides for deposit in banks, but does not specify the kind of banks, leaving the board to determine as to the bank or banks and likewise as to the security for the return of the funds.

Mr. BORAH. What does the substitute do with reference to making the deposit a first lien upon the resources of the bank?

Mr. CARTER. Instead of thus providing for a first lien on the resources of the bank, the substitute bill provides that such security shall be taken by the board as the board may deem necessary for the safety of the funds. That is left wholly to the board.

Mr. BORAH. Well, Mr. President, I will say, so far as my views of the matter are concerned, that those features of the old bill being eliminated, I would have no objection to the substitute except the question of creating these new officers. It was stated the other day in the discussion of this matter that the postal savings bank bill would incur but very little extra labor, and I do not see as yet from anything that has been said why the two new officers should be created.

Mr. CARTER. Mr. President, the bill as originally framed and reported from the committee contemplated the deposit of the funds in banks exclusively, save where the banks refused to pay the stipulated interest. In that case, which would be rare in practice, it was provided that the funds might be invested in certain classes of securities. This substitute contemplates the deposit of funds primarily in the banks in the States where received. Failing to secure the number of banks to receive the moneys at the rate of interest stipulated, the trustees would then be called upon to invest the funds in such securities within the State as the state law prescribes as safe investments for savings bank funds. Where the state laws do not make provision guarding the investment of saving bank funds, the substitute provides that the character of the security shall be exacted in such State or States as the laws of New York or California prescribe. It is obvious when investments in securities become a part of the work, and a considerable part of it, that the Secretary of the Treasury, the Postmaster-General, and the Attorney-General can not give personal attention to investments in securities. The best they could do would be to see that the rules for the investment of the funds were strictly adhered to. The details of administration would of necessity be left to others.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I yield to the Senator from Idaho.

Mr. HEYBURN. I should like to inquire of the Senator from Montana where this money would rest in the interval between the time that it was taken into the post-office and the time the board found a satisfactory investment for it?

Mr. CARTER. Mr. President, by the substitute bill the same provision is made with reference to the deposits in the local banks as in the original bill. By reference to section 10 the Senator will perceive that the money may be deposited in any solvent bank or banks in the neighborhood in which the funds are received. That is the first provision made in the section.

Mr. HEYBURN. Deposited without interest?

Mr. CARTER. Deposited at two and a quarter per cent per annum.

Mr. HEYBURN. But that requires a contract. Suppose, in view of the fact that it was intended by the board to find some other investment for it, the bank should decline to receive the money and agree to pay interest on it?

Mr. CARTER. Mr. President, that would drive the board to the alternative presented by the section—investment either in securities of the United States or securities of the State in which the money was received.

Mr. HEYBURN. Suppose there were none of either class in existence; what then? There are States that have no indebtedness, and United States securities are rather expensive when you pay the premium they command.

Mr. CARTER. Then, in the last resort, to which the Senator refers, the money would be, as provided by the section, deposited with the Treasurer of the United States.

Mr. HEYBURN. By the postmaster. I find a missing link. I want to know where this money would rest between the time that the postmaster took it into his possession and the time when it was placed in the Treasury?

Mr. CARTER. Mr. President, the Senator will perceive, upon reading the bill, that the receipt, transmission, investment, and safeguarding of funds is placed in the charge of the board of trustees. The Postmaster-General is authorized, with the approval of the board, to issue all needful rules and regulations with reference to such business details as those to which the Senator refers. The mere form in which the postmaster at a small place would remit to a depository would vary under different conditions, and it is obviously better to leave the rule to be prescribed by the administrative officer under the authority of law. That, I think, provides for the missing link to which the Senator has referred.

Mr. HEYBURN. I think the link is still missing.

Mr. CARTER. I think if the Senator will read the bill carefully he will find——

Mr. HEYBURN. I have it before me.

Mr. CARTER. I think he will find that that link is strong enough to drag the load.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. Certainly.

Mr. CURTIS. I should like to ask the Senator if, under section 10 of the amendment, the trustees could not refuse to place the money in the local banks and send it direct to the Treasury of the United States, even though the local banks offered to give them bond or such other security as might be required?

Mr. CARTER. The word "may" is used instead of the word "shall," but in legal contemplation the word "may" is often held to be the equivalent of the word "shall." In this connection it is not made mandatory upon the board to deposit in the banks in the locality where the money is received, but that proceeding is the first mentioned in the section. It is obviously the purpose of the bill that the money be deposited in banks where two and a quarter per cent interest, or a greater amount, will be paid.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield further to the Senator from Kansas?

Mr. CARTER. Certainly.

Mr. CURTIS. Then, would it not be wise to amend section 10, in lines 11 and 12, by providing that the money shall not be sent to the Treasury if the required bond is given?

Mr. CARTER. That might be a wise amendment to reach that end. My purpose, Mr. President, at this moment is to make some progress with the bill. I call the attention of the Senator from Iowa [Mr. CUMMINS] to the parliamentary situation.

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. I yield to the Senator from Minnesota.

Mr. CLAPP. The Senator was asked what was the object of adding two $10,000 positions to those already existing. I should like to have the Senator make some reply to that before he sits down. I myself can not see any necessity for it, although there may be such necessity.

Mr. CARTER. Mr. President, the substitute for the bill provides a piece of machinery expected to ultimately handle by deposit in banks or investment in securities a sum that will reach the stupendous proportion of a billion dollars. I doubt not that within the space of one year there will be deposited in the post-offices of the country, of money not now in active use in the channels of trade, not less than $300,000,000.

Mr. CLAPP. I should like to ask the Senator another question.

Mr. CARTER. Will the Senator permit me to answer the first one before he asks another?

Mr. CLAPP. Yes.

Mr. CARTER. This sum will, according to the experience of other countries, continually increase. The board proposed to be created by the substitute will be charged with the sole responsibility for the investment, collection of interest, safety, and disposition of this vast sum of money. The Secretary of the Treasury can not go to distant States to inquire into investments. By the law of Iowa, I believe—and the laws of Iowa would be the rule of action as to securities for the board in that State—loans could be made upon improved real estate.

The same is true with reference to the investment of savings bank funds in many other States. The Secretary of the Treasury could not leave his station in this city to inquire into the value or character of real estate offered as security in California, in Iowa, or elsewhere; the Attorney-General could not; the Postmaster-General could not; and no officer charged with serious duties at the national capital in connection with other business of this Government could give adequate attention to the State laws of investment.

I believe one of the most conspicuous virtues in the substitute rests in the authority given to this board to loan these postal funds on improved real estate. I have been a witness in the growing parts of this country to the exorbitant rates of interest being charged farmers and citizens of growing towns to enable them to improve their places—rates of interest that, outside of the growing part of this country, would be regarded as usurious. The fund gathered up at the post-offices would have a strong tendency, if loaned as savings bank funds in the State, to reduce the rates of interest on farm loans and on improved property in the cities.

Mr. HEYBURN. Will the Senator yield for a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Will the Senator permit me first to finish my answer?

Mr. HEYBURN. Yes.

Mr. CARTER. Two additional officers are provided here, to the end that they may give their entire time and undivided attention to this great financial operation as to the receipt of the money, its transmission, and its investment.

Mr. CLAPP and Mr. GALLINGER addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. I do.

Mr. CLAPP. I have been very much entertained by the answer of the Senator from Montana. The Government handles a great many hundreds of millions of dollars every year, but I do not think that the Secretary of the Treasury at present goes out and investigates all the reports that are turned in as to the standing of the banks that are designated as government depositories. Does the Senator from Montana think that two men could very carefully and personally examine all the applications for farm or other loans that might be made under any form of bill that would permit of the loaning of government money? I would take it that we ought to make the number, instead of two, about two hundred. Then, perhaps, they could give some personal attention to the matter.

Mr. CARTER. Mr. President, I do not desire to be diverted by a detail. If it is the judgment of the Senate that the Secretary of the Treasury, the Attorney-General, and the Postmaster-General can give needed and adequate attention to this work, it will be an easy matter to strike out that portion of the bill providing for the two additional members of the board, but that a board is more desirable than a single individual to administer a great fund of this kind is, I think, beyond dispute.

Mr. CLAPP. Then, Mr. President, if that be true, we ought to consolidate some of the departments and make them into boards. We have run this Government more than one hundred years with departments and with one head to each department. If it is a fact that a board can do better than the head of a department, it is time some change was being inaugurated.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I yield to the Senator from Texas.

Mr. BAILEY. I had the pleasure of hearing the Senator from Montana [Mr. CARTER] at the beginning of this debate reply to a suggestion that this was a bill to put the Government into the banking business. He said that this was really not a banking business, but it was merely receiving this money and taking good care of it. Waiving for the time the suggestion that the Government has the right to take care of what the people earn, I now discover that he has, as men usually do, progressed in this argument, and if I did not misunderstand him a moment ago, I heard him suggest that the Government was not only going into the business of loaning money, but by engaging in that business itself it would reduce the rate of interest in the communities where this money would be loaned. I understand that that is now the position of the Senator from Montana.

Mr. CARTER. I say, as to farm loans, that would probably be the effect.

Mr. BAILEY. Then the Senator from Montana abandons the original proposition that this bill does not put the Government into any kind of business, and he now advances the proposition that it puts it into a good kind of a business.

Mr. CARTER. Mr. President, "the Senator from Montana" does not abandon any position previously taken. The bill as originally presented contemplated the disposition of funds in one of two ways: First, by the deposit in national banks in the locality where received, at a stipulated rate of interest, which has not been changed by the amended or substitute bill. Second, failing to secure depositories willing to pay the 2½ per cent interest, the Postmaster-General was authorized to invest the funds in certain specified securities. There has been no change in principle, nor is there any departure in principle, from the original proposition in that regard.

It was objected in many quarters that the bill as originally presented divided the financial operations of the Government between two Cabinet officers—one the Postmaster-General, controlling one large bank account, and the Secretary of the Treasury, another; that something should be done to insure harmonious action as to the financial operations; that a board would be a more responsible agency to handle a great trust fund of this kind than a single Cabinet officer. Therefore the board is substituted for the Postmaster-General, he, however, remaining within the management as a member of that board.

Mr. BAILEY. With loans on farm lands added as an additional function of the Post-Office Department.

Mr. CARTER. There is no reference to farm lands in the bill, but it does provide that the class of securities in which a state savings bank invests in the State may be the subject of the investment of the funds in that State.

Mr. BAILEY. I simply want to repeat what I said a moment ago, and that is that the explanation which the Senator from Montana made of the bill at the opening of the debate will not square with the speech he has just delivered. In other words, his answer to the objection that this bill was putting the Government in the banking business then was that it was in no essential particular characteristic of the banking business. Now the Senator comes and before the bill becomes a law undertakes to extend the operations of the Government in this new field of finance, and he proposes now to allow those who must invest its funds to enter into competition with the people who loan money on farm mortgages.

I have no particular regard for those who loan money on farm mortgages. I belong to the class that borrows and not to the class that loans, and naturally my sympathies would be with any system, a proper one in itself, which tended to reduce the rate of interest on farm loans. But I have never yet believed that the Federal Government has that power; and when I do be-

lieve it I will adopt the old Farmers' Alliance proposition, to loan it on farm lands whenever the farmers need it.

Mr. SMOOT. And direct.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. If the Senator will indulge me for a moment, I should like to say a word in reply to the last statement of the Senator from Texas.

The Senator from Texas unconsciously confuses the disposition of the fund with the receipt of the fund. The complaint of the banker everywhere has been that the opening of the post-office to the receipt of a deposit deprived the local bank of the deposit thus made, and therefore a competition with the banker was built up under the patronage of the Government. I insisted then, and I insist now, that there is no element of banking in the proposed postal depository system. It is true that small sums, not more than a hundred dollars a month, and not to exceed $500 in the aggregate, may be received under this proposed measure at any money-order post-office from any person over the age of 10 years, but there all similarity to banking ceases—in the mere matter of deposit—because be it known and always remembered that we do not propose that any postmaster shall become a banker. We will not sell exchange——

Mr. BAILEY. We do that now.

Mr. CARTER. We will not loan money at the post-office; we will not discount paper, or in any sense come into competition with the local bank or any other bank.

Mr. BAILEY. I did not confuse the operation of receiving and lending this money. I perfectly understand the distinction between the two. I was not repeating the bankers' complaint, that by receiving the deposit the Government receives it instead of the bank. I was referring to the Senator's statement that by loaning this money on farm mortgages he was going to reduce the rate of interest, and if that is not a banking operation I am not qualified to describe one.

I desire to say that my objections to this bill are not merely that the Government ought not to go into the banking business. I object to the Government going into any business, and, strange as it may seem, one of these evils brings another. For forty years the Government of the United States has permitted a certain class of bankers to engage in the Government's business of issuing money, and now the Government proposes to go into the banking business in competition with these same people; and thus it will always happen that time sets things even. A government that will permit citizens or corporations to go into its business in time will itself engage in the business of individuals or corporations.

Mr. CARTER. The test applied by the Senator to the banking business, or the definition he would have us accept, might with equal force be applied to every trust fund accumulated under any and all conditions. For instance, the great insurance companies of the country accumulate reserves, and they make certain earnings, not through the banking business, but by the investment of the accumulation. The Government has a great trust fund here to administer——

Mr. BAILEY. If the Government has accumulated any money, I would require it to dispose of it, although I would do it as Andrew Jackson and his contemporaries did. I would deposit it among the several States rather than to engage in business with it; but, in view of the fact that they will soon be scraping the bottom of the Treasury, I hardly think it will be maintained that the analogy the Senator suggests is well taken. The insurance companies have more money than they need. The Government of the United States is very apt, before another twelvemonth, to need more money than it has.

Now, I do not deny the power of the Government to take care of its property, or to make any rule and regulation respecting it that it sees fit, but I do deny the duty of the Government and the power of the Government to take care of somebody's else property. If we have reached a point in the history of this Republic where the men who earn money are not capable of taking care of it, in God's name how can we expect them to take care of the Government?

Mr. CARTER. The Senator from Texas brings forward an elemental, fundamental objection to this class of legislation. He has promised, and I hope he will in the very near future favor us with his views in extenso upon that feature of the case.

We are now confronted by a parliamentary situation. The Senator from Iowa presents an amendment, which is under consideration——

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I yield to the Senator from Iowa.

Mr. CUMMINS. I am very anxious that no confusion shall arise with respect to this matter. It is true, is it not—and I now address myself to the Senator from Montana—that his original bill provided that the money collected in the post-offices must be deposited in national banks in the neighborhood, and it was only in the event that the money could not be so deposited, bearing the rate of interest specified in the law, that the Government was given the power to loan it upon any other security? That was the provision of the original bill?

Mr. CARTER. If the banks declined to receive the money at the rate of interest prescribed, the Postmaster-General, with the approval of the Secretary of the Treasury and the Attorney-General, might otherwise dispose of it in the manner specified.

Mr. CUMMINS. It is true, is it not, that the substitute you have now offered provides that the board of trustees created by the bill may, in the first instance, without attemping to give it to the banks, deposit the money in the Treasury of the United States, to be withdrawn from the Treasury under the conditions there specified?

Mr. CARTER. The amendment proposed as a substitute for the bill makes the Treasurer of the United States the treasurer of this fund, but provides, as the Senator will observe, that it shall always be treated as a trust fund, not as a part of the General Treasury resources.

Mr. CUMMINS. I think, possibly, the Senator does not catch the point of my question. My question is, Is there any obligation upon the part of the board of trustees to deposit any part of the money collected at the post-offices in the banks of the country, whether State or national?

Mr. CARTER. The board may deposit it in the banks or may otherwise invest it, as provided by this section. It is permissive.

Mr. CUMMINS. So originally the Committee on Post-Offices and Post-Roads reported a bill which made it obligatory upon the Postmaster-General to deposit the money in national banks in the locality in which the money was received, and only in the event of an inability so to deposit it there and secure the stipulated rate of interest upon it was the Postmaster-General given the power to invest the money in other securities.

But under your substitute the board of trustees may ignore the banking institutions of the country entirely and deposit all the money in the Treasury of the United States, and withdraw it only for the purpose of investing in the various kinds of bonds or mortgages which are mentioned or described, either directly or indirectly, in the bill. That is the fundamental change that you have made in the bill, is it not?

Mr. CARTER. The treasurer of the fund being the Treasurer of the United States, the money may be deposited in the first instance with the Treasurer. It may, by direction of the board, be deposited by the Treasurer in banks, or it may be invested. The purpose of the section in that behalf is to have definite control in the Treasurer of the United States over these funds from the beginning as the treasurer of the fund. I concede that it is left to the board to determine whether they will invest in the class of securities named or deposit in the banks. They must, of course, make the rate of interest to be paid the depositors, and more, if possible; and in order to do this, it will be necessary either to deposit in the banks at the stipulated minimum rate of interest or else to invest in securities which will pay as good a rate.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CUMMINS. I assumed that the Senator from Montana had yielded the floor.

Mr. CARTER. Before yielding the floor——

Mr. CUMMINS. I desire to say something upon my amendment to the original proposition.

Mr. CARTER. I desire to suggest to the Senator from Iowa the propriety of withdrawing his amendment as applied to the original bill, for the reason that the substitute eliminates two of the points to which the Senator objected—the garnishment feature and the exemption from taxation feature. Thus the amendment proposes to strike out a section, for the reason that it contains these two objectionable features, which will not appear in the substitute if the substitute is taken for the original bill. In order to make progress in the consideration of the subject-matter, the substitute being offered by the committee in lieu of the original, I suggest to the Senator the propriety of withdrawing the amendment and allowing the substitute to be placed before the Senate as the main measure to be considered.

Mr. CUMMINS. Mr. President, I do not want to obstruct this measure in the slightest degree, but I can see some difficulty in pursuing the course suggested by the Senator from

Montana. It may very well be that if the Senate should find the amendments I have proposed wise, and should therefore adopt them, it might be still less inclined to adopt the substitute proposed by the Senator from Montana or the Committee on Post-Offices and Post-Roads. I am therefore not prepared just at this moment to agree to the course named by the Senator from Montana. But I do assure him that I will facilitate the progress of this bill in every way that I can, for I believe in a postal savings system, and I should like to see the Senate adopt such a system. I should be very sorry to see it adopt the system attempted to be created by the substitute. I think no more serious blow could be inflicted upon the measure as a whole than for the Senate to adopt the substitute.

I desire, while I have the floor, to say an additional word with regard to the amendments I have proposed, for I especially want the Senator to understand clearly the difference between those amendments and the substitute. When the original bill was proposed it contained section 10, which provided, among other things, that the deposits should constitute a first lien upon the assets of the bank in which the deposits were made; second, that the deposits should be exempt from attachment or legal process for the indebtedness of the depositor; third, that the deposits should be exempt from taxation; and, fourth, that the employees of the Post-Office Department should give no information with respect to the deposit of any particular person. To strike out those provisions was one part of the amendment I proposed, and, as I understand, the substitute frankly concedes that part of my amendment, and we may therefore dismiss that phase of the case.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. Certainly.

Mr. WARNER. It may be unimportant, but I wish to call the attention of the Senator from Iowa to the fact that the substitute contains a provision against employees giving any information.

Mr. CUMMINS. I had not read it carefully enough to know whether it reproduced that part of the bill or not. However, I regard that as a very immaterial thing.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. CARTER. Section 10, which the Senator's amendment proposed to strike out, contained, as he suggested, four propositions: First, the postal savings fund was declared to be public money and subject to the safeguards, and so forth, surrounding public moneys by law; second, exemption from garnishment; third, exemption from taxation; and, fourth, a prohibition upon the communication by postal employees of any information concerning the account of a depositor. The substitute retains the prohibition as to giving information concerning the state of any depositor's account and a later section provides that the postal savings funds received under this act shall be guarded as public moneys.

Mr. CUMMINS. You mean protected by the criminal statutes?

Mr. CARTER. The criminal statutes.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. The Senator from Montana seems to have overlooked the provision in line 16 on page 18, which says that the portions of these funds in the Treasury of the United States are trust funds. I can not reconcile the fact that they are to be trust funds in the Treasury of the United States with the declaration upon which the Senator seems to rely, on page 10, line 8, that they are to be public moneys.

Mr. CARTER. The Treasurer of the United States is the treasurer of this fund, and if the Senator will carefully read the language he will find they are to be held in an account called a "trust account," so as to differentiate between that class of money and the public money.

Mr. HEYBURN. Unfortunately the language does not bear out any such conclusion.

Mr. CUMMINS. I recur to the statement I was making when interrupted, that section 10 provided these four things, and I now understand that the substitute does not reproduce any of them save the declaration that the money is public money, and therefore surrounded by all the protection that the criminal statutes furnish to public moneys, and, secondly, an inhibition upon employees from giving information. I care nothing about either of those things. The three chief features of section 10 were, first, giving the deposit preference over other deposits; second, exemption from legal process; and, third, exemption from taxation; and neither of those features is found in the substitute, as I understand.

Mr. CARTER rose.

Mr. CUMMINS. I am simply stating that as my understanding of the substitute which the Senator has now presented.

Mr. CARTER. The Senator's understanding is correct.

Mr. CUMMINS. However, the amendment I proposed with respect to section 10, while of importance in a general way, was insignificant as compared with the amendment I proposed to section 11. The objection which the people of this country—those who have come into contact with me; those who have communicated with me upon the subject—have to a postal savings bank system is that it will withdraw the money which naturally accumulates in a given locality or given community and take it into some distant town or locality, and thereby prevent that money from doing the work it ought to do in the proper locality. I have had that objection dinned into my ears so often that I must assume there is some validity in it. Any particular locality has a business of its own, it has a trade of its own, it has a commerce which is peculiar to itself, and the money which is necessary to carry on that trade, that business, that commerce, gathers somewhere in that locality; and not only the bankers, but the business men of any such locality are extremely solicitous that it shall not be taken away by any artificial means, especially at a time when money is most needed to transact the business of the community.

The objection these people urged to the bill as originally reported by the committee was that it limited the deposit of money received at the post-offices to the national banks, and it was believed that the state institutions would suffer because of this discrimination in favor of the national banks. Therefore my amendments proposed that the Postmaster-General, who was then invested with the custody of this money, should—not might, not if he thought best to do so, but that he should—take the money collected at any given post-office and deposit it ratably in the banks of the town or city in which the post-office was situated.

It was believed that under such a command and under such a practice there would be no disturbance of the financial conditions of any locality and the banks would continue to do their business as heretofore, and the Government would interfere as little as possible with the business of the country, at the same time affording security and safety to those who desired to deposit their money with the postmasters.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. Certainly.

Mr. NEWLANDS. May I ask the Senator from Iowa whether we are to understand that the committee in this substitute bill have accepted his suggestion that the funds deposited by depositors with the Post-Office Department shall be put in state banks as well as in national banks?

Mr. CUMMINS. I was about to say that it seems to me the substitute bill is one which, to use a familiar phrase—

> Keeps the word of promise to our ear,
> And breaks it to our hope.

There is no discrimination or distinction in the substitute bill between banks, and I take it that these trustees may, if they please, deposit the money in state banks as well as national banks. But there is no requirement that they shall do it, nor is there any requirement that they shall deposit the money in any bank whatsoever.

Mr. NEWLANDS. If it will not interrupt the course of the Senator's argument——

Mr. CUMMINS. Certainly not.

Mr. NEWLANDS. I should like to ask him whether he contends that the deposit of these funds should be made in state banks without giving the Government of the United States the power to examine those banks and to determine upon their solvency?

Mr. CUMMINS. Mr. President, I did so contend; I do so contend. I believe that the Government of the United States can very well accept the examination of these banks made by the several States, for the history of state banks, as compared with national banks, reflects a great deal of credit upon the state banks, and the depositors of those banks have lost less, proportionately, than the depositors of national banks.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. As I understand it, the Senator from Iowa contends that the United States Government, in making these deposits, should rely entirely upon the examination made by the state authorities, so far as the state banks are concerned.

Mr. CUMMINS. I did not say so, because the amendments that I offered contained the further provision that the bank in which the deposit was made should give to the United States ample security, by way of a bond of indemnity, to repay any money that may have been deposited in the bank by the Government of the United States.

Mr. NEWLANDS. But I understand that the Senator does not require any examination by the United States authorities of the local banks, and that, so far as the examination is concerned, he relies entirely upon the examination of the local authorities.

Mr. CUMMINS. I do.

Mr. NEWLANDS. Now, let me suggest to the Senator that the National Government ought certainly to be as exacting in its requirements of the state banks as it is of national banks so far as the security of those state banks is concerned.

The Senator well knows that the national-bank act provides for a reserve of 15 per cent in the case of country banks and of 25 per cent in the case of the reserve city banks. The Senator knows that in the legislation of some States there is practically no requirement regarding reserves, or, at all events, the requirement is so low as practically to amount to no security whatever.

The Senator will recall that during the last panic the fact was developed that there were about $10,000,000,000 on deposit in all the banks of the country outside of the savings banks deposits, and that more than one-half of those deposits were in the state banks; and notwithstanding that fact seven-tenths of the total reserves of national and state banks were in the national banks, and only three-tenths of the total reserves were in the state banks—an entirely insufficient amount. In other words, the average reserve in the national banks was about 15 per cent, and the average reserve in the state banks was less than 6 per cent.

I ask the Senator whether it is not a reasonable requirement, when you propose to put these state banks upon an equality with the national banks, so far as the deposit of these postal funds is concerned, to require of them the same reserves that are required of national banks, because the Senator of course recognizes the fact that, outside of the question of a general guaranty of all the banks for the deposits of a bank—a system which has not yet gone into operation anywhere except in one or two States—the security relied upon must be a sufficient reserve and a sufficient capital.

It seems to me that whilst the national-bank act has been noticeably deficient thus far in not requiring a certain proportion of capital to the obligations the bank assumes in the shape of deposits, yet it has been wise in its requirement as to reserves, though not sufficiently wise. But the Senator's amendment, it seems to me, would permit this system of state banks with insufficient reserves to continue. The Senator realizes that the State of New York——

Mr. CUMMINS. I should like to answer your questions one at a time; but if you include them in a speech of an hour in length, I can not remember all the questions.

Mr. NEWLANDS. It is not my intention to make a speech. I will yield the floor, of course, if the Senator objects.

Mr. CUMMINS. I do not object.

Mr. NEWLANDS. I do not propose to make a long speech, but what I wish to do is to make a comprehensive——

Mr. CUMMINS. I yield for the purpose of allowing the Senator to ask me any question he desires; but I want him to ask me a question, and then let me answer it.

Mr. NEWLANDS. What I wished to make was a comprehensive statement, so that he could answer it, as to whether it is not just and proper that the National Government in accepting the state banks as depositories of these funds which are intrusted to them should exact the same requirement of state banks, regarding both capital and reserves, that it exacts of the national banks?

Mr. CUMMINS. Mr. President, although I do not believe that the question propounded by the Senator from Nevada is at all material to the question I am discussing, yet I have no hesitation whatever in answering it just as fairly and as fully as I can.

I understand that the reserves required of national banks constitute only one method for securing the repayment of deposits, and in the panic of 1907 the reserves melted away so that the people generally were not able to observe them. So long as the Government permits one bank to deposit its reserves in another bank, and so on throughout a long chain, I do not regard the reserves that are required by the national law as any security whatever for the depositors, and I would much rather depend upon some other method of ascertaining the solvency of the bank.

However, in the discussion in which I had the honor to engage the other day, I illustrated the safety of state banks, even without a reserve required by law, by a reference to the history of my own State, running over the last six years, and it was there ascertained that the depositors of the state banks suffered not half so much by the failure of banks as the depositors in the national banks.

All that we want is to see to it that the Government shall be secure, that the Government will be likely to receive from these banks these deposits when demanded. If the history of the state banks shows conclusively that the depositors in the state banks fare better than the depositors in the national banks, it seems to me there ought to be no hesitation in trusting the state banks with the government deposits, especially if there be required of the state banks an adequate bond of indemnity.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. Let me suggest to the Senator from Iowa that whilst it may be true that the banking system of Iowa is a perfect one, it may not be true that the banking systems of the other 45 States are perfect. The Senator's amendment proposes that we shall authorize the deposit of these moneys in the banks of every State in the Union.

Mr. CUMMINS. And the Territories.

Mr. NEWLANDS. And the Territories. My criticism is directed against the state banks in their aggregate. It may be that in a particular State every requirement of caution may be enforced, but certainly when we find that the state banks in the aggregate had deposits of over $5,000,000,000 outside of the savings banks, and that they had in their vaults only $300,000,000, to wit, 5 per cent of their total liabilities to their depositors, we can not say that as a whole the state banks are safe.

I join with the Senator in his criticism of the national banking system, which permits a country bank to count as its reserve the money which it deposits in a New York bank. I believe that that should be remedied; but in the aggregate, when you contrast the national banks with the state banks you will find that the national banks had a deposit of about the same amount or a little less, about $5,000,000,000, and had on hand $700,000,000, as against the state banks' $300,000,000; or, in other words, they had a total reserve of more than double the amount which the state banks had.

Now, it does seem to me that if we enter upon this legislation we should perfect, in the first place, or it can be done later, I presume, our national bank system, so as to do away with the system of country banks counting as their reserve the moneys that are deposited in the central reserve cities, and that we should, at all events, require of the state banks in which these funds are deposited the same security regarding both reserve and capital that are required of the national banks.

I hope that later on we will require additional capital of our national banks, so that there will be some proportion between their capital and their obligations. There is none now. The path of reform lies upon these two lines—increase of reserves and increase of capital. It seems to me that in perfecting this system we should compel the state banks, or at least persuade them, if we are to give them any privileges under this act, to comply with the national-bank requirements regarding both reserves and capital.

Mr. CUMMINS. Mr. President, as I remarked in answer to the previous question of the Senator from Nevada, I think the point the Senator is now making is not fairly involved in the discussion which is now in progress. I care not how rigid the requirement be made testing the solvency of the state banks. I have no desire that any moneys deposited by the Government shall be deposited in banks that are not worthy of trust. My point is, and in that I am sure I have the sympathy of the distinguished Senator from Nevada, that if the Postmaster-General is to deposit the money collected at the post-offices in banks he must deposit it in all the banks of that vicinity which are worthy of confidence and trust.

Mr. NEWLANDS. I am quite with the Senator in that purpose.

Mr. CUMMINS. Surely, I was confident the Senator was of the same mind with regard to that proposition. That was the real point of the amendment I offered to the original bill. I did

not want to leave it in the discretion of the Postmaster-General to distribute the funds even among the national banks. There is not a Senator here who does not know how the deposits are now made in the depositories throughout the country. I do not want to subject the institutions I have the honor to represent to the burden of coming to Washington and through their Representatives in Congress or their Senators bringing to bear such influence as they can upon the Secretary of the Treasury in order to increase the deposit in any particular bank or in any particular locality. It is not fair either to the institutions or to the Representatives of the people here.

There must be this justice done as automatically and as independently as possible, and therefore my amendment commanded a ratable distribution among all the banks of the locality, according to the capital, provided those institutions were located in a State that did exact a proper supervision and examination of its banks. That was the whole object of my amendment.

Now, we find a substitute which destroys the original purpose of the bill, which removes it entirely from its first field and occupies, as the Senator from Texas [Mr. BAILEY] has so well said, quite another. You now have a substitute for the bill which does not require one penny of the money to be deposited in any bank, which permits every dollar of it to be withdrawn from the localities in which it is collected, and then to be invested in a variety of ways.

So far as I have been able to view this measure, if it becomes a law it will inflict a disaster upon the banks, upon the general financial institutions of the part of the country with which I am most familiar, the extent of which it is impossible, as I think, to overestimate.

What is it you now propose? To take this money, bring it to the Treasury of the United States, and then say to these trustees, "You can invest it, if you like, in Government bonds." I say very frankly that if we had Government bonds in which this money could be invested as a permanent policy, I would rather see the savings of the people invested in the bonds of the Government than in any other way whatsoever.

But the distinguished Senator in charge of the bill has not pointed out that we are to have these continuing and permanent securities, unless, indeed, he anticipates that the liberality of this Congress will make it certain that the Government shall issue bonds to pay the ordinary expenses of the Government in a time of profound peace. If that is his anticipation, I earnestly hope that it will not be realized.

Where are the government bonds in which the savings of the people are to be invested? I am not so familiar with the financial operations of the Government as is the Senator from Montana, but I do not know of any bonds in any large amounts that can be used for the purpose of investing these savings of the people.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. CARTER. It is a matter of current knowledge, I think, that we shall issue something in the neighborhood of $200,000,000 to build the Panama Canal, and that, too, within the next few years—probably as much as $300,000,000.

Mr. CUMMINS. I think it is more than probable that we will issue bonds for the completion of the Panama Canal, but Senators will remember that only a few moments ago the Senator from Montana declared that within a very short time the Government would collect at these post-offices as the savings of the people more than a billion dollars. Do you hope that there will be bonds of the United States issued to the extent of a billion dollars in order to provide some method of investing these savings?

I think, upon reflection, the Senator from Montana will at once agree with me that the real purpose of the substitute is to authorize the Government to invest these savings in notes and mortgages and municipal bonds and other securities of that character. I for one can not assent to the proposition that the Government of the United States shall enter the business of loaning money on farm mortgages or upon any other security of that character in competition with the thousands of savings banks throughout the length and breadth of the country.

It will be, as I think, a sad day for the savings banks, the worthiest institutions in our land of a financial character, when the Government of the United States undertakes to loan these moneys upon the securities which have been authorized in behalf of the savings banks. I for one want to see the savings banks invest this money. I am willing to see the Government deposit it in the savings banks.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. McCUMBER. There has been so very much said upon the matter of government investment of these funds, I should like to ask the Senator his own opinion as to his own State, whether the banks of his State would not take up every dollar that would be collected in his State at 2½ per cent? I know they would in my own State, and that there would not be one cent to invest in anything from any source whatever. I wish to ask, merely for information, whether in the State of Iowa, if it was left at 2½ per cent, and not to the highest bidder or anything of that kind, all that would probably go into the post-offices in the State of Iowa would not be taken by the banks of that State at that rate of interest?

Mr. CUMMINS. Mr. President, I answer the question of the Senator from North Dakota with the greatest pleasure, because it accords wholly with the argument I am attempting to make. Under present conditions, under any conditions, one who endeavors to look into the future can foresee that the banks of our State would take not only every cent deposited in the post-offices in our State under this system at 2½ per cent, but if they had the opportunity to do it I believe they would take all the money deposited in North Dakota and South Dakota and in Nebraska under this system. They would have no difficulty whatsoever in absorbing those moneys and turning them into the ordinary channels of commerce and business.

Mr. McCUMBER. May I ask another question right along there?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. McCUMBER. Does not the Senator believe that the same conditions which prevail in his State prevail almost universally over the entire United States?

Mr. CUMMINS. I do so believe.

Mr. McCUMBER. That being the case, it does seem to me that we are worrying more than is necessary about the Government investing funds that the banks will not take. As I understand the bill, it is only in case the banks will not receive this money at 2½ per cent that there is any other provision made for loaning it. If that is not the provision of the bill, it certainly should be made the provision of the bill.

Mr. CUMMINS. I must ask the Senator to read carefully section 10 of the substitute. There is no requirement that the board of trustees shall even endeavor to secure from the banks an agreement to pay interest upon the deposits or any obligation to deposit any part of this money in any bank, State or national.

Mr. McCUMBER. Then, all I can say in response is that I do not think such a bill will ever get through the Senate or the House, or that it will ever become a law, unless it does provide that the funds collected by the post-offices in the State shall be used in that State and turned into the banks in that State, if the banks will receive them.

Mr. CUMMINS. Mr. President, that is the very point I have been attempting to emphasize; it is the very conclusion to which I have been trying to bring the Members of the Senate. That is the fundamental and essential difference between the amendments that I have offered to the original bill and the substitute now brought forward by the committee. In the one, the command was given to the Postmaster-General, or to whomsoever might have control of these moneys, to deposit them, if he could, in the banks in the vicinity at the rate of 2½ per cent per annum. In the substitute now brought forward the discretion is reposed entirely, without any limit, without any restriction, in the board of trustees to either deposit the money in the banks or deposit it in the Treasury of the United States, to be invested in the bonds and securities which I have been attempting to describe. There is all the difference that lies between the banks using these moneys to carry on the business which they have been accustomed to do and the Government of the United States entering the occupation of loaning money in competition with its citizens and its banks upon real estate security or such other security as the laws of the particular State may authorize.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield the floor entirely, Mr. President, as I have finished.

Mr. SMOOT. I desire to ask the Senator a question.

Mr. CUMMINS. Very well; I shall be glad to hear the Senator.

Mr. SMOOT. Under the provision of section 10, if the Secretary of the Treasury did deposit the money in a local bank it would be almost the same as money deposited on call, would it not?

Mr. CUMMINS. I think so.

Mr. SMOOT. If that is the case, would the banks of Iowa, if the money were on call, be willing to pay 2¼ per cent on such call money?

Mr. CUMMINS. Mr. President, answering the question of the Senator from Utah, I would say that I believe the banks of Iowa would be so willing. I do not want him to understand me to affirm that upon an ordinary checking deposit, which may disappear any day and which disappears often in the course of business, our banks would be willing to pay 2¼ per cent interest; but our banks are now paying 2 per cent interest upon all the State funds, and they are all checking funds. They are paying that interest because everybody knows that in the regular course of business there will be on hand at all times substantially steady amounts. Just so in the case of post-office savings, once we have established the policy; the history of all countries shows that such deposits increase and do not diminish. Therefore our banks, in treating with the Postmaster-General, would understand that the deposits were not likely to diminish, but would continue practically the same.

Mr. McCUMBER. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. McCUMBER. I wish to ask the Senator a question upon that point. Could that not be remedied or fixed entirely by a rule which would require that the banks should pay on the average daily balance during any month?

Mr. CUMMINS. That is precisely what my amendments provide.

Mr. SMOOT. Mr. President, I have no criticism to offer to the amendment as proposed by the Senator from Iowa, because I think the amendment as proposed by him would have that very effect.

Mr. CUMMINS. Certainly.

Mr. SMOOT. But the present section 10 of the bill, it seems to me, would have the effect of placing that money, as it were, upon call.

Mr. CUMMINS. Yes.

Mr. SMOOT. And if the Secretary of the Treasury desired to make an investment any day he could call the money from the bank for that purpose.

Mr. CUMMINS. Mr. President, answering the further suggestion of the Senator from Utah, I am very clear that, if the board of trustees were going forward to invest as rapidly as it could these moneys in mortgages and securities, the banks would not hold the funds subject to those drafts and pay any interest at all.

Mr. SMOOT. That was exactly the idea that I wanted to bring out in asking the question I did of the Senator from Iowa.

Mr. McCUMBER. Mr. President, while the Senator from Montana [Mr. CARTER] has made this bill better in some respects by his substitute, I think he has made it much worse in other regards. If I may briefly state to the Senator from Montana what I believe would be satisfactory to my State at least, and I believe to the Northwestern States generally, I would say that what we expect is simply that the money collected in any town or city shall be deposited in the banks in that city or town, and that it shall be deposited without reference to whether the bank is a state bank or a national bank, provided it is a solvent bank; and, secondly, that the same character of securities that are generally recognized by the State, where the state moneys go into those banks, shall be required of them as depositories of these national funds, and that they will not go out of the State except in such cases and under such emergencies as where there is so much money in the banks of the State which is idle that there will practically be no demand for such funds, and that the banks will therefore not pay the 2¼ per cent interest.

Another objection that we have to the bill in its present form is the limit of 2¼ per cent interest as the minimum, leaving it open to the Government to charge a greater per cent. I do not believe that we want to take this fund and hold it out to the highest bidder, to any bank that will give the most for it, because the only object of securing this fund is that we may make it yield enough to pay the 2 per cent interest and the cost to the Government in taking care of the fund for the people. There we ought to rest.

I am glad, Mr. President, the Senator has left out the preferential provision, because I think it is objectionable to nearly every person. But the Senator has taken out of the bill a provision which I believe was and is essential to it, although I disagree upon the matter with the Senator from Iowa, and that is as to the exemption of these funds from taxation. While the Senator from Montana seems to partially admit that these funds may be the subject of taxation, and that we would have no power to exempt them from taxation, I have heard no reason that would justify a conclusion to that effect.

Let me ask the Senator one or two questions. First, if this bill shall go through both Houses of Congress and be signed by the President, will it be a constitutional law? I think the Senator, without going any further, will answer that it will be a constitutional law. Very well, then, Mr. President, if that law is constitutional, it is the supreme law of the land. If it is the supreme law of the land, not only must state constitutions, but state legislative acts, yield to it.

What is the object of this bill? The object, I believe the Senator will answer, and the only object, is to encourage thrift and economy by finding a place for the deposit of the funds of the working and the poorer classes in this country where such funds will be secured to them and where they will produce a little income. All right. Now, assuming that the Senator has agreed with me upon that proposition, the next one that naturally follows is, If that is the object, can that object be destroyed by a state legislature or by the legislation or the constitution of any State in the Union? If we can tax this fund in any way, the Senator will agree with me that we can destroy it, because the power of taxation carries with it the power of destruction.

Let me make that matter clear. Nearly every constitution—and if not the constitution, nearly every law in every State—provides that the property in that State for the purposes of taxation shall be assessed according to its actual value. When you come to assess horses and cattle and lands, the assessor may draw upon his imagination, more or less, as to the value of any of that property, and, as a matter of fact, we know that generally such property is not assessed at more than from one-half to two-thirds of its actual value. No one suffers and no one objects so long as the same class of property is assessed in the same manner throughout the State; but suppose the matter comes up to the assessor in this way: Here is a deposit certificate that calls for $100. The very moment that is deposited it is worth $100. Can an assessor say that a check given upon a solvent bank, where the drawer of that check has funds to meet that check, for $100 is worth less than $100? Can the assessor in assessing it for taxation place a value upon it of less than $100? If he can not, then he has got to assess it at its true value; and every dollar of this fund, if it could be assessed at all, could be assessed at its full value.

If we go into Montana, Idaho, Iowa, or any of those western States we find that most of the little cities and towns, not being satisfied to grow gradually and to secure all of the usual benefits of great cities in the way of electric lights, water supply, sewerage, and so forth, have bonded themselves very heavily for all of these luxuries. The result is that the taxes run from 2 to 8 per cent, and I know of many cities where they are 6 and 7 per cent upon the valuation of their property. Here is a fund drawing 2 per cent interest. If the State or the city can tax that fund at all, it can tax it for 6 per cent or 8 per cent interest, as the legislature of that State may desire, and it may absolutely destroy the very object of this proposed law.

I maintain that if the State has a valid right to destroy by taxation, by garnishment, by reason of any judgment, or other mesne process, such action would be destructive of the very object of this law, and if it can destroy the law, then the law is not constitutional, because either this law must be supreme or the tax law of the State must be supreme. They both can not be supreme where one can actually destroy the object of the other.

Therefore, Mr. President, I am free to say that I certainly shall insist that we shall have in this bill a provision such as was contained in the original bill, that the indebtedness owed by the Government to the individual should be absolutely free from taxation, so that the boy, or the girl, or the workingman who has a hundred dollars and desires to deposit it in the post-office at the rate of 2 per cent a year, need not have a fear that it will be taxed at the rate of 6 or 7 or 8 per cent a year and thereby entirely destroy the investment feature.

Mr. NEWLANDS. Mr. President, I am entirely in sympathy with the purpose of this bill, which, as I understand is, first, to encourage thrift amongst the people, and, second, to keep in circulation the money which otherwise would go into safe-deposit vaults and stockings. I am particularly in sympathy with the second purpose, which involves the keeping of the money in circulation.

I have not yet made up my mind as to whether I shall vote for this bill. That depends a good deal upon the amendments which may be offered to it and accepted by the Senate.

The Senator from Utah [Mr. SMOOT] made a very pertinent inquiry, and that was as to whether the deposits made by the National Government in the banks were not practically call loans. It seems to me that they are unmistakably call loans, and I doubt very much the wisdom of permitting the General Government to allow the proposed board of trustees to withdraw the loans at any time from the local banks for the purpose of investing them in securities of their own choosing. I think by reason of such action at any time we might be likely to have a stringency precipitated upon any community in this country, particularly in the South and in the West.

The very fact that this is a call loan shows the necessity of the state banks having a sufficient reserve, for the purpose of the reserve is to meet the checks of depositors. The United States Government, whenever the postal depositors should call for their money, would have to call upon the banks for the money, and the banks would have to respond. It is of the highest importance, therefore, that they should have a sufficient reserve. It seems to me that it is essential, in securing the solvency of state banks, that we should compel them to comply with all the requirements that we exact of the national banks regarding their reserves.

We know that in some of the States of the Union a system of banking has grown up, particularly under the trust-company system, under which practically no reserves have been kept. That was for a long time the case in the State of New York. Numerous trust companies there having enormous deposits and enormous investments held an actual cash reserve of not exceeding 1 or 2 per cent, and the advantage in profit making which, under the law, they had over the national banks was such that almost every national bank in a large city in the State of New York regarded it as essential to organize a trust company under the state law. The stockholders of the national bank would be stockholders of the trust company, or the stock of the trust company would be held by the national bank, in order to give the national bank the same facility that the state banks had for enjoying profit.

If you will look over the history of the condition of the national banks in New York during the last panic, you will find that their condition was endangered by reason of the condition of the state trust companies, the business of which was done at the back doors of the national banks and was incorporated with the business of the national banks in such a way as to endanger the solvency of the national banks themselves.

Here we propose to put the state banks upon a par with the national banks so far as their being depositories of postal savings funds, which are practically national funds though belonging to the postal depositors. It seems to me that it is only fair and proper that we should exact of such banks the same examination by the United States Government that is exacted of national banks and the same requirements as to reserves; and I trust that hereafter the same requirements will be exacted regarding capital, for it is only by demanding an adequate capital and adequate reserves that each individual bank can be made to respond promptly to its depositors.

I am in sympathy with the Senator from Iowa in his demands that the state banks should have the same privileges as the national banks in the deposits of postal savings funds, but good banking demands that if they are to have the same privileges they must be subject to the same obligations as the national banks in regard to the reserves which they shall keep on hand and as to the capital which they shall maintain.

Mr. CARTER. Mr. President, this discussion seems to hang the fate of postal savings depositories upon the manner in which the fund shall be disposed of when collected at the post-offices. There does not appear to be any opposition in the Chamber to receiving deposits in the amount and to the extent specified in the substitute. Judging by the course of the debate, all Senators are agreed, with one or two exceptions, that the depository system may be useful and is to be commended. But, notwithstanding the benefits to flow from the establishment of the proposed system, the discussion seems to disclose certain irreconcilable divisions on the manner of disposing of the fund.

It is obvious that the Government can not receive deposits at the post-offices and agree to pay 2 per cent per annum thereon without making some use of the money, so as to earn the amount of the interest to be paid plus the expenses of administration. The original bill proposed that the amount of money necessary to pay the interest to the depositors and the expenses of administration should be secured by depositing the funds at interest in banks organized under national law and doing business in the neighborhood where the deposits were received.

In order that the Government might be secured for the repayment of the deposits, it was provided that the postal savings fund deposited in banks should be a prior lien on all the resources of the banks.

Senators objected most strenuously to that safeguard thrown around these funds. It was suggested, and argued very vehemently, that thus making the Government a preferred creditor of a national bank to the extent of the postal fund deposited therein was an unjust discrimination against other depositors of the bank. Others said that the state banks would be discriminated against because the national banks only were named. In order to reconcile the various divergent views the Senator from Iowa [Mr. CUMMINS] presented an amendment, which is the pending amendment, and in so far as applicable to this phase of the subject, substituted for the class of security contemplated by the bill a system of security bonds, to be given by the banks in which funds might be deposited—that is, a bond signed by farmers and merchants and others in the neighborhood where the bank happened to be doing business.

With all due respect to this class of bonds, I think we may be wisely admonished by experience as to their utter insufficiency. I should regard the security proposed by the amendment of the Senator from Iowa as a substitution of mere straw bonds as security for government deposits. It is known to the Senator from Iowa and to everyone that when a bank is called upon to execute an attachment bond or an accommodation bond of any kind, character, or description, including that for the security of deposits, it is not the depositor in the bank who signs the bond, but it is some poor fellow who is in debt to the bank, and therefore can not say "No." When a bank fails the debtor fails, as accommodations can not be any longer extended, and the very thing against which we seek to guard—the loss of the government money—would come to pass through the failure of the bank, and the bond would likewise become valueless because of the bank's failure. It would be just as well to take no security at all for postal savings funds as to allow the bond of Tom, Dick, and Harry to be filed with the Treasurer of the United States or the Postmaster-General as security for a deposit made by the Government. In case the bank should fail, of course, the bond would fail with it.

Finally, that class of bonds, so-called "securities," would merely result in burdening the postal savings fund with an interminable number of lawsuits wherever a failure occurred to any bank in which such a deposit happened to repose at the time.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.

Mr. CUMMINS. In view of what has just been stated by the Senator from Montana, will he be good enough to explain what kind of securities is intended in lines 10, 11, and 12, upon page 7, of the substitute, where it is said:

> The board of trustees taking from such bank or banks such security for deposits so made as they shall deem necessary to insure the safety of the same.

Mr. CARTER. The substitute proposes to take security. The amendment of the Senator from Iowa proposes to take bonds. We know what that class of bonds amounts to as security.

Mr. CUMMINS. I have been a practicing lawyer, dealing with that kind of bonds for twenty-eight or thirty years, and I have learned to look upon them as exceedingly valuable. I hardly remember an instance in which such a bond has not enabled the person to whom it was given to protect himself from loss. I can hardly understand the Senator from Montana——

Mr. CARTER. I will ask the Senator if it is not a fact that in an average of 90 cases out of a hundred a bond of that kind must be sued upon in order to recover? No one voluntarily pays that kind of a bond. They pay it at the end of a lawsuit, when they must.

Mr. CUMMINS. Answering the Senator from Montana, it has been my observation that not one in ten has to be sued upon. Take, for instance, the great number of indemnifying bonds that are given every day by the surety companies of the United States. They indemnify corporations and persons against every contingency, and it is the rarest thing in the world that a suit is brought upon such a bond.

Mr. CARTER. Of course the indemnity companies, incorporated and doing business for a profit, may not be classed with those who, as a matter of accommodation, often, as would be the case in this instance, are so obligated to the banks that they could not refuse when requested, would sign a bond, and who would be loath to pay when the demand was made.

Mr. CUMMINS. The Senator from Montana will not fail to observe that under the amendment I propose the Postmaster-General could require a bond signed by one of these surety companies if the Postmaster-General thought such a bond was better security or better indemnity than one signed by individuals.

Mr. CARTER. I take it there is a vast difference between the meaning of "security" and "bond." They are far from being synonymous terms. The substitute under consideration requires that security be taken. The amendment of the Senator from Iowa provides that bonds be given, with sureties signing the same; and that would lead, I think, to interminable litigation wherever a loss occurred.

Mr. CUMMINS. The suggestion just made by the Senator from Montana may reveal a matter which is not apparent upon the first reading of the substitute. If I correctly understand what has just been stated by the Senator from Montana, this provision that I read a moment ago is intended to require a deposit of some property owned by the bank in order to secure these deposits; and if that be so, then you are accomplishing indirectly precisely what you tried to accomplish directly in the original bill.

I should like the Senate to understand whether it is contemplated that a bank in which money is deposited under the substitute may take from its assets any securities it may have and deposit them in order to protect the Government for the savings deposit.

Mr. CARTER. The board of trustees would be the sole judges as to the security necessary to insure perfect safety for these funds, and I desire to say to the Senator from Iowa that I will never consent to the passage of any bill which will scatter the accumulated savings of the people over the country in all kinds of business without security of some kind that is entirely adequate.

Mr. CUMMINS. The Senator from Montana recognizes that the Government is ample security for and to the depositor, does he not?

Mr. CARTER. That is true enough; the Government is responsible; but I think it is the duty of Congress in the transaction to protect the Government of the United States and the administration handling these funds.

Mr. CUMMINS. It is the view of the Senator from Montana that the depositors in these banks shall pay the losses that may occur?

Mr. CARTER. Undoubtedly; and it is my conviction that it is the duty of Congress to see that the fund is so conserved that it will, with its earnings, pay back the depositor without taxing the people of the United States to make up any deficiency; and when a bank desires to become the depository for any of these funds, it shall give such security as will convince an intelligent board that there is no reasonable probability of loss to be sustained by the transaction.

Mr. President, the Senator's amendment to section 10 of the bill has been by the new print disposed of. Only those portions are retained in the proposed substitute to which the Senator does not object. So I think we may lay on the table his amendment as to section 10 if the substitute is to be the basis for our action.

But before making any motion in that behalf, I desire briefly to refer to some observations made by the Senator from North Dakota [Mr. McCUMBER]. It is a well-known fact that the deposits in the banks of the country are rarely returned for taxation by the depositor. It is a notorious fact that the money of the country, wheresoever it may be when the assessor comes about, is returned only to a trifling extent for taxation anywhere. The bill as originally presented undertook to exempt these funds from taxation. The Senator from Iowa and other Senators questioned whether we could constitutionally do that. In my own humble judgment the exemption made by the bill would be ineffective for one part, and it might operate, if the view of the Senator prevails, to render the whole effort we are here making a nullity. The elimination of the exemption did not, in my judgment, necessarily result in leaving this money subject to taxation. Two questions will be presented: First, is the money due from the Government of the United States to the individual subject to taxation at all in any State? Second, how will the State tax the money?

A provision in the bill prohibits any agent, postmaster, or employee of the United States from giving any information to any person concerning the amount or condition of any deposit. The assessors could not acquire the information from the Post-Office Department, and according to all human experience they would get very little information from the depositor. So I think, as a practical matter, there would be very little, if any, of this money ever taxed anywhere.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. I think the Senator's concluding sentence perhaps answers my question. So the Senator in his somewhat adroitly drafted amendment believes that the billion of dollars that will be taken from the people and deposited will escape taxation absolutely? That is the Senator's conclusion, I assume.

Mr. CARTER. The billion dollars is yet to be received.

Mr. GALLINGER. I heard the Senator say to-day that in his opinion it would be received.

Mr. CARTER. That it would ultimately reach that sum.

Mr. GALLINGER. I think the Senator is entirely mistaken as to that; but whether it is a billion, or a half billion, or a quarter billion, or any other portion of a billion, what I want to find out is whether the Senator, in the draft that he is now asking us to support, believes that this money will avoid taxation in the State.

Mr. CARTER. I think the billion or the million, or whatsoever it may be, will pay just as much taxes as it now pays, for it does not pay any now.

Mr. GALLINGER. It will not pay as much taxes as is paid on deposits in the savings banks of New England, because they are taxed.

Mr. CARTER. A mere trifle; a certain limited portion of 1 per cent.

Mr. GALLINGER. Three-fourths of 1 per cent.

Mr. CARTER. Three-fourths of 1 per cent?

Mr. GALLINGER. Yes.

Mr. CARTER. We pay only 2 per cent, and the banks in the Senator's State pay an average of about 3½ per cent—3.70 per cent, I think it is, in the State of New Hampshire.

Mr. GALLINGER. That is about right.

Mr. CARTER. The tax is deducted before the interest is paid. It pays three-fourths of 1 per cent tax, and then 3.70 per cent besides. This money of the people, put in in small amounts, now in hiding, will pay no more tax in the hands of the Government than it pays in the hands of individuals; and in the hands of individuals, as I have suggested, it in the main pays no tax at all. So we are taking nothing at all from the treasury of any State, county, or municipality in the country in the way of taxes.

With reference to the objection of the Senator from Iowa to section 10 of the proposed substitute, I can only say it will be before the Senate for amendment and perfection. It is not pretended that the bill is perfect. I think it is an improvement in some respects upon the bill as previously presented. It was framed in the light of objections made from time to time by Senators on this floor and by others who urged their objections to the Postmaster-General and the members of the committee.

But how easily the objection of the Senator from Iowa may be disposed of! He says it is permissive only to deposit this money in the banks of the State, and inasmuch as it is only permissive, therefore the board would not deposit in the banks at all. The board would unquestionably attempt so to administer the law as to subserve the best interests of the whole country; and I take it for granted that any board charged with its administration would try to make of the investment feature a beneficial rather than a destructive agency in so far as the business of any section of the country is concerned. It is inconceivable that a board, given discretion to leave the deposits in the localities, doing business in the channels of trade, would willfully and deliberately, I may say maliciously, withdraw the money from the locality and congest it in the centers, for the purpose of doing an injury which could result in no good to any human being anywhere.

Mr. President, to my mind this discretion might be wisely left with the board having the administration of the fund in its charge, but if the Senator or other Senators, sufficient in number to make a majority of the body voting, desire to make it mandatory upon the trustees to leave the money in banks in the locality, then it is but necessary in line 7, page 10, to strike out the word "may" and insert the word "shall," and later on provide in line 12 that if the banks in the neighborhood will not pay the rate of interest, then the money may be otherwise invested or taken to some other locality.

But, Mr. President, what I do insist upon is that we have some disposition made of the Senator's amendment, so that we may progress with the consideration of the bill as here presented. I think upon mature deliberation and with slight amendment it will be found a better working measure than the one previously brought forth and subject to fewer objections.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I do.

Mr. CUMMINS. After asking a question of the Senator from Montana I will indicate to him what I shall do with my amendment. Assuming it may be true that the board of trustees could invest the savings fund accumulation in mortgages, so that the net interest would be 4 per cent, do you believe it would be the duty of the board so to invest it or put it in a bank at 2½ per cent?

Mr. CARTER. My understanding is that only a certain percentage of such a fund as this could be or should be invested in any safe convertible securities, and at least 50 per cent of the fund would be kept in the banks drawing interest, for the purpose of greater safety.

Mr. CUMMINS. I merely desire to suggest to the Senator that according to the experience of our part of the country there is no other security so quickly and easily convertible into money as a real-estate mortgage. I know the history of a good many of our banks, organized under the State law, and it is their universal experience that in a time of trouble they can get money upon their real-estate mortgages more easily than upon any other securities they have. Therefore I assume that under the bill, if the board of trustees could invest these moneys at 4 per cent or more upon real-estate securities, the board would consider it its duty to do so.

Now, I ask the Senator whether he believes it would be wise for the Government to enter into the business of investing five hundred millions or a thousand millions or fifteen hundred million dollars in real-estate security?

Mr. CARTER. The question is purely academic. It is not within the range of any contemplation or any possibility. I do say to the Senator that so far as the rational administration of the trust might go the board should get as good rates of interest as could be secured without disturbing the current business of the country. I hope to see the time when the rate of interest allowed to depositors in postal savings banks may be increased somewhat over the 2 per cent. The rate we propose to pay is the lowest rate paid by any postal savings bank in the world. I think England comes next with 2½ per cent.

Mr. CUMMINS. One more suggestion, and then I will state what I desire with regard to my amendment.

The Senator from Montana, remembering the experience of a year and a half ago, will, I am sure, understand that this money, in so far as it is deposited in the national banks, notwithstanding the law requiring the retention of a reserve, will rapidly and almost entirely find its way eventually to the great banks in Chicago and New York. He so understands the natural flow and course of our financial affairs, does he not?

Mr. CARTER. I think the country bankers were pretty thoroughly cured in that behalf in 1907. I knew many of them who had ample resources in the banks of New York who were poverty stricken at home and unable to get currency. The tendency toward a central deposit place, I think, is rapidly diminishing.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. I do.

Mr. WARREN. I did not observe that the Senator from Iowa had the floor. I rose to ask the Senator in charge of the bill whether it would be agreeable to him for me at this time, or very soon, to call up the agricultural appropriation bill?

The VICE-PRESIDENT. The Senator from Iowa at present has the floor.

Mr. CLAPP. Will the Senator from Iowa yield to me to make a suggestion?

Mr. CUMMINS. Certainly.

Mr. CLAPP. Before the matter is disposed of I desire to suggest to the Senator from Montana that one thing we have labored under as a difficulty in the West is the law which prohibits the loaning by national banks upon farm mortgages. As the Senator from Iowa has well said, in every financial stress in that country the best security, in the last analysis, is the good, safely secured farm mortgage; and if the bill is to go back to the committee for revision, as I understand it is, I suggest to the Senator from Montana the advisability of considering the insertion of a provision in the bill—it would certainly be germane—allowing national banks to make loans on farm lands.

Mr. CARTER. If the Senator from Iowa will permit me, upon a reading of the substitute the Senator from Minnesota will perceive that the securities which the board is permitted to take in each State are of the class which the savings banks of the State are permitted to take under state law; and in the main, I think, savings banks take real-estate security.

Mr. CLAPP. I do not believe, and I do not think the Senator believes, that that would repeal the present prohibition against national banks loaning upon real estate. A great deal is said about this board. What I want to suggest is that some provision be put in the bill instead of leaving everything to the board.

Mr. CUMMINS. Having stated the objections I have to the substitute offered by the committee—objections which I think are removed by the amendments I offered to the original bill—but being desirous of getting forward with this measure and, if possible, passing a postal savings bank bill, I withdraw my amendments to the original bill, with the understanding that when the substitute is before the Senate I intend to offer such amendments to section 10 of the substitute as will make it practically the amendment I offered to the original bill.

Mr. CARTER. That leaves the substitute the pending amendment?

The VICE-PRESIDENT. The Senator from Iowa withdraws his amendments.

Mr. CUMMINS. I assume that under the parliamentary procedure here I shall have an opportunity to do as I suggested.

The VICE-PRESIDENT. The Senator will be in order in offering his amendments to the proposed substitute as he suggests.

Mr. CARTER. The parliamentary situation presented is that the substitute is now the pending amendment to the bill.

The VICE-PRESIDENT. It is the pending amendment.

Mr. WARREN. Mr. President——

Mr. CARTER. I yield to the Senator from Wyoming for the purpose stated by him.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I desire to call up the agricultural appropriation bill, and I wish to say, to be entirely frank, that my purpose is to have it taken up and to dispose of its reading. When that shall have been done, and before proceeding to any of the committee amendments, I will ask that the bill lie over until to-morrow morning.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

Mr. LA FOLLETTE. Owing to the confusion, I was unable to hear distinctly the announcement of the Senator from Wyoming.

Mr. WARREN. My statement was that it is my desire to have the bill taken up now, and that, if the formal reading is demanded, it may be read. But I shall ask that the formal reading be dispensed with; and if that is done, after reading the opening paragraph of the bill, it is my desire that the bill shall lie over until to-morrow morning.

Mr. LA FOLLETTE. That was the understanding I had with the Senator from Wyoming.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. WARREN. I ask that the first formal reading of the bill be dispensed with, and that the bill be read for amendments, the committee amendments to be first considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, and continued to the end of line 7, on page 1.

Mr. WARREN. I ask that the bill may be laid aside; and I give notice that I shall ask that it be taken up immediately upon the conclusion of the morning business to-morrow, subject, of course, to the unanimous-consent agreement heretofore made for to-morrow.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 23, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 22, 1909.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we bless Thy holy name for the great souls whom Thou hast from time to time in the dispensation of Thy providence ushered into life, whose thoughts and deeds have enriched the world and made it a better dwelling place for mankind. Such a soul was our beloved and ever-to-be honored Washington, the "Father of his Country," whose character shines on like the stars in the firmament, growing brighter and brighter as the years come and go; whose deeds grow in magnitude with every coming generation, enlarging their mental vision, opening the way to new possibilities, to greater liberty, and the higher civilization. We thank Thee for his life and deeds, and pray for strength that we may follow his illustrious example and fulfill to a larger degree our mission, and thus glorify Thy name, in the spirit of the Lord Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 26915) making appropriations for the army for the fiscal year ending June 30, 1910, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent to take from the Speaker's table the army appropriation bill with Senate amendments, disagree to all of the amendments, and ask for a conference. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to ask the Chair when will be the proper time to enter a point of order against Senate amendments to that bill?

The SPEAKER. The Chair can hardly conceive of an amendment which the Senate may have placed on the bill that would be subject to a point of order at this time. The Chair would not pass on that. But this is a request for unanimous consent to disagree to all the amendments, and if that consent is given, of course there would be no way to deal with the Senate amendments at this time.

Mr. MACON. If the Chair will refer to Rule XX—I believe it is—he will observe that there is a time when a point of order can be lodged against amendments put upon a House bill by the Senate where the amendments, if offered in the House, would be subject to a point of order.

The SPEAKER. The Chair is aware of the rule, but the amendments can not be disposed of on a point of order at this time, if the Chair recollects the practice and the rule.

Mr. MACON. I do not understand all of the practices of the House. I can only read the letter of the rule, and I know the rule makes that provision. Now, what the practice of the House is, and whether this practice has entirely run away with the rule or not, I do not know.

The SPEAKER. Not at all. But this is a request for the unanimous consent to disagree to the Senate amendments and to ask for a conference. That would dispose of one stage of the bill, namely, the present stage. If unanimous consent be given, the Chair would appoint the conferees.

Mr. MACON. I understand, Mr. Speaker, but this is the point that I am trying to get at: Whether or not this point could be lodged after that was done? I have no desire to enter a captious objection to anything that the gentleman from Iowa or any other gentleman of this House has to suggest.

The SPEAKER. So that the gentleman may understand, the Chair would state that this bill would go to the Committee on Military Affairs if the point is made, and when reported by them would go to the Committee of the Whole House on the state of the Union, provided that there are Senate amendments that make a charge on the Treasury.

Mr. HULL of Iowa. I want to say to my friend from Arkansas [Mr. MACON] that while I think no point of order could possibly be raised at this time in the House against any action of the Senate, the House might possibly do so when it comes before the House, so far as to send the bill to the Committee of the Whole. There is a large amount of general legislation on this bill. It is going to take some time to adjust matters, even in the legitimate appropriations. There is a large amount of appropriation in this bill bringing in matters that are entirely foreign to what should be on an appropriation bill. And if it shall go to the conference, I am perfectly willing to say to the House that no action will be taken by the conferees to foreclose the fullest action on the part of the House on all that is new legislation. Now, I would do that if no question had been raised; but at the same time it is exceedingly important, this late in the session, to get these great supply bills in conference as soon as possible. If the Senate conferees recede from this new legislation, that would end it, and then on the legitimate items of increase we can probably come to an agreement that will satisfy every Member of the House who is opposed to legislation on appropriation bills. But I will say to the gentleman that if the Senate conferees will not agree to this, I promise, as one member of the conferees that will be appointed, and I think I voice the sentiment of the other two, that that committee will bring the matter under disagreement so far as legislation is concerned for the House itself to say whether they will agree to it or not. But I do not believe any point of order can be raised.

Mr. MACON. I will read the rule, for the purpose of getting it before the House as it is written.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall be first considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Mr. HULL of Iowa. That is right. I will say to the gentleman he could compel the bill to go to the Committee on Military Affairs. He could then compel the House to go into Committee of the Whole House on the state of the Union on this matter; and when it was reached in committee I would move the same thing that I do now, and you are then just absolutely at the point that you are on my motion now. If I moved to concur, that would be a different proposition. But I say to the gentleman now that on any new legislation the House shall have ample opportunity to pass upon it.

Mr. MANN. Without being bound up in conference?

Mr. HULL of Iowa. Without being bound up in conference.

Mr. MACON. That is entirely satisfactory to me.

The SPEAKER. The Chair hears no objection and announces the following conferees: Mr. HULL of Iowa, Mr. PARKER, and Mr. HAY.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

Mr. MACON. Before that is done I desire to ask the Chair——

The SPEAKER. The gentleman from New York desires to submit a proposition to send a bill to conference.

ADDITIONAL JUDGES, HAWAII.

Mr. ALEXANDER of New York. Mr. Speaker, on House bill 21896 I desire to move that the House disagree to the Senate amendments and that a conference committee be appointed.

The SPEAKER. The gentleman from New York asks unanimous consent to take the following bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, what are the amendments of the Senate?

Mr. ALEXANDER of New York. This is an omnibus bill, reported from the Committee on the Judiciary last session and passed May 28. There are several amendments to two or three distinct bills and one increase in the salary of a Hawaiian judge.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection, and announces the following conferees: Mr. JENKINS, Mr. ALEXANDER of New York, and Mr. CLAYTON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 26916. An act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7752. An act for the relief of the Boston and Maine Railroad.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7752. An act for the relief of the Boston and Maine Railroad—to the Committee on Claims.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 26916, the Indian appropriation bill, nonconcur in the Senate amendments, and ask for a conference thereon with the Senate, and appoint House conferees.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Indian appropriation bill with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Reserving the right to object, the Senate has added a great many amendments to this bill, legislative in their character. Is the gentleman from New York willing to give the same assurance in regard to this bill as was given by the gentleman from Iowa in regard to the army bill?

Mr. SHERMAN. I did not follow what assurance the gentleman from Iowa gave, but I will say to the gentleman that, hurriedly looking over the amendments that the Senate has added to the Indian appropriation bill, I think I can give assurance that the House conferees will most strenuously object to the adoption of most of those amendments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas.

WASHINGTON'S FAREWELL ADDRESS.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the Hon. HENRY SHERMAN BOUTELL, of Illinois, read George Washington's Farewell Address.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BOUTELL. I would amend that, Mr. Speaker, by making it the honorable gentleman from Missouri.

Mr. CLARK of Missouri. I want you to read it; you are the best reader in the House. [Applause.]

Mr. SHERMAN. Mr. Speaker, may I suggest that the gentleman from Illinois be requested to read from the Clerk's desk.

The SPEAKER. Without objection, the gentleman will read from the Clerk's desk.

Mr. BOUTELL read Washington's Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom the choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given any peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amid appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which not infrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing wishes that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free Constitution which is the work of your hands may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should estimate the immense value of you national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in like intercourse with the West in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of the indispensable outlets for its own productions to the weight, influence, and future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interests as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to a mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the auxiliary of governments for the respective subdivisions will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself provisions for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities are destructive of this fundamental principle, and of fatal tendency. They serve to organize factions; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government, and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to main-

tain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passion. Thus the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it be simply asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expenses, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be that Providence has connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in the place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions and obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times, it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter without adequate inducements or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been

retained, and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens who devote themselves to the favorite nation facility to betray or sacrifice the interest of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak nation toward a great and powerful one dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing with powers so disposed (in order to give to trade a stable course, to define the rights of our merchants, to enable the Government to support them) conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not having given more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and the other evidences of my conduct must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in interest and duty to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that according to my undertsanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which it is necessary to give it, humanly speaking, the command of its own fortune.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *19th September, 1796.*

[Prolonged applause.]

Mr. SULZER. Mr. Speaker, I now ask unanimous consent to have the Clerk read a short and splendid editorial from the New York American of last Sunday, appropriate to the occasion, on George Washington, entitled "Washington's inspiration." It will only take a few minutes.

Mr. KEIFER. I do not like to object to these things, but there are so many of them——

Mr. SULZER. This will only take a few minutes.

Mr. TAWNEY. I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. SULZER. I ask unanimous consent to print the editorial in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to print the editorial in the RECORD.

Mr. GAINES of West Virginia. What is it proposed to put in the RECORD?

Mr. SULZER. An editorial from yesterday's New York American, entitled "Washington's inspiration."

Mr. MANN. That is all right, but who wrote it?

Mr. SULZER. One of the editorial writers, I presume, on the New York American.

Mr. MANN. I object.

OMNIBUS CLAIMS BILL.

Mr. MACON. Mr. Speaker, I ask unanimous consent that I may at this time have read, for information, the order which I send to the Clerk's desk, with a view of asking unanimous consent for its present consideration.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for present consideration of the omnibus claims bill.

Mr. MACON. It is in order to send the omnibus war claims bill to conference.

Mr. PAYNE. I object.

Mr. MACON. I would like to have it read for information. If the gentleman will withhold his objection, he may save time by doing so.

Mr. PAYNE. Does the gentleman ask unanimous consent for the present consideration of the omnibus claims bill?

Mr. MACON. Mr. Speaker, I ask for the reading of the order for the information of the House.

The SPEAKER. The Clerk will report the request.

The Clerk read as follows:

Ordered, That H. R. 15372, commonly known as the "omnibus war claims bill," be taken from the Speaker's table and the Senate amendments thereto disagreed to; that the same be referred to a conference committee, with instructions to insist upon the House disagreement to all the Senate amendments thereto, except such as provide for the payment for property actually taken, destroyed, or used by the Federal Army during the war between the States where claims therefor have been duly referred to the Court of Claims and proper findings had thereon as to the loyalty of the owner and the character and value of the property.

Mr. MANN. Reserving the right to object, I beg to say to the gentleman that that bill is not on the Speaker's desk at all. It would be impossible to take it from the Speaker's desk. For the present, therefore, I object.

ORDER OF BUSINESS.

Mr. TAWNEY. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245).

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York rises to a parliamentary inquiry.

Mr. SULZER. Mr. Speaker, I desire to know if my request for unanimous consent to print that editorial in the RECORD was objected to?

The SPEAKER. The regular order was demanded.

Mr. SULZER. By whom, Mr. Speaker?

The SPEAKER. By the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. No; I did not understand that the request of the gentleman from New York [Mr. SULZER] was objected to, to print the editorial in the RECORD.

Mr. MANN. I shall not object, if the gentleman himself wishes to print it as a part of his remarks.

Mr. SULZER. I do.

Mr. MANN. But to print it otherwise——

The SPEAKER. Is there objection to the gentleman from New York printing as a part of his remarks the editorial indicated?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I wish to say in explanation that this reading of Washington's Farewell Address is a time-honored observance, and I think it is better to keep up the precedent as it has existed, and to read simply George Washington's Farewell Address, and not to couple it with the utterances of editors or of others. I shall therefore object. [Applause.]

The SPEAKER. Objection is heard.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. The "gentleman from Massachusetts" got up to offer a privileged resolution, and the Chair recognized the gentleman. Then the gentleman from Minnesota arose and without waiting for recognition proceeded to make a motion to go into Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair understood that the gentleman from Massachusetts intended to present, not a question of privilege, but a privileged question. The Chair does not recollect whether the gentleman was recognized, but the gentleman from Minnesota rose also to make a privileged motion, and the Chair will have to find out which is of the higher privilege.

Mr. TAWNEY. Mr. Speaker, the motion I made to go into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill was made an hour ago, before the reading of the Farewell Address.

The SPEAKER. And still the Chair will have to ascertain which is of the higher privilege.

Mr. GARDNER of Massachusetts. Assuming that it is of equal privilege, I beg to bring to the attention of the Chair the fact that I was recognized.

The SPEAKER. The Chair will determine whether it is of equal or higher privilege. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 556.

Resolved, That the Secretary of Commerce and Labor be requested to inform the House of Representatives as to the following matters:

(*a*) What number of aliens were admitted into the United States during the fiscal year ending June 30, 1908, under the allowed claim of theretofore acquired permanent domicile in the United States.

(*b*) What number of aliens so admitted would, but for such domicile, have been inadmissible.

(*c*) What number of aliens during this period were admitted on parole or temporarily.

The SPEAKER. The gentleman from Massachusetts intends to follow this with a motion to discharge the committee?

Mr. GARDNER of Massachusetts. Discharge the committee and ask for immediate consideration.

The SPEAKER. The Chair is of the opinion that the motion of the gentleman from Minnesota is of higher privilege.

Mr. GARDNER of Massachusetts. I ask the gentleman from Minnesota to withhold his motion.

Mr. TAWNEY. In order that we may save time, Mr. Speaker, and get into Committee of the Whole for the consideration of the sundry civil bill as soon as possible, I will withhold the motion.

The SPEAKER. The gentleman from Massachusetts moves to discharge the Committee on Immigration and Naturalization from the consideration of the resolution which has been read, and agree to the same.

Mr. GAINES of West Virginia. I ask unanimous consent to agree to the resolution. Nobody seems to object to it.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245).

The question was taken; and on a division (demanded by Mr. MACON), there were 151 ayes and 10 noes.

Mr. MACON. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count.

Mr. MACON. But we have just had a count.

The SPEAKER. Perhaps some gentlemen did not vote.

Mr. MACON. I can not conceive of a count that would make it more certain than the count we have just had.

The SPEAKER. Some gentlemen did not rise. The Chair will count.

Mr. WATSON. Mr. Speaker, I think this whole question can be smoothed out without difficulty. The gentleman from Arkansas wants the privilege of speaking ten minutes on the resolution.

The SPEAKER. One hundred and ninety-seven Members present; a quorum. The ayes have it, and the motion is agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, with Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. General debate has been fixed at two hours, one hour to be controlled by the gentleman from Minnesota [Mr. TAWNEY] and one hour by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I now yield one hour to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I have not been a Member of this body long, as terms of service are reckoned here, but I have been a Member long enough to learn that to every Representative in Congress early in his career two methods of progress present themselves—one a particularly easy and pleasant method, the other harder and more difficult. If you select the first and the more easy career, it is only necessary for you to remember that you must not attack wrong in high places if you see it; you must not antagonize great corporations or men of great wealth, unless you do it in general terms. You must absolutely fail to see evidence of individual guilt in public matters, or if you do see it, you must keep still about it. If you pursue this course your stay in Washington will be pleasant and agreeable; White House dinners follow and an entrée into the constantly increasing winter colony of millionaires in this capital city. If you are a lawyer of some experience, this course opens up for you possibilities of lucrative employment and large retainers in New York City at the close of your congressional career, and sometimes even sooner than that.

If, however, you come here with a more serious motive and select the other course, you may expect to encounter difficulties. In the first place, you must not expect to be invited to participate in the social functions of the very rich, even if you would like to be invited. If, in the discharge of your duties under the oath you have taken, you discover and denounce gross improprieties affecting the administration and men in high position, you may expect to be villified, abused, and misrepresented in the editorial columns of the newspapers friendly to the administration, and you must expect to be abused and misrepresented on this floor by the representatives of the interests you attack.

On the 26th day of January I discussed at some length on this floor certain matters pertaining to the Republic of Panama, and the connection of the present administration and its advisers with the same. I followed it up with one or two shorter speeches on the same subject later on, and I have succeeded in bringing upon myself villification, misrepresentation, and abuse, almost without a parallel in the history of this body.

I know now that if you are a Member of Congress you are at liberty to shoot as much as you would like to shoot, provided you do not hit the mark. I succeeded in hitting the mark, and from more than one direction there has gone up a shout of disapproval. Immediately after my speech of January 26 there went up from the present administration signals of distress—violent C. Q. D. signals of distress—and every administration paper seems to have steamed out to the rescue. The approved method of rescue seems to be to launch at me in the editorial columns of these papers the grossest misrepresentation and the vilest abuse. I have been described as violating my privileges as a Member of this body. It is said I got the information and the evidence upon which I based my argument from ex-convicts and blackmailers, and that charge was also solemnly made from this floor by a representative of the interests I assailed. My picture is being printed in many papers with the information that this is the picture of a Member of Congress who is charged with getting his information from ex-convicts and blackmailers. The President of the United States finds it proper to give to the press a letter addressed to the representative of an alleged Republic, in which he refers to me by name and makes a personal attack upon me. The President-elect, hurrying to this capital, heard also the signals of distress, and if he is reported correctly in the newspapers, responded in the same way. If he is correctly reported, and if he referred to me in the speeches he made on his way here, he has grossly misrepresented what I said.

It is the grossest misrepresentation, from whatever source it may come, to say that at any time, in any address, or in any way, I have ever placed myself in opposition to the Panama Canal. In my speech on this floor I simply called attention to certain evidences of graft in connection with our operations there. I have been most loyal at all times to the officials in charge of the work there. True loyalty to this great enterprise means that you must expose and denounce all kinds of graft in connection with it in order to avoid the pitfalls into which the French companies fell, and I propose to do this whether it meets with the approval of the next President of the United States or not.

It has never happened before in the history of the country that a President of the United States has personally assailed and has attempted to belittle a Member of Congress in an alleged diplomatic communication.

Mr. DOUGLAS. Will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. DOUGLAS. Is it not also true that it is the first time in the history of the country that such a thing became necessary?

Mr. RAINEY. Such a thing can never be necessary under the Constitution of the United States; and I recommend the reading of that Constitution to the gentleman, and to all of you gentlemen, including the gentleman who has just interrupted me with this insulting question, who upon this floor have resorted in your replies to me to personal abuse, who took advantage of my absence from this city to say upon this floor that which took less courage to say when I was gone than when I was here. [Applause on the Democratic side.] I want to say to every one of them, and to you——

Mr. MANN. Is the gentleman making the same remark when these other gentlemen are absent, now, with less courage than if they were present?

Mr. RAINEY. Certainly not. I am talking of when I was away. I want to say you are perfectly safe, all of you. I am not going to retort in kind. I decline to descend to that level of debate in this House. [Applause on the Democratic side.]

If it has happened before, I assert without fear of successful contradiction that it has never before happened that by order of the President the communication was given out to the press for publication in this country. This communication was not intended for Panama. It was intended merely for publication here. It has never happened before that a President-elect, three weeks before his inauguration, has in a public speech assailed any Member of Congress and misrepresented the remarks made by him on this floor.

I did not attack the canal. I am as good a friend of the project as he has ever been. I simply attacked the graft connected with this enterprise there and just now developing; and in this attack I ought to have, as a matter of right, the support and cooperation of the President of the United States and of the President-elect.

I talked for nearly two hours on this floor in discussing these questions without once violating the rules of this House; but the responses made to my speech by the representatives on this floor of William Nelson Cromwell in almost every sentence violated the rules of debate.

I represent here that district in Illinois where the great Lincoln spent his youth and young manhood and the mature years of his life, and on that account I felt it was my duty to leave my work here and go to another city to deliver an address on the occasion of the celebration of the one hundredth anniversary of his birth. I had every reason to believe that Congress would adjourn on that day after the morning hour out of respect to his memory. Congress did not adjourn, however, and upon examining the RECORD for that day I find the time was spent eulogizing Lincoln and William Nelson Cromwell and attacking me. The fact that I was going away was well known. The fact that I was going to speak in another city was announced in the Washington papers. The representatives of William Nelson Cromwell, however, selected that occasion to make their attacks on me on the floor of this House. To anyone who reads what they said the reason for the selection of this particular time is apparent—it required much less courage to say what they said about me in my absence than in my presence. They did not abuse and misrepresent me on this floor in the heat of extemporaneous debate. They read, each of them, from manuscript, every word carefully written out. One of them read his speech from manuscript prepared, as he admitted himself, by William Nelson Cromwell.

I want again to say to you who so grossly misrepresented the facts and who so grossly violated the proprieties in your attacks on me that you need not be afraid. I am not going to retort in kind. I decline to descend to that level. I want to say to all those who are spending so much time abusing me that I have not yet even commenced this fight. I have only trained my guns on some of the least objectionable features in connection with Panama matters. But I have caught the enemy unprepared. I have never yet discussed or even remotely referred to my resolution to investigate the Panama Canal purchase and the distribution of the $40,000,000 that of record appears to have been paid to the stockholders of the new French company and to the creditors of the old company. The gentlemen abusing me will evidently exhaust their vocabularies before I reach that matter. But I want now to make myself clearly understood. I want now to say to the President of the United States, who seems at the present time to be reading my speeches; I want to say to the President-elect, and to all these newspapers so anxious to obtain favor with the next administration by abusing me and misrepresenting what I say in their editorial columns; and I want to say to you who have vilified and misrepresented me on this floor that I propose to continue this fight, and you can not stop me by calling me names and by directing at me a system of personal abuse and misrepresentation. I did not come here to represent the interests, and I am

not doing it. I am not seeking any sort of recognition at the hands of the winter colony of millionaires in Washington.

I am not asking or expecting employment at the hands of law-defying corporations in New York City when my term of service here has ended. While I am here I expect to discharge my full duty, under my oath, to my district and to my State. The fact that at the very commencement of this fight I have encountered so much and such violent vituperation and abuse convinces me that I am proceeding in the right direction, and makes me more determined than ever to continue the fight to the end. I spoke the truth on this floor on the 26th day of January. They know I did, and you know I did, and now that these replies are all in, I want briefly to examine what I said in the speech I made on that occasion and the evidence I produced in support thereof, in order that the country may know how much of it has been admitted or denied, and how much of it I obtained from ex-convicts and blackmailers.

These abusive speeches had evidently been prepared in advance, expecting me to discuss the resolution I introduced in Congress on the first day of this session.

I have before me here the resolution I introduced on the first day of this session. I expect to print it at this part of my speech. In the limited time I have, it will be impossible for me to read in full documents that I expect to refer to and to read in part, and I ask unanimous consent at this point to insert this resolution and other papers and documents to which I shall refer, either in my speech or in the appendix thereto, and to extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RAINEY. Mr. Chairman, this is the resolution:

Resolved, That a committee of five Members of the House be appointed by the Speaker to investigate the purchase by the United States of the Panama Canal property, with the view of ascertaining how much of the $40,000,000 which appears of record to have been paid to the French company was really paid to said company, or for the stock or holdings of said company, or to the French Government for said company; and with a view also of ascertaining how much of said sum, if any, was directly or indirectly paid to American citizens or to an American syndicate; and with a view of ascertaining whether any Member of either branch of the Congress of the United States in an official capacity profited directly or indirectly by said transaction: *Provided*, That the said committee shall have power to send for persons and papers and to examine witnesses, and also to employ a stenographer and one clerk. Said committee shall report the result of its investigation to the House, with such recommendations as it may deem proper: *Provided further*, That the expenses incurred hereunder shall be paid out of the contingent fund of the House on vouchers approved by the chairman.

I did not discuss this resolution. I did not mention it. I did not refer to it even remotely; and yet the gentlemen attempting to answer me on this floor assume in their speeches that I talked about nothing else, and their arguments—that portion of them not devoted to abuse and misrepresentation of me—simply deal with the canal purchase and the distribution of the $40,000,000. The press agencies of Mr. Cromwell, in the matter they sent out, represent me as talking to my resolution.

I have only commenced the investigation of the subject embraced in this resolution. I have so far refused to discuss it or to mention it in private conversation or on this floor, but I can assure Mr. Cromwell that the time will come when I will discuss it on this floor, and when I do he and his representatives will have something to answer. I am not going to be led now into the discussion of this resolution and the subjects embraced therein.

In my speech of the 26th day of January, and in subsequent speeches, I called attention to the graft which always surrounds great enterprises of this character, and which brought destruction to the French companies, and then I called attention to the fact that we had also commenced to drift in the direction of the rocks upon which the French companies were destroyed, and that already the Canal Zone was being made the dumping ground for property which the owners wanted to sell and for which no other purchaser could be found than the United States. In support of that assertion I discussed the purchase of the *Tremont* and the *Shawmut*, and no man has yet denied my statements upon this floor with reference to the purchase of these vessels. In brief, these are the facts I charged, and I did not get my information from ex-convicts and blackmailers. The official records of this Government present all the information I gave to the House in this connection.

The *Shawmut* and the *Tremont* were for sale. They were absolutely without value to their owners, a Massachusetts steamship company. They were tied up at the wharf in Seattle, out of commission. The Isthmian Canal Commission in their estimates never asked for the purchase of these vessels, nor of any vessels. This expenditure of money was not contained in the estimates. After the bill in question reached the Senate, an amendment was put on, mandatory in its character, which compelled the Secretary of War to buy these two ships, which permitted him no election, and under that amendment these were the only ships in all the world he could have purchased. It was purely an administration amendment. I undertake to say that no man in this body knew that under it no other ships could be bought. No man in this body dare now make that admission and expect his constituents to return him to the next Congress. Under this amendment over a million dollars was expended for these two particular ships. These are the facts. They can not be denied. I challenge denial on this floor. No man has attempted to deny this. In reply, I am simply charged with obtaining the information upon which I based my speech of the 26th day of January from ex-convicts and blackmailers. A Representative from Massachusetts, upon this floor, gave a certificate of good moral character to a Senator of the United States, insisted that the Boston steamship company had been unfortunate in business, and contended that we may need these vessels for the purpose of carrying cement to the Canal Zone at some time in the future. No other answer has been made or attempted, and I therefore charge this graft upon the administration. With a deficit in the Treasury of $84,000,000, constantly increasing, with the prospect of an expenditure within the next few years of three or four hundred million dollars for canal purposes, out of consideration for a Boston corporation, unfortunate, it is said, in business, we took from the Treasury of the United States, a little over a month ago, over a million dollars and permitted it to be distributed among the stockholders of that corporation. There is no more glaring instance of graft than this in all our history as a Nation.

In my speech I proceeded to show that the statements the President of the United States has made with reference to the Panama Canal have been at times peculiarly inaccurate, and I called attention to his special illustrated Panama Canal message of December 15, 1906, sent to Congress after his return from his visit to the Isthmus. I called attention to the fact that he in that message made the definite statement that the Culebra cut was as wide on the top notch at that time as it would ever be necessary to make it. He also stated that the canal bed in the Culebra cut had at that time been sunk 200 feet below what it originally was, and he also stated that it would be necessary to sink it at that point about 130 feet farther. I referred to these three important misstatements of fact by which the country has been misled. Since I made my speech it is announced that last fall the President himself gave the order to widen the Culebra cut two or three hundred feet, and that order is now being executed. There are Members of this House misled by the statement of the President, who believe that the Culebra cut has been lowered 200 feet from where the French company left it. As a matter of fact, at the time of the President's visit the bed of the cut had not been lowered an inch from where the French left it. In constructing the Culebra cut the French company left narrow embankments of earth extending from one side of it to the other, and upon these embankments their little trains of dump cars were drawn back and forth. These cross embankments were tunneled at the bottom in order to permit the water to run through.

When we commenced our work on the canal, we simply cut out these cross embankments, a work of small importance, and established a system of permanent benches along the sides of the cut. In other respects, at the time of the President's visit to the canal, the canal bed was exactly where the French left it. I did not get my information on this point from ex-convicts and blackmailers. I got my information on this question from a study of the plans and conversations with engineers and others who knew the facts. No man upon this floor has yet ventured to dispute the statement I made as to the inaccuracy of the President. Unless the President's alleged diplomatic letter to the President of the Panama Republic can be accepted as a reference to this part of my speech, there has been no reply from any source. In this letter he simply states that, so far as he has knowledge, my statements are unfounded, and I am quite willing to admit that in this particular the knowledge he possesses is not profound, to say the least.

I called attention in my speech, at great length, to the various conflicting employments of William Nelson Cromwell, the manager and director in fact for the administration of everything pertaining to the Panama Canal. I did not obtain this information from ex-convicts and blackmailers. I obtained it all from statements made by William Nelson Cromwell himself and by Secretary Taft before the Senate Committee on Interoceanic Canals, and from other public records printed from time to time in Panama matters. The careful digest I made from these sources, showing the conflicting employments of this

versatile attorney evidently surprised Mr. Cromwell himself. The compilation had never before been made. No man attempts to deny any of my statements as to his activities, except Mr. Cromwell himself, in the speech read for him on the floor of this House by the gentleman from New York [Mr. OLCOTT], to which I shall refer later in my remarks. It remained, however, for the gentleman from Massachusetts [Mr. LOVERING], a client, as he admitted, of William Nelson Cromwell, to truly represent that gentleman and his methods upon this floor. The gentleman from Massachusetts simply adopted the method of attack used by the press agencies of William Nelson Cromwell, and charged me with obtaining the information upon which I based my speech, first, from the New York World, and, secondly, from ex-convicts and blackmailers.

I have received no information from the New York World, as I stated once before to this same gentleman upon this floor. The subjects which I discussed in my speech of January 26 had never before that time been discussed or mentioned in any newspaper in the United States, and no newspaper in the United States was in possession of the facts or of the evidence I presented; but since I denied on the floor that I received my information from the World, the gentleman has made a discovery, and he read here, at the opening of his speech, an interview with me which, he states, appeared in the New York World on the 22d day of October, 1908. In that interview I appear to have made the statement that I proposed when Congress convened to introduce a resolution for the appointment of a special committee to investigate the charges made by the New York World with reference to the distribution of the $40,000,000 we paid for the canal. I have read the interview placed by the gentleman in the CONGRESSIONAL RECORD. It seems to be substantially correct. I made the same statements, or similar statements, to many reporters about that time at the national Democratic headquarters in Chicago and in other places, and on the first day of the present session I introduced the resolution—the resolution which I have just read in this House, and which I have never discussed and did not refer to in my speech of January 26.

I do not remember to have discussed the matter with any member of the Democratic national committee, and I certainly never received any notice from that organization or from any member of it to the effect that I was expected to introduce this resolution. If the national committee determined to select me to introduce the resolution, they have never yet so advised me. I know of no reason why they should not do so, however, and I know of no reason why I should not have introduced the resolution in question either with or without the consent of the New York World or of the Democratic national committee. I introduced the resolution not knowing that I had been selected by the committee for that purpose, and I do not know it now. The gentleman either did not read my speech of the 26th of January in the RECORD, or if he did read it he has utterly failed to comprehend or understand what I said. In my speech no reference whatever was made to anything contained in my resolution. The argument of the gentleman from Massachusetts, however, is this: I told the New York World that I proposed to introduce a resolution to investigate the charges made by that paper. I did introduce such a resolution. I made a speech upon an entirely different subject.

Therefore, my statement on the floor that I did not obtain the information upon which I based my speech from the New York World is untrue. The New York World, he contends, obtained its information with reference to the distribution of the $40,000,000 from ex-convicts and blackmailers. Therefore, he insists, I obtained my information upon which I based my speech of January 26 from the New York World and from ex-convicts and blackmailers. I submit that such profound logic and acute reasoning has never been heard here before. The gentleman from Massachusetts has clearly established himself as the Socrates of this body.

I have never asked the New York World for any information in my canal investigations, and they have never tendered me any. I never asked the New York World for information, simply because I knew that some Representative in Congress unable to rise to the dignity of a more formidable reply to my speech would charge that I got my information from the World, and would think that by making this charge he had answered my speech. In this I have not been disappointed. Mr. Cromwell has found a Member of this body willing to adopt that method of reasoning. I want to say, however, that I know of no reason why I should not get information from the New York World or from any other reliable source. That great paper can take care of itself without any help from me in its present difficulties.

The gentleman from Massachusetts then proceeds at great length to denounce the New York World and to disclose an astounding story of an alleged attempt to blackmail certain persons in the United States, and of an alleged attempt to blackmail Mr. Cromwell, and he proceeds to eulogize Mr. Cromwell. This is absolutely all there is in his speech. He makes no attempt whatever to deny a single fact I stated; he produces absolutely no evidence; there is not a sentence in his entire speech that can by the most violent stretch of the imagination be construed as an answer to anything I said. I know nothing of the matters he mentioned. I never heard until he made his speech that any persons were trying to get Mr. Cromwell to purchase any alleged evidence of the guilt of Mr. Cromwell. I know nothing of any attempts to sell any story to the national Democratic committee. I never heard of such a thing until the gentleman made his speech on this floor. I take it from his speech and from the statement which has since been published by Mr. Cromwell that the evidence to which the gentleman from Massachusetts refers as being concocted by blackmailers had relation to the alleged payment of some part of the $40,000,000 we paid for the canal to an American syndicate. I did not discuss that matter upon this floor, and the mysterious, wonderful method in which the mind of the gentleman from Massachusetts operates is the most astounding thing I have yet encountered in my investigation of matters connected with the Panama Canal.

In my speech, which the gentleman from Massachusetts [Mr. LOVERING] and others answered, I discussed merely, upon this floor, certain proposed timber legislation in the Republic of Panama and certain proposed railroad legislation there, by which everything of value on one side of the country went to a proposed railroad corporation and everything of value on the other went to a syndicate of Americans. I called attention to the fact that the Amador government refused to give its sanction to the timber contract. I proved by the records made by the present administration in Panama and by the letter of Doctor Amador himself that he refused to sign the timber concession. I insisted that the persons who were interested in the spoliation of Panama evidently induced Secretary Taft to intervene in the recent elections in Panama on behalf of Obaldia. I did not charge that the Secretary of War was a party to this outrageous attempt to despoil the Republic of Panama. In fact, I expressly stated that I did not make that charge. I, however, showed by the evidence—and I published pages of it in the appendix to my speech on that day, January 26—that he did intervene; that he did force the withdrawal of Arias, leaving the field open to Obaldia alone; that on account of his interference Obaldia was elected without opposition; and then I published the official admission of a member of the cabinet of Obaldia, showing that his proper cabinet officer had signed this outrageous timber contract.

I published the evidence he had made himself, to the effect that he tried to force it upon the General Assembly of Panama, and I published in the appendix to my speech pages of evidence in support of my propositions, including an interview with William Nelson Cromwell, which he has never denied, given out to a New York newspaper, in which he most violently rejoiced over the fact that Arias had been forced from the field and that Obaldia would be elected without opposition. I discussed no other matters in my speech. I referred to nothing else. The press agents of Mr. Cromwell and the gentlemen who have spoken upon this floor are only attempting to throw dust on the issues I raised and to obscure the evidence I presented by setting up straw men here in this House and then knocking them over.

In my speech I said I did not know who was back of Randolph G. Ward in his railroad operations. I do not know now, but I commented upon the entire harmony with which both plans were proceeding as indicating a possible agreement between the promoters of each. The anxiety displayed by William Nelson Cromwell and by others to escape the charge of even of the remotest connection with either of these schemes is absolute proof of the infamous character of both projects and makes it unnecessary for me to discuss or to explain further the provisions of either of them.

All the evidence I produced in support of my assertions is printed in the CONGRESSIONAL RECORD, immediately following my speech of January 26. A casual examination of it by any person of only a moderate degree of industry ought to establish the fact that I have made out my case. In the appendix to my speech I stated the origin of the evidence I presented, and told where it came from and where I obtained it. I obtained it nearly all from the Isthmus of Panama, open letters and documents, many of them published in the Spanish editions of the papers there, and translated by competent persons at my expense. If those editors of administration papers throughout the country who are abusing me and misrepresenting the

source of my information, were possessed of the slightest degree of industry and fairness, they could find the source of my information by examining the appendix to my speech in the CONGRESSIONAL RECORD. I regret that I am not able financially to have this great mass of evidence printed and sent out to the thousands of persons who have written to me requesting me to send it to them. A Member of Congress can have such documents printed only at his own expense. This fact is not generally known. I have back of me no great corporations, no men worth millions, who are assisting me in the fight I am making. I regret exceedingly that I am unable to comply with the requests upon me for copies of my speeches on this question and for copies of the appendix to the same. I can not even undertake, with the limited means I control, to employ stenographers to answer the letters I have received and am receiving, and for that reason I am apparently discourteous to many hundreds of earnest, honest citizens of the United States.

In my speech I called attention to a secret meeting of a few members of the General Assembly of Panama on a Sunday night in December last, behind locked doors and armed guards, in the palace of the President in Panama. The fact that this meeting was held was not even known in the city of Panama until I made my speech, and I am somewhat surprised to learn, from the cable message made public here on February 12, that any who attended that meeting had even admitted that such a meeting was held. I did not expect these men, secretly assembled in a Spanish-American Republic in the nighttime, protected by armed guards, to admit the purpose for which they were there. I said that at that meeting the statement was made that the men who were back of John Ehrman and his timber enterprise were William Nelson Cromwell, Roger L. Farnham, his confidential clerk, W. S. Harvey, and one other gentleman, whose denial I myself read on this floor, and whose enthusiastic repudiation of everything and everybody connected with the scheme I have not the slightest desire to controvert, as I have before stated upon this floor. I do not have the slightest doubt as to the fact that his name was used there absolutely without his consent. I shall not refer to him again in this connection.

I also produced and printed on page 1436 of the CONGRESSIONAL RECORD an official declaration issued by Ramon M. Valdes, a member of the cabinet of Obaldia, dated January 2, 1909. In order that I may not be charged with obtaining it from ex-convicts and blackmailers, I will say that I found it in the Spanish edition of the Diario, a newspaper published on the Isthmus of Panama, of January 4, 1909, and had it translated by a competent person. In this letter he officially states that the persons interested in the contract are Messrs. W. S. Harvey, Alfred E. Drake, and Jonas E. Whitley, of the United States. Therefore the men who are charged on the Isthmus with being back of this proposed contract are William Nelson Cromwell, Roger L. Farnham, Alfred E. Drake, Jonas E. Whitley, and W. S. Harvey. Of the five gentlemen I have mentioned William Nelson Cromwell is the only one who has at any time made any denial of his alleged connection with the enterprise, in spite of everything that has been said in the newspapers to the contrary. I regret exceedingly that under the evidence I propose now to present I can not accept his denial. I do not know any of these gentlemen. I have never, to my knowledge, seen any of them. Some days have elapsed now since my speech of January 26. They have all had ample opportunity to deny their connection with this enterprise, and those who have not denied their connection with it must now be assumed to have admitted the same. All of the gentlemen I have mentioned, except Mr. Cromwell, are exceedingly unimportant.

It is only their relation to Mr. Cromwell that makes them at all important in this connection.

Mr. GAINES of West Virginia. If it does not disturb the gentleman from Illinois, will he tell me whether he has already given to the House in his former speech, which I did not hear, or whether he proposes now to give us the source of his own information that this meeting was so secretly conducted, in order that we may judge of its reliability?

Mr. RAINEY. I am proceeding with the discussion of that matter now. This leaves connected with this proposition the five gentlemen whose names I have read. Now, I want to call attention to the fact, in spite of everything that has been said in the columns of the newspapers to the contrary, that only one of these gentlemen has denied his connection with it.

It becomes necessary now to find out just who Mr. Roger L. Farnham is, and in order that I may not be charged with obtaining my information on this point from ex-convicts and blackmailers, I will read now from the statement made by William Nelson Cromwell before the Senate committee. On the 9th day of May, 1906, Mr. Cromwell testified before the Senate Committee on Interoceanic Canals, and I read from these hearings, volume 4, Senate Document 401, Fifty-ninth Congress, second session, page 3075. Mr. Cromwell was being examined by Senator Morgan as to the effect of the appointment of his clerk, Mr. Farnham, as a director of the railroad company.

Senator MORGAN. That is all right. Now, answer the question. Could your clerk, Farnham, in the case of an equal division among the board of directors, turn you out of that position or keep you in, at his pleasure?

Mr. CROMWELL. Mr. Farnham, like myself, would act upon his judgment as a director, and be responsible for it.

Senator MORGAN. Has he the power, under the by-laws and charter, to turn you out of that executive committee?

Mr. CROMWELL. You mean, sir, in the contingency mentioned of a tie vote?

Senator MORGAN. Yes.

Mr. CROMWELL. He would have the power, as a director.

Senator MORGAN. He is still your clerk?

Mr. CROMWELL. He is still in the service of my firm, of course.

Senator MORGAN. On a salary?

Mr. CROMWELL. Certainly.

Senator MORGAN. How much salary does he get?

Mr. CROMWELL. I think it is $3,500.

Senator MORGAN. How long has he been in that situation?

Mr. CROMWELL. A good many years.

Senator MORGAN. How many years?

Mr. CROMWELL. I have already testified about it. I think it is ten years or more.

Senator MORGAN. About how many years?

Mr. CROMWELL. I think it is over ten years, speaking from memory.

I submit that a man who has been working for so many years on a salary of $3,500 per year would not be of much financial assistance in a project of this character.

In order to show who Mr. E. A. Drake is and in order at the same time not to be charged with obtaining my information from ex-convicts and blackmailers, I read from a letter addressed to me from the office of the Isthmian Canal Commission of the 8th day of February of this year. With reference to Mr. Drake, they say:

In addition to being a director of the Panama Railroad Company he is vice-president of that company, having been elected to that position on April 1, 1907. Prior to that time he was secretary and treasurer of the company for many years, and he was also appointed assistant to the president on April 2, 1906.

I might add that he is regarded in railroad circles as being Cromwell's man in railroad matters, and they have always been closely associated. Now, bearing in mind the fact that neither of these gentlemen has at any time denied his connection with the proposed timber contract, I want to read a letter from Doctor Amador, the ex-President of Panama, written to President Obaldia and dated December 31, 1908. It was given out for publication by Obaldia himself, and published in the Panama Journal on January 5, 1909, and in the Diario on January 4, 1909. I presume, therefore, that no one will charge me with getting this information from an ex-convict or blackmailer. I clipped it myself from these papers and had it translated. I have already published it in full in the CONGRESSIONAL RECORD of this session, on the 26th day of January, 1909, at pages 1435 and 1436. In the letter ex-President Amador discusses his refusal to sign the timber contract in question, and says:

This contract was proposed to me after an opinion had been given on it by a Panamanian lawyer, who, I believe, was Dr. Ramon M. Valdes, now secretary of state.

Manuel Obaldia was only present on one of the many interviews I had with the interested parties.

Mr. Drake, a man whom I highly esteem, spoke to me very little about the contract, confining himself to showing me its legality and advantages.

It was Mr. Farnham who, on many accounts, insisted that I should make the contract, assuring me in a short time he and his family would be very rich.

I never told anyone that a sum of money was offered to me, and this is what several persons have asked me and what I have always said.

Will Mr. Farnham explain why he and his family would be very rich in a short time if Doctor Amador signed this contract Can Mr. Drake explain his interest in the matter? The time to deny Doctor Amador's statement is now, while the old gentleman is still living. His health is in a precarious condition, and the announcement of his death may be made at any time. It will not be safe for these gentlemen to deny their connection with this matter until after his death.

I do not know who Jonas E. Whitley is, except from information he has given out to the reporters in New York City, who are watching and reporting the proceedings connected with the libel suits brought against the New York World. I hope I will not be charged with obtaining this information from ex-convicts and blackmailers. The Associated Press reports, published in the papers of the 29th day of January of this year, contain this statement:

Another visitor received by Mr. Jerome yesterday was Jonas Whitley, a representative of William Nelson Cromwell, who was one of the early witnesses called before the federal grand jury in Washington.

In the same connection, and corroborating this statement, the New York Times on the same day contained this item:

Jonas Whitley, an associate of William Nelson Cromwell, was another caller at Mr. Jerome's office yesterday in connection with the Panama case.

I might add that the name of Mr. Jonas E. Whitley is indorsed as a witness on the back of the indictments just returned against the New York World and the Indianapolis News. I could probably find a similar item in every New York paper of that date, as reported by other reporters. The reporters covering this investigation at that time evidently got this information from Mr. Whitley himself.

Mr. Chairman, I do not know who Mr. W. S. Harvey is. I am not at all interested in ascertaining who he is. I only know that he is a man of no importance, and it is not necessary for him or for any Member of this body to insert in the RECORD here an expurgated letter from him abusing and criticising me.

Mr. McCREARY. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. McCREARY. I want to state to the gentleman that Mr. W. S. Harvey is a man of high character and position in the city of Philadelphia. He is the president of the Philadelphia Museums, a man of considerable importance, a man of character.

Mr. RAINEY. If he is president of the museum, it might be proper for him to go there himself. He might, so far as I know, make the most excellent freak they have. [Laughter on the Democratic side.]

Mr. GAINES of Tennessee. Excluding Mr. Harvey, has the gentleman been able to find out where these other three or four men lived before they went into this Panama undertaking?

Mr. RAINEY. They live in the United States.

Mr. GAINES of Tennessee. In New York City?

Mr. RAINEY. I think the most of them in New York City; I think all of them. I am not after Mr. Harvey, I will say to the gentleman from Pennsylvania. I am sorry that he got caught in my net. I am after bigger fish than the president of a museum in Philadelphia.

Mr. McCREARY. I want to say to the gentleman that it is a commercial museum for the development of the products of other countries brought into this country, and is not a museum of funny things.

Mr. RAINEY. Then his presence in that museum would be absolutely out of place.

Mr. McCREARY. It is a museum of business and he is a business man, and he certainly would have come here——

Mr. RAINEY. I did not yield for a speech.

Mr. McCREARY. I am not making a speech.

Mr. RAINEY. I am not after Mr. Harvey; I am after bigger men.

As I said, this leaves only W. S. Harvey, who, although at first he denied his connection, through his stenographer, with the timber contract, now admits the same. I know nothing at all about him except that he is a man of no importance. I care nothing for his expurgated letter assailing me, which has been read into the RECORD, nor do I care to make any reply to the same. I am not after him at all. I am after more important persons than he will ever be. I am sorry he got caught in my net. I am trying hard for larger fish. If I knew the man higher up, represented by him, I would probably have some valuable information.

This completes the list. These are the only men I have ever claimed the evidence I have submitted connects with this enterprise, except one whose denial I have stated I will not controvert. Of these four, one is Mr. William Nelson Cromwell's private secretary, one is his railroad representative, and one is his associate and business representative. I regret that I know nothing about the fourth gentleman I have mentioned. None of them have any money with which to handle an enterprise involving the expenditure of a million dollars or more for roads and the removal of the timber from half the public land in Panama in sixty years. The only man among the five of any financial responsibility is William Nelson Cromwell. He boasted before the Senate committee recently that he had more money than he needed, and that he controlled $100,000,000 worth of money and securities.

Under the evidence I have presented, I submit that his denial is not of as much value as his representatives on this floor claim for it. I respectfully submit that he has not escaped and he will not be able to do so.

Of the gentlemen I have mentioned, Mr. Drake will be particularly valuable to Mr. Cromwell. His connection with the railroad makes it possible for him to obtain most valuable information with reference to the timber resources of Panama. The Isthmian Canal Commission in its report for the fiscal year ending June 30, 1908, announced that they proposed to commence surveys. I quote from their report:

> To embrace the entire watershed of the Chagres extensive surveys of the upper valley will be necessary, and it is anticipated that this work will be accomplished during the current year.

This survey will, of course, embrace the entire Atlantic Ocean side of the Republic of Panama from Colon to the boundary line of Colombia. With Mr. Drake in his official position, it is easy to see that Mr. Cromwell will have always advance information with reference to the timber supply on this vast area of territory, but perhaps even without Mr. Drake he would be able to get the information he wants. His influence seems to have been always all powerful with the present administration in Panama matters, and it is probable he will exert about the same influence on the next administration.

In making this reply I am compelled to answer, not a speech made by the gentleman from New York [Mr. OLCOTT], but a speech made by William Nelson Cromwell himself, and simply read on this floor by the gentleman from New York [Mr. OLCOTT], as he himself acknowledged in his remarks. The speech in the main is a defense of the Panama Canal purchase and the distribution of the $40,000,000 we paid for it. These matters I propose at some future time to discuss on this floor. I have not yet even referred to them, although I have spent much time investigating them. A large portion of his speech is taken up with a defense of his administration of the funds of the Panama Republic in New York. I did not challenge this. So far as I know now, his administration of these funds may be all he claims for it. I have not as yet gone into the questions he discussed.

I want to call attention to the fact that, although at great length I stated Mr. Cromwell's various conflicting professional employments—his prosecution of bogus claims against this Government while occupying an advisory position, and being, in fact, an officer of this Government; the frauds he practiced upon this Government while managing the railroad after we had, in fact, purchased the property and before its delivery—he has not denied a thing I said in this connection except to say that he and his clerk, Mr. Farnham, and Obaldia are not just at the present time directors of the Panama Railroad Company. His denial in this particular is weakened by the fact that he admits they were all directors of that company, and he was general counsel of the company when the acts I complained of occurred.

I also charged that while he was counsel for the Panama Railroad Company he also occupied the absolutely conflicting position of being of counsel for Mr. Harriman and his transcontinental railroad lines. In Mr. Cromwell's speech he denies that (I quote his words) he acted as counsel for "the transcontinental roads under Mr. Harriman's control." This evasive denial makes it necessary for me to state just what his official position was with reference to the Harriman interests. He was counsel for the steamship lines owned by Mr. Harriman and operated by him between our Pacific ports and the Pacific Ocean terminal of the Panama Railroad, and used by Mr. Harriman as a means of regulating transcontinental freight rates, so as to avoid any competition the Panama Railroad and the steamship lines might otherwise be able to present. This employment was more inconsistent with the position he then held as general counsel for the Panama Railroad and steamship lines than any other Harriman connection he might have had.

Mr. Cromwell, like all of his defenders speaking on this floor, occupies his time discussing things I did not mention, and denying things I did not say. The effort is to obscure the issue I raised here on the 26th day of January in my speech, and to create the impression that answers have been made to the proof I presented in connection with my speech.

Mr. Cromwell insists that he never met Obaldia until that gentleman came to Washington as the representative here of the Republic of Panama, but in the same article, read by the gentleman from New York [Mr. OLCOTT], he exhibits a remarkable knowledge of the personal history of Obaldia and of his career in the Colombian Senate, to which I referred in my speech.

I did not expect Obaldia to agree with me in my estimate of him, and I am not surprised that he has failed to do so. The only answer he makes, however, to my speech is contained in his telegram to his son, Manuel Obaldia, in New York City, who is the same Manuel Obaldia implicated by Doctor Amador in his letter, a part of which I have read, in the timber frauds on the Isthmus of Panama. In his telegram to Manuel Obaldia, President Obaldia merely states that his attitude while in the Colombian Congress and his entire public life are far beyond the reach of slanderers. He continues by stating that the timber contract and the railway proposition have both been rejected, and that there is a bill under consideration regulating forest exploitation on the entire Atlantic coast, including the Chagres Valley. This telegram from Obaldia is accepted as proof positive that my charges were unfounded, and that Obaldia himself is opposed to the effort to steal the forests of his country. On the contrary, the proof I have already presented shows that he favored it; that the proper cabinet officer signed the proposed contract; and that his administration tried to compel the general assembly to approve the same.

I published in the CONGRESSIONAL RECORD, on January 26, at pages 1435 and 1436, a letter from a prominent citizen of Panama, Santiago de la Guardia, addressed to the President of Panama, protesting against the contract we are discussing. The letter is dated December 29, 1908. I did not obtain it from any blackmailer. I copied it from the Panama Daily Star and Herald of January 3, 1909. Referring to the timber contract in this letter, La Guardia says:

I am going to speak about the contract that a foreign syndicate wants to obtain in order to get a wide, a new, and very big zone of our territory to exploit for fifty years—the woods of our Atlantic coast. This syndicate is represented by two of our countrymen, whom it is not necessary to name. They want this contract not for themselves, but to give it to other men. But it would be better that if they get it it were for them, because this grace, that may better be called national disgrace, would so remain within the family and would not inherit the danger of diplomatic reclamations, so terrible for weak countries.

* * * * * * *

That contract was born with the stigma, with the I. N. R. I. of dishonor in its pasteboards.

Here is, yet alive, the respectable old gentleman who preceded you in the supreme command. He is near to the tomb. But he will be covered by his sweat cloth at the same time that with the nimbus of having returned the infamous proposal with which he was tempted. There is also, full of youthfulness and life, the present deputy and secretary of public works at the same time. He can inform you that he was the messenger with whom the ex-President Amador sent back the papers of the infamous offer.

* * * * * * *

The population is alarmed, is indignant at the notice of the monstrous contract which despoils and insults us.

Ramon M. Valdes, secretary of state, on behalf of Obaldia, answered the above letter. The answer was printed in the Diario, of Panama, on January 4, 1909. I obtained it from that paper and published it in the CONGRESSIONAL RECORD on page 1475. This letter defends the proposed timber contract. Referring to the charge that the promoters of the enterprise during Amador's administration tried to bribe Amador, Valdes states in this letter:

But I can well say, in meditating and thinking over these things, that we should be assured that if there had been any attempt of bribery with Doctor Amador, how can that occasion any doubt as to the honor of the men who are to-day in the government, and what relation can their conduct have with an action performed by a government now out of power, and how can you believe, General, that this supposed attempt at corruption ought to enforce the abandonment of a matter that possesses such favorable aspects for the material development of the country? You can give no sufficient reasons in support of your ideas.

* * * * * * *

As a member of the government, I favor the projected operation, because I think it advantageous for the country, and because I am inspired by the natural zeal of the administration, of which I form a part, to free itself from the sin of indolence which I attribute to the past administration, in all things related to the progress of our Republic.

On January 15 the Panama Journal, on the front page, in discussing the lumber contract, makes this statement. I quote from the Journal on that date:

Interest in the lumber contract signed between the secretary of the treasury, Carlos A. Mendoza, and Mr. John Ehrman is steadily growing. The very able report presented to the National Assembly by the committee appointed to inquire into the pros and cons of the question has done much to remove the misunderstanding that had been created as to the real aims of the contract.

And again, on the 18th day of January of this year, the same paper, the organ of the administration in Panama, contains the following statement on the first page, which I read:

The lumber contract signed between the secretary of the treasury, Carlos A. Mendoza, and Mr. John Ehrman has raised a storm of unreasoning protest from a number of possibly well-meaning but certainly ill-informed gentlemen, who are apparently blind to its many and undoubted advantages.

The same paper, in the same issue, also contains the following statement:

There was an interesting session of the National Assembly Friday afternoon to discuss the report of the committee appointed to inquire into the lumber contract between the secretary of the treasury and Mr. John Ehrman. * * * Dr. Carlos A. Mendoza, in a most earnest and forceful speech, retraced the history of the lumber contract. * * * And the speaker, his voice ringing with emotion, declared that he gave way to no one in his love for his country, and that he had been guided solely by the purest patriotism and most ardent desire to benefit the Republic when he had signed the contract, which he firmly believed would be of untold, incalculable advantage to Panama.

In connection with the above extracts I have read from the Panama Journal, and in order to show the method adopted by the Obaldia government to compel the approval of the contract signed by Obaldia's ministers, I read now from an open letter written by an American, printed both in Spanish and in English, and distributed generally throughout the city of Panama and the Republic of Panama. So far as I have been able to ascertain—and I have read, I think, every issue of all the Panama papers from the date this letter was circulated until the present time—the statements contained in it have never been denied by any administration papers in the Republic of Panama, nor by anyone else. You may therefore at this time, I think, accept it as true. I read from the letter:

ANCON, *January 18, 1909.*

The evil that men do lives after them.—Shakespeare.

SANTIAGO DE LA GUARDIA.

SIR: Saturday I witnessed the peculiar spectacle of a "popular" government passing, or attempting to jam through, an unpopular measure by the aid of the "big stick," in the shape of policemen's clubs in the hands of the police force—packing the capitol building with policemen to prevent any popular demonstrations on the part of the unwilling public. This is the method of darkest Russia; it is worthy of Gabrera or of Castro; but Castro, with all his faults, was rabidly and at times unreasonably patriotic, and many of his troubles came from that very virtue. He would not allow thieving foreign syndicates nor unscrupulous promoters to grab the territory of the Republic. We do things better in the States. When we wish to put through one of those thieving bills—such as a franchise bill, for illustration—we chloroform the general public; you club them into insensibility with a policeman's club if they object. Our system has several advantages over yours. It is almost a pleasure to be robbed in the States. There the public suffers no pain from the operation. Your system is too crude and primitive, compared with ours, but as you are adopting many of our ideas, no doubt you will also conform to our methods of graft.

* * * * * * *

This contract has against it two points. First, it creates a monopoly, giving one-half of the Republic to one company. Second, it would destroy the timber with no adequate means for replacing it. The effect of this would be most detrimental to the country in every way. The land of the world is passing fast enough into the possession of syndicates and great land speculators. Its effect and tendency is to create a peasant and tenant class of farmers. No government which gives any heed to the warnings of history and which attempts to profit by the teaching and lessons of experience should attempt to concentrate its land in the hands of a few men. * * *

WILSON.

This letter is an interesting document, and throws considerable light on the methods used by Obaldia in keeping his contract with the American syndicate.

After I made my speech of the 26th day of January, Manuel E. Amador, a son of ex-President Amador, sent a telegram to Mr. Santiago de la Guardia, at Panama. I have never seen the telegram, but I read now an extract from the Panama Star and Herald of February 1, 1909. Although I am giving the sources of my information very definitely and am producing here on the floor the papers from which I am reading, I have not the slightest doubt but that the gentleman from Massachusetts [Mr. LOVERING] will insist that I am getting my information from blackmailers and from ex-convicts. I read now from the Panama Star and Herald of February 1, 1909:

A telegram from New York, addressed to Mr. Santiago de la Guardia, by Mr. Manuel E. Amador, son of ex-President Dr. Amador Guererro and ex-consul-general of Panama in New York, reads as follows:

"To-day's dailies are full of horrid sentiments against the Panama Government. The former administration was praised in a speech made in the House of Representatives denouncing the cession of the forests. The national honor demands the rejection of the contract before Taft's arrival."

The last paragraph is full of significance.

The cable messages received from Panama during the recent visit of Secretary Taft to that country do not indicate that he was particularly active in defeating the timber proposal. The only thing he apparently did was to tell the citizens of Panama to pay no attention to sensational statements and speeches made in the United States.

On the 29th day of January I published in the CONGRESSIONAL RECORD, on page 1641, a dispatch from the special correspondent of the New York Herald to that paper. The dispatch is dated at Panama, January 27, 1909, the day after I made my speech. I read from the CONGRESSIONAL RECORD, on page 1641:

Panama is in a ferment of excitement on account of the project of the present administration to make what is termed "a gift" of the entire Caribbean coast of the republic to an American syndicate. President Obaldia has sent two special appeals to the Chamber of Deputies urging the ratification of the timber concession, and the result has been the stormiest sessions held by the legislative body since it came into existence.

* * * * * * *

There is a grave question now whether the concession will be ratified. It is the pet measure of President Obaldia.

* * * * * * *

The concession has been designated on the Chamber floor as the "Cromwell grant."

* * * * * * *

Speakers have sarcastically inquired why the Government does not find another set of Americans and grant them the Pacific slope of the Republic, so as to complete the transaction at the same time and have each company administer affairs on its own side under Mr. Cromwell's guidance.

I am wondering if the mental processes of the gentleman from Massachusetts are still leading him to the conclusion that I obtained and am obtaining my information from blackmailers.

Obaldia, in his telegram which has been read into the RECORD, announces that the "Amador-Arias government was not overthrown, but after expiration of the constitutional term was defeated in free elections." The mental processes of President Obaldia are quite as remarkable as the mental processes of the gentleman from Massachusetts [Mr. LOVERING].

I have already placed in the RECORD four columns of evidence on this question, and I have printed it on pages 1432, 1433, and 1434 of the CONGRESSIONAL RECORD. The evidence I have printed shows that from 600 to a thousand marines, perhaps more than that, were sent to the Isthmus of Panama just before the elections by the President of the United States. The *Tacoma* and the *Prairie* were sent to Panama. The battle ships *New Hampshire* and *Idaho* were ordered to leave for Panama—all just before the elections. Some of the evidence I have presented shows that the intention at one time was to assemble there a force of 1,800 marines in the latter part of June and the first part of July. The elections occurred on the 12th of July.

On the 28th day of June the battle ship *New Hampshire* and the battle ship *Idaho* arrived at Colon with large contingents of marines on board. The dispatches from Panama on that day show that the cruiser *Prairie* was already there, with a full complement of men. The dispatches show that on the 30th day of June the Tivoli Hotel was filled with army officers of high rank, and I have printed their names on page 1473 of the CONGRESSIONAL RECORD. They registered, all of them, as private citizens, and asked that their identity be not made known. On the same page of the CONGRESSIONAL RECORD I printed extracts from the official letter of William H. Taft, written while he was on the Canal Zone on the 18th day of May, 1908, and published in the Panama Star and Herald of June 22, 1908, threatening intervention and proposing to station two Americans at each polling place in the Republic; in other words, proposing that the election be held with American soldiers and marines, friendly to Obaldia, at every polling place.

Mr. Squires, our minister there, was favorable to the Amador party prior to the election, until he was summoned to the United States. After he had reported to Mr. Root and to Mr. Taft, according to the Panama Star and Herald of July 20, 1908, he went back to the Isthmus an almost open supporter of Obaldia.

On the 6th day of July, 1908, Arias withdrew his candidacy. I published his letter of withdrawal in the CONGRESSIONAL RECORD, on page 1434. Referring to Mr. Taft's intervention, in his letter of withdrawal, Señor Arias says—and I read now from his letter:

> These events plainly demonstrate the imminent peril of the military occupation of this country by forces of the United States of America, the which will be a death blow to our national life. The whole country understands how inevitable this is, and what grave peril it involves, and for this reason it behooves us to avoid at all cost even the remotest probability of having to lament irremediable evils.
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> * * * * * * *
>
> Therefore, after the most mature reflection, and guided solely by what I consider my patriotic duty, I have decided to present to you, as I now do present it, my renunciation of the candidacy for the presidency of the Republic, with which you have honored me, and to which afterwards have adhered spontaneously and disinterestedly the majority of the liberal and conservative Chiriquins and a considerable number of both parties in the other provinces of the Republic.

Commenting upon the withdrawal of Arias, the Panama Star and Herald, in its issue of July 6, 1908, prints an editorial, which I have reproduced at page 1474 of the CONGRESSIONAL RECORD, and from which I now read in part:

> The result of the action of Mr. Arias may mean the loss to the country of a firm and capable ruler. * * * By his renunciation the country loses, but if his continuance in the race would bring about the irreparable disaster which now threatens, the country is even more indebted to him for his unselfish action. * * * We can but express the hope that the patriotic action of Mr. Ricardo Arias and the Constitutional party may yet be the means of averting the loss of independence, which now threatens the Republic.

Immediately following the withdrawal of Mr. Arias, Mr. William Nelson Cromwell exultingly gave out to the New York Herald the interview which I have printed at page 1474 of the CONGRESSIONAL RECORD, and which I will now read. I hope that Mr. Cromwell's representatives on this floor will not charge me with obtaining it from blackmailers. It was published in the New York Herald on the 6th of July, 1908, two days after the withdrawal of Arias. This interview shows the interest Mr. Cromwell had in the withdrawal of Arias. I read now from the article in the New York Herald.

> William Nelson Cromwell expressed the greatest gratification to-day when he learned from a Herald correspondent that Secretary Arias had withdrawn as a candidate for the presidency of the Republic of Panama, leaving the way clear for Don Domingo Obaldia.

And I also published in the CONGRESSIONAL RECORD of January 26, on page 1474, the farewell message of President Amador to the General Assembly of Panama on the 1st day of September, 1908. I read only a part of it:

> The results of that electoral investigation, as you well know yourselves, proved how exaggerated the charges against this Government had been, as made by William H. Taft, who was then the Secretary of War of the United States. * * * Nevertheless, the situation, as created by that memorandum and the subsequent measures which threaten seriously the very existence of the Republic, forced one of these great parties to leave the field in an absolute and patriotic manner, so that the returns of the polling places have not made known the will of the people.

The answer, of course, to all the proof I have presented and am presenting now on these questions simply is that I have received my information from blackmailers. Under these circumstances I submit that even the gentleman from Massachusetts [Mr. LOVERING], with his wonderful reasoning powers, will not be able to show that Mr. Arias was defeated in a free election. With American troops at the polls, and with no opponent at all in the field against Obaldia, his election as President of Panama ought not to occasion much surpise. The proof I have presented shows that an honest old Spanish-American statesman, Doctor Amador, refused to sanction the concessions to which I have called attention.

The proof shows that Secretary Taft was in some way induced to intervene in the elections; that he did force one of the parties from the field; that the Amador government, which had refused these concessions, was defeated. Obaldia and his ministers immediately signed the timber contracts which I have been discussing, and which it seems I have succeeded temporarily in defeating in the Republic of Panama. The defeat, however, is only temporary. I understand from the Panama papers which have just reached Washington that the proposition now is to submit the proposed Ehrman contract to the highest bidder; in other words, to sell all of the forests on the Atlantic Ocean side of Panama to those persons who are willing at a public letting to pay the most for them. Mr. Cromwell and his followers are in possession of about all the information there is as to the value of these properties. There is no one to bid against them. The scheme to despoil the Republic of Panama is only made more complete by the proposition now before the General Assembly.

I have printed in the CONGRESSIONAL RECORD, on page 1478, a remarkable compilation, made at my request by the Bureau of Forestry, showing the timber resources of Panama. It is remarkable that upon a subject so little understood in this country so much information can be collected. This compilation furnishes conclusive evidence as to the value of the Bureau of Forestry and the thorough work they are capable of doing. There is enough, evidently, known about the forests of Panama to indicate that their value is simply incalculable. I published enough information to show that the forests of Panama sought by these Americans may, in the near future, almost approach in value the entire forest resources of the public lands of continental United States. Imagine, if you can, the effect that would be produced in this country if Congress should pass an act putting up for sale to the highest bidder all the forests on all the public lands of the United States.

The effect of my speech of January 26, I know, is only temporary, but temporarily at least I have succeeded in protecting Obaldia's native country from him.

I think I am justified in calling attention to the unfair tactics adopted by my opponents on this floor and by the press bureaus of Mr. Cromwell. My speech absolutely remains unanswered. Mr. Cromwell's representatives on this floor and his press bureaus were prepared for another and a different kind of a speech. Their guns were loaded for that. The attack I made was entirely unexpected, and the next attack I propose to make on these gentlemen will be just as entirely unexpected by them when it comes. They were prepared to answer any speech I made on the resolution I introduced providing for an investigation into the distribution of the $40,000,000 we paid for the canal, but they were prepared only to answer that by a system of personal abuse and misrepresentation. I did not make the speech they expected me to make, nor refer in any way to my resolution. They, however, treated the matter as though I had made it, and posed before the country as having answered everything I said by simply answering a supposed speech that I had not made upon this floor. I want to assure these gentlemen that at some future time I do propose to discuss my resolution and to discuss the question as to what has become of the $40,000,000, and when I do discuss it on this floor I will give Mr. Cromwell and his representatives and his press bureaus something to answer.

In my experience in the practice of the law, which covered a period of nearly twenty years, while I never had much to do with the criminal practice, I had many opportunities to observe the methods of criminal lawyers. The method of defending a criminal when all other methods fail is simply to bring before the jury witnesses who will testify to his previous good character. The gentlemen who have replied to me on this floor in such numbers have simply become character witnesses for William Nelson Cromwell and others. Several of them, standing here on this floor, tearfully referred to Douglas Robinson and insisted that I had made an attack upon his reputation. I have never mentioned him in any of my speeches. I had forgotten his very existence until these gentlemen referred to him so feelingly.

I have stated that there is one gentleman I shall not refer to again. His repudiation of the whole thing and of everybody connected with it has entirely disarmed me. He is the only gentleman, however, whose name I do not propose to mention again in connection with this and with other matters that I propose to discuss hereafter.

I insist that the proof I have submitted to-day and heretofore, which appears in the CONGRESSIONAL RECORD, sustains fully the charges I have made.

Now, to show that William Nelson Cromwell's hand is still uplifted against the Treasury of the United States, and in order to show that he is engaged at the present time in an indefensible attempt to betray and to further despoil the Republic of Panama, which he claims to be representing here in a position of trust and confidence, I want to refer to some other matters. I presume that this portion also of my speech will be answered by the production of some additional character witnesses, and by further statements to the effect that I am obtaining my information from blackmailers and from ex-convicts.

Mr. Cromwell, in the speech made by him through the gentleman from New York [Mr. OLCOTT] on this floor, has seen fit to discuss his present efforts to conclude a treaty between Colombia and Panama, in which he refers to the necessity for some contribution from Panama to Colombia as her proportion of the public debt of Colombia, and I want to refer now briefly to the proposed Cromwell treaties. I read now from a dispatch signed by Cromwell and Arosemena, dated at Washington, D. C., on January 10 of this year, which was published in the Panama Star and Herald of the 18th day of January of this year. The dispatch is addressed to Obaldia and reads as follows:

All three treaties signed at midnight, and we rejoice at this happy conclusion of our labors. Your prompt cables of approval gave us encouragement and aroused a most hearty responsiveness by the United States. Please accept the profound expression of our gratitude for your congratulations, which we reciprocate to you all.

On January 8, 1909, Cromwell sent to J. A. Orango, secretary of foreign relations of Panama, at Panama, the following telegram:

I appreciate deeply your advice by cable of this date containing congratulations and approval. It is, indeed, a glorious result, for, aside from the material advantage for Panama, it places the nation in a firm and splendid position, not only with respect of this Government, but all the nations of the world. You should justly feel proud at your important part in this great achievement. I am sending you full report by mail steamer *Panama* to-morrow. I am leaving for Washington to-night to close treaty.

CROMWELL.

I think we can, therefore, safely assume that, whatever these treaties contain, Mr. Cromwell is responsible for them.

Now, permit me to ask some gentleman on the other side to explain why we should pay to the Republic of Colombia, with a deficit of $84,000,000 staring us in the face, $10,000,000 more than when I made my first speech on this subject, the enormous sum of $1,250,000? Can you think of any reason why Panama should also pay to Colombia $2,500,000 and impoverish herself in doing it?

Mr. LOVERING. Will the gentleman yield?

Mr. RAINEY. I will, though I have but little time.

Mr. LOVERING. Why does the gentleman discuss the subject of this treaty on the floor of the House?

Mr. RAINEY. I will tell the gentleman, if he will keep still.

Mr. LOVERING. It is a matter between the State Department and Panama. The treaty is now before the United States Senate and should not be discussed in the House.

Mr. RAINEY. I am discussing a treaty between Panama and Colombia, published by William Nelson Cromwell in the Panama Star and Herald, and I have a right to discuss it. In view of Mr. Cromwell's proposed treaty between Colombia and Panama, I have no hesitancy in saying that there is something he and the present administration are laboring to cover up. Under the Hay-Bunau-Varilla treaty we commence, in 1913, to pay to Panama $250,000 per year forever as rental for the Canal Zone. Under the treaties which Mr. Cromwell proposes we are to commence to make now, and this year, these payments of $250,000 per year. In other words, he proposes that the Hay-Bunau-Varilla treaty shall be amended so as to provide that our payments of $250,000 per year as rental for the Canal Zone shall commence, not nine years from the date of the ratification of the treaty, but four years from the date of the ratification of the treaty. In other words, he proposes to so change the Hay-Bunau-Varilla treaty as to impose upon this country, already burdened with a tremendous Treasury deficit—with hundreds of millions of dollars of Panama Canal appropriations staring us in the face—the additional burden of $1,250,000.

And he proposes that this enormous sum shall be taken from our Treasury and paid, not to the Republic of Panama, but to Colombia. In addition to that, he proposes that for five years after 1913 the $250,000 per year we have agreed to pay to Panama shall be paid by us to Colombia direct. In other words, by the treaties of which he is so proud Panama deprives herself for five years of her fixed source of revenue and consents that it be paid to Colombia, and the United States contributes from its Treasury $1,250,000 and pays it to the treasury of Colombia. This is not all Mr. Cromwell proposes to do for the Republic of Panama.

On account of an extension of the canal franchise granted by Colombia to the New French Panama Canal Company Colombia became the owner of 50,000 shares of stock in the new company, with a par value of 5,000,000 francs. In order that I may not be charged by Mr. Cromwell's representatives with obtaining information from blackmailers, I read from the testimony of William Nelson Cromwell before the Senate Committee on Interoceanic Canals, page 1115, Senate Document No. 401, second session Fifty-ninth Congress:

Senator MORGAN. In one of the purchases or extensions or prolongations of concessions made by Colombia to the Panama Canal Company the sum of $1,000,000, or 5,000,000 francs, were issued in stocks to Colombia?

Mr. CROMWELL. Yes, sir.

* * * * * * *

Senator MORGAN. The shares have been paid?

Mr. CROMWELL. * * * The shares stand in the name of the Republic of Colombia and are now in litigation in France. * * *

Senator MORGAN. Then, according to your statement, if I understand it, Colombia is still an owner of how many shares?

Mr. CROMWELL. Five million francs. * * *

Senator MORGAN. Of shares in the New Panama Canal Company?

Mr. CROMWELL. Yes, sir; the total capital of which company is 65,000,000 francs. I do not admit by my reply, Senator, and I do not wish to admit, that Colombia is the real owner of those shares. I do not pass upon that question.

These shares are still held in France in order to permit some determination to be made as to their ownership. The shares never have been delivered to Colombia, and the supposed revolution which occurred there on November 3, 1903, had the effect of transferring the sovereignty of the canal strip to Panama. I submit that any international court would hold that Panama is now clearly entitled to nearly $1,250,000, deposited in France, a part of the $40,000,000 paid for the canal awaiting the determination as to who is the owner of these shares. Any impartial court would give this money to Panama or to the United States, depending upon which country exercises sovereignty over the canal strip at the present time. It certainly can not be held that Colombia exercises any sovereignty there. Under the franchise of the Panama Railroad Company that company agreed to pay a rental of $25,000 per year to Panama. In our treatment of the matter we regard the sovereignty over the strip as being so far transferred to the United States that the annual payments due from the railroad are now being made to the United States Government. I do not understand that the United States, however, is claiming the moneys deposited in France on account of these shares.

The treaty for which Mr. Cromwell claims so much credit provides that the Republic of Panama shall surrender to the Republic of Colombia all its claim to the moneys arising from the sale made by the New French Panama Canal Company to the United States on account of moneys due on the shares held there in escrow. In other words, for some reason it has become necessary for Mr. Cromwell—and when I speak of Mr. Cromwell I mean also the present administration here and the future administration, because in Panama matters he acts for both—to placate the Republic of Colombia. Mr. Cromwell seems to have arranged matters so that the United States will be called upon to assume an additional obligation of $1,250,000 and to pay it to Colombia. The Republic of Panama, by these treaties, consents for five years, commencing with 1913, that we pay to the Republic of Colombia $250,000 per year, $1,250,000 in all; and the Republic of Panama turns over moneys in France rightfully belonging to it to Colombia to the amount of $1,250,000. In other words, the United States and Panama are asked to make these sacrifices, and Colombia gets out of it $3,750,000 in cash. Mr. Cromwell's position is that this is being done in order that Panama may pay a part of the public debt of Colombia.

I submit that in the history of the world no such treaty as this has ever been seriously contemplated. Since the completion of our own successful revolution against England, over a century and a quarter ago, no man has been found in this country, or even in England, willing to advance the doctrine that we ought to pay part of the public debt of England, either foreign or domestic. I know of no precedent for Mr. Cromwell's treaties. No people in the world, so far as I know, after having successfully completed a revolution, have ever been called upon or have ever agreed to pay any portion of the debt, foreign or domestic, of the country from which they separated.

Now, in this connection, I want to refer to my resolution providing for an investigation as to the disposition of the

$40,000,000 fund, which we of record appear to have paid to the French company. My investigation of the records show that at every meeting of the directors of the New Panama Canal Company in France Colombia was represented. Colombia ought to know, and evidently does know, what became of the $40,000,000. This is the only reference I have ever made on this floor to my resolution. And let me suggest in this connection that if Colombia does know what became of the $40,000,000 fund, no better method could be found in which to silence Colombia and destroy incriminating evidence than to pay to her the enormous sum of $3,750,000. I simply make the suggestion. It may be that this tremendous bribe to Colombia is being arranged in order to cover up facts with reference to the supposed revolution of November 3, 1903, on the Isthmus of Panama, and the connection of the present administration with the same. The conclusion is irresistible that Mr. Cromwell is arranging these treaties for one or the other of these reasons. All that Panama gets out of the treaties is the agreement on the part of Colombia to recognize her independence, and an agreement on the part of Colombia to determine boundary lines in an almost impenetrable jungle, where land is of no value and where few people live. Of what benefit to Panama is the recognition of her independence by Colombia? In the very first clause of the Hay-Bunau-Varilla treaty the United States forever guarantees the independence of the Republic of Panama.

Permit me now in this connection to call attention to another remarkable situation on the Isthmus of Panama. With thousands of capable young men seeking employment in this country, in this period of depression, with a panic on our hands from which we have not yet emerged, the President has issued an executive order permitting the employment of citizens of Panama in important positions on the Canal Zone. Heretofore the personnel of gold employees has been restricted to American citizens. We now agree to employ also citizens of Panama. In order that some acute reasoner on the other side may not charge me with obtaining my information from blackmailers, I insert here in my speech my recent correspondence with the Isthmian Canal Commission on this subject:

ISTHMIAN CANAL COMMISSION,
WASHINGTON OFFICE,
February 18, 1909.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, and in compliance with your request there is inclosed herewith a copy of the executive order of December 23, 1908, amending the executive order of February 8, 1908, so as to allow the employment of Panamanian citizens on the gold roll of the Isthmian Canal Commission on the Isthmus.

Very respectfully,

F. C. BOGGS,
Captain, Corps of Engineers, U. S. Army,
Chief of Office.

Inclosure: Copy executive order of December 23, 1908 (873-100).

EXECUTIVE ORDER.

By authority of the President, it is

Ordered, That the executive order of February 8, 1908, restricting the personnel of gold employees to American citizens be amended to read as follows:

"On and after this date the employment by the Isthmian Canal Commission of skilled laborers, clerks, and all others who have heretofore been known as 'gold employees' of the commission shall be restricted to American citizens and citizens of Panama, except where American or Panamanian labor or services of the character required is not available."

Foreign employees now upon the pay roll of the commission shall not be affected by this order, save in the event of any reduction of force preference shall be accorded to American citizens and citizens of Panama.

ROBERT SHAW OLIVER,
Acting Secretary of War.

WAR DEPARTMENT,
Washington, D. C., December 23, 1908.

Permit me to suggest that with Mr. Cromwell and Mr. Drake and the others controlling the situation on the Canal Zone, a judicious distribution of our Isthmian Canal patronage among the partisans of members of the General Assembly of Panama will result in most important concessions to Mr. Cromwell and his friends. I have never seen a citizen of Panama whose highest ambition in life was not to hold some official position, and about half the population do hold some official position. If they can not get anything else, they are satisfied to serve as policemen at a salary of a few dollars per month. There are more politicians and public officials to the acre in Panama than in any other section of the entire world. The distribution of our patronage among Panamanians may mean other things. I do not know how many Panamanians are now employed, nor what promises have been made to them, but I can notice the rather suspicious closing up of one or two of my sources of information on the Isthmus of Panama.

When the Canal Zone government bill was pending in the House a few days ago, I offered an amendment which provided that positions on the gold rolls in Panama should go only to American citizens, insisting that if by that bill we were proposing to inaugurate the most gigantic system of spoils ever heard of in the world, the spoils ought to go to American citizens, even if none of them were members of my party.

The amendment I proposed received not a single vote on the Republican side of this House, and every Democratic vote was cast for it.

The proposed Cromwell treaties provide that all differences that may arise between the United States and Panama as to the interpretation to be given the Hay-Bunau-Varilla treaty shall be submitted to arbitration, the United States to appoint one member of a tribunal of arbitration, the Republic of Panama to appoint another, the two members thus nominated to select a third member. If they fail to agree, the treaties provide that Peru shall select the third. It follows, as a matter of course, that the third member, if selected by Peru, and Panama would, of course, force this situation, would be friendly to Panama.

There is only one question of difference pending now between the United States and Panama on account of the Hay-Bunau-Varilla treaty, and that refers to the question of tariffs. Panama insists the commissaries we have established on the zone should be discontinued, under the treaty, and that the United States should permit the Republic of Panama to collect duties on the articles sent to the Isthmus and sold to the twenty-five or thirty thousand employees of the United States on the Canal Zone. This is the question that is likely to arise, after these treaties go into effect, if they are ever ratified, and under the circumstances we can expect this question to be decided, if Mr. Cromwell's plans prevail, against the United States. In other words, the situation Mr. Cromwell is endeavoring to force by the treaties is this:

The United States is to be required to increase its Treasury deficit and to pay to Colombia $1,250,000; Panama impoverishes herself by giving up the $1,250,000, clearly belonging to her, now held in France, and gives up for five years after 1913 the revenue we propose to pay her. In return for this Panamanians are to be admitted to the lucrative positions on the Canal Zone in our service, and ultimately, in order to permit Panama to recoup her losses on account of the Cromwell treaties, she is to be permitted to levy taxes upon the army of Americans and other employees we have sent to the Isthmus for the purpose of building this canal.

I respectfully submit that in these treaties Mr. Cromwell's hand is upraised, as it always has been, against the Treasury of his country, and he is doing the best he can to betray the country, with reference to which he occupies now a supreme advisory position.

Two of these treaties have been given out by Cromwell and Obaldia and published in the Panama Star and Herald on Monday, January 18. I have obtained the proposed Cromwell treaty between Panama and Colombia from that paper and will print it as an appendix to my speech. These treaties, it appears from the information given out by Mr. Cromwell, have already been approved by the present administration in this country. It remains yet to be seen whether they will be ratified by the General Assembly of Panama and by the Senate of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

APPENDIX.

The following item appeared in the Panama Star and Herald of January 18, 1909 (a paper published in the city of Panama, Republic of Panama):

DRAFT OF PANAMA-COLOMBIA TREATY.

Through the courtesy of His Excellency President Obaldia we are able to present a draft of the treaty between Panama and Colombia, which was signed at Washington at midnight of the 9th instant, as announced in our columns yesterday.

There may be in the text of the signed treaty certain modifications of some of the articles as they appear in the draft, but, pending the receipt of the approved text, we think the following of sufficient general interest and importance to warrant publication at the present time.

The following copy of the Panama-Colombia treaty, as given out by President Obaldia, of Panama, appeared in the same issue of the above newspaper. It contemplates the enactment of treaties between the United States and Panama and the United States and Colombia before it becomes effective:

Treaty between the Republic of Colombia and the Republic of Panama.

The Republic of Colombia and the Republic of Panama, equally animated by the desire to remove all obstacles to their good understanding, to adjust their pecuniary and other relations to each other, and to mutually secure the benefits of amity and accord, have determined to conclude a convention for these purposes, and therefore have appointed as their respective plenipotentiaries; that is to say, the President of the Republic of Colombia, Enrique Cortes, envoy extraordinary and minister plenipotentiary of the Republic of Colombia, and the President of the Republic of Panama, Carlos Constantino Arosemena, envoy ex-

traordinary and minister plenipotentiary of the Republic of Panama, who after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

RECOGNITION OF INDEPENDENCE.

The Republic of Colombia recognizes the independence of the Republic of Panama and acknowledges it to be a free, sovereign, and independent nation as of the 3d day of November, 1903.

ARTICLE II.

DECLARATIONS OF AMITY.

There shall be a mutual and inviolable peace and friendship between the Government of Colombia and its citizens on the one part and the Government of the Republic of Panama and its citizens on the other part, without exception of persons or places under their respective dominion.

ARTICLE III.

PECUNIARY RELATIONS—TRANSFER OF CERTAIN INSTALLMENTS—INDEMNIFICATION OF PANAMA AGAINST EXTERNAL AND INTERNAL INDEBTEDNESS.

The Republic of Panama assigns and transfers to the Republic of Colombia and its assigns and nominees, in lawful and due form, the first ten annual installments of $250,000 gold coin, each becoming due to it, the Republic of Panama, from the United States of America on the 26th days of February in the years 1908 to 1917, both inclusive, under and pursuant to the provisions of article 14 of the treaty between the United States of America and the Republic of Panama exchanged February 26, 1904, and under and pursuant to the amendment thereof embodied in a treaty of even date between said nations, whereby said article 14 is amended by substituting the words "four years" for the words "nine years," so that the first annual payment of which that article treats shall begin four years from the exchange of said treaty of February 26, 1904, instead of nine years from said date, in such manner that the said installments shall be paid by the United States of America directly to the Republic of Colombia or its assigns and nominees for account of the Republic of Panama, in lawful and due form, beginning the 26th day of February, 1908. Such installments as may have matured when the ratifications of this treaty shall be exchanged pursuant to its terms shall be payable on the thirtieth day after the date of such exchange.

In consideration of the payments and releases which the Republic of Panama makes to the Republic of Colombia the latter recognizes and agrees that the Republic of Panama has no liability upon and no obligations to the holders of the external and internal debt of Colombia nor to the Republic of Colombia by reason of any such indebtedness of claims. Colombia recognizes and agrees that it is itself solely obligated for such external and internal debt, assumes the obligation to pay and discharge the same by itself alone, and agrees to indemnify and hold harmless the Republic of Panama, should occasion arise, from any liability and expense in respect of such external and internal indebtedness.

ARTICLE IV.

MUTUAL EXONERATION.

Each of the contracting Republics releases and discharges the other from all pecuniary claims and obligations of any nature whatever, including the external and internal debt of Colombia, which either had against the other on the 3d day of November, 1903, it being understood that this reciprocal exoneration relates only to the national debts and claims of one against the other, and that it does not relate to individual rights and claims of the citizens of either Republic. It is understood that such individual rights and claims which originated in incidents occurring previous to the 3d day of November, 1903, shall be decided in accordance with the legislation of the Republic against which they are presented and by the tribunals or authorities of the same, so that in no case shall the claimant enjoy greater privileges or advantages than the citizens of the Republic against which the demand is made.

ARTICLE V.

CONFIRMATION BY PANAMA OF ITS ABANDONMENT OF ANY CLAIM TO PANAMA CANAL SHARES.

The Republic of Panama recognizes that it has no title or ownership of any sort to the 50,000 shares of the capital stock of the New Panama Canal Company standing in the name of the Republic of Colombia on the books of said company at Paris, and the Republic of Panama confirms the abandonment of all right and title which, with respect to said shares, it made in the courts of justice of France.

ARTICLE VI.

RIGHTS OF CITIZENS.

The citizens of each Republic residing in the territory of the other shall enjoy the same civil rights which from time to time are accorded by the laws of the country of residence to the citizens of the most favored nation. It being understood, however, that the citizens of either of the two Republics residing in the other shall be exempt from military services imposed upon the citizens of such Republic.

The natives of the country of either of the two contracting Republics who have heretofore or shall hereafter become citizens by naturalization in the other Republic, shall not be punished, molested, or discriminated against by the Government of the country of which they were natives, or by the citizens thereof, by reason of their acts of adhesion to the country whose citizenship they have adopted.

ARTICLE VII.

NEITHER NATION SHALL ANNEX TERRITORY OF THE OTHER.

Both Republics agree, each for itself, that neither of them shall admit to form any part of its nationality any part of the territory of the other which separates from it by force.,

ARTICLE VIII.

NEGOTIATIONS TO BE CONDUCTED FOR TREATY OF COMMERCE, ETC.

As soon as this treaty and the contemporaneous treaty of even date between the United States of America and the Republic of Panama and between the United States of America and the Republic of Colombia shall be ratified and exchanged, negotiations shall be entered upon between the Republics of Panama and Colombia for the conclusion of additional treaty or treaties, covering questions of commerce, postal, telegraph, copyright, consular relations, extradition of criminals, and the like.

ARTICLE IX.

It is agreed between the high contracting parties, and is declared, that the dividing line between the Republic of Colombia and the Republic of Panama shall be as follows, to wit:

From Cape Tiburon, on the Atlantic, to the headwaters of the Rio de la Miel, and following the range by the Cerro de Gandi to the Sierra de Chugargun and that of Mali, going down by the Cerros of Nique to the heights of Espave, and from there to the Pacific at such point and by such line as shall be determined by the tribunal of arbitration hereinafter provided, and the determination of said line shall conform to the decision of the tribunal of arbitration in respect of the title and limits of the district or corregimiento of Jurado, as next provided.

As to the district or corregimiento of Jurado, the boundaries and attribution of which to either the Republic of Colombia or the Republic of Panama will be fixed by the determination of the line aforesaid by said tribunal of arbitration, the title thereto and the precise limits thereof and the right to the sovereignty thereof as between the high contracting parties shall be conclusively determined by arbitration in the following manner:

SECTION 1. A tribunal of arbitration shall be created to investigate and determine all questions of fact and law concerning the rights of the high contracting parties to all the territory in the above-mentioned region of Jurado. The tribunal shall consist of three members; the Republic of Colombia shall nominate one member, the Republic of Panama shall nominate one member, both of whom shall be nominated within three months after the exchange of ratifications of this treaty, and the two members of the tribunal thus nominated shall jointly nominate a third member, or, in the event of their failure to agree within three months next after the appointment of the last of them, and on request of the President of either of the high contracting parties, the third member of the tribunal shall be appointed by the President of the Republic of Peru.

The tribunal shall hold its sessions at such place as the tribunal shall determine.

The case on behalf of each party, with the papers and documents, shall be communicated to the other party within three months after the appointment of the third member of the tribunal.

The counter cases shall be similarly communicated, with the papers and documents, within three months after communication of the cases, respectively.

And within two months after communication of the counter case the other party may communicate its reply.

The proceedings of the tribunal shall be governed by the provisions, so far as applicable, of the convention for the pacific settlement of international disputes signed at The Hague by the representatives of both the parties hereto on the 18th day of October, 1907.

The tribunal shall take into consideration all relevant laws and treaties and all facts proved of occupancy, possession, and political or administrative control in respect of the territory in dispute.

ARTICLE X.

THIS TREATY CONDITIONAL UPON EXCHANGE OF TREATIES OF EVEN DATE BETWEEN UNITED STATES AND COLOMBIA AND UNITED STATES AND PANAMA.

This treaty shall not be binding upon either of the high contracting parties nor have any force until and unless the treaty signed on the same date between the Republic of Panama and the United States of America and between the Republic of Colombia and the United States of America are both duly ratified and ratification thereof exchanged simultaneously with the exchange of the ratification of this treaty.

ARTICLE XI.

RATIFICATION AND EXCHANGE.

The present treaty shall be submitted for ratification to the respective Governments and ratifications hereof exchanged at Washington as soon as possible.

The following is a telegram from Cromwell and the minister of Panama to the United States admitting responsibility for the above treaty. It appeared in the same paper.

DESIRED AGREEMENT REACHED AT LAST—TREATY WITH COLOMBIA SIGNED—LONG-STANDING DIFFERENCE SETTLED.

On Sunday the following important cablegram from Washington was received at executive headquarters:

WASHINGTON, D. C., *January 10, 1909.*

OBALDIA, *Arango, Panama.*

All three treaties signed at midnight and we rejoice at this happy conclusion of our labors. Your prompt cables of approval gave us encouragement and aroused a most hearty responsiveness by the United States. Please accept the profound expression of our gratitude for your congratulations which we reciprocate to you all.

AROSEMENA.
CROMWELL.

The news was quickly circulated throughout the city by means of fly sheets and was the subject of comment during the afternoon. Many expressions of satisfaction were heard in influential circles at this happy conclusion of a long-pending matter.

Another telegram from Cromwell appearing in the Panama papers having reference to the Panama treaties:

MESSAGE FROM MR. CROMWELL.

The following congratulatory cablegram has been received by the Hon. J. A. Arango, secretary of foreign relations, from Mr. William N. Cromwell, Panama's counsel in the United States:

NEW YORK, *January 8, 1909.*

SECRETARY ARANGO, *Panama:*

I appreciate deeply your advice by cable of this date containing congratulations and approval.

It is indeed a glorious result, for aside from the material advantage for Panama, it places the nation in a firm and splendid position, not only with respect of this Government but all the nations of the world. You should justly feel proud at your important part in this great achievement. I am sending you full report by mail steamer *Panama* to-morrow. Am leaving for Washington to-night to close treaty.

CROMWELL.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GILLETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district; and

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9286. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado; and

S. 9198. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 68.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate, be, and hereby are, authorized to cancel their signatures to the enrolled bill H. R. 25155 an act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and that the said bill be reenrolled with the intention of the words "third paragraph of the" after the words "That the" in the first line after the enacting words of the said bill.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. OWEN as the said conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. FORAKER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. OVERMAN as the said conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, I apprehend that the House is very much wearied with this matter and would fain return to business, but I feel compelled to say a word in reply to the gentleman from Illinois [Mr. RAINEY], who has just taken his seat.

He has revealed to us this morning very little that is new or very little that he had not previously stated on the floor of the House. He has proven nothing. I expected the gentleman would give us the names of his informants. He has finished his speech without enlightening us upon that point. The chief burden of his speech seems to be an attack upon William Nelson Cromwell. Now, I do not propose to say any more in behalf of Mr. Cromwell than I have already said, but I do propose to say to the gentleman that when he was willing to admit that Mr. C. P. Taft had cleared himself of any connection with any Panama deals by his own disclaimer, that Mr. Cromwell was equally entitled to have his disclaimer respected. Now, I have in my hand a paper from Panama published on the 11th day of February, the day before I made my speech in reply to the gentleman from Illinois; and, by the way, this paper is the organ of the opposition to the Obaldia government. This paper contains an editorial, which I have had translated. It states that none of these gentlemen had any connection whatever with the railroad and timber contracts. They did not even know that there were any timber contracts or any railroad contracts. Now, for one moment to refer to the railroad contracts. A railroad contract was proposed by Mr. Randall Ward. It was rejected by the Panama Congress in toto three months ago, and in its place the Panama Congress enacted a law on the 5th of January, twenty-one days before Mr. RAINEY made his speech, stating that the railroad contract was then before that congress, which provides that the railroad shall be built by the Government. The Panama Congress, on January 5, passed an act authorizing the Government to build the road, and that is the law to-day, and there is no way to go back on that action, and so all dispute had ended long before the gentleman had made his speech.

In regard to Mr. Cromwell, or any of these gentlemen named, having any part in either the railroad or timber contracts, not one of them had a single thing to do with them and they were not known in them; and, moreover, some of these gentlemen are not known to each other. Mr. Cromwell and Mr. Douglas Robinson never saw each other, and never spoke to each other, never corresponded, nor was there ever a word passed between Obaldia and any of these gentlemen in regard to the subject of these contracts.

As to the timber contract. This timber contract was a matter that involved neither the payment of money nor the concession of any land by the Government of Panama whatsoever. It was purely and simply in the interest of the State of Panama as a source of revenue. They sold part of the stumpage for cash, and that was all there was to it. In reference to these contracts, I say again that Mr. Cromwell, nor any of these gentlemen in New York, had anything at all to do with them.

Now, the gentleman seems to shift his charge from one ground to another to suit his purpose, and fails absolutely to show from whom he got his information. I desire, Mr. Chairman, to have printed in the RECORD an editorial from La Estrella de Panama, with the consent of the House. It is a disclaimer as regards all these gentlemen having anything whatsoever to do with this transaction.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to have printed in the RECORD as part of his remarks the matter he has referred to.

Mr. CLARK of Florida. Before consent is given, I would like to ask what is contained in the editorial? A good many matters have crept into the RECORD of late which are clean-cut breaches of the privilege of the House.

Mr. LOVERING. It is a translation of La Estrella de Panama, refuting some of the slanderous charges.

Mr. CLARK of Florida. Then I object.

Mr. LOVERING. It is a refutation of some of the charges.

Mr. CLARK of Florida. I object, Mr. Chairman, because I do not think outsiders have the right to enter into debate with Members upon the floor of this House.

Mr. LOVERING. Very well, Mr. Chairman; then let me ask, what right we, as outsiders, have to enter into the affairs of Panama and to discuss what happened in that legislature? [Applause.]

Mr. GAINES of Tennessee. If the gentleman's resolution were passed, the investigation would be as to outsiders.

Mr. LOVERING. The gentleman has already offered a resolution, and he is not pushing it. I would only be too glad to have it passed.

Mr. GAINES of Tennessee. Why does not the committee report it?

Mr. LOVERING. I do not know; the gentleman must ask me some other conundrum.

Mr. GAINES of Tennessee. Why not report it, so that we can have everything made plain?

Mr. LOVERING. The gentleman does not push anything that will do anything or prove anything. I will take occasion at some other time to reply more fully to the gentleman's speech, if necessary.

Mr. SMITH of Iowa. I yield thirty minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Chairman, I regard the speeches made by the gentleman from Illinois last month and this month as most unfortunate, not only for himself but as regards the relations between this House and the country. In a somewhat extended service here I have never known of such a nonchalant disregard for accuracy and for the reputation of men at home and abroad. [Loud applause.] I submit to you, Mr. Chairman, it is beneath the dignity of this House, and certainly I say the gentleman's own dignity, to refer flippantly to a man by saying he ought to be a freak in a museum. That man has his home and family, and a Member should be forced to stand up and sustain some accusation against him rather than speak of him as a freak in a museum. [Loud applause.]

Mr. RAINEY rose.

Mr. BURTON of Ohio. I decline to yield; perhaps I will later.

Mr. RAINEY. The gentleman has admitted it on this floor.

Mr. BURTON of Ohio. I have heard of no admission.

Mr. RAINEY. His letter has been read admitting it.

Mr. BURTON of Ohio. The distinctive feature of the remarks of the gentleman from Illinois to-day has been that he abandons for the most part his accusations made in former speeches, and goes afield and brings in a new lot of accusations here, relating for the most part to a treaty now pending between Panama and the United States, but involving Colombia as well. It would have been more edifying for the House, it would have been more instructive for the country, if the gentleman had proven the accusations made a few days ago; and it is of little use for us to take up and seek to analyze a treaty that is now pending before the Senate. It is impossible that there should be such childlike, such careless, abandonment of the rights of this country as to lead to the unfavorable results which the gentleman has portrayed before us. While most of us in this House have not studied this treaty, because it does not belong to our branch, it is evident that the gentleman from Illinois does not understand it any better than the rest of us, or he would not have sought to take our time in useless discussion.

I must disapprove of his methods. At great length he declaimed here a few days ago about a timber contract pending down in Panama. He declaimed about a concession for a railroad. It appears that the timber contract has been entirely abandoned. It appears that so far from granting a concession to any private individuals to build a railroad, the Government of Panama by its congress voted on the 5th of January, some considerable time before the gentleman's speech was made, that the railroad should be built by the Government and not by private individuals. That is an old scandal. It was old when the gentleman gave credence to it and uttered it here on the 26th of January. It was even then a foreclosed incident. Let our information be up to date.

With great earnestness the gentleman declaimed that we should right wrongs. No one will contradict him on that; but I do object to conjuring up wrongs when there are real wrongs to right.

I object to going into another country and seeking to control its policy, when we have wrongs enough at home to take care of. [Applause on the Republican side.]

These are the questions this House should consider: Is the enterprise on the Isthmus being prosecuted with vigor and, as far as possible, with economy? We certainly should insist that it be managed with honesty. This canal is going to cost a great deal more than was anticipated it would cost. Some of us foretold that in 1902. In the first place, the plans have been changed. It has been made a somewhat larger enterprise than was contemplated. The necessity for sanitation has developed, and sanitation has been provided at very great expense. There has been an increase in the cost of labor and of material, but we are committed to the building of that waterway, and, whatever its expense may be, this country should prosecute it to a prompt and successful termination. [Applause.] There can be no disagreement about that. We have commenced it, and let us go through with it.

But at the same time we must do full justice to the men who are engaged in this work. We should uphold their hands. We should protect them against false accusations from whatever source they may happen to come. In connection with this whole matter there has been an unusual amount of muck raking. It is in part a survival from the old disappointment because another route was not selected. Men who have attacked those engaged in the building of the canal and who have attacked the officials of the Government having to do with it have not been satisfied with scraping through all the sewers in New York and in this country, but they have found it necessary to go down into the miasmatic swamps and polluted pools of Panama, and covered with the slime which they have accumulated, they have sought to communicate a part of it to others who have been doing their best and who have been faithful to the great enterprise and the public. [Applause.]

It is on behalf of these latter that I want to speak to-day. The statement was made by the gentleman from Illinois [Mr. RAINEY] a few days ago that the cut at Culebra was no deeper than when the French left it. In that he was in error. It is true that there had been a narrow prism constructed which had gone to a considerable depth during the time in which the French were engaged in the work. The first thing to do was to widen it. I have a report received from the Isthmian Canal Commission within a few days, in which it stated the following:

ISTHMIAN CANAL COMMISSION,
PURCHASING DEPARTMENT,
Washington, D. C., February 13, 1909.

Hon. THEODORE E. BURTON,
United States House of Representatives, Washington, D. C.

SIR: I inclose herewith a sketch taken from the Canal Record showing the condition up to June 1, 1908. This typical section indicates that although the French excavation had gone to a rather low level, yet the width of the excavation as compared to the width as finally excavated by the Americans was very small. It also indicates that an additional cut had been made by the Americans at that time below the lowest level reached by the French. This is further illustrated in the inclosed map, plate No. 26, taken from the report of the commission for 1908. On this plate is shown a longitudinal section through the Culebra cut indicating the original surface, the lowest line when Americans commenced work, and the line of excavation on June 30, 1908. It might be added in this connection that this section does not indicate the full amount of work done by the Americans, as the entire excavation made by the French was not only lowered, but was considerably widened, as indicated on the cross section taken from the Canal Record. The actual figures covering the amount of material taken out by the French and the Americans are as follows:

Total amount excavated by the old and new French companies to May 1, 1904 ---------- cubic yards --	22,600,000
Total amount of material taken out by the Americans since their occupation up to January 31, 1909 --- cubic yards --	27,615,000

Reverting to the section from the Canal Record, which, as is indicated, is merely a typical cross section, it might be stated that the original surface of the ground for the typical cross section was 190 feet above the sea level. The French excavated to a level of about 145 feet above sea level to width of about 110 feet. The Americans have increased the width of this excavation down to the 145-foot level to width of about 400 feet, and have, in addition, excavated a cut approximately 50 feet wide down to the elevation of about 130 feet above sea level. This, it is noted, was the status on June 1, 1908, since which time an additional amount of 9,170,000 cubic yards have been taken from the cut.

I regret that I have no typical section showing the condition of affairs at the present time, but it can be stated positively that every square foot of the canal prism through the Culebra cut has been lowered materially below the level as left by the French, and, in addition, the prism left by the French has been widened three or four times.

Attention is invited to the fact that when speaking of the Culebra cut reference is had to a stretch of the canal about 9½ miles long.

Very respectfully,

F. C. BOGGS,
Captain, Corps of Engineers, U. S. Army,
General Purchasing Officer.

So this enterprise is being prosecuted in a proper manner in a businesslike way, and the gentleman's statement in regard to its not having been lowered was entirely incorrect. It has been lowered over the whole width of the cut.

I note that the President-elect is criticised. It is said by the gentleman from Illinois that the only object Mr. Taft had in going to Panama last year was to press the candidacy of a candidate for the presidency; that he made veiled threats that if one of the candidates was not elected direful results—I have forgotten exactly what they were—would follow to Panama; that he used force to bring about the election of a candidate. From beginning to end those statements are absolutely incorrect. The President-elect of the United States, then Secretary of War, went to Panama to encourage and promote the work in the first place. He took his time to go there to give his sanction and his encouragement to those who were engaged in it, to settle a number of perplexing questions that had arisen with reference to the occupancy of the Canal Zone.

When there he found that fraudulent registration had been resorted to. He was called upon by one side to see that there was a fair election, and he believed in a fair election. He communicated with the leaders of the respective parties, and before soldiers or marines were detailed to go to the polls the request was made not only by the one party, but by the other. There was not an iota of violence. What he did was virtually in fulfillment of obligations binding upon us to preserve order on the Isthmus. I submit the gentleman from Illinois [Mr. RAINEY] should retract his statement made against the President-elect, of whom I believe that we can say, whether we agree with him in politics or not, that we all respect him and believe him to be an able executive, devoted to the good of his country. [Applause on the Republican side.] Yet he has been put in this speech on a level with the scurvy politician who is resorting to force and to violence! Is this a proper accusation to be made in this House and allowed to go without rebuke?

I shall enter upon no extended defense of the others named here. Mr. Cromwell seems to be the special object of attack of the gentleman from Illinois. Mr. Cromwell is one of the most active, intense, and able lawyers in this country. He labored hard, as was his duty, for the selection of the Panama route by the United States, and it is to his efforts more than anything else that this country, as I believe, was saved from a great blunder in the selection of a route. His course in that regard was not perhaps altogether actuated by motives of patriotism. It was in the course of his employment as a lawyer. Since then he has been the attorney for the Republic of Panama. No one is so familiar with the conditions on the Isthmus as he is. Without compensation, with the full knowledge of the State and War departments that he has represented this other interest, he has assisted the President and the Secretary of State and the Secretary of War whenever any tangle has arisen down there. I submit that having performed

this service without pay, with the full and complete understanding of what he represents, he is entitled to just treatment in this House and to a proper tribute of respect for the great results which he has achieved.

Mr. Farnham is the secretary of Mr. Cromwell. Oh, it is always very easy to jump on a subordinate. I know no reason why we should take up the time of this House in attacking or defending anyone in matters which do not concern us. His salary has been mentioned. To my mind, there are far weightier matters that we can consider in this House of Representatives than the course of a subordinate in his dealings with Panama. The people of that country have shown themselves extremely able to take care of themselves. If there was fraud or a threat of graft in the timber contract, they turned it down. If there was danger in a privately constructed railroad, they decided their railroads should be built by the Government; and I say here that, great as we may be in this body, which represents the greatest government in the world, it is hardly in accordance with comity or courtesy for us to drag in here the transactions of another Republic, however humble or however small or however remote it may be. We should be too big for such trifling. [Applause on the Republican side.]

I am not going to enter into a discussion of the factions down there. You all know in Latin America they have factions, and they are sometimes very bitter. I must say this, in extenuation of the course of the gentleman from Illinois [Mr. RAINEY], that I think he has taken one side, a disappointed side, for his information. He has taken their material and their falsehoods without analyzing them. But I am inclined to think that I am not taking the side of any faction when I say that their President is the man best fitted for the office. It was said of him by the gentleman from Illinois that down in Colombia he was the only one who was ready to betray his country. Betray his country! How serious an accusation is that. Should any man here or in Panama make the accusation of betrayal or treason without knowing the facts? What did Obaldia do? Down in the Congress of Colombia, when a treaty with the United States was proposed which would have given us the right to construct the canal, he stood up boldly and represented his constituency and told the Congress that trouble would ensue if it did not ratify that treaty.

He said that Panama was restive, that her people demanded that the Colombian Government, the capital of which was so remote from them, should pay some attention to their wishes. If that is betrayal, make the most of it. It was doing his duty to his constituency which sent him there. A reference was made again to an imprisonment of Obaldia—a further effort to belittle him. What was his imprisonment? He showed such loyalty to Colombia that he was appointed governor of Panama. It was thought that he could harmonize conditions——

Mr. RAINEY rose.

Mr. BURTON of Ohio. At some later time I will perhaps yield; not now—that he could harmonize the conditions there. He went to Panama as governor. A rebellion occurred. The Government or control of Colombia was overthrown. Being the accredited governor from Colombia, he was regarded as one under suspicion. His house was guarded and he was placed in a sort of honorable confinement.

Why attack him as if he were a criminal, why attack him as if he were a traitor? He was elected by a full and fair vote of his countrymen to be President of Panama, and I do not care if they have a population less than even one of the least of our own States, it is not for us to insult their chief magistrate or make accusation against him which can not stand the light of day. [Applause.] Mr. C. P. Taft was attacked. Whenever there is any muck raking to be done about the Panama Canal his name is brought in. Now, it is true I have been through a political contest in which Mr. Taft was on the other side, but that contest was one which left with me nothing but the highest degree of respect for his honesty of purpose and his patriotism. In the fierce light that beat upon him when he was a candidate for the Senate I never heard a word that reflected upon his honesty as a man. [Applause.] I never heard a word that he was engaged in any scheme for exploitation in France or in Panama, and I do not believe a word of it now. [Applause.]

Why, are we not descending far below the level on which we should stand if we drag in the names of private citizens here and openly accuse them on the floor of the House with that which brings reproach and contumely?

Will the gentleman from Illinois, when he is outside of the protection afforded by the Constitution of the United States and the rules of this House, will he out in the open make the statements that he has been making here on the floor of this House? Will the gentleman make so free with reputations as he has in addressing us? Oh, this noise about there being a gathering of the members of the legislature where the names of Cromwell and others were mentioned as interested in the exploitation of a timber contract, everyone at that gathering has signed a statement throwing that yarn into the air, saying that not the name of a single one of them was mentioned during the meeting, and no one there knew that any one of them ever had any connection with it.

In the last campaign an effort was made to muddy the waters and make out that there was some graft in the disposition of the $40,000,000 paid to the French Panama Canal Company; and, to the credit of the Democratic national committee, be it said, they refused to have anything to do with such a scandal. And yet these accusations survive, and under those who, like the gentleman from Illinois, are too credulous, they have been brought in here to the House of Representatives to be again spread before the country. If there are any who should maintain a high standard of accuracy in statement, it is ourselves. We are subjects of attack. Every public man recognizes that he must be callous when his good name is maligned. The Members of this House are regarded as yielding to weakness when they contradict a statement, no matter how baldly erroneous it is. It is the experience of each Member that he must go on his way trusting to his general reputation and to the fairness of the people at large, brushing aside scandals when they circulate.

Now, can we afford to make here careless or reckless statements about persons outside? The world over, those who are most censorious are those who themselves are sure to receive censure in return, whether if it be just or unjust. If there is one thing for which every man in this House should labor, it should be to weigh his words, prizing the immortal possession of reputation. In the farewell address, which was read here to-day, George Washington ranks together three things—the protection of life, of reputation, and of property—and, as I recall that immortal document, reputation comes before property. Property once stolen may be recovered again. Time may supply the gaps made by losses, but what consolation is there for that man who prizes his good name, yet against whom wanton accusation is made and scattered broadcast over the land. We ought to be careful what goes into the CONGRESSIONAL RECORD.

It ought to be a model newspaper. So far as I am personally concerned, I am perfectly willing to support a resolution for an investigation of this whole matter, but I am decidedly opposed to yielding to muck raking and sending committees hither and yon at great expense, thereby showing recognition of that which everybody knows is not true and does not need investigation. Have an investigation if you will, but I tell you that the precedent you will form will be that when anyone actuated by fondness for sensation, or desiring through envy or from any other cause to attack a man who is in the lime light, makes careless accusations, this Congress must lower its dignity and investigate the absurd yarns or perhaps the malicious falsehoods which are told. I am not in favor of ordering an investigation by the United States simply because a sensational newspaper attacks somebody. If you do that, you might as well disband all your committees and the Committee of the Whole and form yourselves into committees of investigation.

The gentleman from Illinois [Mr. RAINEY] seems to be honored because he is placed in the "Ananias Club." The "Ananias Club" has never taken out articles of incorporation. [Laughter.] It does not hold annual banquets. The members wear no button. Its members do not buy busts of the founder to place them in public halls. The census of the membership would be exceedingly difficult, but I am afraid the number of eligibles would be extremely large. [Laughter.] As the gentleman from Illinois [Mr. RAINEY] has spoken as if it were an honor to be named as a member, some unkind persons outside will say that he is a paragon among eligibles for the first presidency of the "Ananias Club." [Laughter.]

Now, Mr. Chairman, if that is out of order I will withdraw it. [Laughter.] But I say this with the reservation that the "Ananias Club" is not supposed to be altogether made up of persons who have intentionally made false statements, and I desire to relieve the gentleman from Illinois from any such imputation.

I think, however, that with a carelessness which ill befits a Member of this House, he has listened to statements of detraction against men whose reputations were above reproach; that he has listened to criticisms of public officials where no criticism but rather praise was due; that he has found fault with the prosecution of an enterprise which is being prosecuted with all vigor and dispatch, and which should have the support of every one

of us. There are a number of other things he has said, which, if I were to take them up in detail, might be answered. I think I have dwelt upon those most important, and that I have pointed out his carelessness of statement in all these speeches. I especially deprecate the method which the gentleman from Illinois has pursued in coming in here and making accusations, and then, when his arguments and statements are contradicted, glancing away and bringing up new ones.

In the storehouse from which he draws there must be yarns new and old. Let us first have a square and direct statement from him and proof of that which he has already said, and if they are proven, the House will halt, and perhaps the country will halt, to listen to what else he has to say about the Panama Canal. But so long as the substantial averments which he has made have been proven groundless, it is not for us to turn aside from our ordinary business to pay attention to them or to seek investigation. Indeed, I do not know, Mr. Chairman, but I have already wasted half an hour answering something that needed no answer, because made up of statements which, if they do not fall to the ground from the weight of their improbability, have in them such absurdity and incorrectness that the House ought not to be detained to listen to a contradiction. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, quite apart from the probability or improbability of the charges made by the gentleman from Illinois [Mr. RAINEY], I think it must be clear that if this matter be dropped now, as is suggested by the gentleman from Ohio [Mr. BURTON], a perfectly intolerable position will ensue. Charges of a grave character have been made upon the floor of this House against citizens of the United States. I do not propose to speak about the propriety of discussing relations between this great Republic and the small Republic of Panama, although I may say that I do not quite share the opinion which the gentleman from Ohio expresses of the enormity that characterizes such performances in this House. The Republic of Panama is not exactly an independent body, at least it can hardly be said to exist entirely independent of this country. It is a bantling of our own, and I am afraid it will return several times in the future to plague the serenity of this Government and of this House.

Without pausing to discuss that aspect of the question, I insist it would be an intolerable situation if citizens of the United States who have not been convicted of any crime can be assailed upon the floor of this House and no method provided by which the truth or accuracy of such accusations can be determined. This Government is established to protect the rights of citizens—all of them—and, as the gentleman from Ohio well says, the right to character stands next after the right to life. For my part, I think the right to character should be placed first, for a man whose character is gone, if he continues to live, must live like a dog.

Now, when accusations are made here they are spread upon the record. Surely common justice demands that some method should be devised by which that record can be made to declare whether the charges are justified or not. Some way or other persons so assailed should have the right to be heard in their defense, either here on the floor or by some agency appointed to take their exculpatory statements and empowered to spread them on the record.

When letters from persons who had been assailed were attempted to be read some days ago, objection was made that it was out of order for a Member to stand upon the floor and read a letter of explanation from a person who had been denounced, and the only way by which that letter could be read was by unanimous consent. Can it be possible that this Government, erected to establish justice and to maintain all the rights of every man subject to its jurisdiction, may have one of its branches—and that the most important—perverted and abused to level charges against citizens, to place these accusations in a permanent record, and then by a system of procedure exclude those citizens from the right even to be heard?

Mr. Chairman, this concerns the dignity, the value, aye, the very existence, of this House. This Government, which was designed to be the shield, the rampart of individual rights, and the citadel of justice—which has commanded the admiration of the world ever since it went into operation—will forfeit its title to either admiration or respect if this House, one of its most important features, be made a place from which accusations can be leveled against citizens and those accusations can not even be contradicted by the written declaration of the persons assailed. If such a condition be tolerated, then this body, which was established as an agency to protect right and establish justice, becomes an engine to perpetrate injustice that is intolerable.

Now, Mr. Chairman, I have risen merely to suggest that in view of this debate the proposition of the gentleman from Massachusetts [Mr. LOVERING] is one which we are absolutely compelled to adopt if we would maintain the credit of the House itself. These charges, in view of the publicity that has been given to them, must be investigated. [Applause.] They should be investigated and the accuracy or inaccuracy of them once for all established, so that the CONGRESSIONAL RECORD may stand an unimpeachable record of actual facts if the charges be true, or else by some formal action they may be declared untrue, so that there shall be spread upon the same record that has damaged an innocent citizen a solemn statement of the reparation made by the House itself. [Loud applause.]

Mr. TAWNEY. I yield five minutes to the gentleman from New York [Mr. PARSONS.]

Mr. PARSONS. Mr. Chairman, I desire to call the attention of the committee to the bill H. R. 24148, that I have introduced to provide for the establishment of a children's bureau of investigation and publicity under the Secretary of the Interior, and to add such arguments as I can to the forceful report already submitted by the committee. The bill calls for an expenditure of $51,820; that is, less than $52,000. I venture to say that no appropriation of $52,000 could be more blessed in its effects, be the means of bringing greater happiness to many, or accomplish more for the public welfare. The objects are described in the bill as follows:

> The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion and illegitimacy, dangerous occupations, accidents and diseases of children of the working classes, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the health, efficiency, character, and training of children. The chief of said bureau shall, from time to time, publish the results of these investigations.

In other words, the bill seeks to establish in the Department of the Interior a central bureau to which all the States, all municipalities, all legislators, and all people generally who are interested in charitable and correctional work and the public welfare can go for information on all the various subjects mentioned in the bill.

No legislation on any matter affecting children is enacted by this bill. It infringes on no rights of the States. Nor is it contemplated that any statistical work, such as is done by the census, shall be done by this bureau. It is not with the statistics, but with the *questions* of infant mortality, birth rate, and so forth, that the bill deals. If there is any statistical work for the National Government to do that these questions might suggest a need for and that the Census Bureau does not now do, it will be far more economical and scientific that the work should be devolved upon that bureau than upon this new one. But this bureau would stimulate States, municipalities, and institutions to uniform methods of statistics, as has the Bureau of Education, and those statistics of States, municipalities, and institutions would enormously aid to an understanding of conditions and serve to measure the progress made in the lines covered by them.

WHAT THE FEDERAL GOVERNMENT CAN DO.

What the Federal Government can do in the way of direct legislation affecting children may be little, but it can do a great deal in regard to information, investigation, and publicity, and it alone can do it, as alone could the Federal Bureaus of Labor and of Education accomplish some of the things they have accomplished, and to which I will allude later. Any body of citizens working on these problems will come to these conclusions, as did the New York committee on physical welfare of school children in regard to the Federal Bureau of Education, and as did the President's conference on dependent children in regard to this bureau.

NUMBER OF CHILDREN.

Of the total population of the United States at the last census, which was 75,994,575, 44.3 per cent, or 33,681,074, were under 20 years of age; 1,916,892 were under 1 year of age; 7,253,736 were from 1 to 4 years of age; 8,874,123 were from 5 to 9 years; 8,080,234 were from 10 to 14 years; and 7,556,089 were from 15 to 19 years.

The problems here discussed are national, but they concern particularly those who live in cities. There were 14,208,347 people (that is, 18.7 per cent) living in cities of over 100,000 inhabitants, of which there were in the North Atlantic division

7,533,280, or 35.8 per cent of its population, and in the North Central division 4,714,117, or 17.9 per cent of its population. There were, in addition, living in cities of over 25,000, 5,509,965 (7.3 per cent), of which 2,565,416 were in the North Atlantic division (12.2 per cent), and 1,383,767 in the North Central division (5.2 per cent). In the Western division 14.2 per cent were living in cities of over 100,000 inhabitants and 11.1 per cent in cities of over 25,000 inhabitants. The drift of population to the cities having over 25,000 inhabitants is irresistible. In 1880 they contained 9,953,396; in 1890, 14,880,255; and in 1900, 19,718,312, an increase of 49.5 per cent for the earlier decade, and of 32.5 per cent for the later decade. On the other hand, the increase in the whole population from 1880 to 1890 was only 24.9 per cent, and from 1890 to 1900, 20.7 per cent.

In cities of over 25,000 inhabitants those under 5 years of age were 2,054,790; those from 5 to 9, 1,989,341; and those from 10 to 14, 1,772,883; a total of children under 15 years in such cities of 5,817,014. The total families were 4,217,644; the average number of persons to a family, 4.7; and of the families only 25.7 per cent owned their homes, either free or mortgaged, whereas 74.3 per cent hired them.

These figures of the children and urban populations and of the housing conditions suggest the magnitude of the problems involved. But the problems multiply when the various aspects of childhood are borne in mind.

If we view the child problem from the point of age, there are the infant, the child just before going to school, the school child, and the child that after school may have gone to work. If we view the child from the point of view of its activities, there are the play child, the study child, and the work child.

If we view it from the point of view of its parental relations, we have the child of living parents, the orphan, the child of criminal parents or parent, the illegitimate child or foundling, and the child of pauper parents. Or, if we view it from the point of view of the place of its upbringing, we have the child in its parents' home, the child brought up in an institution, and the child brought up in the home of others.

Or we may view the child from the physical point of view, in which case, as related to each of the periods of babyhood, preschool childhood, school childhood, and work childhood, we have the problems of disease and physical disability due to heredity, general environment, or to ignorance or carelessness. From the moral point of view we have to do with juvenile delinquents, with the merits of probation systems, with juvenile courts, with institutional effects, and with the proper direction of children's interests and efforts. On the moral side of the child there are also questions of heredity and environment; heredity, as related to diseases of parents; environment, as involving, apart from contact with persons in the household or institution, life in large cities—e. g., in tenements—life in smaller cities and in country districts, and as demanding more suitable opportunity for the development of what are called the "natural instincts" of childhood. Concerned with the children of the very poor there are, further, the questions of effective relief and assistance. In the foregoing I have mentioned nothing of a purely educational character, as that is the well-established function of the Bureau of Education, nor have I referred to religious influences; but the several view points suggest the existence of many problems and their urgent importance.

Let me now indicate more particularly under the several topics mentioned in the bill some of the conditions and problems that do or that, unknown to us, may confront us and some of the remedies suggested. The instances will, I hope, excite your interest and enlist your support of the bill.

INFANT MORTALITY.

The magnitude of this scourge is readily shown by the figures of the last report on mortality statistics published by the Census Bureau (1906). In the registration area, which now covers about half the population, there were 212,738 deaths of children under 15 years of age. But of these 133,105 were of infants under 1 year. They formed 20 per cent of the deaths of those of all ages. According to the last census, for the year ended May 1, 1900, the deaths, by age periods, per 1,000 of population were:

Under 1 year	165.4
Under 5 years	52.1
From 5 to 14 years	4.3

The following table, taken from the Twelfth Census, shows the decreases in death rates from 1890 to 1900, but the continuance of a higher proportionate death rate in cities than in the country and the tremendous death rate for the young children:

Death rates per 1,000 population at certain ages, 1890 and 1900.

Year.	Registration States.							Cities in registration States.						
	All ages.	Under 5 years.	5 to 14 years.	15 to 44 years.	45 to 64 years.	65 years and over.	Unknown.	All ages.	Under 5 years.	5 to 14 years.	15 to 44 years.	45 to 64 years.	65 years and over.	Unknown.
1890	19.5	64.5	5.3	9.4	21.3	76.6	33.7	22.2	80.4	6.2	10.8	26.3	88.6	20.7
1900	17.3	49.9	3.8	7.9	20.3	82.8	25.3	18.6	59.7	4.3	8.8	24.3	90.9	15.9

How to lessen this tremendous infant mortality is a problem worthy of all the information that can be received, gathered, and analyzed by such a bureau as that which is proposed.

Strangely enough, rich and poor children come into the world substantially on an equality. They are "created equal." The inequalities occur after they have arrived in the world. That rich and poor come into the world on a substantial equality is interestingly set forth in the report of the British interdepartmental committee on physical deterioration. That committee was appointed to study the reasons for the poor physique of the recruits furnished to the British army in the Boer war. If for humane reasons we are opposed to war, let us for humane reasons also provide a bureau now to collate similar facts in this country, so important a bearing have they on the public welfare.

On this subject that committee said (and I have italicized some of the language):

So far as the committee are in a position to judge, the influence of heredity in the form of the transmission of any direct taint is not a considerable factor in the production of degenerates.

Professor Cunningham's views, that inferior bodily characters, the result of poverty and not of vice, are not transmissible, were confirmed by Doctor Mackenzie, who at the outset of his interesting evidence elaborated a distinction between inheritable characters and their environmental modifications, the result of these last being imposed on the individual by his life history and not therefore transmissible to the offspring. Doctor Eichholz was disposed to go further, and sought to explain how some mysterious law of transmitted impulse made for the recuperation of each generation, the unborn child fighting strenuously for its own health at the expense of the mother and arriving in the world with a full chance of living a normal physical existence. *This view he supported by the assertion that the number of children born healthy in the worst districts was very great, he himself putting it at not less than 90 per cent.* Doctor Ashby thought this was only partially true, as nature too often failed in its effort; and Doctor Mackenzie would not even concede so much, as investigations into the effect of food on guinea pigs during pregnancy had, he said, shown that the embryo suffers in greater proportion than the mother. He quoted the opinion of Dr. Noel Paton that "the nourishment of the maternal tissues seems to take precedence over the nutrition of the fetus."

The committee deemed it advisable to hear on this point Dr. Edward Malins, president of the Obstetrical Society of London and professor of midwifery in the University of Birmingham, who thought the testimony of experienced persons was on the whole in accordance with the views expressed by Doctor Eichholz. *He would say that from 80 to 85 per cent of children were born physically healthy, whatever the condition of the mother might be antecedently, so far confirming the opinion that nature intends all to have a fair start.* Doctor Malins kindly undertook on behalf of the Obstetrical Society to institute an inquiry among the lying-in charities and hospitals in London which should furnish information on these facts; this inquiry is unfortunately not complete. The committee were, however, supplied by the courtesy of Doctor Eichholz with evidence which did tend to establish this conclusion from the medical officers working for the Royal Maternity Charity, and from the Paddington and Kensington Workhouse infirmaries.

The committee can not ignore these opinions, though it may well be that the depressing effects of the life struggle on parents are, nevertheless, in some measure transmitted to the offspring. At any rate, some vulnerability toward disease may coexist with a superficially healthy appearance, and granted unfavorable environment the seeds of degeneration are not long in producing a rank harvest. The consolation of the doctrine lies in the encouragement it gives to working for the removal of the causes which are prejudicial to the health of each successive generation, an encouragement which is immensely strengthened by the concurrent testimony of all concerned as to the immediate effect upon growth and development brought about by the withdrawal of even the most unpromising material from noxious surroundings.

If infants of the rich and poor come into the world on a substantial equality, they die with an inhuman inequality.

A German investigator found that for every 1,000 children born among the working classes 505 died in the first year; among the middle classes 173 died in the first year; and among

the higher classes only 89 died during the first year. Doctor Drysdale, of the Metropolitan Free Hospital, London, declared that the death rate of infants among the rich was not more than 8 per cent, while among the very poor it was often as high as 40 per cent. Doctor Playfair said that 18 per cent of the upper, 36 per cent of the tradesmen, and 55 per cent of the working classes die under the age of 5 years. On this point the recent report of the President's homes commission has some data:

High infantile mortality rates have always been considered the opprobrium of the healing art. Dickson asked, over fifty years ago, "How shall we present the early extinction of half the newborn children of men?" While powerless to solve all the mysteries connected with this subject, an attempt will be made to answer the practical question, Can they be reduced? Space will not permit to enter into detail of infant hygiene, but we must at least point out the fact that the mortality can be greatly reduced by improving the original stock, i. e., the physique and habits of the parents, and placing them as well as their offspring under more suitable environment, especially with reference to fresh air, sunlight, exercise, suitable clothing and habitations, and last, but not least, proper food.

The influence of favorable hygienic conditions was demonstrated by Casper's statistics, published as early as 1825, showing that the infant mortality rate among royal children was only 57, as compared with 345 per 1,000 among the infants of the poor. Of 170 deaths from infantile diarrhea, investigated by Helle in Graz in 1903 and 1904, not one belonged to a rich family, and but 9 to the well-to-do class, while 161 belonged to the poor and the very poor. Clay calculates that of every 100 children born in England, 90 will be alive at the end of the first year of those born in aristocratic families, 79 in the mercantile class, and 68 among the laboring classes. The relation of infantile mortality to the occupation of the women has already been discussed in a previous report.

Dr. George Reid, at the National Conference of Infantile Mortality, held in London in June, 1906, contrasted the infantile mortality in two districts, identical in health conditions, but with the important difference that in one women are largely employed in industrial pursuits, and in the other there is practically no employment for them, with the result that the infantile mortality varied from 149 to 198 per 1,000.

The infantile mortality returns in the United States also indicate that we are dealing with a class mortality, which is highest in communities where women are employed in mills and other gainful occupations, and in consequence the children fall victims to ignorance and neglect. Contrast, for example, the census rates for 1900 of Fall River, Mass. (304.7); Lowell, Mass. (275.5); Nashua, N. H. (261.2); Lawrence, Mass. (246.5); Manchester, N. H. (238.4), all typical mill towns, with the rate at Cambridge, Mass., which was 186.5.

That the work of the women has much to do with large infant mortality, as indicated by the reference to American conditions at the end of the foregoing extract, was curiously instanced when Paris was besieged by the German army. There was the most frightful poverty due to unemployment, and yet the mortality of infants decreased 40 per cent, due probably to the fact that the mothers had time to stay at home. Very much the same thing happened during the great cotton famine in Lancashire. But ever in civilized and industrial America instances occur of the birth of children in the factory amid the whirr of the machinery. Exemption of women from work for some time prior and subsequent to childbirth was one of the reforms sought for rural Russia in the recent revolution in that country.

Bad housing conditions are another potent cause of infant mortality. An investigation of 2,711 infantile deaths in Berlin showed that 1,792 occurred in one-room apartments, 754 in two-room apartments, 122 in three-room apartments, and 43 in apartments of four rooms and over.

In the special reports recently made to the President in regard to affairs in the District of Columbia it is said:

It is a well-established fact that infant mortality is very much greater in overcrowded houses. Mr. Thompson says: "Infant mortality varies almost arithmetically with housing conditions. Although children under 5 years are only one-ninth of the population, they furnish one-third of the deaths."

That the death rate in cities is largely influenced by the number of occupants to a room has been repeatedly demonstrated by sanitary statistics. Mr. Russell in his statistics of Glasgow (1871 to 1880) found that the general mortality was 21.7 per thousand, when the average occupancy per room was 1.31; when the average was 2.05 for each bedroom the mortality increased to 26.6 per thousand. It can readily be understood that the closer people are crowded together the greater will be the liability for the transmission of infectious diseases, such as diphtheria, scarlet fever, tuberculosis, and so forth. And when they live in an atmosphere which is vitiated by the emanations from the lungs and bodies of human beings, with insufficient ventilation and a deficient supply of sunlight—nature's great disinfecting agent—their susceptibility to infection is greatly increased. In his investigations made in Budapest, Korosi found that the mortality from infectious disease was 20 per thousand when there were only two occupants per room; where the number was from three to five the mortality was 29 per thousand, and where it was from six to ten the mortality increased to 32 per thousand.

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Doctor Kober, in his History and Development of the Housing Movement in the City of Washington, D. C., refers to the death rate among the tenants of the Washington Sanitary Improvement Company as follows:

We have shown that death rates go hand in hand with bad housing conditions. In some cases the general death rate for large groups of population living in insanitary dwellings amounts to double or even treble what might be called a reasonable death rate.

On the other hand, the vital statistics of London show that the death rate "in the improved dwellings for wage-earners" is far below the general mortality of the city, and the experience of the Washington Sanitary Improvement Company is even more gratifying. During the year ending March 31, 1906, the apartments were occupied by 778 adults and 380 children; total, 1,158; births, 39, and only 8 deaths—a death rate of about 7 per thousand—which, with all due allowance for the average age of the occupants, shows a remarkably low mortality when compared with the general death rate among the white population, viz, 15.16 per thousand.

That ignorance and indifference also played an important part in infantile mortality were conclusions reached by the British committee that I mentioned before. In addition to finding that such mortality had not decreased in that country during the last twenty-five years, despite the considerable fall in the general death rate, the committee said:

Coming to particulars illustrative of these conditions, Mr. Wilson, speaking of Dundee, said: "It was quite a common thing to find a woman had had as many as 13 children, and had lost 11 or 12 out of that number, in some cases the whole of them." Mrs. Greenwood, in a paper submitted relating to Sheffield, says: "One woman I know has buried 17 out of 18 children, another has had 16 sons, of whom only 6 are living," though neither of them had worked out of their homes since marriage. Nor, in her opinion, is such waste necessarily connected with poverty; deaths from diseases of the respiratory organs constantly occur, owing to the practice of even well-to-do mothers exposing imperfectly clad children to cold while gossiping with neighbors. Among a certain number of mothers questioned in Hanley and Longton, it appeared that 38 per cent of the children born to them had died in infancy, and the state of the case in many Lancashire towns is certainly no better; thus in Burnley one woman is said to have had 20 children and buried 16, all having died between 1 and 11 months of age; in this case the father was a collier in good wages and the mother stayed at home.

The purity of the milk supply has a very important bearing on infantile mortality, as all know. A recent experience in Washington illustrates this. On April 15, 1908, there was opened at Neighborhood House, in southwest Washington, a milk-distributing depot and dispensary for infants and young children, and the following is from his report:

Dispensaries for children are not uncommon here, but milk depots where clean, pure milk, properly modified to suit individual needs, can be obtained have never been tried in Washington, though other cities have operated them successfully for several years.

Neighborhood House had become much concerned over the large amount of illness among infants in this section during the summer months of 1906 and 1907 and the alarmingly high mortality.

An investigation into the causes of these unfavorable conditions proved that the largest part of the illness among these children and the great majority of infant deaths was caused by digestive disturbances, the result of improper food, wrong feeding methods, and carelessness or lack of knowledge in the handling and preparation of infant foods.

To correct this state of affairs as much as possible, those interested planned and put in operation the following lines of work:

A milk station was located at Neighborhood House, at which, at a nominal cost, clean, pure milk, properly modified, can be obtained for infants needing it.

* * * * * * *

During the months of June, July, August, and September of 1907, 50 white children, 10 years of age or under, died in southwest Washington alone. During the same period in 1908 only 29 white children, 10 years of age or under, have died in this section, although this year was considered one of the most fatal to children that we have ever experienced. The dispensary feels that it is entitled to at least a part of the credit for this great reduction in mortality through the furnishing of clean, pure milk and the large amount of preventive work which it has done.

What could this bureau do in regard to infant mortality? Would not bulletins published by it and sent broadcast by Members, especially to city constituents, be a tremendous stimulus to legislation by the States regulating the labor of women, to better housing in the cities, to effective inspection of milk, and to a greater regard for human life? Their publication would be no interference with the States, but would aid the States. Considering what we do for cattle, what objection can there be to having the National Government do this much, that not "one of these little ones should perish?"

BIRTH RATE.

Very few birth-rate statistics are kept in this country. Only estimates can be made, and those at the time of the decennial censuses. The last study of this subject made for the Bureau of the Census says:

The number of people in any given place on a certain date is determined by a census, but to ascertain the birth rate it is needful also to know the total number of births occurring in the year of which the census day is the middle. This number is not given by a census, and hence no census of itself can furnish the information needed to compute a birth rate. Neither is there in the United States nor in any considerable part of it any effective agency for securing this information. As a result, the birth rate of the population of the United States, present or past, is unknown.

The information conveyed by a birth rate is of fundamental importance in the discussion of many economic and social questions. For this reason, in default of direct information regarding the birth rate of the United States, efforts have been made to compute it by indirect methods of approximation and to ascertain whether it is stationary or changing, and if the latter, in what direction and how rapidly. The results of these efforts have been far from satisfactory and convincing.

The two methods used by the census to get at the birth rate and the conclusions reached are shown in the following extracts from the foregoing study:

TABLE I.—*Number and per cent of children under 10 years of age in total population and decrease in per cent during the preceding ten and twenty years, 1800 to 1900.*

Census.	Total population.	Population under 10 years of age.	Per cent of total population under 10 years of age.	Decrease in per cent during—	
				Preceding ten years.	Preceding twenty years.
Continental United States:					
1900	75,994,575	18,044,751	23.7	0.6	3.0
1890 [a]	62,622,250	15,206,691	24.3	2.4	2.5
1880	50,155,783	13,394,176	26.7	.1	2.0
1870	38,558,371	10,329,426	26.8	1.9	2.3
1860	31,443,321	9,013,696	28.7	.4	3.2
1850	23,191,876	6,739,041	29.1	2.8	3.8
1840	[b] 17,063,353	5,440,598	31.9	1.0	.8
1830	[c] 12,860,702	4,224,897	32.9	[d] .2	.6
1820	9,638,453	[e] 3,150,638	32.7	.8	.8
1810	7,239,881	[e] 2,424,683	33.5	.0	----------
1800	5,308,483	[e] 1,776,010	33.5	----------	----------

[a] General enumeration.
[b] Exclusive of 6,100 persons in military and naval service.
[c] Exclusive of 5,318 persons in military and naval service.
[d] Increase.
[e] Estimated.

The table shows that at the beginning of the nineteenth century children under 10 years of age constituted one-third and at the end less than one-fourth of the population. A decline in the proportion of children began as early as the decade 1810 to 1820 and continued almost uninterruptedly but by very different amounts until 1900. The average decrease has been about 1 per cent in a decade. The greatest decreases occurred in the decades 1840 to 1850 and 1880 to 1890. This was probably due to the enormous immigration, which swelled the adult population with great rapidity. For the decade 1880 to 1890 this factor may have been reenforced by the change in the form of the age question, although the influence of this upon the number of children under 10 is uncertain. The next largest decrease was in the decade from 1860 to 1870, when the direct and indirect effects of the civil war reduced the proportion of children. But this decrease was accentuated by the serious omissions of that census, especially in the Southern States and among the negroes, for whom the proportion of children is very high.

The figures as a whole suggest that there has been an almost uninterrupted but irregular decrease in the birth rate from near the beginning of the nineteenth century. They do not prove this, for the decrease might be explained by the increasing vitality of the population, leading to a longer average duration of life and consequently the survival of a larger number of adults.

* * * * * * *

PROPORTION OF CHILDREN TO POTENTIAL MOTHERS.

Continental United States.—The method of estimating the proportion of children, by comparing them with the number of women of child-bearing age, may be applied for the period 1850 to 1900. This method has two advantages over the preceding. It makes it possible to limit the children to those under 5 years of age and to exclude from the second term of the comparison all males and the females not of child-bearing age. Under these conditions any decrease in the proportion of children which the figures may show could not be explained as due to the increased vitality and longevity of the adult population. The limits of child-bearing age are usually assumed as 15 and 44, but for the earlier censuses the limits must be taken as 15 and 49. The figures are as follows:

TABLE II.—*Number of children under 5 years of age to each 1,000 females 15 to 49 years of age and decrease in the number during the preceding ten and twenty years, 1850 to 1900.*

Census.	Number of children under 5 years of age to 1,000 females 15 to 49 years of age.	Decrease in number during—	
		Preceding ten years.	Preceding twenty years.
Continental United States:			
1900	474	11	85
1890	485	74	87
1880	559	13	75
1870	572	62	54
1860	634	[a] 8	----------
1850	626	----------	----------

[a] Increase.

The proportion of children increased from 1850 to 1860, and then decreased without a break, but by very unequal amounts. The last column of the table has been introduced to call attention to the comparatively uniform decrease by twenty-year periods. The slight decrease from 1870 to 1880 was probably due in part to serious omissions in 1870 among the population having a large proportion of children. The slight decrease from 1890 to 1900 was probably due in part to the great prosperity of the country between 1890 and 1900, especially in the last years of the decade, in part to the many children born to the millions of immigrants of the preceding decade, and in part, also, to the change in the form of the age question.

In 1900 there were only three-fourths as many living children to each 1,000 potential mothers as in 1860. The assumption that there has been a progressive increase in the inaccuracy of the censuses leading to omissions of larger and larger proportions of children is too improbable for serious refutation, and yet no other alternative can be suggested by aid of which to escape the conclusion that the birth rate has declined persistently since 1860.

Birth-rate statistics are desirable for understanding and apprising ourselves of national tendencies and problems, but they are still more important to each community. This bureau would stimulate communities to secure birth-rate statistics. Those statistics would suggest the need of intensive studies, local and national. This bureau would be a stimulus to local studies, a central bureau of information for all localities to learn of others, and an expert body competent to compare conditions and draw conclusions.

PHYSICAL DEGENERACY.

The conditions described in connection with infant mortality have indicated some of the bad conditions that exist illustrative of physical degeneracy. Physical degeneracy is not necessarily inherited retrogressive deterioration. The distinction and some of the conditions in England are set forth in the British report hereinbefore referred to:

The evidence of Doctor Eichholz contains a summary of his conclusions on this point, so admirably epitomizing the results of a comprehensive survey of the whole subject that the committee can not do better than reproduce it in full at this stage of their report:

1. I draw a clear distinction between physical degeneracy on the one hand and inherited retrogressive deterioration on the other.

2. With regard to physical degeneracy, the children frequenting the poorer schools of London and the large towns betray a most serious condition of affairs, calling for ameliorative and arrestive measures, the most impressive features being the apathy of parents as regards the school, the lack of parental care of children, the poor physique, powers of endurance, and educational attainments of the children attending school.

3. Nevertheless, even in the poorer districts, there exist schools of a type above the lowest, which show a marked upward and improving tendency, physically and educationally, though the rate of improvement would be capable of considerable acceleration under suitable measures.

4. In the better districts of the towns there exist public elementary schools frequented by children not merely equal but often superior in physique and attainments to rural children. And these schools seem to be at least as numerous as schools of the lowest type.

5. While there are, unfortunately, very abundant signs of physical defect traceable to neglect, poverty, and ignorance, it is not possible to obtain any satisfactory or conclusive evidence of hereditary physical deterioration—that is to say, deterioration of a gradual retrogressive permanent nature, affecting one generation more acutely than the previous. There is little, if anything, in fact, to justify the conclusion that neglect, poverty, and parental ignorance, serious as their results are, possess any marked hereditary effect, or that heredity plays any significant part in establishing the physical degeneracy of the poorer population.

6. In every case of alleged progressive hereditary deterioration among the children frequenting an elementary school, it is found that the neighborhood has suffered by the migration of the better artisan class or by the influx of worse population from elsewhere.

7. Other than the well-known specifically hereditary diseases which affect poor and well-to-do alike, there appears to be very little evidence on the prenatal side to account for the widespread physical degeneracy among the poorer population. There is, accordingly, every reason to anticipate rapid amelioration of physique so soon as improvement occurs in external conditions, particularly as regards food, clothing, overcrowding, cleanliness, drunkenness, and the spread of common practical knowledge of home management.

8. In fact, all evidence points to active, rapid improvement, bodily and mental, in the worst districts, so soon as they are exposed to better circumstances, even the weaker children recovering at a later age from the evil effects of infant life.

Physical degeneracy exists likewise in this country. It is due to various causes, such as bad housing, poor food, bad air, neglect, and ignorance. Nor are the well-to-do or the country children free from these defects.

Suggestive of conditions everywhere are some of the observations made by the committee on physical welfare of school children which investigated the home conditions of 1,400 New York school children who were found by school physicians to have physical defects. The report of that committee says:

The overcrowding indicated that whatever might be our conventional ideas of the dependence line, physical defects must be expected in children where three out of four families have four rooms or less for cooking, working, washing, sleeping:

	Per cent.
6 families live in 1 room	0.29
232 families live in 2 rooms	11
761 families live in 3 rooms	36.2
759 families live in 4 rooms	36.1
244 families live in 5 rooms	11.6

* * * * * * *

1. If New York school children are typical of school children in the United States, there must be in the schools of this country 12,000,000 children having physical defects more or less serious that should receive attention from parents and family physicians.

2. If the 1,400 children whose physical defects and home conditions as here reported are representative of the school children in New York City and in the United States, they must be handicapped by—

	In New York City.	In United States.
Malnutrition	41,600	1,248,000
Enlarged glands	182,000	5,460,000
Bad teeth	299,600	8,988,000
Bad teeth only	83,200	2,496,000
Defective breathing	236,400	7,092,000

* * * * * * *

4. Few of the defects can be corrected by nourishment alone. Plenty of fresh air outside school building and home will not entirely counteract the results of bad ventilation and bad light within school building and home. Country children have adenoids, bad teeth, and malnutrition. Plenty of food will not prevent bad teeth and bad ventilation from causing adenoids, enlarged tonsils, and malnuitrition.

* * * * * * *

5. Neither race nor nationality affords proof against physical defects (Table II). Children whose parents have long resided in the United States need attention quite as much as the recent immigrant (Table IV). American mothers reported the greatest prevalence of tuberculosis and the highest number of miscarriages. American and German children have the largest number of ailments, more particularly measles and whooping cough. Americans and Germans also have the largest number of dark rooms.

* * * * * * *

17. Inadequate medical care is given children (Table XXXVIII). Families with incomes of $20 a week or more rely upon patent medicines, mother's remedies, and the prospect of children outgrowing ailments when they should consult private physicians.

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d. The causes of physical defects are not confined to "marginal" incomes, but, while more apt to be present in families having small incomes, are found among all incomes wherever there exist bad ventilation, insufficient outdoor exercise, improper light, irregular eating, overeating, improper as well as insufficient food, lack of medical, dental, and ocular attention.

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f. To remove physical defects, causal conditions among all income classes should be treated, and not merely symptoms revealed at school by children of the so-called "poor."

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g. A comprehensive plan for removing physical defects of school children would involve the following steps:

* * * * * * *

(6) Physical examination of children when applying for work certificates. (7) Use of information gained regarding general living conditions to secure enforcement of health and tenement laws, restriction of hours of labor, control of dangerous trades, prevention of exploitation of women and children.

A similar study was made in Washington for the President's homes commission, and the report of that commission says:

From this table we learn that out of 43,005 pupils in the graded schools 13,407 were colored and 29,598 were white. Among the colored children 3,784 instances of the defects listed in the table were encountered, or a relation of 28.2 per cent; among the white pupils 11,520 notations of defects, a relation of 38.9 per cent to the whole, were encountered. The difference in percentage of defects between white and colored children is solely due to better condition of the teeth in the colored children. Total defects noted, 15,304, or 35.5 per cent of the pupils examined. These percentages, high as they may appear, are very much lower than the rates reported from New York.

Omitting from this consideration the 6,698 pupils who probably needed only dental care—a matter of importance, however, to the general health—we still have to deal with 8,606 pupils, or *20 per cent of the total, whose physical condition should be a matter of grave concern to the parents.* Of this number 149 were crippled, 272 deformed, 461 had strabismus (squint), 312 had discharging ears, 835 defective hearing, 2,176 defective vision, 2,062 were "mouth breathers," 703 were undersized, 727 ill nourished, and 934 were anæmic.

It was not deemed best to conduct physical examinations involving the removal of clothing, and hence the number of ruptured children could not be determined; but, judging from the reports of the agents of the Associated Charities, the number is sufficiently great for serious consideration.

It will be readily conceded that every crippled or deformed child should, if possible, be spared from permanent disability, and no thoughtful parent should hesitate to act when attention is directed to the serious consequences of neglect. Poverty is no excuse for the "do-nothing system," as the medical charities offer adequate facilities for treatment of persons unable to pay for the same.

Nor is there an excuse for not attempting to cure discharging ears, defective hearing or vision, since every observer is familiar with the sad consequences of such defects in the ultimate struggle for existence. Parents may not know that a child afflicted with a squint, harelip, or cleft palate may be transformed into a vicious character, because it is the object of constant ridicule within and without school, and that all of this could be avoided by a timely operation. Parents are probably not aware that many of the nervous affections and even mental defects in boys are due to some slight malformation of the genital organs, for which the Hebrews instituted circumcision. Nor is it generally known that anæmic and ill-nourished children and those suffering from enlarged tonsils, cervical glands, or post-nasal growths, and the majority of "mouth breathers" are peculiarly susceptible to disease in general and to tuberculosis in particular.

I submit that bulletins on such physical defects, their seriousness and means of correction, which bulletins could be sent as widespread as are farmers' bulletins, would infringe no rights of the States, but would be an enormous stimulus to parents and municipalities, and at slight expense work vast good for the public welfare. It is not sufficient to wait until the children go to school. The remedies should be applied early.

Members representing country districts may incline to the belief that these conditions are peculiarly city conditions and do not concern country people. That was not the British experience, may not be the experience of the large manufacturing sections in the North Atlantic and North Central divisions, and may not in the future be the experience of the new manufacturing districts in the South.

The British committee said:

Another factor in the alleged deterioration of the people, connected like the last with their aggregation in towns, is said to be the withdrawal from the rural districts of the most capable of the population, leaving the inferior types to supply their place and continue the stock, the evil being often aggravated, in the opinion of some, by the drifting into the country of the debilitated town population which is crowded out by the inrush of more vigorous elements.

There appears on the face of it to be considerable probability that both these movements are in operation. The effect of certain conditions of town life on the weaker members of the community, and the selective tendency of certain classes of employment which creates a demand for men of greater physical efficiency than is to be found as a rule in a town-bred population, are constantly drawing upon the resources of the rural districts, and it is presumably the men of most energy, and possibly of finer physique, that respond to the allurements offered them.

Thus, after describing the splendid men to be found working as navvies, pig-iron carriers in blast furnaces, bleaching-powder packers, cement workers, laborers in steel-plate mills, and steel smelters, occupations which are not only exceedingly arduous, but throw a severe strain on the powers of endurance and speedily sift out the inefficients, Mr. Wilson says:

"The vast majority of these workers are country bred and have grown to maturity in farm or outdoor work."

Mr. Fosbroke, medical officer of health to the Worcestershire county council, whose evidence was exclusively concerned with the conditions of health in the rural district with which he is familiar, had no doubt that, notwithstanding better wages, better housing, and better feeding, the physique of the agricultural laborer had deteriorated owing to the depletion of the rural population by the exodus of the best types into the towns. In practical proof of this allegation he stated:

"That thirty years ago it was the commonest thing for a laborer to carry 2¼ hundredweight of corn up a ladder; now you very seldom see it. Farmers tell me the same."

And again—

"Generally the farmers say that the men are of a weaker type altogether. The more robust men go into the towns."

So far as the cities are concerned many of these unhappy conditions can be remedied. The care that Germany has exercised over German children has had a marked effect in making German conditions superior to English conditions among like classes of the population. In Gorst's The Children of the Nation it is related that in 1905 the brass workers of Birmingham sent a deputation to Berlin for the purpose of comparing the condition of the brass workers of the two cities. They were greatly impressed with the cleanliness and tidiness of the children playing about the streets, courts, and squares of Berlin. Of all the thousands of children there was not one who was not neat, clean, and tidy. In the public school of a quarter inhabited by the poor classes they saw no case of poorly fed or untidy children, either in the streets or in the school. The good condition of the children was due to the medical inspection in the school and to supplying the needy with food. On the other hand, when they visited a school in a similar neighborhood in Birmingham, the children were mostly dirty and tattered. A large number wore very bad boots, not clean, and some with soles so dilapidated that the toes showed through. The physique of the children was puny. "The morning was warm and although the windows were wide open the smell was oppressive and unclean. * * * There were many underfed children."

There is much ignorance of ordinary but essential facts in connection with the physical and nervous welfare of children which this bureau would tend to dispel. Mrs. Frances S. Bolton, in an address on The Physical Rights of the Child, said:

How many mothers know that a child grows most when he is asleep, and that only during sleep is nervous force accumulated and at all other times it is being spent? How many know that each little baby must pass through all the stages of the evolution of the race? I desire here to enter my plea for more and yet more knowledge of the physical care of children by the so-called "educated, up-to-date mothers." To a child with a good, sound, perfectly healthy body all things are possible in mental and spiritual development, but without perfect physical health little can even be hoped for.

Let me call your attention to a couple of instances of physical infirmity, from much of which children could be relieved effectually if there was widespread knowledge.

First. Deafness of children.—The time-honored custom has been to put deaf children in institutions and teach them to speak and understand only the sign language. Pennsylvania recently established an institution that takes the very young and teaches them to read the lips, avoids the use of the sign language, and equips them to enter school and live and vie with

other children. Said Hon. J. B. Showalter, ex-state senator of Pennsylvania, in addressing the National Congress of Mothers and delegates to the International Congress on the Welfare of the Child:

The early training in speech and language of the deaf child is one of the most, if not most, important subjects to which your attention will be called during your congress. The opportunities for this training at present are meager, and the reasons for this are simply a lack of knowledge on the subject upon the part of the people. Did every mother know that the deaf child can be taught to speak and converse, that the reason he does not speak is because he has not been taught to speak, that if he had the same amount of repetition through the eye as the hearing child receives through the ear, the results would be the same. He would learn to talk and converse just the same as a hearing child. That the time to commence his training is in infancy. Did every mother, did every intelligent person in our own and other lands, know these facts, I take it it would only be a short time till homes similar to the one in Philadelphia would be established in every State and country. America is indebted to Europe for the idea that deaf children could be taught speech.

* * * * * * *

Were it possible for the delegates to this congress to visit this home, now enlarged to two homes, and there see and converse with the sixty or more happy little tots from two years and up, I am as sure as I am of my own existence that every one of you would return to your homes fully persuaded that the oral method commenced early in life is the only way a deaf child should be taught, and you would not only be convinced of this fact, but you would become enthusiastic promoters of the measure, and that is just what it needs. People need to be told. Legislators need to be informed. Public sentiment needs to be educated.

To such a new method, the efficiency of which was established, this bureau could give tremendous impetus. Here, again, bulletins spread wide-cast would inform parents of the proper way to deal with deaf children, and the consequent happiness to these afflicted ones would beggar the gain from the durum wheat promoted by the Department of Agriculture, desirable though that be. Some will say this method will gain publicity and adoption without need of this bureau. The answer is that for over thirty years it has not. The oral method was discovered in the early seventies, as appears from an address of Dr. Charles S. Turnbull, in which he says:

In the first edition of Doctor Turnbull's work, entitled "Diseases of the Ear," he devoted a chapter to "deaf-mutism," which was a most comprehensive résumé of this interesting subject. It recorded its history and the results of his large experience, detailed accounts of his visits to the schools of this country and abroad, and concluded with an impartial review of all known methods, as early as the year 1871, and he quoted the following paragraph to illustrate Miss Garrett's method (Directions to Parents of Deaf Children, by Mary S. Garrett):

"Great results have already been gained through the oral method, and I have no doubt that greater and better results than any already obtained await us in the future, as the method becomes more widely and more strictly and intelligently applied. The oral pupil who has the least amount of intelligible speech and of lip reading compared with his fellow oral pupils has just that much advantage over the most expert maker of arbitrary signs and the manual alphabet, which are sure to be as unintelligible to the general public as our speech is to the sign maker."

He also alludes to the number of deaf children who are the descendants of the deaf, the marriages due, perhaps, to association in institutions:

Pause and reflect a moment when I tell you that one child is deaf out of every 1,500. Dr. Alexander Graham Bell tells us that over 50 per cent of 2,262 congenital deaf-mutes had deaf-mute relatives and even 13 per cent of the deaf from other (accidental) causes had deaf relatives.

* * * * * * *

The statistics of the Twelfth Census of the United States show that at least 4.5 per cent of the deaf of the country and 4.5 per cent of the blind are offspring of consanguineous marriages, but we do not know conclusively whether consanguinity in the parents produces the defective condition, or whether it simply intensifies a preexisting tendency in the family. The largest percentage of children of cousins marriages are found among the deaf who have deaf relatives (8.8 per cent), and among the blind (9.5 per cent) who have blind relatives.

This circumstance of hereditary danger is alluded to in the report of the Philadelphia institution mentioned above.

Also the deaf, when educated together during the period of adolescence and early adult life, naturally prefer each other's society, and frequent marriages between them result, and often their children or grandchildren are born deaf. We have illustrations of all of these causes of deafness among our pupils.

General publicity would forewarn against such a cause.

Second. Blindness of children.—In the pamphlet published by the special committee on the prevention of blindness of the New York Association for the Blind ft is said, and I have italicized some of the words:

It is an astounding fact—one not generally known—that one-quarter of all the blind children in all the blind schools of this country are unnecessarily blind.

The disease is known as ophthalmia neonatorum, or ophthalmia of the newborn, or infant ophthalmia. It is an infectious disease, appearing at the time of birth, easily preventable if precautionary measures are taken at once or within a few hours after birth; curable if when it develops skilled medical treatment can be secured quickly; fatal to sight if prompt preventive and curative measures are not taken, and ending in total blindness through the destruction of the eyeballs."

In the year 1906 there were 183,012 registered births in the State of New York, *the disease appearing in one out of every 200 of these births*—evidence of the alarming prevalence of the disease.

Twenty-eight years ago, in 1881, Professor Crede, of Leipzig, director of the maternity hospital connected with the university, announced the important discovery that a 2 per cent solution of nitrate of silver dropped, a single drop, into each eye of a newborn infant, would destroy the germs of ophthalmia neonatorum where these existed, and would not injure the sight of healthy eyes. Crede's figures show surprising results. In 1880, just before and just after the application of his newly discovered preventive measure, the percentage of ophthalmia fell from 7.4 per cent (14 cases out of 187 births) to 0.5 per cent (one case out of 200 births—and in this one case the disinfectant had not been used). Later he reports that out of 1,160 births during the three years, 1880–1883, but one case of infant ophthalmia had developed—possibly two.

The official census of the blind for the State of New York, taken in 1906, gives a total of 6,200 blind persons in the State. Of these, *the cases of preventable blindness number 1,984 or 32 per cent* of the whole. And of these preventable cases there are 620 classified as blindness caused by ophthalmia neonatorum, or 10 per cent of the whole number of blind persons in the State of New York.

In the United States there are between 6,000 and 7,000 persons who are totally blind because a simple precaution was not taken at the time of their birth.

The average of new admissions in these 10 schools for the blind shows that 25.21 per cent were victims of ophthalmia of the newborn.

In the Pennsylvania School for the Blind there were on an average for eight years 33⅓ per cent needlessly blind.

* * * * * * *

The preventive measure is within the capacity of every physician, of every intelligent midwife. It consists simply of the careful washing of all infants' eyes directly after birth, the dropping into each eye of a small portion of an inexpensive solution, obtainable from all druggists, harmless to healthy eyes, destructive of certain germs in diseased eyes—the one application. Just this simple treatment, nothing more, a treatment known to all physicians and presumably to all midwives.

We are inevitably led to the conclusion that to the criminal carelessness or ignorance of those who preside at the birth of the child is due the loss of sight of almost every child whose eyes have been destroyed by infant ophthalmia.

In Chicago, in 1904, we find 86 per cent of all births, principally among Italians, reported by midwives. In Buffalo, N. Y., with a population of about 400,000, nearly one-half of the births, in one year, were attended by midwives. In New York City, in 1905, 43,834 births, or 42 per cent of the whole number, were attended by midwives, employed largely by Italians, Austro-Hungarians, Polish Jews, and other immigrants. For the year 1907, in New York City, there were 68,186 births reported by physicians and 52,536 reported by midwives. In September, 1908, the registered midwives in the five boroughs of New York City numbered 1,382.

Miss Crowell examined 10,000 certificates of births and personally interviewed in their homes 500 midwives, or over one-half of those practicing at that time in the Borough of Manhattan, New York City. She says:

"Classifying according to nationality, I found that out of the 500 midwives, 27 per cent were Austro-Hungarians, Bohemians, Austrian Poles; 25 per cent Italians; 22 per cent Germans; 14 per cent Russians."

(Miss Crowell then goes on to describe the filthy condition of the midwives themselves and their equipment.)

To their effort it is due that, in all of our best conducted lying-in hospitals and in the maternity wards of general hospitals, the ophthalmia of infancy has greatly decreased. As instancing one only of many similar well-managed institutions, it is satisfactory to know that *out of 4,000 births* during a period of six years, *at the Sloane Maternity Hospital*, of New York City, where preventive methods are employed, *not one case of infant ophthalmia had developed.*

It may have been noticed that no figures are given in this paper relating to the cost of blindness. Roughly estimated, the average cost to the State of a person, blind from birth and dependent through life, approximates $10,000. But the data obtainable are too incomplete, too unsatisfactory to warrant any positive accurate statement.

It may also have been noticed that the only statistics used by the committee are those taken from the records of the causes of blindness in the reports of the schools for the blind. The schools are not obliged to keep such records—some of them do not—but these are the only perfectly accurate statistics we have, and upon these this reform movement is based.

Much more remains to be known. The census returns, carefully compiled, of 1906, give certain valuable figures; they do not give other facts and conditions which only authorized invetigation can furnish, and without which preventive work—much needed preventive work—can not be undertaken. *For, in this age of trained philanthropic thought and action, when sentiment is followed by investigation, and investigation precedes reform, it is of the first importance that perfectly reliable information from official headquarters should be obtainable.*

Does anyone wonder that the committee that published that report is anxious that this federal bureau for children's welfare shall be established. Is it not worth while that the Federal Government, with its great prestige and power of publicity, should spend some part of $52,000, if thereby it can make "the blind to see?"

ORPHANAGE.

On December 31, 1904, there were in the United States 92,289 inmates of orphan asylums and children's homes, and their annual maintenance cost $10,050,587. Out of every 100,000 inhabitants there were on an average 112.6 dependent children in institutions; the New York average being 317, Massachusetts, 160, and Illinois, 99. One of the problems of orphanage, as distinguished from the causes of orphanage, is the advantage of upbringing in homes of those willing to take the children as against bringing them up in institutions. The good effect of placing motherless infants in private homes was strikingly shown by the experience of two charitable societies in New York, the results of which are given in the following report, although as I have not the figures of the high death rate in the infant asylums it is not possible to make comparison.

As the work began on April 1, 1898, it had been carried on for a little over nine years and a summary of the results secured during that period will be of interest.

The number of children received by the committee from the city authorities, divided by classes and periods, has been as follows:

	Manhattan and Bronx.		Brooklyn.		Total.
	Foundlings.	Motherless and abandoned.	Foundlings.	Motherless and abandoned.	
Apr. 1, 1898, to Apr. 1, 1899	68	----------	----------	----------	68
Apr. 1, 1899, to Apr. 1, 1900	36	----------	----------	----------	36
Apr. 1, 1900, to Apr. 1, 1901	47	----------	9	----------	56
Apr. 1, 1901, to Apr. 1, 1902	52	2	28	----------	82
Apr. 1, 1902, to Apr. 1, 1903	56	55	16	1	128
Apr. 1, 1903, to Apr. 1, 1904	49	49	9	3	110
Apr. 1, 1904, to Oct. 1, 1904	29	54	11	----------	94
Oct. 1, 1904, to Oct. 1, 1905	48	115	15	5	183
Oct. 1, 1905, to Oct. 1, 1906	53	78	16	1	148
Oct. 1, 1906, to June 17, 1907	41	36	17	1	95
Total	479	389	121	11	1,000

The mortality among these children, comparing the number of deaths with the total number under care each year, and including in each case all deaths of children in hospitals, is as follows:

April 1, 1898, to April 1, 1899	55.9
April 1, 1899, to April 1, 1900	31.1
April 1, 1900, to April 1, 1901	18.9
April 1, 1901, to April 1, 1902	10.7
April 1, 1902, to April 1, 1903	14.0
April 1, 1903, to April 1, 1904	10.0
April 1, 1904, to October 1, 1904	10.3
October 1, 1904, to October 1, 1905	11.3
October 1, 1905, to October 1, 1906	11.6
October 1, 1906, to June 17, 1907	6.5

No wonder that the people who effected that decrease in the mortality of infant orphans desire the establishment of a bureau which will be known to have its information available for the remotest community.

In connection with the burden that orphan children are to the State, Booker T. Washington, at the President's recent conference on dependent children, called attention to the lack of dependent children among colored people and the natural inclination of colored people to look after their own kind, except when they get to a place where they find that there is a fund to take care of them. He said that the total negro population in Alabama was about 900,000, but that there were only 301 colored children in institutions for the care of the dependent.

The cause of orphanage was also touched upon at that conference by Dr. Edward T. Devine, who said that he had to do with a particular inquiry in an industrial community in which during a single year 500 men met death by accidents, leaving families, here or abroad, dependent upon the state or charitable societies, and that in the same community 500 persons died of typhoid fever in the same year, using the illustration to show the peril to the home from such accidents and conditions.

The desultory remarks thus made by me as to orphanage none the less show the importance of it and the thousands of lives dependent for happiness on a proper dealing with its problems, based on ample knowledge such as this bureau would be a means of collating.

The orphans are not the only children who need care, in our cities at least. President Roosevelt, in opening the White House conference on the care of dependent children, said:

> There are half a dozen different types of children for whom we need to care. There is first of all the complete orphan, the child who has lost both father and mother. For this child we wish to make permanent provision. My own belief is that the best kind of permanent provision, if feasible, is to place that child in a home. We then have to meet the case—one of the most distressing of cases—where the father has died, where the breadwinner has gone, where the mother would like to keep the child, but simply lacks the earning capacity. Surely in such a case the goal toward which we should strive is to help that mother so that she can keep her own home and keep the child in it. That is the best thing possible to be done for that child. How the relief shall come, public, private, or by a mixture of both, in what way, you are competent to say and I am not. But I am competent to say what I think the goal should be. Then we come to the case of the child who must temporarily be taken away from the parent or parents, but where it is not desirable that the separation should be permanent. Those children offer cases for which the institution is peculiarly fitted. There are other problems, of course, that you will have to deal with; for instance, the crippled child, the child that can not be treated at home for a disease, but yet can be completely cured in a hospital, and the case of the child whose parents are hopelessly vicious or hopelessly inefficient. Here we must provide for the exercising of the greatest wisdom obtainable in knowing just where to draw the line, so as to know just when it becomes necessary to say that even the undoubted advantages of keeping the child in a pretty poor home, if that home is its own, are counterbalanced by the fact that the home has become not a source of benefit, but a source of menace and danger to the child. You will have to consider a dozen such problems.

This bureau would encourage States to require uniform statistics in regard to institutions and homes where children are placed and records which would show the progress, or lack of it, by the children while in the institution and after leaving it.

JUVENILE DELINQUENTS AND JUVENILE COURTS.

The number of juvenile delinquents in institutions on June 30, 1904, was 23,034, distributed among 39 States and Territories. In the South Atlantic division the percentage of juvenile offenders that were white was 61, and of these the male percentage was 64 and the female 40. The colored percentage was 39, of which 36 were male and 59.8 female. On the other hand, in the South Central division the white was 68.5, of which the male was 63.5 and the female 88.7, and the colored was 34.5, of which the male was 36.5 and female 11.3. The census furnished these figures, but obviously can not give the reasons for the differences:

> Compare the number of juvenile delinquents with the general population, and we find that in the North Atlantic division 7.9 per cent of the delinquents were colored, as against a colored population of 1.9 per cent, but that in the South Atlantic division only 39 per cent were colored, as against a colored population of 35.8, and in the South Central division 31.5 per cent were colored, as against 30.3 per cent population.

Of the juvenile delinquents committed during 1904, 661 were from 7 to 9 years of age, 6,652 from 10 to 14, and 4,364 from 15 to 19 years of age. Having those figures, however, we are not much wiser when it comes to determining the best methods of dealing with juvenile delinquency and preventing its causes. Intensive investigations are necessary to those ends.

The advantage of juvenile courts was determined by this House when such a court was established for the District. But for its efficiency and progress is it not desirable to have available for study and comparison the records and experience of similar courts elsewhere, and would it not be an economy to States and municipalities to have here a central bureau of information where they could learn of the success, failure, and methods of each other's courts of similar character? If not from such a bureau, where could they get the information?

DESERTION AND ILLEGITIMACY.

Desertion is one of the puzzling problems of relief societies and of magistrates who must deal with deserted wives. Only a short while ago new legislation on this subject was enacted for the District. As the experience of others was valuable to the District, so should its experience and that of all be available for the information and instruction of all.

As to illegitimacy, the British report said: "The mortality among illegitimate children is enormously greater than among children born in wedlock." The following figures for European countries are given in the report of the President's homes commission, and show the difference in the mortality of legitimate and illegitimate children:

	Legitimate children.	Illegitimate children.
	Per cent.	*Per cent.*
France	15.0	30.0
Austria	22.9	35.1
Sweden	13.0	24.8
England	14.0	35.0

Infants are wards of the State none the less because they are illegitimate. Whatever a central bureau could do in the way

of helping different localities to solve these problems would only be in the fulfillment of the high duty of the National Government.

DANGEROUS OCCUPATIONS.

Some of these are strikingly set forth in an address delivered by Mr. Edwin W. De Leon, first vice-president of the Casualty Company of America, in which he says:

> Accidents to working children are due largely to illiteracy and the incapacity to understand and appreciate the dangerous features of industrial life. The failure to read and comprehend rules and warning signs in factories is one of the most prolific sources of injury. Another frequent cause is the inclination to play around dangerous machinery, "skylarking," as factory superintendents term it, which is oftentimes attended with tragic results. I recall a case that came under my personal observation less than six months ago, where a boy 16 years of age, in attempting to show some of his young fellow-employees how rapidly he could force sheets of cardboard through a press, caught his hand between the rolls, and before the power could be shut off his arm was crushed almost to the shoulder and had to be amputated in order to save his life.
>
> In another case a man who was employed in a large rolling mill secured a position for his 13-year-old boy on the rolls rolling steel bars. This boy got possession of a small hand mirror and amused himself by flashing the sunlight into the eyes of the men working near him. While doing this, on one occasion, he failed to turn in time to catch a bar when it came through the rolls. The red-hot bar struck the ground at his feet, coming in contact with one of his legs, and burned off the foot at the ankle.

Perhaps the most usual cause of accidents is the lack of experience of the operator and the want of proper instruction from the foreman or superintendent. In the majority of serious cases with which I have been concerned, the injured child had been employed only a few days or weeks, sometimes only a few hours, and was utterly lacking in experience, education, skill, or capacity to undertake the work. The inevitable result followed, generally the loss of one or more fingers, oftentimes the whole hand, occasionally the loss of an arm.

To illustrate, in Tennessee, a colored boy, presumed to be 14 years of age, but afterwards proven to be only 13, secured employment as the offbearer on a saw, but received no instructions as to work, or any warnings as to the dangers. On the second day of his employment he crawled under the saw table, and his left arm was terribly mangled by the saw. A suit resulted for $10,000 damages, and the jury returned a verdict for $1,000.

In a case in Ohio a boy scarcely 15 years of age was set to work in a woodworking plant, where his only duty was to carry away the material cut off by a saw nearly 6 feet in diameter. Having seen the operator of the saw endeavor to overcome the momentum after the power was shut off by pressing against the side of the saw with a stick, this boy attempted to do the same thing, which resulted in the loss of his right arm near the shoulder. A jury assessed his damages at $2,500.

In a case in Pennsylvania, a boy 12 years of age was employed to feed pieces of steel through a set of rolls while the same were in motion. Not being informed of the danger of this work, and being ignorant of the ordinary hazard of such employment, one of the rags with which he was working was caught into the rolls, and his left hand and arm were drawn into the rolls and so mangled as to necessitate the amputation of the arm about halfway between the wrist and elbow.

From the State of Washington, a case is reported of a boy 14 years of age, employed in a logging camp in which his father was superintendent. In spite of this fact, the boy was not properly warned as to the dangers of the work, and was injured so severely that it became necessary to amputate one of his legs at the thigh. A suit was started for $25,000 damages, which was afterwards settled by the payment of $2,300.

Such accidents are not confined to factories or mills, for a case is reported from Rhode Island where a boy under 16 years of age was employed in the laundry room of a department store, and his duties were to run the washer and extractor. While taking a blanket from the machine in some way his arm became caught, crushing it so badly that it had to be amputated. A suit for $15,000 was promptly begun, and is still unsettled; the plaintiff's claim is $4,000. * * *

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Every policy insuring an employer of labor against loss from liability for accidents to his employees contains a clause exempting the insurance company from liability in case of an accident to or caused by any child employed contrary to law. The great force of this provision and its widespread influence as a deterrent against child labor is at once apparent. Legislation will corect this evil eventually, and public opinion can create a strong sentiment that will tend more and more to ameliorate the condition of working children, but selfish considerations of economy will ever be the most potent argument in favor of the employment of persons of legal age. Employers will come to realize in time, as many of them have already been convinced, that they can not afford to violate the child-labor laws of their State, for they not only incur a liability for damages thereby, but are unable to secure insurance to protect them against loss in such cases.

* * * * * * *

Only a certain amount of labor is possible to be, and is actually, got out of men, women, and children within the ordinary and reasonable limits of a working day, and the object of the regulations in factory acts is to create the greatest degree of efficiency and productiveness in every working unit. To employ children below the natural and normal age of creative ability, or to work them beyond the limits of their physical endurance, is to impair the commercial value of their efforts and to incur a debt with nature that neither the child nor the community may be able to liquidate in after years.

The problems presented by Mr. De Leon's remarks are not the ordinry ones of child labor where merely the question of age is involved. They present another phase; that of the kind of employment—dangerous, not necessarily unhealthy.

DISEASES OF CHILDREN OF THE WORKING CLASSES.

One of the most marked and typical of diseases of children of the working classes is rickets, which is described by Gorst in The Children of the Nation as a disease of infancy which lays hold of the child before it gets into school and makes its first appearance from six to twelve months after birth. The direct cause of the disease is bad feeding, and it results in the children being undersized and deformed; up to 7 years of age there is hope of recovery. He quotes a Doctor Hall, of Leeds, who found 50 per cent of the children in a poor Gentile school suffering from rickets; in a poor Jewish school 7 per cent; and in the good schools frequented by the children of well-to-do artisans, 8 per cent. He also refers to an examination in Manchester by Doctor Ashby of a lot of school children, who were selected for examination because of their inability to learn in class. Some were suffering from marked rickety deformities, being much undersized, with knock-knees and flat feet, while their mental state was much less than that of other children in spite of their having attended school. Many of the others were of poor physique, with curved or limp spines, and flat feet, due to rickets. In England there seems to be an apathy on the part of some of the working classes which makes it difficult to rouse them to action. That apathy is referred to by the committee mentioned before, which reported:

On the other hand, in large classes of the community there has not been developed a desire for improvement commensurate with the opportunities offered to them. Laziness, want of thrift, ignorance of household management, and particularly of the choice and preparation of food, filth, indifference to parental obligations, and drunkenness largely infect adults of both sexes and press with terrible severity upon their children. The very growth of the family resources, upon which statisticians congratulate themselves, accompanied as it frequently is by great unwisdom in their application to raising the standard of comfort, is often productive of the most disastrous consequences. "The people perish for lack of knowledge," or, as it is elsewhere put, "Lunacy increases with the rise of wages and the greater spending power of the operative class, while a falling wage rate is associated with a decrease of drunkenness, crime, and lunacy." Local authorities, moreover, especially in the rural districts, are often reluctant to use their powers, and in these circumstances progress, unless stimulated by a healthy public conscience in matters of hygiene, is slower than might be wished.

A bureau such as that proposed in this bill would not only stimulate communities to take measures that would reduce to a minimum the diseases peculiar to the working classes, but the investigations it might make would be available for every growing community that wished to avoid the disadvantages that in these respects older communities have suffered.

EMPLOYMENT.

The intensive investigation into the labor of women and children which the Commissioner of Labor, under special appropriation, is now making may answer many of the questions which suggest themselves in regard to employment that are raised by the census figures and common experience. But, as the commissioner testified before the committee reporting this bill that for another twenty years he would be unable to take up this subject again, it is eminently proper that it should be included in the list of matters to receive the attention of this bureau. The welfare of the 1,750,000 breadwinners under 15 years of age needs reporting annually, not every twenty years. Business men desire it. I insert here a letter to that effect from one of the best-known business houses in New York:

WILLIAM ISELIN & CO.,
New York, February 19, 1909.

The Hon. HERBERT PARSONS,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am gratified to find that you are sponsor for House bill 24148, known as the "children's bureau bill." The house in which I am a partner represents over 200 textile mills and many of them among the most important in their branch of the business, and I have a large acquaintance among the managers of these companies. I am sure from many talks with them on the subject of child labor that they will all welcome legislation which would put the Government in possession of all facts concerning child labor and lead to an end of its abuses.

Very truly,

LINCOLN CROMWELL,
3 East Eighty-fourth street, New York.

The physical danger from child labor is indicated in the following portion of the report of the President's Homes Commission:

Quite apart from the fact that child labor is a menace to education, morals, and good citizenship, the effects of premature and involuntary labor upon the health and physical welfare of the child are extremely detrimental. Quetelet, in his Physique Sociale, as early as 1869 demonstrated that the muscles of the average child attain only at the age of 13 or 14 a certain amount of strength and capacity for work. Up to this time the muscular fibers contain a larger percentage of water, and in consequence are very tender and immature. Demetjeff, cited by Rubner, determined the lifting power of the arms and trunk at different ages of the working classes to be as follows:

Lifting power of the arms and trunk of the working classes at different ages.

Age.	Kilograms.	Age.	Kilograms.
14 years	82	30 to 35 years	150
16 years	101	35 to 40 years	160
18 years	128	40 to 50 years	148
20 to 29 years	140	50 to 60 years	134

These figures clearly indicate that the average boy at the age of 14 possesses about one-half the muscular strength of an average adult between 35 and 40 years of age.

As a consequence of imperfect muscular development, it is not surprising that a large percentage of young persons engaged in workshops, factories, or even at the writing desk or merchant's counter develop lateral curvature of the spine and other muscular deformities, not to mention general weakness and predisposition to rickets, tuberculosis, and other pulmonary diseases. All of the bad effects are naturally intensified by insanitary environment, especially when the occupations are attended by the inhalation of dust, injurious gases, and impure air.

* * * * * * *

Doctor Roberts examined 19,846 English boys and men. Of these, 5,915 belonged to the nonlaboring classes—schoolboys, naval and military cadets, medical and university students; 13,931 belonged to the artisan class. The difference in height, weight, and chest measurement, from 13 to 16 years of age, was as follows:

Difference in height, weight, and chest measurement of 19,846 English boys and men at specified ages.

AVERAGE HEIGHT.

Class.	At 13 years.	At 14 years.	At 15 years.	At 16 years.
	Inches.	*Inches.*	*Inches.*	*Inches.*
Nonlaboring	58.79	61.11	63.47	66.40
Artisan	55.93	57.76	60.58	62.93
Difference	2.66	3.35	2.89	3.47

Difference in height, weight, and chest measurement of 19,846 English boys and men at specified ages.—Continued.

AVERAGE WEIGHT.

Class.	At 13 years.	At 14 years.	At 15 years.	At 16 years.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
Nonlaboring	88.60	99.21	110.42	128.34
Artisan	78.27	84.61	96.79	108.07
Difference	10.33	14.60	13.63	19.64

AVERAGE CHEST GIRTH.

	Inches.	*Inches.*	*Inches.*	*Inches.*
Nonlaboring	28.41	26.28	30.72	33.08
Artisan	25.24	26.28	27.51	28.97
Difference	3.17	3.37	3.21	4.11

* * * * * * * *

Dr. Annie S. Daniel, in speaking of her personal observations in New York, tells us that a child 3 years old can straighten out the leaves of tobacco and can stick together the materials which form the stems of artificial flowers; at 4 he can put the cover on paper boxes; between 4 and 6 he can sew on buttons and pull basting threads. A girl from 8 to 12 can finish trousers as well as her mother. After she is 12, if of good size, she can earn more money in a factory, because she will be accepted if her size justifies the evasion of the law. The boys practically perform the same labor as the girls, except that they leave home earlier and engage in street work, as peddlers, newsboys, or bootblacks. Doctor Daniel has actually seen two children under 3 years of age working in the tenements of New York—one, a boy 2½ years of age, assisting the mother and four other children under the age of 12 in making artificial flowers. "These children earn from 50 cents to $1.50 a week, obviously at the expense of health and education—rights which neither the parents nor the community nor the State have a right to withhold."

Its effect on young girls is also alluded to in the British report before mentioned:

Close attention seems to be needed in respect of the physical condition of young girls who take up industrial employment between the ages of 14 and 18. The conditions under which they work, rest, and feed doubtless account for the rapid falling off in physique which so frequently accompanies the transition from school to work.

The committee on physical welfare of school children in New York reprinted the article on "Anatomical or physiological age versus chronological age," by Dr. C. Ward Crampton, who, after showing how different the physiological age may be from the chronological, says:

CHILD LABOR.

The problem of child labor is clearly reduced to a formula by our fundamental thesis. It is proven that the mature are from 30 to 50 per cent stronger than the immature, and that pubescence marks the beginning of the period of rapid increase in weight and strength, regardless of the chronological age. On the merits of the case it is perfectly clear that the immature who are weak should not be allowed to work, and that the mature who are overwhelmingly more fit to work be allowed to engage in it. At present there is a division on the age basis which allows some immature to work and prevents some mature children from working, causing a hardship to many of both classes. This is wholly contrary to common sense, and the feeling of the community is justly against arbitrary method. This is being realized with becoming clearness, as is evidenced by the last report of Commissioner Draper, of the New York state education department (commissioner's special thesis; annual report, 1903; Our Children, Our School, and Our Industries), and by P. Tecumseh Sherman, in his report as commissioner of labor (New York State, 1907). The latter states: "There should be added to our law a requirement of a fixed minimum standard of physical development as a condition to granting a certificate of fitness to work in a factory.

RECOMMENDATION III.

Child-labor legislation should be based upon physiological age.

It is agreed that no child found physically defective or ill should be allowed to engage in any but the lightest tasks.

It thus appears that an age minimum is not the sole solution needed for the ill effects of child labor. The good of the children of the Nation will require constant inquiry into the effects of child labor.

There are other questions which are raised by the employment of children. Miss Jane Addams, in her inspiring book, Newer Ideals of Peace, points out that we have made no careful study of the effect upon children of the subdivided labor which many of them perform in factories, and says:

A child who remains year after year in a spinning room gets no instruction, but merely a dull distaste for work (p. 158).

She also says:

A modern state might rightly concern itself with the effect of child labor upon industry itself.

And she refers to the complaint that good workmanship can not be secured, due to a system which makes no demand upon originality, but puts large numbers of producers prematurely at work (pp. 162–163):

Let us realize before it is too late that in this age of iron, of machine tending, and of subdivided labor, we need as never before the untrammeled and inspired activity of youth (p. 174).

LEGISLATION AFFECTING CHILDREN IN THE SEVERAL STATES AND TERRITORIES.

Some of the greatest stimuli to state advancement along the lines of educational and labor legislation are the publications issued by those two bureaus, respectively, giving the recent legislation of the States on their subjects. The same would be true in this case. Imitation is one of the potent factors of civilization.

SUCH OTHER FACTS AS HAVE A BEARING UPON THE HEALTH, EFFICIENCY, CHARACTER, AND TRAINING OF CHILDREN.

Take, for instance, the effect of alcohol. Professor Demme's statistics of 10 temperate and 10 intemperate families, based upon ten years' study and observation, showed:

	Temperance families.	Drunkards' families.
Children	61	57
Died before 6 weeks old	5	25
Idiots	0	6
Stunted in growth	0	5
Epilepsy	0	5
Nervous in childhood, but cured	6	0
Ordinary good health in childhood, per cent	81.5	17.5

Said also the British committee:

It must be remembered that even Professor Cunningham, while denying the influence of heredity in most cases, expressed the firm belief that diseases such as syphilis and alcoholism transmit their effects to the third and fourth generation—and in this opinion the committee fully concur.

In the foregoing I have sought to instance for the benefit and interest of Members the kind of things that would concern this bureau. Naturally, what I have suggested is only a small part of the innumerable matters that would challenge the attention of the bureau. They serve to show, I hope, the importance of this bureau for the happiness of many and the welfare of the Nation.

OBJECTIONS.

Despite the need that I think I have shown for this bureau, some objections are made to it, and two are urged in the minority report of the committee.

One of the objections is that the States are doing the work now and that the "entrance of the National Government into this field should be followed by a loss of interest and a cessation of effort on the part of the States." Unfortunately, many of the States are not doing the work now. The registration area in the United States, from which we get our mortality statistics, only covers in population half of the United States, and in extent of territory only a small portion. Figures as to the birth rate are wanting almost everywhere. There have been very few inquiries into physical degeneracy or into desertion and illegitimacy. There has been and there is a tendency to legislation affecting the labor of children; but that legislation has come as the result of agitation from outside of the State as well as in, and will be furthered, and not hindered, by this bureau.

But, as I have shown, there is nothing in this bureau that will in any way infringe on the work of the States. On the contrary, in their case it will serve to stimulate and make more intelligent their work. It is as an aid to them and not as a supplanter that it will act. It will further their legislation, just as the activities of the Bureau of Education have furthered educational legislation in the States, and as the activities of the Bureau of Labor have furthered labor legislation in the States. The greater publicity that is given to lack of knowledge and lack of provision for children in various States will lead to the supplying of the wants. At the present time in the South Central division a child averages only 3.06 years of schooling. Is that period of schooling being increased or retarded by the fact that the Bureau of Education publishes it and all the world knows of the backward conditions there? Of course it is being increased.

The other objection urged by the minority is that there already exist governmental agencies for the gathering of the necessary information and that much of it is being gathered now. They make reference to the Bureau of Education. The functions of that bureau, according to its organic act, are:

To collect statistics and facts showing the conditions and progress of education in the several States and Territories and to diffuse such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

And—

The commissioner is authorized to prepare and publish a bulletin of the Bureau of Education as to the condition of higher education, technical and industrial education, facts as to compulsory attendance in the schools, and such other educational topics in the several States of the Union and in foreign countries as may be deemed of value to the educational interests of the States.

There is nothing in those provisions which conflicts with the provisions of this bill, and that bureau does nothing in regard to infant mortality, birth rate, orphanage, juvenile delinquency and juvenile courts, desertion and illegitimacy, or poor housing conditions, and only touches on labor matters as they affect school children. The Bureau of Education is doing a splendid work. A moment's thought, however, will show that instead of the work for children being a subordinate part of the Bureau of Education, it would be far more logical to make the Bureau of Education a subordinate part of a children's bureau. Education is such a fundamental part of our American system, however, that it is highly desirable that it should have a separate bureau for itself.

Again, it is claimed that the Bureau of Labor is investigating all subjects connected with labor, and therefore covers those matters proposed for this bureau that relate to employment, dangerous occupations, and accidents and diseases of children of the working classes. In the law creating the Department—now the Bureau—of Labor it is provided that its "general design and duties" shall be—

to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive senses of that word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

And—

The Commissioner of Labor is "specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production and under a classification showing the different elements of cost or approximate cost of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of the manufacturers and producers of such articles; and the comparative cost of living and the kind of living. And to ascertain and report as to the effect of the customs laws and the effect thereon of the state of the currency in the United States on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers, and what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts or other combinations of capital, business operations, or labor have on production and prices. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. The Commissioner of Labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. The Commissioner of Labor shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations, and what, if any, convict-made goods are imported into this country, and if so, from whence."

In the foregoing nothing is said of child labor. It is true that by special appropriation an investigation of child labor is being made by the bureau. But, as stated by the Commissioner of Labor, testifying before the committee, it would be twenty years again before he could give attention to the matter of child labor. He further testified that it would be much better to have a separate bureau to do this work, as in any investigation it might make it could inquire into every matter concerning children, whereas his investigation could only be partial and his bureau would have to ignore all causes of conditions other than the one of the effect of labor.

Many will query why the Bureau of the Census does not do this work. So far as statistics are concerned, it can do much of the work. That is the function of the Bureau of the Census, and it furnishes to both the Bureau of Labor and the Bureau of Education, and would furnish to this bureau, basic statistics. Statistics answer a few questions, but they raise a great many more. The Bureau of the Census, which makes only quantitative investigations, is not fitted to make qualitative investigations. This distinction was fought out in this House at the time that an appropriation was inserted in the sundry civil bill for the investigation by the Commissioner of Labor into the subject of the labor of women and children.

It is a very simple matter, however, to see how little the Census Bureau really aids to solve the questions which arise. The special report by the Census Bureau on "Prisoners and juvenile delinquents in institutions" for the year 1904 raises interesting questions, which the Census Bureau does not answer and the only answer to which could be obtained by intensive investigations. Take, for instance, the major offenders committed during 1904, of from 10 to 14 years of age. Why were there only 2 in the North Atlantic division out of a total for all ages of 8,639 in that division, and 74 in the South Atlantic division out of a total of only 3,744 for all ages in that division, and 106 for the South Central division out of a total of all ages of 4,973 for that division?

Why, on the other hand, of major offenders of from 15 to 19 years of age, were there 1,494 in the North Atlantic division, as against only 711 in the South Atlantic division and 1,009 in the South Central division? Why does somewhat the same relation hold true in regard to minor offenders, as to whom there were, between the ages of 10 and 14, in the North Atlantic division 87 out of a total of 67,596, and in the South Atlantic division 153 out of a total of 6,899, and in the South Central division 102 out of a total of 5,233, whereas among minor offenders from 15 to 19 years of age there were many more in the North Atlantic division than in the South Atlantic or in the South Central divisions? Various answers may suggest themselves. Intensive studies must be made, however, to obtain the correct answers.

The inadequacy of census figures to answer questions is again shown by the special report on cities having a population of over 30,000 in 1905. That report suggests a number of interesting queries under the table of arrests of children under 16 years of age. Why, out of a total of 1,412 arrests of children for all offenses, were there in Milwaukee 266 for drunkenness? Many will say that the answer is obvious and no investigation is needed. But why was the proportion still greater in Louisville, Ky., when out of a total of 1,405 arrests 310 were for drunkenness? Why were there so many in Memphis, Tenn., where out of a total for all offenses of 853, 183 were for drunkenness? And why, in Nashville, out of 2,489 arrests, were there 535 arrests for drunkenness? Why in Washington, out of a total of 1,746 arrests, were there only 3 for drunkenness, whereas in Duluth, out of a total of 253 arrests, 50 were for drunkenness?

Why, in South Bend, out of a total of 336 arrests, were 194 for drunkenness; in Malden, Mass., out of a total of 81 arrests, 36 for drunkenness; in Chattanooga, Tenn., out of a total of 1,150 arrests, 387 for drunkenness; and in Racine, Wis., out of a total of 150 arrests, 58 for drunkenness? Why, in Boston, were there 205 arrests for disturbing the peace and 499 for assault and battery; and in Milwaukee, on the other hand, 512 for disturbing the peace and only 117 for assault and battery? Why, in Cleveland, out of a total of 2,407 arrests, while there were only 10 for drunkenness, 111 for disturbing the peace, 59 for assault and battery, should there be 953 for larceny?

Take the question of first, second, and third offenses. Why, in New York, out of a total of 10,732 first offenders, were only 564 brought up on third and subsequent charges; whereas in Baltimore, out of a total of 1,834, 332 were subsequently brought up; and in Cleveland, out of a total of 1,182 first offenses, 357 were brought up a second time and 374 a third time or more?

The questions that suggest themselves are innumerable. They are brought up, not answered, by the census.

FAVORED BY THE CHIEFS OF OTHER BUREAUS.

Commissioner Brown, of the Bureau of Education, and Director North, of the Census Bureau, both approved the bill when before the committee. Commissioner Neill, of the Bureau of Labor, strongly urged its passage. For the convenience of the committee, I here give some extracts from their testimony to show the kind of work their bureaus are doing, to indicate that they are not fitted to do this work, and to give additional reasons why this bureau should be established:

EXTRACTS FROM STATEMENT OF MR. CHARLES P. NEILL, COMMISSIONER OF LABOR.

Mr. NEILL. Mr. Chairman, all I can say simply follows along the lines the Director of the Census has already suggested, that there is a very clear distinction, a clear line of demarcation, between two kinds of statistical work that does not always seem to be clear in the minds of some of those not engaged in such work. There are two kinds of statistical studies. One kind the Census Office only is equipped to handle. A bureau such as the one I have charge of could not handle those in any way at all. On the other hand, there are certain other kinds of work for which the organization of the census is not equipped, namely, intensive statistical studies. I might take just one illustration right here. Take, for instance, the question of infant mortality. We are at this time considering whether we will make a study in that particular topic. We have taken the records of the census and have gone over them very carefully; they have given us certain very valuable leads, but they do not explain what the specific causes are except in a large way. The question of causes requires an intensive study. We take certain cities we would select through the record that Mr. North gives us—without those records we would be entirely at sea—we would take cities showing certain rates and certain cities of a similar kind showing very different rates, and by a house-to-house investigation there determine to what extent those deaths might or might not be due, for instance, to the employment of the mothers of those children. That kind of investigation Mr. North's bureau is not equipped to make. Not only that, but the people that are going to prepare that report must themselves do the field work. That is, I could not sit in the bureau and take the statistics of any of the agents and prepare a report with any degree of intelligence. The persons who prepare the report must go out in the field and keep in touch with that work, or I have to have a thoroughly competent man or woman able to prepare and write that report, a well-trained, well-equipped man or woman, and let himself or herself actually direct the field work. That is, there is a certain background that they see the thing against in the field that nobody else outside of them can get. That work, as I say, could not have been undertaken. We simply would have been perfectly in the dark if it were not for the

large and extensive investigation that the Bureau of the Census makes. I think that it is the same way here. After the census statistics are published and are available for this proposed bureau it would have to take those figures as guides and, taking the general leads that those things would give, make in smaller areas very intensive studies.

Mr. PARSONS. May I ask a question there?

Mr. NEILL. Yes, sir.

Mr. PARSONS. If you went into the subject of infant mortality, would you necessarily also report on how much infant mortality was due to bad living conditions—tenement-house conditions?

Mr. NEILL. No.

Mr. PARSONS. And heredity?

Mr. NEILL. No.

Mr. PARSONS. You would simply look at it from the one side of employment?

Mr. NEILL. Yes. As I say, if we went into that at all it would simply be studied in connection with the woman and child labor study to find out to what extent infant mortality is due to the occupations of mothers who are unable to take care of their children.

Mr. HARDY. In doing that, if you had to consider the number of deaths, in attributing some of them to the occupations of the mothers of the children, would you not also have to segregate those which were caused by tenement surroundings? To affirm one cause you would have to negative others, would you not?

Mr. NEILL. No; we would simply ignore those causes. That would take our attention away from the point of the inquiry.

The CHAIRMAN. Are any of the subjects enumerated in the proposed bill covered by the work of your department?

Mr. NEILL. Very few; and I might add that I have in my drawer a list of topics which we think it important to investigate, which we probably will not reach the end of for about a century or two. So there is no danger of objection to anyone invading the field of our bureau. We are quite willing to give up any part of the field to anybody else.

The CHAIRMAN. It is not so much the invading, but the avoiding of duplication.

Mr. NEILL. Infant mortality, for instance, only comes into our work in this present investigation. Take these subjects: "Accidents and diseases of children of the working classes," "Employment," "Legislation affecting children in the several States and Territories." But we have many other, and I think equally important, things to investigate; and we would be very glad, if there were such a bureau as this, to leave that field of study entirely to that bureau.

Mr. PARSONS. The legislation affecting children that you investigate would be——

Mr. NEILL. Only a small part of it; only affecting children at work. So I do not feel at all, Mr. Chairman, that any of this work is a duplication of what we are doing, and it would be handled in a different way. There are only one or two things that we would touch at all, and then we would handle them in a way entirely different.

The CHAIRMAN. Could not the same results be attained by creating another division?

Mr. NEILL. No; you can not get that kind of a man to go in as head of a division. I would not myself go in as head of a division in another bureau if I was paid twice the salary that I am paid; and I do not believe you could get the same quality of ability to do this work under the Bureau of Labor as you could if it was under an independent bureau. I think that is a point that should be considered in the concentration of government work; that is something that should be kept in view. The concentration, in my judgment, is certain to lead to a less high-grade quality of work.

The CHAIRMAN. You believe, then, the most practical thing and the most advisable thing is to establish a bureau?

Mr. NEILL. Unquestionably.

The CHAIRMAN. Now, as to gathering the statistics; you believe that that can not be done through the Census Bureau?

Mr. NEILL. They can unquestionably gather statistics of extreme value for this study, Mr. Chairman, which the bureau itself could not gather.

The CHAIRMAN. You believe, then, that the bureau might formulate these questions and the Census Office could gather the statistics for the bureau?

Mr. NEILL. It could gather on a large scale the statistics that are wanted; but after those statistics are gathered, it seems to me that in making the intensive studies they ought to be made by their own agents, just as we are doing now. I think Mr. North will agree with me on that; will you not, Mr. North?

Mr. NORTH. Entirely.

Mr. NEILL. I do not suppose Mr. North would argue for a moment that they should ask him for intensive information on a certain point and he send his agents out to get that.

Mr. NORTH. No.

EXTRACTS FROM STATEMENTS OF MR. S. N. D. NORTH, DIRECTOR OF THE CENSUS.

Mr. PARSONS. What has the Bureau of Labor to do with infant mortality?

Mr. NORTH. Nothing whatever.

Mr. PARSONS. Or the birth rate?

Mr. NORTH. Nothing whatever.

Mr. PARSONS. Or physical degeneracy of children? I can see that it would have certain relations.

Mr. NORTH. They are now looking more or less into that very question, I believe; are you not, Mr. Neill?

Mr. NEILL. Very incidentally, if at all.

Mr. PARSONS. What has the Bureau of Labor to do with orphanage?

Mr. NEILL. Nothing.

Mr. PARSONS. Or juvenile delinquency and juvenile courts?

Mr. NORTH. I do not see that they would have anything, particularly, at the present time.

Mr. PARSONS. Or physical degeneracy?

Mr. NEILL. Nothing.

Mr. PARSONS. Or dangerous occupations?

Mr. NORTH. Nothing.

Mr. PARSONS. "Accidents and diseases of the children of the working classes, desertion, and illegitimacy?"

Mr. NORTH. Nothing.

Mr. PARSONS. And "employment?"

Mr. NORTH. Yes.

Mr. PARSONS. Or "legislation affecting children in the several States and Territories?"

Mr. NORTH. No government bureau has any functions under that head. That is a new function which it is proposed to put upon that bureau, which I do not think has ever been assigned to any government bureau.

Mr. PARSONS. May I ask Mr. North a further question?

The CHAIRMAN. Certainly.

Mr. PARSONS. Suppose you have the statistics of infant mortality; do you make any study of the causes?

Mr. NORTH. Yes; we assign the cause of death in each instance, where known.

Mr. PARSONS. But do you classify as to how much, for instance, might be due to heredity or anything like that?

Mr. NORTH. No.

Mr. PARSONS. You make no intensive study?

Mr. NORTH. No, sir.

Mr. PARSONS. Your study is purely statistical?

Mr. NORTH. Yes; quantitative. We do not do intensive work in the Census Office.

Mr. PARSONS. Then, the relation between these matters and your bureau is the same as that between your statistical work in regard to labor and the intensive work in regard to the labor of women and children that Commissioner Neill's bureau has?

Mr. NORTH. Yes; the relationship is identical. That is what I have been trying to say. We could furnish in the Census Office a great deal of useful material for this bureau to work with as a starting point, and that would be perfectly easy, and that is the kind of work we are doing constantly. We are helping other bureaus by furnishing them with the foundation facts upon which they base their work.

EXTRACTS FROM STATEMENT OF DR. ELMER E. BROWN, COMMISSIONER OF EDUCATION.

Doctor BROWN. I have had some conversation with the Secretary of the Interior with reference to this matter. We have not gone over it very much in detail, but he has expressed to me the belief that the subjects which are covered by this bill could be handled under the very broad terms on which the Bureau of Education is organized. Before going into any discussion of that question from my own point of view, I should like to say that I think there is danger that the purposes proposed in the bill will not be rated at their real importance. From the point of view of those of us who are engaged in educational work, these purposes are of the utmost importance, and it seems to us that if we are to make proper provision for the future industrial efficiency of this country, or its efficiency along all social lines, it will be necessary that such investigations as those that are contemplated in this bill should be undertaken with the utmost care. There is, then, on the part of those who are connected with the Bureau of Education and those with whom the Bureau of Education has most to do, a very strong sense of the importance of this measure. It certainly looks to the conservation of the character of our people in ways in which, I am convinced, we shall have to look to it with the utmost care within these coming years.

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Mr. PARSONS. Would anybody wanting to know something about juvenile delinquency, for instance, write to Washington and ask the Bureau of Education about it?

Doctor BROWN. It is doubtful. I can not say whether that would be done or not; and we have at the present time no information available, no comprehensive information available, on such a question as that. The only way we can deal with such questions as that would be by considerable extension of our present work. I should say that even to deal with the subjects that should unquestionably be touched upon by the Bureau of Education without any extension of its present functions, it would be necessary for us to have experts that we are not now provided with.

In general terms, the matter appears to me about like this: That if this subject is to be dealt with according to its importance and in a comprehensive and concentrated way, that could best be done by the organization of a special bureau such as is proposed in this bill.

EFFECTIVE WORK OF OTHER FEDERAL BUREAUS.

No one would claim that the work done by the Census Bureau should be done by the States individually. The helpfulness of its work has been acknowledged by all and repeatedly by this House in extending its labors. Nor shall I touch upon the helpful work done for agriculture by the Department of Agriculture and the various bureaus of that department.

It will be more akin to the work to be done by this bureau to mention the work done by the Bureaus of Labor and Education.

The Bureau of Labor makes investigations of the wholesale and retail prices of articles of necessity, of wages and hours of labor, of the cost of living, of strikes and lockouts, of the cost of production and of the economic aspects of the liquor problem, and makes comparison between wages, cost of living, and retail prices in the United States and Europe. No state bureau could be expected to make as comprehensive investigations of such matters, and it would be a waste of public energy to have different States duplicating the whole or part of the work that a central bureau can best do.

Of the work of the Bureau of Education and its effectiveness, these statements were furnished to me by Commissioner Brown:

This office is laying the greatest stress upon the strengthening of the several state offices of education. It has held one conference of state superintendents of public instruction, and a second conference has been called for the near future. It has taken definite steps in the direction of a practical uniformity in state educational statistics and reports, which will render it possible to make much more reliable comparisons between different States than can now be made. It has also made arrangements for systematic distribution to the several state offices of the latest information concerning new legislative acts and administrative regulations in all of the States. The purpose of these new steps is to aid the state office of each of the States in becoming a more active and effective center for the educational life of the State. We have received abundant evidence of appreciation of these new arrangements.

The Bureau of Education has stimulated every State and city of the Union to make an annual survey and record of its educational provision. In 1867, when the office was created, few States made a complete record of their educational work; some none at all; there was no uniform plan for such data as were tabulated; hence those comparative

studies which enable each community to participate in the experience and profit by the progress of every other were impossible. By its system of collecting, collating, and publishing educational information, the bureau presents a record of the progress and existing status of educational provision throughout the Nation unequaled for completeness and accuracy by any similar record in the world. It is cited as a model by the leading nations of Europe. Among the practical results in which this work has greatly aided may be mentioned the establishment of public schools throughout the country and the consequent decrease of illiteracy, which was a threatening evil at the time the bureau was established; the phenomenal increase in the number of high schools, especially in the South; the increase in the average annual school period; the very general increase in teachers' salaries; and the ever-increasing appropriations for school purposes.

But education is a continual process of adjustments to new social ideals and new industrial conditions. The bureau presents each year a record of efforts excited by new demands in the more progressive centers of the country, and thus supplies guidance and direction to other centers in advance of their demand, and to the saving of their energies and resources. Striking illustrations of this service on the part of the bureau are afforded by the spread of compulsory school laws and child-labor laws in this country, and by the ever-increasing attention to school hygiene, sanitation, and medical inspection, and by the increasing provision for physical training and for manual training as integral parts of school education. Information regarding these new lines of effort is in constant demand, and entails, besides the limited publications for which Congress provides, an enormous correspondence.

The new departures in education, as soon as they have passed the experimental stage, are embodied in legislation; hence, the periodical digests of school laws, which have become a feature of publications of this office, act as a stimulus for increasing the scope and raising the standard of popular education.

The influence which has been exercised by special publications of the office is strikingly illustrated by a special report on public libraries, which revolutionized library management and administration in this country, and has become a text-book of the library profession.

This office has also performed an important service in analyzing certain statistics collected from time to time by the United States Census and by the Labor Bureau, and so collating them with the educational statistics as to bring out their bearing upon the educational work of the country.

THE DEMAND FOR THE BUREAU.

People wishing to find out about children naturally look for a bureau or department bearing that name. It is not sufficient that there should be a division within a bureau of another name. The dignity of the subject is worthy of a bureau and worthy of having in it experts such as can only be got if the place is one of the dignity of a bureau. The legislatures, the institutions, and the people of the 46 States need such a bureau to go to for comprehensive information. There will come up questions that only such a bureau can properly investigate, and as to which it will not be fair to call upon individual States to make complete investigations.

The demand for the bureau is overwhelming among people who are concerned with the welfare of children.

The following were among the resolutions unanimously passed at the conference on dependent children recently called by President Roosevelt:

12. The care of dependent children is a subject about which nearly every session of the legislature of every State in the Union concerns itself; it is a work in which State and local authorities in many States are engaged, and in which private agencies are active in every State; important decisions are being made constantly by associations, institutions, and public authorities, affecting questions of policy, the type of buildings to be constructed, the establishment of an adequate system of investigating homes and visiting children placed in homes, and scores of important matters affecting the well-being of needy children. Each of these decisions should be made with full knowledge of the experience of other States and agencies, and of the trend of opinion among those most actively engaged in the care of children, and able to speak from wide experience and careful observation. One effective means of securing this result would be the establishment of a permanent organization to undertake, in this field, work comparable to that carried on by the National Playground Association, the National Association for the Study and Prevention of Tuberculosis, the National Child Labor Committee, and other similar organizations in their respective fields. It is our judgment that the establishment of such a permanent voluntary organization, under auspices which would insure a careful consideration of all points of view, broad-mindedness and tolerance, would be desirable and helpful, if reasonably assured of adequate financial support.

FEDERAL CHILDREN'S BUREAU.

13. A bill is pending in Congress for the establishment of a federal children's bureau to collect and disseminate information affecting the welfare of children. In our judgment the establishment of such a bureau is desirable, and we earnestly recommend the enactment of the pending measure.

The need of such a bureau to conscientious investors was forcibly put at the committee hearing by Mrs. Florence Kelley, general secretary of the National Consumers' League, who said:

Mrs. KELLEY. Mr. Chairman, I speak on behalf of the bureau both as a member of the national child labor committee and also on behalf of another organization which was already agitating for the creation of a bureau before this bill was actually drawn and before the child labor committee was actually created—the National Consumers' League—and I think I can perhaps illustrate one need of such a bureau by stating the experience of one member of the Consumers' League, a lady who, in Philadelphia, inherited a large block of gilt-edge stock in a southern cotton mill. She heard very ugly rumors of the conditions under which children were employed in the mill in which she thus became a very considerable owner. She was hindered from going and looking at her mill herself by lameness, which made it impossible, and she made inquiries. She asked the president of the corporation about the conditions in that State and he told her everything was all right, that she need have no doubt about it, that the President himself had sent a lady to investigate the conditions under which the work was being done, and before long we should have a report about it. So we have waited, but we have never had that report.

She got tired of waiting and wrote to the governor of the State and asked for a copy of the state census, thinking that she might learn something of the conditions under which children were at work from the state census, not having got very recent light from the federal census, which went back to 1900. The answer was that there was no state census in that State. She wrote then for a copy of the report of the state factory inspector, but the answer was that there was no state factory inspector. She wrote for a report of the bureau of labor statistics, but the answer was that there was no bureau of labor statistics. She wrote for report of the state bureau of education, but there was no such bureau of education. She exhausted the list of all the kinds of information which we get from some other Southern States and from all the Northern industrial States, and there was no information to be got. In the meantime the investigation by the Department of Commerce and Labor, under Commissioner Neill, had begun. That is now in its second year. She has had reports on the cotton crop which is used in her mill, always coming out promptly so as to be of use, but we have no bulletins of investigation of conditions of labor of women and children in that State, and from that source she has no information concerning her mill.

She finally became discouraged, did not wish to be a part employer in a corporation about which she could get no official information whatever, sold out her stock, and invested in tenement houses in New York, because about those you always know the worst [laughter]; you always know exactly where you are when you have tenement-house property in New York.

This is a highly intelligent and large investor, who is eager to invest money as her forbears have done before, in the same industry in which their investments have always been, if she can get the same kind of current, trustworthy information about that as about the crop that is used in the mill, or about hundreds and hundreds and hundreds of other investments.

We can not learn about many of our States; we can not get information about the conditions under which the children are working until that information has lost all its value. The organization of which I am a member compiles every year all the new child-labor legislation in a little handbook of child-labor legislation. We can not understand why it is left to us to do that, why there is no central body to which we can write here in Washington and get that information up to date and understandable. We have to go through a sort of process of predigesting it before any ordinary investor like that can understand it.

I forgot one item. The rumor came around very insistently, but always as a rumor, that there was a horrible thing in the State in which my friend's cotton mill stood, known as the "hook-worm disease;" that absolutely the only way the children could be cured of the hook-worm disease was by being exposed to tuberculosis by going to work in the cotton mills. If they stayed in the mountains where the air was pure, they fell victims to this disease with this ugly name, the meaning of which, indeed, we did not know. It was right puzzling to my friend, and she inquired in every direction about it, and finally she heard the rumor that the person who really knew about the hook-worm disease in the hill country of South Carolina was a physician in the Marine-Hospital Service.

Now, a northern investor is not likely to think just out of her own head that the only person who knows about the health of the children in the mountains of South Carolina is concealed in the Marine-Hospital Service [laughter], and that if you want to get that information you have to inquire and inquire and inquire until you accidentally come on this fact. We want to get away from such fumbling as that. If any stupid, illiterate farmer up near Catskill, in New York, wants to know something about raising artichokes on his farm, all he has to do is to get his son or the village schoolmaster to write to the Department of Agriculture, and he will be supplied with information not only about artichokes, but about everything relating to agriculture in the most compendious way, in every mail, much of it very valuable. But how different is the situation with regard to the children. We think we ought to be able in the same way to send a postal card, even, to a bureau here and at least get a clew how to go about our work. We will get some satisfaction out of the fact that we have a clew furnished us, as the Marine-Hospital Service was suggested as the place where that lady might get her information. [Applause.]

Mr. PAGE. In order to remove your impression about that disease, I may say that it is a disease of the sand country and not of a hill country.

Miss KELLEY. You see, even that we could not find out.

The general lack of information was instanced by Mr. Homer Folks, secretary of the State Charities Aid Association of New York.

Mr. FOLKS. I remember that there was a blank sent out at the time of the Paris Exposition on which certain institutions were asked to make an exhibit of their works. Up to that time we had estimates, and I think I can say without any fear of contradiction that there was a remarkable unanimity of opinion up to that time as to the outcome, that it was an extraordinary fact that 80 per cent of children cared for by every possible method turned out well. There was always a little exception, just a little, if it was closely analyzed, but so far as known it was estimated that 80 per cent was about the figure. That particular blank called for a careful inquiry as to how many of them were doing well up to 21 years of age. One particular institution, the Massachusetts State Reformatory, took it to heart, and the figures which they arrived at—I may say it was a very excellent institution—after making a careful inquiry of the facts, were such that they were not placed on exhibition.

Mr. HARDY. That was a reformatory for criminal children?

Mr. FOLKS. Oh, just juvenile delinquents.

Mr. HARDY. That would be very different from the general average, would it not? It certainly ought to be, at least.

Mr. FOLKS. Juvenile delinquency is one of the subjects included in the proposed inquiries of the bureau. As to the others, we have hardly enough data to make a read good guess. I have been engaged in that kind of work myself; I have been in close touch with that; it has been my special interest for fifteen years.

Mr. HARDY. I presume every State in the Union has an orphans' home?

Mr. FOLKS. I think that is probably true. There is some kind of an institution in the State, but not every State has one.

Mr. HARDY. There are States with no state orphan's home?

Mr. FOLKS. A great many of them.
Mr. HARDY. Then you have orders' homes also; Odd Fellows, Masons, or other orders have homes in nearly every State?
Mr. FOLKS. Every conceivable kind of home nearly.
Mr. HARDY. Do those institutions publish any statements?
Mr. FOLKS. They say how many people they had during the year and how many passed out of their care.
Mr. HARDY. Nothing of their training?
Mr. FOLKS. They tell you what they did while they were there, something about it, more or less—usually less. But what the effect was upon the children, what they were doing a year after they left there, what kind of citizens they become, they make no mention of.
Mr. HARDY. It seems to me your purpose is more to collect information about these matters.
Mr. FOLKS. That is just exactly our purpose.
Mr. HARDY. What is going to become of the magazine writers who tell us these things? [Laughter.]
Mr. FOLKS. Some of us are ready to take our information from a federal bureau. [Continued laughter.]

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Mr. H. F. Fox, president of the Children's Protective Alliance of New Jersey, said:

Mr. Chairman, I happen to be the president of a state board in New Jersey which has to care for the dependent children, and for fifteen years have had some experience of various kinds in legislation that we have been trying to secure for children in the State. At every session, almost, we have had to meet the question of how to get certain kinds of information for the benefit of legislative committees or for the benefit of the governor or the departments in the State, and I am sorry to say that in a great many cases we have fallen down because the information has not been accessible.

I think it is proper to call attention to the amount of careless and ill-considered social legislation affecting children and others that is being enacted in a great many of our States. A great deal of this lax legislation could be wisely directed with the information which could be obtained through such a bureau as this. I think it was Uncle Zeke who said: "It ain't the ignorance in the world as much as it is knowing about so many things that ain't so." Only last week a noted temperance orator of this country informed the people that 80 per cent of the children who are working in the factories are children of drunken parents. If that is true, it is important that we should know it; and if it is not, it is equally important that we should know it.

Judge Lindsey, of the juvenile court of Denver, said:

I was in a certain city recently, and I went to the chief of police and asked him how many children had been in jail that year. He said 100. When we investigated the records we found there were 650 boys alone brought to the jail in that city of less than 150,000 people. I went into another city of less than 200,000 people, and when I asked the jailor how many boys had been in jail he said five or six hundred. When we investigated the records we found there were 4,000 arrests in that city among the boys alone under 20 years of age and over 2,000 brought to the jail who were under 17 years of age.

My friends, if we had a bureau of this kind it would stimulate the gathering of reliable statistics as it can not be stimulated or done in any other way. The head of a bureau of this kind would send to the head of a city a blank to be filled out and kept, and it is going to stimulate the official who is to fill out to keep records and return them to the Government. We have had some experience of this kind showing that this is done. Our state board sent out blanks to different judges, asking for information on this subject, and the information came in, but it does not come in any other way. There must be some kind of stimulus, if you please, to officials to get this information together, and it is going to come through a federal children's bureau, and in my judgment in no other way.

For instance, how many boys brought to jails in the cities of this country return within five years? In my own city, through private effort and investigation, we found 62 per cent of all the boys brought to jails returned in five years for worse offenses. In Chicago, under the commercial club, about ten years ago, a similar investigation was made, and they found that 75 per cent returned in five years. What effect does the work have in preventing crime? Another thing, 20 per cent of the boys in some cities of this country come to jails before they come of age. One out of every five mothers' sons comes to the jails in the cities of this country, according to some private investigations. Isn't that a fact, my friends, that this Government should know and be able to demonstrate?

Mr. Bernard Flexner, of Louisville, Ky., said:

Mr. FLEXNER. Mr. Chairman and gentlemen of the committee, I will not consume more than a moment. I have nothing to add to the argument on behalf of this bill. I want to add a word as a representative of those in a State where private initiative has probably done a great deal less than has been done in other parts of the country. Practically all of the speakers who have preceded me represent parts of the country where private associations, private initiative, has been busy for many years gathering some of the information which it is proposed this bureau will get together—in a fragmentary way, it may be true. Now, we may have been slower in Kentucky in waking up to this problem. We have been. We are probably in the same situation that many other States are. We want to do the best that it is possible to do for the children. The only way, speaking from practical experience, in which it has been possible to get any spread of information upon many of the questions which are contemplated under this bill has been by an extensive correspondence which, in the main, had led to very unsatisfactory results. Therefore I take it that in a great many of the States there has been less sound public opinion than in others. I can probably make the point clear by an illustration of what took place in Kentucky a few years ago. A farmer accidentally turned up a mineral on his farm. He knew nothing about it. He sent on to Washington, and the Geological Survey sent down one, two, and three experts, who spent months in the remote part of the State investigating the find. An elaborate bulletin of 400 or 500 pages, profusely illustrated, appeared in due time, and hundreds of thousands of dollars was poured into the State of Kentucky in consequence of the work which the Federal Government did in the State of Kentucky on that particular farm. I am not here to underestimate the value of that. I merely want to say that while at one and the same time you are telling us how to open up our mines and to pursue the best methods with reference to the development of zinc and feldspar mines, let us be able to find out the best methods to care for the children.

I also add as an appendix to my speech the address of Miss Lillian D. Wald, head of the Nurses' Settlement on the east side of New York, which address was made to the delegates to the President's conference.

WHY NOT PROVIDE A CHILDREN'S BUREAU?

We have, among others, a Bureau of Pensions, a Bureau of Education, a Weather Bureau, a Bureau of Animal Industry, a Bureau of Plant Industry, a Bureau of Entomology, a Bureau of Soils, a Bureau of Chemistry, a Bureau of Biological Survey, a Bureau of Statistics, a Bureau of Corporations, a Bureau of Manufactures, a Bureau of Labor, a Bureau of the Census, a second Bureau of Statistics, a Bureau of Fisheries, a Bureau of Navigation, a Bureau of Immigration and Naturalization, and a Bureau of Standards. And there are many separate offices that are in effect bureaus, though not so named. If we have a Bureau of Soils, why not a bureau of children? Why a Bureau of Biological Survey or a Bureau of Standards and not a bureau for children? And are fisheries more important than children?

What sort of investigations are other bureaus of the Government making? In the sundry civil bill, which we are considering, we are asked to vote $42,000 for continuing ethnological researches among the American Indians and the Indians of Hawaii. Why not make researches into the welfare of children? Is not the examination of children as important as the "examination of the geological structure and mineral resources of the national domain?" Is not the welfare of the children of the Nation as important as "gauging streams and determining the water supply?" As important as "chemical and physical researches relating to the geology of the United States?" As important as the "investigation of structural materials, such as stone, clay, and cement?" As important as the "cause of the decrease of food fishes?" And yet for all of these other purposes we are spending great sums, many times what is asked by a children's bureau. I do not decry these other expenditures. They are desirable. But $52,000 for a children's bureau is a still more desirable expenditure.

If over $300,000 is being spent for the eradication of scabies in sheep and another $126,000 for the eradication of scabies in cattle, why not spend a small portion of those amounts to save one-fourth of our blind from being blind, to make the deaf to hear, and to give to those charged with caring for the wards of the Nation the bureau of central information, the need of which they assert.

CONCLUSION.

Let me repeat what I stated at the outset, namely, that no appropriation of $52,000 would be more blessed in its effects, be the means of bringing more happiness to many, or accomplish more for the public welfare. It is said that—

The problem of the child is the problem of the race.

And again:

Give me the child and the State shall have the man.

In our country, made up of many States, we have found it important in various directions that there should be a central bureau with information for all. In no direction is it more important than in that of children. In ancient times there were cruel systems by which the survival of the fittest was established in brutal fashion, and only infants that could stand exposure were allowed to live. Such a practice now would horrify mankind. Our doctrine, on the contrary, is that if possible "not one of these little ones should perish." In the name of the thousands of infants who perish daily for lack of parental knowledge, of the thousands of children who need not have been born blind, of the thousands of children who, though deaf, could live as do those who hear, of the thousands of orphans, of juvenile delinquents, of the underfed, of the malformed, and of the children stultified by work, I ask that this bill be enacted into law, so that the American people, for reasons selfish as well as humane, can do their full part toward guarding the interests of the child.

APPENDIX.

A PLEA FOR THE CREATION OF THE CHILDREN'S BUREAU UNDER THE DEPARTMENT OF THE INTERIOR, BY LILLIAN D. WALD, NEW YORK, MEMBER OF BOARD OF TRUSTEES OF NATIONAL CHILD LABOR COMMITTEE, HEAD WORKER HENRY STREET SETTLEMENT.

Although the national child labor committee stands sponsor for the bill introduced in Congress for the establishment in the Department of the Interior of a children's bureau, the committee can no longer claim sole guardianship of this measure, nor would it indeed desire to do so.

Two or three days ago 25,000 clergymen in these United States proclaimed once again from pulpits of all creeds the eternal message of the value of the child, outlined to their hearers the modern conception of childhood's claim upon society, and the obligations to the child of a society which has prospered by all the results of a progressive civilization. They asked their congregations, whether Jew or Gentile, to consider and support this effort to bring the child into his rightful share in the heritage of this civilization. And not only have the 25,000 clergymen and their congregations shown their desire to participate in

furthering this bill, but organizations of many diverse kinds have assumed a degree of sponsorship that indicated indisputably how universal has been its call to enlightened mind and heart. The national organizations of women's clubs, the consumers' leagues throughout the country, college and school alumnæ associations, societies for the promotions of special interests of children, the various state child labor committees, representing in their membership and executive committees education, labor, law, medicine, and business, have officially given indorsement. The press, in literally every section of the country, has given the measure serious editorial discussion and approval. Not one dissenting voice has it been possible to discover; not one utterance contradicts the principles that have been laid down by these various representatives of humanitarian thought and unselfish patriotism throughout America.

It may be at first something of a shock to hear of taking the child out of the realm of poetry and pure sentiment into the field of scientific organized care and protection; but only to the superficially sentimental could it appear that the poetry and purity of childhood might be sacrificed by using all the fruits of modern thought, study, experience, and knowledge to their advantage. "Even the least of these." What would the bureau do? What measures for the advantage of the child, the future citizen, and the country would the bureau further? What innovations in governmental functions would the bureau introduce? These are pertinent questions that may well be asked, and which must be answered to the satisfaction of the men in both Houses of Congress before we shall have the right to ask them to vote for its creation. The bureau would be a clearing house, a source of information and reliable education on all matters pertaining to the welfare of children and child life, and especially it would investigate and report upon the questions now nowhere answered in complete or unified form, and whose enormous importance to national life is so strikingly evident.

It would investigate legislation affecting children in the several States and Territories, and all other facts that have a bearing upon the health, the efficiency, the character, the happiness, and the training of children. Nothing would it do to duplicate any work now being done by state or Federal Government, but it would strengthen their work and bring into immediate usefulness all of the statistical facts that may lie in the treasure-house of any governmental department or any private association. Practical cooperation of this kind, based on intelligent sympathy, has already been assured by the far-seeing Chief of the Educational Bureau and by the head of the Census Bureau. As much of the results of their researches as would enrich the children's bureau would be laid before it almost without the asking, and yet, important as is their information and their knowledge, it covers only a part of what pertains to the whole great question of the wisest and most enlightened guardianship of our children—the most valuable natural asset of our Nation. Literally, the establishing of the Education Bureau is all that we have done that could be directly construed for the children, from which a construction might be made that we as a Nation are indifferent.

The children's bureau would not merely collect and classify information, but it would be prepared to furnish to every community in the land information that was needed, diffuse knowledge that had come through experts' study of facts valuable to the child and to the community. Many extraordinarily valuable methods have originated in America and have been seized by communities other than our own as valuable social discoveries. Other communities have had more or less haphazard legislation, and there is abundant evidence of the desire to have judicial construction to harmonize and comprehend them. As matters now are within the United States, many communities are retarded or hampered by the lack of just such information and knowledge which, if the bureau existed, could be readily available. Other communities within the United States have been placed in most advantageous positions as regards their children because of the accident of the presence of public-spirited individuals in their midst who have grasped the meaning of the Nation's true relation to the children and have been responsible for the creation of a public sentiment which makes high demands. But nowhere in the country does the Government, as such, provide information concerning vitally necessary measures for the children. Evils that are unknown or underestimated have the best chance for undisturbed existence and extension, and there, where light is most needed, there is still darkness. Ours is, for instance, the only great Nation which does not know how many children are born and how many die in each year within its borders; still less do we know how many die in infancy of preventable diseases; how many blind children might have seen light, for one-fourth of the totally blind need not have been so had the science that has proved this been made known in even the remotest sections of the country.

Registration and our statistics on these matters are but partial, and their usefulness is minimized by the unavoidable passage of time before their appearance. There could be no greater aid to the reduction of infant mortality than full and current vital statistics of children, such as no one community can obtain for itself, and for want of which young lives, born to be valuable to society, are wasted. We realize only occasionally, or after the occurrence of some tragedy, how little is known of other important incidents of the children's lives. We can not say how many are in the jails or almshouses, though periodically the country is stirred by some newspaper report such as that one of a little boy of 12 sentenced to five years in a federal penitentiary, or that of a little boy confined for some months upon a trivial charge and incarcerated with a murderer and other evil men and women in the cell of a county jail. Outside the few States which have juvenile courts there is chaos in the treatment and punishment of difficult children, and largely because of lack of knowledge concerning this important matter. This information can not be effectively obtained by private agencies. It is too vital to be left to that chance. Only the Federal Government can cover the whole field and tell us of the children with as much care as it tells of the trees or the fishes or the cotton crop.

I remember that some three years ago, when it was our pleasure to bring this suggestion before the President, his first expression of approval was, if I recall rightly, that it was "bully." It was a coincidence that the Secretary of Agriculture was departing that same morning to the South, to find out what danger to the community lurked in the appearance of the boll weevil. That brought home, with a very strong emphasis to the appeal, the fact that nothing that could have happened to the children would have called forth such official action on the part of the Government.

What measures for the advantage of the child and the country would the bureau further? No direct responsibility or administrative function for furthering new measures would be likely to fall upon the experts of a children's bureau, but, proceeding by the experience of other scientific bodies, there would be ample justification for employing the best minds of the country for the application of the knowledge gained, by using the stimulus of suggestion and education. It takes no stretch of the imagination to believe that, with the light of knowledge turned by responsible experts upon all phases of the problem of the child, the American people could be trusted if not with the immediate solution then with serious consideration, for what appears to be a national apathy is not really so in fact. What innovation in the governmental function would this introduce? This measure for the creation of a children's bureau can claim no startling originality. It would introduce no innovation—no new principle—in the functions of government. It is along the line of what we have been doing for many years to promote knowledge on other interests. On material matters, look carefully into the history of the development and present scope of the various bureaus within the authority of the Government; ample and fascinating analogies will be found.

Other countries, too, have awakened to realize the import of efficient guardianship of their children, have gathered expert information, and are using it under the leadership of trained specialists. The French call the development of this "child culture," which implies the use of scientific minds and trained powers, coordinated functions, and the protection of the state to the end of efficient manhood through a well-guarded childhood. Current literature every day shows the trend of civilized people to fix the responsibility upon the present generation to preserve and cultivate its resources, indeed charging as a crime against us any reckless waste of these. The English children's bill, already enacted, is the best example of this as regards the children. That bill is a most remarkable document indeed, covering practically every incident in the child's life that might come within the concern of the Government. Its 90 folio pages constitute a complete code and reflect not only the wide range of the Government's information, but cover every interesting phase of the development of this vital social and economic matter. A "veritable children's charter" it has been called. The forms of the English Government and ours differ. We do not desire the code; details and administration can be left to the States; but we do desire and we most urgently need information and the best means of broad publicity on all matters relating to the children that the national intelligence and conscience may be stirred. The full responsibility for the wise guardianship of these children lies upon us. We cherish belief in the children and hope, through them, for the future. But no longer can a civilized people be satisfied with the casual administration of that trust. I ask you to consider whether this call for the children's interests does not imply the call for our country's interests. Can we afford to take it? Can we afford not to take it? In the name of humanity, of social well-being, of the security of the Republic's future, let us bring the child into the sphere of our national care and solicitude.

Mr. TAWNEY. I yield to the gentleman from Nebraska [Mr. KINKAID].

[Mr. KINKAID addressed the committee. See Appendix.]

Mr. TAWNEY. Mr. Chairman, I ask for the reading of the bill.

The Clerk read as follows:

UNDER THE TREASURY DEPARTMENT.

PUBLIC BUILDINGS.

Aiken, S. C., post-office: For completion of building under present limit, $35,000.

Mr. MANN. I move to strike out the last word. With reference to these public-building items, of which there are a large number in the bill, I should like to ask the gentleman whether these items on page 1, Aiken, S. C., and Albuquerque, N. Mex., are now in process of construction?

Mr. TAWNEY. They are not in process of construction, unless the purchase and acquisition of title to the site and the preparation of plans and specifications is the beginning of construction.

I will say with reference to all of these items of appropriation for public buildings that the committee have allowed the estimates submitted by the Supervising Architect of the Treasury where construction has been begun and is now in progress, or in cases where title has been acquired and plans and specifications are under way, and where the department will need the amount estimated in order to carry on the work during the fiscal year 1910.

In all cases where the department submitted an estimate for an appropriation, stating that the site has not yet been selected, or the title not acquired, we have disallowed all of those estimates. We are justified in that further because the Supervising Architect has informed us that in cases where sites were not selected prior to January 15, the date of submitting the revised estimates, it will be impossible for him to expend any part of the money during this fiscal year if it is appropriated. Therefore in making our recommendations we drew the line upon the estimates of the Supervising Architect between those cases where construction has been begun under previous authorization, where sites have been selected and plans and specifications are now under way and the money can be expended during the fiscal year 1910, and cases where no site has been selected and where the money could not be expended during the fiscal year 1910, if appropriated.

Mr. MANN. May I ask whether, in the case of the Aiken, S. C., post-office, there has been any more done than to acquire a site?

Mr. TAWNEY. The acquisition of a site is all that I know has been done. The title is perfect in the United States and the plans and specifications are under way; and that is true of all of these cases.

Mr. MANN. Now, Mr. Chairman, I move to strike out lines 9 and 10.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, strike out lines 9 and 10.

Mr. TAWNEY. Just one word in reply to the question of the gentleman from Illinois. I will read what the Supervising Architect says in submitting the estimate:

In regard to Aiken, S. C., the site has been selected and the title vested in the Government, and in order to complete the building there the balance will be required, in amount $35,000.

Mr. MANN. Mr. Chairman, I have no feeling against Aiken, S. C., nor against the federal building to be constructed there. It has been authorized by law. There is no more occasion for striking this out than there is for striking out the other one hundred or more cases in the bill. I shall test the sense of the committee on the question.

Here we are in a position where, in my opinion, before the 1st of July we will have a deficit for this fiscal year of over $150,000,000. Do we propose to go home into the different districts and say that we are issuing bonds for the purpose of putting up federal buildings without which the public business will be as well transacted as it is now? Is that to be the proposition that we will defend throughout the country?

When the public building bill came in authorizing the buildings the country was in a prosperous condition and there was every reason to believe that the Government might easily, out of the Treasury, pay the expense of this large number of public buildings throughout the United States. We had a fat Treasury, and it was well at that time to do that which the Committee on Public Buildings and Grounds recommended and provide for the future construction of these buildings. But we are not in that condition now. Shall it be our policy to borrow money for the construction of buildings which, in the main, are merely monuments to the gentleman representing the district in Congress and not at all necessary for the operation of the business of the Government?

I have no doubt that Aiken, S. C., is a fine city, and has most estimable citizens, and an able Representative on the floor of the House; but, no doubt, the post-office business in Aiken, S. C., will progress just as well for the next few years if no public building is constructed there as it will if we borrow money for the purpose of constructing a building.

If this motion shall prevail, I shall offer a similar motion as to all the other items in this bill for the construction of public buildings where nothing further has been done than to acquire a site.

Mr. FITZGERALD. Mr. Chairman, I can not agree with my friend from Illinois on this motion. It would be an unfortunate thing if this Congress should leave scattered throughout States of the Union vacant pieces of property owned by the Federal Government as monuments to the incapacity of the Republican party to conduct business properly. [Laughter.]

Mr. MANN. They would not object to it in South Carolina I am sure. [Laughter.]

Mr. FITZGERALD. We should much prefer that the Government should go in debt rather than to permit so many monuments to be scattered throughout the country to the incapacity during recent years of the Republican party.

In this particular instance Congress appropriated $15,000 and acquired a site in Aiken, S. C. I am not much of a judge of the value of property in that particular locality, but it does seem to me that there must have been acquired a very large tract of ground upon which to place this modest-priced building to cost $35,000. At all events, the site has been acquired. The department is ready to proceed, and I am anxious to have this building erected before the town grows to such an extent, as will be shown by the census to be taken in a few years, as to compel the Representatives from that State to insist that the limit of cost be largely increased, and the expense made much greater to the Government. While I am glad to welcome the gentleman from Illinois to the ranks of the patriots who have been attempting to stop the unjustifiable taking of money from the Federal Treasury, I fear that he has commenced at the wrong place.

Later on I shall invite his attention to some instances in which a great saving can be had without any detriment to the public business. I trust that he will reserve his efforts until we reach those places in the bill, and, with our aid, stop some of the liberal appropriations that are recommended.

Mr. MANN. Oh, I think I will find some that the gentleman may not like.

Mr. TAWNEY. Mr. Chairman, it is not altogether unfortunate that the gentleman from Illinois [Mr. MANN] has made the motion he has and has made the remarks he has upon that motion. It affords an opportunity to call attention to the lateness of the hour in this session that the gentleman from Illinois and other gentlemen have deemed it necessary to commence preaching economy and calling attention to the danger to the Treasury of the United States in consequence of the anticipated deficit of $150,000,000 at the end of this fiscal year. This deficit was predicted a year ago when the Committee on Appropriations and others endeavored to keep down the expenditures without the aid of the gentleman from Illinois.

Mr. MANN. Mr. Chairman——

Mr. TAWNEY. It is also true that we have at this session of Congress——

Mr. MANN. Mr. Chairman, I am making discoveries. The gentleman from Minnesota [Mr. TAWNEY] is a great discoverer.

Mr. TAWNEY. As I started to say, Mr. Chairman, it is also true that at this session of Congress we have increased the appropriations for the army and navy in the aggregate $23,000,000, or $5,000,000 more than is necessary to meet all the appropriations carried in the sundry civil bill for the construction and completion of public buildings, when sites have been selected under previous authorization, which appropriations amount to $18,000,000. It is also true that the gentleman from Illinois only a few days ago, when the army appropriation bill was under consideration, voted in favor of appropriating $500,000 for war balloons. He is perfectly willing to expend the public money, and even to borrow money, for the purpose of exploiting the air in time of peace, but is unwilling to expend any money for public buildings and necessary internal improvements because of the deficit in the Federal Treasury. In view of the fact that we are this year, out of every dollar of our revenue, exclusive of the postal revenues, expending 70 cents for war purposes and only 30 cents for all other governmental purposes, I think, Mr. Chairman, that if we have to borrow money to meet our extravagant war expenditures in time of peace, nobody should object to borrowing money to meet expenditures for internal improvements, improvements that are permanent in their character and are intended to meet the necessities of our Government in time of peace as well as in time of war. I do not believe that the gentleman seriously thinks that there is any prospect of his amendment prevailing. Nevertheless, it serves the purpose of calling attention to the fact that we are paying no attention whatever to the Public Treasury when considering war expenditures, but are admonished to practice economy when it comes to appropriating money for the peaceful objects of our Government. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, I merely wish to say a word in answer to the remarks made by my friend from Illinois. He says these public buildings that are appropriated for in this bill are not needed. From evidence submitted to the Committee on Public Buildings and Grounds at the last session, the members of that committee concluded that they were not only needed, but very much needed in the interests of the public business, and for that reason these authorizations were made. I do not think there is a single case provided for in this bill in which the public business will not be facilitated by the erection of the public building which is here authorized; and I for one, as a humble member of the Republican party, to which reference has been made, should very much dislike to have the impression go out to the country that we have ample money to build unnecessary battle ships, but not money to build necessary public buildings. [Applause.]

Mr. GARRETT. Mr. Chairman, I should like to ask the gentleman in charge of the bill what sort of a system or rule was adopted in the appropriations made in this bill with respect to public buildings?

Mr. TAWNEY. Mr. Chairman, I have once before explained to the House that the Committee on Appropriations accepted the estimates of the department made for the purpose of erecting buildings heretofore authorized, and have also accepted the estimates for the amount which, in the judgment of the department, can be expended in the construction of buildings during the next fiscal year. Where the site for the building was selected and the title is vested in the Government prior to the submission of the revised estimates on January 15, the estimate was accepted, and in all cases where sites were not selected at that time the estimates have been rejected; and in rejecting them we have done so upon information given to us by the Supervising Architect that if the appropriations were made the money could not be expended during the fiscal year 1910.

Mr. GARRETT. Unless the site had been purchased and the title vested before January 15 no appropriation has been made in the bill.

Mr. TAWNEY. Unless the site was selected prior to January 15 the Supervising Architect informs us that there was no necessity of appropriating money, because it could not be ex-

pended because of the vast amount of work the department now has. As I recall it, they have about 175 buildings in course of construction and for which plans are being prepared.

Mr. SMITH of Iowa. If the gentleman will permit a suggestion, of course under existing law the drawing of plans is done under separate appropriations. Now, if the site has not yet been selected, the plans are not drawn, and after the title has been acquired by condemnation or otherwise, they then proceed to draw the plans to conform with the character of the site selected and money is appropriated here for the drawing of plans and all the preliminary work in the general appropriation separate from the distinct buildings.

Mr. FOSTER of Indiana. In this case where no sites are selected before the 15th of January, does the money heretofore appropriated for these buildings still remain available?

Mr. TAWNEY. The money heretofore appropriated in the cases where the site was not selected prior to the submission of the revised estimates will be available and remain available until expended, and in all cases appropriations have been made. This does not mean there will be no money remaining to go on with the preparation of plans and specifications or in the preparation of ground for the foundation or the erection of the buildings, as far as appropriation has been made. Under the previous authorization and appropriation the Supervising Architect can enter into a contract for the construction of all of these buildings, whether the site was acquired prior to January 15 or not. Therefore they can enter into a contract to go on and spend as much money as they have available during the next fiscal year.

Mr. GARRETT. If I understood the gentleman correctly, there are cases in which a site was selected before January 15 and purchase was not completed until after that time for which appropriations are made in this bill.

Mr. TAWNEY. My recollection is—I have no recollection of any cases of that kind.

Mr. SMITH of Iowa. Just one case.

Mr. TAWNEY. There may have been possibly one case.

Mr. GARRETT. What is that case?

Mr. SMITH of Iowa. That is the case of Chelsea, Mass. Exception was made in Chelsea in the hope of helping it out in a disaster by means of this prompt appropriation, but that is the only exception.

Mr. GAINES of Tennessee. May I ask the gentleman, in the post-office and public buildings bill of last session $5,000 was appropriated for a site at Springfield, Tenn., and the case is in this condition: I have been trying for months to get as prompt a report on it as I could and I find from information received from the Treasury Department that the Government has now abandoned getting it otherwise than by a friendly condemnation proceeding.

Mr. TAWNEY. I will say to the gentleman from Tennessee there is no estimate submitted at all for that.

Mr. GAINES of Tennessee. I am just trying to get at the exact legal status in reference to this money. Now, here is a case where we appropriated $5,000 for a site, and the district attorney at Nashville (Mr. Tillman) was directed to investigate the title, and he found a flaw in it, and he so reported to the department, and the department informs me that some time ago a friendly condemnation proceeding had been agreed on, and that proceeding is now proceeding. As I understand, in a case of that sort no money is carried in this bill to put up a suitable structure or additional money to pay for a site. That $5,000 has already been appropriated, but it seems the Government has been unable to get the title.

Mr. TAWNEY. That is the exact situation.

Mr. BARTHOLDT. But that will not cause any delay necessarily, because for the Supervising Architect to carry out the provision of the last public-buildings bill it will not be reached anyway before the next fiscal year.

Mr. GAINES of Tennessee. Now, another proposition. If the title had been all right and had been vested in the Government in time before this bill was passed and appropriation made for the superstructure, would the appropriation be carried in this bill in that case?

Mr. BARTHOLDT. The appropriation would have been carried in this bill in that case.

Mr. GARRETT. Mr. Chairman, I want to get clear in my mind now—it was clear in the mind of the gentleman from Minnesota, of course, if not exactly clear to me—there is no appropriation carried in this bill for any buildings except where the site has been selected and the title put in the Government prior to January 15 of this year, except, as I understand, in the case of Chelsea.

Mr. TAWNEY. That is the only exception.

Mr. GARRETT. That is the only exception?

Mr. TAWNEY. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I hope that my friend from Missouri, the chairman of the Committee on Public Buildings and Grounds, did not misunderstand what I said before, though I fear he misunderstood what I intended to say. I have no criticism of the authorization of the building at Aiken, S. C., or the other public buildings which have been authorized through his committee. I do not doubt that it is advisable to construct a public building at Aiken, S. C., and at the other places named. I have no hesitation in believing that it will be a fine thing for the business of the Government in the end; but I decidedly doubt the advisability of the Government, with an empty Treasury, attempting to construct public improvements of that kind when the business of the post-office at Aiken, S. C., will not suffer in the slightest degree if the public building there be delayed for several years longer, or at least until after we have passed a revenue measure which will bring into the Treasury as much income as there is outgo.

Now, my genial friend from Minnesota [Mr. TAWNEY] hoped that I might have come sooner to his aid in saving the revenues of the Government. It is true, Mr. Chairman, that I advocated on the floor of this House an appropriation for a balloon; but if I had known of the hot air that the gentleman himself proposed to indulge in, I would not have favored a gas-manufacturing establishment with which to fill the balloon. [Laughter.]

Mr. SMITH of Iowa. Will my friend permit me to ask him a question?

Mr. MANN. I always yield to the gentleman.

Mr. SMITH of Iowa. If the gentleman knew, when he voted for the $500,000 for a balloon, that $100,000 of it in the specifications were for a gas-bag garage, did he really think we needed that public building more than some of these other public buildings?

Mr. MANN. I certainly think we need it much more. We have no need at present, so far as the present needs are concerned, for many of the public buildings in this bill. The Government of the United States ought to make experiments with war balloons some day, and the gentlemen who are now quarreling over that will regret that they were the cause of defeating that appropriation, worth more many times over than all of the buildings provided for in this bill. But I wish to remind the gentleman from Minnesota [Mr. TAWNEY] that he is slightly derelict in his memory. He only recalls one instance in which I advocated an appropriation which he was opposing. I wonder if he did not think of the playgrounds, for which an appropriation of $15,000 was desired; and it is proposed now to appropriate millions of dollars which are not needed because I advocated $15,000 for the children. The gentleman's memory is getting poor and weak. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 6, noes 61.

So the amendment was rejected.

The Clerk read as follows:

Baltimore, Md., post-office: Not to exceed $5,000 of the appropriation heretofore made for the extension of the post-office is made available for the installation of street railway tracks on the site of said building, including the necessary connections with the street railway tracks in adjacent streets.

Mr. SULZER. Mr. Chairman, this is the birthday of George Washington—one of the greatest and grandest and most glorious characters in all history. With all lovers of liberty I appreciate his sterling character, his determination, his perseverance, and his self-sacrificing patriotism. There will never be but one Washington in America. He stands alone in the annals of our country—revered and respected and beloved by every friend of freedom. It was peculiarly appropriate that his Farewell Address should be read this morning in the House of Representatives. At the conclusion of the reading of that address I rose in my place and asked unanimous consent to have read an editorial from yesterday's New York American entitled "Washington's inspiration," and, I regret to say, the gentleman from Mississippi [Mr. WILLIAMS] objected. I know not who wrote this editorial, but it is one of the best I have ever read. It is timely and appropriate and one of the best short essays on George Washington that it has ever been my good fortune to read. It should be read by every ambitious and patriotic youth in the land. It ought to be preserved in the CONGRESSIONAL

RECORD, and I now ask unanimous consent to have it read as part of my remarks.

The CHAIRMAN. There being no objection, the Clerk will read.

The Clerk read as follows:

WASHINGTON'S INSPIRATION.

Every American to-morrow will celebrate the birthday of George Washington. That is a birthday that will never be forgotten while liberty, or even the hope of liberty, shall exist in this country.

Among the great men of this Nation and of the world Washington stands out as the representative of courage, fixed purpose, that no defeat or disappointment could destroy.

Washington stands as the quiet, brave man among the world's great heroes.

Thanks to the public schools, there are few men, women, or children in this country that lack a fairly comprehensive idea of Washington. We see in him the big, mental and physically powerful upholder of liberty and of justifiable revolution.

We are encouraged in every one of our struggles of government by the memory that Washington was, above everything else, a rebel. He was no man bowing the neck meekly before injustice, prostituting the name of law. He looked at acts, at conditions of life, at the will of the people. You could not blind him with talk of law, or established rights, or tradition, or precedent.

He had been a soldier under the command of England. But that did not keep him from leading the rebellion against England when he knew that she was wrong and that America was right.

He was a rich man, and died one of the richest men in this country. That did not prevent his sympathizing with those that were not rich. It did not prevent his siding against the horde of cowardly rich that cluttered up New York's island and that protested against everything done in the name of liberty or ran away to Europe.

Washington was the great, strong rebel against injustice. He was slow to make up his mind; his name does not figure among the fiery orators that asked for liberty or death. But when everything was done, the name of George Washington stood out as that of a man who had carried the load, fought the fights, endured disappointment, ingratitude, the cowardice of enlisted troops, and all the other burdens of a man who tries to work for the people.

The whole world recognizes the grandeur of Washington's character. The people of America should celebrate his birthday not merely with praise of him or study of his character. The best way to celebrate the birthday of Washington is to make ourselves better Americans, more worthy of this country that he took from England, more determined to resist taxation without representation, as he resisted it, whether that taxation be put on our backs by the English in 1776 or by the money king of 1909.

We can't be worthy of Washington by admiring Washington or thinking about him or praising him. To deserve such a man as that, men of the Nation should try to be like him.

We can't all be physical giants, as he was. We can't create artificially within ourselves the wonderful, patient, plodding courage, the unbelievable persistence that that man showed in his long, uphill fight.

But every man, the weakest even, can, if he will, imitate Washington in one respect. The least of us can take for guiding star one idea, one inspiring purpose or belief, and stick to that.

This picture ingeniously presents the flag of this country in the form of a blazing torch lighting up Washington's hour of disappointment and sorrow.

You know that Washington wasn't a man of victories, but a man of many defeats. He had raw and unreliable troops. And these troops didn't by any means consist exclusively of heroes. He was forever retreating, forever enduring disappointment, and the most frequent disappointment was the sight of the coat tails of vanishing soldiers that had enough of fighting and left Washington to fight it out alone.

He did fight it out. Always before him there were the light and the hope of a free nation. He was determined to make this country free.

He was determined to beat the English and to drive them out. He was determined that the people of America should rule in America, and should not submit to a foreign king or a foreign people or a foreign parliament.

He never dropped that thought for one moment, and therefore they could not beat him. He did last, he did fight, he did drive out the English, and he made this people free, free to rule themselves within their own borders.

That is the George Washington that Americans of to-day should think about, the man determined that the people should rule themselves.

We need a George Washington now.

We need great leaders, plain citizens imbued with the one idea of liberty, real liberty, real freedom, not the second-rate, sham freedom that casts an unthinking ballot and accepts dictation and taxation from the cunning money rulers by whom the ballot was written and the candidates nominated.

We haven't any intention of basing upon Washington's birthday any special political sermon. We don't wish to imitate the well-meaning person who got up at the funeral and said that if nobody objected he would like to say a few words about the single tax.

We are not going to use a birthday or a funeral for any special theorizing.

We do say to the men who read this paper that they and this country need persistent principle. They need some of that courage that isn't beaten down by one defeat, or ten, or twenty.

America needs men to whom the idea is the thing, and victory or defeat a secondary matter.

This one inspiring idea we need, not only in our political life, which has degenerated into a mere imitation of freedom and democratic government, but in our individual lives as well.

Half of the men and women in the world, and more than half, are like boats drifting on the water without a rudder, or a compass, or a chart, or a destination. With the pangs of birth they are launched upon the sea of life, and they drift. One current drives them this way, another that way, and then a breeze of public opinion or neighborhood gossip springs up and drives them somewhere else. They drift here and there and back again, and at the end they drift into the local graveyard, having gone nowhere and done nothing.

It is all for lack of a purpose, an inspiration.

What is there that you can do? What is there that you want to do? What work within your power is worthy of an earnest human being? Make up your mind about that, and then stick to it, as Washington stuck to his idea of American independence.

Pick out some one thing, plan out for yourselves some one direction. Start in the right way and steer straight, and keep at it. There's very little competition in the world. And of real determination there's less than of any other quality.

Washington won because he was a determined man. There were no Washingtons competing with him, and yet absolute determination might have made a Washington out of any one of a dozen of those that he tired out and defeated in the end.

We can't have marvelous genius and intelligence. Those things are born in a man. But Washington did not have them. He hadn't the eloquence of Patrick Henry. He hadn't the political genius of Jefferson, or the wit or intellect of Franklin. Around him there were men that could eclipse him in everything except dogged determination. There they couldn't beat him. And that quality in George Washington beat England and freed this country.

Don't you suppose that the quality that drove the English out of America and established this Nation could settle your little problems for you? Try it and see.

Look at this picture of Washington—a crude enough picture in our quick-printing processes, but a splendidly ideal picture.

Get into your life an idea that shall light up the blackest moment, let yourself be guided by an inspiring thought and purpose. It will make defeat often repeated more glorious than some cheap victory.

Think over Washington to-day, and on his birthday to-morrow, and see if you can't get out of his life a part of that one quality which made it great, and put it into your own life.

Determination will make any man succeed.

The Clerk read as follows:

Beaumont, Tex., public building: Not to exceed $800 of the appropriation heretofore made for the public building at Beaumont, Tex., is made available to acquire, by condemnation or otherwise, additional land for enlargement of site for said building.

Mr. BARTHOLDT. Mr. Chairman, I notice there are several items in this bill which are also contained in a public-building bill which was passed here last Friday. I should like to ask the chairman of the Committee on Appropriations, more for advice than anything else, as to whether it would be well to provide for these necessities in two bills, or whether these items might be stricken out of this bill and left in the other? I want to be entirely frank in this matter. There is a possibility of the public-building bill which passed last Friday failing for the reason that I understand an effort may be made in the other House to load it down with appropriations. We in this House have pursued a policy in this session of not allowing any new appropriations; hence, if the other House insist on making them for the Senators, I, as a member of the conference, would be justified in insisting that they be also made for Members of this House, or that the whole bill fail. So with this situation I would like to hear the chairman of the committee.

Mr. TAWNEY. Mr. Chairman, I would say that I have no objection whatever to the several provisions referred to by the gentleman from Missouri going out of this bill. But I would suggest to him that none of them involve any additional appropriations. They are merely a transfer of part of the appropriation made for the building to the purchase of additional land for sites. But the better plan, the safest plan, in view of the fact that these changes are absolutely necessary, would be to let them pass the House in this bill; then if there is a likelihood of the public-buildings bill passing, so that they would be in both bills, the bill could be amended in the Senate and these provisions stricken out. If the public-buildings bill fails, then this bill would be in conference, and we could put them back in.

Mr. BARTHOLDT. Mr. Chairman, I have no objection to these items being retained in this bill.

Mr. DAWSON. But the gentleman from Missouri says they carry appropriations as well as transfers.

Mr. BARTHOLDT. No appropriation.

Mr. DAWSON. It would hardly be the same legislation as this.

Mr. BARTHOLDT. Exactly the same legislation.

Mr. TAWNEY. The items that he refers to carry no appropriation at all. They are transfers of an appropriation previously made.

Mr. SMITH of Arizona. I would like to ask the chairman of the Committee on Public Buildings and Grounds what proposition, if any, is made in this bill or any other for those buildings that were provided for in the last general public buildings bill of last Congress?

Mr. BARTHOLDT. As has been explained a little while ago, Mr. Chairman, in all cases where the sites have been purchased and title vested in the Government before January 15, the Committee on Appropriations has inserted an appropriation for that respective building. Where the title has not been vested in the Government up to January 15, no provision is made in this bill.

Mr. SMITH of Arizona. What provision is made, if any, for buildings provided for other than appropriations made providing for the plans of the buildings?

Mr. TAWNEY. All of them. An appropriation is carried in this bill for that purpose.

Mr. BARTLETT of Georgia. The gentleman is mistaken about those buildings in which the titles have not been vested

in the Government. If he will consult the letter of the Supervising Architect of the Treasury printed in the hearings, he will find the statement is not borne out by the facts. The committee has reported appropriations for buildings where the title to the property has not been vested in the Government.

Mr. TAWNEY. There is one.

Mr. BARTLETT of Georgia. There is more than one.

Mr. SMITH of Iowa. There are more cases than that. The sites have been selected in every case where the transfer of the appropriation has been made except Chelsea.

Mr. BARTLETT of Georgia. Up to what time?

Mr. SMITH of Iowa. Up to the 15th of January, the time the report was made, there was absolutely no exception except Chelsea, and in every case where it had been requested it had been refused; the only case excepted was that of Chelsea in the hope that it might help them on account of the fire there.

Mr. BARTLETT of Georgia. Where the site had not been vested; there are a number of places where the Supervising Architect reported that the title had not vested in the Government, and yet they are provided for.

Mr. TAWNEY. But there is no objection to that, I hope.

Mr. BARTLETT of Georgia. I was not objecting; I was speaking of some being put in and of some being left out.

Mr. GARRETT. If this is a matter of selection by system it is all right; if by cancellation it is not.

Mr. BARTHOLDT. There is absolutely only one exception in the United States, and that is the town of Chelsea.

Mr. BARTLETT of Georgia. I think they did right about that.

Mr. GARRETT. I think so, too.

The Clerk read as follows:

Beloit, Wis., post-office: For completion of building under present limit, $55,000.

Mr. COOPER of Wisconsin. Mr. Chairman, I should like to ask the gentleman from Minnesota a question. I notice on page 16 of the hearings a statement of buildings appropriated for, but not in course of construction. Beloit, Wis., is omitted, but Beloit, Kans., is in that list. Over on page 38, however, I see provision for Beloit, Wis.

Mr. BARTHOLDT. It is in the bill.

Mr. COOPER of Wisconsin. I know it is in the bill; but I did not want, at any other place or time, any statement made that it did not come from the Treasury Department.

Mr. TAWNEY. If the gentleman will look at page 38 of the hearings, containing the revised estimate, and a part of the report from which he was reading, he will observe that the memorandum accompanying the estimate for Beloit, Wis., is this:

The site has been selected and the title vested in the Government, and in order to complete the building thereon the balance will be required, in amount $55,000.

Mr. COOPER of Wisconsin. I was relying upon this table on page 16.

Mr. TAWNEY. Construction has not yet begun in the case of Beloit, Wis.

The Clerk read as follows:

Cleveland, Ohio, rent of buildings: For rent of temporary quarters for the accommodation of government officials, $51,428.20, or so much thereof as may be necessary.

Mr. SABATH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice here an appropriation of $51,000 for rent of buildings in Cleveland. Is that for one year, or for what length of time?

Mr. TAWNEY. That is for the fiscal year 1910, or for the year beginning July 1, 1909. That is for the rent of buildings to accommodate the post-office necessities of the city of Cleveland.

Mr. SABATH. It does not so state. The bill states:

For rent of temporary quarters for the accommodation of government officials.

It does not say it is for a post-office. Is it for a post-office?

Mr. TAWNEY. Yes.

Mr. SABATH. And for all the other federal offices?

Mr. TAWNEY. All that will be accommodated in the federal building when it is completed.

Mr. SABATH. Can the gentleman state about how many years it will take to complete that building?

Mr. TAWNEY. I refer the gentleman to the Supervising Architect of the Treasury Department for an answer. I can not state.

Mr. MANN. This bill provides for the completion of the building.

Mr. SABATH. But it does not say when it will be completed. I know we had an experience in Chicago, where we were obliged to pay rent for about ten or twelve years.

Mr. FITZGERALD. The gentleman must remember that all western cities are not like Chicago.

Mr. SABATH. I know, but the city of Chicago was not responsible for the delay. It was the department.

Mr. MANN. The gentleman must remember that Chicago has been much more rapid about getting public buildings completed than New York City has.

Mr. SABATH. Chicago needs the public buildings more than New York, because it is increasing in population much faster than New York.

Mr. TAWNEY. I will say to the gentleman that the amount carried in this bill, $51,428.20, for rent of temporary quarters for the accomodation of government officials, is the same amount that has been appropriated every year since 1907. Prior to that the amount was in excess of that figure. For 1906 it was $54,000.

Mr. SABATH. What I am anxious to know is, how long will that continue?

Mr. TAWNEY. The limit of cost is $3,775,000. The appropriations up to date amount to $2,750,000, and the estimate for this year is $1,025,000. It is supposed to be completed within the next fiscal year.

Mr. SABATH. Let us hope so.

Mr. BURTON of Ohio. I trust the information is satisfactory to the gentleman. The contract has recently been let for the completion of the interior finish, and that will complete the building. There has been a good deal of delay in the building, for which the community has not been responsible.

Mr. SABATH. Who is responsible for these delays in building public buildings?

Mr. BURTON of Ohio. I do not know that anybody is. That is too complicated a question for me to answer.

The Clerk read as follows:

Crookston, Minn., post-office: For site and completion of building under present limit, $20,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, to correct a misprint.

The Clerk read as follows:

On page 10, line 14, strike out the word "twenty" and insert the word "twenty-five."

The amendment was agreed to.

The Clerk read as follows:

Eugene, Oreg., post-office: For site and completion of building under present limit, $20,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of line 19, page 13, insert:
"Everett, Wash., for site and completion of building under present limit, $30,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I trust the chairman of the committee will accept this amendment, as this item was left out by mistake. The site has been selected and the appropriation has been made for the construction of the building, and under the rule laid down by the committee they ought to accept the amendment. It arose through a mistake made by the department.

Mr. GAINES of Tennessee. How did the mistake occur?

Mr. HUMPHREY of Washington. I presume the department became confused between two post-offices; in one they reported that a site had been purchased when it had not, and the other that it had not been purchased when it had.

Mr. TAWNEY. The facts were these: The department reported to Congress that no site had been selected for the office at Everett. They reported that a site had been selected for Walla Walla, Wash. It now appears the site has been selected for Everett and no site has been selected at Walla Walla.

Mr. GAINES of Tennessee. Has the title to the site been vested in the Government at Everett?

Mr. HUMPHREY of Washington. No; but it has been selected and the contract closed.

Mr. GAINES of Tennessee. It has been "selected" in my case since last December, but as yet no title has been vested in the Government. The chairman of the committee has stated that where the title had not been vested in the Government no appropriation was carried in the bill.

Mr. TAWNEY. Oh, no; the gentleman misunderstood me. In the case that the gentleman from Tennessee alludes to the department made no estimate whatever, because the controversy as to condemnation proceedings were pending in the matter, and they made no estimate at all.

Mr. GAINES of Tennessee. I understand that.

Mr. TAWNEY. Of course the committee would have no jurisdiction or right to insert any appropriation here for a public building not authorized and where there had been no estimate submitted.

Mr. GAINES of Tennessee. The government officials have been trying to get title and have not been able to get it and

have had to resort to condemnation proceedings, which are now pending, as stated. I simply wanted to know if the case of the gentleman from Washington was in any way like mine. It seems that it is not, but I hope that he will get the appropriation if he is due it.

Mr. HUMPHREY of Washington. It is not like mine. In this case the department has selected a site and has obligated itself to take it, and there is no controversy about it.

Mr. TAWNEY. When was the site selected?

Mr. HUMPHREY of Washington. I do not know.

Mr. BARTLETT of Georgia. The appropriation for Walla Walla will have to be stricken out, then.

Mr. TAWNEY. Yes; if that is the fact.

Mr. HUMPHREY of Washington. The error has probably arisen in confusing these two offices.

Mr. GAINES of Tennessee. There is no doubt in the world but that the Government is going to take the lot selected in my case; but the title is not in the Government, and that is the case of the gentleman from Washington.

Mr. HUMPHREY of Washington. There is no trouble about the selection of the site in my case.

Mr. TAWNEY. If the gentleman from Washington can inform the committee as to whether the site has been selected at Everett and not Walla Walla, I have no objection to making the change by striking out Walla Walla and carrying Everett, but I have no information from the department.

Mr. HUMPHREY of Washington. I do not want to consent to the striking out of Walla Walla.

Mr. TAWNEY. If the circumstances are as stated by the gentleman from Washington, Walla Walla will go out if Everett goes in, because we have undertaken to carry out the policy of appropriating where the site has been selected prior to the time the revised estimate was submitted; and we do not intend to carry any appropriation for construction of a building where a site has not been selected, for the reason that the department says that they can not spend the money if we make the appropriations, and it seems ridiculous to make an appropriation for the construction of a building where the appropriation can not be expended in the next fiscal year.

Mr. HUMPHREY of Washington. I agree with the gentleman.

Mr. TAWNEY. Just sets aside that much of the current revenue of the next fiscal year that can be of no service until the following fiscal year.

Mr. GAINES of Tennessee. What does the gentleman mean by the term "when the site has been selected?"

Mr. TAWNEY. I mean the site has been selected and that fact reported to the committee. We have in every case, with the exception of the case mentioned by my colleague, the gentleman from Iowa [Mr. SMITH], Chelsea, Mass., allowed the appropriation estimated; but where the site has not been selected, or was not selected at the time this report was submitted to us, no appropriation has been carried, for the reason that the money can not be expended.

Mr. GAINES of Tennessee. Is the site supposed to be selected simply when the department has picked out a lot, but the title has not been passed?

Mr. TAWNEY. If the site has been selected by the Government, it has been accepted, although deeds of conveyance may not have passed between the owner and the Government.

Mr. GAINES of Tennessee. My understanding is that until title has been vested in the Government the department does not consider the lot has been "selected." Of course I suppose that is because the title may fail and the Government may not be able to get it unless it condemns and takes it, and I think that is my case.

Mr. HUMPHREY of Washington. This amendment comes squarely within the rule laid down by the committee, and it was for the purpose of calling the attention of the committee to this mistake that I offered the amendment. Therefore I ask for a vote.

Mr. TAWNEY. Mr. Chairman, before the vote is taken I would like to ask the gentleman what information he has as to the selection of the site for Everett, whether the department has advised him the site has been selected, and when?

Mr. HUMPHREY of Washington. They have. I was in communication with Mr. Beekman Winthrop, who has charge of this matter in the Treasury Department, and he informed me that the site has been selected, and I advised him then to call up the Committee on Appropriations, and he did have some conversation, I think, with that committee. There is no question about the facts in the case.

Mr. TAWNEY. I will say to the gentleman that I am informed that the gentleman to whom he refers, and who communicated with the Committee on Appropriations, did not even know that this letter of January 15 had been sent to the committee.

Mr. HUMPHREY of Washington. I think that is true. He did not know it.

Mr. TAWNEY. I would suggest to the gentleman from Washington that he allow this provision and amendment to pass over without prejudice until I can ascertain from the Supervising Architect what the facts are.

Mr. GAINES of Tennessee. Will the gentleman read that letter from the department?

Mr. TAWNEY. It is printed in the hearings.

Mr. HUMPHREY of Washington. If I can have the attention of the gentleman a minute, I will state I have no objection to that being done. As far as the attention of the gentleman to whom I referred not having been called to that letter, I am not surprised he did not know about it, because if he had known, it probably would not have contained the errors that are in it.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that his amendment may be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Marlboro, Mass., post-office: For continuation of building under present limit, $40,000.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word. Following the paragraph that has just been read should appear, Maryville, Mo. In the last session a building was authorized there and $50,000 appropriated. As I understand the statement of the chairman of the committee, no additional appropriations are to be made this year unless the site had been selected before the 15th of January. Now, I understand the site was selected there before that time, but the title was not vested in the Government; and if by selecting the site is meant vesting the title, why, of course the title had not vested before the 15th of January.

Mr. TAWNEY. The Treasury Department reports to the committee the site has not been selected for the Maryville post-office, Maryville, Mo.

Mr. BOOHER. On the 15th of January?

Mr. TAWNEY. That is in the report dated January 15.

Mr. BOOHER. I was notified by the department during the holidays that the site had been selected and where it was selected, but the deeds had not passed.

Mr. TAWNEY. I will say to the gentleman from Missouri that on Saturday of last week the Supervising Architect, after this bill was reported, authorized me to say to any Member of the House who was interested in the appropriations for buildings in his district, that in no case, even if the full amount up to the limit of cost was appropriated where the sites for buildings had not been selected and approved by January 15, could a dollar of the money be expended during the next fiscal year; that the amount of work they had on hand would be all and more than they could perform.

Mr. BOOHER. Then nothing would be accomplished by making an appropriation for that building at this time?

Mr. TAWNEY. Nothing whatever, except that the amount would be set aside out of current revenues to meet this appropriation to be expended in the year 1911.

Mr. BOOHER. And nothing will be lost?

Mr. TAWNEY. Nothing will be lost.

The Clerk read as follows:

Milford, Mass., post-office: For site and completion of building under present limit, $55,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, after line 11, add:

"Milledgeville, Ga., post-office: For completion of building under present limit, $30,000."

Mr. BARTLETT of Georgia. Mr. Chairman, I find in the hearings before the committee a letter from the Supervising Architect of the Treasury, dated January 8, in which the statement is made that "the site for this building had not yet been selected, but that one would probably be selected in the near future, and that in order to complete the building it would be necessary that the balance be appropriated in the amount, $30,000." Since that time, a very few days after the 8th of January, this site was selected and was approved; in fact, the agent of the Government had reported upon the site that has been selected. The titles have been made, and I do not know why they have not been approved. There is no trouble about the title, and the only question now why it has not been approved is the Attorney-General has not completed the approval of the

titles. In other words, the proposition to build this building at Milledgeville occupies the same position as Waycross, Ga., and one or two other towns that are mentioned in this bill, where the Government has selected a site but the title has not vested in the Government.

The Government in this case has already gotten the titles, the titles have been made, and the only question is whether the Attorney-General will approve them. Now, in my opinion, I believe this amount ought to be appropriated. First, there was $50,000 appropriated in the public-buildings bill. Of that $20,000 has been appropriated and made available. The site has cost $10,000, and now as early as the 8th of January the Supervising Architect recommended that the other $30,000 be appropriated. The site has been selected and approved, all the titles have been made to the Government and this occupies a position where the amount asked for ought to be appropriated. I hope it will be, as there is no reason why it should not be.

Mr. TAWNEY. Mr. Chairman, I am sorry indeed to oppose the amendment offered by the gentleman from Georgia, but I want to say to the committee that the total estimates for public buildings submitted to Congress aggregate, in round numbers, $23,000,000. Now, the amount recommended by the committee is $18,000,000, in round numbers. To ascertain whether or not any reduction of the estimates could be made, the committee necessarily inquired into the question of whether, if the amount estimated for was all appropriated, that amount could be expended during the next fiscal year, and we ascertained that in those cases where sites had not been selected prior to the time of submitting this report that if we made the appropriation the money could not be expended, and therefore the committee concluded not to appropriate money that could not be expended.

By adopting that policy we reduced the estimates $5,000,000. Now, if this amendment is adopted then we may as well go back and take in all the other buildings in which Members of the House are interested——

Mr. BARTLETT of Georgia. Will the gentleman permit——

Mr. TAWNEY (continuing). For which appropriations have heretofore been made and which have been authorized by law. In that event we will appropriate $5,000,000 that can not be expended during the fiscal year 1910.

Mr. BARTLETT of Georgia. Oh, no, Mr. Chairman, there are not a great many that occupy the same position that this case does. That site has been selected, and the approval was not made because I happened to be on a visit to Panama on official business, and——

Mr. TAWNEY. I can not answer that.

Mr. BARTLETT of Georgia. I can, and the gentleman ought to take my word for it, certainly.

Mr. TAWNEY. I would accept the gentleman's word for anything. I accept the word of the gentleman on anything or on any subject, but, Mr. Chairman, we have to discriminate somewhere; we must distinguish between the appropriations for previous authorizations, and the discriminations made here are in those cases where the money can be expended and where the money can not be expended. Now, I want to say a word, if the gentleman will permit me, that, in my judgment, there are about $8,000,000 recommended in this bill for public buildings that will not be expended during the fiscal year 1910. In fact the Secretary of the Treasury recommended to Congress an appropriation of a lump sum of $10,000,000, which would be all that, in his judgment, could be expended on previous authorization. This would have allowed him to spend it wherever he saw fit——

Mr. ADAMSON. Will the gentleman from Minnesota permit me to interrupt him——

Mr. TAWNEY. In just a moment. (Continuing.) But the committee did not feel justified in departing from the established rule and custom of the House, which is to specifically appropriate for the various buildings under existing authorizations, so that every Member would know the amount made available for carrying on the construction of the building in which he was particularly interested. Had we followed the recommendation of the Secretary of the Treasury, no Member would have known whether his building or the building authorized in his congressional district would be advanced in construction during the next fiscal year or not, so we have recommended all they can possibly expend, and, in my judgment, have given them more than can be expended.

If the gentleman from Georgia [Mr. BARTLETT] will point out to me that the appropriation which he now has of $20,000 will not be sufficient to enable the department to do all that can be done on his building during the next fiscal year, I will not object to increasing the amount; but in view of the fact that the site, if it has been selected at all, has been selected only recently—and I do not doubt but that it has been selected—the title has not yet passed, plans and specifications are not yet prepared, and they have $20,000 now available for the purpose of beginning work, and the contract for the entire building can be let under the existing authorization and the existing appropriation. Therefore $20,000 being all that can be expended during the next fiscal year, and that amount being now available, I do not see any good reason why an exception should be made in this particular case.

I now yield to the gentleman's colleague [Mr. ADAMSON].

Mr. BARTLETT of Georgia. Surely the gentleman will permit me right here to ask him a question?

Mr. ADAMSON. I yield to my colleague from Georgia [Mr. BARTLETT].

Mr. TAWNEY. I first promised to yield to the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I hope the time will be extended five minutes in order to answer our questions.

Mr. BARTLETT of Georgia. I wanted to say to the gentleman that the reason I can not give him the exact date of the approval and selection of the site is that this is a holiday, and there is no access to the records of the Treasury Department to-day, or I would have undertaken to do it. If the gentleman will permit this amendment to go over——

Mr. TAWNEY. Does the gentleman from Georgia [Mr. BARTLETT] think that the work on his building or site is going to be delayed by reason of not securing money which the department says can not be expended during the next fiscal year?

Mr. BARTLETT of Georgia. Do I understand the gentleman to say that the Supervising Architect says that if he had this money he could not expend it?

Mr. TAWNEY. The Supervising Architect informed the committee, and authorized me to state to the Members of the House, that the money could not be expended in cases where sites had not been selected prior to the time this report was submitted.

Mr. BARTLETT of Georgia. That is not this case.

Mr. TAWNEY. He has so reported.

Mr. ADAMSON. I merely wanted to understand, Mr. Chairman, the information that the gentleman from Minnesota [Mr. TAWNEY] has on this question. I am in the same boat exactly with my colleague in this matter. I had a site purchased at Lagrange, Ga., for $8,000, with appropriation available of $20,000, and I want to know if the gentleman has any information that more money than the remaining $12,000 can not be expended during the next fiscal year, or if the building will not be delayed by reason of lack of funds?

Mr. TAWNEY. I have the statement of the Supervising Architect, in charge of this public construction——

Mr. ADAMSON (continuing). Because if it is necessary——

Mr. TAWNEY (continuing). And the Supervising Architect gave in detail the number of buildings now in the course of construction, and where the plans and specifications are prepared, or nearly prepared, so that the contract for the construction can be let; and he says it is impossible for him to do any more with any amount.

Mr. ADAMSON. If it were possible to accelerate the building by making the increased appropriation now, I think it ought to be made now.

Mr. TAWNEY. So do I, and they would have so recommended if that were so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. JOHNSON. I want to say, for the information of the committee, that the Supervising Architect has just about completed the plans for the buildings that were authorized in 1906, and those of us who had public buildings provided for in the act of 1908 will not likely find our plans perfected and the department ready to proceed with the construction of our buildings during the next fiscal year, unless some provision is made for an additional force in the Supervising Architect's Office to make these plans.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Newark, Ohio, post-office: For site and continuation of building under present limit, $15,000.

Mr. ASHBROOK. I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill a question in reference to this item. By a former act $90,000 was authorized for the purpose of acquiring a site and erecting a public building at Newark, Ohio. The site was accepted, acquired, and paid for some time last summer. Eighteen thousand dollars, I believe, was the consideration for the site, which

would leave $72,000 for the building. I would like to inquire of the chairman of this committee why only $15,000 was made available, when I understand the contract is to be let this spring for the building?

Mr. TAWNEY. I would say to the gentleman that the item of appropriation is on a building the limit of cost of which was $90,000.

Mr. ASHBROOK. That is right.

Mr. TAWNEY. There has been appropriated $60,000 already.

Mr. ASHBROOK. You say has already been made?

Mr. TAWNEY. Yes, sir; already made. Now, the Supervising Architect in submitting his estimates said:

The site has been selected and the title vested in the Government, and in order to continue the building there will be required of the balance $15,000.

There is a balance of $30,000, and we have given all that can be expended on the building in continuing the building for the fiscal year 1910.

Mr. ASHBROOK. That is satisfactory.

The Clerk read as follows:

New York barge office: For continuation of reconstruction of annex, and building pier in connection therewith, $100,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, to form an additional paragraph.

The Clerk read as follows:

Page 26, after line 22, insert:

"For purchase of necessary materials and equipment and for all necessary service for the installation, cost not to exceed $175,000, of pneumatic-tube service between the new custom-house and appraisers' stores, New York, N. Y., $175,000, or so much thereof as may be necessary."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Red Wing, Minn., post-office: For site and completion of building under present limit, including $2,500 to reimburse the construction fund for extraordinary expenses incurred on account of foundation work, $12,500.

Mr. SABATH. Mr. Chairman, for the purpose of asking a question, I move to strike out the last word. The sum of $12,500 is appropriated on page 30, line 11, for Red Wing, Minn. It states "for extraordinary expenses incurred on account of foundation work."

Mr. TAWNEY. The object is stated in the language of the bill. Why this is necessary, I will state to the gentleman. After the contract was let for the foundation for this building a defect was discovered in the foundation which could not have been ascertained or known prior to the work on the foundation. This defect necessitated the expenditure of an additional amount for the construction of the foundation.

Mr. SABATH. Who was responsible for the defect in the foundation—the contractor?

Mr. TAWNEY. No; the city of Red Wing is built on the banks of the Mississippi River. I understand there was in the early days a livery stable, since torn down and covered over so that its existence was not known, where the site for this building was selected. When they commenced work on the foundation, they were compelled to go much deeper than they anticipated. This fact was not ascertained and could not be ascertained prior to their beginning work on the foundation. Now, because of this additional cost in the foundation the appropriation will have to be increased; otherwise there will not be sufficient money to build a building of sufficient size to meet the needs of this growing and most prosperous city of my State. I would say to the gentleman that Red Wing is not in my district.

Mr. SABATH. And the department and Supervising Architect are willing to recommend the $12,500 in addition to the original contract?

Mr. TAWNEY. Yes; the Supervising Architect has recommended it in order to continue the work on the foundation and to complete the building.

The Clerk read as follows:

For rent of temporary quarters for the accommodation of government officials at Richmond, Va., $20,000.

Mr. ENGLEBRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 30, after line 21, insert the following:

"Riverside, Cal., post-office: For site, continuation of building, under present limit, $50,000."

Mr. ENGLEBRIGHT. Mr. Chairman, in explanation of this I will state that this is for a building in the district of my colleague [Mr. SMITH], and in a statement to me he disagreed with the statement made in the hearings. As to-day was a public holiday, I was unable to verify the matter, and I would ask that action on this amendment be postponed without prejudice until the matter can be inquired into.

Mr. TAWNEY. I can not consent, Mr. Chairman, to that. The amendment offered by the gentleman from Georgia having been disposed of, I think we may as well dispose of this now as at any other time. The department has reported to Congress that the site has not been yet selected, and if we allow one amendment for the amount of the estimate for a building where the site has not been selected, there is no reason why we should not do it for all, and that would result in the appropriation of a great deal more money than can be expended in the fiscal year 1910. We did consent that the amendment of the gentleman from Washington should go over, for the reason that if he is right, then the amendment offered by him should be adopted; but the provision carried in a bill for another building should be stricken out of the bill.

That is the only reason why I asked that that go over. But in view of the fact that the site was not selected when this report was made, and the Supervising Architect informs us that the money can not be expended if the appropriation is made, it seems unnecessary to delay the consideration of the bill by a further discussion of the matter.

Mr. LAWRENCE. Is it not true that a contract can be let for the full amount of the authorization, even if the appropriation is not carried in this bill?

Mr. TAWNEY. Certainly; there is an appropriation already made for Riverside of $30,000.

Mr. LAWRENCE. So that nothing is lost?

Mr. TAWNEY. No time is lost. The $30,000 will be available for the building, not for the plans and specifications, because an appropriation is carried in this bill for the plans and specifications, independent of the appropriation for the building. So the plans and specifications will be prepared, the foundations made ready, and the contract let for the completion of the building, and in the next sundry civil appropriation bill the amount that can be expended during the fiscal year 1911 will be put in the bill for the purpose of completing the building.

Mr. ENGLEBRIGHT. All I desire is to ascertain if the committee have inquired into this proposition to know if the item comes within the rule.

Mr. TAWNEY. It does not come within the rule, because the site was not selected before January 15.

It is perhaps unfortunate for some Members of the House that their activity in selecting sites has not been as great as their activity to-day in the matter of seeking an appropriation. If they had been more active before this time, their buildings would have come within the rule, and the sites have been selected.

Mr. ENGLEBRIGHT. There are a number of members of this committee who could not forego the opportunity to go down to Fort Monroe to see the battle fleet come in. Under such circumstances it was necessary to call the attention of some one else to the matter, and, it being a public holiday, it is impossible to get the information at the Treasury Department that is desired in reference to this item to-day as to dates.

Mr. TAWNEY. I hope the amendment will be voted down.

The amendment of Mr. ENGLEBRIGHT was rejected.

The Clerk read as follows:

Springfield, Ohio, post-office: For additional land, and completion of the enlargement, extension, remodeling, or improvement of building under present limit, $35,000.

Mr. TAWNEY. Mr. Chairman, I offer an amendment to correct the text of the bill, an error in the amount.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 17, strike out "thirty-five" and insert "twelve."

The amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman let the Springfield, Tenn., item go over until to-morrow morning?

Mr. TAWNEY. I have no objection to letting it go over until to-morrow morning; but if the facts are as I understand them to be, I do not see what benefit the gentleman could derive from letting it go over. There is no building authorized.

Mr. GAINES of Tennessee. That is what I am trying to get. I want to get a building authorized.

Mr. TAWNEY. If the gentleman wants to get a building authorized, he will have to talk to the chairman of the Committee on Public Buildings and Grounds.

Mr. MANN. The gentleman from Tennessee is in the same fix as I am in, but I am keeping still.

Mr. GAINES of Tennessee. I want to offer an amendment here.

Mr. TAWNEY. The gentleman can offer his amendment, if he wishes to. Of course it will be subject to the point of order that the building is not authorized, and there is no way in which an appropriation for it can be carried in this bill until it is authorized.

The Clerk read as follows:

Tuscaloosa, Ala., post-office and court-house: For completion of building under present limit, $40,000.

Mr. GARRETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 35, after line 19, insert the following as a new paragraph:
"Union City, Tenn., post-office: For site and completion of building under present limit, $37,000."

Mr. GARRETT. Mr. Chairman, on January 8, as shown by the report, the department reported that that site had not been selected. Subsequent to that date the site was selected, but I am not prepared to assert here now that it was selected before the 15th of January. I do not know the exact date. On account of this being a holiday and the department being closed, I have been unable to ascertain.

The arbitrary rule adopted by the committee in fixing the 15th of January is, perhaps, a wise one, but at the same time it is really hard for some of us to understand why that should apply if the site had been adopted before the passage of this bill.

It is somewhat singular that all around me, so far as I can ascertain, every site that was appropriated for and every building appropriated for in the last bill, the site has been selected and purchased prior to the 15th of January except in my particular locality.

Mr. MACON. If the gentleman will pardon me for interrupting him, I will say that I have one at Paragould, Ark., in the same boat, and no appropriation is carried for it in this bill.

Mr. TAWNEY. Mr. Chairman, I will say that this proposition is identically in line with the others that have been offered. The report of the Secretary of the Treasury to the committee of Congress is:

Union City, Tenn.: The purchase of the site and construction of the building is authorized; limit of cost, $50,000. There has been appropriated $13,000 for the purpose of carrying out the authorization, but up to the time that this report was submitted in January last the site had not been selected. Any additional amount could not be expended during the fiscal year if appropriation is made.

Mr. BARTLETT of Georgia. The date of that letter is January 8, 1909.

Mr. GARRETT. The site has since been selected and purchased, as I was informed quite a number of days ago, but I am not prepared to say that it was selected before the 15th of January.

Mr. TAWNEY. The letter transmitting the report is dated on the 15th of January. I will ask the gentleman from Tennessee if he, prior to the time of the reporting of this bill, made any inquiry as to whether or not the site had been selected?

Mr. GARRETT. I did, many days ago.

Mr. TAWNEY. Was any effort made by the gentleman or friends in the present fiscal year to facilitate the acquiring of the site, so that it could be ready to go on and secure the additional appropriation?

Mr. GARRETT. The agent of the Treasury Department was in that town in October or November of last year. I saw him at the time. Perhaps it was in August or early September.

Mr. TAWNEY. The authorization was made in the latter part of May, and the appropriation of $13,000 was made also in the latter part of May. What was done between that time and the last of October or November to procure the site?

Mr. GARRETT. I do not know; I communicated with the department and was advised that the agent would be there as soon as possible. The agent did call and examined this at the time he was examining all the Tennessee sites, all the places for Tennessee buildings. Every effort was made by the Representative from that district to hasten matters, and every effort was made by people there to hasten matters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Walla Walla, Wash., post-office and court-house: For site and continuation of building under present limit, $40,000.

Mr. TAWNEY. Mr. Chairman, I understand the paragraph in respect to Walla Walla is to go over with the amendment offered by the gentleman from Washington [Mr. HUMPHREY] with respect to the appropriation for Everett until they can ascertain, in each case, whether the site has been selected.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent——

Mr. TAWNEY. No; that was included in the request for unanimous consent this afternoon. I simply call attention to it now, so that there will be no question to-morrow if it becomes necessary to strike out Walla Walla.

The Clerk read as follows:

Authority is hereby given to close C street SW., between Fourteenth and Fifteenth streets, bounded on the north by block 231 and on the south by block 232, in the city of Washington, D. C., for use in connection with the erection of the building for the Bureau of Engraving and Printing.

Mr. FITZGERALD. Mr. Chairman, I offer the following as a separate paragraph.

The Clerk read as follows:

After line 19, page 38, insert:
"*Provided*, That no part of any appropriation made herein for public buildings shall be paid to members of the so-called Council of Fine Arts, created by executive order January 18, 1909, as compensation or expenses, and no part of such appropriation shall be expended on the preparation or formulation of any plans which have been submitted, or may be suggested, by said Council of Fine Arts."

Mr. FITZGERALD. Mr. Chairman, there has been created by executive order a so-called "Council of Fine Arts." Under the order issued by the President, no federal official is permitted to select a site or to agree upon the plans for a public building, monument, or other work which may be artistic and monumental, unless the matter be first submitted to and approved by the so-called "Council of Fine Arts."

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. The gentleman refers to structures that are either artistic or monumental. We all know that none of the federal buildings are artistic. Does the gentleman mean by that that they are constructed as monuments to the Members who get them?

Mr. FITZGERALD. From my own experience I believe they could properly be classed as monumental. However desirable it may be to have some body of competent men to pass upon the plans and designs for various monuments or structures erected for the Federal Government, I am sufficiently old fashioned in my notions of the theory of this Government to believe that such a body should be created by the legislative body and not by the executive.

Mr. TAWNEY. Will the gentleman from New York permit a question?

Mr. FITZGERALD. Yes.

Mr. TAWNEY. I am not familiar with this executive order. Do I understand from the gentleman that its jurisdiction extends throughout the entire United States and applies to all public buildings wherever erected under authority of law?

Mr. FITZGERALD. That is the effect, as nearly as I can make out from the correspondence which I find in the hearings on the sundry civil bill. There has been some very interesting correspondence between the President and Mr. Glenn Brown, representing the American Institute of Architects. I quote from one of the letters so that the committee may understand how far-reaching this matter is. The President says:

I shall direct all my Cabinet officers to refer to the council, for their expert advice, all matters in their charge embracing architecture, selection of sites, and landscape work, sculpture, and painting. Moreover, I shall request the council to watch legislation and on its own initiative to make public recommendations to the Executive and to Congress with regard to proposed changes in existing monuments, or with regard to any new project. I earnestly advise your body to take immediate steps to secure the enactment of a law giving permanent effect to what I am directing to be done. The course you advocate, and which I approve, should not be permissive with the Executive; it should be made mandatory upon him by act of Congress.

Further along in the hearings I find this order:

I direct that the heads of executive departments, bureaus, and commissions govern themselves accordingly. Hereafter, before any plans are formulated for any buildings or grounds, or for the location or erection of any statue, the matter must be submitted to the council I have named and their advice followed, unless for good and sufficient reasons the President directs that it be not followed. The Supervising Architect of the Treasury will act as the executive officer for carrying out the recommendations of the council.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 19, 1909.*

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman from New York a question. Does he find in the hearings or anywhere any authority given to this Council of Fine Arts to tear down public buildings under the direction of the President, as well as to oversee the erection of them?

Mr. FITZGERALD. Mr. Chairman, upon the propriety of tearing down buildings, it appears there was no necessity to have specially qualified men tender their artistic views. Certain buildings having offended the artistic sense of one official of the Government; they were torn down at his order, regardless of the Council of Fine Arts.

Mr. SLAYDEN. Being ugly, they were self-condemnatory.

Mr. FITZGERALD. I wish to repeat, it may be highly desirable to have some such body of men as this to pass upon public buildings in their design and location, but the duty of that body should be carefully prescribed and enumerated, and should be fixed by Congress and not by the Executive.

Not only are my views as to the theory of this Government that the legislative powers are lodged in the legislative department somewhat old fashioned, but they seem to be in harmony with the Constitution of the United States. My own views being strengthened by a reference to the Constitution, I was prompted to suggest this amendment. This amendment will accomplish two things. It will prevent in the first place the payment of a per diem and expenses to any one of these 30 eminent men who may be called to Washington or to one of the many places in the United States for the purpose of determining what particular site should be selected for a public building. For instance, if it were deemed necessary that this council should go to Yazoo, Miss., in order to pass upon the particular site determined for a public building and to see that it was located with reference to its utility and artistic surroundings, it would be impossible to pay these gentlemen, under this amendment, either for services or for expenses.

I have no doubt, however, knowing as I do about the renowned hospitality of the people of Yazoo, Miss., that if by any effort they could induce these distinguished gentlemen to visit their town, so that its public building would not be located in a manner that would be offensive to the artistic sensibilities of the residents of the town, they would willingly pay all of the expenses, and, indeed, add quite an additional sum for adequate compensation. That is true not only of Yazoo, but it is true of all other places. As an inducement, therefore, to the patriotic impulses of the people of the various sections of the country, I am anxious to prevent the payment from the public funds for such services and expenses. The other purpose to be accomplished by the amendment will be to prevent the expenditure of any public moneys in the preparation of plans which may, through any coercive methods, be submitted to this council——

Mr. DWIGHT. Will the gentleman allow me a question?

Mr. FITZGERALD (continuing). And I hope there will be no objection to the amendment. I now yield to my colleague.

Mr. DWIGHT. Does this order relieve the Supervising Architect from his duties, or is he to continue in his place without performing the duties of that office?

Mr. FITZGERALD. It is difficult to say. He is made the executive officer through which the orders of the Council of Fine Arts shall be carried out. It may be somewhat suggestive that in the letter from the officer of the American Institute of Fine Arts he pays the Supervising Architect the compliment of saying that only under his particular department has there been any success realized in reaching artistic ideals, and that letter of this official of the American Institute of Architects suggests that the Supervising Architect of the Treasury should be the executive officer.

This led me, in my ignorance, almost to suspect that perhaps the Supervising Architect of the Treasury had been the instigating cause of this whole movement.

Mr. WILLIAMS. I understand the gentleman from New York insists upon the archaic constitutional principle that no money once covered into the Treasury shall be paid out except by direction of law.

Mr. FITZGERALD. The gentleman from Mississippi will recall that we listened to-day, with great attention, to the Farewell Address of George Washington. So impressed was I by that portion in which he referred to the danger of one department of the Government encroaching upon the other departments of the Government that I immediately took from beneath the heap of documents in my desk a copy of the Constitution of the United States and refreshed my memory as to the particular powers that had been granted to the various departments of the Government. Having found that the legislative power had been vested in the Congress, and fearing that perhaps somebody might be tempted to encroach upon the powers that have been delegated to the Congress, I thought I should do my small part to carry out that excellent advice proffered by the Father of his Country when he was retiring from public life. [Applause.]

Mr. TAWNEY. Mr. Chairman, I would suggest to the gentleman from New York that his amendment is not offered at the proper place in this bill.

Mr. FITZGERALD. It will do well there, but I shall offer it at the next place [laughter]; there are two places, I think.

Mr. TAWNEY. At the end of the paragraph appropriating $800,000 for general expenses, for superintendence, preparation of plans and specifications——

Mr. FITZGERALD. Where is that; on what page is it?

Mr. TAWNEY. Beginning on page 41 is where the limitation should be placed, because it is out of this appropriation, beginning on page 41, from which the expenses of this commission might be paid on the theory that they were employed in their professional capacity.

Mr. FITZGERALD. They might be paid out of appropriations for sites and buildings; but, Mr. Chairman, I am perfectly willing to withdraw this amendment at this time and offer it at that place providing the committee will not insist that I repeat the speech I have just made in support of the amendment.

Mr. WILLIAMS. We will compromise on that promise.

Mr. BARTHOLDT. Mr. Chairman, at first blush it appears as if the creation of this commission on art was a proposition to create a body coordinate with a committee of Congress, or with Congress itself, but when we analyze the matter we will find that its activities could really apply only to the executive branch of the Government. It is true that Congress has the right and power to prescribe, if it wishes to do so, the nature, style, and character of the public buildings. Congress has also the right to designate a particular site in each town for public buildings; but as a matter of practice, Mr. Chairman, those matters have heretofore been left entirely to the executive branch of the Government, namely, the Treasury Department.

Mr. WILLIAMS. But to officers designated by the law.

Mr. BARTHOLDT. In the Committee on Public Buildings and Grounds we only authorize the appropriations for the purchase of a site or the erection of a building, and we do not specify where that particular site shall be located, nor do we specify the architectural style of the building.

Mr. WILLIAMS. But does not the law designate the particular officer who shall do these things, to wit, the Supervising Architect of the Treasury? And now the President undertakes to reverse that legislative action, naming a new body instead of the one that has been named by law.

Mr. BARTHOLDT. In answer to that, Mr. Chairman, I suggest that if Congress would exercise its power in designating the site in all the towns where public buildings are to be erected, and also specifying the architectural style of each building, then it would be unnecessary either for the executive department or any commission to do it.

As it is, that authority is now exercised by the Supervising Architect's Office; and, of course, if the Supervising Architect sees fit to consult outside talent, if he wishes in the matter of selection of sites and the selection of a particular style of building to listen to the expert testimony of a commission on art, he has a right to do so. But it does not seem to me, considering the present practice of Congress with regard to that matter, that the activity of that commission would in any way interfere with our business here.

Mr. FITZGERALD. There is in this bill a provision for a new public building in Washington. The site is designated. It is to be constructed under the supervision of the Superintendent of the Capitol Building and Grounds. He has had charge of the erection of two office buildings, which in their architecture have been eminently satisfactory to everybody.

Mr. PARSONS. In connection with those buildings there have been consulting architects, have there not, and one of them is a prominent member of this advisory committee?

Mr. FITZGERALD. That is right; but the Superintendent of the Capitol Building and Grounds is a bureau official of the Department of the Interior, and he would not be able to do what he has done in these instances, nor select such professional assistants as he might desire and believe to be advisable, and to proceed on the plans formulated without having to submit those plans to this self-constituted commission of fine arts.

Mr. BARTHOLDT. Only in case that Congress should neglect to exercise authority in prescribing in specific terms the character of the building.

Mr. FITZGERALD. Congress has never attempted to enact what the style of architecture or the plans should be, but there are certain officials of the Government charged with the duty of arranging these matters. To have some unofficial body authorized to say that these men should not perform their duties unless they satisfied them would be to make it impossible to select a site for a public building in any part of the United States without the utmost difficulty.

Mr. BARTHOLDT. Mr. Chairman, I suggest, further, that it would be within the province of any committee of Congress to call before them experts with a view of determining the style of a public building and determining what specific locality shall be selected for it.

Mr. TAWNEY. If the gentleman will permit me right there, the distinction between the statement of the gentleman and the proposition in regard to the commission of fine arts is this: If they have any power at all, this commission is clothed with the power of overriding the judgment even of Congress in respect to the character and style of architecture of the building and the location of the same.

There is a difference between acting in an advisory capacity and having absolute power to control action. The architects who assisted Mr. Wood in preparing plans for the office buildings acted only in an advisory capacity; he was not bound to accept their judgment. But, if I understand this order, if it has any legal effect at all, it clothes this commission with absolute power to determine the character of the architecture, as well as the location and style of the buildings——

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY (continuing). Independent of any law that Congress may enact on the subject.

Mr. BARTHOLDT. I think I have the floor, Mr. Chairman. I want to say, and this point ought to be clearly understood before we vote upon an amendment of this kind, that the advice of experts on art or architecture who offer their services either to the Supervising Architect or to any committee of Congress should be welcome to us. The Supervising Architect even now—for instance, in the case of the building at Denver—goes into the field and selects private architects for the purpose——

Mr. MANN. The law permits that.

Mr. TAWNEY. Under the Tarsney Act he is doing that all over the United States.

Mr. BARTHOLDT. This commission, in my judgment, could only act in an advisory capacity, and only in the absence of specific instructions from Congress. Congress has not exercised the authority. They could pass a bill here to designate exactly in what style a building is to be erected and where the site should be purchased. They do not do it. We leave it to the executive department, and when a matter of that kind comes to the executive department then that department can cooperate with such commission of experts in the matter of selecting the proper architectural style or the proper location for a building.

Mr. MANN. Now, will the gentleman yield for a question?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. Mr. Taylor is now the Supervising Architect, is he not?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. The law, as we pass it for a public building, authorizes Mr. Taylor to prepare plans or to employ an architect from the outside to prepare plans. Is not that correct?

Mr. BARTHOLDT. That is true.

Mr. MANN. Now, according to the papers, this order in reference to the Fine Arts Council prohibits Mr. Taylor from using his judgment either as to the plans or as to the employment of an architect on the outside and requires him to use the judgment of somebody else, who is not an official in any way. Does the gentleman think this leaves it to Mr. Taylor to use his judgment?

Mr. BARTHOLDT. Mr. Taylor himself, as I am informed, is to be president of that commission.

Mr. MANN. But I want the gentleman to give us his opinion as to whether, under this order, Mr. Taylor is to be Supervising Architect, or Mr. Glenn Brown. Of course we all know these thirty will never all be present. Is it to be Mr. Taylor we will authorize by law, or Mr. Glenn Brown, who will supervise Mr. Taylor and direct him against his judgment what he shall do——

Mr. BARTHOLDT. In order to answer that question——

Mr. MANN. I have very great respect for Mr. Glenn Brown's judgment.

Mr. BARTHOLDT (continuing). It is first necessary to determine whether that commission would have a legal status and whether it would be entitled to recognition by Congress. I did not propose to pass upon that question in my remarks at this time.

Mr. MANN. Without reference to the legal status, from what we see in the papers, the Supervising Architect could not use his judgment. He must be willing to yield his judgment to that of an unofficial person or be fired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I would like to have the gentleman's time extended a minute or two to ask him a couple of questions. The gentleman from Missouri is a connoisseur in art. I want to ask him if this commission is the same that located General Grant's statue down here in a mud hole?

Mr. BARTHOLDT. I am not able to tell my friend.

Mr. CLARK of Missouri. Is it true that the Supervising Architect of the Treasury refuses to furnish the same plans and specifications for any two public buildings in the United States? Do you know anything about that?

Mr. BARTHOLDT. The Supervising Architect refuses to do what?

Mr. CLARK of Missouri. Refuses to furnish the same plans and specifications for any two public buildings.

Mr. BARTHOLDT. No; he does not refuse to do that, but he is guided by the condition of the ground. In other words, the conditions are not always the same; even in two particular cases, where the buildings may be exactly the same, special plans may have to be prepared because of the different conditions of the ground upon which the buildings are to be erected.

Mr. CLARK of Missouri. Is that not a mere pretext to give a lot of men employment as draftsmen that would not be necessary if he had uniform plans and specifications for, say, $30,000 buildings, $40,000, $50,000, or $60,000 buildings, and just keep them in stock?

Mr. BARTHOLDT. As I understand, Mr. Chairman, the same plans are used and reused for many buildings. The architects tell me it is impracticable to do so in all cases of like appropriations, because of the different conditions of the ground, as I said before.

Mr. MADDEN. Will the gentleman allow me to answer that question?

Mr. CLARK of Missouri. I want to get it out of him first. That difference would only apply in the foundation, would it not?

Mr. BARTHOLDT. Yes.

Mr. CLARK of Missouri. Now, the reason I asked the last two questions was for my own information. I think the commission made the greatest kind of a mistake when they located the Grant monument where they did. The reason I asked you these two questions is because it is stated in the press—I have heard it stated and believe it to be true—that the Supervising Architect refuses to use the same plans and specifications for two buildings, no matter whether the circumstances are precisely the same or whether the cost is the same or not; and if that is true, that is a kind of business that ought to be broken up.

Mr. BARTHOLDT. Mr. Chairman, I want to say in answer to the suggestions of my friend, that the Supervising Architect is very desirous of completing the work he has on hand. He has been very active in persuading the Secretary of the Treasury to assign more space to him. He has doubled his force of draftsmen. He has done these things for the purpose of satisfying Members of Congress and completing the work in which they are interested. Consequently, it is to his interest to use plans that have heretofore been used for other buildings as often as possible, and it is fair to suppose that if he does not use them there are good and sufficient reasons for his action, namely, that he can not use them on account of the difference in conditions.

Mr. CLARK of Missouri. As a matter of fact, lots of these buildings are built on perfectly level ground. Now, it can not be true that with that kind of a condition existing he needs separate plans and specifications for every one of them. I can understand that a hilly piece of ground might possibly demand a different kind of a building, especially so far as the ground floor is concerned, from a building in a prairie country out in Missouri, Kansas, or Nebraska.

Mr. PARSONS. How about the materials?

Mr. CLARK of Missouri. The material ought to be the same in all of them.

Mr. BARTHOLDT. That is not what I was going to talk about. I merely wanted to call the attention of the committee to the fact that if this art commission which has been created by the President goes to work, its advice will not extend to Congress, because we do not legislate on the questions upon which these gentlemen would give advice, but would apply only to the executive departments of the Government.

Mr. TAWNEY. How does the gentleman reconcile that statement with the language in the executive order:

> Hereafter, before any plans are formulated of any buildings or grounds, or for the location or erection of any statue, the matter must be submitted to the council I have named, and their advice followed, unless for good and sufficient reason the President directs that it be not followed.

Mr. BARTHOLDT. That is exactly it, Mr. Chairman. We do not legislate with regard to the style of buildings, and we do not select the sites. Consequently, before a site is selected, and before the construction of the building is begun, the executive departments can secure, if they want to, the advice of just such experts as are the members of that art commission.

Mr. GAINES of Tennessee. Why is it that we have a corps of architects in the Treasury Department, and when we put up buildings like those at Annapolis and other places we have to go outside and employ architects and pay them from 10 to 15 per cent upon the face value of the building?

Mr. MADDEN. Only 5 per cent.

Mr. GAINES of Tennessee. No; you are mistaken about that.

Mr. HULL of Iowa. At West Point they do not pay that. They only pay 3½ per cent there.

Mr. GAINES of Tennessee. A few years back I got copies of the contracts and put them in the RECORD.

Mr. HULL of Iowa. Not West Point contracts for the new buildings there?

Mr. GAINES of Tennessee. No; I did not say West Point. I said Annapolis, and, I think, the White House also. Now, why do we keep that class of architects down in the Treasury Department, who, it seems—and I do not say it with disrespect—are not first class, and then when we want architects we have to go to New York for them?

Mr. BARTHOLDT. In answer to that, I need refer only to the scale of wages paid by the Government. The Supervising Architect of the Treasury receives, I believe, five or six thousand dollars a year, while a first-class architect in private life can make $25,000 a year. The men under Mr. Taylor receive, none of them, more than $2,500 or $3,000. When it comes to the expenditure of millions of dollars for great ornamental government buildings, then, in my judgment, it is desirable to secure outside talent for that purpose. The Government does not pay its servants enough to secure the highest talent.

Mr. GAINES of Tennessee. Does the gentleman mean to say that we have architects who are capable of making plans and estimates for buildings which Congress goes by and then these architects have not gumption enough to put up the buildings, and hence we have to go to New York or elsewhere to get architects to make plans and put up the improvements?

Mr. BARTHOLDT. I think the work performed by the Treasury Department speaks for itself. The government buildings in our country are a credit to the United States——

Mr. GAINES of Tennessee. And so they are in the city of Nashville.

Mr. BARTHOLDT. And a credit to the Supervising Architect and the men employed by him.

Mr. GAINES of Tennessee. But the architect in the case I speak of did not do the work, but went to New York.

Mr. DOUGLAS. Mr. Chairman, a point of order. Can not we have the amendments reread?

Mr. FITZGERALD. I ask consent, Mr. Chairman, that the Clerk read the amendment which I have modified.

The CHAIRMAN. Without objection, the Clerk will again report the amendment, as modified by the gentleman from New York.

The Clerk read as follows:

After line 19, page 38, insert:

"*Provided*, That no part of any appropriation made in this act shall be paid to members of the so-called 'council of fine arts,' created by executive order under date of January 8, 1909, as compensation or for expenses; and no part of any such appropriation shall be expended in the preparation or formulation of any plans which have been submitted to, or approved or suggested by, said council of fine arts."

Mr. MADDEN. Mr. Chairman, I want to say in reply to the gentleman from Missouri [Mr. BARTHOLDT] that no two buildings costing a similar amount could be erected exactly alike, unless they are built side by side under similar conditions. In the one case you may endeavor to erect a building in a locality where the labor conditions are such as to make a $30,000 building very much inferior to a $30,000 building in another locality. You may be obliged to transport the material a long distance and thereby be obliged to pay a larger amount of money for the material that enters into the construction of the building.

Mr. SABATH. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SABATH. Does the gentleman wish to state that it is absolutely necessary to have different plans and different specifications, because the scale may be different?

Mr. MADDEN. It is necessary that different plans and different specifications be made for the construction of buildings that cost a similar amount. That is because, as I said, the labor conditions may not be similar, and, second, the material which is to enter into the construction of them may have to be transported so long a distance that the cost is double in one case what it would be in the other.

So that if you are obliged to pay twice as much for a thousand brick in one town as in another town, it can readily be understood that you can not put as many thousand bricks into the building for $30,000 as in a case where they would only cost half as much. It should be understood, too, that in some localities labor is much higher than in other localities, and in such cases you can not put up a building so ornamental for $30,000 as you can where the wages are only half as much.

There may be conditions where you are obliged to put the foundations for the building in rock and to excavate the rock in order to get a foundation for the building. In such cases nearly half the cost of the $30,000 building may be expended in excavation, and no one will undertake to say that under these conditions you can put up a building as ornate for $30,000 as you could under conditions totally dissimilar. In such a case everybody would agree that similar buildings could not be erected for $30,000.

So that a $30,000 building erected in one locality may be a different kind of a building from a $30,000 building erected in another locality. You may specify the same kind of material to enter into the construction of these buildings; but if you do, and the cost both of the manufacture and the transportation and the labor entering into the erection of the building being widely variant, you will have a different building for the $30,000 in one case than you have in the other, and everybody will agree that under such conditions one set of plans would not answer in both cases.

Mr. CLARK of Missouri. Mr. Chairman, no such difference in conditions exists as stated by the gentleman from Illinois.

Mr. MADDEN. Oh, yes; they do.

Mr. CLARK of Missouri. The gentleman is talking about the great city of Chicago.

Mr. MADDEN. I beg the gentleman's pardon; I have been in the building business all my life.

Mr. CLARK of Missouri. In the city of Chicago?

Mr. MADDEN. No; all over the United States, and I know what the conditions are.

Mr. CLARK of Missouri. There are not any two towns in the United States in which the difference of the price of pressed brick is double in one town what it is in another.

That is one of the conditions he stated. Take Illinois, Missouri, Iowa, Kansas, Nebraska, most of Oklahoma and the Dakotas, and the vast majority of the land in those States is nearly as flat as the top of a table, and the same kind of a $50,000 building or a $60,000 building—very few of them are built as low as $50,000—that will do for a town of four or five thousand inhabitants in Illinois will do for the same kind of a town in any other of the States I have mentioned. The difference in the prices of labor is very little in country places. I can understand that if one piece of ground is hilly and another is flat, it will make a difference in the cost of the foundation, but in two towns that are built on flat ground there can not be $500 difference in building a $60,000 or a $75,000 house in one of them and building identically the same kind of a house in the other.

Mr. BARTHOLDT. If my colleague will permit, supposing the excavations in the one case cost $3,000 and the excavations in the other case $6,000. There is $3,000 less left for the building, and consequently the plans will be different.

Mr. CLARK of Missouri. Why not take that difference of foundation into consideration when making these allotments of money to us to build these public buildings around over the country?

Mr. BARTHOLDT. We can not know that in advance.

Mr. CLARK of Missouri. But the gentleman can inquire of the people who come here to get the buildings to see what kind of a piece of ground it is to be built on.

Mr. BARTHOLDT. I suggest the selection of the site is made after we make the authorization.

Mr. CLARK of Missouri. I understand that, and I have never had anything to do with the selection of a site, and I never will have anything to do with it.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. CLARK of Missouri. I yield.

Mr. KEIFER. In the gentleman's remarks a few moments ago he had something to say about the Grant monument.

Mr. CLARK of Missouri. Yes.

Mr. KEIFER. I want to know if he knows who designed this monument down here, and especially the four pedestals on the corners and on which are located four emblems of the Kingdom of Great Britain in the form of a great bronze lion, put there in the attitude of a walrus in each case? [Laughter.]

Mr. CLARK of Missouri. I can not answer that, Mr. Chairman. I do not think that Great Britain has any patent on lions.

Mr. KEIFER. It has on the lion as an emblem.

Mr. CLARK of Missouri. If it has, then a certain distinguished citizen of this Republic will soon be infringing that patent, as I understand. While I am at it I will state another fact, that I think whoever it was that remodeled the White House practically ruined it.

Mr. KEIFER. I agree with the gentleman.

Mr. MANN. I hope the gentleman does not think it is so far ruined that he would not be willing to grace it sometime as its occupant?

Mr. CLARK of Missouri. I know I would grace it any way it was fixed, if they give me a chance—be glad to do it, even in its present dismantled condition. [Laughter and applause.] I repeat that my information is that the Supervising Architect of the Treasury absolutely refuses to make two plans and sets of specifications for public buildings, though the appropriations are the same, and if it is true there is no sense in it. It is a waste of public money. I want to repeat a statement I made here the other day, that the deficiency in the revenues now amount to about $13,000,000 a month, and that deficiency is increasing every day, and that if the tariff debate drags on until the 1st of September, which it is likely to do, no sensible man will be surprised if the deficiency in the revenue amounts to $25,000,000 a month; and it is high time that we were cutting down the expenditures and appropriations somewhere. [Applause.]

Mr. MANN. I notice great applause of that sentiment, but I could not get the people to vote with me this morning.

Mr. TAWNEY. I move that all debate on the paragraph and amendment be now closed, Mr. Chairman.

Mr. DOUGLAS. Mr. Chairman, pending that motion I would like to move to strike out of the amendment all after the word "or," so as to separate the amendment into two parts.

Mr. KEIFER. I thought that amendment was withdrawn.

Mr. FITZGERALD. Oh, no.

Mr. DOUGLAS. And on that I want to say just a word.

Mr. TAWNEY. Mr. Chairman, I move that all debate be now closed on the paragraph and amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that debate on the paragraph and amendments be now closed.

The question was taken, and on a division (demanded by Mr. PARSONS) there were—ayes 51, noes 12.

Mr. PARSONS. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The Chair will count.

Mr. FITZGERALD. I make the point of order that the Chair can not count on that point of order. The gentleman made the point of no quorum and the Chair can not count.

The CHAIRMAN. The Chair understood the gentleman to make the point that no quorum was present.

Mr. FITZGERALD. I ask for a vote on the amendment.

Mr. BENNET of New York. I make the point of order, Mr. Chairman, that there is no quorum of the committee present——

The CHAIRMAN. The Chair is preceeding to count.

Mr. BENNET of New York. I want to overcome that slight technicality.

Mr. GAINES of Tennessee. Mr. Chairman, can not we deman tellers?

The CHAIRMAN. The Chair is counting to ascertain whether a quorum is present.

Mr. GAINES of Tennessee. And I was endeavoring to help the Chair.

Mr. TAWNEY. If the gentleman from New York [Mr. PARSONS] desires to discuss this amendment for five minutes I have no objection.

Mr. DOUGLAS. I want to discuss the amendment for five minutes. In this amendment two things have been discussed together; one is absolutely separable from the other. One is to pay money to people not authorized by law to receive it and the other is——

Mr. TAWNEY. I will withdraw my motion to close debate.

Mr. PARSONS. Mr. Chairman, I have made my point.

Mr. BARTLETT of Georgia. Mr. Chairman, I understood the motion has been carried to close debate. I apprehend that the point of no quorum will have to be withdrawn before anything else can be done.

The CHAIRMAN. It is upon the motion to close debate that the point of no quorum was made, so the committee has not yet decided to close debate.

Mr. BARTLETT of Georgia. But, Mr. Chairman, a parliamentary inquiry. The gentleman who makes the point of no quorum must withdraw it. The Chair having ascertained that no quorum is present, and not being able yet to count a quorum, until that point is withdrawn by the gentleman business can not be transacted.

The CHAIRMAN. The Chair has not yet completed the count. [After counting.] One hundred and one gentlemen are present, a quorum; and the motion to close debate is agreed to.

Mr. DOUGLAS. Mr. Chairman, I ask for a separate vote on the two propositions contained in the amendment, and I would like for five minutes, by unanimous consent, to discuss the second proposition.

The CHAIRMAN. Is there objection to the gentleman addressing the committee for five minutes?

Mr. MANN. Mr. Chairman, I object on account of the time wasted on the point of no quorum. I was willing to give time before, but not now.

Mr. DOUGLAS. I made no such point; I was trying to get leave to speak.

Mr. MANN. The two gentlemen are working together.

Mr. DOUGLAS. We are not working together.

Mr. PARSONS. I assume all responsibility.

Mr. MANN. I assume the responsibility of objecting, then.

The CHAIRMAN. The Clerk will submit the first proposition to the committee.

The Clerk read as follows:

After line 19, page 38, insert:

"*Provided*, That no part of any appropriation made in this act shall be paid to members of the so-called Council of Fine Arts, created by executive order under date of January 18, 1909, as compensation or for expenses."

Mr. FITZGERALD. Mr. Chairman, if that part of the amendment should be voted down, there is nothing left. I ask that the amendment be voted on in its entirety. You can not divide that, for if the first part is voted down there is nothing left of the second part.

Mr. DOUGLAS. I submit that the second part is a totally distinct proposition.

Mr. FITZGERALD. I submit that I did not draw it that way.

The CHAIRMAN. The Chair will state the second part reads as follows:

And no part of any such appropriation shall be expended in the preparation or formulation of any plans which have been submitted to or approved or considered by said Council of Fine Arts.

Mr. FITZGERALD. What appropriation? It is necessarily related to the first part of the amendment.

The CHAIRMAN. The Chair thinks the gentleman from New York is correct, and the amendment is not divisible. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. PARSONS. Division, Mr. Chairman.

The committee divided; and there were—ayes 67, noes 17.

Mr. PARSONS. Mr. Chairman, I make the point that there is no quorum. On this matter we are entitled to a full vote, as it is an important one. [Cries of "Regular order!"]

The CHAIRMAN. The Chair understands the gentleman from New York [Mr. PARSONS] to raise the point of no quorum?

Mr. PARSONS. I do.

Mr. WILLIAMS. I make the point of order, Mr. Chairman, that the action of the gentleman is evidently dilatory. He is doing it for a dilatory purpose. We just had a count of the committee, which disclosed a quorum.

The CHAIRMAN. At the same time, the vote does not disclose a quorum, and the Chair will count.

Mr. WILLIAMS. Mr. Chairman, that point was once ruled upon by the Speaker.

The CHAIRMAN. The Chair will count. [After counting.] There are 103 gentlemen present—a quorum. So the amendment is agreed to.

Mr. TAWNEY. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 28245) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, and had come to no resolution thereon.

CIVIL GOVERNMENT IN PHILIPPINES.

The SPEAKER, in pursuance of a concurrent resolution of the House heretofore adopted, vacated his signature to an enrolled bill of the House (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

JOHN H. HAMAKER.

Mr. JONES of Washington. Mr. Speaker, I desire to call up Senate concurrent resolution No. 98, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, by the Senate (the House of Representatives concurring), That the President be, and he hereby is, requested to return to the Senate the bill (S. 4024) for the relief of John H. Hamaker.

The question was taken, and the resolution was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes;

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 23707. An act to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 4307. An act for the relief of E. J. Reed;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.;

H. R. 27894. An act amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 19606. An act to provide for granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9286. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado—to the Committee on Military Affairs.

S. 9198. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah—to the Committee on Military Affairs.

PRICE OF POWDER.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to print a short letter in the RECORD from Mr. Robert S. Waddell, on the subject of powder prices, the amount of powder made, who makes it, and so forth.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

POWDER-TRUST POWDER PRICES—AMOUNT MADE IN UNITED STATES. THE INDEPENDENTS.

What a government witness says:

WASHINGTON, D. C., *February 1, 1909.*

Hon. JOHN WESLEY GAINES,
Washington, D. C.

DEAR SIR: I listened to your debate in the House to-day on the smokeless-powder question with a great deal of interest. I have also read the discussions in the RECORD of the past few days, and desire to call your attention to a few items.

COST OF SMOKELESS POWDERS.

From personal knowledge, which has been confirmed by the office employees as well as several chemists and operatives in the plants of the du Pont trust, I give you herewith the items from the cost sheets of the trust:

	Cost per pound.
Ordnance smokeless powder	[a] $0.34
Military smokeless powder (30 cal.)	[b] .41

These cost sheets of the trust have for several years shown the cost of these powders at all of their plants not to exceed the figures stated, and frequently from 1 to 3 cents less per pound. This cost covers raw materials, including cotton, acids, alcohol, and ether, labor in manufacture, steam for boiling, power, interest on plant and working capital, depreciation of plant, proportion of administrative expense, freight for delivery to Government, cost of selling, including the lobby expense at Washington, and insurance.

Any price received for the powder in excess of above figures is clear net profit. There is no danger whatever attached to the manufacture of this powder. It is in a wet state for months after it is made.

Reference has been made to the time for drying the powder. It is true that it requires six months for the alcohol remaining in it to evaporate, but this is only for the larger grades for 12-inch guns. It requires about four months for 10-inch powder, three months for 8-inch, two months for 6-inch, and the powder for the smaller ordnance is dried in a little more than thirty days. The average time is about three and one-half months.

Frequent mention is made of the cost of alcohol. That is as much a part of the raw material as cotton, and is not a perfume added to the finished product. The alcohol is included in the cost of 43 cents per pound at Indianhead. All of the additional items suggested by the trust for the purpose of stimulating the price or cost of powder are pure fiction.

[a] Government now paying 67 cents for this powder.
[b] Government now paying 84½ cents for this powder.

Finished gun cotton ready for treatment with alcohol costs 16 cents. The alcohol, if all wasted, would add 3.8 cents per pound. But the alcohol is nearly all recovered by distillation and is used over and again, just as the acids are recovered and used many times.

Regarding the volume of business in the United States for a single year, I desire to give you the data:

Six hundred thousand kegs, 25 pounds each, black rifle powder; total, 15,000,000 pounds.

The Du Pont trust manufactures all of this.

Six million eight hundred thousand kegs blasting powder, 25 pounds each; total 170,000,000 pounds.

The Du Pont trust manufactures of this about 153,000,000 pounds.

And the 13 independent companies manufacture the remainder, about 17,000,000 pounds.

Four million five hundred thousand pounds smokeless sporting powder for shotguns and rifles.

The Du Pont trust manufactures nearly all of this, more than 96 per cent.

Four million six hundred thousand pounds smokeless ordnance and military powders, of which the Du Pont trust manufactures 3,000,000 and the Government at Indianhead and the army plant make about 1,600,000 pounds.

I will not burden you with the statistics showing the immense volume of dynamite made in this country, of which the Du Pont trust produces more than 80 per cent. Surely these figures will indicate the magnitude of this monopoly.

Very truly, yours,

ROBERT S. WADDELL,[a]
President Buckeye Powder Company, Peoria, Ill.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 28192) to amend and consolidate the acts respecting copyright, reported the same without amendment, accompanied by a report (No. 2222), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24471) for the relief of certain homestead settlers in Alabama, reported the same with amendment, accompanied by a report (No. 2223), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. 568) requesting the Secretary of War to transmit to the House a copy of the last report of Charles E. Magoon, provisional governor of Cuba, reported the same with amendment, accompanied by a report (No. 2221), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 28285) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2220), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILLETT: A bill (H. R. 28286) for the retirement of employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. SMITH of Michigan: A bill (H. R. 28287) to amend the Code of Law for the District of Columbia regarding insurance—to the Committee on the District of Columbia.

By Mr. GARRETT: A bill (H. R. 28288) to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. AIKEN: A bill (H. R. 28289) to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Resolution (H. Res. 586) concerning the Tennessee Coal and Iron Company—to the Committee on the Judiciary.

By Mr. MANN: Concurrent resolution (H. C. Res. 69) providing for the printing of 2,000 copies of the hearings, etc., of the Select Committee of the House to Investigate Pulp Wood, etc.—to the Committee on Printing.

By Mr. BENNET of New York: Concurrent resolution (H. C. Res. 70) relative to telephone and telegraph service in the House—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 28290) for the relief of the estate of Justiniano Castillo—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 28291) granting a pension to Charles Payne—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 28292) granting an increase of pension to Chester A. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28293) granting an increase of pension to Olney A. Clark—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 28294) for the relief of Franz Jochum—to the Committee on Military Affairs.

Also, a bill (H. R. 28295) for the relief of Herman N. Midtbo—to the Committee on Private Land Claims.

Also, a bill (H. R. 28296) for the relief of the legal representatives of Dedrick Stokieu, deceased—to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 28297) for the relief of the heirs of Albert Stanton, deceased—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 28298) granting an increase of pension to John H. Edge—to the Committee on Pensions.

By Mr. LAW: A bill (H. R. 28299) granting a pension to Helen F. Waldron—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 28300) granting a pension to Ellen O'Donnell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Pittsburg Chamber of Commerce, favoring adequate appropriation in aid of government testing laboratories—to the Committee on Appropriations.

Also, petition of Chamber of Commerce of Pittsburg, favoring a river and harbor bill for the Sixty-first Congress—to the Committee on Ways and Means.

Also, petition of Council of Jewish Women, favoring H. R. 24148, for the establishment of a children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. AIKEN: Petition of Council of Jewish Women of Charleston, S. C., favoring H. R. 24148, to provide for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. BARCHFELD: Petition of Chamber of Commerce and Pittsburg Coal Exchange, of Pittsburg, Pa., asking an appropriation of $50,000,000 annually for improvement of inland waterways—to the Committee on Rivers and Harbors.

Also, petition of B. M. Robinson, of Joplin, Mo., and W. R. Caukins, of Carthage, Mo., asking a tariff of 1¼ cents per pound on zinc ore—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Petition of citizens of Steubenvills, Ohio, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CALDER: Petition of Fred. J. Wright, of St. Joseph, Mo., favoring repeal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of New York Typographical Union, No. 6, against clause in census bill permitting printing outside of the Government Printing Office—to the Committee on the Census.

Also, petition of General George A. Custer Garrison, No. 2, for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

By Mr. CAPRON: Petition of Wool Sorters' Union, No. 349, of Lawrence, against reduction of duty on textile goods—to the Committee on Ways and Means.

[a] Notice Mr. Waddell is one of the main witnesses for the Government in the suit pending in the United States federal court in Delaware against the Du Ponts et al.—the "powder trust."

Also, papers to accompany bills for relief of Chester A. Chapman, Olney A. Clark, and Joseph J. Butcher—to the Committee on Invalid Pensions.

Also, petition of Providence Lodge, No. 14, Benevolent and Protective Order of Elks, of Providence, R. I., for an appropriation to create a reserve in the State of Wyoming for the protection of the American elk—to the Committee on the Public Lands.

Also, petition of Pawtucket (R. I.) Merchants' Association, for an appropriation to survey a canal through the State of Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of West Kingston (R. I.) Grange, Patrons of Husbandry, favoring parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of Limerock (R. I.) Grange, Patrons of Husbandry, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of Coventry (R. I.) Woman's Club, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of practicing dentists of Newport, R. I., favoring creation of an army dental corps—to the Committee on Military Affairs.

By Mr. CLARK of Florida: Petition of Jacksonville (Fla.) Lodge, No. 227, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. COOK of Pennsylvania: Petition of Philadelphia (Pa.) Lodge, No. 2, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of the Civic Club of Philadelphia, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Shoe Wholesale and Manufacturers' Protective Association, against legislation for parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of council of Jewish Women, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. DAWSON: Petition of M. J. Nelson and others, of Lamotte, Iowa, against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of the George Hummer Mercantile Company, of Iowa City, Iowa, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Ira Holt and other citizens of Vermont, against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. FOWLER: Petition of Elizabeth (N. J.) Lodge, No. 289, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petitions of William S. Tyler, of Plainfield, N. J., and Morris County (N. J.) Society for Prevention of Cruelty to Children, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. FULLER: Petition of J. J. Winter, of Garfield, Ill., favoring placing sugar and neat hides on the free list—to the Committee on Ways and Means.

Also, petition of Clarence A. Shand, favoring the Davis bill, for encouragement of industrial schools—to the Committee on Agriculture.

Also, petition of G. C. Spafford, favoring parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. GOEBEL: Petition of Bethlehem Council, No. 79, Junior Order United American Mechanics, Cincinnati, Ohio, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Memorial of the executive committee of the Grand Army of the Republic of Kings County, N. Y., against the erection of monuments in Arlington Cemetery to confederate officers—to the Committee on the Library.

Also, petition of the National Lime Manufacturing Association, asking an appropriation to investigate into the manufacture of lime—to the Committee on Appropriations.

Also, petition of the Brotherhood of Bookbinders of New York, opposing the census bill as to employees—to the Committee on the Census.

By Mr. GUERNSEY: Petition of Howard Kipp and others, of Fort Fairfield, Me., favoring a national highways commission—to the Committee on Agriculture.

Also, petition of M. F. Whitehouse and others, of Wellington Grange, Patrons of Husbandry, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Texas: Petition of the twelfth annual convention of the American Live Stock Association at Los Angeles, Cal., against advances in interstate-rate fares and charges except upon approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Falls County Farmers' Union, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of the Commercial Club of Omaha, against any reduction of the duty on wool—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Rev. W. W. Knox, of New Brunswick, N. J., in favor of certain temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Asbury Park (N. J.) Lodge, No. 128, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. OLLIE M. JAMES: Petition of the Livingston County Commercial Club, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. KIMBALL: Paper to accompany bill for relief of Mary E. Harrison and other heirs of James O. Harrison—to the Committee on War Claims.

By Mr. LANING: Petition of C. L. Yost and 180 others, of Lorain County, Ohio, asking for parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph Heltz and others, of Monroeville, Ohio, in favor of radio-telephone legislation—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOWDEN: Petition of Freeport (Ill.) Lodge, No. 617, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. PUJO: Petition of Crowley (La.) Lodge, No. 745, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SPERRY: Resolutions of Seymour Grange, No. 91, of Seymour, Conn., favoring the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Middletown Lodge of Elks, of Middletown, Conn., and the Derby Lodge of Elks, of Derby, Conn., favoring the preservation of the American elk—to the Committee on the Public Lands.

By Mr. STERLING: Paper to accompany bill for relief of Edward C. Butler (H. R. 26971)—to the Committee on Claims.

By Mr. SULZER: Petition of the Down Town Taxpayers' Association, of New York, against sale of Wallabout market lands to the National Government—to the Committee on Naval Affairs.

Also, petition of F. Fischer & Bros., of New York, favoring legislation promoting money-order facilities with certain foreign countries—to the Committee on the Post-Office and Post-Roads.

Also, petition of the River Improvement and Drainage Association of California, for betterment of the Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

Also, petition of the trustees of the New York Public Library, against increase of duty on imported books and removal of library books from the free list—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Association of New York, for an appropriation to improve the waterways of New York State—to the Committee on Rivers and Harbors.

Also, petition of committee of 100 of the American Association for the Advancement of Science on National Health, for appropriation to assist in staying the ravages of preventable diseases—to the Committee on Appropriations.

Also, petition of the National Association of Farmers, favoring removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Frank Howell Field, favoring creation of a court of patent appeals (S. 3161; H. R. 21455)—to the Committee on Patents.

Also, petition of E. H. Roberts, for increase in pay of railway mail clerks and for payment of expenses of runs from initial terminals—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Civil Service Reform League, against the Crumpacker census bill, relative to employment of additional clerical force—to the Committee on the Census.

Also, petition of Guy G. Fake, for national encampment of United Spanish War Veterans, favoring the raising of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of the National Lime Manufacturers' Association, for appropriation to enable investigation by the Geological Survey for the improvement of lime manufacture—to the Committee on Appropriations.

Also, petition of the International Brotherhood of Bookbinders, favoring census printing by the Government Printing Office—to the Committee on the Census.

By Mr. WEBB: Petition of citizens of Charlotte, against certain proposed tariff schedule amendments on leather gloves—to the Committee on Ways and Means.

By Mr. WOODYARD: Petitions of citizens of Ravenwood, St. Marys, Parkersburg, and Sistersville, all in the State of West Virginia, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *February 23, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. By the consent of the Senator from Wyoming, in charge of the agricultural appropriation bill, and in order to forward the business of the Senate, I move that the Senate proceed to the consideration of House bill 27523, the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in "Schedule A," under the subhead "Salaries of ambassadors and ministers," on page 3, after line 8, to insert:

The following provision of an act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1894, be, and is hereby, repealed, namely:

"Whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation. This provision shall in nowise affect the duties, powers, or salary of such representative."

And hereafter no new ambassadorship shall be created unless the same shall be provided for by act of Congress.

The amendment was agreed to.

The reading of the bill was continued to page 6, line 8.

Mr. HALE. An amendment was left out by mistake. On page 6, after line 8, I move to insert:

The President is hereby authorized to assign any regularly appointed secretary of embassy or legation to service in the Department of State, without change of salary, for a period not to exceed two years in any one case and of a number not to exceed three secretaries of embassy or legation at any one time. In each case the post from which the transfer is made may be filled by another appointment at the same salary, for which purpose the sum of $8,625, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1910.

The amendment was agreed to.

The reading of the bill was continued to line 20, on page 9.

Mr. HALE. I move to strike out lines 21, 22, 23, 24, and 25, at the bottom of page 9, in the following words:

CLERKS AT THE EMBASSY AT LONDON.

For two clerks at the embassy to Great Britain, one at the rate of $1,800 per annum and one at the rate of $1,200 per annum; $3,000.

And insert the following:

CLERKS FOR DISTRIBUTION OF INFORMATION.

For three clerks to be employed in the Department of State and to be charged with the distribution of information among the diplomatic missions, one at the rate of $1,800 per annum, one at the rate of $1,600 per annum, and one at the rate of $1,200 per annum; $4,600.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 15, after line 18, to insert:

INSTALLATION OF A WATER SUPPLY AT PEKING, CHINA.

To provide for an adequate water supply and proper apparatus in the legation at Peking, China, as a protection against fire, $14,000.

The amendment was agreed to.

The next amendment was, under the subhead "International Union of American Republics," on page 16, line 3, before the word "thousand," to strike out "fifty-six" and insert "fifty-four;" and in line 5, after the word "bureau," to insert "or from the sale of the bureau publications," so as to read:

International Bureau of American Republics, $54,000: *Provided*, That any moneys received from the other American Republics for the support of the bureau, or from the sale of the bureau publications, shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the bureau.

The amendment was agreed to.

The next amendment was, under the subhead "International Institute of Agriculture," on page 16, after line 24, to strike out:

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1910, $4,800.

And to insert in lieu thereof the following:

For the payment of the quota of the United States for the support of the International Institute of Agriculture at Rome, Italy, for the fiscal year 1910, $4,800; for the salary of one member of the permanent committee and for the actual and necessary expenses of delegates to the Grand Assembly of the Institute of Agriculture, $8,600; in all, $13,400, the said amount to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

INTERNATIONAL SANITARY BUREAU.

For the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1910, $2,830.79.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association, and the expenses of the United States delegate in attending the meetings of the commission, $1,300.

The amendment was agreed to.

The Secretary continued the reading of the bill to page 20, line 16, the last paragraph read being as follows:

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June 30, 1909, be vested in and exercised by a vice-consul-general of the United States to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

Mr. BACON. Mr. President, I do not wish unduly to delay the bill, but this relates to a very important matter which is provided for in a general law which was considered with very great care, and an attempt to amend which was very persistently made during the last session of Congress. However, it did not meet with favor by the Committee on Foreign Relations. It is impossible for me to tell, without having the act before me, to what extent this amendment is vital. If I am not mistaken as to the law to which it refers, and if I am, of course I shall be glad to be corrected——

Mr. HALE. What is the Senator referring to?

Mr. BACON. I refer to the amendment on page 20, which has just been read by the Secretary.

Mr. HALE. There is no amendment of the committee on page 20.

Mr. BACON. It is no amendment by the Senate committee, but the provision comes from the House.

Mr. HALE. It is a provision in the bill as it came from the House.

Mr. BACON. We are interested in legislation which comes from the House, as well as in amendments offered by the Senate committee.

Mr. HALE. We could hardly call a clause in the bill, as passed by the House, an amendment. It is in the bill as it comes to us from the other House.

Mr. BACON. I did not mean to be understood that it is an amendment to the House bill. I am speaking of the provision as it is embodied in the House bill, which is an amendment to an existing law. That is what I refer to, and I say, if I am not mistaken in my understanding of it, and, in fact, I can not be, it is an amendment to the act creating a United States court

for China and prescribing the jurisdiction thereof, a most important piece of legislation.

I will say that the law which this provision seeks to amend is one which was most carefully considered by the Committee on Foreign Relations. It was committed to a subcommittee, of which Senator Spooner and myself were members. I think we were the only members of the committee, if I recollect aright, though I may be mistaken in that.

Mr. CULLOM. The Senator is right.

Mr. BACON. The matter was considered with the utmost care and deliberation for weeks, and upon the report made by the subcommittee the Committee on Foreign Relations recommended a favorable report to the Senate, and it was enacted into law. Ever since the passage of that act there has been a most active and persistent effort made to amend and change the provisions of the law. During the entire period of the last session of Congress there were persons here who were interested in it, making the most vigorous and persistent effort to have vital and important changes made in the provisions of the act. It was before the Committee on Foreign Relations, and the question of changing and amending the law was again most carefully considered. The Committee on Foreign Relations did not approve of it, and the Senate did not take any action in regard thereto.

Now, Mr. President, what could not be accomplished by direction in the way of repealing and amending the law is sought to be accomplished by a provision in this diplomatic and consular appropriation bill. I think it is a matter of too much importance to be decided in this way, without any opportunity to consider it.

Mr. HALE. Will the Senator yield to me?

Mr. BACON. Certainly.

Mr. HALE. I move to strike out the clause in the bill from line 7 to line 16, inclusive.

Mr. BACON. Very well; I am very much gratified that the Senator will do that. I wish to say further, in order that we may not be misunderstood, that if any change of the law is required, I shall be more than happy to cooperate in making proper changes, but I do not think a change ought to be made in this bill.

Mr. HALE. I think the Senator is right.

The VICE-PRESIDENT. The Senator from Maine moves an amendment, which will be stated.

The SECRETARY. It is proposed to strike out lines 7 to 16, inclusive, on page 20, in the following words:

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June 30, 1909, be vested in and exercised by a vice-consul-general of the United States, to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "International commission on private and public international law," on page 22, line 12, after the word "the," to strike out "third international conference" and insert "Third International Conference;" in line 24, before the word "ten," to strike out "the sum of;" and on page 23, before the word "to," to strike out "is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to make the clause read:

For the payment of compensation to, and of the necessary expenses of, a commissioner to represent the United States in the international commission, which, in pursuance of the convention signed at the Third International Conference of American States, on August 23, 1906, approved by the Senate on February 3, 1908, and ratified by the President on February 8, 1908, is to meet at the city of Rio de Janeiro in May, 1909, for the purpose of preparing draft codes of private and public international law regulating the relations between the nations of America; and for the payment of the quota of the United States of the expenses incident to the preparation of the drafts, including the compensation of the experts provided for in article 4 of the said convention, $10,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

THE HAGUE INTERNATIONAL CONGRESS.

For the participation by the United States in an international congress to be held at The Hague at such time as the Netherlands Government shall fix, for the purpose of promoting uniform legislation concerning letters of exchange, including compensation of and the actual and necessary traveling and subsistence expenses of an expert delegate and a secretary, $9,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "International office of public health," on page 23, line 15, after the word "the," to strike out "international office of public health" and insert "International Office of Public Health;" and in line 18, at the beginning of the line, to strike out "international sanitary convention" and insert "International Sanitary Convention," so as to make the clause read:

For the payment of the quota of the United States for the year 1909 toward the support of the International Office of Public Health, created by the international arrangement signed at Rome December 9, 1907, in pursuance of article 181 of the International Sanitary Convention signed at Paris on December 3, 1903, $3,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

INTERNATIONAL COMMISSION FOR THE REVISION OF THE INTERNATIONAL CLASSIFICATION OF DISEASES AND CAUSES OF DEATH.

For the payment of the actual and necessary traveling expenses of delegates to represent the United States on the International Commission for the Revision of the International Classification of Diseases and Causes of Death, called by the Government of France to meet at Paris in 1910, $6,000, or so much thereof as may be necessary; such delegates to be designated by the Secretary of State, one from the Medical Department of the Army, one from the Bureau of Medicine and Surgery of the Navy, one from the Bureau of Public Health and Marine-Hospital Service, one from the Census Office, and two additional delegates to be selected at large.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to insert:

PURCHASE OF PROPERTY FOR LEGATION PURPOSES AT TOKYO, JAPAN.

Purchase of residence erected by Mr. R. S. Miller, Japanese secretary to the embassy at Tokyo, at his own expense, on ground held by the United States in perpetual lease for legation purposes in Tokyo, $3,267.

The amendment was agreed to.

The next amendment was, in Schedule B, under the subhead "Salaries, consular service," on page 24, line 25, after the word "six," to insert "and the act approved February 3, 1909, entitled 'An act to amend an act to provide for the reorganization of the consular service of the United States,'" so as to make the clause read:

For salaries of consul-general and consuls, as provided in the act approved May 11, 1908, entitled "An act to amend an act entitled 'An act to provide for the reorganization of the consular service of the United States,' approved April 5, 1906," and the act approved February 3, 1909, entitled "An act to amend an act to provide for the reorganization of the consular service of the United States," as follows: Consul-general, $303,000; consuls, $734,000; in all, $1,037,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

The President is hereby authorized to assign any regularly appointed consul of class 7 or 8 to service in the Department of State, without change of salary, for a period not to exceed two years in any one case and to a number not to exceed three consuls at any one time. In each case the consulate from which the transfer is made may be filled by another appointment at the same salary. To carry out this provision, $9,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in Schedule C, under the subhead "Salaries of consular assistants," on page 25, after line 23, to strike out:

For 20 consular assistants as provided for by law, $25,300; 10 additional consular assistants, subject to the same provisions of law as the above 20, $10,000; total, $35,300.

And to insert:

For 13 consular assistants as provided for by law, $18,300; 7 additional consular assistants, subject to the same provisions of law as the above 13, $7,000; total, $25,300.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. LODGE. I offer an amendment to be inserted on page 24, after line 17.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 24, after line 17, it is proposed to insert:

For the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service, $400,000, or so much thereof as may be necessary.

Mr. HALE. I desire to move to lay the amendment on the table, but——

Mr. LODGE. I have the floor, I think.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. HALE. I do not propose to interfere with the Senator, but as soon as he is through I shall move to lay the amendment on the table.

Mr. LODGE. Mr. President, I do not desire to debate the amendment at any length, because it was thoroughly debated here last spring and was placed upon the public-buildings bill by a vote of the Senate. It has passed the Senate twice as a separate bill without dissent. The matter has been so thoroughly gone into that I have no desire to enter into any further discussion, but I shall be glad to have a vote upon it. If the Senator

from Maine moves to lay it on the table I shall ask for the yeas and nays.

Mr. HALE. I make that motion.

The VICE-PRESIDENT. The Senator from Maine moves to lay the amendment submitted by the Senator from Massachusetts on the table. On that question the Senator from Massachusetts demands the yeas and nays.

The yeas and nays were not ordered.

Mr. LODGE. I ask for a division.

There were, on a division—ayes 25, noes 11; no quorum voting.

Mr. LODGE. I ask again for the yeas and nays.

Mr. HALE. The feeling of the Senate is very plain. It will take less time to have the yeas and nays, although I am sorry to have a roll call.

The yeas and nays were ordered.

Mr. NELSON. Before the vote is taken I should like to have the amendment read again.

The VICE-PRESIDENT. The Secretary will again read the amendment proposed by the Senator from Massachusetts.

The Secretary again read Mr. LODGE's amendment.

Mr. BACON. I should like to ask the Senator from Massachusetts, before the vote is taken, if he will accept an amendment reducing the amount?

Mr. HALE. I think I must insist on my motion to lay the amendment on the table.

Mr. CLAY. I should be glad to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. CLAY. I ask the Senator if this amendment was before the Committee on Appropriations and unanimously reported against?

Mr. HALE. Of course it was.

Mr. CLARKE of Arkansas. Before the vote is taken, I ask the Chair to define to the Senate the question to be disposed of.

The VICE-PRESIDENT. The Senator from Massachusetts proposed an amendment, which was read, and the Senator from Maine has moved to lay that amendment on the table. The vote is being taken upon the motion of the Senator from Maine. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I dislike to interrupt the roll call, but I understand that to vote "yea" is to vote to lay the amendment on the table appropriating $400,000.

The VICE-PRESIDENT. The Senator is correct in his understanding of the question.

Mr. DIXON. I vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. BAILEY. I desire to say that my colleague [Mr. CULBERSON] is detained from the Senate on account of sickness. I am sure that if my colleague were here he would vote "yea," and I take the liberty of saying to the Senator from California that he can vote.

Mr. FLINT. On the statement of the junior Senator from Texas, I vote "yea."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer that pair to the senior Senator from Washington [Mr. ANKENY] and vote. I vote "yea."

The roll call was concluded.

Mr. BAILEY (after having voted in the affirmative). I observe in the recapitulation that the Senator from West Virginia [Mr. ELKINS] is not recorded. As I have a general pair with him I think it proper to withdraw my vote.

Mr. CULLOM (after having voted in the negative). I inquire if the junior Senator from Virginia [Mr. MARTIN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. CULLOM. I withdraw my vote; I supposed that he was present when I voted.

The result was announced—yeas 47, nays 24, as follows:

YEAS—47.

Bankhead	Dolliver	La Follette	Piles
Borah	Flint	Long	Platt
Bourne	Foraker	McCumber	Rayner
Brown	Frazier	McLaurin	Richardson
Bulkeley	Fulton	Milton	Simmons
Burkett	Gary	Nelson	Smith, Md.
Burrows	Gore	Nixon	Smoot
Clapp	Hale	Overman	Stephenson
Clarke, Ark.	Hemenway	Page	Taylor
Clay	Heyburn	Paynter	Teller
Dick	Johnston	Penrose	Tillman
Dixon	Kittredge	Perkins	

NAYS—24.

Bacon	Depew	Guggenheim	Smith, Mich.
Beveridge	Dillingham	Kean	Stone
Brandegee	du Pont	Knox	Sutherland
Carter	Foster	Lodge	Warner
Clark, Wyo.	Frye	McCreary	Warren
Daniel	Gallinger	Money	Wetmore

NOT VOTING—21.

Aldrich	Culberson	Gamble	Owen
Ankeny	Cullom	Hansbrough	Scott
Bailey	Cummins	Hopkins	Taliaferro
Briggs	Curtis	McEnery	
Burnham	Davis	Martin	
Crane	Elkins	Newlands	

So Mr. LODGE's amendment was laid on the table.

Mr. BACON. Mr. President, in reference to the vote just taken, I desire, with the permission of the Senate, to say a word. I made the inquiry of the Senator from Maine [Mr. HALE] whether he would withhold his motion, or practically to that effect, if the amount were reduced. My purpose in so doing was to meet what I knew to be the objection of a number of Senators, not to the proposal to purchase or provide for an embassy in Paris, but to the amount involved. I thought that the former action of the Senate had indicated that the amount proposed in the amendment would not be acceptable to the Senate, and therefore I proposed myself to try to meet the views of Senators who had that objection; but the response of the Senator from Maine indicates that it would not be of avail to move an amendment proposing a smaller amount, so I shall not do so.

I simply desire to repeat what I have said on a former occasion, that under our present system, where we have no embassies, the appointment of ambassadors to great powers is practically limited to millionaires; and I desire that we shall make some provision for housing our ambassadors, so that men who are not millionaires may be eligible to such appointments.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following joint resolutions:

S. R. 76. Joint resolution relative to homestead designations, made and to be made, of members of the Osage tribe of Indians;

S. R. 88. Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota; and

S. R. 126. Joint resolution authorizing the Secretary of War to donate six condemned canon to the city of Cheyenne, Wyo.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing.

The message further announced that the House had agreed to the concurrent resolution of the Senate (No. 98) requesting the President to return to the Senate the bill (S. 4024) for the relief of John H. Hamaker.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France;

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882;

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes; and

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district.

GOVERNMENT OF THE PHILIPPINES.

The VICE-PRESIDENT. Under House concurrent resolution No. 68, the Chair announces the cancellation of his signature to the enrolled bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act to temporarily provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the board of directors of the Bank of Brookston, Brookston, Ind., remonstrating against the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented a petition of the Hungarian Club, of New York City, N. Y., praying for the enactment of legislation granting to the county of New York adequate and proper means and facilities for bestowing the rights and privileges of citizenship upon such of its foreign population as may apply therefor, which was referred to the Committee on Immigration.

He also presented a memorial of Typographical Union No. 258, of Easton, Pa., remonstrating against the printing in connection with the Census Office being given to private concerns, which was referred to the Committee on the Census.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., and a petition of the Atlantis Club, of Quincy, Ill., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a memorial of the Trades Council of Elgin, Ill., remonstrating against the decision of the judge of the supreme court of the District of Columbia in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

He also presented a petition of the City Club, of Chicago, Ill., praying for the enactment of legislation providing for the appointment of clerks in the Census Office by competitive examination, which was referred to the Committee on the Census.

He also presented petitions of Local Lodge No. 746, of Alton; of Local Lodge No. 493, of Centralia; of Local Lodge No. 617, of Freeport; of Local Lodge No. 991, of Urbana; of Local Lodge No. 588, of Ottawa; of Local Lodge No. 20, of Peoria; of Local Lodge No. 1019, of Pontiac; and of Local Lodge No. 654, of Litchfield, all of the Benevolent and Protective Order of Elks, in the State of Illinois, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PLATT presented the petition of F. B. Brewer, of Westfield, N. Y., and a petition of sundry citizens of Hoosick Falls, N. Y., praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Irvington Presbyterian Church, or Irvington, N. Y., praying for the passage of the so-called "children's bureau bill," which was ordered to lie on the table.

He also presented petitions of Local Grange No. 90, Patrons of Husbandry; of Local Lodge No. 493, Independent Order of Good Templars; and of the Woman's Christian Temperance Union, all of Copenhagen, in the State of New York, praying for the enactment of legislation to regulate the sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of Local Lodge No. 707, of Yonkers; of Local Lodge No. 496, of Watertown; and of Local Lodge No. 346, of Niagara Falls, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a petition of Local Lodge No. 39, Benevolent and Protective Order of Elks, of Omaha, Nebr., and a petition of Local Lodge No. 653, Benevolent and Protective Lodge of Elks, of Norfolk, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LODGE presented petitions of Local Lodge No. 487, of North Adams; of Local Lodge No. 65, of Lawrence; of Local Lodge No. 892, of Gloucester; of Local Lodge No. 73, of New Bedford; of Local Lodge No. 839, of Cambridge; and of Local Lodge No. 1014, of Attleboro, all of the Benevolent and Protective Order of Elks, in the State of Massachusetts, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BULKELEY presented petitions of Local Lodge No. 19, Benevolent and Protective Order of Elks, of Hartford, Conn., and of Local Lodge No. 771, Benevolent and Protective Order of Elks, of Middletown, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 91, Patrons of Husbandry, of Seymour, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN presented sundry papers to accompany the bill (S. 9098) for the relief of James B. Clift, administrator of the estate of John Clift, deceased, of Stafford County, Va., which were referred to the Committee on Claims.

Mr. DEPEW presented petitions of Local Lodge No. 271, of Oswego; of Local Lodge No. 707, of Yonkers; of Local Lodge No. 101, of Amsterdam; and of Local Lodge No. 596, of Watertown, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Christian Temperance Union of Katonah, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors and to prohibit the sale and importation of opium into the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 90, Patrons of Husbandry, of Copenhagen, N. Y., praying for the enactment of legislation to regulate the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the New York Board of Trade and Transportation Company of New York City, N. Y., praying that an appropriation be made for the improvement of the waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of the New York Board of Trade and Transportation Company of New York City, N. Y., praying that an appropriation of $200,000 be made to enable the United States Government to participate in the Universal and International Exhibition to be held at Brussels, Belgium, in 1910, which was referred to the Committee on Appropriations.

He also presented a memorial of the memorial and executive committee, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., remonstrating against the enactment of legislation placing in the National Cemetery at Arlington, Va., monuments with inscriptions and style tending to reassert and uphold to posterity attempts at state secession, which was referred to the Committee on Military Affairs.

He also presented a petition of the Parish Club of the Church of the Ascension, of Mount Vernon, N. Y., praying for the passage of the so-called "National children's bureau" bill, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Richmond County, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of Waterburg Grange, No. 429, Patrons of Husbandry, of Trumansburg, N. Y., remonstrating against the repeal of the duty on farm products, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

Mr. BOURNE presented a petition of Local Lodge No. 358, Benevolent and Protective Order of Elks, of Heppner, Oreg., and a petition of Local Lodge No. 142, Benevolent and Protective Order of Elks, of Portland, Oreg., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DICK presented petitions of sundry citizens of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Columbus, Port Clinton, Ashland, Lima, Franklin, Marion, Delaware, Wellston, Cambridge, Ironton, Canton, Middletown, New Philadelphia, and Tiffin, all in the State of Ohio, praying for the enactment of legislation providing that no lower duty be placed on a square yard of oilcloth and linoleum of the highest price than is imposed on a square yard of the least cost, which were referred to the Committee on Finance.

He also presented memorials of sundry business firms and associations of Northern, Coshocton, Lima, Alliance, Dayton, Blanchester, Wooster, Salem, Lewisburg, Mansfield, Cincinnati, Marion, and Ironton, all in the State of Ohio, remonstrating against the passage of the so-called "postal savings banks bills," which were ordered to lie on the table.

He also presented a petition of the Utah Mine Operators' Association, of Salt Lake City, Utah, praying for the enactment of legislation to establish a bureau of mines, which was ordered to lie on the table.

Mr. KNOX presented petitions of D. G. Swart & Geidel; Goorin, Shapira & Co.; J. N. Wolk & Co.; W. J. Gilmore Drug Company; Haworth & Dewhurst (Limited); Doubleday-Hill Electric Company; Arbuthnot-Stephenson Company; Globe Varnish Company; Standard Manufacturing Company; Standard Talking Machine Company; American Lumber and Manufacturing Company; Bennett, Hollander & Lewis; James C. Lindsay Hardware Company; The Frederick Elder Company; Zeugschmidt Cigar Company; Crutchfield & Woolfolk; Logan Gregg Hardware Company; Rea & Co.; The First National Bank of Pittsburg; Lockhart Iron and Steel Company; The Bradstreet Company; Iron City Electric Company; Pittsburg Supply Company; Ward-Mackey Company; Iron City Produce Company; Pittsburg Physicians' Supply Company; Waverly Oil Works Company; Latshaw-Feerst Company; James H. Matthews & Co.; Lutz & Schramm Company; Pennsylvania Chocolate Company; Brown & Zortman Machinery Company; W. E. Osborn Company; Nathan Stein & Co.; Brindley Hardware and Manufacturing Company; T. H. Nevin Company; The Ashford Company; Pittsburg Lamp, Brass and Glass Company; Joseph Woodwell Company; John C. Bragdon, all of Pittsburg; Thompson & Co., of Allegheny; Globe Glue Company, of Allegheny; The Non-Retailing Company, of Lancaster; Folwell Brother & Co., of Philadelphia; Sweeten-Crossan Electric Company, of Philadelphia; The Ryan-Correll Company, of Johnstown; The Love and Sunshine Company, of Johnstown; Reid Tobacco Company, of Milton, all in the State of Pennsylvania; A. Keifer Drug Company, of Indianapolis, Ind.; The Milwaukee Association of Credit Men, of Milwaukee, Wis.; The Embalmers' Supply Company, of Westford, Conn.; Hawes Von Gal (Incorporated), of Danbury, Conn.; Paxton & Gallagher Company, of Omaha, Nebr.; Pierce, Butler & Pierce Manufacturing Company; Syracuse Chilled Plow Company; H. R. Olmsted & Son, all of Syracuse; Sibley, Lindaay & Curr Company, of Rochester, all in the State of New York; Stein Wholesale Dry Goods Company; Reynolds, Davis & Co.; Woods Manufacturing Company; Atkinson-Williams Hardware Company, all of Fort Smith, in the State of Arkansas; National Association of Credit Men, of New York City; Syracuse Rubber Company, of Syracuse; Rochester Boot and Shoe Manufacturing Company; Clothiers' Exchange of Rochester; Lewis P. Ross, of Rochester, all in the State of New York; The Denver Credit Men's Association, of Denver, Colo.; Marion Rubber Company, of Marion, Ind; Grand Rapids Credit Men's Association, of Grand Rapids, Mich.; Winston, Harper, Fisher Company; Salisbury & Satterlee Company, of Minneapolis, Minn.; Juvenile Protective Society of Virginia, of Richmond, Va.; Blackman & Griffith Company, of Ogden, Utah; Des Moines Credit Men's Association, of Des Moines, Iowa; Fish Brothers Manufacturing Company, of Clinton, Iowa; Pittsburg Metal Bed Company, of Pittsburg, Pa.; 7 citizens of Chicago, Ill.; 16 citizens of Pittsburg, Pa.; 23 citizens of Philadelphia, Pa.; Illinois Steel Company; Carter & Holmes; Excelsior Supply Company; John V. Farwell Company; Burley & Tyrrell Company; Electric Appliance Company; Bradner Smith & Co.; and Staver Carriage Company, all of Chicago, in the State of Illinois; and W. R. Ostrander & Co.; Aitken, Son & Co.; National Association of Creditmen; and Standard Varnish Works, all of New York, in the State of New York, praying for the adoption of certain amendments to the present bankruptcy law, which were referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of Haddon Grange, No. 38, Patrons of Husbandry, of Haddonfield, N. J., praying for the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented petitions of Local Lodge No. 276, of Atlantic City; of Local Lodge No. 289, of Elizabeth; of Local Lodge No. 735, of Bridgeton; of Local Lodge No. 128, of Asbury Park; of Local Lodge No. 293, of Camden; and of Local Lodge No. 580, of Millville, all of the Benevolent and Protective Order of Elks, in the State of New Jersey, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DOLLIVER presented memorials of sundry citizens of Lehigh, Fort Dodge, Webster City, Woodstock, Dayton, Alden, Sherwood, Humboldt, Badger, Clarion, Eagle Grove, and Rutland, all in the State of Iowa, remonstrating against the imposition of any duty on tea or coffee, which were referred to the Committee on Finance.

He also presented petitions of Local Lodge No. 251, of Cedar Rapids; of Local Lodge No. 199, of Clinton; and of Local Lodge No. 374, of Fort Madison, all of the Benevolent and Protective Order of Elks, in the State of Iowa, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1064) thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1063) thereon.

Mr. McCREARY, from the Committee on Pensions, to whom was referred the bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1065) thereon.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (H. R. 28046) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it without amendment and submitted a report (No. 1066) thereon.

Mr. TAYLOR, from the Committee on Pensions, to whom was referred the bill (H. R. 27974) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1067) thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880, reported it without amendment.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased; and

A bill (H. R. 1622) for the relief of the estate of William J. Cussen.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (H. R. 2911) for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*, reported it without amendment.

Mr. PAYNTER, from the Committee on Claims, to whom was referred the bill (H. R. 9755) for the relief of Charles Lennig & Co., reported it without amendment and submitted a report (No. 1069) thereon.

Mr. BORAH, from the Committee on Claims, to whom was referred the bill (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky., reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. TALIAFERRO on

the 22d instant, proposing to appropriate $250,000 for one steam revenue cutter of the first class for service in the waters of Key West, Fla., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

JUDICIAL DISTRICTS IN IDAHO AND WYOMING.

Mr. FULTON. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 8446) to create an additional division in the judicial district of the State of Idaho, to report it with an amendment, and I submit a report (No. 1068) thereon. I call the attention of the Senator from Idaho to this bill.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 3 of an act to amend an act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming, approved July 5, 1892, as amended by the amendatory act approved November 3, 1893, be amended so as to read as follows:

"SEC. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The counties of Shoshone, Kootenai, and Bonner, including any and all Indian reservations in one of more of said counties, shall constitute the northern division, the court for which shall be held at Coeur d'Alene city, in the county of Kootenai. The counties of Latah, Nez Perce, and Idaho, including any and all Indian reservations in one or more of said counties, shall constitute the central division, the court for which shall be held in the town of Moscow, in Latah County. The territory composing the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington, including any and all Indian reservations within the said territory, shall constitute the southern division, the court for which shall be held in Boise, situated in said Ada County. The territory composing the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida, including any and all Indian reservations within such territory, shall constitute the eastern division, the court for which shall be held at the town of Pocatello.

"That any new county created out of any such territory shall remain a part of the division out of which it, or a larger portion thereof, shall be created; but if a portion of a county of one division shall be attached to a county of another division, it shall become a part of the latter division."

SEC. 2. That section 6 of said act approved June 1, 1898, be amended to read as follows:

"SEC. 6. That the terms of the district court for the district of the State of Idaho shall be held at Coeur d'Alene City, beginning on the third Monday of April and the third Monday of July in each and every year; at the town of Moscow, beginning on the second Monday of May and the first Monday of November of each and every year; at Boise City, beginning on the second Monday of February and the second Monday of September of each and very year; at Pocatello, beginning on the second Monday of March and the second Monday of October of each and every year, and the provision of any statute now existing, providing for the holding of state courts on any day contrary to said act, is hereby repealed, and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act, provided in the same manner and with the same effect as they would have had had said existing statute not been repealed.

"SEC. —. That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City."

SEC. 3. That section 3 of said act be amended so as to read as follows:

"SEC. 3. That this act shall take effect from and after its approval."

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair, under the unanimous-consent agreement of February 2, lays before the Senate Senate bill 5729, the title of which will be stated.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. GALLINGER. I ask that the unanimous-consent agreement may be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read the unanimous-consent agreement.

The Secretary read as follows:

It is agreed, by unanimous consent, that on Tuesday, February 23, 1909, at 1 o'clock p. m., the Senate will proceed to the consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, etc., debate to proceed under the ten-minute rule, and that at 4 o'clock on the said day a vote will be taken upon the bill and amendments that may be pending or that may be offered; the same not to displace the unfinished business, S. 6484. (February 2, 1909.)

Mr. FORAKER. Mr. President, unless some Senator desires to address the Senate on this bill, I ask that it may be temporarily laid aside, to be taken up whenever any Senator may desire to speak, or when the hour of 4 o'clock shall have been reached, that being the hour fixed for taking a vote on it. In other words, I do not care to speak further on the bill unless some Senator, by some remarks he may make, may cause me to think I should do so.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. I ask, what was the request of the Senator from Ohio? He would expect, of course, to have time to answer any speeches that may be made, providing they shall be interposed between now and 4 o'clock.

Mr. FORAKER. Yes; to answer, so far as I may, under the rule.

Mr. WARREN. I hope the Senate has taken notice of the fact that we may either proceed with the Brownsville bill or go on with other business.

Mr. HEYBURN. I ask unanimous consent——

The VICE-PRESIDENT. The Senator from Ohio has asked that the bill before the Senate be temporarily laid aside, its consideration to be resumed whenever any Senator desires to speak upon it, and at 4 o'clock, if no Senator desires to speak previous to that time——

Mr. DANIEL. Mr. President——

Mr. FORAKER. At that time, of course, we take the vote.

Mr. HEYBURN. I ask unanimous consent to resume the consideration of the bill which was being read——

The VICE-PRESIDENT. The Chair recognizes the Senator from Idaho to ask for the consideration of the bill that was interrupted at 1 o'clock.

Mr. DANIEL. I want to say a word about the pending matter.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. DANIEL. I did not rise to make a speech upon this subject, but I wish to make a few remarks.

The VICE-PRESIDENT. The Senator from Virginia will suspend until the Senate is in order. There is too much audible conversation in the Chamber.

Mr. DANIEL. I had supposed that the Senator——

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia rise to discuss——

Mr. DANIEL. The pending matter.

The VICE-PRESIDENT (continuing). The pending matter?

JUDICIAL DISTRICTS IN IDAHO AND WYOMING.

Mr. HEYBURN. I ask unanimous consent—it will not interfere with the pending matter—that the reading and consideration of the bill which was under consideration when the hour of 1 o'clock arrived be finished. It will take but a minute. Otherwise, the bill will be left suspended.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. TILLMAN. What is the bill?

Mr. HEYBURN. It is to provide a place for holding court in Idaho.

The VICE-PRESIDENT. Is there objection to the resumption of the consideration of the bill referred to by the Senator from Idaho?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8446) to provide an additional district in the judicial district of the State of Idaho.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the Judiciary, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill amending an act entitled 'An act to amend an act to provide the time and places for holding terms of the United States court in the States of Idaho and Wyoming,' approved June 1, 1898."

REPORT OF JAMESTOWN TERCENTENNIAL COMMISSION.

Mr. PLATT, from the Committee on Printing, to whom was referred the message of the President of the United States, transmitting the final report of the Jamestown Tercentennial Commission, etc. (S. Doc. No. 735), reported the following resolution (S. Res. 295), which was considered by unanimous consent and agreed to:

Resolved, That the final report of the Jamestown Tercentennial Commission, embodying the reports of various officers of the Jamestown Exposition, held at Norfolk, Va., in 1907, with accompanying illustrations, be printed as a document.

CUSTOMS TARIFFS.

Mr. PLATT, from the Committee on Printing, reported the following concurrent resolution (S. C. Res. 102), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of Senate Document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House reports of 1888, 1890, 1894, and 1897; 5,000 for the use of the Senate and 10,000 copies for the use of the House of Representatives.

JAMESTOWN TERCENTENNIAL COMMISSION.

Mr. PLATT, from the Committee on Printing, reported the following concurrent resolution (S. C. Res. 103), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 1,500 additional copies of the final report of the Jamestown Tercentennial Commission, embodying the reports of the various officers of the Jamestown Exposition, held in Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives.

ORDINANCE OF SECESSION OF LOUISIANA.

Mr. FOSTER submitted the following concurrent resolution (S. C. Res. 104), which was referred to the Committee on Military Affairs:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, and that is now in possession of the War Department.

BILLS INTRODUCED.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9450) for the relief of C. W. Woolfolk, administrator of John M. Goodwin, deceased (with accompanying papers); and

A bill (S. 9451) for the relief of the trustees of White Oak Church, of Dinwiddie County, Va.

Mr. CULLOM introduced a bill (S. 9452) granting a pension to Harry Schwartz, which was read twice by its title and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 9453) for the relief of the heirs of A. Cohn, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $4,000 for preparing a digest of the precedents and decisions of points of order in the parliamentary practice of the Senate, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Rules.

Mr. CULLOM submitted an amendment proposing to appropriate $16,033.72 to pay the Potomac Electric Power Company for furnishing electric current for the Senate Office Building, etc., intended to be proposed by him to the general deficiency bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to increase the appropriation for the improvement of Lock and Dam No. 37, Ohio River, from $150,000 to $380,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment providing for the improvement of Newport Harbor, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement of Point Judith Pond, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BULKELEY submitted an amendment providing for the improvement of the Connecticut River up to the city of Hartford, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to strike out the words "and the development of water power in connection with the improvement of the Connecticut River from Hartford, Conn., to Holyoke, Mass.," intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment providing for the improvement of the navigable capacity of Sabine and Neches rivers and of the channel connecting the Sabine and Neches rivers with the mouth of Taylors Bayou, in the State of Texas, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate $120,000 in full of all debts, claims, or demands on the part of the State of Virginia or of her assignee arising out of the act of the general assembly of Virginia of December 27, 1790, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment proposing to appropriate $3,000 for fencing the national bison range, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

POSTAL SAVINGS BANKS.

Mr. CUMMINS submitted two amendments intended to be proposed by him to the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, which were ordered to lie on the table and be printed.

PUBLIC-BUILDING ACTS.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

WITHDRAWAL OF PAPERS—DAVID K. MITCHELL.

On motion of Mr. FORAKER, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 7559, 60th Cong., 2d sess.) granting an increase of pension to David K. Mitchell, there having been no adverse report on said bill.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 19, 1909:

S. 6155. An act to provide for an enlarged homestead.

On February 20, 1909:

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California.

On February 23, 1909:

S. 8708. An act authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. DANIEL. Mr. President, the pending bill contains two sections. The first is one ordering a court of inquiry—

To hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 13–14, 1906.

It requires the court of inquiry to consist of five officers, none of them to be under the rank of colonel, and then provides that—

Said court shall, within one year from the date of its appointment, make a final report, and from time to time shall make partial reports, to the Secretary of War of the results of such inquiry, and such soldiers and noncommissioned officers of Companies B, C, and D, of the Twenty-fifth Regiment U. S. Infantry, who were discharged from the military service as members of said regiment, under the provisions of Special Orders, No. 266, dated at the War Department the 9th day of

November, 1906, as said court shall find and report as qualified for reenlistment in the Army of the United States shall thereby become eligible for reenlistment.

I do not know that there is any substantial objection to this section, but I call attention to it as it is the prefix of section second. About the matter, this observation seems to be pertinent, as there is a great deal of misunderstanding in the country with respect to the status of the soldiers discharged. There are three kinds of discharge from the Army of the United States. One is with honor, another is with dishonor, and between the two there is a neutral discharge known in the British army as "a bob-tail discharge," and by the expression commonly quoted in this country as "a discharge without honor"—that is to say, a colorless discharge, imposing no penalty upon the soldier, but simply dispensing with his service.

Such discharges are not rare. I am told that during the Spanish war the services of many enlisted men were simply dispensed with and their names stricken from the rolls because they were not wanted. They were ne'er-do-wells. They were not satisfactory, and, without being blasted with the stigma of dishonor or commended by the title of honor, they were simply eliminated from the service of the United States. That is the case with respect to the soldiers discharged on account of the disturbance at Brownsville. That discharge does not attach conviction of guilt to anyone, neither does it acquit them with honor. It arose from the fact that being under obligation as soldiers, they fell under circumstances of suspicion by reason of the fact that it was known, by the testimony of eyewitnesses and by complete circumstantial evidence, that some of them were guilty, although the identical people could not be marked out and named.

As to all of these soldiers, it is not only proposed to have this court of inquiry, and that those who may pass through that inquiry acceptably may be reenlisted, but section 2 provides:

SEC. 2. That any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

It seems to me, Mr. President, that section 2 is objectionable. There is no doubt of one fact, and that is that these men were legally discharged after most careful consideration of the case in which they were involved. There is no doubt about the fact that examination and reexamination was made, and that the view taken by those who had the best opportunity to know and to investigate the affair was finally confirmed.

It may be that an unfortunate case may arise amongst these soldiers; it may be that a number of them were totally innocent, but they are so involved in the cloud and doubt that arises with respect to them that it is not a case for the equitable intervention of Congress to pay them while they were out of the service all the pay and allowances that a true and good soldier has assured to him while in it. For that reason I move to strike out section 2.

The VICE-PRESIDENT. The Senator from Virginia moves to strike out the second section of the bill.

Mr. FORAKER. I move that the amendment proposed by the Senator from Virginia be laid on the table.

Mr. ALDRICH. Let the amendment be stated.

The VICE-PRESIDENT. The Senator from Virginia moves to strike out the second section of the bill, which the Secretary will read.

The Secretary read as follows:

SEC. 2. That any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

Mr. ALDRICH. I suggest that, under the unanimous-consent agreement——

Mr. FORAKER. I was about to say that I made the motion I did without having the unanimous-consent agreement in mind. Under the agreement, I suppose the amendment will have to go over until 4 o'clock, to be then voted on. So I withdraw the motion.

The VICE-PRESIDENT. The amendment proposed by the Senator from Virginia will be regarded as pending, to be considered when the hour of 4 o'clock is reached.

Mr. du PONT. I should like to hear the amendment stated again.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to strike out section 2.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I ask the Senate to proceed to the consideration of the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, and that the bill be read for amendment.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Secretary read the bill.

Mr. FLINT. I offer the amendment I send to the desk.

The SECRETARY. On page 2, line 20, strike out the words "two hundred and fifty" and insert "four hundred," so as to read:

For the procurement or reclamation of land, or right pertaining thereto, needed for site, location, construction, or prosecution of works for fortifications and coast defenses, $400,000.

Mr. PERKINS. Mr. President, when the bill was before the committee there was nothing before it on this subject except the report of the special board. Therefore the committee failed to give it particular consideration, believing that the $250,000 proposed to be appropriated by the House of Representatives was sufficient. That amounts to about $1,470 per acre for 170 acres. Since then my colleague appeared before the general committee, and the general committee authorized the Senator in charge of the bill to accept the increase.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Massachusetts?

Mr. PERKINS. Certainly.

Mr. LODGE. I should like to ask the Senator a question. This is to buy certain land?

Mr. PERKINS. It is to purchase about 170 acres of land in Los Angeles County, at the port called San Pedro, and at the price of $250,000 it would be about $1,470 an acre. The amendment proposes to increase it to $400,000, which would be $2,354 an acre. I know nothing myself of the value of the land, but my colleague is a resident of Los Angeles, and is quite familiar with it. An estimate has already been made by the Secretary of War.

Mr. FLINT. Mr. President, at the last session of Congress a provision was included in the fortifications bill for the appointment of a commission to make an investigation as to the necessity and advisability of fortifying the port of San Pedro, which is the port for the city of Los Angeles. A commission was appointed by the War Department, which visited the place and made a full report. They have conferred with the commercial bodies in that locality, and it is only by the assistance and cooperation of the commercial bodies that the land can now be acquired for this price. The War Department has recommended the appropriation of $400,000 to purchase this land. The commission which was appointed to investigate the matter recommended that Congress appropriate $500,000, but the War Department reduced this to $400,000. It is idle to appropriate $250,000 when the recommendation is for $400,000. If this amount should not be appropriated it will be idle to make any appropriation.

Mr. LODGE. I know very little about the details of this matter, except that $2,350 an acre for land for fortifications, 170 acres, seems a large price. I have been told that land there within a few years sold for $5 to $10 an acre.

Mr. FLINT. I should like to ask the Senator who told him that.

Mr. LODGE. I was told that in private conversation.

Mr. FLINT. I should like to know who made such a statement, because I am familiar with the price of this land. It is near a city—the city of San Pedro—and, as a matter of fact, if we do not buy the land now it will not be possible to acquire the land necessary for this work; it will all be covered up with homes which will be built there, and the Government will have to pay a far greater price than it is now asked. It is only by making the appropriation at this time that we can have the fortifications at that point.

Mr. LODGE. I, of course, know nothing about what the land is worth.

Mr. FLINT. This is an important matter to southern California. The board was appointed and made a report, and if the members of the Appropriations Committee will read the report they will see that the board considers it of the greatest neces-

sity to fortify this place at this time. To permit this matter to go by and not make the appropriation that the commercial bodies and the commission have recommended, as I said before, will be a great mistake.

Mr. PERKINS. I will state to the Senator from Massachusetts that the special report recommends:

It is recommended that only so much of the funds needed to provide for the protection of San Pedro Harbor, Cal., as is required for the purchase of the land, namely, $400,000, be appropriated at the present session of Congress.

My colleague appeared before the full committee and they authorized me to accept the amendment proposed by him, $150,000 in addition to the $250,000, making it $400,000.

Mr. GALLINGER. Mr. President, the Senator from California ought in justice to the committee to say there was a divided opinion, if he is to quote what the committee did. There was no evidence presented to the committee that this is a fair price for the land. Even the report of the commission, if there was one, was not laid before the committee when I was present. I thought it was an exorbitant price, and I am inclined to think now it is an exorbitant price. It seems to me that $2,100 or $2,200 an acre for land for a fort is a very exorbitant value, and unless there is some overwhelming reason why we should appropriate $400,000 for this purpose, I certainly shall feel impelled to vote against the amendment.

Mr. KEAN. This is for land alone?

Mr. GALLINGER. It is for land alone.

Mr. FLINT. There is a very important reason why this land should be purchased. The city of San Pedro will extend to this very land unless we acquire it at this time. The commission has carefully investigated the matter and made a report to Congress, the report being dated November 9, 1908, and yet it is proposed, notwithstanding that the commission ask for $400,000, to appropriate only $250,000. I do not know whence the statement comes, and I should like to know who makes it, that the land can be purchased for anything like the price which has been named by the Senator from Massachusetts. The city is extending right up on this point.

Mr. LODGE. I should like to ask at what price land there has been actually sold?

Mr. FLINT. I do not know anything about that. I do know that a railroad has been built out there. If the land was about Boston, would $2,000 an acre be too high a price? There is a city growing up there.

Mr. LODGE. I do not know how large the city is.

Mr. FLINT. It is a small city.

Mr. LODGE. I asked what land was selling for in that neighborhood, and the Senator said he does not know. Now, I ask him what is the assessed valuation of the land?

Mr. FLINT. The Senator asked me the value of the land. I do not know. I am simply relying on the value placed on it by the commercial bodies of Los Angeles. If the price is too high, the land can be condemned. It is only, as I have said to the Senator from Massachusetts, by reason of the fact that the commercial bodies there have taken an interest in the matter that we can obtain the land at the present time for this price.

Mr. LODGE. Mr. President, I think there ought to be proper fortifications there, and I heartily favor them, and shall vote for them. I think there ought to be proper fortifications for a city like Los Angeles. It is a great and growing city, and this is its port, and it ought to be thoroughly fortified. I have no objection in the world to that, but the House put in a provision for $250,000, which is $1,400 an acre. We are buying a large tract—170 acres of land—and if the Government can not get it for $250,000, it can institute condemnation proceedings. But we have heard this morning of the necessity of saving money and the condition of the revenue. We have just voted down a measure that has passed the Senate twice, and it was voted down by the Senate on that ground. I see the force of it. Now, we are asked to add $150,000 to the House appropriation and pay $2,300 an acre for land. If we appropriate $250,000 and the land can not be bought for that sum, condemnation proceedings can be instituted. It is a bad time to add to the appropriations.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California. [Putting the question.] By the sound, the "noes" have it.

Mr. FLINT. A division!

Mr. GALLINGER. Manifestly the yeas and nays will be required if the Senator insists on his amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TILLMAN. A parliamentary inquiry, Mr. President. What is the question?

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California [Mr. FLINT].

Mr. TILLMAN. Increasing the appropriation from $250,000 to $400,000?

The VICE-PRESIDENT. Yes.

Mr. TILLMAN. A vote in the affirmative means $400,000?

The VICE-PRESIDENT. Yes.

The Secretary proceeded to call the roll.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], which I transfer to the senior Senator from Washington [Mr. ANKENY], and vote. I vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. He being absent, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If he were present, I should vote "nay."

Mr. STONE (when his name was called). I inquire whether the senior Senator from Wyoming [Mr. CLARK] has voted?

The VICE-PRESIDENT. He has not.

Mr. STONE. I have a general pair with that Senator, and therefore withhold my vote.

Mr. TILLMAN (when his name was called.) I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call was concluded.

Mr. FOSTER. May I inquire if the senior Senator from North Dakota [Mr. HANSBROUGH] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. FOSTER. I withhold my vote, having a pair with him.

The result was announced—yeas 26, nays 26, as follows:

YEAS—26.

Beveridge	Cullom	Fulton	Piles
Brandegee	Dick	Hemenway	Richardson
Brown	Dixon	Heyburn	Smoot
Bulkeley	Dolliver	Nelson	Taylor
Burkett	Flint	Nixon	Teller
Carter	Foraker	Paynter	
Clay	Frye	Perkins	

NAYS—26.

Bacon	Gallinger	McCreary	Platt
Bankhead	Hale	McCumber	Stephenson
Borah	Johnston	McLaurin	Warner
Burrows	Kean	Money	Warren
du Pont	Kittredge	Overman	Wetmore
Clarke, Ark.	La Follette	Page	
Frazier	Lodge	Penrose	

NOT VOTING—40.

Aldrich	Cummins	Gore	Owen
Ankeny	Curtis	Guggenheim	Rayner
Bailey	Daniel	Hansbrough	Scott
Bourne	Davis	Hopkins	Simmons
Briggs	Depew	Knox	Smith, Md.
Burnham	Dillingham	Long	Smith, Mich.
Clapp	Elkins	McEnery	Stone,
Clark, Wyo.	Foster	Martin	Sutherland
Crane	Gamble	Milton	Taliaferro
Culberson	Gary	Newlands	Tillman

The VICE-PRESIDENT. The amendment fails for want of an affirmative vote.

Mr. FLINT. I desire to reserve the amendment for consideration in the Senate.

The VICE-PRESIDENT. The amendment failed as in Committee of the Whole. The Senator can offer the amendment in the Senate when the bill reaches the Senate. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. FLINT. I offer the amendment which I sent to the desk a few moments ago.

The VICE-PRESIDENT. The Senator from California proposes an amendment, which will be read.

The SECRETARY. On page 2, line 21, before the word "thousand" strike out "two hundred and fifty" and insert "four hundred," so as to read:

For the procurement or reclamation of land, or right pertaining thereto, needed for site, location, construction, or prosecution of works for fortifications and coast defenses, $400,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I will withhold my vote until he returns.

Mr. FULTON (when his name was called). I again announce my general pair with the junior Senator from Arkansas [Mr.

DAVIS] and the transfer of my pair to the senior Senator from Washington [Mr. ANKENY]. I vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I transfer that pair to the junior Senator from Illinois [Mr. HOPKINS], and vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I note the absence of the Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair. If he were present I should vote "nay."

The result was announced—yeas 32, nays 27, as follows:

YEAS—32.

Beveridge	Cullom	Gamble	Piles
Brandegee	Dick	Guggenheim	Rayner
Brown	Dixon	Hansbrough	Richardson
Bulkeley	Dolliver	Hemenway	Smoot
Burkett	Flint	Heyburn	Stone
Carter	Foraker	Long	Sutherland
Clark, Wyo.	Frye	Nixon	Taylor
Clay	Fulton	Perkins	Teller

NAYS—27.

Bankhead	Daniel	Lodge	Penrose
Borah	du Pont	McCreary	Platt
Bourne	Gallinger	McCumber	Stephenson
Briggs	Johnston	McLaurin	Warner
Burrows	Kean	Martin	Warren
Clarke, Ark.	Kittredge	Money	Wetmore
Cummins	La Follette	Page	

NOT VOTING—33.

Aldrich	Davis	Hopkins	Scott
Ankeny	Depew	Knox	Simmons
Bacon	Dillingham	McEnery	Smith, Md.
Bailey	Elkins	Milton	Smith, Mich.
Burnham	Foster	Nelson	Taliaferro
Clapp	Frazier	Newlands	Tillman
Crane	Gary	Overman	
Culberson	Gore	Owen	
Curtis	Hale	Paynter	

So Mr. FLINT's amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 39, 40, 83, 84, 95, 99, 102, 105, 106, 109, 112, 113, 114, 131, 175, 176, 177, 178, 179, 180, 181, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 101, 103, 104, 107, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 171, 172, 173, 174, 183, 184, 185, 186, 187, 188, 190, 191, and 208, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "; hire of horse and wagon for the Secretary's office, four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand four hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-four thousand nine hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-seven thousand seven hundred and forty-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: "; or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, ten thousand dollars, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committee of the two Houses of Congress shall direct or approve."

And the Senate agree to the same.

That under the authority of House concurrent resolution No. 67, this session, the bill be amended as follows:

On page 40, lines 18 and 19, strike out the words "twelve thousand dollars" and insert in lieu thereof the following: "eight thousand dollars, and the annual compensation of the Secretary of State, including all emoluments or allowances fixed by law, except such as were fixed by law prior to the twenty-sixth day of February, nineteen hundred and seven, after the third day of March, nineteen hundred and nine, is hereby fixed at eight thousand dollars, and all laws or parts of laws providing different compensation, emoluments, or allowances are hereby repealed, to take effect on the third day of March, nineteen hundred and nine, except that so much of the unexpended balance of the appropriation of twelve thousand dollars for the salary of the Secretary of State for the fiscal year nineteen hundred and nine as may be necessary is hereby made available to pay the said salary as herein fixed at the rate of eight thousand dollars per annum from March fourth until June thirtieth, nineteen hundred and nine, inclusive."

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "chief clerk, two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand nine hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment and strike out, on page 111, lines 21 and 22, and insert in lieu thereof the following:

"Six Indian inspectors, not required to be engineers, now employed and appropriated for in the Indian Department, at two thousand five hundred dollars each, and said Indian inspectors shall hereafter be termed inspectors, and shall be included in the classified service."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert the following: "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-one thousand two hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter stricken out by

said amendment insert the following: "four copyists of maps, at nine hundred dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

On amendments numbered 43, 46, 60, 61, 62, 63, 64, 65, 66, 67, 68, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210 the committee of conference have been unable to agree.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move that the Senate still further insist on its amendments in disagreement and ask the House for a further conference, and that the President of the Senate shall appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER conferees on the part of the Senate at the further conference.

CLARENCE FREDERICK CHAPMAN.

Mr. DICK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, U. S. Navy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

CHARLES DICK,
THOMAS S. MARTIN,
JOHN WALTER SMITH,
Managers on the part of the Senate.

THOMAS S. BUTLER,
ERNEST W. ROBERTS,
A. W. GREGG,
Managers on the part of the House.

The report was agreed to.

COURTS IN WASHINGTON AND OREGON.

Mr. FULTON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, to report it favorably with an amendment, and I submit a report (No. 1070) thereon.

Mr. PILES. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add to the bill the following additional sections:

SEC. 3. That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of Oregon, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same salary as the present judge of said district.

SEC. 4. That the present district judge in said district of Oregon and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said district: *Provided, however,* That in case the said two district judges do not agree, the senior circuit judge of the ninth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

SEC. 5. That hereafter, and until otherwise provided by law, in addition to the terms of the United States circuit and district courts now required by law to be held at the city of Portland, in the district of Oregon, there shall be held annually one term of said courts at the following-named places in said district of Oregon at the times hereinafter stated, namely: At Pendleton on the first Tuesday of April each year and at Medford on the first Tuesday of October each year.

SEC. 6. That the marshal and clerk of the district of Oregon shall each, respectively, appoint at least one deputy to reside in each of said towns of Pendleton and Medford, in said district of Oregon, and he shall maintain an office in each of said places.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide for the appointment of one additional district judge in and for the western district of Washington, and one additional district judge in and for the district of Oregon."

INDIANS OF FORT BERTHOLD RESERVATION.

Mr. McCUMBER. I move that the House be requested to return to the Senate the bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907. I will state that the same provision is in the Indian appropriation bill, which has passed the House and passed the Senate.

The motion was agreed to.

Mr. McCUMBER. I enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to resume the consideration of the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

Mr. LA FOLLETTE. I ask that there may be printed in the RECORD, so that it will appear as a part of the proceedings in the consideration of this bill, the table showing the various changes in the course of the bill which the committee incorporated in its report.

Mr. WARREN. I understand the Senator wishes to have the report printed in the RECORD.

Mr. LA FOLLETTE. Not the entire report, but the table. I have no objection to the entire report being printed. I think perhaps it would be well that the entire report should be printed.

Mr. WARREN. I ask the Senator to make the request.

Mr. LA FOLLETTE. I will make that request, that the entire report, which is not very long, but which contains some matters which I think might well be printed, may be printed in the RECORD in connection with the consideration of the bill and preliminary to it.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1055, Sixtieth Congress, second session.]

Mr. WARREN, from the Committee on Agriculture and Forestry, submitted the following report to accompany H. R. 27053:

The Committee on Agriculture and Forestry, to which was referred the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, having considered the same, report it back to the Senate with amendments:

The amount carried by this bill for the Department of Agriculture is	$13,773,276
The House bill carried for the same work	12,883,826
The actual increase by your committee over the amount as passed by the House is	889,450

The changes in the bill are as follows:

SECRETARY'S OFFICE.

The salary of the solicitor is advanced from $4,000 to $4,500. This increase is made for the purpose of making the salary of this official conform more nearly to the salaries paid to law officers in other departments. In no case does the law officer of any department, except the Department of Agriculture, receive a salary of less than $4,500 per annum. The salary of the stenographer and executive clerk to the Secretary of Agriculture is increased from $2,000 to $2,250. This employee has occupied this position for about eleven years, and the increasing extent and complication of the work of the Secretary's office would seem to entitle him to this small increase. His duties include not only stenographic dictation but much executive work besides. The salary of the inspector is advanced from $2,000 to $2,500. He is the only inspector attached to the office of the Secretary, and his duties are largely confidential in character and are performed under the personal supervision of the Secretary. They cover a very broad range and require great tact and fine judgment in addition to general ability and a knowledge of the work being carried on by all the bureaus and offices of the department. The increases in the salaries of the solicitor and the inspector were reported by the House committee, but went out on points of order on the floor of the House. The total increase for this office is $1,250.

WEATHER BUREAU.

The only increase in the appropriation for the Weather Bureau is in the salary of the chief of the bureau, which is advanced from $5,000 to $6,000. This has been done in order to make his salary equal to that of other government officials of the same rank. There is no other chief of a scientific bureau appointed by the President and confirmed by the Senate who does not receive at least $6,000 per annum. This officer must direct the operations of his bureau every day in the year, including Sundays and holidays, until a late hour each night. The present chief of the Weather Bureau has served continuously in this bureau for the last thirty-two years, and during the last fourteen years as its chief. He has not received recognition by promotion for a number of years, although the metereological service of the United States, as adminis-

tered by the Weather Bureau under his supervision, is believed to be the best in the world, and its high standing is due entirely to the good work of its present chief. The increase was reported by the House committee, but went out on a point of order on the floor of the House.

BUREAU OF ANIMAL INDUSTRY.

There is an increase of $55,000 in this bureau for additional quarantine and inspection work. This amount was estimated for but was not reported by the House committee; however, it is believed to be absolutely necessary to meet the increased demands on the service along these lines and properly take care of the work.

BUREAU OF PLANT INDUSTRY.

There is a total increase in the appropriation for this bureau of $156,090. Thirty thousand dollars of this sum is for promulgating the standards of the different grades of cotton in cooperation with associations, organizations, exchanges, and agricultural colleges; $22,560 for determining the grades and condition of grain offered for sale, and $103,530 for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil.

FOREST SERVICE.

There is an increase of $500,000 in the appropriation for this bureau, and is required to render more effective the proper protection of national forests from fire, and to further facilitate their use to the people.

BUREAU OF CHEMISTRY.

There is an increase of $15,000 in the appropriation for this bureau to enable the Secretary of Agriculture to cooperate with the agricultural colleges for the purpose of demonstrating and illustrating the best methods of making denatured alcohol on a scale suitable for utilization by the farmer or associations of farmers.

BUREAU OF SOILS.

The only increase in the appropriation for this bureau is an advance of $200 in the salary of one photographer, whose work is of exceptional character.

BUREAU OF ENTOMOLOGY.

No change has been made in the appropriations for this bureau.

BUREAU OF BIOLOGICAL SURVEY.

There is an increase of $4,000 in the appropriation for this bureau for the maintenance of reservations for mammals and birds. This item was reported by the House committee, but went out on a point of order on the floor of the House.

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

No change has been made in the appropriation for this division.

DIVISION OF PUBLICATIONS.

There is a net increase of $1,160 in salaries for this division, as follows: The salary of the foreman of miscellaneous distribution has been advanced $100; 1 forewoman has been advanced $200, and 1 clerk of class 2 and 1 skilled laborer at $900 have been added. One clerk at $720 and 1 skilled laborer at $720 have been dropped.

BUREAU OF STATISTICS.

No change has been made in the appropriation for this bureau.

LIBRARY.

No change has been made in the appropriation for the library.

CONTINGENT EXPENSES.

The appropriation for contingent expenses has not been changed.

OFFICE OF EXPERIMENT STATIONS.

The appropriation for this bureau has been increased $5,500. The salary of the director of the bureau has been increased $500 in recognition of his excellent services and careful supervision of the expenditure of large sums of money for the maintenance of agricultural experiment stations. Five thousand dollars has been added to the appropriation for nutrition investigations for investigating and reporting upon the best methods and appliances for the preparation of human food, with a view to securing useful information for distribution in the homes of the people.

OFFICE OF PUBLIC ROADS.

There is an increase of $20,250 in the appropriations for this office. The salary of the director of the office has been advanced $250, as he is an efficient officer and the important work of the bureau seems to warrant the small increase. It was reported by the House committee, but went out on a point of order on the floor of the House. Twenty thousand dollars has been added for ascertaining the relative effectiveness of township, county, and state systems of road administration, for making inquiries as to the cost thereof, and for reporting the results to Congress.

MISCELLANEOUS.

No change has been made in the amount of the appropriation for paper tests.

A provision has been inserted to enable the Secretary of Agriculture to inspect and control the importation of biological products to prevent a further outbreak of the foot-and-mouth disease in this country, $25,000.

A provision has also been inserted to enable the Commission on Country Life, under the direction of the Secretary of Agriculture, to digest, compile, and publish the material already gathered by the commission, and to complete its work, $25,000.

A provision has also been inserted to create a commission on alcoholic liquor traffic, $80,000, of which sum $20,000 shall be immediately available.

Several other minor provisions have been inserted, but carry no appropriation of money.

The table following shows the various changes in the course of the bill:

Table showing various changes in the course of the bill.

	Appropriation.	Estimate.	House committee.	House bill.	Senate committee.	Increase by Senate committee.
Secretary's office	$122,900	$162,300	$174,320	$173,320	$174,570	$1,250
Weather Bureau	1,662,260	1,642,260	1,508,260	1,507,260	1,508,260	1,000
Bureau of Animal Industry	1,080,860	1,508,860	1,402,860	1,402,860	1,457,860	55,000
Bureau of Plant Industry	1,341,676	1,560,636	1,620,736	1,630,736	1,786,826	156,090
Forest Service	3,896,200	5,991,500	4,646,200	4,646,200	5,146,200	500,000
Bureau of Chemistry	826,720	1,000,000	880,560	880,560	895,560	15,000
Bureau of Soils	234,700	287,100	232,660	232,660	232,860	200
Bureau of Entomology	184,960	527,680	527,680	527,680	527,680	
Bureau of Biological Survey	62,000	103,170	87,420	83,420	87,420	4,000
Division of Accounts and Disbursements	46,690	56,090	61,490	61,490	61,490	
Division of Publications	179,710	211,980	205,320	205,970	207,130	1,160
Bureau of Statistics	221,640	240,780	221,420	220,920	220,920	
Library	33,580	36,660	35,820	35,820	35,820	
Contingent expenses (supplemental estimate)	86,200	70,000 10,000	80,000	80,000	80,000	
Office of Experiment Stations	1,084,620	1,070,160	1,068,720	1,068,720	1,074,220	5,500
Office of Public Roads	87,390	126,450	116,460	116,210	136,460	20,250
Total	11,112,106	14,605,626	12,870,926	12,873,826	13,633,276	759,450
Last year			10,921,346	10,998,806	11,082,146	
Increase over last year			1,949,580	1,875,020	2,551,130	
Miscellaneous:						
Paper tests	10,000	15,000	10,000	10,000	10,000	
Naval stores industry [a]	10,000					
National bison range [a]	40,000					
Importation of biological products—Bureau of Animal Industry					25,000	25,000
Commission on Country Life (supplemental estimate)		25,000			25,000	25,000
Commission on Alcoholic Liquor Traffic					80,000	80,000
Total	60,000	40,000	10,000	10,000	140,000	130,000
Emergencies:						
Bureau of Entomology (moths) [b]	250,000					
Bureau of Animal Industry (cattle ticks) [b]	250,000					
Total	500,000					
Grand total	11,672,106	14,645,626	12,880,926	12,883,826	13,773,276	889,450
Net increase over House bill						889,450

[a] Omitted from estimates for fiscal year 1910.
[b] These two emergency appropriations were merged in the appropriation of the bureaus having supervision of the work.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, on page 1, line 8.

The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 1, line 12, before the word "dollars," to insert "five hundred;" on page 2, line 5, before the word "dollars," to insert "two hundred and fifty;" and in line 10, before the word "dollars," to insert "five hundred," so as to read:

Office of the Secretary: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; one solicitor, $4,500; chief clerk, $2,500, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $1,600; stenographer to the Assistant Secretary of Agriculture, $1,400; one appointment clerk, $2,000; one chief of supply division, $2,000; one inspector, $2,500.

The amendment was agreed to.

The next amendment was, on page 3, line 22, before the word "dollars," to strike out "seventy-three thousand three hundred and twenty" and insert "seventy-four thousand five hundred and seventy," so as to make the clause read:

Total for the office of Secretary, $174,570.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 3, line 25, before the word "thousand," to strike out "five" and insert "six," so as to read:

Salaries, office of Chief of Weather Bureau: One chief of bureau, $6,000.

The amendment was agreed to.

The next amendment was, in the item of salaries, office of Chief of Weather Bureau, on page 5, line 9, before the word "thousand," to strike out "four" and insert "five," so as to read:

In all, $205,310.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the word "thousand," to strike out "seven" and insert "eight," so as to make the clause read:

Total for Weather Bureau, $1,508,260.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," on page 11, line 9, before the word "thousand," to insert "and fifty-five," so as to make the clause read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the construction and alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, $655,000.

The amendment was agreed to.

The next amendment was, on page 12, line 1, before the word "bureau," to strike out "the" and insert "a;" and in line 2, after the word "station," to strike out "at Bethesda, Md.," so as to make the clause read:

For the purchase of additional land for a bureau experiment station, not to exceed $25,000.

The amendment was agreed to.

The next amendment was, on page 12, line 10, before the word "thousand," to strike out "thirty-eight" and insert "ninety-three," so as to make the clause read:

In all, for general expenses, $1,293,760.

The amendment was agreed to.

The next amendment was, on page 12, line 14, before the word "cooperation," to strike out "in" and insert "including," so as to make the clause read:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, including cooperation with the state agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including rent, and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $50,000.

The amendment was agreed to.

The next amendment was, on page 12, line 21, before the word "thousand," to strike out "two" and insert "fifty-seven," so as to make the clause read:

Total for Bureau of Animal Industry, $1,457,860.

The amendment was agreed to.

The next amendment was, under the head of "Plant industry," on page 15, line 8, before the word "of," to strike out "life history" and insert "physiology," so as to make the clause read:

For investigating the physiology of crop plants and for testing and breeding varieties thereof, $27,290.

The amendment was agreed to.

The next amendment was, on page 15, line 13, before the word "dollars," to strike out "seventeen thousand seven hundred and twenty" and insert "twenty-five thousand and seventy," so as to make the clause read:

For soil bacteriology, plant nutrition, and water purification investigations, $25,070.

The amendment was agreed to.

The next amendment was, on page 15, line 14, before the word "investigations," to strike out "bionomic" and insert "acclimatization and adaptation," so as to make the clause read:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, $17,990.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the word "investigations," to insert "and fermentation," so as to make the clause read:

For drug plant, poisonous plant, tea culture, and general physiological and fermentation investigations, $43,420.

The amendment was agreed to.

The next amendment was, on page 15, line 24, before the word "thousand," to strike out "twelve" and insert "forty-two," so as to read:

For investigating the handling, grading, and baling of cotton, and the establishment of standards for the different grades thereof, $42,250.

The amendment was agreed to.

The next amendment was, in line 25, after the word "dollars," to insert the following proviso:

Provided, That $30,000 of this sum, or so much thereof as is necessary, may be used by the Secretary of Agriculture in promulgating the standards for the different grades of cotton in cooperation with associations, organizations, exchanges, or agricultural colleges, such sets of standards as may be prepared by the department to be furnished at actual cost, the proceeds from the same to be turned into the Treasury as miscellaneous receipts.

Mr. KEAN. Mr. President, I should like to have some explanation of that amendment.

Mr. WARREN. Mr. President, that amendment relates to the standardization of the cotton of the South. It is carrying out what has been partially provided for heretofore. Perhaps the Senator from North Carolina [Mr. SIMMONS] can give us some information upon the subject.

Mr. SIMMONS. What is the clause?

Mr. KEAN. It seems to be a proposition to standardize something or other.

Mr. WARREN. The item is at the bottom of page 15 and running over to the top of page 16, relating to the standardization of cotton, and $30,000 is appropriated for the purpose.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. KEAN. Certainly. I withhold the point of order.

Mr. SIMMONS. Mr. President, I will state to the Senator from New Jersey that at the last session we passed an act providing for the standardization of cotton; that is, a small appropriation was made at that time. A commission was appointed to prepare the standards, nine in number, which reported, and the standards have been adopted. It is now necessary that all the cotton organizations of the country shall be provided with samples of these standards. The appropriation is for the purpose of purchasing cotton to be converted into the samples to supply the various cotton organizations and cotton buyers of the country. The money which will be received, a charge being made for each of these samples, will be restored to the Treasury. So this is only a temporary appropriation. The money will come back into the Treasury as soon as the samples are furnished.

Mr. WARREN. Mr. President, I should like to have a few words read on that point from the evidence of Secretary Wilson, who was before the committee.

Mr. ALDRICH. I have no objection to the matter referred to going into the RECORD, but I shall make the point of order against the amendment if the Senator from New Jersey [Mr. KEAN] does not.

Mr. WARREN. I trust the point of order may be withheld.

Mr. ALDRICH. I have no objection to the testimony going into the RECORD.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from Wyoming.

The Secretary read as follows:

Secretary WILSON. A year ago, if you remember, Congress required us to grade cotton; and we got a committee of the most intelligent cotton men in the Southern States that we could find and had them come up. We got some men, also, from the boards of trade, and so forth, and they agreed on nine different grades of cotton. The proposition

is to-day to enable us to furnish sets of standards, consisting of the nine grades.

Senator WARREN. For which you want $30,000.

Secretary WILSON. For which we want $30,000; and when they are sold the money is to be put back into the Treasury. The theory is that it is not going to cost the Government anything; but we want something to start on. That is what the theory is. We will make the standards and send them to every cotton-growing market, wherever they want them. We will send the sets, and they will pay for them, and we will put the money in the Treasury; but we have no money to go to work and do it now. That is the trouble.

Mr. WARREN. Now, Mr. President, only a word. The contention of the Secretary of Agriculture is that the law already provides for this work. The commission has done the work. This $30,000 is to provide for the printing, distribution, and sale, and from these sales it is expected the returns will not only pay for the issuance of the samples and printed matter, but also cover and reimburse this $30,000.

Mr. ALDRICH. Mr. President, this is another step in the direction of the Government of the United States attempting to fix standards for the sale of cotton all over the United States. First, we had an investigation, and now we have a promulgation of cotton standards. I can not see why the United States should be called upon to promulgate standards to take the place of the commercial standards that have been in use from time immemorial in connection with the sale of cotton. I make the point of order against the amendment.

Mr. BURKETT. Let me suggest that this does not appropriate any money. The Government is doing this thing. It just simply provides——

Mr. ALDRICH. If the Government is doing it, it is doing it contrary to law.

Mr. MONEY. Mr. President——

Mr. BURKETT. The Government is doing it, and I do not see why it is not according to law.

Mr. BAILEY. Where is the statute that authorizes it?

Mr. MONEY. Mr. President, this was authorized by the last appropriation bill reported from the Committee on Agriculture, and the Secretary of Agriculture has been at work. So far as I am concerned as a member of the committee, I care nothing about it, but there was a pressure from cotton men everywhere, and I want to say principally from New York, for a grading by the Government of cotton, so that there would be uniformity throughout the country. We passed that bill, and, as I have said, the Secretary of Agriculture has been at work under it. This proposition is intended to advance him $30,000 to furnish every little cotton market in the country with a set of these standards—9 grades. They are to repay it, and the money comes back to the Treasury. Not a cent is taken out of the Treasury except for a little while.

I want to say that the Secretary, not feeling competent, perhaps, with his force, unaccustomed most of them to cotton, called to his assistance the ablest cotton men whom he knew anything about in the cotton markets, as well as cotton raisers, and these men got together at their own expense and fixed the standards.

This provision is simply intended to send these standards to those who want them, and I know that applications for them are all the time coming from the different cotton markets. The Secretary sends them, and they pay him for them. He can not send them unless he has the money with which to do it, and they do not pay until they get them. It is simply a question of whether Congress will agree that that much public money shall be advanced for the dissemination of these standards to the different cotton markets of the country, the money to be returned immediately. That is the whole question. It does not cost anything, and unless this amendment shall be adopted, what we have done will be of no avail.

Mr. BAILEY. I desire to ask the Senator from Mississippi if there is any attempt to establish these standards as legal standards?

Mr. MONEY. Oh, not at all.

Mr. BAILEY. I perfectly understand that the Federal Government has the right to establish the standard of weights and measures, but no other standards.

Mr. MONEY. No. This is just exactly like the grain standardization, which, as the Senator knows, we have provided for.

Mr. BAILEY. Yes, Mr. President; and there is the trouble. The Government of the United States is being asked now to establish a standard for grain. We will next be asked to establish a standard for cotton; then a standard for cotton goods; then a standard for bread, and they have about established that in the pure-food law. The next thing will be a commission to establish a standard of liquor; and when we get through, Mr. President, the American people will be transacting their business under rules prescribed by commissions. There is hardly a general appropriation bill that comes to this body that either does not ask us to authorize the appointment of a commission or else authorize us to approve something that a commission has done, although the President has in some cases appointed the commission without the shadow of legal authority.

Mr. WARREN. Mr. President, will my colleague on the committee yield to me until I have——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. MONEY. Certainly.

Mr. WARREN. Until I can have read a clause of last year's law which authorizes this.

Mr. ALDRICH. I made the point of order against the amendment, Mr. President.

Mr. WARREN. I think, in justice to the committee, we ought to have the provision read.

The VICE-PRESIDENT. Does the Senator from Rhode Island insist upon his point of order?

Mr. ALDRICH. I do.

Mr. WARREN. Will the Senator yield until this is read?

Mr. ALDRICH. Let it be printed in the RECORD. I have no objection to its being printed in the RECORD.

The VICE-PRESIDENT. Without objection, the matter referred to by the Senator from Wyoming will be printed in the RECORD.

The clause referred to is as follows:

To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications. And the Secretary of Agriculture is authorized and directed to prepare in practical form the standard of said grades and furnish the same upon request to any person, the cost thereof to be paid, when delivered, by the person requesting the same, and certified under the signature of the said Secretary and the seal of his department.

Mr. ALDRICH. It is proposed that the Secretary of Agriculture may use this sum to promulgate standards. If we are going to establish standards of cotton to take the place of the commercial standards, let us do it in the ordinary way, by ordinary rules of legislation, and not upon an appropriation bill.

Mr. MONEY. Mr. President, one word more.

The VICE-PRESIDENT. Does the Senator from Rhode Island insist on his point of order?

Mr. ALDRICH. I do.

Mr. MONEY. I think this question is not very well understood. I appreciate the force of the remarks made by the Senator from Texas [Mr. BAILEY], because they are proper.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Mississippi?

Mr. MONEY. I yielded to the Senator from Rhode Island, and he has taken his seat, Mr. President. I suppose I can go on.

The VICE-PRESIDENT. The Senator can proceed by unanimous consent, but the point of order which the Senator from Rhode Island interposed before taking his seat made it necessary that the Chair should decide the question without debate or submit it to the Senate.

Mr. MONEY. I want to understand this.

Mr. WARREN. The Senator from Mississippi had the floor and yielded to me.

Mr. MONEY. I want to understand if I can be taken from the floor by the Senator making a point of order when I yielded to him, though I did not yield for such a purpose.

Mr. ALDRICH. I am quite willing to withhold the point of order until the Senator completes his remarks. I do not want to cut him off.

Mr. MONEY. I was going on to say, Mr. President, that I quite appreciated the force of the remarks of the Senator from Texas [Mr. BAILEY]. We are going right along, drifting pretty rapidly into a condition of things where the Government is going to take care of everything that the people ought to take care of themselves.

I want to say, as I said a while ago, that when this provision was passed by the committee I declined to favor it. I did not care anything about it. I did not see how it was going to do any good, and I did have some objection to its being done; but since the work has been done, as I have described, by disinterested men—by the cotton men of the country—I think the provision can do no harm. The Secretary has the standards, as ascertained by this commission. As I said, the work was done by men engaged in commercial lines. It was not done by a department or a bureau, but the standards were fixed by commercial men, by men who deal in cotton, who produce cotton, who sell cotton, and who buy cotton. The provision will enable the Secretary to distribute—"promulgate" is probably the wrong word—to distribute, to send anywhere, the nine samples on a card. That is all. The money is to be advanced for that purpose.

Now, if the amendment is to go out on a point of order, that is all right; but still the provision will not do any harm to anybody. If the idea is objected to, you should repeal the legislation of last year and not let the Secretary have the trouble of considering anything more about it. To withhold an appropriation, which is simply an advance for a short while, does not seem to me to be any particular economy.

I am perfectly willing to stop the standardizing of grain, the standardizing of cotton, and the standardizing of anything else into which the United States has to put its hand. I want to leave the people of this country to manage their business and their Government. I am not one of those who advocate that the Government shall take care of the people. On the contrary, if this is not a Government of, for, and by the people, we ought to have a constitutional convention called by the States, change the form of it, and have then a socialism, or a limited monarchy, or a constitutional monarchy, or a despotism, or anything else the people want. They have the right to change their form of government.

But I do not see that any harm can come by this trifling thing. If this point had been made last year, it would have been good. If it were made this year, against the standardizing of grain, I think it would be good; but it certainly would not be a good point if made against a provision that is to carry out a law of Congress that can not be carried out otherwise. In that view I do not see that the point of order is good, Mr. President, because certainly the Secretary has obeyed the law. He can not go a step further, and all that has been done will be useless unless this little advance is made. It is not very material to me. I can not see how it can be; but, at any rate, the cotton people think differently, and I have had a great many communications asking me to stand by this amendment.

Mr. ALDRICH. I make the point of order against the amendment, Mr. President.

The VICE-PRESIDENT. What is the point of order?

Mr. ALDRICH. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 16, after line 7, to strike out:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $52,440.

And insert:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $75,000: *Provided*, That whenever the Secretary of Agriculture is requested by any considerable number of grain growers in a community he shall appoint an expert grain grader for that community, whose duty it shall be to determine for those making proper requests the grades and condition of grain offered for sale and to collect from the seller of the grain such fees as may be fixed by the Secretary of Agriculture, said fees to be used, first, for all expenses connected with the work, the remainder, if there be any, to be turned into the Treasury as miscellaneous receipts.

Mr. KEAN. I make the point of order, Mr. President, that the amendment proposes general legislation.

Mr. WARREN. I hope the Senator from New Jersey will withhold the point of order long enough to allow the Senator from North Dakota [Mr. HANSBROUGH] to address himself to the amendment.

The VICE-PRESIDENT. Does the Senator from New Jersey withhold the point of order?

Mr. KEAN. I withhold the point of order for a moment.

The VICE-PRESIDENT. The Senator from New Jersey withholds the point of order.

Mr. HANSBROUGH. Mr. President, the proposed amendment is by no means in the same class with the amendment that has just gone out on a point of order. For three years past we have had a law directing the Secretary of Agriculture to fix standards of grain. This provision is merely to assist the Secretary in doing that which the law directs him to do.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. HANSBROUGH. I yield.

Mr. FULTON. I ask the Senator if he will call attention to the statute to which he refers and read it, if he please.

Mr. HANSBROUGH. Yes. In the last agricultural appropriation act there was contained a provision which was reenacted from a former appropriation bill. It is as follows:

To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments, from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, and also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce.

That is the point.

Mr. FULTON. I call the Senator's attention to the fact——

The VICE-PRESIDENT. Does the Senator from North Dakota yield further to the Senator from Oregon?

Mr. HANSBROUGH. I yield.

Mr. FULTON. I call the Senator's attention to the fact that that simply provides for the gathering of data upon which to base the fixing of a standard for grading. I do not know how that escaped me before. Had my attention been attracted to it I should have objected to it at the time the last agricultural appropriation bill was considered. I do not think it is a matter with which the Government has anything to do or in which is can act at all.

Mr. HANSBROUGH. This thing has been going on for three years or more. The Senator has been a Member of this body for longer than that time. If the Senator will examine the pending bill on page 16, he will find this language, which was framed, as I understand, in the office of the Secretary of Agriculture and predicated upon existing law:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof—

"Grades," of course, are the same as standards. The proposed amendment does not fix the standard, but it enables the Secretary of Agriculture to carry out that which Congress has already directed him to do.

Now, Mr. President, I wish to state that the purpose of this amendment is simply this: I think it is the universal desire of the producers of grain that if there is going to be federal inspection of grain it shall be while the grain is the property of the producer. So I have drawn this amendment so as to provide that the Secretary may appoint a grading inspector in a given community when the producers ask him to do so, and that they shall pay the cost.

It seems to me, Mr. President, that the point of order is not well taken in view of the fact that the amendment is simply to carry out existing law.

Mr. BACON. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. HANSBROUGH. I do.

Mr. BACON. I should like to ask the Senator if we enter upon this field of legislation, can not every other product, agricultural and manufacturing, within the whole boundaries of the United States claim that it is entitled to equal attention on the part of the Agricultural Department in the matter of inspection?

Mr. HANSBROUGH. Mr. President, to use a homely phrase, we will cross that bridge when we get to it.

Mr. BAILEY. But the trouble of it is that we are certain to get to it.

Mr. HANSBROUGH. That is probably so in certain respects.

Mr. BACON. I would say to the Senator that there are bills pending in Congress for the inspection of other products; and, if this one passes, it will be, of course, a good argument why the next one should pass, and when the next one passes it will be a good argument why all should pass.

Mr. HANSBROUGH. Mr. President, some of those bills may be very meritorious measures. I have not had the time to examine them all.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from North Dakota yield to the junior Senator from North Dakota?

Mr. HANSBROUGH. Certainly.

Mr. McCUMBER. There was an excellent provision in the House bill, which has been stricken out by the Senate committee and then reinstated as part of this amendment. The provision reads:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $52,440.

That provision is very good, so far as it goes. The Senate committee has added to that something that can be removed by a single objection, and I for one do not see any serious objection to its being removed. We have had before the Senate for some time, reported out of the Committee on Agriculture, a bill providing for federal grading of grain. It goes directly to the point. It provides for the grading to be done by the Federal Government, and the grades so established will be known as "national grades." We would reach it there directly.

This proposed amendment contains that which would be absolutely useless and which, if enacted into law, would simply set at naught the attempt to secure national grain grading. This provides, Mr. President, for an inspector to be appointed in any community where the producers may so desire. This is rather a large agricultural country, and perhaps every county in each State would be a community in which they would desire to have federal inspection.

Those who are opposed to federal inspection of grain, namely, the boards of trade that have been fattening upon the spoils that have been gained under the present system, have used more than any other argument the one that it would require a great army of inspectors. Under the provisions of this amendment it certainly would require an immense army of inspectors, and after you have your army and have made your inspection, it would not be worth anything, because the wheat will be bought and the grading will all again be done at the great terminals.

The wheat that is bought in great quantities is not bought by the farmer's load, one load at a time, but is bought by the thousands and hundreds of thousands of bushels. It is bought from the great grain centers, and fixing a standard there would, by reaction, fix the standard back on the farm. It is the only method we can reach whereby a standard good over the entire country can be established.

Mr. HANSBROUGH. Mr. President——

Mr. McCUMBER. I wish to say one word further, Mr. President, and that is in answer to the question of the Senator from Georgia [Mr. BACON]. He asked why not have every other product standardized. The reason is that everything else is not sold by standards. Every fabric of cloth is not sold by a standard. There are comparatively very few articles that go into the commerce of the country that are sold by standard, but every bushel of grain in the United States has its value fixed according to the standard that is placed upon it, according to the inspection that is made of that grain. If it is made according to certain standards, and made——

Mr. BACON rose.

Mr. McCUMBER. Just one moment. If it is made by the purchaser and sold under a standard that is always fixed either directly or indirectly through the influence of the purchaser, the Senator can easily see that the producer is always at the mercy of the purchaser at the great terminal points in the fixing of those standards.

Mr. BACON. I recognize the strength of that suggestion, but I desire to call the attention of the Senator to the fact that it may not be conclusive. For instance, woolen manufactured goods are not sold by a standard, but the fact that a thing is represented as woolen——

Mr. McCUMBER. Mr. President——

Mr. BACON. The Senator will pardon me for a moment. Let me finish the sentence. The fact that an article is represented as wool enables the seller to get a larger price than he could if it were known that it contained some cotton. If the principle contended for by the Senator as to wheat is correct, why should it not be extended so as to cover manufactured articles? Every article of goods represented to be woolen may be inspected to see whether or not it contains any threads of cotton. The same principle can be extended to almost every other article of manufacture or of agricultural product that one can name. The reason may be stronger in some cases than in others, but the principle will cover all, if it is adopted.

Mr. McCUMBER. The reason would be ten thousandfold stronger in the case of grains which are sold exclusively by grades, and which grades are fixed at the great terminals, than it would be as to other articles, of which perhaps there are thousands of grades, and which articles are not sold by standards.

Mr. HANSBROUGH. Mr. President, I do not understand that the proposed amendment conflicts in the least with the bill which has already been reported from the Committee on Agriculture. There is nothing like it in the bill. The bill on the calendar does not provide for the grading in the local market place.

There is not such a wide difference between the views of my colleague and myself. My idea is we should fix the grade while the wheat belongs to the producer—the farmer—and allow the influence of that action to percolate into the markets of Chicago, Minneapolis, and Duluth, instead of fixing the grades in those great markets and allowing it to percolate back to the farm. That is the only difference.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from North Dakota yield to the junior Senator from North Dakota?

Mr. HANSBROUGH. I yield.

Mr. McCUMBER. If we were to fix the standards while the grain is in the hands of the producer, we would be compelled to have an examiner at every elevator in the country to which the farmer ships his grain, and that would justify the complaint that is made by those who are opposed to federal inspection, that it would require an immense army of inspectors all over the United States. It is a physical impossibility to inspect all the grain raised in the United States while it is in the hands of the producer, and that I will not say is the vicious part of this provision, but it certainly is a very bad part of it, and it is not workable. If a grade was fixed upon the grain at the farm nobody at the great terminals would be bound by that grade, because the grain might be mixed in the elevator after it had passed out of the hands of the producer, and then it would be regraded at the great terminals just exactly as it is graded at the present time.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. FULTON. I thought the Senator from North Dakota had concluded.

Mr. HANSBROUGH. No; but I will yield.

Mr. FULTON. I do not ask the Senator to yield. I thought he had concluded.

Mr. HANSBROUGH. In regard to binding anybody to the grade fixed by the Government of the United States, it is utterly impossible to do that. You can not compel a man to buy a thing unless he wants to. You can not compel a man to sell a thing unless he wants to sell, whether it is at the Duluth market or at the home market near the farm.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. HANSBROUGH. I yield.

Mr. BAILEY. The Senator said that no law could compel one man to buy from another. That is perfectly true, but it is not germane to this particular question. That might be said in opposition to the federal authority to establish a standard of weights and measures. You can not compel one man to buy cloth from another, but you can establish the rule that if he buys a yard of cloth he gets 36 inches. So you can not compel one man to buy wheat from another, but you attempt here to compel him, when he buys it, to accept a grading established by an expert appointed by the Agricultural Department.

The question I desire to ask the Senator from North Dakota is where the Congress of the United States obtains the authority to authorize the grading of wheat.

Mr. HANSBROUGH. The Senator has raised a great question, which I think we all understand. The Senator from Texas is better able to answer than I am, the Senator being a great constitutional lawyer.

Mr. BAILEY. I desire to call the Senator's attention to the preceding paragraph. While we were discussing the mere question of appropriation a moment ago we overlooked the fact that the bill especially and distinctly provides for the establishment of standard grades of cotton. Let me read the Senator the very language:

> For investigating the handling, grading, and bailing of cotton, and the establishment of standards for the different grades thereof.

The English language could not make it possible to assert more distinctly the right and power of this Government to establish standard grades of cotton than this bill does; and instead of adopting the language we are now considering, I think we need to go back and strike out what the House has done. I mean no criticism of the committee, but the committee has reported the bill with the distinct assertion of federal power to establish the standard grades for cotton.

Mr. HANSBROUGH. If the theory of the Senator from Texas is correct that it is the duty of the Senate to retrace its steps, then we should go further back than the House at this session has gone, and strike out the law of a few years ago with respect to wheat. The Government of the United States has already entered upon this policy. There can be no denial of that.

Mr. WARREN. Will the Senator from North Dakota permit me?

Mr. HANSBROUGH. Certainly.

Mr. WARREN. I wish to say to the Senator from Texas that the committee has not brought up this subject as new matter. The Senate of the United States and the House of Representatives last year provided in the appropriation act, with the President's approval, for this investigation of the grading and handling of cotton, and the appropriation which the committee has brought in here is to carry into effect and continue that which the Congress provided for a year ago.

Mr. BAILEY. I confess, Mr. President, that if a bill passed this body authorizing or recognizing the establishment of a standard grade of cotton by the Government of the United States it escaped my attention. I should have——

Mr. FULTON. I will state, if the Senator will allow me, that it provided only for the investigation, for gathering statements and statistics upon which at some later time the standard might be based.

Mr. BAILEY. If that was the language of the original act, that language has not been followed in this bill.

Mr. WARREN. I will say to the Senator that I undertook to have the language read, and the Senator from Rhode Island, who then had the floor, refused to permit the reading and let it go into the RECORD. It is at the desk. It is the law of last year.

Mr. ALDRICH. I should be glad to hear it read. The progression of this matter seems to be somewhat wonderful, and I think it should be brought to the attention of the Senate. I should be glad to have it read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

Mr. FULTON. I wish to make a correction. I stated to the Senator from Texas that the law of three years ago merely provided for the gathering of data. I had in mind the provision in reference to grain, but I see in regard to cotton the language is a little different.

Mr. WARREN. Will the Senator read it?

Mr. FULTON. It says:

To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades, to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications.

Mr. BAILEY. Mr. President——

Mr. WARREN. Allow me just a word here. I wanted this read because I desire the Senator to turn his criticism upon those to whom it belongs rather than the committee.

Mr. BAILEY. I very cheerfully withdraw what I said in criticism of the committee, and I very candidly admit that this is the first time I have known that the American Congress had assumed the power to establish a standard grade for cotton. Of course, Mr. President, no Senator could possibly be familiar with all legislation, and I do not attempt to keep myself advised with respect to every appropriation bill. But I was delinquent with respect to this particular legislation, because it closely and deeply affects a commodity of which my constituents produce almost 30 per cent of all grown in the United States.

I do not know what their attitude about it would be—either those who grow the cotton or those who spin it—but I do know that whatever the argument might be in favor of it as a matter of policy or as a matter of material interest, it is clearly and indisputably beyond the power of Congress to pass any such law and give it effect in this Republic.

The Constitution of the United States gave us the power to establish standards of weights and measures, but there it stopped; and when we assume now to have the power to establish standards with respect to various commodities our power over all must be precisely as suggested by the Senator from Georgia [Mr. BACON], the same as our power over any one.

The Senator from Georgia, however, will find that some enterprising people have anticipated his suggestion with respect to woolen goods. There have been bills introduced in this and in the other House to prohibit the shipment from State to State of cloth pretended to be wool when it contained any per cent of shoddy. They sought to do that, however, not under the assertion that Congress could classify merchandise, but under the general and broader power to regulate commerce between the States and with foreign nations; and I undertake to say that this is the first time it has ever been seriously contended in either branch of Congress that we have the power, independently of our power over commerce, to establish classifications beyond that which the Constitution expressly gives.

Mr. HANSBROUGH. Mr. President, just a word before I take up that point for discussion. I will say we have already entered upon the policy to which the Senator objects.

In regard to the army of inspectors about which there seems to be some fear here, if the amendment becomes a law, I do not believe there would be an army of inspectors appointed. There will be some communities undoubtedly which would want a grain inspector appointed. There would be many other communities where no grain inspector would be needed. The very influence of the action of one inspector in a given community would be widespread as to many other communities in fixing grades; and the Secretary of Agriculture would be assisted in carrying out the law and the duty which Congress has already imposed.

Mr. McCUMBER. Mr. President, I desire to answer two propositions—first, the one of the Senator from Texas [Mr. BAILEY], asking where the authority for a law of this kind can be found in the Constitution. I will say frankly there is no authority for a law such as is proposed in this bill. I admit that. There is no pretension whatever that it is interstate commerce. I freely admit that Congress would have no authority to compel any farmer or any producer of grain to submit his grain for federal inspection. But this bill, even as proposed, does not go that far. It says they may, upon the request of the producers in any community, do so. Therefore there can be no conflict between the government officials and the party making the request.

Upon the other proposition, as to where the authority would lie, I will say that it would lie under the interstate-commerce clause of the Constitution. I think every authority will bear me out on the proposition that the Government of the United States may make such rules and regulations in regard to any commodity that passes into interstate commerce as will prevent fraud being perpetrated by reason of the commerce in that commodity. The pure-food law was based upon the proposition that under our control over interstate commerce we could prohibit the shipment of any article entering into interstate commerce which was falsely branded or adulterated so as to deceive and defraud the purchaser.

Now, any bill for federal inspection that is based upon that theory, and that alone, that Congress has authority in the regulation of interstate commerce so to inspect the articles entering into that commerce as to prevent a fraud upon the public, is a valid constitutional enactment on the part of Congress; and if it is based upon and kept within those lines, I do not think there can be any serious objection to it. In other words, the rule will apply just the same to the grading of grain as it would apply to the matter of determining whether or not a certain article is misbranded or adulterated in any manner.

Mr. BAILEY. Will the Senator from North Dakota permit me?

Mr. McCUMBER. With pleasure.

Mr. BAILEY. I think the Senator states the rule too broadly. I think it is true that under the power to regulate commerce the General Government can exclude any article which in good conscience—I mean according to the conscience of the man who votes for the bill—might interfere with or interrupt or impede the commerce of the United States as among the States and with foreign nations. But the Senator does not contend that the Federal Government could go into a granary and classify grain before it becomes the subject of interstate commerce?

Mr. McCUMBER. That is the very reason I say the provision in this bill can not find a constitutional warrant, because it seeks to do that before it becomes an article of interstate commerce, and we can only act upon it when it does become an article of interstate commerce. However, under the provisions of this bill, it is not mandatory, but permissible only, and in that respect, of course, there might not be any objection, except we could not enforce it.

Mr. BAILEY. I think the Senator will agree that what the United States has the power to do it can compel as well as permit. I think there can be no substantial difference between a law permitting and a law compelling a given course of conduct.

Mr. McCUMBER. I can make that clear. Take our provision for meat inspection. We can inspect meat only as it shall enter into interstate commerce. We have no authority, in my opinion, to enforce the inspection of meat before it is designed for interstate commerce. But we passed a law of that kind, and the packers were very glad to have all the meat inspected, whether it went into interstate commerce or not, and we are working, and working well, under that remarkable solution of the constitutional question.

Mr. BAILEY. I do not know that we have found a solution of it. My recollection of that law is that it provides for sending the inspectors into the packing houses, and I should like very much to see a case where an inspector was evicted, and have the question brought to the Supreme Court of the United States. I am perfectly confident that that great tribunal would say we had no power, because the product of the factory might subsequently become the subject of interstate commerce, to send an inspector into a factory of any kind.

Mr. McCUMBER. The Senator states the law as I also understand it, and therefore in the bill which we have before the Senate for federal grain inspection we do not attempt to exercise any authority over it until it enters into interstate commerce, and before it goes out of interstate commerce.

Mr. BAILEY. I will do the Senator the justice to say that I am satisfied any bill he has drawn obviates the constitutional difficulty so far as it can be obviated, and possibly when we come to examine his bill it is simply a question of policy as to whether it is wise or not.

Returning for a moment to the meat-inspection law, I suggested when that bill was pending here that if it provided that

no meat should become the subject of interstate or foreign commerce unless it had been inspected it would be well within the constitutional power of Congress, and very probably, in order that they might export their meat, the packers would agree to have it all inspected. But my recollection is that my suggestion was not accepted, though I recall that the chairman of the Committee on Agriculture, the late Senator Proctor, assented to it; but I do not think the bill was conformed to my views, and I think when that question is brought into court it will be discovered that that law will not stand judicial scrutiny.

Mr. McCUMBER. In answer to the statement of the Senator from Texas, I believe if anyone were indicted for a refusal to allow an inspector in Chicago, for instance, to go in and inspect his meat, the indictment would be subject to demurrer. I do not believe we could enforce such a law. We are enforcing it because the packers are perfectly willing to have the law enforced as it now is.

Mr. BAILEY. In other words, we are practicing a kind of duress on them. The Senator from Maryland [Mr. RAYNER] tells me that the question has been decided, at least by one of the inferior tribunals, and he says it has been decided as the Senator and I agree it ought to be decided.

Mr. McCUMBER. But I do not contend, as the reason of my view, that because the old law is not wholly constitutional in all its provisions we can not say that meat shall be inspected so as to indicate what its qualities are before it passes into interstate commerce.

Mr. BAILEY. I will go further——

Mr. McCUMBER. I am very doubtful——

Mr. BAILEY (continuing). And say Congress can not before it enters into interstate commerce.

Mr. McCUMBER. Yes. I want to say I am very doubtful whether the Government could even lay its hand on it before it really enters into interstate commerce.

Mr. BAILEY. I am absolutely certain that is the case.

Mr. McCUMBER. I am very doubtful on that proposition.

Mr. RAYNER. Mr. President——

Mr. McCUMBER. I want to state one other proposition, and then I will yield, if it is agreeable to the Senator, or I will yield to him now if he desires.

The VICE-PRESIDENT. The Senator from North Dakota yields to the Senator from Maryland.

Mr. BAILEY. The Senator from Maryland has sent for the case.

Mr. McCUMBER. I wish to speak about another proposition that was made by my colleague, in which he says that no law can compel anyone to purchase grain. I suppose he means by that, of course, the purchase of it under any given standard, but we will not have the slightest difficulty in that respect if we make our standards applicable at the great terminals. Why? Simply because all of the consumers desire a national standard, and they would not buy by any other standard if they could secure a national standard, because they have entire confidence in the national standard. And secondly, because every foreign purchaser, who has been demanding a national standard for years, is also in favor of purchasing entirely by such a standard; and inasmuch as you could secure no purchases by any other standard than the federal standard, there would not be the slightest difficulty, and it would in reality become the standard for all sales and purchases of grain.

Mr. HANSBROUGH. I will ask my colleague——

Mr. McCUMBER. I yield to the Senator from North Dakota.

Mr. HANSBROUGH. I simply desire to ask a question. Of course, my colleague has already stated that whatever the grain inspector might do at any point would not be mandatory. I think that would apply not only to the local market, where the wagonload of grain goes onto the elevator scales, but also at the great terminal elevators. I call my colleague's attention to that.

Mr. McCUMBER. It would not apply to the terminals for the reason I have just mentioned, and that is that the great consuming trade all over the country is demanding a federal standard, and not only is it demanded in this country, but the foreign demand is universal for a federal standard. Therefore they would make no contracts except for that standard. In other words, we would be furnishing them that which they are demanding.

Now, why would it not apply upon the farm? Suppose you had an inspector and that inspector passed upon a load of grain at an elevator, or 50 or a hundred loads of grain. They would be dumped upon the elevator; they would be mixed in the elevator. It is not interstate commerce in any degree. The purchaser can do with it what he has a mind to do and when it gets down to the terminal they will grade it themselves. The value that is fixed in the field of consumption by reaction always fixes the value in the field of production. The field of consumption would purchase under a national standard every time because we have government inspectors.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield further to his colleague?

Mr. McCUMBER. I yield.

Mr. HANSBROUGH. May I ask my colleague how he would fix the question of dockage? The great complaint at the local market place is that the buyer, the elevator man or the miller, gets the best of the producer on the question of dockage. The purchaser will say there is a wagonload of grain that contains 5 pounds of dirt to the bushel, and I will dock it 5 pounds to the bushel. The farmer has no redress whatever. I do not say that he would have much redress with a local federal inspector, but that local inspector certainly would be in a position to bring about better relations between the buyer and the seller. The dirt is taken out of the grain at the local elevator before the grain is shipped to the large terminal elevator, and it is the question of dockage concerning which our farmers are most impatient.

Mr. McCUMBER. That is very easily answered, Mr. President. The dockage is always fixed upon by certain rules and regulations at the terminals. There is the point where all the difficulty arises. The local buyer must always make as much dockage as he thinks will be allowed at the terminal; in other words, he must always make enough to protect himself.

Now, if we have government inspectors at the great terminals, and when a carload of grain goes there they determine what is a proper deduction for dockage, the purchaser from the farmer at the local elevator in making his next purchase can always make it in view of what has been held by the government inspector at the great terminal. That would not apply to the farmer's single load. As I have stated before, it would be impossible to have inspectors who would inspect every load of grain all over the United States as it goes into the local elevator.

Mr. NELSON. Mr. President, I do not intend to enter into any constitutional discussion of this question, and I propose to refer to it only sufficiently to elucidate the point of order. Clearly, the proviso is both new legislation and general legislation. The proviso reads as follows:

Provided, That whenever the Secretary of Agriculture is requested by any considerable number of grain growers in a community he shall appoint an expert grain grader for that community, whose duty it shall be to determine for those making proper requests the grades and condition of grain offered for sale and to collect from the seller of the grain such fees as may be fixed by the Secretary of Agriculture, etc.

Clearly, that is new legislation and general legislation. It would in practice amount to the appointment of grain inspectors in every rural community in the country where they were raising grain. In every county in my State they could petition the Secretary of Agriculture to appoint a grain inspector, and the grain would be inspected there, right at home. It is the grain growers, not the dealers in grain, who have the right to have these inspectors. Clearly it is subject to a point of order, and clearly, aside from that, it would not come within the constitutional authority of Congress to legislate in that direction.

Mr. KEAN. Mr. President, I insist on my point of order.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and therefore sustains the point of order.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas rises to a parliamentary inquiry.

Mr. HANSBROUGH. Before the Senator proceeds, will he allow me just a minute to make an inquiry?

Mr. BAILEY. Certainly.

Mr. HANSBROUGH. In view of the decision of the Chair, are lines 8, 9, and 10, on page 16, the House provision, restored?

The VICE-PRESIDENT. The Chair is of opinion that the entire amendment is indivisible and falls under the point of order. The effect of it is to restore lines 8, 9, and 10, proposed to be stricken out by the amendment of the committee.

Mr. BAILEY. That was precisely the parliamentary inquiry that I desired to make, and if now is the proper time, I desire to move to strike out the House provision. If proper to make that motion now, I move to strike out lines 8, 9, and 10, on page 16.

Mr. KEAN. Let me call the attention of the Senator to lines 23, 24, and 25, which carry the appropriation.

Mr. BAILEY. That will be a separate amendment.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be read by the Secretary.

The SECRETARY. It is proposed to strike out lines 8, 9, and 10, on page 16, in the following words:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof, $52,440.

Mr. WARREN. Mr. President, let me understand the effect of that. The committee have stricken that out, and an agreement to the work of the committee effects exactly what the Senator from Texas moves. Do I understand the Chair has already ruled that the amendment of the Senate committee as to those three lines is disagreed to?

The VICE-PRESIDENT. The amendment was one to strike out and insert. The Chair is of opinion that the point of order was well taken, the effect of which is to strike out the matter in italics and to restore the three lines which appear in the bill as it passed the House.

Mr. WARREN. Then, of course, the motion of the Senator from Texas to strike out is in order.

The VICE-PRESIDENT. The Chair is of opinion that the motion of the Senator from Texas is in order.

Mr. McCUMBER. I suppose the Senator from Texas desires to give his reasons for moving the amendment, and I desire to reply to them.

Mr. BAILEY. Mr. President, I have no desire to further occupy the time and attention of the Senate. I have stated what appears to me a controlling reason against legislation of this kind. We have now debated the matter for something like an hour, and unless something not yet suggested can be advanced in support of this provision I am ready for a vote upon my amendment to strike it out.

Mr. HANSBROUGH. Mr. President, let me say that the effect of the motion of the Senator from Texas, if it should prevail, would be to close up six or seven laboratories provided for two or three years ago.

Mr. BAILEY. There are 600 or 700 governmental establishments in this country that I should like to close up. They are altogether too numerous, and if we continue to multiply them the tax eaters will soon be as numerous as the taxpayers.

Mr. HANSBROUGH. I might join the Senator when he furnishes me a list of the institutions that he desires to close. These laboratories are now in operation. The purpose of them is to ascertain the quality and character of grain for export. The Secretary of Agriculture, under a law passed three years ago, was authorized to give a certificate when it is requested by the exporter for a cargo of grain. We are already carrying on that work. We have a division in the Department of Agriculture devoted to the work provided for in the several bills, which have already become a law.

Mr. BAILEY. Mr. President, the mistake the department has made is that it has assumed a power that Congress could not vest in it; and I am inclined to believe it has anticipated that Congress would grant it a power it has not yet granted, and which I hope it never will grant.

The Senator from North Dakota illustrates one of the bad practices which prevail in all the departments. Every department under the Government is seeking an extension of its power. They make reports to Congress asking for appropriations to be used in a particular way, and, with the multitude of things which the Senate has to do and with the multitude of things which every Senator has to do, those recommendations escape us, just as it had escaped me that this important subject-matter had ever been dealt with after this fashion. Finally the department, having secured this permission and that extension of its power, finds itself assuming to do, even without a statute, what Congress has no power to authorize it to do by a statute.

I take it that if there is any embarrassment to the Secretary of Agriculture or to his department, it grows out of a greedy extension of his power.

Mr. HANSBROUGH. The original law on this subject grew out of the solicitation of numerous organizations of people in the Northwest, where we produce large quantities of wheat, and it grew out of resolutions passed by legislatures of the various States in that section of the country. The Secretary of Agriculture had not asked for this legislation. The legislation was enacted by Congress in answer to the requests and petitions of the people from the Northwest country—the wheat-raising country. The Secretary of Agriculture is merely administering the law.

I say that the effect of the motion made by the Senator from Texas, if it should prevail, would be to wipe out a division of the Agricultural Department and put a stop to what I think is a very beneficial piece of work.

Mr. BAILEY. And if the motion does not prevail, the result will be to asssert a power in the Federal Government to fix the grading of grain without limiting it, as the Senator from North Dakota has expressed it, to the interstate handling of grain. There is no attempt here to distinguish between intrastate and interstate commerce.

Mr. HANSBROUGH. The Agricultural Department is not now interfering with grain that is for shipment within a State. I think it is only devoting itself to grain for exportation.

Mr. BAILEY. Fortunately they can not do it. I think they would if they could. I do not want to see Congress pass another law which even a minority of the Supreme Court could only sustain upon the ground that Congress did not mean what it said. They have recently held unconstitutional a law passed by Congress, because it used language broad enough to include intrastate as well as interstate transactions, and the minority of the court sought to save the law upon the ground that Congress did not intend to say what it said. That is not a very high compliment to our literary capacity or to our attention to these matters.

If his provision is to remain in the bill, surely it ought to be so framed as to be within the power of Congress, and as it stands it is not within our power. Therefore, Mr. President, I think it ought to go out of the bill.

Mr. McCUMBER. Mr. President, the Senate could give no harder or more disastrous blow to the entire farming interests of the Northwest than to vote in favor of striking out this provision from the bill. I know of what I speak in that respect. I represent solely an agricultural State. I have made a close and a most careful examination of the handling of our grain and of every law that has had a bearing upon the handling and buying and the selling of that grain.

Under the provision of law the Secretary of Agriculture has been making an investigation of the grades that have been given our grain. That very investigation has been worth millions and hundreds of millions of dollars to the farming community in the last five or six years. We are getting better grades today than we ever got before in the Northwest because we are awakening the interest not only of the farming community demanding that the old wrong shall be righted, but because through the activity and examination of the Agricultural Department of the different grain throughout the country that department is saying what grade such a grain is entitled to and its character and everything that bears upon the question of its value in the great markets of the world.

To-day American grain abroad is selling all over Europe for several cents a bushel less than any corresponding grade of the same grain shipped from any other country than the United States. The Secretary of Agriculture sent there during the past summer a special agent to investigate the question and to determine what difference there was between American grain of a certain character and Argentine, Canadian, and Russian grain of the same character and that would grade the same, and he found that there were several cents a bushel in favor of the grain produced anywhere else.

Now, why was this? The reason was that at every one, or nearly every one, of the great shipping points grain is mixed and graded from one to two higher grades than it is entitled to. In other words, the farmer's grain that is purchased is, we will say, good No. 2 northern. It is purchased for No. 3 northern instead of No. 2. That same No. 3 northern is mixed with other No. 3 northern, and at the great terminals it is put back to No. 1 and to No. 2 and sold in a foreign country under a higher standard than it was received under in this country. The result is that we have put in screenings and stuff in our outshipments that could not have found a market in the United States and certified them at a grade or two higher than they were entitled to have.

What is the immediate result of that? You, of course, impose upon the foreign purchaser for that one shipload, but when he makes the next purchase of grain he will only pay a No. 3 price for what purports to be a No. 1 grain, and as the price for No. 1 grain fixes the price of No. 1 grain at the points of production, you can easily see that the farmer who produces the grain receives a No. 3 price for a No. 1 grade, and that is why less is received for American grain of a certain standard than is received for the same grain when it is shipped from Canada, from the Argentine Republic, or from Russia.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. McCUMBER. Certainly.

Mr. RAYNER. Mr. President, I only desire to give the decision. I have sent out for the report, but it appears I can not get it at any place. I know the particular case. I was out of the Chamber when this discussion took place, and if the Senator from North Dakota [Mr. McCUMBER] will permit me I will give the case according to my recollection, because I recol-

lect it distinctly. It affects the constitutionality of this entire measure. It was the case of the United States against Boyer, and is reported in Eighty-fifth Federal Reporter. It is an opinion of Judge Rogers, of the Missouri district.

The question came up there, not incidentally or collaterally, but directly, whether the meat-inspection law was constitutional or unconstitutional, and it was held to be unconstitutional; and there has never been any reversal of that decision. I will give the case in a moment for the benefit of those who are interested in the constitutionality of this entire provision.

There was an attempt to bribe an inspector. There was a presentment and an indictment against the party who attempted to bribe him. There was a demurrer to the indictment, and the court sustained the demurrer upon the ground that the meat-inspection law was unconstitutional, and the whole law went by the board. The court held that we have no right for any purpose to send an inspector into a State for the purpose of inspecting meat, or inspecting grain, or inspecting anything else.

The decision, I submit to the Senator from North Dakota, is absolutely conclusive and final upon this proposition. If I could get the book, I would give you the decision, but it appears I can not get the report. It is the Boyer case, in Eighty-fifth Federal Reporter. There has been no reversal of it. There was no appeal taken to the Supreme Court of the United States, because the United States did not have the right of appeal. That case stands to-day unreversed by any decision, so far as I can find in the reports of the Supreme Court.

Any law that permits the Secretary of Agriculture, or any other officer of the Government, to send an inspector into a State for the purpose of inspecting meat or grain or any other article of commerce before it leaves that State, I submit, under that decision and under any number of other decisions, is an unconstitutional law.

Mr. McCUMBER. There is not any question about the rightfulness of that decision; I have never questioned it at all; but it has not the slightest application to this provision. It did have an application to the provision which has gone out on a point of order; I will admit that; but it has nothing to do with the provision that we are speaking of now.

Mr. BAILEY. Does the Senator from North Dakota contend that the language now under discussion limits the power to fix these grades to interstate-commerce transactions?

Mr. McCUMBER. I will just read what it says and give the Senator my construction of it.

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof.

There is not any question but what the Agricultural Department can investigate the handling of grain. They can make any investigation that they see fit as to how the grain is handled and can report to Congress anything that they think will be of importance to us to know. So far there can be no objection. Neither can there be any question with reference to the department itself fixing what it would call "proper grades." There is nothing in the provision which attempts to force those grades into the business of the country and to compel dealers to buy and sell by those grades. If that was there, if it was the construction that we were to follow the grades, that any standard fixed by the Agricultural Department should be the grades under which the grain should be bought and sold, there would be no question whatever, in my mind at least, but that it would be unconstitutional. But that is not the intention at all.

Now, we have been appropriating, year after year——

Mr. BAILEY. Will the Senator allow me?

Mr. McCUMBER. In just one minute. We have been appropriating money, year after year, for the investigation of the boll weevil and other matters affecting the cotton crop. We could not go to your farm and compel you to hand over any of that crop for investigation. It is not necessary. The work of the department upon the cotton crop, I believe, has been extremely beneficial to the cotton growers of the United States. I believe the work that has been done is beneficial, in reference to the grading of cotton, so that the dealers over the country can see what would be a proper grade and what cotton ought to measure up to a particular grade. It may be that they have made more grades and finer distinctions than are necessary, but I believe that the work is absolutely in the right line and is doing good.

The effect of the work of these laboratories in determining the character of grain raised in any particular section of the country and their work in determining whether a certain grade that has been given by the department in any section of the country is a fair grade has been beneficial. Let me give the Senator an example right here. I had some grain sent to me a short time ago which had been inspected at one of the great terminal markets and was given a certain grade, according to the rules of that terminal governing the grading of grain. The Agricultural Department took up the same grain, applied the same rules, and ascertained that the terminal inspection was far below what the grade should have been by the rules of that terminal.

When this became generally known, the terminal inspectors themselves became far more careful in making those grades, because they knew when the farmer shipped a carload of grain to any of the great terminals he could take a sack of that grain from the car, send it down here, and have it examined, not according to the standard in the department, but according to the standard of the terminal where the grain is to be sold. If he finds that he is not getting a fair grade, if he has had notice of that fact, he gives that notice to others, and those who are buying his grain at that terminal will be far more careful in giving it an honest and just grade. This is of inestimable value to the entire grain-raising section of the Northwest, and this little amount of some fifty-odd thousand dollars should not be interfered with.

I shall be ready, Mr. President, to take up the question of the advisability of federal grain grading and inspection when we reach it upon a bill which is before the Senate, which bill is so drawn that it will, in my opinion, stand every constitutional objection.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. I do.

Mr. BAILEY. Mr. President, I simply wanted, if possible, to call the Senator back to the point at issue. He exhibits the debater's skill in running away from a question which it is difficult to answer. I asked the Senator the flat question if he did not believe that that language appearing in this bill is broad enough to include intrastate as well as interstate transactions?

Mr. McCUMBER. I do not think that intrastate or interstate transactions have the slightest thing to do with it, but that it is simply for the information of the department itself that makes these examinations.

Mr. BAILEY. Mr. President, the Senator has just illustrated how the ruling of the department governs men, and thus negatives his statement that this is a harmless order promulgated by the department.

Mr. McCUMBER. I have not said that it was harmless. I have said that it was very beneficial.

Mr. BAILEY. But the Senator uses the word in one sense when I use it in another.

Mr. McCUMBER. I did not use the word "harmless" at all.

Mr. BAILEY. I use the word "harmless" with reference to the power; the Senator uses it with reference to the prosperity of his section of the country.

I am very free to say, Mr. President, that I have never been able to bring myself to believe that you could promote the real prosperity of this country by violating the Constitution of this Republic or by embarking the Government upon a domain which ought to be reserved for individual or corporate enterprise.

Mr. McCUMBER. Let me ask the Senator right there, Does he believe that we violate the Constitution in providing money that the Secretary of Agriculture may use in investigating the boll weevil?

Mr. BAILEY. Or the foot-and-mouth disease, or such as that. That is a close question. In those cases only a naked power of appropriation is exercised; and I have no hesitation in saying that Congress can not couple the exercise of a substantive power with those appropriations. Congress may appropriate the money to study the nature and habits of cotton pests, but it can not send its agents into my field for that purpose if I am not willing for it to do so. Congress may appropriate thousands to stop the spread of the foot-and-mouth disease, but the Federal Government can not enter my farm to inspect or destroy one of my cattle infected with the foot-and-mouth disease if I protested against their coming. In other words, I contend that the Federal Government, at most, in cases like these can have and can exercise only the naked power of appropriation.

Mr. GALLINGER. Mr. President, will the Senator permit me a suggestion?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. BAILEY. Certainly.

Mr. GALLINGER. I was attracted by the Senator's observation as to the authority of the agents of the Agricultural Department invading a State in connection with the foot-and-

mouth disease. The farmers of New England—at least of New Hampshire—did protest against such agents exercising the right to slaughter herds, and, as the farmers said, without much regard to whether the cattle had the disease or not, but the agents proceeded to do it, and the cattle were killed under that authority.

Mr. BAILEY. That only illustrates, Mr. President, the gradual encroachment of the General Government on the State and the gradual encroachment of the state government upon the individual.

I myself believe that the individual welfare of every man should yield to the higher welfare of all men; but it ought to be only in clearly defined cases. If we concede from time to time the power of the Government, through its majority, to prescribe the conduct and management of the minority's business, I wonder where the end will be. If one year we recognize the Government's right to prescribe a standard for grain, the next year a standard for cotton, and the third year a standard for cloth, what is to be left to the merchants and the consumers of this country? Are we to be compelled to buy and sell according to the direction of the statute, or are we to be permitted, as our fathers were permitted, to buy and sell according to our common sense and according to our own best judgment? Sir, this is what I protest against here and now, and what I have been vainly protesting against ever since I have had the honor of occupying a seat in the Congress—the gradual encroachment of the Government upon the man.

I believe that the true progress of civilization is one under which the man needs to be less governed; but under our theory, or at least under our practice, we are telling the world that the more enlightened our Nation becomes, the more our people become educated, the less they are able to take care of themselves and the more they are compelled to depend upon the Government to take care of them.

Mr. President, in one of the most excellent commentaries ever written upon our institutions it was said that the weak place in this Government is the relation between the majority and the minority. When I first read that I felt that it was the most foolish of all the comments upon our system, but time and circumstances and experience have convinced me that the author of that remarkable book was wiser than any man of his day or generation.

I felt then, without experience, that the limitations of a written constitution would always suffice to protect the minority in all of its essential rights against the aggressions of the majority; but no man can read the history of our legislation for the last thirty years without becoming convinced that the Frenchman spoke the truth when he said that the most difficult problem under this system of government is how to protect the minority against the majority.

Some things the majority have a right to prescribe for the minority. They have a right to prescribe its conduct so far as it affects the public peace and the public order and the public health; but they have no right to prescribe the rule of purely private transactions. If my neighbor can out-trade me, that is his good luck and my bad fortune, and I would rather suffer in the transaction where his better judgment gives him the advantage than to be continually invoking the Government to stand an officer at my side and prevent the brighter man from making the better trade.

We want a statute now, Mr. President, to govern us in everything. If a man makes a mistake, he does not go and in the quiet of his office, or in a conference with his friends, admit the mistake, and resolve to be more cautious thereafter; but he wants a law to fix it so that he can not make the next mistake.

When I was a boy I sometimes stubbed my toe; and when I did, I went crying to my father. He was a wise man of the old school, and so he laid his hand on my head and said: "My boy, next time you look where you are going and you will not stub your toe." I obeyed that good advice, and I became more careful where I ran and where I played; but in this day, if a boy stubs his toe and goes crying home the modern father does not admonish him to be more careful, but tells him that he will go to Congress and have a law passed to dig up the stump so that he can not "stub his toe." [Laughter.]

Mr. McCUMBER. Mr. President, the Senator in his oratory has drifted somewhat away from the particular matter under consideration. I think, however, I can answer one or two of his propositions. He asks, if we have a standardization of grain, if we have a standardization of cotton, why not have a standardization of woolen goods and everything of that character, and where shall we stop? I will simply say to the Senator that so long as we are capable of self-government the people themselves will probably determine the proper place to stop. There will be wisdom in the world when the Senator and when I are entirely out of it, and enough wisdom in this Government, probably, to still run it properly and make a proper division between the rights of the people themselves to do their business in their own way and the right of the Government to determine how they shall do it. I believe the very best thing for the Congress of the United States to do under the present conditions in this Government, which are not the conditions of our forefathers, is that Congress shall exercise its authority to the limit and do what it has a right to do as the Congress of the United States, and then allow the State to exercise its authority up to its limit. Then you will have a proper law governing every condition.

I will take the Senator's illustration of stubbing his own toe, and we shall see where he would be landed according to his own view. If there were thorns in the path he was about to travel, he would say that he must always keep away from that path. But that path was intended for travel, and if there is not a power at his own home to remove those thorns, there ought to be power lodged somewhere to do it.

Now, let us take the matter of selling grain and let us see if the Senator's proposition is true, that one man should always be placed at the mercy of another in a trade, or what the Senator calls "out-trading each other." That is true when a suit of clothes is sold to an individual. He can look at those clothes; he can examine them; he can refuse them; and he can go to the next store and buy there if the other does not suit him, or if the price of the clothes does not suit him. But when I raise a carload of grain in my State and send it to Chicago, I am not meeting the man who is purchasing that grain; we are not meeting face to face by any means, and I am totally at his mercy if authority is solely given to him to fix the grade under which that grain is to be sold.

Mr. BAILEY. Mr. President——

Mr. McCUMBER. Just a moment. That grain, when it left my home, was good No. 2 northern wheat, I will say, and when it arrived in the city of Chicago it was good No. 2 northern; but the man who buys that wheat appoints his own inspector, who grades it as No. 3. Under a combination between that purchaser and every other purchaser they govern the entire number of inspectors, and they buy all the grain at a lower grade than what it really is.

If there was nothing but the view of the article to be considered, and it was sold to a man who could see it and buy it upon its actual condition, then the proposition of the Senator would be applicable, at least to some extent; but the grain is sold not by the carload lot alone in these great centers, but in the great elevators, by millions of bushels at a time. Its value is not the value of the grain, but the value of the grade that is put upon that grain. As the producer has no voice whatever in the establishing of the grade, as he can not reach it in any other way, then there ought to be lodged in the Government somewhere a power that will provide for an honest grading and an honest inspection.

When our forefathers adopted the Constitution of the United States they foresaw that the products of one State would necessarily find a market in another State; and in order that the products of one State might not be excluded by the exercise of the sovereignty of another State by throwing about it such rules and regulations as would infringe upon or destroy its value, they provided that the Congress should have control over interstate commerce. So long as this grain is interstate commerce, I claim it is the duty of Congress, under these peculiar conditions, to exercise congressional authority. Why? Simply because we can not get relief in any other way than through the power that is vested in Congress.

Mr. BAILEY. Will the Senator from North Dakota permit me?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. Certainly.

Mr. BAILEY. I understood the Senator to say that the farmers sold their grain in Chicago. My understanding has always been that the farmers sold it in their immediate market and that those who purchased it there shipped it to Chicago or shipped it abroad. I know that in the case of cotton—and my experience with that product is larger than it is with grain—the farmer who grows it sells it at his market town, and the people who buy it there ship it to the factories of this country or to factories abroad.

Mr. McCUMBER. The Senator is both right and wrong.

Mr. BAILEY. The farmer, of course, in the case of cotton, would have no governmental help to classify or standardize it, and if the course of dealing in grain is the same as in cotton, then the farmer of Dakota who sells his grain to a dealer who

in turn ships it to Chicago would not even be the beneficiary of the law, even if the law is beneficial from a financial point of view.

Mr. McCUMBER. The Senator is entirely mistaken in his proposition, or, rather, he is partially mistaken as to the general rule in regard to the sale of grain, and entirely mistaken with reference to his conclusion as to whether or not the farmer would be benefited.

In the first instance, let me say to the Senator, especially in my State, where we have very large farms, very much of the grain is shipped out directly from the farms in carload lots to the great terminals, Chicago, Minneapolis, Duluth, and Superior.

Mr. BAILEY. That is the case with the large farmer. How is it with the small farmer?

Mr. McCUMBER. They are all pretty large farmers there. We do not have very many of what might be called "small farmers." They might all be called "large farmers" in that section of the country.

Mr. BAILEY. They ought to be able to take care of themselves, then, without the help of the Government.

Mr. McCUMBER. They are farming all the way from 600 to 6,000 acres each.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The hour of 4 o'clock having arrived, the Senate will proceed, under the unanimous-consent agreement, to vote upon Senate bill 5729 and amendments pending and to be offered.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. WARREN. I ask permission to say that I shall endeavor to have the agricultural appropriation bill taken up and its consideration continued on to-morrow morning, immediately after the routine morning business.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out section 2.

Mr. BACON. Mr. President, in order that we may vote intelligently, it will be necessary that the bill should be read as well as the amendment. I have no doubt they have been read heretofore, but many of us are not familiar with them, and I desire to have the bill read.

Mr. FORAKER. The original bill was read, and the amendment, which was offered as a substitute and adopted, was also read at the time that it was agreed upon, so that I suppose the call of the Senator from Georgia has reference only to the substitute.

The VICE-PRESIDENT. Under the order of the Senate the substitute is the bill before the Senate. Does the Senator from Georgia desire that the substitute be again read to the Senate?

Mr. BACON. If I am to vote upon it, I certainly do, because I do not know what it is.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the substitute bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to appoint a court of inquiry, to consist of five officers of the United States Army, not below the rank of colonel, which court shall be authorized to hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 13–14, 1906. Said court shall, within one year from the date of its appointment, make a final report, and from time to time shall make partial reports, to the Secretary of War of the results of such inquiry, and such soldiers and noncommissioned officers of Companies B, C, and D of the Twenty-fifth Regiment U. S. Infantry who were discharged from the military service as members of said regiment under the provisions of Special Orders, No. 266, dated at the War Department the 9th day of November, 1906, as said court shall find and report as qualified for reenlistment in the Army of the United States shall thereby become eligible for reenlistment.

SEC. 2. That any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out section 2 of the bill. [Putting the question.] By the sound the "noes" have it.

Mr. DANIEL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. BURNHAM's name was called). My colleague [Mr. BURNHAM] is unavoidably absent from the city. He instructed me to say that if present he would vote in favor of this bill. I learn that the junior Senator from Illinois [Mr. HOPKINS] is likewise absent, and that he would vote against the bill, so I will ask that my colleague and the junior Senator from Illinois be paired on this question.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "nay."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. Were he present, I should vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. HOPKINS] to the Senator from Arkansas [Mr. DAVIS] who is absent, thus leaving the Senator from Oregon [Mr. FULTON] and myself free to vote. I vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. As he is not present, I will withhold my vote. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I want to explain, if I may be permitted to do so, why I shall vote the way I do on this proposition.

The VICE-PRESIDENT. Is there objection?

Mr. TILLMAN. Can I do it now?

The VICE-PRESIDENT. If there is no objection——

Several SENATORS. Let the vote proceed.

The VICE-PRESIDENT. There is objection.

Mr. TILLMAN. Then I will vote "yea," and will explain my vote later.

The roll call was concluded.

Mr. FULTON. Under the transfer of pairs made by the Senator from Oklahoma [Mr. OWEN], I am at liberty to vote, as I understand. I vote "nay."

Mr. SMOOT. My colleague [Mr. SUTHERLAND] is unavoidably absent from the Chamber. If he were present, he would vote "nay."

The result was announced—yeas 27, nays 56, as follows:

YEAS—27.

Bacon	Frazier	Martin	Rayner
Bailey	Gary	Milton	Simmons
Bankhead	Gore	Money	Smith, Md.
Clarke, Ark.	Johnston	Newlands	Stone
Clay	McCreary	Overman	Taylor
Daniel	McEnery	Owen	Tillman
Foster	McLaurin	Paynter	

NAYS—56.

Aldrich	Cullom	Gamble	Nixon
Beveridge	Cummins	Guggenheim	Page
Borah	Curtis	Hale	Penrose
Bourne	Depew	Hansbrough	Perkins
Brandegee	Dick	Hemenway	Piles
Briggs	Dillingham	Heyburn	Platt
Brown	Dixon	Kean	Richardson
Bulkeley	Dolliver	Kittredge	Smith, Mich.
Burkett	du Pont	Knox	Smoot
Burrows	Elkins	La Follette	Stephenson
Carter	Foraker	Lodge	Teller
Clapp	Frye	Long	Warner
Clark, Wyo.	Fulton	McCumber	Warren
Crane	Gallinger	Nelson	Wetmore

NOT VOTING—9.

Ankeny	Davis	Hopkins	Sutherland
Burnham	Flint	Scott	Taliaferro
Culberson			

So Mr. DANIEL's amendment to the amendment was rejected.

The substitute was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. TILLMAN. Mr. President, it will be recalled that when the Brownsville matter first came into the Senate I took the position that the President had no authority——

Mr. ALDRICH. I dislike to call attention to the fact that under the unanimous-consent agreement there is to be no discussion. The Senator may make his explanation after the vote has been taken. I dislike to call attention to the fact, but it is a dangerous precedent to establish, to permit any discussion when, by unanimous consent, we are to take a vote without debate.

Mr. TILLMAN. I am not making any discussion.

Mr. ALDRICH. It is equivalent to that.

Mr. TILLMAN. I am merely trying to give the reason for my vote. Of course, if the Senate will not give me permission to explain my vote, I can not help myself.

The VICE-PRESIDENT. Under the unanimous-consent agreement, nothing is in order except to vote.

Mr. TILLMAN. Am I permitted, under the ruling of the Chair, to make an explanation now or not?

The VICE-PRESIDENT. The Chair is of opinion that if there is objection that can not be done.

Mr. TILLMAN. Of course I have to yield.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. FORAKER. I ask for a yea-and-nay vote.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. BURNHAM's name was called). I again announce the pair of my colleague [Mr. BURNHAM] with the junior Senator from Illinois [Mr. HOPKINS]. If my colleague were present, he would vote "yea."

Mr. BAILEY (when Mr. CULBERSON's name was called). My colleague [Mr. CULBERSON] is unavoidably absent. If he were here, he would vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present and voting, I should vote "yea."

Mr. FULTON (when his name was called). I again announce my general pair with the junior Senator from Arkansas [Mr. DAVIS], but subject to the approval of the Senator from Oklahoma [Mr. OWEN], who is temporarily absent from the Chamber and who is paired with the junior Senator from Illinois [Mr. HOPKINS], I transfer my pair to the junior Senator from Illinois [Mr. HOPKINS], and will vote. I vote "yea."

Mr. SCOTT (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. TALIAFERRO]. If he were present, I should certainly vote "yea."

The roll call was concluded.

Mr. FULTON (after having voted in the affirmative). I understand that the junior Senator from Illinois [Mr. HOPKINS], to whom I transferred my pair, has already been paired with the Senator from New Hampshire [Mr. BURNHAM]. I understand, also, that he is opposed to the measure. Therefore I withdraw my vote.

The result was announced—yeas 56, nays 26, as follows:

YEAS—56.

Aldrich	Cullom	Guggenheim	Page
Beveridge	Cummins	Hale	Penrose
Borah	Curtis	Hansbrough	Perkins
Bourne	Depew	Hemenway	Piles
Brandegee	Dick	Heyburn	Platt
Briggs	Dillingham	Kean	Richardson
Brown	Dixon	Kittredge	Smith, Mich.
Bulkeley	Dolliver	Knox	Smoot
Burkett	du Pont	La Follette	Stephenson
Burrows	Elkins	Lodge	Sutherland
Carter	Foraker	Long	Teller
Clapp	Frye	McCumber	Warner
Clark, Wyo.	Gallinger	Nelson	Warren
Crane	Gamble	Nixon	Wetmore

NAYS—26.

Bacon	Frazier	Milton	Simmons
Bailey	Gary	Money	Smith, Md.
Bankhead	Gore	Newlands	Stone
Clarke, Ark.	Johnston	Overman	Taylor
Clay	McCreary	Owen	Tillman
Daniel	McEnery	Paynter	
Foster	McLaurin	Rayner	

NOT VOTING—10.

Ankeny	Davis	Hopkins	Taliaferro
Burnham	Flint	Martin	
Culberson	Fulton	Scott	

So the bill was passed.

Mr. TILLMAN. Mr. President, I wish briefly to explain my vote on this bill.

When the Brownsville matter was first brought into the Senate I took the position, I believe alone among Democrats, that the President was not warranted in his action; that his dismissal of the troops under the conditions and circumstances was cruel and contrary to all ideas of justice which I had ever read about or thought about. The majority of the Senate then took a contrary position and sustained him. The Senate to-day has reversed and stultified itself and emphatically condemned his action by the step which it has just taken, which permits all of these troops to be reenlisted under certain conditions—guilty and innocent alike.

My position then was that the President ought not to have dismissed and punished innocent men because some men were guilty. We have to-day illustrated what used to be called on the Scotch border "Jedwood justice." When the lords of the marches caught some man who might have been suspected of stealing cattle or committing some other offense, they would hang him first and then try him afterwards. These negroes have been "hanged," so far as the President could do it, and now the Senate proposes to give them a trial and a tardy justice to those who may be able to prove their innocence, although I doubt if any can prove it. But it is a cardinal legal principle that a man must be considered innocent until he is proved guilty, and proving a negative is an impossibility. But my attitude is that somebody shot up Brownsville, and I believe some of the negroes did it, but not more than 25 of them were ever charged with it, while 168 were discharged. Now, to turn the whole bunch back into the army, as they doubtless will be, will be to admit into the service of the United States some men who have committed murder, for there is no doubt in my mind that you will never be able to find out who committed this crime. Therefore, as I did not want innocent men to be kicked out of the army, I do not want any guilty men to get back into the army, and so I voted "nay" on this proposition.

PENSION APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TAYLOR as the conferees on the part of the Senate.

RESURVEY OF PUBLIC LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments and accede to the request for a conference, the conferees on the part of the Senate to be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. SMOOT, Mr. FLINT, and Mr. BANKHEAD.

PENSIONS AND INCREASES OF PENSIONS.

Mr. HALE. I desire to move that the Senate adjourn, but I will withhold the motion for a moment because the Senator from North Dakota wishes to prefer a request.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the calendar, and that no other business be conducted by the Senate during this legislative day.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the calendar, and that no other business be considered during the remainder of to-day's session. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the first bill in order.

The bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

Thomas H. Reynolds, late major, Thirty-second Regiment Michigan Volunteer Infantry.

Perry Duncan, late of Company G, Sixth Regiment Ohio Volunteer Infantry, war with Spain, $10.

Anna Sterr, dependent mother of Frank Sterr, late of Company I, Fifth Regiment U. S. Cavalry, war with Spain, $12.

George W. Webb, late second lieutenant Company H, Twenty-fifth Regiment U. S. Infantry, $24.

Frances G. Webster, dependent mother of James C. Webster, late of Company A, Ninth Regiment U. S. Infantry, war with Spain, $24.

Calvin W. Cooke, late captain, First Regiment Oregon Riflemen, Cayuse Indian war, $16.

Mary R. Greer, widow of John E. Greer, late colonel, Ordnance Corps, U. S. Army, $40.

Byron H. Bronson, late of Company I, Fifth Regiment U. S. Infantry, and first-class private, Signal Corps, U. S. Army, $50.

Alexander Snodgrass, late of Company G, Eighth Regiment, and Company K, First Regiment U. S. Infantry, $20.

Florence Van Etta, former widow of John H. Purcell, late first lieutenant, First Regiment U. S. Infantry, $20.

George Stevens, late of Company C, Twelfth Regiment U. S. Infantry, war with Spain, $50.

Thomas H. Beck, late of Colonel Markham's regiment, Nauvoo Legion, Utah Volunteers, Utah Indian war, $16.

Martha E. Bradley, widow of Samuel Bradley, late of Captain Robinson's company, Tennessee Militia, war of 1812, $24.

Sarah B. Hatch, widow of Davis W. Hatch, late of Captain Walker's independent company, Texas Mounted Rangers, war with Mexico, $12.

John W. Ragan, late of Captain Tatom's company, Tennessee Volunteers, Florida Indian war, $16.

Mr. DANIEL. I move to insert at the end of the bill the words:

The name of Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier-general, United States Army, and pay her a pension at the rate of $50 per month.

I will state in this connection that a bill has passed the Senate at the present Congress for this purpose, and I have no doubt the amendment will have the assent of the chairman of the committee.

Mr. McCUMBER. I will ask the Senator if that is the rate fixed by the Senate when it passed the bill for this purpose?

Mr. DANIEL. It is.

Mr. McCUMBER. I have no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 9422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

David Lanpher, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, $24.

Lewis Beckwith, late second lieutenant Company D, Fourteenth Regiment West Virginia Volunteer Infantry, $30.

Daniel S. Thompson, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, $30.

Adellà F. Rudd, widow of Alfred Rudd, late of Company F, Twenty-first Regiment Connecticut Volunteer Infantry, $20.

Thomas H. Webley, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, $24.

Squire F. Buck, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, $24.

James A. Seaman, late of Company A, First Potomac Home Brigade, Maryland Volunteer Infantry, $30.

James M. Legg, late of Company A, Tenth Regiment Missouri Volunteer Infantry, and Company I, Sixty-second Regiment Illinois Volunteer Infantry, $24.

Charles L. Bartow, late of Company H, Seventeenth Regiment Connecticut Volunteer Infantry, $24.

Alva L. Fitch, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, $30.

Peter A. Gaulin, late captain Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, $36.

William H. Eaton, late of Company K, Seventy-ninth Regiment Indiana Volunteer Infantry, $24.

Nathaniel Hurst, late of Company E, Seventh Regiment Missouri Volunteer Infantry, $24.

Charles Miller, late of Company K, Ninth Regiment Ohio Volunteer Cavalry, $24.

Lewis R. Bland, late sergeant and second lieutenant Company B, Fifty-third Regiment Pennsylvania Volunteer Infantry, $30.

Edwin W. Kendall, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, $24.

Nelson B. Aldrich, late of Company L, First Regiment Michigan Volunteer Engineers and Mechanics, $30.

Michael Sullivan, late first lieutenant Company K, One hundred and seventh Regiment U. S. Colored Volunteer Infantry, $30.

Mary A. Jaquette, widow of Isaac G. Jaquette, late of Company H, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, $20.

James G. Thompson, late of Company E, Second Regiment Florida Volunteer Cavalry, $24.

Emma T. Reid, widow of John B. Reid, late lieutenant-colonel One hundred and thirtieth Regiment Illinois Volunteer Infantry, $25.

Anna W. Clay, widow of Cecil Clay, late colonel Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $30.

Ella L. Deweese, widow of John T. Deweese, late lieutenant-colonel Fourth Regiment Indiana Volunteer Cavalry, $20.

George H. Ricker, late of Company E, Eighth Regiment Illinois Volunteer Infantry, $36.

Joseph W. B. McClintock, late of Company A, Second Regiment Pennsylvania Provisional Volunteer Cavalry, $24.

Lewis Thomas, late of Company M, Eleventh Regiment Indiana Volunteer Cavalry, $24.

William Kent, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, $30.

Mathew M. Smith, late of Company E, Fourth Regiment Ohio Volunteer Infantry, $30.

Harriett L. Curtis, widow of Charles A. Curtis, late first lieutenant, Fifteenth Regiment U. S. Infantry, and captain, United States Army, retired, $30.

William A. Ice, late of Company C, Eighteenth Regiment Illinois Volunteer Infantry, $30.

Alice D. Bainum, widow of Benjamin Bainum, late of Company I, Eighty-third Regiment Indiana Volunteer Infantry, $20.

Frank D. Moore, late of Eighth Battery, Wisconsin Volunteer Light Artillery, $24.

Gustavus M. Gates, late of Company C, One hundred and eighth Regiment New York Volunteer Infantry, $30.

John A. C. Jones, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, $30.

Francis McKeag, late second lieutenant Company E, Eighteenth Regiment Connecticut Volunteer Infantry, $30.

Robert L. McConaughey, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, $30.

Emily F. Freeburn, widow of Archibald B. Freeburn, late major, Second Regiment Arkansas Volunteer Cavalry, $12.

Ira Youmans, late of Company C, Second Regiment New Jersey Volunteer Cavalry, $30.

Sabilla Davis, widow of George Davis, late of Company D, Eleventh Regiment New Jersey Volunteer Infantry, $20.

Jane Plankinton, widow of Horace Plankinton, late of Company L, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company L, Second Regiment Pennsylvania Provisional Volunteer Cavalry, $12.

Gabriel Greenleaf, late of Company G, First Regiment Kentucky Volunteer Cavalry, $24.

John Limric, late of Sixth Independent Battery, Ohio Volunteer Light Artillery, $24.

Mary Ett Kellogg, widow of John H. Kellogg, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, $20.

James B. Merwin, late chaplain, United States Volunteers, $30.

Nancy Ulen, widow of William P. Ulen, late of Company H, Second Regiment Kentucky Volunteer Infantry, $20.

William A. Butner, dependent father of Leonidas B. Butner, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, $12.

Ole Olson, late of Company C, Brackett's battalion Minnesota Volunteer Cavalry, $24.

Robert I. Patterson, late of Company E, Nineteenth Regiment Indiana Volunteer Infantry, $24.

Benjamin F. Welker, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, $40.

Theodore Pridemore, late of Company G, Fiftieth Regiment Indiana Volunteer Infantry, $30.

Henry F. Houser, late of Company A, Fourteenth Regiment Wisconsin Volunteer Infantry, $30.

James McKinley, late of Company D, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, $24.

Mary E. Lucas, widow of Daniel R. Lucas, late second lieutenant Company C and chaplain Ninety-ninth Regiment Indiana Volunteer Infantry, $30.

John E. Kitzmiller, late second lieutenant Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, $30.

George F. Plaskett, late of Company K, Seventh Regiment Connecticut Volunteer Infantry, $24.

Sallie S. Allen, widow of William H. H. Allen, late major and paymaster, United States Volunteers, $20.

Frank H. Hall, late of Third Battery, First Battalion Maine Volunteer Light Artillery, $24.

Cara E. W. Stone, widow of Henry Stone, late lieutenant-colonel One hundredth Regiment U. S. Colored Volunteer Infantry and brevet colonel, United States Volunteers, $20.

James H. Shutts, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, $30.

John H. Rublee, late of Company B, Tenth Regiment Vermont Volunteer Infantry, $30.

Marie Sinclair Russell, widow of Henry B. Williams, late captain Company F, Forty-sixth Regiment Wisconsin Volunteer Infantry, $12.

Alexander G. Wilkins, late of Company H, Fourth Regiment Pennsylvania Volunteer Cavalry, $30.

Thomas McCann, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, $24.

John McGaughey, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $30.

Martha L. Brown, widow of John B. Brown, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, $12.

William Potter, late of U. S. S. *Ohio* and *Montgomery*, United States Navy, $24.

Thomas Farrell, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, $30.

Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards, $30.

Ferdinand C. Porée, late second lieutenant Company C, Thirtieth Regiment Massachusetts Volunteer Infantry, $24.

Joseph Rigby, late of Company E, Fifth Regiment, and Company K, Seventh Regiment, Delaware Volunteer Infantry, $12.

Elton M. Durfey, late of Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, $30.

Charles H. Orr, late of Company G, One hundred and eighty-fourth Regiment New York Volunteer Infantry, $30.

William H. Hoffman, late of Company D, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, $24.

Vinney Streets, widow of William Streets, alias Willis Miller, late of Company K, Twelfth Regiment U. S. Colored Volunteer Heavy Artillery, $12.

Eliza Jane Ellis, widow of George Ellis, late of Company H, One hundred and fourteenth Regiment U. S. Colored Volunteer Infantry, $12.

Rosetta E. Arnold, widow of Smith D. Arnold, late of Thirtieth unattached company, Massachusetts Volunteer Heavy Artillery, $20.

Emma J. Thomas, widow of William H. Thomas, late second lieutenant Company I, and first lieutenant and adjutant, Fifth Regiment Ohio Volunteer Infantry, $20.

Elias W. Bowman, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, $36.

Emma C. Swift, widow of Daniel D. Swift, late assistant surgeon One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and surgeon Sixth Regiment Pennsylvania Volunteer Cavalry, $25.

John L. Brady, late of Company C, and first lieutenant Company E, First Regiment Delaware Volunteer Infantry, $30.

Lizzie Lynch, widow of Edward Lynch, late sergeant-major Second Regiment U. S. Infantry, second lieutenant Company I, First Regiment Veteran Reserve Corps, and captain, Eighth Regiment U. S. Infantry, $30.

Sarah A. Clark, widow of Andrew J. Clark, late of Company I, Third Regiment Minnesota Volunteer Infantry, $20.

John W. Dunahey, late of Company E, Second Regiment Kentucky Volunteer Cavalry, $30.

Elizabeth B. Hughes, widow of William B. Hughes, late colonel and assistant quartermaster-general, United States Army, $40.

Henry S. Tillotson, late of Company E, Seventh Regiment Vermont Volunteer Infantry, $30.

John Preman, late of Company A, Fourteenth Regiment U. S. Infantry, $30.

Asa Hayes, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, $30.

William D. Wallace, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, $30.

George M. Teachout, late of Company H, One hundred and eleventh Regiment New York Volunteer Infantry, $30.

Malinda E. Church, widow of Josiah W. Church, late major, First Regiment Michigan Volunteer Light Artillery, $12.

Nancy Crowther, dependent mother of Charles A. Watkins, late of Company E, First Regiment U. S. Volunteer Sharpshooters, $12.

Howell Atwater, late captain Company E, First Regiment Connecticut Volunteer Cavalry, $30.

Mr. McCUMBER. In line 25, on page 11, before the word "dollars," I move to strike out "twelve" and insert in lieu thereof the word "twenty," so as to read:

The name of Marie Sinclair Russell, widow of Henry B. Williams, late captain Company F, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

Jay B. Sessions, late of Company I, Thirty-seventh Regiment U. S. Volunteer Infantry, war with Spain, $30.

John Sexton, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, $12.

Winslow H. Reaves, late second lieutenant, Artillery Corps, U. S. Army, $50.

Marianna C. Rockwell, widow of Charles H. Rockwell, late rear-admiral, United States Navy, $40.

Samuel H. Askew, late first lieutenant Company A, Second Regiment Georgia Volunteer Infantry, war with Spain, $50.

William G. Glasgow, late of Company C, Second Regiment Nebraska Volunteer Infantry, war with Spain, $20.

Culbert King, alias Culbert-Kenney, late of Captain Standage's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, $16.

Flora R. Turner, widow of Thomas J. Turner, late medical director, United States Navy, $30.

Agnes L. Miller, widow of James M. Miller, late rear-admiral, United States Navy, $50.

John A. Browne, late of Thirty-sixth and Fourth Companies, U. S. Coast Artillery, $30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 26072) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Pension Calendar up to to-day.

Mr. McCUMBER. I believe that is all, Mr. President.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 24, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 23, 1909.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we thank Thee from our heart of hearts for the safe return of our naval fleet from its long voyage around the world. And we most fervently pray that it may serve to strengthen the ties of friendship and brotherly love between us and the nations at whose ports it touched; that the time may speedily come when these grim defenders of our rights and liberties shall be no longer needed, and that all state, national, and international problems shall be settled by the saner methods of arbitration; that Thy kingdom may come and Thy will be done on earth as it is in heaven. Amen.

The Journal of yesterday's proceedings was read and approved.

PANAMA CANAL.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. To a question of the highest privilege, Mr. Speaker. I desire to ask if the Clerk will read the resolution which I send to the desk.

The SPEAKER. The gentleman from Florida claims the floor on a question of the highest privilege.

Mr. CLARK of Florida. Mr. Speaker, I ask that the Clerk will read the resolution which I send to the desk.

The Clerk read as follows:

Whereas on the 26th day of January, A. D. 1909, this House of Representatives being there in session at the Capitol, and having under consideration in Committee of the Whole House on the state of the Union H. R. 26305, in "general debate," the Hon. HENRY T. RAINEY, a Representative in the Congress of the United States from the State of Illinois, then and there delivered from his place on the floor of the House an address in which he discussed the manner in which the Government of the United States acquired rights on the Isthmus of Panama, with relation to the proposed canal across said Isthmus; the manner of consummating the contract for the purchase of the canal property; the conduct of certain persons, official and nonofficial, connected therewith; and the general subject of the acquirement, construc-

tion, and management of the said Panama Canal, as well as the acts and doings of the said persons in and about the same; and

Whereas on the 29th day of January, A. D. 1909, in the open session of the House of Representatives, the same being in Committee of the Whole House on the state of the Union, and having under consideration in "general debate" H. R. 26915, the said the Hon. HENRY T. RAINEY, a Representative as aforesaid, again further addressed the House in Committee of the Whole as stated, on the subject aforesaid, and in continuation of his address so delivered as aforesaid on the said 26th day of January, A. D. 1909; and

Whereas on the 9th day of February, A. D. 1909, the Hon. Robert Bacon, Secretary of State of the United States, caused to be composed, written, printed, and published in certain and numerous newspapers, which are published in the city of Washington and elsewhere throughout the United States, and which are of general circulation in the United States and elsewhere, as well as making the same by filing therein a part of the permanent records of the State Department of the United States, a certain document alleged to be in reply to a communication said to have been received by him, the said Hon. Robert Bacon, Secretary of State as aforesaid, and to have been written by some official of the Government of the Republic of Panama, taking exception to and complaining of the said addresses of the said Hon. HENRY T. RAINEY, a Representative as aforesaid, in behalf of his Government, the said Republic of Panama, and which said document so composed and published by the said the Hon. Robert Bacon, Secretary of State as aforesaid, as the same was published and appeared in the Washington Post, a daily newspaper published at the city of Washington, D. C., in its issue of the 10th day of February, A. D. 1909, and which said newspaper has and enjoys a wide circulation throughout the United States, was and is as follows, viz:

"SIR: The President directs me to say in answer to your communication of February 9, 1909, that the remarks complained of were made in the House of Representatives. Under our Constitution we have, for what we regard as wise reasons, provided that for any speech or debate in either House they (the Senators and Representatives) shall not be questioned in any other place.

"This provision we regard as essential to secure full liberty of speech to the elected representatives of the people; and we feel that such liberty of speech should be preserved even though it may occasionally be abused.

"It ought to be understood that the utterances of individual Members are not to be taken as expressing the views either of the Government of the United States or the House in which such remarks are made. As regards the statement in question made by Representative RAINEY, the President attached so little importance to him that he had not even read them until your protest came. He has now read them, and none of them concerning which he has knowledge have any foundation in fact.

"The President wishes me to recall to your attention that the attack was made even more upon Americans, including the President-elect, than upon the officials of Panama. The President need hardly say that this Government disavows all responsibility for the remarks of Representative RAINEY, to which you refer.

"Accept, sire, the renewed assurance of my high consideration.

"ROBERT BACON."

Now, therefore, be it resolved:

First. That the matter of the said communication of the said the Hon. Robert Bacon, Secretary of State of the United States, to the said official of the Government of the Republic of Panama and all matters connected therewith, be, and the same is hereby, referred to the Committee on the Judiciary of the House of Representatives for the careful consideration of the said committee to determine:

(1) If the said communication of the said Hon. Robert Bacon, Secretary of State as aforesaid, constitutes a breach of the privileges of a Member of the House and of the House, violating either in letter or spirit section 6 of Article I of the Constitution of the United States, wherein it is provided that a Representative in Congress "shall not be questioned in any other place" for "any speech or debate" in the House.

(2) If there has been such violation, what remedy, if any, exists.

(3) If there has been such violation and it is found that no remedy exists, to suggest some plan to prevent such violations and to punish them in the future.

Second. That the said Committee on the Judiciary make full report herein to the House of Representatives within five days from the reference to said committee of this resolution.

Mr. CLARK of Florida. Mr. Speaker, I ask——

Mr. PAYNE. How does this matter come before the House?

The SPEAKER. It comes before the House on an alleged question of highest privilege.

Mr. OVERSTREET. I make the point of order against it.

Mr. PAYNE. I move that it be laid on the table.

Mr. CLARK of Florida. I have been on my feet all the time. I offered——

The SPEAKER. Precisely.

Mr. CLARK of Florida. I offered the resolution, and I want to address myself to it for a few moments.

The SPEAKER. Precisely. The gentleman from Indiana makes the point of order, and the Chair will ascertain what the point of order is.

Mr. CLARK of Florida. Then I want to address myself to the point of order.

The SPEAKER. That is in the discretion of the Chair, after the gentleman has made it, if the Chair desires to hear any argument on the point of order. But the Chair must first ascertain what the point of order is. The Chair is not advised.

Mr. CLARK of Florida. Very well.

Mr. OVERSTREET. I make the point of order that the resolution is not of the privileged character indicated by the gentleman.

Mr. EDWARDS of Georgia. I make the point of order that we can not hear.

The SPEAKER. The House will be in order. The gentleman from Indiana will state his point of order.

Mr. OVERSTREET. I make the point of order that the reading of the paper at the Clerk's desk does not disclose that degree of privilege which would entitle the gentleman to bring the subject-matter before the House as one of the highest privilege. I do not think that a quotation from a newspaper would be sufficient to justify this House in recognizing that as of a sufficient degree of privilege to warrant this House in sending it to any committee of the House or to make the character of investigation which the gentleman undoubtedly has intended to pursue.

Mr. COCKRAN. Will the gentleman give way to a question?

Mr. OVERSTREET. Yes, sir.

Mr. COCKRAN. Do I understand the gentleman to question the privileged character of the resolution?

Mr. OVERSTREET. I do.

Mr. COCKRAN. On account of its being based on a quotation from a newspaper?

Mr. OVERSTREET. Oh, no.

Mr. COCKRAN. Pardon me until I conclude. Or does he question the right to challenge by resolution as a breach of our privileges the fact that the Secretary of State by direction of the President has undertaken to characterize the action of a Member of the House?

Mr. OVERSTREET. I did not intend to discuss the facts. I think that a sufficient answer is that as it is presented it is deprived of its privilege. I think that the entire paper as filed does not disclose a question of privilege.

Mr. COCKRAN. Just a word. Do you claim it is not a privileged matter to question the right of an executive officer to debate in correspondence with a foreign government what is said in this House, or do you make the point of order that this particular resolution now before the House is lacking in proof of the subject-matter about which it seeks to have action taken?

The SPEAKER. The Chair is prepared to rule. But if the gentleman desires to speak upon the point of order——

Mr. CLARK of Florida. I would like to have a moment or two, Mr. Speaker. I shall not take up the time of the House. I am in no condition——

The SPEAKER. The Chair will hear the gentleman for a moment on the point of order.

Mr. CLARK of Florida. I trust the Chair will let us have order, because my voice is in such condition that I can not afford to strain it.

I want to call the attention of the Speaker to section 6 of Article I of the Constitution:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Now, then, Mr. Speaker, this House has passed upon this question at various times; and if the Chair will bear with me for just a moment, and I want to assure the Chair that my sole object—I can not be heard, Mr. Speaker, in this confusion.

The SPEAKER. The House will be in order. Gentlemen will please be seated and cease conversation. The gentleman from Florida.

Mr. CLARK of Florida. As I was saying, my sole object is to have the House placed where the privileges of its own membership may be preserved inviolate and its dignity maintained. There has been so much said about this affair, and so many attacks made upon Members on account of debates had and speeches made here, that it occurred to me this matter ought to go to the Judiciary Committee, in order for that committee to investigate the subject and make a report; and if there is no rule regulating such affairs as this, that some rule may be prescribed, after the House is put in possession of the facts and can intelligently make and prescribe a proper rule. With this object in view, I looked up the authorities to ascertain whether or not it is a privileged matter; and I want to call the Speaker's attention to one or two decisions here.

Here is a case from volume 17 of the Congressional Globe, beginning on page 1068, a case where the Commissioner of Indian Affairs wrote a letter calling in question some remarks made by a Member upon the floor in debate. That matter was called to the attention of the House and was thoroughly discussed. Mr. Woodward, a Member of Congress, speaking to the resolution, said that—

His intention was to express his view of the conduct of the Commissioner of Indian Affairs in sending to this body an insulting and offensive communication.

The communication is too long to read, and I will print it in the RECORD, but it simply called in question the remarks made by the Member, and there was no insulting language in it, in

the commonly accepted sense of that term. Quoting further from Mr. Woodward:

It appeared to him that everything was tending to the humiliation and debasement of the legislative branch of the Government.

Prophetic! What a picture he painted of the present! He continues:

If a similar communication had been addressed to the executive branch, or even to one of its subordinate departments—the War or the State Department—it would have been regarded as an outrage. He (Mr. Woodward) would have so considered it. And he did not hesitate to declare that he would vote to dismiss from office any officer of this House who, in his official position, should be guilty of such an act. Should the Clerk of this House, the Sergeant-at-Arms, or any other subordinate take it on himself to address the President in the language which one of his subordinates has presumed to throw into our face this morning, there is not a Member on this side of the House who would not demand his dismissal from office. And he (Mr. Woodward) would readily accede to the demand.

Now, that was the character of the discussion. The resolution not to receive this communication would undoubtedly have been adopted had not the offensive communication of the Commissioner of Indian Affairs been withdrawn by Mr. Fries, who had presented it.

In the further discussion of this same case, on page 1070 of the Congressional Globe, Mr. Thompson, addressing the House, said:

When an individual Member of this House thought proper to attack an individual out of the House, this House as a House could know nothing of it. It was a matter for the two individuals to settle between themselves. But the man feeling himself aggrieved had no more right to send into this House a paper applying abusive epithets to the Member than he had to insult the Speaker for having signed a bill which might not be entirely consistent with his own private opinions.

Now, Mr. Speaker, if he had no right to do that, then I ask, Has a subordinate officer of this Government or a superior officer of this Government, in the executive branch or in the judicial branch, a right to send broadcast all over the world, publish in all the newspapers in the land, file in the archives of a department of the Government, there to remain as long as the Government itself stands, an attack on a Member of this House for what he may have said in debate on this floor? That is exactly what that resolution states has been done; and further, this Member [Mr. RAINEY] is denounced as having uttered an untruth in debate; is so denounced by the Secretary of State, at the direction of the President, and is so denounced in an official communication to the representative of a quasi-foreign power.

I submit, Mr. Speaker, that it is one of the gravest breaches of the privileges of this House. It is a breach of the privileges of the Member, and it is an indignity to the House itself; and it occurs to me that the time has come when this House, if it desires to have the respect of other branches of the Government and of the world, should begin to assert itself along the lines of maintaining its dignity.

I have nothing to say as to the merits of this controversy. I know nothing about it, and care less; but I do say that this provision of the Constitution is a wise one—wise because it is a guaranty that here in this Hall, where the representatives of a free people meet to deal with the most sacred rights of a great people, there shall be the freest of debate on all questions, with no fear of molestation, no matter how powerful may be the persons or interests whose conduct may be criticised. Outside people, even though they do belong to another branch of the Government, ought not to be permitted to engage in debate—and it is engaging in debate to all practical intents and purposes—with Members upon this floor. The outsider has no oath as a lawmaker to observe, no responsibility rests upon him, and he is answerable to no constituency.

I feel, Mr. Speaker, that I have done my duty in submitting the resolution asking that the Judiciary Committee, the law committee of this House, take this matter and everything connected with it under advisement and report to the House if anything should be done; and I respectfully submit that the calling in question of the truthfulness of a Member on account of his official acts, the denunciation of the Member as a falsifier for words spoken by him in debate, and the characterization of him to a foreign official as so unimportant (in his representative capacity) that the President of the United States has not seen fit to read what he said—if that is not a breach of the privileges of that Member, and is not an indignity and an insult to this House, then I think it would be hard to frame language that would carry a breach of the privileges of the Member or an insult to the House; and I submit that the resolution is in order. [Applause on the Democratic side.]

Under the permission given me to extend my remarks in the RECORD on the point of order made by the gentleman from Indiana [Mr. OVERSTREET] I shall print some few precedents which I conceive to be in point, and shall make a few further observations of my own.

The case involving a discussion of the letter of the Hon. W. Medill, Commissioner of Indian Affairs, is found in volume 17 of the Congressional Globe, Thirtieth Congress, first session, beginning on page 1068 and ending on page 1070, and is as follows:

Mr. Fries presented a letter from Mr. Medill, Commissioner of Indian Affairs, in reply to a speech made by Mr. Clingman two or three days since, in which he expressed his belief that there was gross corruption in the Bureau of Indian Affairs. The letter from Mr. Medill denied that there was any corruption in his office, and charged Mr. Clingman with having made false and unfounded assertions, and asked that a committee might be instituted to inquire into the charges.

Said communication was read, and is as follows:

To the honorable the House of Representatives of the United States:

During the debate which took place in the House of Representatives on an amendment made by the Senate to the civil and diplomatic bill, allowing to David Taylor the sum of $12,800 for a certain reservation claimed by him under the treaties of 1817 and 1835 with the Cherokees, as reported in the National Intelligencer of this morning, I find the following, viz:

"Mr. Clingman supported the claim, and took occasion to warn the committee against any opposition which might have been made to it by Mr. Medill, the Commissioner of Indian Affairs, who, he understood, had endeavored to prejudice the claim, because the agents of the claimant peremptorily refused to make an allowance for his favoring the claim. Mr. C. denounced the Indian bureau as thoroughly corrupt. He had been credibly informed that the books in that bureau had been altered and falsified for corrupt purposes (though this, he believed, had been done during the incumbency of Mr. Crawford, the predecessor of the present commissioner). He had no confidence in Mr. Medill, nor would he believe any statement he should make. An application had been made to the department to have the books taken out of his office and deposited in some place where they would be safe from alterations."

It is seldom that a public officer is justified in noticing attacks of this kind; but the above charges are of so grave and specific a character, and so seriously reflect, not only upon myself, personally and officially, but upon the administration of the whole of that branch of the public service intrusted to my charge, that a different course on this occasion seems to be called for. If true, I should be driven from the office I now hold with ignominy and disgrace, to become an object of scorn and contempt to all upright and honest men; and proper legislation should be had at the earliest period to punish such abuses and prevent their recurrence. If untrue and without any foundation, it is due to every principle of justice and common fairness that the fact should be authoritatively ascertained and published to the world, that neither myself nor the office may rest under imputations so injurious, and which I unqualifiedly and indignantly pronounce to be wholly and basely false in each and every particular.

I beg leave to state the following facts and circumstances for the consideration of your honorable body. The claim of Mr. Taylor, who is a white man married to a Cherokee woman, never came before the Office of Indian Affairs for its action. That office had nothing to do with the claim, and could and did take no cognizance of it. Like others under the treaty of 1835 with the Cherokees, it was to be adjudicated and settled, as required by the seventeenth article of that treaty, by commissioners appointed by the President and Senate. Four different boards of commissioners were appointed and organized under that article, which sat for the transaction of business—in all, about five and a half years. Mr. Taylor's claim, in one shape or another, was before the whole of them. By the first board he was allowed $1,518—being the amount which he had paid to the State of Tennessee under a law of that State—with interest thereon, to obtain a fee-simple title; in addition to which he claims the value of the reservation as unimproved land. This has not been allowed by either of the boards of commissioners. The second board declared the claim "res adjudicata—not considered by present commissioners." The third board decided that Mr. Taylor had no right to the claim, whatever interest there was remaining being in his Indian wife and her children, the reservation having been taken in right of the wife under the treaties of 1817 and 1819 with the Cherokees. So far as he himself was concerned, the action of this board was adverse; but the question of the interest of the wife and children was left open for consideration on such evidence as might be produced in support thereof. So it stood until the organization of the fourth board, by which it was simply dismissed, without any formal or specific action upon its merits.

When the amendments of the Senate making an appropriation for this claim, and for certain claims of the Creek Indians, were under consideration by the Committee of Ways and Means of the House of Representatives, I was summoned by that committee to give information respecting these claims. I accordingly appeared before the committee and gave such information as it was in my power to furnish, which was almost exclusively of record, and derived from the official records and papers I had taken with me and submitted to the committee. And I have yet to learn that the committee discovered the slightest evidence or trace of any alteration or falsification, by myself or anyone in my office, of these records and papers. This was the only occasion on which I have ever been called upon to take any part in relation to this claim; and I am sure the Committee of Ways and Means will bear testimony that I made no effort to prejudice them against the claim further than the statement of the facts from the records, which it was my duty to give to them. Where, then, can there be any grounds for the base, wanton, and malicious charges against me in reference to it? I can trace them to no other cause than disappointed pecuniary expectations, as it is generally understood that Mr. Taylor has been in the habit of making promises of liberal rewards to those whom he believed could aid him in obtaining the amount of his claim.

I consider it not out of place, and I respectfully ask the permission of your honorable body, to advert to the position of the honorable gentleman, who made the charges quoted, in another case recently before you; and, in view of the facts and circumstances connected therewith, it is hoped that he will join in the application now made, or at least not oppose it.

It will be recollected that the Senate made an amendment to the bill making appropriations for the Indian Department by which a large amount was to be paid to certain Cherokee Indians in North Carolina from the Treasury of the United States. I was summoned before the Committee of Ways and Means to furnish information respecting this case, when the honorable gentleman also appeared as an advocate or attorney and strongly supported the claim as it passed the Senate. The committee and the House saw proper to disagree to the Senate's amend-

ment, and made an important alteration therein, which might seriously have affected the interests of the Indians, or rather of the white speculators interested in the claim. Yet, notwithstanding the peculiar position occupied by the honorable gentleman, as stated above—which, however, could not have been known to the honorable Speaker of the House of Representatives—he became one of the committee of conference on the disagreeing votes of the two Houses of Congress on this same claim. Notwithstanding this remarkable circumstance, and the honorable gentleman's peculiarly zealous advocacy of Mr. Taylor's claim, it is hoped he will not be adverse to others endeavoring to vindicate themselves from unjust aspersions. Indeed, the gentleman's own position was so peculiar and delicate a one that it was to have been expected that instead of rising in his place and making gratuitous and calumninous charges against others, he would, if he really believed there were good grounds for those charges, have moved for a committee of investigation, of which, by the usages of your honorable body, he would have been the chairman, by which course he could have ascertained the truth without bringing into question his own singular and extraordinary position. Not having done so, and having pursued the wanton and unjust course he did, devolve upon me the duty of making this application. Wherefore I respectfully pray that your honorable body immediately appoint a committee with full and ample power and authority to require books and papers, to examine witnesses, and to investigate fully, not only the foregoing charges against myself and the office and department of Indian affairs, but any others that may be brought to the knowledge of the committee; and likewise all the facts and circumstances respecting or in any way connected with the two claims adverted to, of Mr. Taylor and the Cherokee Indians of North Carolina, and their advocacy before the commissioners under the treaty of 1835 and the committees and Houses of Congress.

I invite the most rigid scrutiny into the affairs of the office intrusted to my charge, as well as into my personal acts in any way directly or indirectly connected with the public service. And I can not but think that that spirit of magnanimity and sense of justice, which it is the duty of every American citizen to attribute to your honorable body, will at once prompt you to accede to this application, necessary as the same is with reference to the preservation of the purity and respectability of the public service, and called for as it is by justice to the character and standing of a man grossly and unjustly assailed in your honorable body, where, unless permitted by you, he has not the right to appear and defend himself.

W. MEDILL,
Commissioner of Indian Affairs.

OFFICE OF INDIAN AFFAIRS, *Washington, August 11, 1838.*

The reading of the letter was frequently interrupted and objected to, on the ground of its offensiveness to the dignity and character of the House.

Mr. Rockwell, of Connecticut, rose, and defended the rights and privileges of the Members of the House against such attacks from a subordinate officer of the Government. He concluded by moving that the letter be not received.

Mr. Fries replied than an attack had been made on the floor of the House by the gentleman from North Carolina on Colonel Medill, to which no honorable man would submit. He was willing to admit that the letter was not couched in the most respectful language. The commissioner had been charged with corruption and fraud, to repel which it was not to be supposed that he would be very careful in choosing his language. He hoped that a committee would be raised to inquire into the charges made by the gentleman from North Carolina, as was asked by Mr. Medill.

Mr. Clingman said the report of his remarks in the Intelligencer, in which he had alluded to the corruption of the Indian Bureau, was not entirely accurate, but, from information received since he had made those remarks, he was satisfied of the corruption of that bureau. He also reiterated some of the strong language which he had heretofore used in relation to the commissioner.

Messrs. Burt and Evans followed, and spoke at some length against the reception of the letter of Mr. Medill, on account of the offensive language in which it was couched. The privileges of the House secured the freest and most ample debate, which should, however, be exercised with prudence, but under no circumstances could it be tolerated that an officer of a subordinate department of the Government should send to this House an offensive communication like this. If he had felt aggrieved, he should, in the first place, have ascertained from the honorable gentleman from North Carolina if he was correctly reported; and in the next place, he should have asked for an investigation. But he had gone beyond this, and written an insulting letter, which the House could not receive without forfeiting its own self-respect. The Executive had long sought to degrade the House, and now he had an imitator in one of his subordinates.

Mr. Woodward said he had no remarks to offer in relation to the propriety of the course pursued by the honorable Member from North Carolina [Mr. Clingman], nor did he rise to vindicate the supposed privileges of Members of this House. He denied that any privileges existed except by the positive provisions of the Constitution, or such as Congress might enact, in pursuance of its right of exclusive legislation in this District.

His intention was to express his view of the conduct of the Commissioner of Indian Affairs in sending to this body an insulting and offensive communication. It appeared to him that everything was tending to the humiliation and debasement of the legislative branch of the Government. If a similar communication had been addressed to the executive branch, or even to one of its subordinate departments—the War or the State Department—it would have been regarded as an outrage. He [Mr. Woodward] would have so considered it. And he did not hesitate to declare that he would vote to dismiss from office any officer of this House, who in his official position, should be guilty of such an act. Should the Clerk of this House, the Sergeant-at-Arms, or any other subordinate, take it on himself to address the President in the language which one of his subordinates has presumed to throw into our face this morning, there is not a Member on this side of the House who would not demand his dismissal from office. And he [Mr. Woodward] would readily accede to the demand "Yes, sir; could I separate your character as Speaker from your constitutional privileges as a Member of this body, I would vote for your dismissal under like circumstances. And, sir, I shall expect from the Executive the same justice I am so ready to accord to him. I shall expect him to dismiss Colonel Medill from office, or, at all events, to subject him to some proper reproof." As he [Mr. Woodward] would defend the executive department from insult and aggression on the part of our subordinates, so he would expect the Executive to defend the legislative department against aggressions and insult from his subordinates. "It has come to this, that a subordinate in one of the departments presumes to send an insulting communication to this House, and, what is still more humiliating, to demand of us certain proceedings thereon, and we are expected, upon his demand, to go into the question of the infamous conduct of one of ourselves! Sir, I shall expect every Member on this floor who does not bear in his bosom the heart of a Tory to repel, indignantly, this insult upon the American House of Commons, thus offered by a subordinate in another branch of the Government. If the honorable Member from North Carolina [Mr. Clingman] has done injustice to the commissioner, Mr. Medill, let Mr. Medill seek satisfaction outside of these walls in such manner as he may think best upon his own responsibility. I shall consider myself as having no right to interfere."

Mr. Faran next obtained the floor.

Mr. C. J. Ingersoll said he wished very much to hear the communication read. He had not heard a word of it.

Mr. Faran spoke of the importance of the officer at the head of the Indian Bureau being a man of the highest honor and the strictest integrity, and said whenever any member of the executive or legislative department attempted to degrade that officer in the public estimation, to represent him as not resisting corruption or spurning a bribe, such an effort, particularly when made from the legislative department, should meet on the spot with instant rebuke. Never could he ask any department of this Government to respect him when he did not respect himself; nor could this House be respected by the country when it would not respect itself. If Members of this House would charge the basest corruption upon persons who stood at the head of the Treasury, and who should be men of the nicest honor and the strictest integrity, he said they should never shrink from any investigation which might be asked by that officer or by any Member of this House.

What he complained of was that the gentleman from North Carolina, if he believed the charges which he had preferred were true, had not long since brought them before the House and demanded an investigation. But when, having failed to do this, he got up at the heel of the session and threw out in debate these charges of bribery and corruption upon the head of the Indian Bureau, it was no more than proper that that officer should repel those charges in language as strong as the gentleman himself had used.

Mr. Faran yielded the floor at the appeal of Mr. Cummins, who was proceeding to offer some remarks, when—

Mr. Duer raised the point of order that the gentleman could not yield the floor without losing his right to it entirely.

The Speaker stated that by the courtesy of the House gentlemen had been allowed to yield to others for explanations and still retain the floor; but by the strictest parliamentary law, if it was insisted upon, but one gentleman could be entitled to the floor at a time.

Mr. Duer gave notice, then, that when the gentleman [Mr. Cummins] concluded, he should object to the gentleman who had yielded resuming the floor, and should himself claim it and move the previous question.

Mr. Faran, under this intimation, resumed the floor, and after remarking that the law applied in this case was contrary to the uniform practice of the House, and expressing the hope that if insisted upon now it would be in all other cases, proceeded to say that without intimating in the slightest degree that the insinuation contained in the communication against the gentleman from North Carolina was correct (the gentleman's statement had been made, which he was bound to believe), he nevertheless held that if any Member of this House acted corruptly, it was the privilege of every American citizen, whether he held office under the Executive or not, to present the charge to this body, and a communication of that kind, he apprehended, had never been considered an insult to the House. If a Member on this floor made a serious charge against an executive officer, such as the charge of bribery or corruption, he held it was the privilege of such officer to reply to it in language as strong as that in which the charge was made. Gentleman should recollect that men out of this Hall were as sensitive to their honor as they themselves were; and it was the right of the head of the Indian Bureau, when charges of bribery and corruption were brought against him, to repel them in language as strong as that in which the charges were couched and to demand of the House an investigation. He had known this public officer long, and he undertook to say there lived not a human being of stricter integrity and nicer honor, and who more earnestly desired, as a citizen and an officer of the Government, faithfully to discharge his duties to the country. He undertook to say that the gentleman from North Carolina had been most woefully, grossly, egregiously imposed upon; and he had no doubt but the gentleman, with his high sense of honor and his liberality as a gentleman toward a gentleman, would, after an investigation, be ready to acknowledge before the country that he had been deceived and mistaken in submitting the charges. He hoped no objection would be made to a full investigation of the case.

Mr. Houston, of Alabama, appealed to the gentleman from Ohio to adopt some other mode of arriving at the facts of the case. The gentleman desired an investigation of the truth or falsity of the charges made against the Commissioner of Indian Affairs. It was proper it should be had. He considered the communication of the Commissioner of Indian Affairs, though in the main unobjectionable, still, in some parts, disrespectful to the House; and he hoped that the gentleman would withdraw it and offer a simple resolution providing for the investigation, which, no doubt, would be adopted by the House. He expressed the highest confidence in the integrity and honor of the Commissioner of Indian Affairs, and thought the gentleman from North Carolina would find that he had been misinformed. He dissented from what he considered the result of the position taken by Mr. Wodward, viz, that the House had the exclusive right to make charges against whomsoever they saw fit to direct them, and that they who were thus charged had no right to repel and cast them back. He thought that to the practice of Members of this House themselves, in their constant denunciations of the Executive and his officers, and in bringing forward the gravest charges, might rather be traced the retorts which were provoked, than to any disposition which the executive department might have to encroach on the rights of Congress. He referred to the letter of Mr. Trist containing grave charges against the President—which he ventured to say no man of honor on this floor would get up and say he believed—and to the fact that, notwithstanding this, gentlemen on the other side were not only ready to receive the letter, but to print it. He deprecated the acrimony with which discussions were carried on on this floor, both on the part of each party toward the other and with reference to the Executive, and ascribed to this cause the fact that Members were not treated with greater respect by others.

Mr. Woodward wished to say that he thought gentlemen on this floor had the right to make use of what language they saw fit when speaking of the official conduct of the executive officers.

Mr. Cummins objected, as a point of order, to the floor being yielded, if Mr. Houston wished to retain his right to it. He wanted the same rule applied that had been enforced upon him.

Mr. Houston further enforced the propriety of gentlemen on this floor treating all whose conduct came under their scrutiny with respect, and considered it necessary in order to insure respect for themselves in return. It was too much to expect that an officer of the Government (who was but a man), when he had the gravest charges brought upon him, should not repel them with warmth. He admitted, however, it would have been the most proper course for the commissioner simply to have denied the charges and demanded an investigation.

Mr. Thompson, of Indiana, said, in his legislative experience, he had noticed one case, and one only, similar to this. Some years since, a high functionary of his own State, a state senator, had rendered himself obnoxious to his own party, and another distinguished member of the same party had presented a memorial to the lower house containing base and calumnious charges, and he was glad to say it had been indignantly spurned by the house of representatives of the State of Indiana, and the gentleman himself had barely escaped expulsion from the house by apologizing to them with tears in his eyes. This paper presented the remarkable fact that because a Representative of 70,000 people on this floor had chosen to say he had no confidence in an executive officer, that subordinate member of a coordinate department had presented a paper to this House impeaching the moral character and the integrity and honor of that Member of this House. He knew nothing of the correctness of these charges; he had known the Commissioner of Indian Affairs for ten years with some intimacy, and had never seen anything discreditable in his conduct. He was therefore prepared to enter into this investigation with something of a partiality in his favor. But he was startled when he heard gentlemen on this floor talking about executive officers being influenced by revengeful feelings toward this House. This House were the representatives of the sovereignty of the people, and constituted the grand inquest of the Nation, and yet they must not arraign the conduct of public functionaries for fear their motives should be attacked in return! Had it come to this, in the year 1848, when this great struggle was going on between executive power and the popular supremacy? What was there in what had been said by the gentleman from North Carolina to provoke such an attack?—a gentleman whom he was proud to call his friend, notwithstanding the base charges which had been brought against him; a gentleman to whose unimpeachable character it was unnecessary for him to bear testimony? He read the reported remarks of Mr. Clingman.

Mr. Sawyer and Mr. C. J. Ingersoll wished the paper of Mr. Medill to be read also.

Mr. Thompson said it could be read when he got through, and was proceeding to speak of the remarks of Mr. Clingman, when—

Mr. Clingman repeated the correction of the report which he had made at a previous stage of the debate.

Mr. Thompson understood that the gentleman from North Carolina, then, had never made such a charge as was represented. When an individual Member of this House thought proper to attack an individual out of the House, this House, as a House, could know nothing of it; it was a matter for the two individuals to settle between themselves. But the man feeling himself aggrieved had no more right to send into this House a paper applying abusive epithets to the Member than he had to insult the Speaker for having signed a bill which might not be entirely consistent with his own private opinions. The Constitution provided that Members should not be held responsible elsewhere for words spoken in debate, and the House were bound to protect them whenever they were called in question.

Mr. Collamer thought the only question properly before the House was whether the language of the paper was disrespectful to the House; and if this was the question, the language of Mr. Clingman, the justice of the charges made by him, and so forth, were not just matter of comment. And, at this late stage of the session, he suggested that gentlemen confine themselves strictly to the point at issue.

Mr. Thompson would accept the suggestion of his friend, and confine himself mainly to the question before the House. The gentleman from North Carolina had only spoken of rumors of what he had heard, and yet it was gravely argued now that for this the gentleman was liable to be insulted, and his motives arraigned by an executive officer.

But it appeared that the gentleman was incorrectly reported. He referred to the great difficulty of reporting with entire correctness in the noise and confusion of this Hall, and said the proper way for the Commissioner of Indian Affairs would have been, if he had considered the reported remarks an attack on his character, to have addressed the gentleman from North Carolina, inquiring whether he was correctly represented in the reported remarks. But the gentleman from North Carolina had said he believed the Indian Bureau was corrupt. So did he [Mr. Thompson] and so, he ventured to say, did 200 out of the 230 Members on this floor; not that the head of the bureau was corrupt, but that it was impossible for any man of however high integrity and great energy to purge the Indian Bureau of the festering corruption which existed in its various ramifications.

Mr. Clingman wished to explain, but objections were made.

Mr. Thompson continued. He was told he was wasting the whole day. The House had wasted weeks and months in discussing private and unimportant bills, and now, when he stood up to defend the high constitutional rights and prerogatives of this House, was he to be told that it was out of place?

He continued to comment on the communication as exceedingly improper in its terms, and he said it ought to be rejected by the House. If he were in order, he would offer the following resolution:

"*Resolved*, That the communication of the Commissioner of Indian Affairs be returned to that officer, and that he be informed that this House considers the language thereof as offensive and indecorous."

Mr. Rockwell, of Connecticut, also sent up a resolution, which was read by the Clerk. It was to the effect that the communication from Mr. Medill was disrespectful in its language, and therefore that it ought not to be received.

Mr. Burt rose to a point of order. The paper upon the Speaker's table had not been received by the House, and therefore it could not be made the subject of the action of the House. The House could assign no other reason than that which was implied by its rejection.

Mr. Dixon moved the previous question.

Various points of order were made, and some conversation ensued thereon.

Mr. Fries inquired whether he had the right, under the rules, to withdraw the communication?

The Speaker replied that he had.

Mr. Fries then said that, acting in deference to the wishes of his friends, and with the view of reaching the important object at which he and his friend, Colonel Medill, desired to arrive, viz, the obtaining of an investigation of all the charges preferred by the gentleman from North Carolina, he withdrew the communication, with the intention of moving a resolution of inquiry.

I next call attention to the case of the Hon. S. Pleasanton, at that time Fifth Auditor of the Treasury Department, who wrote a letter to the Speaker of the House taking exception to remarks made in debate by Mr. Sprigg, a Member of the House. The record of this case is found in volume 12, on pages 101–102, of the Congressional Globe, third session Twenty-seventh Congress, and is as follows:

Mr. Sprigg said he rose to a question of privilege. A letter had been addressed to the Speaker and published among the documents of the House, dated "Fifth Auditor's Office, December 14, 1842," which letter contained reflections upon him personally. He presumed the letter had been read by some of the Members, but he would ask the Clerk to read it for the information of the House:

TREASURY DEPARTMENT,
FIFTH AUDITOR'S OFFICE,
December 14, 1842.

SIR: In a report of a debate in the House of Representatives on Monday last, contained in the National Intelligencer of yesterday, it is stated that Mr. Sprigg, among other things, observed: "He remembered, too, that the House, at his instance, had made a call upon the department (Treasury) for full and detailed information as to the whole system of managing the light-houses of the United States, the contracts for buildings, for supplying oil, paying inspectors, etc., but no answer had ever been obtained, notwithstanding the new clerks which the House had voted them, and notwithstanding numerous and repeated promises made to him personally."

It was with extreme surprise I read this statement, as I had a perfect recollection that it was wholly erroneous; and as it is calculated, uncorrected, to injure the Treasury Department unjustly, in the public estimation, I hope you and the House will excuse me for setting the Member right.

It is sufficient to state that the whole of the information called for by the House in relation to light-houses on Mr. Sprigg's motion was transmitted, as required by the resolution, partly to the Committee on Commerce on the 8th of March last, and is contained in their printed report (No. 811); and partly to the House of Representatives direct, by the Secretary of the Treasury, on the 11th of March last, and by the House ordered to be printed, and will be found in document No. 140 of the last session. These two documents contain all the information which was called for by the House.

Mr. Sprigg individually called for the cessions of jurisdiction by the States over all the light-house sites from the adoption of the Constitution, and although so much labor and time as it required might have been declined on his individual call, yet, as I was desirous of furnishing all the information in my power to every person who sought it, the information was prepared and furnished, as far as it was to be found in the office.

This list was sent to Mr. Sprigg on the 24th of May, and had occupied one clerk about six weeks in the preparation of it; and yet he alleges no answer had ever been returned to his calls for information.

I have the honor to be, very respectfully, your obedient servant,

S. PLEASANTON.

Hon. JOHN WHITE,
Speaker of the House of Representatives.

In relation to this letter, he would say that he was forcibly impressed with the opinion that, if we allowed public officers to intrude their letters before the House because of reflections made upon their conduct by Members and then place their letters among the public documents, the power of the House was, indeed, materially weakened. It was a gross insult to the House; and even if he did commit an error in relation to a public officer, had the officer a right to come before the House in this insidious manner to attack the statement of a Member? He said in this "insidious" manner, because the letter was presented to the House by the Speaker, without a knowledge of its contents by that officer, who could not be presumed able to look into every public document laid upon his table. Had the Speaker been acquainted with the contents of the letter, he had no doubt that he would not have presented it.

Mr. Sprigg then went into an explanation of the purport of his remarks at the last session, and gave a statement of the action he had taken in order to obtain information from the Treasury Department on the subject of the light-house system of the country. He read several letters which he had received from the fifth auditor, and pronounced their statements hypocritical and false. Having finished his narrative of his connection with the subject, he said he would not protract his remarks any longer. His only wish was to ascertain whether it was the will of the House that public officers should, in this insidious way, make injurious reflections on its Members. He would make a solemn appeal to the House whether voluntary and ex parte statements of this kind should constitute a part of its documents, and whether their documentary records should be swelled up at an enormous expense by printing matter such as this? The injustice, too, to the House and to individual Members by permitting letters of this kind to be printed and inserted in the documents was most manifest, for Members could not get up and reply to them and make their replies a part of the documentary history of the House alongside of the attacks made on them; but such replies could only have existence in the newspapers of the day, which would pass off and soon be forgotten. The fact was, that some of the officers of the Government about Washington were getting to be too important, anyhow; and if (said Mr. Sprigg) we do nothing else but tear away the abuses that exist among them, we shall do well. From the Executive down to the subordinate departments they had heard nothing but abuse of that House, and here was an officer whose office ought not to exist in the organization of the Treasury Department—in fact, he was but a fifth wheel anyhow—undertaking to make injurious reflections on a Member of the House, and in the most insidious manner to make them a part of its records.

Mr. Hopkins said that he had not noticed the paper alluded to until the attention of the House had been called to it by the gentleman from Kentucky. It struck him that it was a paper which ought not to have been filed or placed on the journals or printed as a part of their documents. It was not, in fact, a public document, and if its writer had any exception to make to the remarks of the gentleman from Kentucky, the public press—the very channel through which they were made public—was open to him. Now, the remarks of the gentleman from Kentucky this morning, in reply to this letter, would not find place among the documents of the House, and in this way injustice was done him, as it would be done to other Members if similar proceedings should be permitted. He did not know, however, how the object he had in

view was to be reached; but he would submit to the House that, without any formal question being taken, the Clerk should, by general consent, be directed to strike the letter from the journals (which, he believed, were not yet printed), and to return the original paper, which was certainly printed without any knowledge of its contents by the Members of the House, to its author.

Mr. J. C. Clark could not believe that the fifth auditor intended any disrespect to the gentleman from Kentucky, or that it was his intention to do him any injustice. His only object appeared to have been to correct a misapprehension into which he believed the gentleman had fallen. In the remarks of the gentleman from Kentucky, as published in the public papers, the fifth auditor found charges affecting his official character, and he took what he supposed to be the best means of defending himself, without intending offense to anybody. Now, the question was, if a Member of Congress or a committee of the House or anybody else made allegations affecting the character of a public officer which, in point of fact, should be found to be incorrect, whether he should not have the right to defend himself and place his defense before the public in the best way in his power? Mr. Clark would refer to the cases of Colonel Totten and Mr. Winslow Lewis, who, conceiving themselves implicated by reports of different committees of the House at the last session, sent written communications to the House defending themselves, which were printed and respectively appended to the reports to which they related. No injustice had, in his opinion, been done to the gentleman from Kentucky, and he hoped that no further action would be taken on the subject.

Mr. Meriwether could not agree with the gentleman from New York. The cases cited by him were not in point, for the communications written to the House by the parties implicated were in answer to reports of two of the committees, and thus both the charge and defense were printed together as part of the documents of the House. In the present case, on the contrary, the charge and defense would not go together, one of them only being printed among the documents of the House. The remarks of the gentleman from Kentucky, to which exception was taken by the fifth auditor, did not appear in the documents of the House, but were only published in the ephemeral productions of the day—the newspaper press, and thus passed off and were soon forgotten.

The usual course was for a person aggrieved to come as a memorialist, remonstrating against the action of the House; but in this case the individual came as an officer of the Treasury Department, and he relied on the report of a Member's speech in one of the common journals of the day. Now, he (Mr. Meriwether) thought the House should vindicate its honor by dashing from it such communications as these, and by instructing the Clerk to withhold the document and not allow it to be bound up with the printed documents.

Mr. Proffit said his name had been alluded to in this debate, and it was said that the Committee on Commerce had thought fit (without any complaint from him) to attack him at the last session of Congress and a speech he had made on this floor. Now, the reason why he made no complaint was because he had never seen nor heard of the report until it was spread on the record and circulated to the country. He made a speech on the light-house system, himself believing honestly in its maladministration, and no gentleman answered him—not even a single member of the Committee on Commerce that he recollected—yet a few weeks afterwards he found that the Committee on Commerce had allowed Mr. Pleasanton to pervert his language and to present it before the country.

Mr. Sprigg. And further, sir, they sent your speech to him and invited remark.

Mr. J. C. Clark was understood to say that it was not done with his knowledge.

Mr. Sprigg. Why, he states so himself.

Mr. Proffit. Yes; and not even a letter from any auditor; but Mr. Winslow Lewis, of Boston, was allowed to write a letter, in which there was a perversion of his (Mr. Proffit's) speech; and he had no means of knowing it until he found it spread before the country, and until this moment he had never had the opportunity to show the injustice that had been done to him. Now, what ought the Committee on Commerce to have done? Why, at least, when they received those letters from Mr. Winslow Lewis and Mr. Pleasanton, they should have asked him if he chose to reply to those letters. If he had not been confined to his bed by sickness when the appropriation bill was before the House, he would have made such statements on the light-house system as would have startled both the House and the country. At present he had not strength to say much more, but he had no hesitation in saying that if he had known of these letters and had had the opportunity to speak to the House on the subject, independent of all party feeling, nine-tenths of the House would have joined him in stopping the printing of that report, even coming, as it did, from the Committee on Commerce.

Mr. J. C. Clark said it had not been intended to do injustice to the gentleman. But Mr. Winslow Lewis, who had been mixed up with the dicussions on the light-house system, feeling himself aggrieved, presented a respectful letter to one of his (Mr. Clark's) colleagues, and that letter was appended to the committee's report without comment. They simply gave Mr. Lewis's statement with their report, which had not been adopted by the House; and the gentleman from Indiana would have the opportunity, when the next appropriation bill was before the House, to take up the matter and give his own explanations; and if Mr. Lewis (a gentleman of great distinction, who had built many light-houses) had been guilty of bad management or peculation, the gentleman from Indiana could show it.

Mr. Underwood, in the course of some remarks, disapproved of this course of allowing individuals to reply to the speeches of Members on that floor. If a committee of the House was about to act on the character of an individual, it would be proper to hear that individual; and when General Gratiot was about to be proceeded against as a defaulter, that course was followed, for he had himself presented a statement containing General Gratiot's own version of the transaction. But when a Member rose and made a speech in which, by way of argument, he stated a fact, to allow any officer to come in with a contradiction would involve them in interminable confusion.

The Speaker explained that the letter came to him as a communication from the Treasury Department, and, as such, he had presented it to the House without perusal; if, however, he had known the purport of the communication, it should not have been presented.

Mr. Meriwether then submitted the following resolution:

"*Resolved*, That the communication addressed to the Speaker of this House by S. Pleasanton on the 14th instant, in relation to some remarks made in the House before that time by Mr. Sprigg, a Member from Kentucky, which paper was received by the Speaker and laid before the House without a knowledge of its contents, was not such a communication as ought to have been received and presented to the House; that the same be withheld from the Journal and files of the House, and the original be returned to the writer."

The resolution was then adopted.

The letter of Mr. Pleasanton, it seems, was not read by the Speaker before it was printed in the Globe. In fact, the Speaker, page 102, stated that if "he had known the purport of the communication it should not have been presented." After some discussion a resolution, as the record shows, was adopted declaring the letter to be such a communication as should not be received by the House, and directing that it "be withheld from the Journal and files of the House, and the original be returned to the writer."

Now, here was a case where this officer of the executive department wrote a letter in which he used no stronger language than simply to say that the statement of the Member of Congress excepted to "was wholly erroneous," and yet Members denounced it, and the House struck it from the Globe.

The Supreme Court of the United States had occasion to review the section of the Constitution involved here, in the case of Kilbourn *v.* Thompson et al., and at October term, A. D. 1880, handed down an opinion which included remarks very pertinent to the point now at issue. In that case the court, speaking through Mr. Justice Miller, says that our provision of the Constitution, namely, section 6 of Article I, is borrowed from the English Bill of Rights as declared by Parliament and assented to by the Crown. The court approves the construction adopted by the English courts to the effect that—

> The freedom of speech and debates and proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament. (Hinds's Precedents, vol. 3, sec. 2675.)

In the first session of the Thirty-ninth Congress a case arose in which it was declared an invasion of privilege for a Member in debate to read a letter from a person not a Member calling in question the acts of another Member. This was the case in which the Hon. James G. Blaine, then a Representative from the State of Maine, read a letter from James B. Fry, provost-marshal-general, in which the latter impugned the official conduct of the Hon. Roscoe Conkling, a Representative from the State of New York. A resolution was adopted for the appointment of a special committee of five to investigate and report; and that committee, composed of such distinguished and able statesmen as Samuel Shellabarger, of Ohio; William Windom, of Minnesota; Benjamin M. Boyer, of Pennsylvania; Burton C. Cook, of Illinois; and Samuel L. Warner, of Connecticut, among other things in their report, said:

> Your committee deem it proper most earnestly to protest against the practice which has obtained to some extent of causing letters from persons not Members of the House to be read as a part of personal explanation, in which the motives of Members are criticised, their conduct censured, and they are called to answer for words spoken in debate. Such attacks upon Members made in the House itself and published in its proceedings, and scattered broadcast to the world at the expense of the Government, are, in the opinion of your committee, an improper check upon the freedom of debate, a violation of the privileges, and an infraction of the dignity of the House. (Hinds's Precedents, vol. 3, sec. 2686.)

If a letter from a provost-marshal-general was "an improper check upon the freedom of debate," how much more is a letter from the "American premier" in which it is declared he is acting under the direction of the President of the United States likely to prove—

> An improper check upon the freedom of debate?

When the Hon. Schuyler Colfax was Speaker of this House, during the second session of the Fortieth Congress, almost the identical question involved here came up for determination. That was the case in which the Hon. Elihu B. Washburne, a Representative from the State of Illinois, made an attack in the columns of a newspaper on the Hon. Ignatius Donnelly, a Representative from the State of Minnesota. The question was on the adoption of a resolution for the appointment of a special committee to investigate and report. Mr. Speaker Colfax said:

> The Chair is of the opinion that this is a question of privilege upon the ground that "charges affecting the character of a Member of Congress," when made distinctly, even by a person not a fellow-Member, are regarded as questions of privilege. General charges and denunciations, vague and not specific in their character, are not usually regarded as questions of privilege.
>
> But when charges have been made in newspapers by persons not holding the relations to a Member of Congress that a fellow-Member does, imputing distinctly that affecting the honor and reputation of a Member, they are regarded as questions of privilege. This, however, is subject to the rules of the House, and if objection is made to the consideration of this resolution the Chair will submit to the House the question: Shall the resolution be considered at this time for its decision?

The resolution was agreed to. The report of the committee, so far as the same is material here, was in substance to the effect that a publication in a newspaper of charges affecting

the Member in his representative capacity was a breach of the privileges of the Member. If the charges concerned the Member in his individual capacity only, then the publication would not constitute a breach of his privileges. (Hinds's Precedents, vol. 3, sec. 2691.)

The case here, Mr. Speaker, is much stronger than the case just cited. In the case here the alleged offender occupies the exalted position of Secretary of State, the chief place in the Cabinet of the President of the United States. He declares in the publication itself that in what he is doing he is acting under the direction of the President of the United States himself. The publication is addressed to the diplomatic representative of a foreign government. It is given out to the various news agencies of the country, who are all anxious to get news from so high a source, and by them scattered broadcast by publication in all the principal newspapers of the land, and it is filed in the archives of the State Department of this Republic, in the permanent records of that department, there to remain as long as the Government itself shall last.

And what of the subject-matter of the publication? In its terms it seeks to belittle the personality and to minimize the importance of the Hon. HENRY T. RAINEY, a Representative in this House from the State of Illinois. It refers to him as unimportant, and holds him and his efforts here in the discharge of what he conceives to be his duty up to the representative of a foreign government and to the whole world as an object of ridicule. Aye, Mr. Speaker, it goes further and charges the gentleman from Illinois with uttering untruths in the course of a speech delivered in this House. Is not this the calling of a Member in question for words uttered in debate here? Does not the Secretary of State criticise a Member on account of a speech made here? Is not this an attack upon a Member for and on account of a speech made by the Member in course of debate in the orderly procedure of this House? Could there be a clearer violation of the constitutional provision in question?

During the first session of the Fifty-seventh Congress when Mr. Speaker Henderson was in the chair, the Hon. Frank C. Wachter, a Representative from the State of Maryland, raised a question of privilege on account of a certain publication in a Baltimore newspaper. A point of order was raised, and the Speaker overruled the point of order, holding that a question of privilege was involved, the Member having been "attacked in his representative capacity." (Hinds's Precedents, vol. 3, sec. 2694.)

In the case of Hon Joseph H. Acklen, a Representative from the State of Louisiana, the House entertained as a question of privilege newspaper charges against a Member in his representative capacity, and ordered an investigation. (Hinds's Precedents, vol. 3, sec. 2696.)

In the first session of the Fifty-ninth Congress, on a resolution offered by Hon. THETUS W. SIMS, then and now a Representative from the State of Tennessee, the Hon. JOSEPH G. CANNON, then Speaker, held that a newspaper article charging Members of Congress—without naming any of them—with abusing the "franking privilege" constituted a breach of the privileges of the House. (Hinds's Precedents, vol. 3, sec. 2705.)

In the first session of the Twenty-ninth Congress the House by a decisive vote held an employee of the House having charged in a newspaper that a Member uttered a falsehood in debate, that this was a breach of the privileges of the House. (Hinds's Precedents, vol. 3, sec. 2718.)

With the precedents cited, it seems to me there can be no question that Mr. Bacon has been guilty of a gross breach of the privileges of a Member of this House, of the privileges of the House itself, and has been guilty of an infraction of the dignity of the House. Such communications are well calculated to deter timid men who may happen to be Members of this House in the future from engaging in that free debate contemplated by the Constitution. Many men might be inclined not to engage in discussion upon this floor if their views should happen not to coincide with the views of the administration, if some high and mighty official of the State Department is to be privileged to hold them up to ridicule without let or hindrance. The rule should be enforced, the dignity of the House should be maintained, and the constitutional privileges of our membership should be preserved inviolate.

If an outsider, be he public official or private citizen, is unjustly assailed here, he has his remedy, ample and complete. He can memorialize this House, set out the injustice, and ask the relief, and I am confident this House of Representatives will never become so weak and cowardly as to deny justice to an outraged American citizen.

The SPEAKER. The Chair has listened carefully to the reading of the preamble and the resolution. It seems to the Chair that if a question of privilege be presented at all by this resolution, it is presented in the communication by the Secretary of State by direction of the President to another government. It is true that a Member of the House shall not be called in question in the performance of his duty. As to what is meant by being "called in question" is a matter that the House must determine for itself when the matter is presented by proper resolution. The Chair takes it that a citizen might criticise the remarks of a Member of the House, from a friendly or an unfriendly standpoint, without violating the privileges of the House.

In this case neither the Secretary of State nor the President has sent any communication to the House. It has referred in answering the communication from a foreign government to the words spoken by a Member of the House. If the Secretary of State, as an individual, had made this criticism, the Chair thinks it is entirely probable that there would have been no question of privilege presented, or if in a newspaper editorial such a remark had been made touching the speech of a Member, the Chair very much doubts whether it would present a question of privilege.

There are some precedents, however, where more than one Speaker has submitted the matter to the House as to whether a question of privilege is stated in the resolution. The Chair prefers in this case not to pass upon the point of order, sustaining the same, but believes it would be better to take such action as it seems proper by overruling the point of order; and whether a question of privilege is involved, or even a shadow of a question of privilege, will be for the House to determine. Therefore, the Chair overrules the point of order.

Mr. PAYNE. Mr. Speaker, I move that the resolution lie on the table.

Mr. CLARK of Florida. And on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PUJO. Mr. Speaker, I ask unanimous consent that the resolution may be again read.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the resolution be again reported. Without objection, the Clerk will again report the resolution.

The Clerk proceeded to again report the resolution, as follows:

Whereas on the 26th day of January, A. D. 1909, this House of Representatives being then in session at the Capitol, and having under consideration in Committee of the Whole House on the state of the Union H. R. 26305, in "general debate," the Hon. HENRY T. RAINEY, a Representative in the Congress of the United States from the State of Illinois, then and there delivered from his place on the floor of the House an address in which he discussed the manner in which the Government of the United States acquired rights on the Isthmus of Panama with relation to the proposed canal across said Isthmus; the manner of consummating the contract for the purchase of the canal property; the conduct of certain persons, officials, and nonofficials connected therewith; and the general subject of the acquirement, construction, and management of the said Panama Canal, as well as the acts and doings of the said persons in and about the same; and

Whereas on the 29th day of January, A. D. 1909, in the open session of the House of Representatives, the same being in Committee of the Whole House on the state of the Union and having under consideration in "general debate" H. R. 26915, the said, the Hon. HENRY T. RAINEY, a Representative as aforesaid, again further addressed the House in Committee of the Whole, as stated, on the subject aforesaid, and in continuation of his address so delivered as aforesaid on the said 26th day of January, A. D. 1909; and

Whereas on the 9th day of February, A. D. 1909, the Hon. Robert Bacon, Secretary of State of the United States, caused to be composed, written, printed, and published in certain and numerous newspapers which are published in the city of Washington and elsewhere throughout the United States, and which are of general circulation in the United States and elsewhere, as well as making the same by filing therein a part of the permanent records of the State Department of the United States, a certain document alleged to be in reply to a communication said to have been received by him, the said Hon. Robert Bacon, Secretary of State as aforesaid, and to have been written by some official of the Government of the Republic of Panama taking exception to and complaining of the said addresses of the said Hon. HENRY T. RAINEY, a Representative as aforesaid, in behalf of his Government, the said Republic of Panama, and which said document so composed and published by the said the Hon. Robert Bacon, Secretary of State as aforesaid, as the same was published and appeared in the Washington Post, a daily newspaper published at the city of Washington, D. C., in its issue of the 10th day of February, A. D. 1909, and which said newspaper has and enjoys a wide circulation throughout the United States, was and is as follows, viz:

"SIR: The President directs me to say in answer to your communication of February 9, 1909, that the remarks complained of were made in the House of Representatives. Under our Constitution we have, for what we regard as wise reasons, provided that for any speech or debate in either House they (the Senators and Representatives) shall not be questioned in any other place.

"This provision we regard as essential to secure full liberty of speech to the elected representatives of the people; and we feel that such liberty of speech should be preserved, even though it may occasionally be abused.

"It ought to be understood that the utterances of individual Members are not to be taken as expressing the views either of the Government of the United States or the House in which such remarks are made. As regards the statement in question made by Representative RAINEY, the President attached so little importance to him that he had not even read them until your protest came.

Mr. OLMSTED (interrupting the reading). Mr. Speaker, may I interrupt the reading at that point? I think there is a mistake there. I read the letter when it appeared, and it did not say "attached so little importance to him," but "to it."

Several MEMBERS. "To them."

Mr. CLAYTON. "To him" in the text that I read.

The SPEAKER. In the resolution as read from the Clerk's desk the word "him" is used. The Chair will state to the gentleman from Florida that it is suggested that the word "him" is used in the resolution which he had presented to the desk instead of the word "them;" that is, that as it is read here the "him" referred to the gentleman from Illinois [Mr. RAINEY], and the word "them" would refer to the statements.

Mr. CLARK of Florida. Mr. Speaker, the copy I saw used the word "him." I noticed it particularly that the word "him" was used.

Mr. WILLIAMS. Mr. Speaker, I read the statement in the newspapers, and my recollection is that it said "them" and not "him."

Mr. CLARK of Florida. Mr. Speaker, I copied it, and I know what it said.

Mr. WILLIAMS. I suggest that the gentleman from Florida ought to have his resolution perfect and that he should strike out the word "him" and insert the word "them."

Mr. CLARK of Florida. Mr. Speaker, I can not go back on the senses of my own vision. I saw the word "him."

Mr. CLAYTON. And I saw it also as the gentleman from Florida saw it.

The SPEAKER. The Clerk will read.

The Clerk concluded the reading of the resolution.

The question was taken; and there were—yeas 188, nays 121, answered "present" 7, not voting 69, as follows:

YEAS—188.

Acheson	Draper	Hughes, W. Va.	Norris
Allen	Driscoll	Hull, Iowa	Nye
Ames	Durey	Humphrey, Wash.	Olcott
Andrus	Dwight	Jenkins	Olmsted
Anthony	Edwards, Ky.	Jones, Wash.	Overstreet
Bannon	Ellis, Mo.	Kahn	Parker
Barchfeld	Ellis, Oreg.	Keifer	Parsons
Barclay	Englebright	Kennedy, Iowa	Payne
Bartholdt	Esch	Kennedy, Ohio	Pearre
Bates	Fassett	Kinkaid	Perkins
Beale, Pa.	Focht	Knapp	Pollard
Bede	Fordney	Knopf	Porter
Bennett, Ky.	Foster, Ind.	Knowland	Pray
Bingham	Foster, Vt.	Küstermann	Prince
Bonynge	Foulkrod	Lafean	Reeder
Boutell	Fowler	Langley	Roberts
Boyd	French	Laning	Rodenberg
Bradley	Fuller	Lawrence	Scott
Brownlow	Gaines, W. Va.	Lindbergh	Slemp
Burke	Gardner, Mass.	Longworth	Smith, Cal.
Burton, Ohio	Gardner, Mich.	Loud	Smith, Iowa
Butler	Gardner, N. J.	Loudenslager	Smith, Mich.
Calder	Gillett	Lovering	Southwick
Campbell	Graff	Lowden	Sperry
Capron	Greene	McCreary	Stafford
Cassel	Gronna	McGuire	Steenerson
Caulfield	Guernsey	McKinlay, Cal.	Sterling
Chaney	Haggott	McKinley, Ill.	Stevens, Minn.
Chapman	Hale	McKinney	Sturgiss
Cocks, N. Y.	Hall	McLachlan, Cal.	Sulloway
Cole	Hamilton, Mich.	McLaughlin, Mich.	Swasey
Conner	Harding	McMillan	Tawney
Cook, Colo.	Haskins	McMorran	Taylor, Ohio
Cook, Pa.	Haugen	Madden	Thistlewood
Cooper, Pa.	Hawley	Madison	Thomas, Ohio
Cooper, Wis.	Hayes	Malby	Tirrell
Coudrey	Henry, Conn.	Mann	Townsend
Crumpacker	Hepburn	Martin	Volstead
Currier	Higgins	Miller	Vreeland
Cushman	Hill, Conn.	Mondell	Waldo
Dalzell	Hinshaw	Moon, Pa.	Washburn
Darragh	Holliday	Moore, Pa.	Watson
Davis	Howell, N. J.	Morse	Weems
Dawson	Howland	Mouser	Wheeler
Denby	Hubbard, Iowa	Murdock	Wood
Diekema	Hubbard, W. Va.	Needham	Woodyard
Douglas	Huff	Nelson	Young

NAYS—121.

Adair	Carter	Foster, Ill.	Heflin
Aiken	Clark, Fla.	Fulton	Helm
Alexander, Mo.	Clark, Mo.	Gaines, Tenn.	Henry, Tex.
Ashbrook	Clayton	Garner	Hitchcock
Barnhart	Cockran	Garrett	Houston
Bartlett, Ga.	Cooper, Tex.	Gill	Howard
Beall, Tex.	Cox, Ind.	Gillespie	Hughes, N. J.
Bell, Ga.	Craig	Gordon	Hull, Tenn.
Booher	Crawford	Goulden	James, Ollie M.
Brantley	De Armond	Griggs	Johnson, Ky.
Brodhead	Denver	Hackney	Johnson, S. C.
Broussard	Dixon	Hamill	Kelliher
Brundidge	Edwards, Ga.	Hamilton, Iowa	Kimball
Burgess	Ellerbe	Hamlin	Kitchin
Burleson	Estopinal	Hammond	Lee
Burnett	Ferris	Hardwick	Lenahan
Byrd	Finley	Hardy	Lever
Candler	Fitzgerald	Harrison	Lewis
Carlin	Floyd	Hay	Lindsay
Livingston	Peters	Sabath	Sulzer
Lloyd	Pujo	Saunders	Thomas, N. C.
McHenry	Randell, Tex.	Sheppard	Tou Velle
McLain	Ransdell, La.	Sherley	Underwood
Macon	Rauch	Sherwood	Wallace
Maynard	Reid	Sims	Watkins
Moon, Tenn.	Richardson	Slayden	Webb
Moore, Tex.	Rothermel	Smith, Mo.	Wiley
Murphy	Rucker	Smith, Tex.	Williams
Nicholls	Russell, Mo.	Sparkman	
Padgett	Russell, Tex.	Spight	
Page	Ryan	Stanley	

ANSWERED "PRESENT"—7.

Adamson	McDermott	Small	Wanger
Bennet, N. Y.	Rainey	Talbott	

NOT VOTING—69.

Alexander, N. Y.	Foelker	Kipp	Reynolds
Ansberry	Fornes	Lamar, Fla.	Rhinock
Bartlett, Nev.	Foss	Lamar, Mo.	Riordan
Birdsall	Gilhams	Lamb	Robinson
Bowers	Glass	Landis	Shackleford
Burleigh	Godwin	Lassiter	Sherman
Burton, Del.	Goebel	Law	Snapp
Calderhead	Goldfogle	Leake	Stephens, Tex.
Caldwell	Graham	Legare	Taylor, Ala.
Cary	Gregg	Lorimer	Weeks
Cousins	Hackett	McCall	Weisse
Cravens	Hill, Miss.	McGavin	Willett
Davenport	Hobson	Marshall	Wilson, Ill.
Davidson	Howell, Utah	Mudd	Wilson, Pa.
Dawes	Humphreys, Miss.	O'Connell	Wolf
Fairchild	Jackson	Patterson	
Favrot	James, Addison D.	Pou	
Flood	Jones, Va.	Pratt	

So the resolution was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BENNET of New York with Mr. FORNES.

Until further notice:

Mr. BURLEIGH with Mr. BOWERS.

Mr. BIRDSALL with Mr. BARTLETT of Nevada.

Mr. BURTON of Delaware with Mr. DAVENPORT.

Mr. CALDERHEAD with Mr. FLOOD.

Mr. COUSINS with Mr. GLASS.

Mr. DAVIDSON with Mr. GODWIN.

Mr. DAWES with Mr. GOLDFOGLE.

Mr. FOCHT with Mr. GREGG.

Mr. FOSS with Mr. HACKETT.

Mr. GILHAMS with Mr. HOBSON.

Mr. GOEBEL with Mr. HUMPHREYS of Mississippi.

Mr. GRAHAM with Mr. JONES of Virginia.

Mr. HOWELL of Utah with Mr. KIPP.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. LANDIS with Mr. LASSITER.

Mr. LAW with Mr. O'CONNELL.

Mr. MCCALL with Mr. SHACKLEFORD.

Mr. WEEKS with Mr. STEPHENS of Texas.

Mr. WILSON of Illinois with Mr. TAYLOR of Alabama.

Mr. SNAPP with Mr. LAMB.

Mr. MARSHALL with Mr. ROBINSON.

Mr. LORIMER with Mr. ANSBERRY.

Mr. ALEXANDER of New York with Mr. CALDWELL.

Mr. REYNOLDS with Mr. SMALL.

Mr. FAIRCHILD with Mr. CRAVENS.

Mr. FOELKER with Mr. PATTERSON.

Mr. MUDD with Mr. TALBOTT.

Mr. CARY with Mr. WEISSE.

Mr. JACKSON with Mr. WOLF.

Mr. MCGAVIN with Mr. PRATT.

The result of the vote was announced as above recorded.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend and revise his remarks on the point of order. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent for about three minutes in which to make a statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, a moment ago, in the resolutions that have just been laid upon the table, the gentleman from Florida [Mr. CLARK] recited that, as published in the Washington Post, the following language appeared as regards the statements in question made by Representative RAINEY:

> The President attached so little importance to *him* that he had not even read *them* until your protest came.

During the rereading of the resolution I arose and stated to the House, when the question was brought up by the gentleman from Pennsylvania [Mr. OLMSTED], that my recollection

of the account that I had read in the public prints was that the President said he attached so little importance "to *them*," instead of "to *him*." I have since obtained a copy of the Washington Post of that day, and I find that the language as recited in the resolution is verbatim the language as published in the Washington Post.

I was therefore a little bit afraid that what I said might do some injustice to Mr. CLARK of Florida, the author of the resolution. I either read it in some other paper as I recited it, or, if I read it in the Post, I read it with my mind rather than with my eye; in other words, read what ought to have been written rather than what was written. I say ought to have been written, because I take it for granted that unless the Secretary of State wanted to go out of his way to be effusively and personally and illogically offensive he would have used the word "them" rather than the word "him." The object of my making this statement is that no injustice shall be done to the language of the resolution or to the accuracy of quotation of the gentleman from Florida in quoting it. Having set out in the resolution that he was quoting from the Washington Post, he was, of course, compelled to quote what that paper said verbatim—whether accurate or inaccurate—whether it was a correct copy of the original instrument or not. I am furthermore informed that all efforts on the part of Mr. RAINEY to get a copy of the original instrument have been unavailing.

SABINE AND NECHES RIVERS.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 27363) to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to permit the counties of Jefferson and Orange, or any subdivision thereof, in the State of Texas, or any citizen or citizens of said State, to improve the navigable capacity of the Sabine and Neches rivers, and the canal connecting the mouths of these rivers with the mouth of Taylors Bayou, by deepening and otherwise improving the same, such work to be done in accordance with such plans and specifications as may be approved by him on the recommendation of the Chief of Engineers: *Provided*, That the prosecution of the work shall be subject to the supervision, control, and regulation of the Secretary of War, and to such special conditions as he may impose for the protection of the interests of the United States: *Provided further*, That the entire cost of any work which may be done under authority hereby granted shall be borne by the party or parties to whom the permit is issued: *And provided further*, That the Secretary of War shall have full power and authority to cooperate with said counties of Jefferson and Orange, or subdivisions thereof, or citizens, in the making of contracts for the improvement, and, if deemed expedient, may direct the disbursement of such funds as may be provided for such improvement by the party or parties to whom this permit is granted, and under such terms and in such manner as may be mutually agreed upon by the Secretary of War and the party or parties to whom this permit is granted.

The committee amendments were read, as follows:

In line 4 strike out the words "and directly" and insert the words "in his discretion;" and strike out all after the word "issued," in line 6, on page 2, and insert the following:

"And neither this act nor any privilege acquired or work executed thereunder shall be used as the basis for any claim against the United States for remuneration for any expenditures made by the said party or parties: *And provided further*, That the methods to be pursued in executing the work herein authorized, including the making of the necessary contracts and the expenditure of the funds provided, shall be such as may be mutually agreed upon by the Secretary of War and the parties to whom the permit is issued."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to know from the gentleman just what the United States is giving up in this bill, if anything.

Mr. COOPER of Texas. Mr. Speaker, while this bill is local in its nature, it is of interest to the entire people of the Government. The purpose of the bill is to permit the counties of Jefferson and Orange, in the State of Texas, or some subdivisions thereof, to expend their own money in deepening the canal from the mouths of the Neches and Sabine rivers to deep water at Taylors Bayou. The canal that they propose to deepen was dug 10 feet deep by the Government, and no appropriation is provided in the present rivers and harbors bill for further work. The citizens of the localities in interest propose themselves to raise the money to dig the canal to a depth of 25 feet. They ask permission of Congress that they may do it. The legislature of the State of Texas recently, at the instance of these people, passed a law permitting them to tax themselves and to issue bonds, but before this can be done two-thirds of the voting taxpayers of the district must consent to the issuance of the bonds by vote.

Mr. PAYNE. If I understand the question, then, this channel has been practically abandoned by the United States and the Government is making no further appropriation.

Mr. COOPER of Texas. No; the gentleman from New York is in error.

Mr. PAYNE. Are there any improvements being made on it?

Mr. COOPER of Texas. No; but the anxiety of the people to have the work immediately done and the conditions there with respect——

Mr. PAYNE. The Government, the gentleman said, was making no further appropriations.

Mr. COOPER of Texas. Not in the present bill. The present bill recognizes this project, and the Rivers and Harbors Committee suggest in the bill that if the citizens want to cooperate the Government would willingly accept their cooperation.

Mr. PAYNE. What committee reports this bill?

Mr. COOPER of Texas. The Committee on Rivers and Harbors.

Mr. PAYNE. I have no objection.

Mr. COOPER of Texas. Mr. Speaker, I desire to make the statement that the committee has offered an amendment. I understand that there is no pride of opinion with the committee respecting that amendment. The objection that I have to this amendment—and that objection, I think, will appeal to this House—is this, that the amendment makes a legislative declaration that this bill shall not be the basis for any future return by the Government of the money; that is to say——

Mr. MANN. Oh, not at all.

Mr. COOPER of Texas. The gentleman is in error.

Mr. MANN. I have it before me.

Mr. COOPER of Texas. Then read it.

Mr. MANN (reading)—

And neither this act, or any privileges acquired, or work executed thereunder, shall be used as a basis for any claim against the United States for remuneration for any expenditures made by these said parties or party.

Mr. COOPER of Texas. The anxiety to have this work done at once induces me to object to this amendment. The taxation to be levied and collected from the people for this worthy project and the money raised by the people expended, the people have the right to expect that the Government would afterwards refund the money; in fact, it should be done. Now, if you throw it in their faces that the money shall not be refunded, by this legislative declaration, if you make this legislative brutum fulmen, you deter men from voting for this proposition who otherwise would vote for it.

Mr. TAWNEY. Will the gentleman permit? The gentleman has asked unanimous consent, and objection has been reserved, for the consideration of the bill which the gentleman has sent to the desk, which included amendments. Now, if he proposes to offer an amendment striking out the committee amendment, I shall have to object.

Mr. COOPER of Texas. Mr. Speaker, I was bound and now I am gagged, and I consent to the amendments.

Mr. MANN. I hope the gentleman will not go to the Senate and try to get it stricken out, because we will have to think that would be bad faith.

The SPEAKER. Without objection——

Mr. MANN. Mr. Speaker, reserving the right to object, there is a proposition which the gentleman now makes to let certain parties advance certain money in reference to——

Mr. COOPER of Texas. Not advance; appropriate.

Mr. MANN. That is the proposition of the gentleman at present, to advance money for improvements, and then proposes to have that reimbursed. If the gentleman consents to the committee amendment, it is believed that the gentleman does not expect that the committee amendment will be in the bill when it comes back from the Senate.

Mr. COOPER of Texas. The gentleman draws from his fertile imagination in that. If I could control the Senate, Mr. Speaker, I would answer the gentleman. I do not know what the Senate will do.

Mr. MANN. I think we had better ascertain, then. For the present, I object.

The SPEAKER. Is there objection?

Mr. MANN. For the present, I object.

PANAMA CANAL.

Mr. OLMSTED. Mr. Speaker, I desire to make a brief statement for the sake of accuracy. I have called up the Secretary of State and have had read to me over the telephone the press copy of the original letter of the Secretary of State, to which reference has been made to-day. It reads:

As regards the statements made by Mr. RAINEY, the President attached so little regard to them that he had not even read them until your protest came, etc.

Mr. WILLIAMS. I am glad to hear it was published both ways. I thought I had read it that way somewhere.

Mr. OLMSTED. It referred not to the gentleman from Illinois [Mr. RAINEY], but to the statements.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. I would like to ask the gentleman from Pennsylvania a question in reference to the statement read.

Mr. OLMSTED. I ask unanimous consent that the statement may follow the statement of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. CLARK of Florida. I would like to ask the gentleman a question before I give my consent.

The SPEAKER. Is there objection to the request of the gentleman from Florida that he may ask the gentleman from Pennsylvania [Mr. OLMSTED] a question? [After a pause.] The Chair hears no objection.

Mr. CLARK of Florida. I would like to know what the gentleman read?

Mr. OLMSTED. I read from my own manuscript, taken down at the telephone from the original letterpress copy of the original letter of the Secretary of State as read to me from his office not five minutes ago.

Mr. CLARK of Florida. Does the gentleman know who read it to him?

Mr. OLMSTED. Yes; the private secretary to Mr. Bacon, the Secretary of State.

Mr. CLARK of Florida. As I understand it, standing at the telephone here in the Capitol the gentleman took down what the secretary of the Secretary of State said was a letter press copy of the original letter? Is that what I understand?

Mr. OLMSTED. He read to me from the impression made in the letter book from the original letter signed by the Secretary of State.

Mr. CLARK of Florida. Yes; that is his statement to you?

Mr. OLMSTED. Certainly. He read the letter to me from the book. He did not know what was going on up here.

FUNDS OF CHIPPEWA INDIANS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution No. 53.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, required to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of lands and timber under the provisions of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and the acts amendatory thereto, together with such items, if any, as may have been realized from other sources for the benefit of said Chippewa Indians, and the disbursements made from said funds.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, what is the necessity for this resolution?

Mr. STEENERSON. The necessity is this: Twenty years ago last month an act was passed disposing of about 4,000,000 acres of land belonging to the Chippewa Indians. Part of them were pine lands and part were agricultural, and the Government has been disposing of millions of dollars of timber, and the Indians do not know how much credit they are to have. Of course it costs a lot of money to do this work for the Indians, and they are anxious—like you or I would be—to know how much the resulting net credit is to them. They want the report to Congress after these twenty years, in order to find out whether they have got anything to their credit or not. The resolution was unanimously reported by the Committee on Indian Affairs, and the Interior Department has approved it, as shown by the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, May 19, 1908.

SIR: I have the honor to acknowledge receipt, by your reference of May 14, 1908, of H. J. Res. 53, being a joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota.

This resolution has received the favorable consideration of the department, and I recommend that it be passed.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. CLARK of Missouri. Why has not the Indian Bureau kept informed as to how much money they have there which belongs to these Indians?

Mr. STEENERSON. They have been trying to find out for many long years.

Mr. CLARK of Missouri. Who?

Mr. STEENERSON. The Indians.

Mr. CLARK of Missouri. I am not asking about what the Indians are doing. I am asking about what the Indian Bureau is doing.

Mr. STEENERSON. The Indian Bureau does not control it. The Treasury Department controls it in part and the Interior Department in part.

Mr. CLARK of Missouri. Why has not the Treasury Department kept them informed?

Mr. STEENERSON. Well, I can only say that these Indians, most of them, live in my district, and they are anxious to know how they stand. I have introduced this resolution for the purpose of finding out, and I believe it will bring the information.

Mr. CLARK of Missouri. I know; but I want you to answer my question. What is the reason the Treasury has not voluntarily informed them?

Mr. STEENERSON. I do not know.

The SPEAKER. Is there objection?

Mr. STEENERSON. An identical resolution has already passed the Senate (S. R. 88), and I ask to substitute that for this.

The SPEAKER. Is it identical?

Mr. STEENERSON. Identical; word for word.

Mr. MANN. Is the Senate resolution upon the desk?

Mr. STEENERSON. They might send it up.

Mr. MANN. Is it the original engrossed copy?

The SPEAKER. The engrossed copy is not here, but is evidently before the committee, so that the gentleman's request should be to discharge the committee from the further consideration of the resolution.

Mr. MANN. Have you not the original?

Mr. STEENERSON. I have not the original.

Mr. MANN. Then you better postpone your request until you get the original.

The SPEAKER. The gentleman must have the Senate bill.

Mr. MANN. Better postpone your request.

The SPEAKER. The matter can go over for the present, until the gentleman gets the bill.

Subsequently,

The SPEAKER. In the meantime the gentleman from Minnesota [Mr. STEENERSON] has found the original Senate resolution (S. R. 88) identical with the House resolution. Is there objection to discharging the Committee on Indian Affairs from the consideration of the Senate resolution, and considering the same now?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the corresponding House resolution (H. J. Res. 53) was ordered to lie on the table.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the joint resolution passed was laid on the table.

SALE OF TIMBER ON ALLOTTED INDIAN LANDS.

Mr. JONES of Washington. Mr. Speaker, I desire to ask unanimous consent for the consideration of Senate bill 4548. The bill was objected to the other day, and I now ask unanimous consent for its consideration with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Washington asks unanimous consent to consider in the House at this time the following Senate bill, with an amendment which he proposes. The bill was read on a former day.

The Clerk read as follows:

A bill (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

Add at the end of the bill the following:

"The Secretary of the Interior shall have authority to call on the Forest Service for assistance in carrying into effect the provisions hereof and of regulations he may prescribe hereunder, and also to determine what expenses shall be paid from the proceeds of the sale of the timber."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN NATIONAL RED CROSS.

Mr. AMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 27473.

The Clerk read as follows:

A bill (H. R. 27473) to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross."

Be it enacted, etc., That paragraph 5 of section 3 of an act approved January 5, 1905, entitled "An act ot incorporate the American National Red Cross," be, and is hereby, amended to read as follows:

"Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same."

SEC. 2. That section 4 of the said act be, and is hereby, amended to read as follows:

"SEC. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof, for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross, not lawfully entitled to use the emblem of the Red Cross hereafter to use such emblem or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever heretofore had registered.

"If any person violates the provisions of this section he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one or more than five hundred dollars or imprisonment for a term not exceeding one year, or both, for each and every offense. This fine so collected shall be paid to the American National Red Cross."

The amendments recommended by the committee were read, as follows:

Page 1, after line 11, at the bottom of the page add:

"*Provided*, That funds contributed for relief purposes of a specific and local character shall be applied to the particular purpose for which the contributions were made until, in the judgment of the central committee, all needed relief and rehabilitation of individuals, families, and institutions has been realized. Any balances of relief funds contributed for special purposes, which, in the opinion of the central committee, are not needed for the special object or purpose for which the contributions were proposed shall be credited to the general emergency fund for national and international relief, and may be used in the discretion of the central committee for mitigating the sufferings caused by war or by any great national or international calamity occurring in time of peace."

Page 3, line 2, after the word "the," insert "American National;" and page 3, line 3, after the word "the," insert the word "emblem;" and in the same line after the word "cross," insert the words "on a white ground." On page 3, line 5, after the word "thereof," insert the words "or the words 'Red Cross' or 'Geneva Cross.'"

Page 3, after line 7, insert the following:

"From and after the 19th of December, 1911, it shall be unlawful for any person, corporation, or association, other than the American National Red Cross and its duly authorized agents, and the sanitary and hospital authorities of the Army and Navy of the United States, and such persons, corporations, and associations as have acquired rights, prior to the passage of this act through the registration of the red cross as a trade-mark in the office of the Commissioner of Patents of the United States, to use, within the territory of the United States of America and its exterior possessions, the emblem of the red cross on a white ground, or any sign or insignia made or colored in imitation thereof, or the words 'Red Cross' or 'Geneva Cross,' for any purposes whatever."

The SPEAKER. Is there objection?

Mr. BARTLETT of Georgia. Reserving the right to object, and not desiring to object to the consideration of this bill until I understand its provisions, I will inquire of the gentleman from Massachusetts [Mr. AMES] what is meant by the bill when it declares that if persons shall do certain things, there named, it shall be an offense against the United States, which are denounced as crimes and punished? Is it intended simply to take jurisdiction of such offenses when committed in the District of Columbia and the Territories and such places over which the United States has exclusive jurisdiction? I will also ask him whether this is an effort to make it a crime in the States to commit the offenses when the United States Congress has no power to create a crime in such States, or to make these acts offenses against the General Government? If so, I am opposed to the bill.

Mr. AMES. Mr. Speaker, this is analogous legislation to that which we have enacted in reference to the use of the flag as an emblem. I do not know that I can more perfectly answer the gentleman's question.

Mr. BARTLETT of Georgia. Mr. Speaker, whenever Congress undertakes to define an offense against the United States and provide the punishment for such act, Congress must somewhere have jurisdiction under the Constitution granting it the power to so designate the act a crime. Now, I would like to inquire of the gentleman, or anyone else interested in this bill, where Congress derives power to say that the use of any emblem of the Red Cross as a trade-mark is a crime which can be punished by Congress, except in the District of Columbia, in the Territories, and in those places over which the United States has exclusive jurisdiction?

Mr. AMES. Does the gentleman not think that the Congress of the United States has power to prevent the improper use of the United States flag excepting in the District of Columbia?

Mr. BARTLETT of Georgia. When you undertake to make it a crime in places over which the United States has no legal jurisdiction, I do not think Congress has any such power; and so far as the flag is concerned, I do not know of any adjudicated cases, but I know that of recent years the Supreme Court of the United States have steadily adhered to the proposition that Congress has no authority to make those acts a crime in the States unless such power is derived from the Constitution, and the Constitution limits the power of Congress to declare what crimes are and the places over which it may exercise criminal jurisdiction. Now, Mr. Speaker, I do not want to stand in the way of any proper amendment to this act incorporating the Red Cross Society.

Mr. AMES. Will the gentleman permit another interruption?

Mr. BARTLETT of Georgia. Yes.

Mr. AMES. This bill is drawn to conform to the terms of a treaty entered into by the United States. It simply carries out its provisions.

Mr. BARTLETT of Georgia. Congress can not by treaty violate the Constitution of the United States any more than Congress can by legislative enactment violate the Constitution of the United States, and possesses no more power in the one case than in the other. That is my view of the matter, and I think it can be sustained by authority. So far as I am concerned, very reluctantly I oppose this bill, but as I have always undertaken to object to this sort of provision, which undertakes to extend to Congress the power of creating offenses and declaring crimes and their punishment, which Congress has no power to do, I must feel constrained, unless it is remedied, to enter my objection against this bill.

The SPEAKER. The gentleman from Georgia objects.

Subsequently,

Mr. BARTLETT of Georgia. Mr. Speaker, I have been appealed to, and I am willing to withdraw my objection to the consideration of the bill and let it be considered at this time.

Mr. GAINES of Tennessee. I want to reserve the right to object.

The SPEAKER. Does the gentleman from Tennessee object?

Mr. GAINES of Tennessee. I reserve the point of order.

The SPEAKER. But does the gentleman object?

Mr. GAINES of Tennessee. If you put it that way, if you force me to make my point of order, then I will not do it. I will withdraw it. I thought I had a right to reserve it.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none. The gentleman can make a point of order to the bill.

Mr. GAINES of Tennessee. I had the right to reserve it also, Mr. Speaker, I thought.

The SPEAKER. What right? Under what rule?

Mr. GAINES of Tennessee. The right to reserve a point of order, because it is done here continually, every day, just as the gentleman from Georgia did a few minutes ago.

The SPEAKER. But there is no point of order pending, and there is no point of order that is not in order now that would have been in order before.

Mr. GAINES of Tennessee. I reserved the right to object to the consideration of the bill. That is what I wanted to do.

The SPEAKER. The Chair did not understand the gentleman.

Mr. GAINES of Tennessee. I am glad the Chair understands me now. I understand the Chair. All I want is for the gentleman to tell me what the bill is. I think I am for it, but I want to know more about it.

Mr. AMES. The bill is to amend an act creating the Red Cross, and the amendment desired is in two particulars only—to provide a way for the disposition by law of the balance of funds contributed for special relief purposes. They do that now under their own rules, but they want the authority of law, as it would be impossible to pro rate small contributions in case some came in after an emergency had passed.

Mr. GAINES of Tennessee. This is the organization whose object is the relief of the army and navy in time of war and for the relief of victims of disasters, and all that sort of thing?

Mr. AMES. Yes.

Mr. GAINES of Tennessee. And now you want a charter from the Federal Government?

Mr. AMES. No; we are trying to prevent the abuse of using the Red Cross emblem for trade purposes. The gentleman will see that it is used for many things—baking powder, and so forth.

Mr. GAINES of Tennessee. Then, I do not make any objection.

Mr. BARTLETT of Georgia. Will the gentleman yield to me for a moment?

Mr. AMES. Certainly.

Mr. BARTLETT of Georgia. This is a matter——

Mr. GAINES of West Virginia. Mr. Speaker, a parliamentary inquiry. Is this bill under consideration?

The SPEAKER. Yes; and so announced by the Chair.

Mr. BARTLETT of Georgia. Mr. Speaker, I very rarely object to the consideration of any bill. I have read the bill, and I am perfectly willing that the House should take it up for consideration, but I do not yield my views on the subject, nor will I vote for the bill as presented, for the reasons I stated when I reserved the objection, and the Chair misunderstood me and thought that I made an objection.

I did not intend to object because of the great, good services to humanity that this organization renders. But, however great its service is to humanity, I am not willing to vote for the bill because, as I said, it undertakes to do what I believe to be illegal and unconstitutional. I believe that if any case ever arises under the bill where a man is indicted for an offense designated in this bill, for which serious punishments are prescribed, they can not sustain a conviction under its provisions. Therefore the rights of everyone who may violate the provisions of the bill are not affected; the courts will take care of that. It is simply the precedent of Congress undertaking to prescribe crime and punishment for acts such as are named in this bill that I object to. Now, Mr. Speaker, having voiced my objections, I shall content myself by not voting for the bill.

Mr. AMES. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this society looks after the sick and wounded in the army and the navy in time of war and in times of epidemic. I am going to vote for this bill.

The provisions may seem severe, but there are people who have been trying to impose upon this society. We know in time of epidemic and in times of war and other trying conditions these charitable people, these good people, are imposed upon, and I think it is the duty of Congress to bar impostors and take care of these people, messengers of love and comfort under the trying conditions.

I am not familiar with the details of the bill; all that I have gotten was from the debate to-day. The provision as to the emblem of the society, the Supreme Court has upheld the state law of Nebraska that makes it a crime to use the flag for advertising purposes. (Hoalter *v.* Nebraska, 205 U. S. R., p. 34, 1907.) The Federal Supreme Court and state supreme court upheld the law, and that being the case, I do not see why we can not pass a similar law and give the Supreme Court a chance to uphold this.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OSAGE TRIBE OF INDIANS.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of S. R. 76, a joint resolution relative to homestead designations, made and to be made, of members of the Osage tribe of Indians.

The joint resolution was read, as follows:

Resolved, etc., That homesteads of members of the Osage tribe of Indians in Oklahoma may consist of land designated from any one or more of their first three allotment selections taken under the act of Congress approved June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," the designation thereof to be subject to approval by the Secretary of the Interior.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, is that a unanimous report of the committee?

Mr. McGUIRE. It is a unanimous report of the committee, recommended by the Secretary of the Interior and desired by him.

Mr. CLARK of Missouri. Is there any objection that you know of on the part of any of the other Oklahoma Representatives?

Mr. McGUIRE. None whatever. I do not know of anyone who has any objection.

Mr. CLARK of Missouri. Do you know that they are in favor of it?

Mr. McGUIRE. I do not know that they are all in favor of it. There is one of the Oklahoma Members who is a member of the Committee on Indian Affairs, and he was there when the bill was reported. My colleague [Mr. CARTER] is a member of the Committee on Indian Affairs.

Mr. CLARK of Missouri. Did Mr. CARTER vote for this report?

Mr. McGUIRE. There was no opposition to it on the committee. I do not know that Mr. CARTER voted for it, but I think he did. Mr. CARTER is here, and he can speak for himself. There was a bill passed in 1906 allotting the Osage Indian lands. They were to designate their homestead from any one of the three allotments. A number of them desired not to take their allotments from one of the three, but a portion from one, two, or all of the three, distributing them, and this is desired by the Indians. There is no opposition anywhere that I know of.

Mr. CARTER. Mr. Speaker, that was a unanimous report of the committee, and I was present; and I think that everybody—the Indians, the committee, and everybody else—all are in favor of it.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. McGUIRE, a motion to reconsider the vote by which the joint resolution passed was laid on the table.

CONDEMNED CANNON FOR CHEYENNE, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 126, authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Cheyenne, in the State of Wyoming, six condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

Mr. SULZER. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. SULZER. Do I understand that this is a Senate bill?

Mr. MONDELL. Yes.

Mr. SULZER. Has it been reported by the Committee on Military Affairs of the House?

Mr. MONDELL. It has, unanimously. It conveys six condemned cannon to the city of Cheyenne, Wyo.

Mr. SULZER. I have no objection to the bill.

The joint resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4027. An act to parole United States prisoners, and for other purposes;

S. 8245. An act to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes;

S. 7226. An act granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla.;

S. 4229. An act for the relief of Capt. John C. Wilson, U. S. Navy, retired;

S. 7298. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901;

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

S. 8918. An act to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907; and

S. 8058. An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school serivce as may be named by the Secretary of the Interior.

INTERNATIONAL FIELD SPORTS, VIENNA.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to discharge the Committee on Military Affairs from the further consideration of the President's message of January 4, 1909, relative to the international field sports in Vienna, and that the same be referred to the Committee on Industrial Arts and Expositions.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts.

The Clerk read as follows:

To discharge the Committee on Military Affairs from further consideration of the President's message of January 4, 1909, relative to the international shooting and field sports exposition in Vienna, and that the same be referred to the Committee on Industrial Arts and Expositions.

The SPEAKER. The gentleman makes the motion by direction of what committee?

Mr. GARDNER of Massachusetts. By direction of the Committee on Industrial Arts and Expositions.

Mr. PERKINS. Mr. Speaker, by direction of the Committee on Foreign Affairs I move to strike out the words "Industrial Arts and Expositions" and insert the words "Committee on Foreign Affairs."

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words "Industrial Arts and Expositions" and insert "Foreign Affairs."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman from New York and myself were about to ask unanimous consent for three minutes in which to explain the reasons for this motion.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the vote be vacated, and also ask unanimous consent that the gentleman from Massachusetts [Mr. GARDNER] may have five minutes if he desires as much, and I may have five minutes, if I desire as much, to explain the matter to the House.

The SPEAKER. The gentleman from New York asks unanimous consent that the action of the House agreeing to the amendment be vacated, and that the gentleman from Massachusetts and the gentleman from New York may have five minutes each for debate. Is there objection?

Mr. CARLIN. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the motion as amended.

The question was taken, and the motion as amended was agreed to.

MONTANA, WYOMING AND SOUTHERN RAILWAY COMPANY.

The SPEAKER laid before the House the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont., with Senate amendments thereto.

The Senate amendments were read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House disagree to the Senate amendments——

Mr. MANN. Mr. Speaker, I make the point of order that the Senate amendments will have to be considered in Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa. Then the bill will have to go to the Committee on Military Affairs if that point of order is sustained.

The SPEAKER. The point of order in the opinion of the Chair is well taken, and the bill will be referred to the Committee on Military Affairs.

RESURVEY OF PUBLIC LANDS.

The SPEAKER laid before the House the bill (H. R. 24835) authorizing the necessary resurvey of public lands, with Senate amendments thereto.

The Senate amendments were read.

Mr. MONDELL. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON.

BUCKET SHOPS.

The SPEAKER laid before the House the bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia" relative to gambling, bucket shops, and bucketing, with Senate amendments thereto.

The Senate amendments were read.

Mr. CAMPBELL. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

INTERNATIONAL FIELD SPORTS IN VIENNA.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. Mr. Speaker, I rise for the purpose of entering a motion of reconsideration on the vote just taken on the reference of a certain message respecting the international field sports in Vienna.

The SPEAKER. The motion will be entered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245), with Mr. CAMPBELL in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs, and preservation of custom-houses, court-houses, and post-offices, quarantine stations and marine hospitals, buildings and wharf at Sitka, Alaska, buildings not reserved by the venders on sites acquired for buildings or the enlargement of buildings, and other public buildings and the grounds thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $550,000: *Provided*, That of this amount not exceeding $50,000 may be used for marine hospitals and quarantine stations, including wire screens for same, and not exceeding $12,000 for the Treasury, Butler, and Winder buildings, at Washington, D. C.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 39, line 8, strike out the word "fifty" and insert in lieu thereof the words "one hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, may I ask the gentleman where the provision for marine hospitals, carried in this item this year but not heretofore, has heretofore been carried?

Mr. TAWNEY. It has always been carried in this provision. The repairs are under the jurisdiction of the Treasury Department, the Supervising Architect. Now we have added the buildings in the quarantine service, owing to the fact that we have taken over the quarantine service in a number of States.

Mr. MANN. It was not carried in this item last year.

Mr. TAWNEY. My bill says it was. I do not know.

Mr. MANN. Well, the gentleman may be like a good many other people. Here is the law, and the gentleman can look at it.

Mr. TAWNEY. The amount carried this year is $50,000, and the Supervising Architect called on me since this bill was reported and called attention to the fact that $50,000 would not be sufficient to meet the necessities of the service in view of the fact that the quarantine buildings have all been brought under the jurisdiction of his department, and if the gentleman will read Public Laws, page 254, appropriation for new offices, and so forth, first session Sixtieth Congress, he will find under the provision for repairs and preservation of public buildings the proviso:

That of the sum hereby appropriated $50,000 may be expended for marine hospitals.

Mr. MANN. Where is that item?

Mr. TAWNEY. In the same paragraph which you have before you.

Mr. MANN. I will read the paragraph through if the gentleman wants me.

Mr. TAWNEY. Well, read it through.

Mr. MANN. For repairs and preservation of public buildings. It is carried in a different place——

Mr. TAWNEY. The language is changed owing to the fact we have changed——

Mr. MANN. Is this purely for repairs?

Mr. TAWNEY. Almost entirely so. Not a dollar can be expended for anything else.

Mr. MANN. Under the language of the proviso you could expend for building new hospitals if you want to do so.

Mr. TAWNEY. No; I do not think the construction of the language would justify that statement. It has never been done; it has all been expended for repairs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Treasury is authorized, until their removal becomes necessary, to rent any building or buildings not reserved by the venders on lands heretofore or hereafter acquired for building sites or for the enlargement of building sites, the proceeds to be deposited in the Treasury, and a report thereof to be submitted to Congress at the beginning of each regular session thereof.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that paragraph. I want to ask the chairman of the committee what has been the practice heretofore with reference to the buildings?

Mr. TAWNEY. The practice for several years has been to collect these rents and turn them into the Treasury of the

United States; but with buildings in the custody of revenue officers, part of the revenues could be used for certain miscellaneous expenditures made out of these receipts. The law now requires all the proceeds to be covered into the Treasury, instead of part of these proceeds.

Mr. GARRETT. So a part of them only have heretofore been covered into the Treasury?

Mr. TAWNEY. Yes. They were allowed to make certain expenditures out of the proceeds, and the department has found it is better administration to require all the proceeds to be turned into the Treasury, and then specific allowances made for such expenditures as have heretofore been made out of the receipts from the rent of buildings under the control of these custodians.

Mr. GARRETT. This amendment proposes, as I understand, where the Secretary of the Treasury has contracted for a site, and the vendor still is in possession, to permit the Secretary of the Treasury to rent the building that is on the site. In other words, it puts the Federal Government in the real-estate business.

Mr. TAWNEY. Where the Federal Government has acquired title to a building and it is not ready to go on with the construction, it is only a question of whether the building shall be occupied and the occupant required to pay the rent, or allow the occupant to occupy the building free, or allow the building to stand vacant.

Mr. GARRETT. Now, in making contracts with reference to a site, they make provision with reference to the use of the building; do they not do that now?

Mr. TAWNEY. There is no uniform rule, and it seems to me that the provision is a proper one.

Mr. BARTHOLDT. Mr. Chairman, if the gentleman will permit, perhaps I may give some information. Under existing law the Treasury Department has the authority to purchase sites, and if these sites have buildings on them that will not be removed at once the vendor is usually given the privilege of collecting the rent from this building; and heretofore bargains have been made for the use of this building with these vendors, who have the privilege of occupying free of rent, or in consideration of the price of sale, and we have had the matter up in the Committee on Public Buildings and Grounds, and but for this provision in this bill we should have felt as though it was necessary to bring in here a special bill covering that point. It is a very wise provision, in my judgment, that all the rents hereafter collected shall go into the Treasury, and then whatever expense might be incurred should be paid out of the Treasury for these buildings.

Mr. GARRETT. That is the opinion of your committee?

Mr. BARTHOLDT. The unanimous opinion of the committee.

Mr. TAWNEY. I would add to the statement of the gentleman from Missouri the further statement that some years ago the Government bought a site for a post-office building here in the city of Washington, and that is where this provision originated in the first instance. That site is covered with buildings. Now, Congress has not authorized the improvement of that property, and these buildings are all occupied, and the Secretary of the Treasury now has authority to not only rent, but also to make necessary repairs, and there is quite an amount of revenue from rent of those buildings right here in this city.

Mr. COX of Indiana. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana move to strike out the last word?

Mr. COX of Indiana. I move to strike out the last word for the purpose of asking a question. A statement was made on the floor not long ago to the effect that the Government expended annually in the payment of rent in the neighborhood of $425,000.

Now, can the gentleman from Missouri [Mr. BARTHOLDT] tell about how much revenue the Government receives from rents of buildings such as are now under discussion?

Mr. BARTHOLDT. I am unable to tell, but I am sure the Treasury Department can furnish this information.

Mr. COX of Indiana. I will ask the chairman of the committee.

Mr. BARTHOLDT. When the gentleman refers to the rent of $400,000, what does he mean?

Mr. COX of Indiana. Public buildings here in the city of Washington.

Mr. BARTHOLDT. Here in the city of Washington?

Mr. COX of Indiana. Yes.

Mr. BARTHOLDT. I am not aware that the Government derives any income from those rents at all.

Mr. COX of Indiana. Has the Government heretofore been collecting any rents from property situated in such way as those now under discussion?

Mr. BARTHOLDT. Very frequently.

Mr. COX of Indiana. Now, can the gentleman give us some probable estimate as to the amount of money?

Mr. BARTHOLDT. I can not.

Mr. TAWNEY. I will say to the gentleman from Indiana [Mr. Cox], in answer to the question, that the Government is expending in the District of Columbia about $450,000 for rents.

Mr. COX of Indiana. But the question I am trying to get at, if I can get the information, is how much rental does the Government receive from buildings such as contemplated under the provision?

Mr. TAWNEY. If the gentleman will take the hearings before the sundry civil subcommittee, he will find a statement there in full.

Mr. COX of Indiana. It is so voluminous that I have not time to do so.

Mr. TAWNEY. They are indexed. He can readily turn to it. I have not the information at hand.

The Clerk read as follows:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., p. 537, pt. 1): For compensation of skilled draftsmen, civil engineers, computers, and such other services as the Secretary of the Treasury may deem necessary and specially order, to be employed only in the office of the Supervising Architect exclusively to carry into effect public-building legislation *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed $400,000; for compensation of supervising superintendents, superintendents, and junior superintendents of construction, inspectors of public buildings, and inspectors of mechanical and electrical engineering, in connection with the erection and inspection of work on public buildings, at rates of compensation to be determined by the Secretary of the Treasury, but in no case exceeding those heretofore authorized to be paid out of appropriations for public buildings: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed $300,000; for compensation of mechanical labor force, including carpenters, plumbers, machinists, and such other services as the Secretary of the Treasury may deem necessary and specially order, including the compensation of superintendents and assistant superintendents of repairs, engaged in work incident to repair of buildings, mechanical equipment, and vaults, safes, and locks, at such rates of compensation as may be determined by the Secretary of the Treasury, but in no case to exceed for any one person the rates current for similar services at the time and in the place where such services are performed: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed $112,500; for expenses of superintendents, including traveling expenses of inspectors and other officers and employees, on duty in connection with work on public buildings, under orders from the Treasury Department, office rent, and expenses incident thereto, for superintendents, including temporary stenographic and other assistance incident to the preparation of reports and the care of public property, etc.; for commissions to disbursing agents in accordance with law; for cost of advertising; for office supplies, including drafting materials, specially prepared paper, typewriting machines and equipment, stationery, and such other articles and supplies as the Secretary of the Treasury may deem necessary and specially order or approve for the use of the office of the Supervising Architect; for contingencies of every kind and character, including surveys, plaster models, photographs, test-pit borings, mill and shop inspections, compensation and expenses of judges to select plans, care of sites acquired for public buildings, commissions to architects under the provisions of the act approved February 20, 1893, traveling expenses of site agents, recording deeds and other evidencies of title, telephone service at completed public buildings for use of custodians, and such other minor and incidental expenses not enumerated, connected solely with work on public buildings and the acquisition of sites, as the Secretary of the Treasury may deem necessary and specially order or approve; in all, for the foregoing objects for general expenses of public buildings, $800,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers the following amendment, which the Clerk will report.

Mr. MANN. May I ask the gentleman a question in reference to this paragraph and the commissions, and so forth, that are paid under it? The question was raised yesterday in the committee as to how much is paid for the preparation of plans, superintendence, and so forth. The gentleman from Missouri [Mr. CLARK] this morning stated that he was informed that 7½ per cent was taken out of the appropriation for particular buildings for the preparation of plans, and so forth. Now, here is an appropriation of $800,000 for superintendence and commissions to architects under the Tarsney Act, and so forth. How is the money paid? Out of this appropriation or out of the appropriation for specific buildings?

Mr. TAWNEY. Heretofore the appropriation for the preparation of plans and specifications and office expenses of superintendence was paid out of the appropriation made for each specific building. There was a great deal of complaint on ac-

count of that, and at the last session of Congress a law was enacted or a provision was carried in the public-building act authorizing and directing the Treasury Department to submit estimates at the beginning of each session of Congress of the amount required for preparing plans and specifications for buildings previously authorized or that would be prepared during that year, and also to estimate the amount necessary for superintendence and all incidental expenses and all office expenses connected with the administration of a public-building act.

The amount estimated by the department was $1,000,000, and the amount recommended by the committee is $800,000 for the next fiscal year, which amount it is doubtful if it will be sufficient, although, inasmuch as this is an entirely new method of providing for this service, the committee thought that it would be wise to not appropriate the full estimate. After experience under this provision it may not be necessary to expend as much as was estimated.

Mr. CLARK of Missouri. Now, the tax last year was 7½ per cent, to be exact?

Mr. TAWNEY. Yes.

Mr. CLARK of Missouri. Do they take that out of each one of these appropriations?

Mr. TAWNEY. Up to the present time they have; or, not the present time, but up to the time of the enactment of the public-building bill at the last session of Congress. Seven and one-half per cent is not the total amount in each case. I have in mind a case investigated last summer where the amount set aside from the appropriation made for the building was 10 per cent. From now on they can not set aside any of the amount appropriated for the construction of a public building.

Mr. CLARK of Missouri. The gentleman says that that will be the case from now on?

Mr. TAWNEY. Yes; since the enactment of the last public-building law.

Mr. MANN. Did that forbid it?

Mr. TAWNEY. Yes; it is forbidden; and in addition to that, they are required to submit their estimates annually.

Mr. CLARK of Missouri. How do they get their pay anyhow?

Mr. TAWNEY. We carried $25,000 in the appropriation bill of last session for defraying incidental expenses up to the 1st of July, 1909, and that amount is only about one-fourth of the amount that will be required. We have a deficiency estimate of $75,000, which will be necessary to cover the remainder of this fiscal year.

Mr. CLARK of Missouri. How does it happen that after Congress makes an appropriation to erect a public building that it takes so long a time to get the thing started? Now, does not that grow out of the hitch in the office of the Supervising Architect of the Treasury?

Mr. TAWNEY. I do not think so. I would like to ask the gentleman another question.

Mr. CLARK of Missouri. Well.

Mr. TAWNEY. Why does it take so long for the people to determine the location of the building after the authority for the purchase of the site and the construction of the building has been given?

Mr. CLARK of Missouri. That is dead easy.

Mr. TAWNEY. That is one of the principal causes of delay. No plans or specifications can be prepared until the site has been selected, and usually the local controversy over the location consumes from six to twelve months.

Mr. CLARK of Missouri. As to the local controversy about the location of the building, it is very easy to clear that up. The various business interests in towns, especially the active real-estate agents, pull and haul and cavort over the selection of sites. I know that is going on in my district in one town now. But there is another town where there was no controversy about the site, or very little. The site was selected, and it took the big end of another year to get them started erecting the building.

Mr. TAWNEY. Now, if the gentleman will permit me right there. I do not think it is fair to make comparison between the facility with which work is done in a private architect's office and the facility with which work is done in the Supervising Architect's Office. You can go to a private architect and employ him to draw plans and specifications for a private building. You know something about the kind of building you want, and the architect can go to work on your plans immediately. He has only one building at that particular time, or he may have only two or three on hand; but here in the office of the Supervising Architect there are now in the course of construction or preparation, and so forth, 175 buildings scattered over all parts of the United States. It is impossible to do the work as expeditiously as in a private office unless we authorize the employment of a force for the Supervising Architect's Office of sufficient size to prepare these plans all at once. Necessarily, there will be delay.

Mr. CLARK of Missouri. There would be no delay if they would do what I said yesterday they ought to do, and that is to have four, five, or, if necessary, half a dozen, or even a dozen, plans and specifications over there to use a duplicate of one of them whenever you erected a building.

Mr. TAWNEY. I want to suggest right here, if the gentleman will permit me, that would be all very well if all Members of Congress and Senators could be induced to accept the same plan for the same character of building.

Mr. CLARK of Missouri. That is what ought to be done.

Mr. TAWNEY. But as soon as you attempt that local influence is brought to bear upon the Member of Congress and the Senator for a different type of building, so that the office here would have to change its plans all the time.

Mr. CLARK of Missouri. I had a talk with the gentleman from Illinois [Mr. MANN] a little while ago on this subject, and I will say that I picked up some information, as we do always from him, and his suggestion was that if the Architect of the Treasury would go to work and erect business buildings, instead of undertaking to erect monuments to the man that got the appropriation, we would get along better. I see my friend from Iowa, Colonel HEPBURN, up, and I want to refresh the memory of the House with a suggestion he made here a year or two ago, as I recollect it, and that first started me to thinking about this. Colonel HEPBURN declared upon the floor of the House, as I recollect, that they could take $500,000, or some sum in that neighborhood, and build a post-office building in the city of Chicago like they build office buildings there that would answer every purpose of the Post-Office Department, as well as a three or four million-dollar house built there after the usual style of building these public buildings.

Mr. HEPBURN. Will the gentleman allow me——

Mr. CLARK of Missouri. Yes.

Mr. HEPBURN. To correct the statement? I think I said this: That I had been informed that the block on which at that time the Government was building a public building in Chicago was worth $6,000,000; that the appropriation necessary to complete that building would approximate $6,000,000, making a total of $12,000,000 invested in that building; whereas it could take about one-fourth of the amount and erect a modern twenty-story building, such as were all around it, and the Government would get larger floor space and would have $9,000,000 for buildings in second, third, and fourth class offices.

Mr. MANN. And if the gentleman will permit, we are following his suggestion, and are proposing to erect at Chicago, on the west side, a purely business block, without any frills on it, for the postal service.

Mr. CLARK of Missouri. Now, if the House will bear with me just one minute, I do not want to consume time, but I want to make one general remark about public buildings. That is, that they seem to be built more for ornament than use. Take the Congressional Library. I suppose it is the most beautiful building in the world, and yet the purpose for which that magnificent structure was put up is almost entirely defeated by devoting so much of it to ornamentation, and I enjoy the ornamentation, I suppose, as well as any man who is not a connoisseur of art. I understand the fact to be that they are already pressed over there for a room for their books; and inasmuch as every man who gets a copyright in this country has to furnish them two copies under the law, and as they buy rare books wherever they can find them and have agents in Europe and, I suppose, other parts of the earth hunting up extraordinary books, I do not know whether it is in this bill, but if it is not it will be in one in less than two years, to increase the space in the Congressional Library, that cost $7,000,000.

Mr. TAWNEY. I will say to the gentleman that that was done two years ago.

Mr. CLARK of Missouri. So much the worse, then; and while it is a fine building to look at, it is not adequate for the purposes for which it was intended.

Mr. TAWNEY. Let me ask the gentleman from Missouri if he does not think there should be a distinction between public buildings and private buildings? For example, if the State of Missouri was about to build a new state capitol, it would not want to take the plans of the capitol in the State of Minnesota, although that capitol is one of the most beautiful in the United States. And your counties, when they build their court-houses, do not build them alone with reference to utility. It is so with public buildings constructed for the use of the Government. Now, I do not know whether it is because of the artistic taste of the people, but it has always been the custom, and I think always will be the custom, in the construction of public buildings to build them so that they will, from an artis-

tic standpoint, to a certain extent, be an honor and a credit to the community in which they are erected.

Mr. CLARK of Missouri. I think of all the buildings that we ever put up, except a penitentiary, a post-office building is the one most thoroughly intended for business.

Mr. TAWNEY. Any more so than the capitol of your State?

Mr. CLARK of Missouri. Oh, yes; the capitol of a State is supposed to be an ornament to the State.

Mr. TAWNEY. Any more so than the county court-house at the county seat?

Mr. CLARK of Missouri. Yes.

Mr. TAWNEY. I fail to see the distinction.

Mr. HEPBURN. I move to strike out the last word. I do so for the purpose of asking the gentleman in charge of this bill if there are no other appropriations than the $800,000 carried in this paragraph for the use of the Architect of the Treasury?

Mr. TAWNEY. There is in the legislative bill a provision for the permanent administrative force; that is, the force that is there all the time to carry on the regular work of the office—the Supervising Architect's Bureau. Aside from that there is no other appropriation available for the payment of the cost of administering the public-buildings act passed by Congress.

Mr. HEPBURN. That was how much?

Mr. TAWNEY. Eighty-one thousand dollars is the amount carried in the legislative bill.

Mr. HEPBURN. Now, I want to ask the gentleman if he is positive that no part—5 per cent, for instance, as heretofore—of the appropriation made for public buildings in this bill can be used for this purpose?

Mr. TAWNEY. I will say to the gentleman that I am positive. I had something to do with drafting the provision that went into the public-buildings bill in the last session of Congress, for the purpose of putting a stop to the custom of deducting from appropriations made for the construction of public buildings throughout the country the amount necessary in the administration of the law.

There is no other fund or appropriation in this bill that is available for the payment of any part of that expense. Even the expense incurred under the Tarsney Act must be paid out of this $800,000.

Mr. GOULDEN. I would like to ask for information why the appropriation for the completion of these various buildings are made in piecemeal; why they are not made at the session when the original bill is passed, or why, when it comes from the Committee on Public Buildings and Grounds, it should not include the total cost of each building, so that the contract might be let for the whole building to be erected as speedily as practicable?

Mr. TAWNEY. I think my friend from New York is a good business man. If he should authorize the construction of a large building, the construction of which would cover a period of years, I doubt if he would take out of his current revenue the total amount necessary to construct that building, and thereby, perhaps, cripple his means for several years thereafter. The appropriations are made as the work progresses. The amount is appropriated each year equal to an amount which the Supervising Architect estimates can be expended.

Mr. GOULDEN. But many of these buildings are small, costing $50,000, or $75,000, or $100,000, and it would seem that they could all be built within one or two years. I have very grave doubt whether the Government saves money by so doing, but rather otherwise.

Mr. TAWNEY. Our experience shows that it can not be done, and for that reason we appropriate for the amount of work that can be done in each given fiscal year.

Mr. GOULDEN. I will agree with the gentleman from Minnesota that the larger buildings could not be constructed in so brief a time, but the smaller buildings costing $100,000 or less I think could be. I do not think that the present method is of any advantage to the Government, but is a distinct disadvantage, and I would not be surprised if it was an actual loss to the Government of as much as 10 per cent on the cost of the building. The same business tact and knowledge should be applied to government work that prevails in private contract.

Mr. SABATH. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. A point of order is pending.

Mr. MANN. I will withdraw the point of order.

Mr. SABATH. Mr. Chairman, I notice that this appropriation calls for $800,000, which means more than 7 per cent of the amount to be expended. We all know that it does not cost more than 3 to 5 per cent for making plans, specifications, and the supervising of the construction of buildings. Now, I do not understand——

Mr. TAWNEY. I do not exactly comprehend how the gentleman figures the percentage on the total appropriation. The total appropriation for public buildings is about $18,000,000.

Mr. SABATH. The report shows that you will not expend more than ten or fifteen millions.

Mr. TAWNEY. Oh, no; specific appropriations are made aggregating the amount I named.

Mr. SABATH. But Mr. Taylor made the statement before the subcommittee that it would not amount to more than $15,000,000. Inasmuch as you have been appropriating for buildings that could not be erected during the fiscal year, I can not understand why it is necessary for us to pay 3 to 4 per cent more than any private concern or private corporation would pay for the same work.

Mr. TAWNEY. Even on the gentleman's own statement and the statement of the Supervising Architect as to the amount that can be expended, the gentleman's computation is inaccurate. If the amount is $12,000,000, $800,000 would be only a little over 5 per cent.

Mr. SABATH. The gentleman [Mr. TAWNEY] is mistaken; it is nearly 7 per cent; or, to be correct, 6.6 per cent.

Mr. TAWNEY. Another factor the gentleman has lost sight of, and that is that out of this $800,000 is to be paid the services incident to the administration of the appropriation for repairs on public buildings.

Mr. SABATH. The gentleman says a part of the $800,000 is used for the purpose of repairs on public buildings?

Mr. TAWNEY. No; I said it was used in the administration of the appropriation made for repairs, not for the repairs themselves, but for personal services in connection with the administration for repairs.

Mr. MANN. A part of it is used, under the last public-building act, with reference to the purchase of a site on the west side, very close to the gentleman's district, if not in it, for the new public building.

Mr. SABATH. I do not quite hear the gentleman.

Mr. MANN. A part of this appropriation is for the purpose of carrying out the public-building act to provide for the public building on the west side of the city of Chicago.

Mr. SABATH. I hope that the Supervising Architect and the consulting architects will use better judgment than they did on the post-office building in Chicago.

Mr. MANN. If the gentleman had been in the House very long, he would not have made that remark to me. [Laughter.]

Mr. SABATH. I am not making it to the gentleman from Illinois, but for the benefit of the department, because before the building was completed everyone in Chicago knew that the post-office building would not be large enough, nor would it be a building that would comply with the requirements of the business in the city of Chicago. I am afraid this department is committing a great many other such errors.

Mr. MANN. This department can not be charged with any responsibility for the present building in Chicago, because at the request of the Members of Congress in both Houses at the time the public building was provided for in Chicago it was provided that they should select an outside architect, and an outside Chicago architect is responsible for the utter inadequacy and inartistic qualities of the building.

Mr. SABATH. But the department retained the supervision, did it not?

Mr. MANN. Not at all. It was provided that all the work of supervision should be under this outside architect, and the department did not have the responsibility of it.

Mr. SABATH. Was the fence around that building also erected under the supervision of the Chicago architect?

Mr. MANN. It was.

Mr. GOULDEN. He was a Chicago architect, was he?

Mr. MANN. I regret to say that he was a Chicago architect.

Mr. SABATH. I notice under this act that $200,000 is also appropriated for outside architects.

Mr. MANN. I do not know to what item the gentleman has reference.

Mr. SABATH. Under the so-called "special act." Is not that true?

Mr. TAWNEY. What is the gentleman's question?

Mr. SABATH. That we are appropriating $200,000 under this act for outside architects.

Mr. TAWNEY. Yes; under the Tarsney Act. That is $200,000 included in the $800,000; that amount is set aside for expenses under the Tarsney Act.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Will the gentleman from Illinois [Mr. MANN]

please tell the House where they got the architect who bungled up that Chicago post-office building?

Mr. MANN. He was appointed by the last Secretary of the Treasury under the Cleveland administration.

Mr. GAINES of Tennessee. Where did he come from?

Mr. MANN. From Chicago.

Mr. GAINES of Tennessee. I understood he did not come from Chicago.

Mr. MANN. The gentleman's understanding was wrong.

Mr. FITZGERALD. Why did they not get one from New York?

Mr. MADDEN. He now lives in New York. [Laughter.]

Mr. MANN. He was a Chicago architect and built one of the World's Fair buildings.

Mr. GAINES of Tennessee. I understood the gentleman to say a moment ago to his colleague [Mr. SABATH] that the architect who put up that building did not live in Chicago, but the one who put up the fence did live in Chicago.

Mr. MANN. The gentleman understood me incorrectly.

Mr. GAINES of Tennessee. What are the facts?

Mr. MANN. The facts are that Congress provided that a Chicago architect should be selected to draw the plans for the building and supervise the construction of the building. That was done. The architect was named by the Secretary of the Treasury just as the Cleveland administration went out. There is no criticism on the Secretary of the Treasury for naming the architect. He made a mistake, I think myself.

Mr. GAINES of Tennessee. Does the gentleman think all the best architects in the United States live in the city of New York?

Mr. FITZGERALD. Sure! [Laughter.]

Mr. MANN. I am informed that this architect of whom we are speaking now lives in New York, and my own personal opinion is that he does not contribute anything at all to the best architecture of the country.

Mr. SABATH. But I would like to inform the gentleman from Tennessee that the post-office was not completed under Mr. Cleveland's administration.

Mr. GAINES of Tennessee. Oh, I do not uphold the Cleveland administration in a wrong, or any other administration. I think the Democrats have less right to do wrong than the Republicans.

Mr. MANN. Oh, I was not trying to bring in any partisanship about this matter. I was simply giving information.

Mr. GAINES of Tennessee. I understand that entirely. I have heard a great deal of talk about the failure of that post-office to come up to what it should have come up to, and I am trying to get at who caused the trouble, or who did not put it up right. Does the gentleman from Illinois, who has had experience evidently in this kind of business, think we should go outside of the corps of architects that we have down here in the Treasury and employ outside architects to do this work?

Mr. MANN. Congress provided by the Tarsney Act in 1893 that that ought to be done in various cases, because it provided the power of doing it, and I have no doubt that there are many cases where it is desirable to employ outside architects.

Mr. GAINES of Tennessee. Oh, well, to carry on the local work of executing the plans.

Mr. MANN. No; to prepare the plans. I would not have all the government buildings emanate from the same brain as to style of architecture.

Mr. GAINES of Tennessee. I understand there are a number of architects down there, and they are good ones and gentlemen. They put up a beautiful piece of work in the city of Nashville, the annex to the old custom-house. It could hardly be made more beautiful, even if you got the architect from Chicago or New York. It is as beautiful as can be for the money.

Now, I do not see why it is we should use thousands and thousands of dollars in going around over the country importing some architects to carry out the plans that are made in the Treasury building.

Mr. MANN. We leave it in the discretion of the Supervising Architect to get these outside persons.

Mr. GAINES of Tennessee. Are these plans and specifications prepared in the Treasury building by our own artists?

Mr. MANN. As a rule.

Mr. GAINES of Tennessee. Are not they all practically prepared there?

Mr. MANN. As a rule.

Mr. GAINES of Tennessee. Then, what does the outside architect have to do?

Mr. MANN. They do not have anything to do unless the Supervising Architect engages an outside architect to prepare the plans and supervise the erection of some particular building.

Mr. GAINES of Tennessee. One final question. How much was that Chicago architect paid to put up this building?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask that my time be extended——

Mr. TAWNEY. Mr. Chairman, I object to any further extension of time on this question.

Mr. GAINES of Tennessee. I think it is well enough sometimes to revive ancient history, Mr. Chairman, and I move to strike out the paragraph. Now, will the gentleman from Chicago tell me how much this architect was paid in Chicago to put up this building?

Mr. MANN. I am unable to tell the gentleman. There was a contract entered into in accordance with the provisions of the law.

Mr. GAINES of Tennessee. Can the gentleman's colleague [Mr. MADDEN] inform us on this question?

Mr. MADDEN. I can not tell the exact figures.

Mr. GAINES of Tennessee. I still stick to the proposition I made yesterday. I may be mistaken, but I am almost certain I am not, that these architects are paid at the rate of 10 to 15 per cent commission on the value of the contract, and they are paid extra every time the plans are changed. My recollection is that is the case in the remodeling of the White House and the rebuilding at Annapolis, and I take it it is the rule——

Mr. MANN. I may say to the gentleman I think he is in error on this proposition. I think that wherever an outside architect is employed he is employed at the rate of commission fixed by the American Institute of Architects——

Mr. GAINES of Tennessee. That is true.

Mr. MANN. Which is about 5 per cent.

Mr. MADDEN. Three and a half to 5 per cent.

Mr. MANN. And no higher rate.

Mr. GAINES of Tennessee. I stand corrected——

Mr. MANN. And that is entirely abolished under this paragraph.

Mr. GAINES of Tennessee. But I am going to look up that 15 per cent proposition, and I will put the result of it in the RECORD. However, I am going to look it up to ascertain if I am correct, but I hope I am wrong.

Mr. MANN. I may say to my friend that is changed in the paragraph we are now discussing.

Mr. GAINES of Tennessee. All right, I am glad to hear it.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois first.

The Clerk read as follows:

On page 43, line 2, after the word "machines," insert the words "and exchange the same."

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I simply wish to say in connection with this matter that the outside architects employed by the Treasury Department to design buildings and superintend their construction are employed at a given percentage on the cost of the building. If they only designed a building, the percentage is about one-half what it is if they design and superintend, and the outside percentage of the cost is fixed by the American Institute of Architects at not to exceed 5 per cent of the cost. I wish to say in this connection with the architect employed to design the building is required to furnish his own offices, all his own draftsmen and engineers, and pay them out of the compensation he receives from the Government. If these outside architects were not employed, a very large additional force would be required to be employed in the Treasury Department under the direction of the Supervising Architect of the Treasury, and it is a question whether the employment of this additional force would not cost the Government more money than it pays for the employment of outside architects. The employment of outside architects, too, enables the Government to get different designs of buildings throughout the country. If they were all designed in the Treasury Department, they would all have the appearance of a cheese box, perhaps—all look alike—and the art feature of the buildings would not be discernible by the people of the country. The purpose of the employment of these architects is to get a variety of designs, to show the various characteristics of architecture, to encourage competition in the art, and to create a better condition of things in the erection of buildings throughout the country.

And I may say that the architects so employed are usually so employed as the result of competition. The Supervising Architect of the Treasury Department requires the submission of plans from a number of architects throughout the country whenever a public building is to be erected of any consequence,

and the man submitting the best plan is usually appointed the architect for that particular building. My judgment is that it does not cost the Government any more money than it would cost if we did not employ outside talent at all. I am certain that we get better results in the very character of our architecture than we would get if we did not employ such talent. So the objection made by my colleague from Illinois [Mr. SABATH] to the appropriation of the fund for the employment of outside talent is not well taken, in my judgment.

Mr. SABATH. Will the gentleman yield?

Mr. MADDEN. Oh, certainly.

Mr. SABATH. I have not objected to the engaging of the outside architects, but I do object, and I agree with the gentleman from Illinois, that the bureau is in the hands of incompetent men.

Mr. MADDEN. I can not agree to that statement at all. I think the Supervising Architect is a man of superior ability, fully up to the standard required for the place he occupies.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I withdraw my amendment to strike out the paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12499. An act for the relief of Clarence Frederick Chapman, U. S. Navy; and

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 103.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 1,500 additional copies of the final report of the Jamestown Tercentennial Commission, embodying the reports of the various officers of the Jamestown Exposition, held at Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives.

Also,

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907.

Senate concurrent resolution 102.

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of Senate document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House reports of 1888, 1890, 1894, and 1897; 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. FLINT, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TAYLOR as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the rate of $70 per month each for the No. 1 surfman in each station, and at the rate of $65 per month for each of the other surfmen during the period of actual employment, and $3 per day for each occasion of service at other times; rations or commutation thereof for keepers and surfmen; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, $2,087,040.

Mr. THOMAS of North Carolina. Mr. Chairman, some time ago the legislature of North Carolina passed a resolution calling upon the representatives of the State of North Carolina in Congress to vote for and advocate pensions for the men of the crews of the Life-Saving Service.

Mr. Chairman, since I have been a Member of Congress I have constantly and persistently, in season and out of season, upon the floor of the House and before the Committee on Interstate and Foreign Commerce, advocated pensions for the men of the Life-Saving Service for disability incurred by them in the line of duty. I shall continue to advocate such a measure so long as I represent the State of North Carolina in part and as long as I am a Member of this House.

Mr. GOULDEN. Has the gentleman introduced a bill for that purpose, may I be allowed to inquire?

Mr. THOMAS of North Carolina. I have, sir. That is my recollection. If I have not introduced a bill, I have advocated such a bill before the Committee on Interstate and Foreign Commerce, and my remarks are printed in the committee hearings.

Mr. Chairman, this service is one of the most meritorious of all the branches of the government service. The life-savers are the friends of the human race. A great reputation was made by "Sunset" Cox, from the State of my friend [Mr. GOULDEN], New York, in his early service in Congress in the advocacy of the Life-Saving Service.

Now, Mr. Chairman, the present law, the act of May 4, 1882, provides:

That if any keeper or member of a crew of a life-saving or lifeboat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable, but in no case shall said disabled keeper or member of a crew be continued upon the rolls or pay for a longer period than two years.

Also the present law provides:

That if any keeper or member of a crew of a life-saving or lifeboat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under 16 years of age, such widow and child or children shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly, as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service.

Mr. GOULDEN. Two years is the limit, however?

Mr. THOMAS of North Carolina. That is the limit.

Mr. GOULDEN. In both cases?

Mr. THOMAS of North Carolina. In both cases. This provision, Mr. Chairman, of the act of May 4, 1882, is all the provision made for the men and the families of the men of the Life-Saving Service who are disabled or die in the line of duty.

Mr. SHERLEY. Will the gentleman permit a suggestion right there?

Mr. THOMAS of North Carolina. I will, sir.

Mr. SHERLEY. That is further qualified also by the fact that the comptroller has held that where a man has had sick leave, that such leave is to be deducted from the year's pay if the inability to perform service is due to the same cause for which he obtained his sick leave.

Mr. THOMAS of North Carolina. That is true, and I think the hearing before the Committee on Appropriations, of which the gentleman is a member, shows that he had a captain of a life-saving crew in his district, of long and meritorious service, who was subjected to such deduction of pay.

Mr. SHERLEY. The gentleman to whom my friend refers is still actively in the service, but from time to time he has had to have sick leave. Now, if he was retired, and he has had very long and distinguished service, and should undertake to claim this benefit, it would practically be no benefit, owing to the long term of sick leave that would have to be deducted.

Mr. THOMAS of North Carolina. It is entirely correct, that when he comes to claim the benefit of the existing law he gets the benefit less the allowance he has had for absence on account of sickness. Now, Mr. Chairman, I have no desire to detain the committee. There is a bill now pending before Congress which provides for pensions for the superintendents and crews of the Life-Saving Service. This bill is Senate bill 25, and I am going to ask leave to print that bill as a part of my remarks instead of offering it as an amendment to the sundry civil bill, because I know it would be subject to a point of order if offered as an amendment to an appropriation bill.

But, Mr. Chairman, before I ask that leave, I want to say, in conclusion, that I hope this bill some day, or some similar bill, will receive favorable action. There has been some fear that pensions for the Life-Saving Service may lead to a civil pension list. I am as much opposed to a civil pension list as anybody; but the men in the Life-Saving Service are not in the same class with men who are clerks in the government service; and the Life-Saving Service can be differentiated from any other service or any other branch of the government service. I hope that some bill to pension the men of the Life-Saving Service will some day be passed by this House, and that just provision will be made for the heroic men and their families of this humane service. [Applause.]

Now, Mr. Chairman, I ask unanimous consent to print the bill, and also a resolution of the North Carolina legislature, as part of my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The bill is as follows:

A bill (S. 25) to promote the efficiency of the Life-Saving Service.

Be it enacted, etc., That a retired list of the following-named officers and surfmen of the Life-Saving Service of the United States, namely, superintendents of life-saving districts, keepers of life-saving stations, and members of life-saving crews, is hereby created, and officers and surfmen placed upon the retired list shall receive thereafter 75 per cent of the compensation of the grade held by them at the date of retirement.

SEC. 2. That when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew in the Life-Saving Service has served thirty years in said service, he may, upon his own application, in the discretion of the Secretary of the Treasury, be placed on the retired list; when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew is 64 years of age he shall be placed upon the retired list by the Secretary of the Treasury; and when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew has become incapable of performing the duties of his position he shall be either placed on the retired list or dropped from the service by the Secretary of the Treasury as hereinafter provided.

SEC. 3. That the Secretary of the Treasury shall, from time to time, assemble a Life-Saving Service retiring board, composed of one superintendent of a life-saving district, one assistant inspector in the Life-Saving Service, and one medical officer of the Public Health and Marine-Hospital Service, for the purpose of examining and reporting upon such officers and surfmen of the Life-Saving Service as may be ordered by the Secretary of the Treasury to appear before it, or who may hereafter be disabled in the service, and the members of said board shall be sworn in every case to discharge their duties honestly and impartially, and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer or surfman who appears to be incapable of performing the duties of his position, and shall have such powers as may be necessary for the purpose; and when the board finds an officer or surfman incapacitated for active service, it shall also find and report the cause which, in its judgment has produced the incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury for his approval or disapproval.

SEC. 4. That when the board finds that an officer or surfman is incapacitated for active service and that his incapacity is the result of an incident of service, or is due to the infirmities of age or physical or mental disability, and not to his own vicious habits, and such decision is approved by the Secretary of the Treasury, the officer or surfman shall be placed on the retired list: *Provided*, That no person shall receive for the same time retired pay and the extra pay allowed to keepers and surfmen by section 7 of the act approved May 4, 1882. Officers and surfmen thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury, and when so employed shall receive the full pay of their respective grades.

SEC. 5. That when a board finds an officer or surfman is incapacitated for active service, and that such incapacity is the result of his own vicious habits and not due to any incident of service, and its decision shall be approved by the Secretary of the Treasury, the officer or surfman shall be dropped from the service.

SEC. 6. That all laws inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed.

The resolution referred to is as follows:

Resolution 18.

Resolution (H. R. 83; S. R. 388) instructing our Senators and Representatives in Congress to favor the passage of an act for the relief of disabled members of the United States Life-Saving Service.

Whereas the employees of the United States Life-Saving Service are constantly in danger of and often losing their lives in the performance of their hazardous duties in their efforts to save and protect the lives and property of shipwrecked seamen; and

Whereas by reason of the dangers and exposure to which their duties call them they often sacrifice their lives to save the lives of unfortunate mariners, thus constantly making widows and orphans, leaving them helpless and destitute; and

Whereas the United States Congress has already provided some measure of relief: Therefore be it

Resolved by the house of representatives (the senate concurring), That our Senators and Representatives from North Carolina in the United States Congress be, and they are hereby, instructed to urge the passage of an act to amend sections 7 and 8 of an act of Congress approved May 4, 1882, so as to provide that any person who has heretofore or may hereafter be discharged from the United States Life-Saving Service by reason of injury sustained or disability contracted while in the actual performance of their duties in the service shall be entitled to receive an amount equal to 50 per cent of wages received at date of discharge: *Providing also*, That surfmen and keepers of United States life-saving stations may retire at the age of 60 years, or after having served continuously for twenty years, and be entitled to receive an amount equal to 50 per cent of the wages received at the date of such retirement.

That copies of this resolution be transmitted to each of our Senators and Representatives in the United States Congress immediately after the same is adopted.

In the general assembly read three times and ratified this the 18th day of February, 1909.

W. C. NEWLAND,
President of the Senate.

A. W. GRAHAM,
Speaker of the House of Representatives.

Enrolled and read by Annie Morel.
Proof read by E. Taylor.
Examined and found correct by E. A. Hawes, jr., for committee.

Mr. THOMAS of North Carolina. Now, I yield to the gentleman from South Carolina.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I understood the gentleman to say that he was as much opposed to a civil-service pension list as anybody.

Mr. GOULDEN. I ask unanimous consent that the gentleman may have further time.

The CHAIRMAN. Without objection, the gentleman will be recognized for two minutes more.

Mr. JOHNSON of South Carolina. Are these people not civil employees?

Mr. THOMAS of North Carolina. Why, yes; they are civil employees, but they are men who fight the storm and the tempest; they are men whose lives are constantly in jeopardy, and they are men whose lives are in jeopardy for the saving of the lives of others. I differentiate the employees of this service from any other branch of the government service.

Mr. JOHNSON of South Carolina. But the railway postal clerks are engaged in hazardous duties, also.

Mr. THOMAS of North Carolina. Well, I will say to the gentleman that when the railway mail clerk's life is in jeopardy it is caused by accident. When the storm arises, it is caused by the Almighty Himself and there is no way of controling it. It can not be controlled by any human agency; and these brave and heroic men who patrol the coast in the darkness and storm, standing there as sentinels to protect human life, ought to be put in a different class, so far as a pension list is concerned, from any other employees of the Government.

Mr. JOHNSON of South Carolina. I have not a word to say against the merits of the people who are engaged in the hazardous work of a life-saving service. But, Mr. Chairman, if we should adopt a system of pensioning any class of people engaged in the civil work, you have opened a door. There are thousands of people all over this country to-day who are advocating a civil-service pension list. We have already—and the gentleman from North Carolina voted for it——

Mr. THOMAS of North Carolina. What is that? I did not catch that remark.

Mr. JOHNSON of South Carolina (continuing). We have already provided what is in substantial effect a civil-pension list for the Revenue-Cutter Service——

Mr. THOMAS of North Carolina. Yes; I voted for the Revenue-Cutter Service bill, but it did not create a civil-pension list.

Mr. JOHNSON of South Carolina (continuing). Upon the plea that these men were engaged in a dangerous work. The next step is easy; that the people in the Life-Saving Service shall also be provided for. When we shall have taken that step we will be confronted with the proposition that the railway mail clerks endanger their lives on every trip they make.

And then these employees in the departments here in Washington who have worn out their lives, as they claim, in the service of the people will say that the Government should take care of them in their old age.

I see in the papers this morning that somebody is going to report favorably a bill providing for a retired pension list for the worn-out clerks.

Mr. THOMAS of North Carolina. I will say to the gentleman that I would not favor such a bill. Further, in response to the gentleman's suggestion about the revenue-cutter bill, I

will say that that was not a civil pension bill. That provided for graduated pay and for retirement of the officers of the Revenue-Cutter Service.

Mr. JOHNSON of South Carolina. Oh, I am perfectly familiar with the bill.

Mr. DAWSON. If the gentleman will allow me, I want to correct an erroneous statement that the gentleman made with regard to the bill which is proposed to be reported, to which he has just referred, relating to the clerks in the departments in Washington. Instead of being a civil pension bill, that is an annuity bill, not in the nature of a pension at all. It proposes that each individual clerk shall have set aside from his pay a sufficient sum to enable him on reaching a certain age to purchase an annuity.

Mr. JOHNSON of South Carolina. I hope the gentleman will not retire from the arena until the battle is over. Does not the bill to which the gentleman refers provide that if this fund is found insufficient, it shall be supplemented by an appropriation from the Treasury?

Mr. DAWSON. Not necessarily.

Mr. JOHNSON of South Carolina. In other words, you have no fund upon which to start. The proposition is that these clerks shall pay a certain percentage of their salaries, which at 3½ per cent, compounded semiannually, would produce a certain annuity. But your bill provides that until this fund accumulates, it shall be supplemented by an appropriation from the Treasury. Is not that a fact?

Mr. DAWSON. The underlying principle of the bill is not to pension civil employees, but to compel them to provide an annuity against old age.

Mr. JOHNSON of South Carolina. A compulsory insurance company.

Mr. DAWSON. In effect, or rather a compulsory savings bank.

Mr. JOHNSON of South Carolina. By which the Government of the United States undertakes to borrow money at 3½ per cent, compounded semiannually. That is better than the insurance companies do for those of us who insure voluntarily. If the Government can borrow money at the rate of 2 per cent, and it installs an insurance department for government clerks at 3½ per cent compound interest, you may call it what you please, but it is the Treasury of the United States coming to the rescue of these people.

Now, to recur to the bill to which the gentleman from North Carolina refers. The vice in this bill is in the fact that while it is not called a civil-pension bill it is that in substance and in effect. If the members of the committee will examine the hearings before the subcommittee that made up this bill, they will find that it provides for a waiting list; that men who have been in the service for a certain length of time may be placed upon waiting orders. That is what the bill calls it, but it is in substance and effect a civil pension, and that fact was brought out in the hearings.

Mr. MANN. Which bill does the gentleman refer to?

Mr. JOHNSON of South Carolina. The bill to permit the enlisted men of the Revenue-Cutter Service to be placed upon waiting orders, which bill was passed at the first session of the Sixtieth Congress.

Mr. MANN. I thought the gentleman was talking about the bill now pending.

Mr. THOMAS of North Carolina. The gentleman has taken a wide range in his speech.

Mr. JOHNSON of South Carolina. I have a right to do so in the Committee of the Whole.

Mr. THOMAS of North Carolina. The gentleman has discussed a civil-service pension list for the clerks in the departments, and he has discussed the Revenue-Cutter Service bill. The bill which I discussed before the committee was a bill to pension the employees of the Life-Saving Service. I explained to the gentleman that I favored the bill for the retirement of the officers of the Revenue-Cutter Service and to give them graduated pay.

Mr. JOHNSON of South Carolina. I understand that perfectly.

Mr. THOMAS of North Carolina. I will say to the gentleman that I would be opposed to any civil-pension list; but so far as pensioning the men in the Life-Saving Service is concerned, I am for it, and expect to stand for it as long as I represent the State of North Carolina in Congress.

Mr. JOHNSON of South Carolina. That is exactly what I am complaining about—that the gentleman says he is opposed to a civil-pension list, and then he advocates it when called by some other name.

Mr. THOMAS of North Carolina. Mr. Chairman, this Life-Saving Service pension bill, I wish to say to the gentleman from South Carolina, provides for pensions, it is true, but it is not a civil-pension list. Such a list would include all government employees. The bill provides only that the men of the Life-Saving Service shall be placed on the retired list when incapacitated by reason of disability incurred in the line of duty in the service, and that they shall receive thereafter 75 per cent of the pay of the grade held by them at the time of disability. Their disability is to be passed upon by a board, and the proceedings and decisions of the board are to be transmitted to the Secretary of the Treasury for approval. The bill explains itself. I do not advocate a civil-pension list; and so far as the Revenue-Cutter Service pension bill is concerned, I have explained that fully.

Mr. GOULDEN. Mr. Chairman, I want to say to the gentleman from North Carolina that there is a bill to be reported by the Committee on Reform in the Civil Service, favoring annuities for all government employees, which I think will cause the gentleman to change his mind completely on that subject.

Mr. THOMAS of North Carolina. I am not prepared to advocate a pension for clerks, but I am for this Life-Saving Service bill.

The Clerk read as follows:

Not exceeding $10,500 of the unexpended balance of appropriations for establishing new life-saving stations and lifeboat stations on the sea and Lake coasts of the United States authorized by law, or so much as may be necessary, are hereby made immediately available for the construction of a life-saving station suitable for exhibition purposes on the grounds of the Alaska-Yukon-Pacific Exposition.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph just read.

Mr. SMITH of Iowa. Mr. Chairman, the construction of this life-saving station has been expressly authorized by act of Congress. The only necessity for this legislation is that it was supposed by the Life-Saving Service that they could build this station out of their appropriation, but the accounting officer of the Treasury held that it would have to be built out of the appropriation for the exposition. Unfortunately, at the time the ruling was made by the accounting officer, the appropriation in control of the Supervising Architect for the exposition was exhausted.

Mr. MACON. Was there an obligation on the part of the Government under existing law to construct it?

Mr. SMITH of Iowa. No; I think the act expressly provided that the life-saving station should be provided——

Mr. MACON. And they used it for other purposes?

Mr. SMITH of Iowa. In one sense the gentleman is correct, but I want to call attention to the fact that this exposition, unlike all other American expositions, has declined to ask any loan from the Government of the United States and has declined to ask the Government to participate at all in the ordinary sense of contributing generally to the exposition. All it has asked of the Government is to give a governmental exhibit. No other exposition has been conducted on that principle. Now, everybody who has attended any of these expositions realizes that this life-saving exhibit is of great interest to the average citizen, and to deprive them of this little portion of a show that was promised them in the act that was passed, by reason of a mere controversy over the accounting in the Treasury Department, when more enterprise has been displayed by this exposition company than any other in American history, it seems to me would be ungracious.

Mr. MACON. Mr. Chairman, what the gentleman says appeals to me in many ways. Since I have been a Member of Congress I have consistently and continuously voted against appropriations of money belonging to the whole people of the United States in order to furnish entertainment for a part of the people of the United States, and, I may say, to a very small percentage of them at that. Perhaps the great exposition that was celebrated at St. Louis called the "World's Fair" did not furnish entertainment for one-tenth of the population of the United States. That is my position on and reason for questioning and voting against appropriations of this sort. But since the gentleman from Iowa has said that this particular exposition company has in nowise attempted to beg or persuade the Government to give it anything in order to enable it to make a show for the people who can and will attend it, I am going to withdraw the point of order as a matter of encouragement for that kind of conduct upon the part of other organizations that want to give entertainments for the people in their respective communities. I withdraw the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURTON of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bills of the following

titles, in which the concurrence of the House of Representatives was requested:

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

ENGRAVING AND PRINTING.

For labor and expenses of engraving and printing: For salaries of all necessary employees, other than plate printers and plate printers' assistants, $1,200,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word to ask what the purpose of that provision is about not printing larger notes?

Mr. SMITH of Iowa. Mr. Chairman, I will state that that provision has been carried for a great many years. Personally I think it might as well be dropped, but the gentleman is aware that at one time there was a belief in the country that small notes were better for the mass of people than large notes, and consequently at the time when that notion was very prevalent and in the fear that the Government would gradually get the money into such large notes that the average citizen could not get hold of any of it this provision was put in. I do not think it affects the actual circulation a particle now, but it has behind it its traditions, and I do not think it is wise to attempt to drop it out at this late day.

Mr. BENNET of New York. I am sorry to say that it does not cause me any personal inconvenience. I withdraw the pro forma amendment.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, $42,000, of which sum not exceeding $1,500 may be used for rent of building.

Mr. HITCHCOCK. Mr. Chairman, I would like to inquire of the chairman of this committee, or the gentleman in charge of the bill at this time, how long these researches are to be continued, and what good is being derived as a result of this annual expenditure?

Mr. SMITH of Iowa. Mr. Chairman, I may say that as far as I am personally concerned I have often made the inquiry when these investigations would be ended and never have been able to obtain satisfactory light on that subject. As the gentleman is probably aware, the work of this bureau is largely the collection of the folk-lore of the Indians. In place of having exhausted the sources they claim that there is an abundance of material yet to be worked upon and are constantly demanding an increase of this appropriation and are constantly bringing upon the committee great pressure to secure such increase. It has only been by steadily standing out against the further expenditure of money in this direction that the committee has been able to keep the appropriation down approximately to what it has been in recent years.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Iowa a question in connection with that item. Is it true or not true that there has been a tremendous growth in the ratio of salaried officials in the bureau that is conducting these investigations in proportion to the amount of work done?

Mr. SMITH of Iowa. I do not think so. My judgment is that that is not true.

Mr. SLAYDEN. Then it is an exceptional bureau, is it not?

Mr. SMITH of Iowa. Well, I do not think there has been any growth in the salaries in this bureau, but they never get done with anything. That is my criticism.

Mr. HITCHCOCK. Mr. Chairman, I move to strike out the paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I hope that that will not be done. A part of this work, I might say, if the gentleman will permit me, in further answer to his question, has only just been inaugurated—the part of the work in Colorado.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the paragraph.

Mr. HITCHCOCK. Mr. Chairman, I am not disposed in making this motion to insist upon it if any justification can be shown for the appropriation, but in looking through the hearings held by the committee it seems to me that there is nothing but an endless amount of study by supposed scientists provided for of subjects in which there is very little general interest, and the results of which can be of very nominal value to anyone. Here, for instance, a special study has been made of the population of the Indians of the United States with a view to ascertaining whether the population is increasing or diminishing; whereas it is a notorious matter, time and time again published, that the population of the Indians is diminishing. We learn, furthermore, "that a small beginning has been made in studying the languages of the remnant of the tribes of the Middle West," but "owing to lack of funds it has not been possible to make much progress."

I suppose this appropriation is for the purpose of making more progress in the study of languages of the tribes that are rapidly disappearing, and I can see no possible benefit to come from such study, except to afford occupation to certain pseudo-scientific gentlemen. We are informed also in this report that "a beginning has been made in the study of the music of the Indians." Now, will the gentleman in charge of the bill inform the House what possible benefit can come to anybody, either in the government employ or in private life, by a study of the music of the Indians?

Mr. SMITH of Iowa. Music of the Indians and nearly all other music is entirely out of my sphere.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HITCHCOCK. Yes.

Mr. FITZGERALD. Did the gentleman ever hear any of this Indian music?

Mr. HITCHCOCK. I have.

Mr. FITZGERALD. Does he not think that it is very soothing to the troubled soul?

Mr. HITCHCOCK. I have heard a great deal of music which was both soothing and otherwise, but I do not believe in Uncle Sam paying for it or paying for the study of it.

Mr. FITZGERALD. I am speaking of this particular Indian music. Does he not believe it desirable that it should be preserved for the benefit of humanity? [Laughter.]

Mr. HITCHCOCK. Mr. Chairman, I notice, furthermore, that this ethnological bureau proposes to extend its researches to Hawaii and Samoa, and I believe later that it will be extended to the Philippine Islands, and be indefinitely extended.

Mr. HARDY. Will the gentleman permit me a question? Do the hearings show that there is any appropriation to investigate ancient mythology or the Norse legends?

Mr. HITCHCOCK. As far as I have proceeded in the matter I believe not, but I suppose when they have exhausted the more recent subjects of ethnology they will go on and take up the past so as to keep busy.

Mr. HARDY. Is there anything on the subject of the "fair god" of Mexico being investigated?

Mr. HITCHCOCK. I believe there is a desire expressed to send an expedition to Mexico for some purpose. I notice also the tribe of Omaha Indians has been investigated. I might possibly have some sympathy with that, as I narrowly escaped being an Omaha myself. I believe, Mr. Chairman, that this is one of those gingerbread appropriations in this bill which ought to be cut out, and unless the gentleman in charge of the bill can offer some good reason why this appropriation of $42,000 should be continued I shall ask for a vote.

Mr. DAWSON. If the gentleman will allow me, I notice in the hearings it is provided for an investigation up in the neighborhood of Salt River, which leads me to think that the appropriation should not be opposed on that side of the Chamber.

Mr. HARDY. Mr. Chairman, will the gentleman allow another question——

Mr. JOHNSON of South Carolina. We have already been up there and know the conditions without expending any money to find out. [Applause.]

Mr. SMITH of Iowa. I do not think this provision ought to be stricken out. It is a scientific investigation, and while it seems to me it ought to advance more rapidly to completion than it has, I do not believe it ought to be suspended right in the midst of the work. My theory is that it ought to be finished up, and not stop it in an incomplete state. The second and final handbook of American Indians is not ready for deliverance——

Mr. HITCHCOCK. Will the gentleman permit me to interrupt him for a question?

Mr. SMITH of Iowa. I would like to finish this sentence, but I will cheerfully yield even now.

Mr. HITCHCOCK. Will the gentleman accept this amendment to the paragraph, "for completing ethnological researches" instead of "continuing?"

Mr. SMITH of Iowa. I would be very glad to accept the amendment if I felt any confidence that it would be completed.

Mr. HITCHCOCK. I believe it would if the gentleman would accept it.

Mr. SMITH of Iowa. I want to call the gentleman's attention to the fact that the handbook of languages has been printed. Now, I did not like this handbook of languages myself. It is known all over the State of Iowa that the word "Iowa" means "beautiful land." I picked up this book of languages and there found that the word "Iowa" means "sleepy ones," and I have not been satisfied in all respects with the work of this bureau from that day to this. Good progress has been made on the handbook of archæology, and it is believed that this work will be finished during the present year. The second and final part of the handbook of American Indians is not yet ready for delivery, but 250 pages have been printed, 200 more are practically ready for paging, and the proofs of the remainder are being read as rapidly as the nature of the work will permit and as one person can accomplish it. Steps have been taken during the year to record on maps the location of all Indian settlements existing or formerly having existed in the United States.

Now, this work is work in progress which has been carried on for many years, and I do not think it ought to be summarily stopped. I will say this, that last year we put the amount in the bill at $40,000; that in another body we found great difficulty in keeping it down to $42,000; and it was only after a considerable effort we prevented this appropriation being largely increased a year ago. It seems to me it will be idle to strike it out, and I therefore hope the amendment of the gentleman will not prevail.

Mr. HITCHCOCK. Mr. Chairman, with the permission of the House I will amend my motion and, instead of striking out the paragraph, strike out the word "continue" and insert in lieu thereof the word "complete."

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to withdraw his first amendment proposed. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered. The gentleman now proposes an amendment, which the Clerk will report.

The Clerk read as follows:

Page 51, line 21, strike out the word "continue" and insert in lieu thereof the word "complete."

Mr. MANN. I hope that the amendment will not prevail. The work done by the Bureau of Ethnology is of great value. It is not practicable to finish the work now in hand within the next fiscal year. The most important work probably in hand now is in the nature of a dictionary or encyclopedia of information relating to the American Indian. A portion of that work has been published—one volume. It is probably the most exhaustive work on the subject of Indians that has ever been contemplated, and requires a considerable time to complete. The expense of it is not great, but will furnish when completed, in compact form, a reference library containing all of the knowledge concerning the Indian that there is. It will be of great value, I think, to anyone who studies or cares about the Indian question. As it seems to me, it would be a mistake, especially for that portion of the country that is much interested in the Indian question, to stop obtaining this information and the publication of it.

Mr. HITCHCOCK. Is there any more reason for obtaining information of this sort than there is for the Government going into any field of exploitation or investigation? If this can be done, then we are justified in sending out expeditions to make these searches in archæology or in ancient history anywhere. There is no practical value to it.

Mr. MANN. There is a practical value in this, and this work that is now being carried on in the main is not original research. It is bringing together in compendium form the results of original research for many years, which, as it stands, probably is not of so much value except to particular students, but when this work is completed the gentleman will have in his possession a compact reference library concerning Indians which can not be obtained anywhere else, a public document of great value to everybody who wishes to refer or consult concerning Indians or Indian questions.

Mr. HITCHCOCK. Can the gentleman give any idea how many years more this appropriation is to be continued? I understand it has been in these sundry civil appropriation bills an indefinite number of years already.

Mr. MANN. For many years the Government has carried on the work of original research among Indians through the Smithsonian Institution. So far as the original-research work is concerned, my recollection is, and I would not undertake to be certain about being accurate in regard to it, that that work is practically completed. There has been talk about doing some work among the Hawaiians, although practically little work has been done there so far. This bill authorizes it. I think there has not been much done, and there would not be a great deal to do there, but the principal work of that bureau at present is preparing and arranging this compendium or encyclopedia of information concerning the Indians.

Mr. HITCHCOCK. Not only among the Hawaiians, but among the Samoans, and I suppose next year it will be among the Philippine Islanders, and then in Porto Rico.

Mr. MANN. The gentleman may suppose, but the fact is, I may say to the gentleman, that the Filipino government is already conducting original research work along ethnological lines itself, so that we are not expected to go over there—an original research work of great volume.

I do not think it would be amiss for our Government, having possession of the Hawaiian Islands, having possession of one or more of the Samoan Islands, to have information published concerning the natives of those islands, who will soon disappear, so far as being in the aboriginal native condition is concerned. Who else will contribute that information to the world? But, of course, there will not be great expense so far as that information is concerned. I hope the gentleman will withdraw his motion.

Mr. HITCHCOCK. I have not any disposition, Mr. Chairman, to insist on the amendment if there is in the future any definite idea as to the ending of this seemingly endless appropriation.

Mr. MANN. Oh, well, there is, as far as that is concerned.

Mr. HITCHCOCK. If it is approaching its conclusion, as the gentleman from Illinois assures us, I will withdraw the amendment.

The Clerk read as follows:

Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, making necessary observations in high altitudes, repairs and alterations of buildings, and miscellaneous expenses, $13,000.

Mr. HITCHCOCK. I move to strike out the last word. I desire to ask the chairman of the committee what this Astrophysical Observatory is and what can be accomplished by it?

Mr. TAWNEY. If the gentleman will turn to page 340 of the hearings, he will there find a very exhaustive description not only of the Astrophysical Observatory, but also of the work that has been going on for a number of years by the men in charge of that institution.

Mr. MANN. I will say to the gentleman that the Astrophysical Observatory was practically founded by Doctor Langley when he was Secretary of the Smithsonian Institution. Doctor Langley was admitted to be one of the foremost scientists in the world, and his special work was along the lines of the work carried on by the Astrophysical Observatory. I am not able myself to form an opinion as to the value of that work, but I will say to the gentleman, from information which has come to me as a Regent of the Smithsonian Institution, the work at the Astrophysical Observatory is considered in scientific circles to be of great value, and the work of this particular institution is considered of the highest value, not only for scientific research, but in the end for practical results.

Mr. HITCHCOCK. Now, Mr. Chairman, I would like to read to the committee some of the achievements of the Astrophysical Observatory as they appear to be chronicled on page 341 of the hearings before that committee. Mr. Abbot there testified before the committee. In speaking of the work of the Astrophysical Observatory, he tells of the striking examples of practical assistance which it has been to the people of the United States. For example, he says:

Aside from its scientific side, there is a gentleman named King who has recently published a little volume on the ventilation and lighting of houses and stables.

Now, I concede that if the Astrophysical Observatory authorities should publish a volume on the lighting and heating of houses, that might be of some practical value; but it did not. A private citizen was left to do that. This gentleman he names had recently published a little volume on the ventilation and lighting of stables. Then Mr. Abbot continues, in referring to this private citizen:

He quoted from our volume, and he wrote me a letter asking for information regarding the brightness of the sky, and whether a long window in a stable should be put in vertically or horizontally to let in the most light. He published in his book my letter in reply.

I regret to say that we are still living in doubt—we in the House of Representatives, who ought to know whether a window ought to be put in vertically or horizontally in order to furnish light to the horses in a stable.

Mr. MANN. Probably it would do the gentleman good to read the letter; then he would know.

Mr. HITCHCOCK. Let me go to the second achievement, as told by Mr. Abbot:

Again, the gentleman in charge of the Carnegie Desert Laboratory at Tucson, Ariz., wrote to me some time ago and inquired as to the amount of radiation of the sun and of the sky which would fall upon the leaf of a plant if the leaf were horizontal; second, if that leaf were vertical. He required this information both for Tucson and for an elevation of 3,000 feet above Tucson. After getting from him more detailed information in regard to just what he wanted, and whether he wanted his vertical leaf to face north and south or east and west, and whether he wanted the data for one particular day of the year, and if for the whole sky and sun combined or for the sky alone, or for any particular color of rays, I was able to give him the information he required, and he wrote me that he believed no botanist had ever before had such information available to him for carrying on such work as he proposed to do.

I can easily imagine no botanist ever had such information or would know what to do with it if he had it.

Mr. MANN. I do not suppose the leaf has ever known one way or the other. Probably the leaf itself will never have scientific knowledge as to whether it requires more sunlight vertically or horizontally; but if left alone the leaf would discover probably whether one or the other was the better position for it. Now, the gentleman makes light of the question as to whether a window put in vertical or horizontal would give more light. The gentleman himself makes "light" of the subject, but he has no "light" upon the question. It would probably be of great value to him if he could obtain "light," either horizontal or vertical, upon this and many other questions. [Laughter.] Now, Mr. Chairman, it is of great value in practical work to know whether more sunlight comes into a window in one shape or another shape. The gentleman may make light of the matter of shape. But in estimating the flow of water through a pipe the size of the hole of the pipe is not all that determines the amount of water that will pass through, but the shape of the hole has much to do with the question. So that the shape of the window may have much to do with the amount of sunlight that comes in; and this information is of practical value in many respects.

The Clerk read as follows:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, $300,000, of which sum $5,500 may be used for necessary drawings and illustrations for publications of the National Museum.

Mr. GARRETT. I move to strike out the last word. I wish to ask the chairman of the committee how many expeditions there are now out engaged in this Smithsonian work?

Mr. TAWNEY. Chiefly those under the jurisdiction of the Geological Survey; I do not know how many.

Mr. MANN. This item does not cover any of the cost of expeditions.

Mr. GARRETT. It says:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government.

Mr. MANN. Yes; but it does not cover the cost of any expeditions.

Mr. GARRETT. Where are they covered?

Mr. MANN. These collections are made in various branches of the government service—the Geological Survey, the War Department, and various others.

Mr. TAWNEY. Principally the Geological Survey.

Mr. GARRETT. Are there any expeditions out under the Smithsonian now?

Mr. MANN. Once in a while there is one.

Mr. GARRETT. Is there not one going to Africa soon?

Mr. MANN. Yes. If that is what the gentleman wants to get at, I will be glad to give the information.

Mr. GARRETT. This is a matter concerning which many statements have been made, and it seems well to have the facts now. How much of the expense of the expedition which the President is to lead is to be paid by the Government?

Mr. MANN. No portion of the expense of the President's trip to Africa is to be paid out of any public fund. Last summer, after the President determined that he would make a trip to Africa upon the expiration of his presidential term, the President wrote to the Secretary of the Smithsonian Institution, stating that he intended to make a trip to Africa and that he thought he would have an opportunity of collecting a large number of specimens of kinds which might not be obtained in any other way; and I do not think he stated, but I suppose he assumed, from the fact that he would be an ex-President of the United States he might have better opportunities of collecting specimens, and he said he thought he ought to offer them to the Government through the Smithsonian Institution and the National Museum.

The matter was taken up by the Secretary of the Smithsonian Institution, and he determined that he had no public fund or appropriation out of which to pay the expenses. Thereupon he made a request to a number of gentlemen throughout the country, asking them if they were willing to contribute toward that expense, and in that way he has raised a fund of about $20,000 to cover all the expense, which fund has been contributed to the Smithsonian Institution for the purpose of paying, not the expenses of the President or his son, but the expenses of the gentlemen who go with the President to Africa. The Smithsonian Institution has engaged several scientific gentlemen to accompany the President, men who are expert in reference to the preservation and collection of specimens. They will go with the President on his trip to Africa, and when the President has finished his hunting trip there he will return by way of Egypt, as I understand, and the Smithsonian scientists will continue their work after the President has left, collecting both botanical and zoological specimens clear up to the Egyptian line. The expense of all of that, so far as the scientists employed by the Smithsonian are concerned, will be paid out of private contributions made to the Smithsonian for that purpose, and the President will pay the expenses of himself and his party, as distinguished from those whom the Smithsonian send along with him.

Mr. GARRETT. I will say to the gentleman that the information which he has given is the information which I had received; but I thought it quite proper here, in view of the many published statements and the confusion that seems to exist about it, to have an express and explicit statement, such as he has made, to go into the RECORD.

Mr. MANN. Whatever criticism gentlemen may at times feel like leveling against the President on other matters, in my opinion there has been, in this matter, nothing in the action of President Roosevelt which can be criticised in anywise whatever. On the contrary, in the hope that he might be able to contribute more or less to the scientific information of our Government and to the great National Museum which we have, while he might have given those specimens to many other museums in the country, he has reserved what he expects to collect for the benefit of the Government of the United States through its National Museum. [Applause.]

Mr. SLAYDEN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. The information that we get through the press is usually interesting, but not always accurate, and I am like the gentleman from Tennessee—in order to have a positive, clear statement made about some of the matters, such as we have just had by the gentleman from Illinois, I want to say that there is another matter that I would like to know about.

An officer of the United States Army was retired, I believe, promoted and retired, and ordinarily would go upon three-quarters pay. It was stated at the time of the retirement that after the 4th of March he would accompany a distinguished citizen of the United States on a trip as his physician. Now, by what authority was he ordered to do that, if he was ordered to do it, and is he to receive the usual full pay given a retired officer engaged in active service, and is it to be paid out of the Treasury, if he is to receive full pay, or is the additional 33⅓ per cent contributed also by a generous, benevolent institution?

Mr. MANN. Mr. Chairman, I am not able to say. My understanding is that if any such officer accompanies the President he is not to be paid by the Smithsonian Institution. As to whether such an officer is to accompany the President and receive full pay I do not know. The distinguished gentleman who has asked me the question is a member of the Committee on Military Affairs. I recently propounded the same conundrum to the chairman of the Committee on Military Affairs in the House, and was unable to obtain the information which the gentleman now seeks to obtain from me. I take it that it is a newspaper error, because I do not understand how it could be possible for the War Department to order a retired officer to be paid full pay simply because he was to accompany a private citizen, no matter how eminent that private citizen might be, upon a journey.

Mr. SLAYDEN. The gentleman is quite right. I do not think the War Department would have authority to do it; but it was stated that it had been done, and that is why I asked the question.

Mr. MANN. It was so stated in the newspapers, and while the newspapers do the best they can, they occasionally make mistakes.

Mr. KEIFER. Will the gentleman from Illinois yield to me to make a statement in his time?

Mr. MANN. Certainly.

Mr. KEIFER. I understand officially that the officer to whom the gentleman has referred will draw his usual retired officer's pay while he is abroad. The only thing he has asked

is permission to be absent from the United States during that time. To some degree these retired officers are subject to orders from the War Department, but that he is ordered away is not true, as I understand.

Mr. MANN. I have no reason to doubt that that is the case.

The Clerk read as follows:

For purchase of books, pamphlets, and periodicals for reference in the National Museum, $2,000.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman whether these are pamphlets and guidebooks that are sold at the museum?

Mr. TAWNEY. No; they are not.

Mr. EDWARDS of Georgia. They are distributed?

Mr. TAWNEY. No; these are books purchased by the institution for use in the office.

The Clerk read as follows:

For moving collections, furniture, and other property of the National Museum in connection with the occupancy of the new building for the National Museum, including all expenses incidental thereto, to be immediately available, $4,000.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee tell me whether this provision will vacate the long room that was talked about as the art gallery during the last session of Congress—the "lecture room," as it was then called?

Mr. MANN. The long room is not a part of the museum; that is in the Smithsonian Institution, and it was designed at one time to make that interior part into a gallery of art. The present intention, I think, is to put an elevator in that part of the institution and cut those rooms up into working rooms of some sort, unless it should be determined to treat them otherwise.

There is a large room which would be available for the beginning of a gallery of art, and last year it was asked that an appropriation be made for the purpose of converting that room into an art gallery, but the appropriation was not made.

Mr. DOUGLAS. I looked that matter up to some extent. Mr. Walcott called my attention to the fact that Congress had made appropriations for altering and repairing that room in that part of the building several times. I want to know whether the gentleman from Illinois is sure that, as a matter of fact, the building does not, to all intents and purposes, belong to the Government.

Mr. MANN. The Smithsonian building?

Mr. DOUGLAS. Congress has repaired it a dozen times within the last twenty years.

Mr. MANN. The Smithsonian building belongs to the Smithsonian Institution. It is true that Congress sometimes appropriates money for caring for the building in some way, which Congress can do, and which the Smithsonian Institution would not be able to do out of its fund. A large share of the funds used by the Smithsonian Institution are contributed by Congress through its appropriations. The fund of the Smithsonian Institution amounts to in the neighborhood of $900,000, which is in the Treasury of the United States, and upon which the Government pays 5 per cent interest.

Mr. DOUGLAS. What I was anxious to know, Mr. Chairman, if the gentleman could say, was whether there was any movement on the behalf of the trustees of the Smithsonian Institution to convert that room into a gallery at their own expense or in any way to utilize the collection which is already in the hands of the Government.

Mr. MANN. Mr. Chairman, I think I am safe in saying that there is no expectation of doing that out of the funds of the Smithsonian, which would be utterly inadequate, so far as the permanent income is concerned, for that purpose. Last year the Board of Regents passed a resolution in reference to the matter, and asked for an appropriation for that purpose, which was not allowed. Personally, I may say to the gentleman, I did not partake in the movement. It did not seem to me advisable to attempt to establish a gallery of art in that room.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners, the unused and unexpended balance, not exceeding $225,000, of the appropriation of $350,000 made for this purpose for the fiscal year 1909, remaining unexpended at the close of that fiscal year is hereby reappropriated for expenditure during the fiscal year 1910, together with the further sum of $125,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 55, strike out all, beginning with line 10 and extending to and including the words "sum of," in line 16, the language proposed to be stricken out being:

"The unused and unexpended balance, not exceeding $225,000, of the appropriation of $350,000 made for this purpose for the fiscal year 1909, remaining unexpended at the close of that fiscal year is hereby reappropriated for expenditure during the fiscal year 1910, together with the sum of."

Mr. FITZGERALD. Mr. Chairman, this is one of the items of the bill on which I am not in accord with the committee. The provision in the bill as reported will make available for the next fiscal year $350,000 to enable the Interstate Commerce Commission to make the investigation which it is supposed is required by section 20 of the Hepburn Act. If the amendment offered by me is agreed to it will make available $125,000. This particular paragraph was the subject of considerable discussion in the last session of Congress. The Interstate Commerce Commission originally submitted an estimate of $750,000 for the present fiscal year to make the investigations authorized by section 20 of the Hepburn Act. In a communication to the Congress and in the investigations before the committee, they stated that they probably could do the work with $500,000, because it would be impossible properly to organize the force during this year. Later the commission stated that if it had $350,000 that amount would be sufficient for the purpose during this fiscal year.

The Committee on Appropriations, after a careful investigation, reported an appropriation of $50,000. The House, under the lead of the gentleman from Michigan [Mr. TOWNSEND], increased the amount to $350,000.

Mr. Chairman, the record shows, and I believe that any candid man will admit, that the judgment of the committee was accurate, and that those who insisted upon the larger appropriation had not given that consideration essential to so important a matter, or else that their judgment was not as sound as that of the committee. In the hearings before the Committee on Appropriations this year it appears that up to the 31st day of January of this year the amount expended out of this appropriation was $41,534.14. There are now employed under this appropriation 34 men. Twelve of these men were formerly employed and paid out of a different appropriation. Five thousand five hundred and fifty-nine dollars is the maximum sum that has been expended during any month in this fiscal year, and if as much as $6,000 a month be expended during the balance of the year, not more than $72,000 can possibly be expended during the present fiscal year. Under the circumstances I am convinced that the commission will not require $350,000 for the next fiscal year, but that $125,000 will be ample.

I wish at this time, Mr. Chairman, to call the attention of the committee to the fact that those who do not investigate these questions are easily misled, and sometimes grow overenthusiastic about subjects with which they have no familiarity. It is not my custom to discuss or to comment upon statements contained in the private correspondence between gentlemen, but when a letter from one gentleman to another, somewhat confidential in its character, or considered so, is thereafter made the part of a public record and is used to bolster up the contention of one of the persons, I believe it to be proper to discuss the contents of the letter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes more.

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I have here the letter sent by the President to the Speaker under date of April 30, 1908. It was sent by the President to the House recently as an appendix to one of his messages. I wish to read this letter:

THE WHITE HOUSE,
Washington, D. C., April 30, 1908.

MY DEAR MR. SPEAKER: There is one matter connected with the sundry civil bill to which I should call your special attention, and that is the cutting down of the appropriation asked for by the Interstate Commerce Commission to carry into effect the twentieth section of the Hepburn law to only $50,000. In accordance with the request of the Committee on Appropriations, in carrying out the desire of the leaders of the House, the Interstate Commerce Commission, instead of asking, as they originally asked, for $500,000, which was the amount necessary in order to do the best work in carrying out the twentieth section, cut down the request to $350,000, the very minimum under which the work can be done effectively at all.

To provide only $50,000 really amounts to making a sham appropriation. It would be better to repeal the twentieth section or suspend its operation for a year, for such a course would have the merit of frankness. I regard this twentieth section as containing one of the most important provisions of the Hepburn Act, and to refuse to provide means for carrying it on is equivalent to repealing for this year that section, and it would undoubtedly be so understood by the country at large. I feel that the Hepburn Act was one of the great pieces of leg-

islation for which Congress, under your direction and guidance, has been responsible, and for which it has received such deserved credit.

It would be from every standpoint a very real misfortune now to nullify one of the important provisions of that act. The only people benefited would be the very worst of the big railroad men whose misdeeds we are trying to prevent or correct. The commission has been at work with the railroads for two years preparing to put this section into execution through the means of a board of examiners. To refuse to give them $350,000 (for to appropriate $50,000 serves no purpose whatever) is to nullify completely these two years' work.

Very sincerely, yours,

THEODORE ROOSEVELT.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Mr. Chairman, I differed from the President in the opinions he expressed in this letter when it was written; I do not agree with them now. It is impossible for me to believe that the Interstate Commerce Commission has not used this great appropriation through a desire to help the very worst criminals among the big railroad men. I can not believe that the Interstate Commerce Commission refused to use this appropriation because the commission wished practically to repeal the law for a single year.

I can not believe that the commission only wished to use what the President considered would be a "sham" appropriation, worse than no appropriation whatever for this purpose. I am still of the opinion which I had when I joined in the recommendation of an appropriation of $50,000, that the men who asked the larger appropriation had not properly considered the matter, and that it would not be possible under any circumstances to use much more than $50,000 this year.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have five minutes more time.

The CHAIRMAN. Unanimous consent is asked that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. PARSONS. Did not the statistics in the hearings show that the commission will spend at least $70,000 this year, and as the appropriation proposed last year was only $50,000——

Mr. FITZGERALD. I have already said that, taking the amount of $6,000 as the average amount spent during each month, the commission would not spend more than $72,000 this year.

Mr. TAWNEY. If the gentleman will permit me, that also includes the salary of 12 men——

Mr. FITZGERALD. I was about to state that.

Mr. TAWNEY. Who at the time this appropriation was passed were paid out of another appropriation, and were to continue to receive their compensation out of the other appropriation during the current fiscal year.

Mr. FITZGERALD. What I have in mind, though, Mr. Chairman, is not so much whether the Interstate Commerce Commission could spend $20,000 more or less than the committee believed, but what I wish to call sharply to the attention of the country is the unfortunate language used by the President in characterizing the recommendation of the Committee on Appropriations. It was universally believed that the President had charged and had actually meant that this committee in the discharge of its duties was not anxious to have the law enforced, but was making a recommendation that would prevent the law being enforced, and that would enable criminals to get the benefit of the operations of the law.

Mr. HARRISON. Will my colleague yield?

Mr. FITZGERALD. Certainly.

Mr. HARRISON. Does the gentleman believe from the context of the President's letter that he thinks that, had he had the $350,000 appropriation in the past, it might possibly have led to the conviction of such a supposed criminal as Mr. Paul Morton?

Mr. FITZGERALD. Well, I do not know about that. What I am calling attention to is that the President said that $50,000 would be a "sham" appropriation; that it would be better to repeal the law than to make such an appropriation; and yet the commission, with $350,000 at its disposal, the minimum amount that it asserted it could possibly properly use in the work outlined, has been unable even by the most strenuous efforts to expend at a rate in excess of $72,000 in this year.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FITZGERALD. In one minute; I just wish to make a few statements. This merely emphasizes the fact that no one man, be he in the executive department of the Government or be he in the legislative department of the Government, has been so divinely constituted that he possesses all the wisdom and all the knowledge that man can possess.

There are many men who disagree with me about the President in some things. I believe that there are many very desirable attributes possessed by him. In some respects he has been a very remarkable and useful President; I believe that in other respects he has done many things that properly received the condemnation of those who stand here as representatives of the people. I believe now, considering the use to which this letter to the Speaker has been put, the use to which it was put in connection with another matter resulting in a sharp controversy between the House and the President, that either the President or somebody in his behalf should acknowledge the grave mistake which was made not only by the Interstate Commerce Commission, not only by its very enthusiastic friends, but by those who insisted that the appropriation recommended by the committee should be increased from $50,000 to $350,000. Suppose the committee had accepted the recommendation of the Interstate Commerce Commission and had appropriated the amount originally asked—$750,000—the amount which, it is stated in House document 802, was imperative to conduct this work, how absurd such action would have been.

Let me read what was said in the commission's request:

After a careful consideration of the whole matter, it is the judgment of the commission that at the end of the next fiscal year—

That is, this fiscal year—

a thoroughly equipped and well-organized board of examiners will require an expenditure at a rate of not less than $750,000 a year.

They can not expend at the rate of 10 per cent of that amount. Later, they reduced the amount to $500,000 because they said that by January or February, 1909, the force could not be properly organized. To quote their language—

Therefore that an appropriation of $500,000 for the next fiscal year—

Meaning this fiscal year—

will satisfy our requirements; but, as we understand the matter, at least that sum will be required if the work is to be prosecuted on the broad and effective lines desired by the commission and contemplated by the act and by the general public.

They were given $350,000. They will not expend over $72,000 this year.

Mr. GAINES of Tennessee. How much have they spent?

Mr. FITZGERALD. They have spent, up to the 31st day of January, $41,534.14. I repeat that the commission was unwarranted in making its recommendation. The President was unjustified in stating what he did in his letter to the Speaker, and the wisdom of the committee has been amply justified by what has transpired since. I hope that the committee will not be overawed by the fear of things that may happen, but will adopt this amendment and give this commission $125,000, as I propose, for the next fiscal year, which will, in my judgment, be ample for all that can be done by the commission.

Mr. TOWNSEND. Mr. Chairman, I have listened with a good deal of interest, and, I must say, with a good deal of surprise, to the argument of the gentleman from New York [Mr. FITZGERALD], when attempting to state what occurred on this floor during the last session of Congress and the reasons that were given at that time by the commission for asking for $350,000, and by gentlemen on the floor who favored an increase of the amount from $50,000 to $350,000. The main argument that was made at that time by some of the gentlemen—and I take it that the gentleman from New York himself was one of them—was that money ought not to be expended for the purposes for which myself and other gentlemen on this floor claimed the money should be used. It was well understood at that time that the commission was arranging for a set of experts to properly perform the work which the commission wanted done; and it is absolutely true, as stated by the gentleman from New York, that when they had their full force properly equipped it would require at least $350,000.

Now, the fact of the matter is that they have not been able during the year up to date to acquire all of the men that they wanted. They still have in mind the notion of carrying out the provisions, as they understand the provisions, of the interstate-commerce law, of determining whether the railroads of the country are complying with the provisions and regulations set forth by the commission; and they have been busy in formulating methods for keeping books and accounts of the railroads, and are now anxious to put those methods into effect.

I had supposed, Mr. Chairman, that this matter was settled by the Committee on Appropriations. I had understood that members of the Interstate Commerce Commission had asked for a hearing before the committee for the purpose of setting forth the reasons why this appropriation should be no less for the coming year than it has been in the past.

I understand that it believes it can obtain the right number of men for the purposes of carrying out the most important provision, as I maintain, of the interstate-commerce law.

Now, I submit it would have been a serious mistake last summer for this Congress to have adopted a provision appropriating $50,000, provided the commission had been able to obtain a sufficient number of men for carrying into effect the provisions of the law. I said then, as I say now, that we passed this law, we provided for certain things to be done under the law, and I propose so far as it within me lies to say to that commission: "You shall have all the means you require for the purposes of carrying out the provisions of the law, and you shall not be able to make the excuse that the Congress failed to appropriate sufficient money for that purpose."

Therefore, Mr. Chairman, it seems to me to be unfortunate that the gentleman from New York [Mr. FITZGERALD] should bring this up in this way. No one claimed that it would require $350,000 unless the requisite number of skilled men could be obtained.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. TOWNSEND. I will.

Mr. TAWNEY. I will ask the gentleman if he did not himself say a year ago, and I am now quoting from the RECORD, this?—

Mr. TAWNEY. Will the gentleman state how many men they contemplate employing in this service?

Mr. TOWNSEND. The original proposition was 285 when the quota is full. They have now 161 men, as I remember it, men who have passed the civil-service examination and are qualified at this time to take up the work and commence operations under the provisions of this act.

While, as a matter of fact, they have only 34 men employed now?

Mr. TOWNSEND. I do not wish to dispute the RECORD, but my understanding of the situation at that time was, and it is my understanding now, that I did state that 165 men—it was my intention to say that, at least—or a number of men had been examined, and only a small proportion of them had met the qualifications and passed the examination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman from Michigan be given five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNSEND. But, gentlemen, this is a question for us to decide now. We are not going to spend $350,000 unless the commission obtains qualified men to carry out this work, and unless they do get them the money will remain in the Treasury.

Now, I for one want the commission to have all the authority and all the means possible for carrying out the twentieth section of the law, and I submit it would be a mistake if we did not do this. I am sorry that there was no hearing before the Committee on Appropriations on this subject, but I think the chairman of the committee will assent when I say that members of that commission—Mr. Harlan and, I think, the statistician—went before him to inquire if they wanted hearings on this subject, and were informed that the Appropriations Committee was going to report the same amount as last session.

Mr. TAWNEY. I would say to the gentleman from Michigan I did not see Mr. Harlan, but the disbursing officer of the commission was before us, and I interrogated him in regard to both the estimate for the fiscal year and the appropriation for the current fiscal year.

Mr. Knapp was also present at a later hearing, but the subject was not gone into, for the reason that the committee, after considering it, had decided, without any reference to what had passed last year, to carry the amount substantially as we had carried it in the current law, at $350,000, and that understanding has been had on the subject.

Mr. TOWNSEND. Then that was my understanding in the matter, and therefore I had taken no pains myself to go into it and did not think there was any division of opinion upon it.

Mr. TAWNEY. If the gentleman will pardon me, I will add that, subsequent to that time, I had a conversation with Mr. Adams on the matter, and at his request the chairman of the commission wrote a letter to me explaining the matter, which I shall put in the RECORD if I have an opportunity to address the committee.

Mr. TOWNSEND. I understand the chairman of the committee is in favor of this provision for $350,000?

Mr. TAWNEY. I am.

Mr. SHERLEY. If I understand the reason of putting this in at the full $350,000, it was because it would be possible to get the full force now; and that was not true a year ago.

Mr. TOWNSEND. That has subsequently been proven to be the fact.

Mr. SHERLEY. Is it not a fact that a year ago you had read to the Committee of the Whole, in consideration of this matter, a statement of the commissioners that for two years they had been at work on this matter and were then ready to institute the full force, and all they needed was the money?

Mr. TOWNSEND. I stated a year ago that it would take some time to institute the full force.

Mr. SHERLEY. Did you not have this letter read?—

INTERSTATE COMMERCE COMMISSION,
Washington, April 29, 1908.

MY DEAR MR. TOWNSEND: So far as I am aware, every member of the commission is heartily in favor of the appropriation asked for effective administration of the twentieth section of the act, and I am sure there will be extreme disappointment if the appropriation is not made.

For nearly two years we have been planning this work under the able direction of Professor Adams, and we shall be ready to carry it on efficiently just as soon as the money is provided. The uniform system of keeping accounts was put in force on July 1, 1907, and the examination and inspection of these accounts should begin with the next fiscal year. To withhold the needed appropriation would disarrange all our affairs in this regard and postpone the commencement of a most important branch of our work. The machinery is ready, the men are available, and all that is needed for efficient and useful service is the necessary means for defraying the expense. I sincerely hope you may be able to secure an increase of the item in question to the $350,000 which the commission believes to be the smallest sum that will carry on this work during the next year.

Yours, very truly, MARTIN A. KNAPP,
Chairman.

That brings me to this proposition: Was not the whole contention between the gentleman and the Committee on Appropriations the question of whether the amount of money asked for could be used; and are not the facts, as shown by the year's work, this: That the committee missed it by about $20,000 and you gentlemen by nearly $200,000?

Mr. TOWNSEND. I submit it was not a question between the gentleman and the committee as to whether the commission could spend that money.

Mr. SHERLEY. I have the record.

Mr. TOWNSEND. The complete record will show that the gentleman contended, and he had the right to do it, that it was an improper thing to do to spend that money.

Mr. SHERLEY. Now, if the gentleman will yield further. I called attention to the value of this kind of work. Speaking from the personal experience that I had in the reorganization of the Monon Railroad, I was in favor of it, but did not believe they needed the large sum asked, and subsequent facts established that they did not need the amount.

Mr. TOWNSEND. I did not remember that the gentleman had made that suggestion.

Mr. SHERLEY. I think if the gentleman will refresh his recollection he will find several things that will come to him as having occurred.

Mr. FITZGERALD. I never contended that this was an improper method of expending the money. I did not agree with some as to the advisability of entering as extensively on this plan as some who advocated it, and I did not believe that the commission could use as much money as it asked.

Mr. TOWNSEND. I think the gentleman is correct about that. I think it was true that he did not have any sympathy with that. I believe that the RECORD of last session will disclose that the principal argument of some gentlemen against my amendment increasing the amount was that the law did not contemplate the work laid out by the commission in reference to its construction of the twentieth section of the law. It was not the principal question whether the commission could spend the additional appropriation, but, rather, ought it to do so?

Mr. GAINES of Tennessee. Has the commission been prevented by injunctions from undertaking anything which they proposed to do?

Mr. TOWNSEND. Not at all. The only thing I had heard prior to to-day about this appropriation was that the committee was agreed upon it, and, believing this, I have not gone into the reasons which actuated the commission in asking for it. But this I do know, in talking with members of the commission from time to time, and especially with Professor Adams, who has had charge of this matter, that he has not been able to get the men that the commission felt were properly fitted for this particular work, and therefore the commission have not spent the money. Their plans have not been completed as they expected a year ago.

Mr. GAINES of Tennessee. No one has been hurt.

Mr. TOWNSEND. Not a bit.

Mr. GAINES of Tennessee. The Government has not been hurt.

Mr. TOWNSEND. Not a bit.

Mr. GAINES of Tennessee. The taxpayers have not been hurt.

Mr. TOWNSEND. Not a dollar.

Mr. GAINES of Tennessee. And no criminals have been hurt. [Laughter.] Now, the gentleman knows that I voted with him on his proposition, and I stand here to defend it, and I am going to defend it before we get away from it; but I still do not under-

stand why the commission wanted $750,000 and then fell to $500,000, and the committee reported $50,000, and the President asked for $350,000. Now, that is jumping some.

Mr. FITZGERALD. And then it turned out that the commission can not use over $72,000.

Mr. GAINES of Tennessee. Oh, I do not see why we should make a big scarecrow of this, because nobody guessed correctly, perhaps.

Mr. FITZGERALD. The committee guessed right.

Mr. COX of Indiana. Can the gentleman inform the committee whether or not the Interstate Commerce Commission is now prepared to expend the $350,000 on this work for the coming year?

Mr. TOWNSEND. The only information I have is from a conversation with Professor Adams, and a letter from him and a letter from a commissioner, in which they state that it is very important that they have this appropriation, that the $350,000 be made good—that is, that the unexpended balance of last year be reappropriated, and a sufficient amount to carry it up to $350,000 be appropriated, as they believe that they are now going to be in a position to carry out their plans. The two years to which the gentleman from Kentucky [Mr. SHERLEY] refers as having been mentioned in the letter to me by Chairman Knapp were the two years spent in perfecting a plan for the railroads of this country to adopt for keeping their accounts. Trained men were to be employed for the purpose of seeing that the carriers complied with those conditions, that they were properly installed, and that the law was carried out in that respect.

Mr. COX of Indiana. Can the gentleman inform the committee as to whether or not the commission have perfected that plan and are ready to put this experiment to work?

Mr. TOWNSEND. I have not talked with them directly on that, and only know that they ask that this amount be appropriated.

Mr. SHERLEY. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. SHERLEY. I again call the gentleman's attention to the fact that the letter states that the machinery is ready, that the men are available; and I have just been informed—I speak only on information—that the commission notified a Member of this House, who inquired some months ago, that they had a waiting list of some 60 or more eligibles for these positions. Can the gentleman inform the House as to that?

Mr. TOWNSEND. No, sir; I can not. I do not care to talk about matters stated to be on information, as far as that is concerned. I do not think anybody questions the fact that the commissioners are proceeding, at least, in good faith; that they are doing the best they can.

I do not believe they would ask for $350,000 if they did not believe they could spend it along the lines for which it was appropriated. If they had any design on it, they would have spent it last year when that amount was appropriated; but because they could not complete their force, and did not make the arrangements as they expected to make them, they did not spend the money. They are now asking the Congress to appropriate $350,000 to carry out the provisions of the twentieth section. Whether they will do it or not, I do not know. I would have known more about this if I had not supposed that the matter was settled to the entire satisfaction of the Committee on Appropriations. As I understand, it is settled so far as the chairman of the committee is concerned.

Mr. FITZGERALD. The gentleman will not confuse the committee with the chairman, as important a factor as he is.

Mr. TOWNSEND. No; I will not.

Mr. FITZGERALD. Let me ask the gentleman. My opinion is that the commission can not use more than $125,000 the next year. I base that on the experience of the past.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FITZGERALD. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Michigan be extended five minutes. Is there objection?

There was no objection.

Mr. TOWNSEND. Let me ask this question of the gentleman from New York: If there is nothing wrong with the commission except, perhaps, in its judgment—that it is asking for more than it can use—does not the gentleman think that it would be better for us to appropriate this amount of money, which we know will not be used unless it can be properly used, rather than have Congress take the position of blocking the enforcement of that legislation and make it possible for the commission, if it fails, to say that it failed because Congress did not give it money enough to carry out the provisions of the law?

Mr. FITZGERALD. Let me suggest to the gentleman that that will not follow, because Congress will convene in December. The commission will have $125,000 to use between the 1st of July and the 1st of December. If then the commission is able to show that it will need more money, there will not be the slightest difficulty in obtaining it; while if we adopt the theory of the gentleman from Michigan, simply because we believe different officials are well-meaning and intend to carry out the law, of appropriating all they ask for, all the money that ever was in the Treasury would not be sufficient to supply their imaginary wants.

Mr. TOWNSEND. This is a different proposition than the ordinary one. If the commission had not been engaged for, lo, these several years in preparing a system which they say now, even as they said a year ago, they are prepared to carry out, it might be different; but I submit, Mr. Chairman, that we can better afford in this particular instance to grant what the commission has asked for, and especially as we do not have the full hearings on this particular subject, which would set forth just exactly the reasons the commission had for asking for this appropriation.

Mr. FITZGERALD. The gentleman says we have not the full hearings.

Mr. TOWNSEND. Let me say why I make that statement. I understand the gentleman from Minnesota has agreed to that proposition. I was informed by a member of the commission, and by the statistician, that they had been to the committee, or to the chairman of it, or to somebody who was authorized to speak, and asked if the committee wanted further hearings on this subject; that they wanted this appropriation, and were prepared to give their reasons for it, and were informed that there would be a provision in the bill which would reappropriate the unexpended balance of last year and enough more to make it $350,000.

Now, I am sorry I did not know that the matter was coming up or I would have been fortified by the very facts which the gentlemen ask; but, assuming that the thing was settled, I did not go into the matter any further, and have not provided myself with the reasons that the commission had for asking for $350,000.

Mr. FITZGERALD. Let me suggest that many things are settled in the committee not entirely to my satisfaction. I took the statement made by the commission last year. They made a statement that they would imperatively need $750,000, and then $500,000, and then, at the very least, $350,000. I examined the reasons with great care, and then they came before the committee this year and showed that up to the 31st of January they had only expended $41,000, and the expense for the entire year would not be over $72,000. I was asked then if I desired any further information, and I said "No;" this information satisfied me that I could draw just as accurate conclusions as to what they might possibly need as if they lectured on academic questions for a week before the committee. I thought the experience of the past was of more importance than their academic discussion.

I feel convinced now that if we give them $350,000 the commission can not possibly use it next year, and I am opposed to placing at the disposal of any department more money than it can properly utilize in its work.

Mr. TOWNSEND. Now, Mr. Chairman, I do not care to occupy any more of the committee's time at present. I possibly shall ask to be heard if there are any more arguments in favor of the amendment aside from those presented, for the reason that this comes in a way of a surprise now. Perhaps it ought not to; perhaps it is not a good excuse that I am not prepared to meet the arguments that are presented here, or that might be presented, because I had not thought that it was coming up.

Mr. FITZGERALD. I want to say to the gentleman that I did not wish to take him by surprise, and that I informed the other members of the committee of my position on this matter.

Mr. TAWNEY. Mr. Chairman, I hope the amendment of the gentleman from New York [Mr. FITZGERALD] will not prevail. As far as I am able, I shall endeavor to retain the provision carrying this appropriation in the form, as well as in the amount, that the committee has reported it. I am satisfied that the commission during the next fiscal year in all probability will not be able to obtain a sufficient corps of examiners to require the expenditure of all this appropriation, but nevertheless it is my desire that the commission should have all the money necessary for the enforcement of this particular section of the Hepburn law. I was satisfied a year ago, when the gentleman from Michigan [Mr. TOWNSEND] assailed the Committee on Appro-

priations for recommending $50,000 for the purpose of carrying out section 20 of the Hepburn Act, and charged that we were attempting to throttle the execution of that act, that we had recommended the appropriation of all the money the commission could use in that service, at least until the next session of Congress.

The commission, I am glad to say, proceeded in the organization of the force for this purpose along the same lines the Committee on Appropriations supposed and proposed that they should, and as the result of their desire and effort to find competent men for the service, at the end of the first seven months of this fiscal year we now find they were able to expend only a little over $41,000 of the $350,000 we appropriated, under the fear on the part of many Members occasioned by the charge that the Committee on Appropriations, in recommending the appropriation of only $50,000 was endeavoring to cripple the administration of the interstate-commerce law.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. TAWNEY. Yes.

Mr. GARDNER of Michigan. I would like to know whether, if these 12 men who were employed by the commission previously as examiners in the service of the commission, and paid from another fund, had been continued as they were, or paid as they had been, the $50,000 would have covered the expenses and compensation of the examiners for the year?

Mr. TAWNEY. Yes; and more than covered it. Mr. Chairman, it was the understanding at that time that the 12 examiners, who were then employed and paid out of the general appropriation for the Interstate Commerce Commission, would continue to receive their compensation out of that appropriation, and that the $50,000 was for the compensation and expenses of the new or additional examiners. As to the purpose of the committee as expressed by me at that time, I want to read just two paragraphs contained in the remarks I made at that time:

> The committee has proceeded upon the theory that the commission can not at this time use the maximum amounts it estimates will ultimately be required to give them the service they desire. We have therefore proceeded slowly as we gained information from experience as to the necessities of the service, and not otherwise. It is for that reason the committee has recommended what we think will be ample to provide for all the inspection required for the next six months, when Congress will again be in session, and when, if the experience of the commission shows that more money is needed, more money will be appropriated.

The $50,000, Mr. Chairman, was not alone for new men, but it was recommended at that time with the understanding that the commission itself did not know definitely and had no accurate information as to the amount of money that would be necessary for this new service. Then I added, in another paragraph:

> The amount carried in this bill is not because of any antipathy to, or any desire on the part of, any member of the committee to cripple or impair or hamper the administration of the law in any way, but we do not want to rush in blindly and appropriate at the beginning more than is necessary for this service, for we know the amount can never be reduced.

Mr. Chairman, it was in line with the policy of the Committee on Appropriations that the commission began the administration of this appropriation. It is greatly to the credit of the commission that although it had more money than was necessary it did not allow that fact to influence it into making unnecessary or extravagant expenditures for this service. During the time of the hearings on this bill the chief statistician did call on me and explained why they were unable to employ more men than had been employed thus far during this fiscal year. It was because of the fact, as he explained, that they could not under the civil-service regulations obtain competent men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I am satisfied that the Interstate Commerce Commission will administer this appropriation the coming fiscal year with the utmost economy; that it will secure only the most efficient and competent men for this service. I do not think the commission will need or can expend in the next fiscal year the $350,000 which this bill carries; but if they do or can, I am perfectly willing that they shall have the full amount which they now estimate can be expended. For that reason, Mr. Chairman, I hope that this amendment offered by the gentleman from New York [Mr. FITZGERALD] will not prevail.

I want to say that in reappropriating the $225,000 of the unexpended balance of the current appropriation, it is done more for the purpose of emphasizing the fact that when we were inaugurating this new service no individual Member of the House or anyone else could determine with any degree of accuracy the amount that would be required for that service, and that therefore they were not justified in impugning the motives of those who differed with them. It is also reappropriated for the purpose of emphasizing the fact that the charge made upon this floor, and the charge that has been made ever since in certain newspapers of this country, that the Committee on Appropriations in recommending all the commission has expended was attempting to throttle the execution of the interstate-commerce act was absolutely and unqualifiedly false. Our experience now demonstrates the fact with a balance at the end of this fiscal year of at least $225,000 or $250,000 unexpended from this appropriation, that there was no intention on the part of the Committee on Appropriations nor on the part of those who voted to sustain the committee to cripple or in any way interfere with the execution of the interstate-commerce act.

Mr. Chairman, not only myself, but nearly every member of the Committee on Appropriations during the past year has been severely criticised in the public press for reporting an appropriation of only $50,000 for this service, which now appears to have been more than the commission can expend in this fiscal year in executing section 20 of the Hepburn Act, had the 12 employees or examiners remained under the general appropriation, as it was then intended they should do, and had they not been transferred to the appropriation of $350,000 on the 1st of last July, when this appropriation became available. Instead of there being 162 men ready to enter this service a year ago, as was stated upon this floor by the gentleman from Michigan [Mr. TOWNSEND], the commission did not have a man ready to enter the service when the appropriation was made, and in the first month after this appropriation became available they added only 8 men to the 12 then employed. If gentlemen will refer to the hearings, on page 592, you will there see a complete statement of the expenditures by months, the amount expended for compensation, expenses, and also of the number of special agents or examiners.

In the month of July they had 20, just 8 more than they had when this appropriation was made in May. In the month of August they had 20, in the month of September they had 24, in the month of October they had 32, in the month of November they had 33, in the month of December 35, and in the month of January 1 less, or 34. So that, Mr. Chairman, the criticism of the committee, either here or elsewhere, on account of our having recommended $50,000 for this service during the first six months of this fiscal year was absolutely without justification in fact or in reason. In the light of our experience it is now proven that those who charged that the recommendation of the committee was a mere sham and was evidence of an intent on our part to destroy the effect of the interstate-commerce act was made either through ignorance or malice.

Now, Mr. Chairman, in regard to the hearings on this estimate at this session, as I said before, Professor Adams, the statistician of the commission, called on me.

I told him I did not think it would be necessary to have any hearings on the proposition other than what we did have and what he told me personally, and that was it was impossible for them to get men under the civil-service regulations who were competent to perform the high grade of service required in the enforcement of this section, but that at the present time, by some arrangement—I do not now pretend to quote what Mr. Adams said, but my impression is that by excepting these places from the civil-service regulations they were either now or expected in the near future to obtain more competent men for the performance of this service. Thereafter the chairman of the commission, Mr. Knapp, in a letter addressed to me February 9, says:

> MY DEAR MR. TAWNEY: Mr. Adams found it necessary to leave somewhat unexpectedly for the West on Sunday, and therefore was not able to tell me personally of the interview that he had with you on Saturday. Indirectly I understand that your suggestion to him was to reappropriate for the coming fiscal year $250,000 from the unexpended balance of the appropriation of $350,000 for this fiscal year to "further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce" and make a new appropriation of $100,000, so that for the coming year there will be available the sum of $350,000 for that branch of our work, which is the same amount appropriated for the current year.
>
> I understood that you were expecting some response from Mr. Adams to that suggestion. I therefore write to say for the commission that it is probable we shall expend $125,000 of the $350,000 appropriated for the present year. The unexpended balance that can be reappropriated will therefore not exceed $225,000. The commission sees no objection to making the appropriation in the form suggested, reappropriating the unexpended balance of $225,000 and making a new appropriation of $125,000, so that the full $350,000 will be made available for the coming fiscal year. There will be required for the next year at least $350,000 for this branch of the service.
>
> Very sincerely, yours, MARTIN A. KNAPP, *Chairman.*

In the light of what transpired on this floor when it was proposed to increase the appropriation from $50,000 to $350,000, and in view of the statements which were then made and have since been made regarding the motive that prompted the Committee on Appropriations to recommend $50,000 for this service this year, this admission on the part of the chairman of the Interstate Commerce Commission that Congress at its last session appropriated at least $225,000 more than was necessary for this purpose ought to satisfy any sane man of the falsity of the charges made against the Committee on Appropriations or any member of that committee. This admission is also a tribute to the judgment of those who in this House voted against the appropriation of more money than the Interstate Commerce Commission could expend during the current fiscal year for this service.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I remember, and there are many in this House who remember, when we were going along in this way on this particular kind of bill about four or five years ago, that the gentleman from Georgia [Mr. BARTLETT] rose and offered an amendment of $250,000 to help execute the Sherman antitrust law, that had been called for time and again by all the Attorneys-General, going way back almost to the beginning of that law, and in a few moments on the other side the gentleman from Iowa [Mr. HEPBURN] offered an amendment, or a substitute, appropriating $500,000, and that became a law in that bill, and a few years after that we appropriated $250,000 to add to that $500,000, a part of which had been used, but a small part, I will say.

Each year since then we appropriated several hundred thousand more for that fund, and in the bill now pending we have $250,000 "balance," and add to that amount $100,000 or more, which would make that fund something over $400,000. Now, the fact is, Mr. Chairman, that for twelve months or more after that first $500,000 was appropriated there was less than $30,000 used by the Attorney-General and his associates in executing that law, and the most of that was used in the merger or "Northern Securities" case. There was a handful used in the beef-trust case, which dragged behind the merger case.

Now, gentlemen, what was the moral effect of appropriating that $500,000? It certainly did not have an immoral effect. It certainly showed the violators of that law that Congress meant to do all that it could to have the law executed.

And simply because violators of that law have grown in number; because trusts and combinations have become stronger in this country; because we have not been able to put a single one of the malefactors and violators of that law in the penitentiary; because we have not been able, in other words, to do as that law provides shall be done in a given case, does that argue that we shall abandon this appropriation, that we shall abandon the proposition and policy of keeping more than, you might say, just a sufficient amount in the hands of the Department of Justice of this country to enforce the law? Or does it not argue that we should keep it, in full amount, up to the standard with which we started, $500,000? And in the wisdom of the committee it is kept up in the neighborhood of $500,000, appropriating in this bill, as I say, $100,000, in addition to reappropriating the balance, $250,000, that is to the credit of the fund.

Mr. MANN. One hundred and twenty-five thousand dollars.

Mr. GAINES of Tennessee. One hundred and twenty-five thousand dollars. Now, gentlemen, what did the gentleman from Georgia [Mr. BARTLETT] have to go by when he offered this $250,000 amendment? Nothing but his wisdom; nothing but his courage; nothing but his knowledge of law; nothing but his keen sense of right and justice toward the people. But he rose at his desk here and, like a thunderclap, proposed that amendment. And what did the gentleman from Iowa [Mr. HEPBURN] have to go by when he proposed $500,000 in lieu? And what have we gone by when we have gone from $150,000 to $200,000 every year to keep that fund intact? We have had no facts; nothing but our general knowledge.

Now, here is our great railroad court—the Interstate Commerce Commission—that said at first they wanted $750,000. They made another investigation and, hurriedly, perhaps, said $500,000; and then the committee, in all its wisdom—and it is a great committee, a committee of strong men that I have great respect for—brought in, as I say, a little pittance of "$50,000."

I say "pittance" now because I think I said "pittance" at the time, because it looked like one compared to $750,000 and $500,000. I voted to raise the $50,000 to $350,000, and in the light of the conditions that then surrounded me I make no apologies now, no more than I did when I voted years ago for $500,000 to execute the Sherman antitrust law, or the subsequent sums we have added to that nucleus, with no official data to go by in fixing the sum.

What is the matter here? What great bugaboo are you making of the $350,000 that this Interstate Commerce Commission have not been dishonest enough to spend without just cause? They are an honest lot of men, or they would not be on that commission. Do you tell me that old man Cockrell would do something wrong, that great Jeffersonian Democrat from the State of Missouri? I say, "No."

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would like two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, the railroads were opposed to that amendment. Why? Because they thought that Roosevelt's dogs and the people's watchdog, that railroad commission, would soon be on their malevolent and lawless tracks. And now, because the commission has not been able to get the experts, because it has not been able to get the scientists, because in a few months it has not been able to do all the commission proposed to do under the law, and what they propose now to try to do and want to do, some Members here to-day make a great show of words and argument and demonstrate a great deal of spirit against the proposition, including the gentleman from Michigan [Mr. TOWNSEND], because his amendment for $350,000 was made law and he fought like a hero to have it made law.

As for me, I make no apologies for voting for it, and I shall vote against the amendment of the gentleman from New York [Mr. FITZGERALD]. And when I go into, if you please, the hills of private life in far-away "Sunny Tennessee," I shall stand then upon, as now, and have for years, every position I have taken here, to make the lawless railroad combinations and trusts turn loose the people's throats, their hands and feet, their liberties by nature and law, and let them stand up under the ægis of the American Constitution like freemen. [Applause on the Democratic side.] Because, Mr. Chairman, the commission has not been able to spend this money we are to vote it out. I hope the commission will find an opportunity to use it, if it is necessary in the execution of the law, which I am satisfied they will execute.

Suppose the Supreme Court decides against the railways on this commodity proposition. The commission will have to send a corps of men all over the country to investigate the question whether or not the railroads are owning their own coal mines and are operating them. After the commission has had a fair chance; after the railroads have stopped enjoining them; after the Supreme Court has been speaking in no uncertain tones, as it does every time it acts, the commission will proceed to set up the rights of the American people under the law. For my part, I am going to vote against the amendment of the gentleman from New York, and stand where I did a year ago. Let us stand firm and square with law and order, for justice to all, and err, if err we must, on the side of the people.

Mr. MANN. Mr. Chairman, I take it that the gentleman from New York in offering his amendment only offers it as a part of that facetious cynicism which he sometimes gives to the House. There is not a Member in the House who has more facility in expressing in good-humored sarcasm a situation than the gentleman from New York. I take it that he only desires to emphasize the fact that a year ago, as events have now proven, the Committee on Appropriations was right and the President was wrong in reference to this appropriation. Now, if it had not been for the unfortunate language of the President in reference to the Committee on Appropriations there would be no discussion of this subject. When the Committee on Appropriations considered the matter a year ago they recommended an appropriation of $50,000 as being the amount that could be profitably expended during this fiscal year. The President in his ardor, and I do not criticise him for his ardor, but praise him for it—the President in his ardor sent a letter to the Speaker of the House in which he accused the Committee on Appropriations of proposing to indulge in "sham legislation." He stated that this was "sham opposition;" that the law had better be repealed than adopt the "sham proposition" of the Committee on Appropriations. It was unfortunate that the President was led to believe by some one in his confidence that the Interstate Commerce Commission could expend $350,000 in this work during this fiscal year. The commission, although they had first recommended over $700,000, although they had afterwards on consideration recommended $500,000, to their credit, when they had in their hands $350,000, proceeded in a logical and sensible manner, as the Committee on Appropria-

tions had supposed when they reported the bill a year ago the commission would proceed.

It would seem that the Committee on Appropriations in reporting the bill a year ago had better knowledge of what the Interstate Commerce Commission could do in this fiscal year than the commission itself had. But the commission, although their pride might have led them to expend this money in order that they could say that it had been expended; although they might have expended it with a wish simply of justifying their opinion; yet the commission have not uselessly expended the money. They have waited until they could prepare a proper organization. That organization is in the course of further preparation and completion. The commission ought to have all the money it needs to enforce this uniform system of accounting. There was no disposition, I take it, on the part of the Committee on Appropriations a year ago to hamper the commission in the enforcement of that section. There certainly was no disposition on the part of the House or of Congress. Mr. Chairman, it often happens that executive branches of the Government think they can expend more money. It is the duty of the Committee on Appropriations to ascertain what they think can be expended; and while the Committee on Appropriations may desire to justify themselves, I do not believe that either the chairman of the committee or the members of that committee on the majority side or the members of that committee on the minority side, need to defend themselves on the floor of this House. That committee and its members have the confidence of the House, and I hope that after this proof of their correct prophesying they will have the confidence of the Chief Executive, who was wrong about the expenditures a year ago, and who ought to acknowledge now that the Committee on Appropriations knew more about the subject even than he did, although he accused them of "sham recommendations." [Loud applause.]

Mr. FITZGERALD. Mr. Chairman, I wish to say only a few words. Some Members of this House seem to imagine that unless those who disagree with members of the majority or with those in the executive department become offensive in their remarks that they can not be serious. I never take offense at the attitude of the Executive or of our friends on that side of the House. I can conceive that some wisdom is possessed by men in official life opposed both to the present occupant of the White House and to those who occupy seats on that side of the House.

Sometimes some officials become offended because I, in a very humble way, attempt to express the opinions I hold on public questions. It is a matter of indifference to me that they become offended. I try to maintain that equilibrium of temper which I believe is essential to the proper discharge of the duties of a Member of this House. Last year when this matter was before the House, I said this:

I say, so far as I am concerned, that I believe that with the $50,000 available for the next six months the commission will have an opportunity to demonstrate to its own satisfaction and to the satisfaction of reasonable men whether that amount is sufficient, or whether a much larger amount should be made available for this purpose.

Whenever I have an opportunity to demonstrate that in the discharge of my public duties my judgment has been accurate, I am glad to do so, even if it be that the good judgment of somebody else suffers by comparison. My judgment on this matter as formed last year has been vindicated. I am now of the opinion that the commission can not, during the coming fiscal year, use more than $125,000. Believing that, I have no hesitation in expressing that opinion and asking the judgment of the House upon that question. I know that it is not in harmony with the views of some other Members.

I am aware that some officials or some friends of some officials may imagine that I am engaged in an attempt to show that they were ignorant of questions upon which they should have possessed full knowledge, but even these fears can not deter me from doing that which I believe to be proper. If it were possible to separate this matter from the unfortunate surroundings in which it has been enveloped, I am quite convinced that a great majority of the House would unhesitatingly express the belief that my position is correct. But understanding the conditions, understanding the situation in which some gentlemen unfortunately find themselves, I suppose that this money, unnecessary now, will be voted to the commission, so as to make it appear that there is no possible difference of opinion or controversy between the Congress and the Executive. I am glad that gentlemen on that side of the House are now coming to realize the importance of having harmonious relations between the Executive and the legislative body.

From a political standpoint I can not help regretting that you are awakening to what is a wise thing, even at this late day. I hope that there will be many relapses from your present virtuous stand, because I know that it will result not only beneficially to the party of which I am a member, but that it will result in immense good to the great mass of the people of the country. Mr. Chairman, let me hope that those who do not fear not only the substance, but the shadow, of the "big stick," will have the courage to stand up and vote not to give money that is unnecessary at this time to this department of the Government.

Mr. MANN. Now, I suggest to the gentleman, as the "wind-up" of a very graceful speech, that he withdraw his amendment.

Mr. FITZGERALD. To be frank, I would do so if I did not have the absolute conviction that this money can not be used during the coming year. When the committee determined to make this appropriation, I said to the members of the committee that I did not believe the money could be used and that I would express my opinion in the Committee of the Whole.

Mr. MANN. The gentleman has expressed his convictions.

Mr. FITZGERALD. Well, I wish to have this committee record once more the fact that it is unable to appreciate common sense and prefers to do what it knows to be improper rather than follow common sense when it has the opportunity.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New York [Mr. FITZGERALD].

The amendment was rejected.

The Clerk read as follows:

To enable the Interstate Commerce Commission to investigate in regard to the use and necessity for block-signal systems and appliances for the automatic control of railway trains and any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape, including experimental tests, at the discretion of the commission, of such of said signal systems and appliances only as may be furnished in connection with such investigation, free of cost to the Government, $50,000.

Mr. MANN. Mr. Chairman, I move to strike out the word "signal," in line 15, page 56.

The Clerk read as follows:

Page 56, line 15, strike out "signal."

Mr. MANN. The word "signal" ought not to be in this provision, because it relates to appliances and systems for safety devices, regardless of whether they are signal systems and appliances or not. The original resolution only applied to signal appliances.

Mr. TAWNEY. I think the amendment ought to be adopted. There is no objection to it.

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I notice in lines 4, 5, 6, and 7, on page 56, this provision:

Hereafter all inspectors employed for the enforcement of said act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General.

Does the expression "which report" mean that the inspectors shall make one report or does it mean "a copy of each report?"

Mr. TAWNEY. It is a report on the condition of the mail cars, a copy of which will be transmitted to the Postmaster-General. This provision has been carried in the sundry civil bill for two years. It was first suggested by the gentleman from Iowa [Mr. SMITH].

Mr. COOPER of Wisconsin. Yes; but it requires that "all inspectors" shall "make report," a copy of "which report," and so forth. Now, I want to know whether that one report——

Mr. TAWNEY. Oh, no; they report individually to the commission.

Mr. COOPER of Wisconsin. I was simply calling attention to the language—to the words "which report."

Mr. OLMSTED. The gentleman's suggestion would be cured by changing the word "which" to "each," so that it would read "a copy of each report."

Mr. MANN. This is sent in as one report to the Postmaster-General?

Mr. TAWNEY. I do not know how it is sent to the Postmaster-General.

Mr. SMITH of Iowa. I will state that this language was drawn at the office of the Interstate Commerce Commission.

Mr. COOPER of Wisconsin. But is it accurate as it now reads? It says that they shall all sign one report—a copy of "which report," and so forth.

Mr. SMITH of Iowa. I do not think it so states. It says that all inspectors shall make examination and make report. It does not say that they shall make a report, but they are to report, and that may be a hundred reports, a copy of which report shall be transmitted to the Postmaster-General.

Now, to require that everybody shall make a report, and a copy of the report be sent, does not imply that there shall be a single report. I think the language is apt, and I want to

say to the gentleman that it is a great economy to this Government in saving force of inspection.

Mr. COOPER of Wisconsin. I was trying to get at the proper construction of the language.

Mr. SMITH of Iowa. I want to say that inasmuch as these inspectors are employees of the Interstate Commerce Commission, it is not proper for them to report to the Post-Office Department. They are to report to the Interstate Commerce Commission, and after they have reported, a copy of their report goes to the Post-Office Department for the purpose of advising it as to the safety of the cars for mail purposes.

Mr. COOPER of Wisconsin. It does not say that they shall make a report to the Interstate Commerce Commission.

Mr. SMITH of Iowa. I beg the gentleman's pardon, but these inspectors are officers that have to report to the Interstate Commerce Commission.

Mr. COOPER of Wisconsin. It says they shall "make report thereon"—I suppose that goes to the Interstate Commerce Commission—and that a copy of "which report"—"which report" is in the singular—"all inspectors" make one report.

Mr. SMITH of Iowa. I do not so regard it. I think the language is apt and, as I say, was prepared by the Interstate Commerce Commission.

Mr. TAWNEY. Mr. Chairman, on yesterday we passed two items, one on page 36 and the other on page 13. The one on page 13 was an amendment offered by the gentleman from Washington [Mr. HUMPHREY], at the bottom of the page, inserting an item of $30,000 for the construction of a post-office at Everett, in the State of Washington. I ask to return to those two items.

The CHAIRMAN. Without objection, the request of the gentleman from Minnesota will be granted.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 19, page 13, insert:

"Everett, Wash.: For site and completion of building under present limit, $30,000."

Mr. TAWNEY. I want to say, Mr. Chairman, that it is stated by the gentleman from Washington [Mr. HUMPHREY] that the site has been acquired for the construction of this building and that no site has been selected for the construction of a building at Walla Walla, although the fact was reported otherwise to the Committee on Appropriations.

I learned this morning from the Supervising Architect that while the site has been selected for Walla Walla there has been some change since that selection, and there is no site now on which to erect a public building in the city of Walla Walla. I am informed by the Supervising Architect that the amount asked for to construct the building at Everett could not be expended during the next fiscal year if Congress made the appropriation. I therefore hope that this amendment will be disagreed to, and then I shall move to strike out the provision for Walla Walla.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to read a copy of a letter which I hold in my hand, addressed to the Speaker of the House of Representatives, dated February 20, 1909:

Referring to the act approved May 30, 1908, which authorized the purchase of a site and the erection of a building at Everett, Wash., at a cost of $135,000, I have the honor to state that the site has been acquired, and in order that the work on the building may be commenced in the near future, an appropriation of $40,000 is necessary. I have therefore earnestly to recommend that the following item be included in some appropriation bill of the present Congress:

"Everett, Wash., post-office and custom-house: For the prosecution of work under the present limit of cost, $40,000."

Mr. Chairman, that is addressed to the Speaker and signed by Mr. J. B. Reynolds, Acting Secretary of the Treasury. I am at a loss to understand why he should have written a letter of that kind, requesting an appropriation to be made at this Congress, if he has given out the information that it would not be needed. What is the necessity of writing a letter of that kind and earnestly urging that it be made, if that statement is correct?

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Washington that I did not say that the Acting Secretary of the Treasury made the statement to me that the money, if appropriated, could not be expended. It was the Supervising Architect of the Treasury Department who made that statement to me, and it is upon his estimate and upon his testimony that the committee bases its recommendations. I want to further say that $35,000 is now available for the purchase of a site, and also to apply on the construction of a building in Everett, and that is all the Supervising Architect says that he can expend during the next fiscal year on this building, and that if we make the appropriation of the additional amount, he can not touch it or expend it during the next fiscal year. There is nothing to indicate that the site was selected before the date which the committee adopted as the date for the selection of sites, and for which we would carry appropriations, and to appropriate now this additional amount for Everett would be placing Everett in a class by itself. For that reason I do not think we ought to treat Everett different than other places, but that we should treat all of them alike.

Mr. HUMPHREY of Washington. Mr. Chairman, I am not asking for different treatment from anyone else. I want to ask the gentleman whether that statement quoted was made in writing?

Mr. TAWNEY. In regard to what?

Mr. HUMPHREY of Washington. In regard to not desiring the appropriation for this year.

Mr. TAWNEY. The statement was made by the Supervising Architect this morning, in the presence of the subcommittee on the general deficiency appropriation bill. Whether the stenographer took it down or not, I do not know.

Mr. HUMPHREY of Washington. In view of the many statements that have been made both ways on this question, I would like to have some statement in writing in regard to the matter.

Mr. TAWNEY. I take it if the gentleman from Washington will apply to the Supervising Architect he will receive a statement in writing that if Congress should appropriate this money it would be impossible for him to expend it, for that is the statement he made to the subcommittee on the general deficiency bill this morning.

Mr. HUMPHREY of Washington. I am going to ask that this item be again passed, to see if I can get a statement of that kind, so that we may have something in the RECORD to show the facts. I do not like to be placed in the position of having a statement made by the Secretary of the Treasury one way and nothing in the RECORD to show the other. I am not asking to be treated any differently in this matter from the rest; and if it is true, as he states, that the site was not selected before the 15th of January and it would be useless to appropriate the money this year, I do not want it. If the contrary is true, I do want it. In either case I want the record, so that the people who are interested in this building can know the truth.

Mr. TAWNEY. Mr. Chairman, I think that the estimate sent to the Speaker by the Acting Secretary of the Treasury was doubtless sent at the request of the gentleman from Washington.

Mr. HUMPHREY of Washington. It was, I presume, and the statement made to the Speaker is that they want the appropriation now. The Acting Secretary says that he earnestly recommends that this item be included in some appropriation bill of the present Congress, asking for $40,000. The gentleman's information is to the contrary.

Mr. TAWNEY. No; my information is this: They now have $35,000. The site was not selected prior to the 15th of January.

Mr. HUMPHREY of Washington. I ask unanimous consent that this may go over until to-morrow, to see if we can get a statement.

Mr. TAWNEY. I object.

Mr. GAINES of West Virginia. Oh, do not object; let us get what the facts are.

The CHAIRMAN. Objection is made.

Mr. TAWNEY. I object for this reason: I think the matter ought to be disposed of on the statement of the gentleman himself. He does not bring himself within the rule, stating that the site has been selected some time in the month of February.

We have rejected appropriations in every case except one, which was spoken of yesterday, where the site was selected subsequent to the time the revised estimates came in, and I simply added the further reason why we should not make the appropriations, which was that the Supervising Architect said that if the money was appropriated it could not be expended, as they had $35,000 now.

Mr. HUMPHREY of Washington. If the gentleman will wait until to-morrow and I get the statement from the architect, and it is as the gentleman has stated, why then I will agree it may be stricken out without further argument or debate. What I want is to get a statement from the department in such shape that I can put it in the RECORD and show what the facts really are in reference to this matter.

Mr. TAWNEY. With that understanding, Mr. Chairman, I will withdraw my objection.

Mr. HUMPHREY of Washington. I do not intend to take up any more time, but I do not think the gentleman would gain any time by not doing so.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Now, Mr. Chairman, I ask to return to page 36, lines 3 to 5, inclusive, Walla Walla, and I move to strike them out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, strike out lines 3, 4, and 5.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28245, the sundry civil appropriation bill, and had directed him to report that it had come to no resolution thereon.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take the fortifications appropriation bill (H. R. 27054) from the Speaker's table, nonconcur in the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take the fortifications appropriation bill from the Speaker's table, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. FITZGERALD. Are there many amendments to this bill?

Mr. SMITH of Iowa. One.

Mr. FITZGERALD. Why not concur in it; it is so modest?

The SPEAKER. The Chair hears no objection, and the Chair announces the following conferees.

The Clerk read as follows:

Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY.

CITY AND SUBURBAN RAILWAY.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 20837 and ask to nonconcur in the Senate amendments and send the same to conference.

The SPEAKER. The gentleman from Michigan asks to take from the Speaker's table the following bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes.

Mr. MANN. Mr. Speaker, I object.

Mr. SIMS. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, I make the point of order that this should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. Upon what ground?

Mr. MANN. There are a number of Senate amendments which would require consideration in the Committee of the Whole House, as I recall them.

Mr. SMITH of Michigan. Will the gentleman yield for a moment? I concede the gentleman has the right, but I want to say that if that bill has to go back to the committee it means that two bills of some importance will not be considered at this session of Congress. Now, this amendment was put on the city and suburban bill, and it passed the other day, which is simply in the interest of safety to life——

Mr. MANN. A very simple bill passed the House the other day——

Mr. SMITH of Michigan. It was.

Mr. MANN (continuing). And a very complicated and complex bill comes back from the Senate.

Mr. SMITH of Michigan. The second amendment simply authorizes the Washington, Spa Springs and Gretta Railroad Company——

Mr. MANN. Oh, the Senate amendment authorizes every other car line in the city of Washington to do certain things that they are not now authorized to do.

Mr. SMITH of Michigan. That is the first amendment.

Mr. MANN. Well, I think it ought to be considered in the Committee of the Whole House on the state of the Union before it is enacted into law. It is a very sweeping and broad proposition.

Mr. SMITH of Michigan. Well, I was in hopes the gentleman would withdraw his objection and let it go to conference. I think the matter can be satisfactorily adjusted there to the satisfaction of the two Houses.

Mr. MANN. It is a proposition that I think ought to be considered by the Committee of the Whole House.

The SPEAKER. The Chair desires to ask the gentleman, as a matter of fact, whether or not the Bladensburg road is held in fee by the United States in whole or in part?

Mr. SMITH of Michigan. The bill is properly on the Union Calendar. There is no question about that. It is a Senate bill which the House has already considered. It is properly on the Union Calendar, and that is why I ask unanimous consent, as I did, to send it to conference.

The SPEAKER. Does the original House bill give such location on the Bladensburg road as the Senate bill? The Senate amendment, touching the right of way on the Bladensburg road, is new?

Mr. SMITH of Michigan. Yes, sir.

The SPEAKER. The Chair sustains the point of order.

METROPOLITAN POLICE.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15230, an act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," and concur in the Senate amendment.

The Senate amendment was read.

Mr. MADDEN. Mr. Speaker, I reserve the right to object. That ought to go to the Committee of the Whole House.

Mr. SMITH of Michigan. Mr. Speaker, I hope the gentleman will reserve his objection for just a moment.

Mr. MADDEN. I make the point of order that it ought to be on the Union Calendar.

Mr. SMITH of Michigan. This only strikes out——

The SPEAKER. The Chair is of the opinion that the point of order is not well taken. It merely amends the bill by striking out the words "sickness or."

Mr. SMITH of Michigan. That is one of the two ways in which they were to get relief.

The SPEAKER. The Chair is inclined to think it is not subject to a point of order. But under the rule it is subject to such motion——

Mr. MADDEN. Mr. Speaker, I move that the bill be referred to the Committee on the District of Columbia.

The question was taken, and the motion was rejected.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the amendment was agreed to.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that it may be considered in order to take up and dispose of District of Columbia business the same as of yesterday, after the disposition of the sundry civil bill.

Mr. MADDEN. Mr. Speaker, I object.

INDIANS OF FORT BERTHOLD RESERVATION.

The SPEAKER laid before the House the following request from the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate a bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907.

The SPEAKER. If there be no objection, the request of the Senate will be complied with.

There was no objection.

SUBPORT OF ENTRY, RANIER, MINN.

Mr. BEDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 9017, and amend by striking out all after the enacting clause and inserting the bill H. R. 27478, which is No. 421 on the Union Calendar. This is a bill for a subport of entry at Ranier, Minn.

The Senate bill contains the words "St. Paul," where it should contain the word "Minnesota." It should be "collection district of Minnesota," but in the Senate bill it says "collection district of St. Paul."

The SPEAKER. The gentleman from Minnesota [Mr. BEDE] asks unanimous consent to take from the Speaker's table the bill (S. 9017) for the establishment of a subport of entry at Ranier, Minn., and amend by striking out all after the enacting clause and inserting the bill H. R. 27478.

The Chair would suggest to the gentleman to strike out the words "St. Paul."

Mr. BEDE. The House bill has been reported by the Committee on Ways and Means.

The SPEAKER. Precisely. How does the House bill differ from the Senate bill?

Mr. BEDE. It is the same, except the name. I would be willing to correct it by striking out "St. Paul."

The SPEAKER. The gentleman asks unanimous consent that the words "St. Paul" be stricken out of the Senate bill. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was ordered to a third reading, read the third time, and passed.

Subsequently,

The SPEAKER. Without objection, House bill 27478, substantially similar to the bill of the Senate which has just been amended, will lie on the table.

There was no objection.

LANDS IN THE CANAL ZONE.

The SPEAKER laid before the House the bill (H. R. 18694) relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama, with Senate amendments, which were read.

Mr. MANN. Mr. Speaker, I move the House concur in the Senate amendments.

Mr. FITZGERALD. What are the amendments of the Senate?

Mr. MANN. The House bill originally passed last year was for the leasing of lands on the Canal Zone. Section 4 authorized the President to make exchange of lands. The necessity for that has expired, I may say, and the Senate amendment has stricken that out and renumbered the sections.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I understand that the diplomatic and consular appropriation bill (H. R. 27523) has been returned from the Senate and is on the Speaker's table. I ask unanimous consent that the House disagree to the Senate amendments and send the bill to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill, with Senate amendments, disagree to the Senate amendments, and ask for a conference thereon. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Mr. COUSINS, Mr. LANDIS, and Mr. HOWARD.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SMITH of Michigan. To make a motion, may it please the Chair. I would like to see if we can get some time for the disposition of District business.

The SPEAKER. What is the gentleman's motion?

Mr. SMITH of Michigan. I move that it may be in order to take up and dispose of District bills, the same as it was in order on Monday, after the disposition of the sundry civil bill. I desire to state that there are certain Members——

The SPEAKER. The Chair thinks the motion is hardly in order. Does the gentleman ask unanimous consent?

Mr. SMITH of Michigan. No; I move that it may be in order after the disposition of the sundry civil appropriation bill to take up and dispose of District business the same as of yesterday.

Mr. MANN. I make the point of order that it is not in order.

The SPEAKER. The Chair sustains the point of order; it is not in order under the rule. If the gentleman desires to ask unanimous consent——

Mr. SMITH of Michigan. I made the request, and that was refused. There was objection made. I asked unanimous consent, and some one objected.

Mr. MADDEN. Mr. Speaker, I have no objection to unanimous consent being granted for the purpose of considering unobjected bills, but that is the only condition upon which I am willing to give unanimous consent.

Mr. SMITH of Michigan. There are 15 or 20 bills on the calendar, and somebody could get up and raise an objection to every bill. There is the bill for admission to the insane asylum, the teachers' retirement bill, and three or four others that would take considerable time that we could not get up if there was objection. We have several Senate bills that we would like to dispose of.

Mr. MADDEN. Mr. Speaker, I will withdraw my objection on the condition that bills be called up for unanimous consent.

Mr. SMITH of Michigan. Well, I will accept that.

The SPEAKER. The gentleman modifies the request, and asks unanimous consent that, on the completion of the sundry civil bill, it shall be in order to call up bills by unanimous consent relating to the District of Columbia.

Mr. KEIFER. I would like to know for what length of time. You say, after finishing this bill, the same day or next day.

Mr. HENRY of Texas. I did not hear the request of the gentleman from Michigan.

Mr. KEIFER. There ought to be some limit of time in which they can call up the bills.

Mr. MANN. I suggest that the gentleman make his request that it be in order, after the disposition of the sundry civil bill, to take up bills reported from the Committee on the District of Columbia, to the consideration of which no objection is made. That limits the time, in effect.

The SPEAKER. Does the gentleman modify his request?

Mr. SMITH of Michigan. Yes.

The SPEAKER. Is there objection?

Mr. HENRY of Texas. I did not hear the request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that, on the completion of the consideration of the sundry civil appropriation bill, it shall be in order to call up bills in order on Monday, District day, to which bills no objection is made.

Mr. HENRY of Texas. I do not object to that.

Mr. SHERLEY. Does that give him any right that he does not now possess?

The SPEAKER. It would make it in order for the gentleman to ask unanimous consent. As it is now, it would be in order to ask unanimous consent, if the gentleman could humiliate himself enough to suggest to the Speaker that he submit the request for unanimous consent.

Mr. MANN. I take it that the regular order at that time would be the presentation of such bills, with the right to object to their consideration, which makes quite a difference.

Mr. SHERLEY. Do I understand that this takes away from the Speaker the very important power of determining whether he will grant recognition?

The SPEAKER. Greatly to the Speaker's gratification, yes.

Mr. SHERLEY. Out of consideration for the Speaker, I shall not object. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8245. An act to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes—to the Committee on Indian Affairs.

S. 8058. An act authorizing the Attorney-General to appoint as special police officers such employees of the Alaska school service as may be named by the Secretary of the Interior—to the Committee on the Territories.

S. 7298. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901—to the Committee on the Library.

S. 7226. An act granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla.—to the Committee on the Public Lands.

S. 4229. An act for the relief of Capt. John C. Wilson, U. S. Navy, retired—to the Committee on Naval Affairs.

S. 4027. An act to parole United States prisoners, and for other purposes—to the Committee on the Judiciary.

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances—to the Committee on the District of Columbia.

S. 8905. An act for the establishment of a probation system for the District of Columbia—to the Committee on the Judiciary.

Senate concurrent resolution 102.

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of Senate document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House Reports of 1888, 1890, 1894, and 1897, 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives—

to the Committee on Printing.

Senate concurrent resolution 103.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 1,500 additional copies of the final report of Jamestown Tercentennial Commission, embodying the reports of the various officers of the Jamestown Exposition held at Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives—

to the Committee on Printing.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill (with Senate amendments) of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 20837. An act entitled "An act to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes"—to the Commitee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district; and

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France; and

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882.

RECESS.

Mr. TAWNEY. Mr. Speaker, I move that the House do now take a recess until 11 o'clock to-morrow morning.

The motion was agreed to.

Accordingly (at 5 o'clock and 52 minutes p. m.), the House took a recess until Wednesday, February, 24, 1909, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Trent River, North Carolina (H. Doc. No. 1471)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas R. Hardaway, administrator of estate of Alfred Anderson, against The United States (H. Doc. No. 1472)—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for site for a public building at Morgantown, W. Va. (H. Doc. No. 1473)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for work on the public building at Everett, Wash. (H. Doc. No. 1474)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON of Michigan, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 225.) authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., reported the same without amendment, accompanied by a report (No. 2224), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 17986) providing for the erection of two memorial arches at Valley Forge, Pa., reported the same without amendment, accompanied by a report (No. 2225), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 28286) for the retirement of employees in the classified civil service, reported the same with amendments, accompanied by a report (No. 2227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, reported the same without amendment, accompanied by a report (No. 2229), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 6183) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported the same without amendment, accompanied by a report (No. 2232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WILEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 9402) for the relief of John H. Layne, reported the same without amendment, accompanied by a report (No. 2226), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 108) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba, reported the same without amendment, accompanied by a report (No. 2230), which said joint resolution and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4035) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897, reported the same without amendment, accompanied by a report (No. 2228), which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2544) for the relief of William Martinson, reported the same without amendment, accompanied by a report (No. 2231), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 28291) granting a pension to Charles Payne, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Texas: A bill (H. R. 28301) to encourage and promote commerce in agricultural products among the States and with foreign nations, and to remove obstructions thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. ESTOPINAL: A bill (H. R. 28302) authorizing and empowering the Secretary of the Department of Commerce and Labor to establish aids to navigation in Southwest Pass, Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: A bill (H. R. 28303) authorizing the purchase of a site for the accommodation of the Supreme Court of the United States—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State, and to detach it from the Fort Worth division of said court—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: Resolution (H. Res. 588) to pay for clerical service to Committee on Rivers and Harbors—to the Committee on Accounts.

By Mr. ACHESON: Memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. BONYNGE: Memorial of the legislature of Colorado, concerning the admission of the Territory of New Mexico as a State—to the Committee on the Territories.

By Mr. SULZER: Memorial of the legislature of Wyoming, relating to creating forest reserves—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. LINDSAY: Memorial of the legislature of Wyoming relating to homestead laws—to the Committee on the Public Lands.

By Mr. HUFF: Memorial of the State of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming relating to creating forest reserves—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 28306) granting a pension to Walter O. Hester—to the Committee on Pensions.

Also, a bill (H. R. 28307) granting an increase of pension to James Crombie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28308) granting a pension to Medicus F. Day—to the Committee on Pensions.

Also, a bill (H. R. 28309) for the relief of Jeremiah Looper—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 28310) granting an increase of pension to John L. Sumner—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 28311) for the relief of Willis S. Mahon—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 28312) granting a pension to George Mahood—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 28313) for the relief of the heirs at law of the late Joseph S. Claghorn and John Cunningham, both now deceased—to the Committee on War Claims.

By Mr. HIGGINS: A bill (H. R. 28314) granting an increase of pension to John E. Drohan—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 28315) granting an increase of pension to Walter C. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28316) granting an increase of pension to Robert Morris—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28317) granting a pension to Frederick Wagner—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 28318) to correct the military record of John B. Cox—to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 28319) granting an increase of pension to Charles J. Brown—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 28320) for the relief of the heirs of Augusta W. Diehl, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: Resolution (H. Res. 587) to pay Joseph H. McGann a certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Samuel J. Taylor, of the coal operators of Pittsburg, favoring establishment of a bureau of mines—to the Committee on Mines and Mining.

By Mr. AIKEN: Paper to accompany bill for relief of Jeremiah Looper—to the Committee on War Claims.

By Mr. ANDRUS: Petition of Mrs. Agnes Collard and other citizens of New York, favoring legislation to regulate interstate commerce in intoxicants—to the Committee on Interstate and Foreign Commerce.

Also, petition of Port Chester (N. Y.) Lodge, No. 863, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.

Also, petition of George W. Patterson, of Yonkers, N. Y., favoring reduction of duty on gloves—to the Committee on Ways and Means.

By Mr. ANTHONY: Petition of business men of Atchison, Kans., requesting the removal of duty of 15 per cent on hides—to the Committee on Ways and Means.

Also, house concurrent resolution of the State of Kansas, urging that just and reasonable duty be placed on zinc ores—to the Committee on Ways and Means.

Also, petition of Atchison (Kans.) Lodge, No. 647, Benevolent and Protective Order of Elks, for an appropriation to create a reserve in the State of Wyoming for the protection of the American elk—to the Committee on the Public Lands.

Also, petition of C. L. Knapp & Co., of Leavenworth, Kans., asking revision of the tariff on crockery—to the Committee on Ways and Means.

Also, senate concurrent resolution 19 of the legislature of Kansas, favoring law against issue of liquor licenses by the Federal Government in prohibition States unless issued in strict accordance with such prohibitory laws, and for an amendment to the interstate-commerce act prohibiting shipment of intoxicants into a prohibition State for sale in said State—to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Etna Grange, No. 1631, favoring a national highways commission—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of citizens of Maine, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of residents of Jackson, Me., favoring passage of the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Star Egg Carrier and Tray Manufacturing Company, favoring H. R. 21929—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an appropriation of $50,000,000 annually for waterways—to the Committee on Rivers and Harbors.

Also, petition of the United Master Butchers' Association, favoring repeal of the tax of 10 cents per pound on colored butterine—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of citizens of Wisconsin, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of citizens of Swissvale, Pa., favoring the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Clinton (Iowa) Lodge, No. 199, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. DOUGLAS: Petition of the farmers' institute of Pleasantville, Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Joint resolution of the State of Wyoming, for legislation relating to creating forest reserves—to the Committee on Agriculture.

By Mr. ELLIS of Oregon: Petition of L. Sauer and 161 other employees of the Standard Box and Lumber Company, of Portland, Oreg., against the removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. ESCH: Petition of business firms in Laurel, Wis., against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. FERRIS: Memorial of the legislature of Oklahoma, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FOSTER of Illinois: Petition of Centralia (Ill.) Lodge, No. 493, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. FULTON: Petition of citizens of Cimarron County, Okla., in support of H. R. 25809—to the Committee on the Public Lands.

Also, memorial of the legislature of Oklahoma, favoring a national highways commission—to the Committee on Agriculture.

By Mr. GARNER: Petition of citizens of Brownsville, Tex., favoring the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT: Petition of retail merchants of Barre, Mass., against parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Protest of citizens of Orr, N. Dak., against import duties on tea and coffee—to the Committee on Ways and Means.

By Mr. HEFLIN: Petition of the Woman's Christian Temperance Union of Lafayette, Ala., for legislation to prevent shipping liquor into prohibition States—to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of citizens of Tullahoma, Tenn., favoring the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. HUFF: Petitions of Mount Pleasant (Pa.) Lodge, No. 868, and Monessen (Pa.) Lodge, No. 773, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of Frank A. Schinpf, of Philadelphia, Pa., protesting against the reduction of the tariff affecting the lithograph industry—to the Committee on Ways and Means.

Also, protest of J. Kern, the Greensburg Hardware Supply Company, R. M. Bowser & Son, and John F. Ely, against establishment of parcels-post—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. KAHN: Petitions of Andy Fisher and 76 other residents of Ironton, Mo.; Ira H. Craig and 47 other residents of Wanamie, Pa.; W. A. Bauer and 47 other residents of Pittsburg, Pa.; J. G. Leith and 138 other residents of the State of Washington; Robert Purtle and 15 other residents of Tacoma, Wash.; James A. Ulrich and 45 other citizens of Middletown, Pa.; Abel Adams and 49 other residents of Hoquiam, Wash.; Wilbur F. Knapp and 112 other residents of San Francisco, Cal.; Charles Gildea and 84 other residents of San Francisco, Cal.; Frank C. Maphet and 46 other residents of Madisonville, Ohio; and A. S. Andrews and 12 other residents of Brockton, Mass., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Ellen O'Donnell—to the Committee on Invalid Pensions.

Also, petition of the Marine Cooks and Stewards' Association of the Pacific, against removal of marine hospital from its present location in San Francisco city to Angel Island—to the Committee on Naval Affairs.

By Mr. KNAPP: Petition of merchants of Pulaski, N. Y., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Watertown (N. Y.) Lodge, No. 496, and Oswego Lodge, No. 271, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. LAWRENCE: Petition of North Adams (Mass.) Lodge, No. 487, Benovolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

Also, petition of the Men's Club of the Methodist Episcopal Church of Dalton, Mass., favoring the Burkett-Foelker bill (S. 8703), preventing telegraphing of gambling bets, etc.—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of citizens of Alexandria, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of loyal veterans' organizations, against erection of secession monuments in the District of Columbia—to the Committee on the Library.

Also, petition of the International Brotherhood of Bookbinders, against printing for the census being done outside of the Government Printing Office—to the Committee on the Census.

Also, petition of the National Lime Manufacturers' Association, for appropriation to enable the Geological Survey to investigate the manufacture of lime—to the Committee on Appropriations.

By Mr. McHENRY: Petition of Milton (Pa.) Lodge, No. 913, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. McMILLAN: Petition of Pawling (N. Y.) Woman's Christian Temperance Union, favoring passage of the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. MARTIN: Petition of citizens of Pierre, S. Dak., against any tax on tea or coffee—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of National Lime Manufacturers' Association, for an appropriation to enable the Geological Survey to investigate lime—to the Committee on Appropriations.

Also, petition of Council of Jewish Women, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. NEEDHAM: Petition of citizens of Santa Cruz, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Santa Cruz (Cal.) Lodge, No. 824, and Fresno Lodge, No. 439, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, against the enactment of the Englebright bill, taking from the Secretary of the Interior the allotment and distribution of the Reclamation Service—to the Committee on Irrigation of Arid Lands.

By Mr. NICHOLLS: Petition of Scranton (Pa.) Lodge, No. 123, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. NORRIS: Petition of business men of Trenton, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: Petition of Middletown (Pa.) Lodge, No. 1092, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. PARSONS: Petition of the National Board of Trade, asking the creation of a board of public works—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Board of Trade, opposing the discharge of sewage into rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of the New York Board of Trade and Transportation, favoring representation of United States at international exposition to be held at Brussels—to the Committee on Industrial Arts and Expositions.

By Mr. PUJO: Papers to accompany bill (H. R. 27504) granting an increase of pension to John Humphreys—to the Committee on Pensions.

By Mr. REID: Paper to accompany bill for relief of the heirs of Augustus W. Diehl—to the Committee on War Claims.

By Mr. ROBINSON: Paper to accompany bill for relief of Mont M. James (H. R. 21126)—to the Committee on Pensions.

By Mr. SPERRY: Resolutions of the Connecticut division of the Order of Railroad Telegraphers, favoring H. R. 15447—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of Childress (Tex.) Lodge, No. 1113, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SULZER: Petition of Trades and Labor Council of Fond du Lac, Wis., against S. 3926—to the Committee on Labor.

By Mr. TOWNSEND: Petition of Washington Lodge, No. 15, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. WANGER: Petition of Bristol (Pa.) Lodge, No. 970, and Norristown (Pa.) Lodge, No. 714, Benevolent and Protective Order of Elks, for legislation creating a reserve in the State of Wyoming for the care of the American elk—to the Committee on the Public Lands.

By Mr. WHEELER: Petition of Sharon (Pa.) Lodge, No. 103, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. WILEY: Petition of citizens of the Second Congressional District of Alabama, for retention of duty on lumber—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 24, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;" and

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama.

The message further announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 4548. An act to provide for the sale of timber on allotted Indian land, and for other purposes; and

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou; and

H. R. 27473. An act to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross."

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COUSINS, Mr. LANDIS, and Mr. HOWARD managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

H. R. 20111. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;"

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama;

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

S. R. 76. Joint resolution relative to homestead designation made, and to be made, of members of the Osage tribe of Indians;

S. R. 88. Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota; and

S. R. 126. Joint resolution authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the congregation of the Gurley Memorial Presbyterian Church, of Washington, D. C., praying for the passage of the so-called "children's bureau" bill, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 15, Benevolent and Protective Order of Elks, of Washington, D. C., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the faculty of the George Washington University, of Washington, D. C., praying for the adoption of an amendment to the present land-grant law in aid of the development of colleges of agriculture and the mechanic arts in the several States and Territories so as to admit the District of Columbia to the benefits thereof, which was referred to the Committee on Agriculture and Forestry.

Mr. du PONT presented a petition of Local Lodge No. 307, Benevolent and Protective Order of Elks, of Wilmington, Del., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SCOTT presented a petition of Local Lodge No. 333, Benevolent and Protective Order of Elks, of Sistersville, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURKETT presented a petition of Local Lodge No. 39, Benevolent and Protective Order of Elks, of Omaha, Nebr., and a petition of Local Lodge No. 653, Benevolent and Protective Order of Elks, of Norfolk, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a memorial of the Commercial Club of Omaha, Nebr., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Westpoint, Nebr., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. CARTER presented a joint memorial of the legislature of Montana, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

The honorable Senate and House of Representatives in Congress of the United States assembled:

Whereas we believe it to be to the everlasting benefit and advantage of the State of Montana and its people and to the best interests of the Nation at large that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now therefore be it

Resolved (the senate concurring), That we, the eleventh legislative assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands embraced within the Crow Reservation, situated in the southeastern portion of the State of Montana;

Resolved further, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. W. McDOWELL,
Speaker of the House.
W. R. ALLEN,
President of the Senate.

Approved February 17, 1909.

EDWIN L. NORRIS, *Governor.*

Filed February 17, 1909, at 3.32 o'clock p. m.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint memorial No. 4, enacted by the eleventh legislative assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 17th day of February, 1909.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 18th day of February, 1909.

[SEAL.]

A. N. YODER, *Secretary of State.*

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7048) for the relief of Henry A. Tolbert (Report No. 1073); and

A bill (H. R. 21571) for the relief of John T. Freeman (Report No. 1074).

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 9375) to grant certain lands to the city of Colorado Springs, Colo., reported it without amendment and submitted a report (No. 1075) thereon.

He also, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 21029) for the relief of James W. Sears (Report No. 1076);

A bill (H. R. 12512) for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia (Report No. 1077);

A bill (H. R. 17026) for the relief of Samuel L. Barnhart (Report No. 1078); and

A bill (H. R. 3622) for the relief of John D. McLain (Report No. 1079).

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 21492) to authorize the sale of certain public lands, reported it without amendment and submitted a report (No. 1080) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 6542) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, reported it with amendments and submitted a report (No. 1082) thereon.

Mr. BURNHAM, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 8819) to amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States un-

der the provisions of an act approved July 2, 1862, and the acts supplementary thereto," reported it with amendments and submitted a report (No. 1083) thereon.

Mr. BURNHAM. I ask that 500 extra copies of the bill and report be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. LODGE, from the Committee on Rules, to whom was referred the amendment submitted by himself on the 23d instant, proposing to appropriate $4,000 for the preparation of a digest of the precedents and decisions on points of order in the parliamentary practice of the Senate, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, reported it with amendments and submitted a report (No. 1084) thereon.

PAYMENT OF PENSIONS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, to submit a report (No. 1071) accompanied by a bill (S. 9454) granting pensions and increase of pensions to certain soldiers and sailors and to certain helpless and dependent relatives of such soldiers and sailors, the bill being a substitute for certain Senate bills heretofore referred to that committee. I ask for its present consideration.

The bill was read twice by its title, it being a substitute for the following bills:

S. 8073. Elizabeth W. Waters;
S. 8178. Henry Horn;
S. 8195. Franklin L. Hayes;
S. 8474. John Deitrick;
S. 8765. Robert L. Rohm;
S. 8771. Charles J. Stevens;
S. 8773. Hermund Gudmandson;
S. 8774. Joseph R. Landes;
S. 8775. John Newhouse;
S. 8914. William Fifer;
S. 8958. Timothy Donovan;
S. 9188. Homer J. Budd;
S. 9204. James Metzger;
S. 4852. Elizabeth Smith Tennent; and
S. 6231. Lilla May Pavy.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

Elizabeth W. Waters, widow of Abner W. Waters, late captain Company F, First Regiment Oregon Volunteer Infantry, $12.

Henry Horn, late of Company H, Ninth Regiment Ohio Volunteer Cavalry, $24.

Franklin L. Hayes, late of Company F, One hundred and fifty-seventh Regiment New York Volunteer Infantry, $36.

John Deitrick, late first lieutenant Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, $30.

Robert L. Rohm, late of Company F, Nineteenth Regiment Pennsylvania Volunteer Cavalry, $24.

Charles J. Stevens, late of Company H, Second Regiment Michigan Volunteer Cavalry, $24.

Hermund Gudmandson, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, $30.

Joseph R. Landes, late of Company B, Sixth Regiment Iowa Volunteer Infantry, $24.

John Newhouse, late of Company K, Eleventh Regiment Iowa Volunteer Infantry, $24.

William Fifer, late of Company H, One hundredth Regiment Indiana Volunteer Infantry, $24.

Timothy Donovan, late of Company G, Twenty-first Regiment, Company K, Thirty-sixth Regiment, and Company C, Fifty-sixth Regiment, Massachusetts Volunteer Infantry, $30.

Homer J. Budd, late musician, band, Forty-sixth Regiment Ohio Volunteer Infantry, $24.

James Metzger, late captain Company C, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, $40.

Elizabeth Smith Tennent, dependent sister of Edward Smith Tennent, late of Company A, First Regiment Louisiana Volunteer Infantry, war with Spain, $8.

Lilla May Pavy, widow of Octave P. Pavy, late acting assistant surgeon, United States Army, $30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 8, 44, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 9, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 46, 47, 48, 49, 50, 52, 53, 54, 56, and 57, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In the last line of the amendment strike out the word "pending," and after the word "controversy," in the same line, insert the words "now pending;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 3 of the amendment strike out the word "stores" and insert in lieu thereof the word "storehouse;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "*And provided further*, That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof, in addition to the report directed to be made in the act of March 2, 1907, making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of two hundred thousand dollars in any one fiscal year;" and the Senate agree to the same.

On the amendments of the Senate numbered 1, 7, 11, 18, 39, 55, 58, and 59: The committee of conference have been unable to agree.

EUGENE HALE,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate further insist on its amendments not agreed to in the report and ask for a further conference with the House, the conferees to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN the conferees on the part of the Senate at the further conference.

ANNIVERSARY OF DISCOVERY OF LAKE CHAMPLAIN.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (H. J. Res. 257) to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain. I call the attention of the Senator from New York [Mr. DEPEW] to the joint resolution.

Mr. DEPEW. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

PENSIONS OF ARMY NURSES.

Mr. SCOTT. I am directed by the Committee on Pensions, to whom was referred the bill (S. 185) increasing the pensions of nurses in certain cases, to report it favorably without amendment, and I submit a report (No. 1081) thereon. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. GALLINGER. I wish to ask the Senator from West Virginia if this is not granting to nurses a larger rate of pension than is granted to the widows of soldiers who served in the civil war. In other words, the wives of the soldiers, who themselves were subjected to great annoyance and to great suffering while their husbands were in the field, I think, are granted a lower rate of pension than is proposed in this bill to the nurses. Am I right, I will ask the Senator?

Mr. SCOTT. I think the Senator is mistaken. It is a graded pension.

Mr. McCUMBER. I understand that it simply grants a flat rate of $12 to nurses. That is my recollection.

Mr. GALLINGER. But the bill proposes to grant a pension according to age.

Mr. McCUMBER. That is not what I understood.

Mr. GALLINGER. I ask that the bill be read again. Evidently it is not understood.

Mr. McCUMBER. Let it go over, and it can be amended.

Mr. SCOTT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over.

ALASKA SHORT LINE RAILROAD.

Mr. PILES. By direction of the Committee on Territories, I report back favorably, with an amendment, the bill (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska, and I submit a report (No. 1072) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, to add at the end of the bill the following proviso:

Provided, That said company shall file with the Secretary of the Interior maps of definite location of its line of road, prior to the beginning of the construction of any 20-mile section thereof, the same to be approved by the Secretary of the Interior, as is now required by the act approved May 14, 1898, providing for right of way for railroads in the district of Alaska.

Mr. KEAN. Let me ask the Senator from Washington within what time the parties are required to file the maps?

Mr. PILES. There is no time stated, but before they can proceed with a section they must file a map of definite location.

Mr. KEAN. There ought to be some definite time in which to file the maps, I think.

Mr. PILES. The time is extended by the bill, and within the period prescribed they must file the maps.

Mr. KEAN. What is the date to which the time is extended?

Mr. PILES. It is extended to a period of five years from the 1st day of June, 1910.

Mr. KEAN. That is an extension of six or seven years.

Mr. PILES. It is all right.

Mr. KEAN. It is wrong. I move to strike out "five years" and make the time three years.

The VICE-PRESIDENT. The question is first on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from New Jersey moves an amendment, which will be read.

The SECRETARY. In line 7, before the word "years," strike out "five" and insert "three," so as to make the bill read:

Be it enacted, etc., That in consideration of the construction of the Alaska Short Line Railroad in Alaska being actually commenced prior to June 1, 1910, the time for the completion of the survey and construction of said railroad be, and the same is hereby, extended to a period of three years from said 1st day of June, A. D. 1910.

Mr. PILES. I do not wish the Senate to do that, but if the Senator insists on it and the Senate agrees with him, of course I can not help it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REPORT OF ISTHMIAN CANAL COMMISSION.

Mr. ELKINS. I am directed by the Committee on Printing, to whom was referred S. Res. 292, submitted by the Senator from Kansas [Mr. CURTIS] on the 19th instant, to report a substitute in the nature of a concurrent resolution. I ask for its present consideration.

The concurrent resolution (S. C. Res. 105) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of the Annual Report of the Isthmian Canal Commission for 1908, with accompanying illustrations; 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

Mr. ELKINS. I move that Senate resolution 292, providing for the printing of 3,000 additional copies of the Annual Report of the Isthmian Canal Commission, be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. ELKINS introduced a bill (S. 9455) to amend section 4434 of the Revised Statutes of the United States, and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

Mr. du PONT introduced a bill (S. 9456) increasing the pay of the secretary to the Admiral of the Navy, which was read twice by its title and, with an accompanying paper, referred to the Committee on Naval Affairs.

Mr. McCREARY introduced a bill (S. 9457) for the relief of Mrs. A. C. Lester and others, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 9458) for the relief of Wellborn Echols, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 9459) granting a pension to Samuel Garn, which was read twice by its title and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 9460) for preventing the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, and for other purposes, which was read twice by its title.

Mr. TALIAFERRO. I ask that the bill lie on the table, and I wish to give notice that on Friday morning, February 26, immediately after the routine morning business, I shall ask that the bill be taken up, in order that I may submit some remarks upon it.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HALE. I did not hear what the Senator from Florida said. I understood that he was making a proposition to take up some measure on Friday. I wish to say to Senators that in any provision or agreement for the taking up of distinct bills there ought to be an exception, not to interfere with appropriation bills.

Mr. TALIAFERRO. I have given notice that I would ask that this bill be taken up merely to submit some remarks upon it. When I conclude the bill will go to committee.

Mr. HALE. The Senator does not propose any action?

Mr. TALIAFERRO. None whatever.

Mr. HALE. To that I should have to object.

The VICE-PRESIDENT. The bill will lie on the table.

Mr. BURKETT introduced a bill (S. 9461) granting an increase of pension to John Hastings, which was read twice by its title and referred to the Committee on Pensions.

Mr. TILLMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9462) for the relief of heirs or estate of Sarah Quick, deceased; and

A bill (S. 9463) for the relief of James M. Beattie.

Mr. CRANE introduced a bill (S. 9464) granting an increase of pension to Charles J. Rhoades, which was read twice by its title and referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced a bill (S. 9465) for the relief of the heirs or devisees of Giulio Posi and Eleanor B. Posi, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment authorizing the Secretary of the Treasury to refund to certain parties named, or their legal representatives, certain amounts found to be held in excess of the commissions to which the taxpayers were entitled to as owners of private dies, etc., intended to be proposed by him to the general deficiency appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURROWS submitted an amendment providing for the dredging of the Au Sable River, Michigan, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BULKELEY submitted an amendment proposing to appropriate $20,000 for the protection and improvement of the Platt National Park, Oklahoma, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. DOLLIVER submitted an amendment proposing to appropriate $60,000 for the purchase of a site for a public building at Denison, Iowa, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $20,000 for a light and fog-signal station at Battery Point, Washington, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. GORE submitted an amendment authorizing the survey of the Washita River, Oklahoma, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $6,859.19 for paving that portion of Main and Grand streets and Independence avenue in the city of Enid, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $898.95 and also $541.31 to defray the expenses of paving the portion of Third street adjacent and chargeable to the federal building site in Oklahoma City, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment relative to the travel pay of officers of the army, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $1,250 to pay F. H. Wakefield for extra services in preparing the history of Senate legislation of the Sixtieth Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STEPHENSON submitted an amendment providing for a survey of the Yahara River with a view to securing a channel 40 feet deep from Madison to Janesville, Wis., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. NELSON submitted an amendment proposing to pay for extra services rendered in transferring, rearranging, re-marking, cleaning, and rebinding the papers of the Senate, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DANIEL submitted an amendment proposing to appropriate $100,000 to purchase 300 acres, more or less, of the land at Cape Henry, Va., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC-BUILDING ACTS.

Mr. DOLLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

LATIN AMERICA AND THE WEST INDIES.

Mr. LODGE. I present a brief statement prepared by Horace N. Fisher, of Brookline, Mass., a distinguished writer and statistician of my State, relative to the ethnography and commercial importance of Latin America and the West Indies in 1906. It is a very brief paper and a very valuable one. I move that the statement, together with the map, be printed as a document (S. Doc. No. 737).

The motion was agreed to.

MORRILL LAND-GRANT ACTS.

Mr. BURNHAM. I present a brief by Richard D. Harlan, on behalf of the George Washington University, Washington, D. C., relative to an amendment to the Morrill Act of 1862, and acts supplemental thereto, donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, so as to admit the District of Columbia to the benefits thereof. I move that it be printed as a document (S. Doc. No. 736).

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. CULLOM, and Mr. CLAY the conferees on the part of the Senate.

TIMBER ON INDIAN LAND.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes.

Mr. CLAPP. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CLAPP, Mr. BROWN, and Mr. BANKHEAD conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN conferees on the part of the Senate.

FORT BERTHOLD INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate the bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, returned from the House of Representatives in compliance with the request of the Senate.

Mr. McCUMBER. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. McCUMBER. I move that the bill be postponed indefinitely.

The motion was agreed to.

SUBPORT OF ENTRY AT RANIER, MINN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9017) for the establishment of a subport of entry at Ranier, Minn., which was, in lines 4 and 5, to strike out "St. Paul."

Mr. NELSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE GRANGER.

Mr. ALDRICH. Mr. President, I give notice that on Saturday, February 27, I shall ask the Senate to consider resolutions commemorative of the life and character of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island.

MONTANA, WYOMING AND SOUTHERN RAILWAY COMPANY.

Mr. WARREN. I move that the House be requested to return the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.

The motion was agreed to.

THE PARLIAMENT OF TURKEY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 738), which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State communicating the reply of the Ottoman Chamber of Deputies to the congratulation and good wishes extended to the Parliament of Turkey by the Senate in its resolution of December 17, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, February 24, 1909.

ALLEN H. HAMITER.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, on motion of Mr. FULTON, was, with the accompanying bill, referred to the Committee on Claims:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of February 22 I return herewith Senate bill numbered 4024 entitled "An act for the relief of Allen H. Hamiter, administrator of the estate of John H. Hamiter."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 24, 1909.*

HOUSE BILLS REFERRED.

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou was read twice by its title and referred to the Committee on Commerce.

H. R. 27473. An act to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross," was read twice by its title and referred to the Committee on Foreign Relations.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 20, 21, 23, 25, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 13, 15, 16, 19, 22, 24, 26, 28, and 29.

And agree to the same.

BOIES PENROSE,
J. P. DOLLIVER,
A. S. CLAY,
Managers on the part of the Senate.

JESSE OVERSTREET,
JOHN J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.

The report was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed to the consideration of House bill 27053, the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Texas [Mr. BAILEY], which will be read.

The SECRETARY. It is proposed to strike out lines 8, 9, and 10, on page 16, in the following words:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $52,440.

Mr. WARREN. Mr. President, I hope the amendment proposed by the Senator from Texas will not prevail. It is to carry out existing law and to continue work already under way. It has no reference to the amendment which was stricken out on a point of order. I therefore hope the amendment may not carry.

Mr. ALDRICH. Mr. President, I do not understand that a provision in an appropriation bill which lasts only for a year is existing law. I do not understand that the fixing of the standard of grain has been adopted by Congress in a form that makes it a continuing appropriation.

I would suggest to the Senator from Texas that his purpose would be accomplished by striking out the words "and the fixing of definite grades thereof," leaving the question of investigation to be continued, with some reasonable provision for paying the expenses of such an investigation.

Mr. WARREN. Perhaps the Senator from Rhode Island has not read the part of the law which precedes this.

Mr. ALDRICH. I have read a part of an appropriation bill made for a fiscal year ending at a certain time, and which expires by limitation whenever that fiscal year expires.

Mr. WARREN. That is correct.

Mr. ALDRICH. It is not in existing law except that it is a portion of an appropriation bill for one year. It is a law for one year. It is not a continuing law.

Mr. WARREN. As the Senator from Rhode Island has stated, the appropriation made last year was, as he says, for the fiscal year. This sum is to continue the work that was started there and in the laboratories already built. Therefore, we are carrying out the intent of existing law because we are yet under the law, the fiscal year not having expired. It is a provision in the bill to cover and provide for what was inserted heretofore. That is the point I make.

Mr. ALDRICH. I do not object to the continuation of the investigation, and I do not think the Senator from Texas does.

Mr. BAILEY. Mr. President, I do object to the continuance of the investigation, because I know that that will result at last just as it has resulted now, in a provision attempting to establish some law as the result of the investigation. That is the way all these departures are made. First they come for an investigation. They ask for an appropriation merely to gather statistics or information, and then, after they get the statistics and information, the next appropriation practically incorporates what they have found out to be done into a law as a conclusion of Congress.

Still, I would rather that half a wrong should be done than a whole wrong; and if the Senator from Wyoming will agree to let the provision for grading go out—I do not need to ask him, but I will abide by the judgment of the Senate—I will agree to that kind of a compromise, though I protest even against that.

Mr. WARREN. I will ask the Senator from Texas if his remarks are with relation to cotton or to grain? This particular matter which he proposes to strike out is purely for the handling of grain and has no reference to cotton.

Mr. BAILEY. I understand. Of course the objection applies to both, but as we have the grain amendment under consideration, we could only agree about that. At the proper time I am going to move to strike out that objectionable phraseology with respect to cotton.

Mr. WARREN. How would an amendment of this kind meet the view of the Senator from Texas? I will read it. In place of the language in lines 8, 9, and 10, insert:

For investigating the handling, grading, and transportation of grain, and for the study of the factors entering into the usual operations connected therewith, $52,440.

Mr. BAILEY. Just exactly what the Federal Government has to do with the study of factors that enter into these things is beyond my comprehension. Yet I presume it has the same power in that respect that it has in respect to the handling of grain.

Mr. WARREN. The whole bill is based upon the result of investigations. There is nothing in the bill and nothing in the Agricultural Department but what refers to investigation in the numerous and various subjects, including, among others, the condition of grain as to moisture and many other factors.

Mr. BAILEY. Mr. President, it has become a habit when any persons want to do anything that they know the Constitution will not permit them to do they do it in a circuitous way. They exercise a power which belongs to Congress under the commerce clause of the Constitution or under the taxation clause. In other words, they use some admitted power to base some usurped power upon.

If Congress has any power with respect to the handling or shipping and other facts relating to the grain trade, it can only be with respect to it as related to interstate commerce, and absolutely it has no power to even study the question as it is affected by intrastate or as it affects intrastate commerce. But I would object to that. I object to the original provision.

Mr. President, I want to call the attention of the Senator from Wyoming to the progress which we have made in this direction,

and the conversation that is now occurring between the Senator from Wyoming [Mr. WARREN] and the Senator from Kansas [Mr. LONG] reminds me of it.

Years ago, under the constitutional command, we began to take the census; that is, to enumerate the people, for the constitutional and necessary purpose of apportioning Representatives. But men were not satisfied with obeying the constitutional command to enumerate the persons in order that we might apportion Representatives, and gradually they began to count the cattle and to measure the land, and then they began to inquire into the domestic relations, into the habits and into the infirmities of the people, and the present census bill carries a provision that will put a man in jail if he refuses to answer questions respecting his private affairs.

The Congress of the United States, in my opinion, has not the shadow of a power to send a man to jail because he will not tell the census enumerator how much land he cultivates, how much he rents, and how much he owns. It may have power to send him to jail if he refuses to tell the number of his family, because we have not only the power, but we are under the duty of enumerating the people.

But they have not stopped there. They have gone on, as they do in every respect, increasing the Federal Government's power, encroaching upon the State and the individual and the county and the town, until for the first time we have had incorporated in our census bill a provision to send a man to jail unless he answers the questions. I vainly endeavored to have that stricken out.

Of course, I believe that no man can be sent to jail under that provision, and it comes here with a recommendation of the department. They can not enumerate the people unless they have the power to put a man in jail if he refuses to tell about the number of acres of land which he cultivates.

Thus, Mr. President, we go on from bad to worse, until I myself can not foresee the end.

I am going to be beaten about it, anyway, I am satisfied, and I believe it is just as well to be beaten from top to bottom as to compromise. I think I will object to the amendment which the Senator from Wyoming offers, because it is only a still further investigation for the purpose of laying the predicate for a still further exercise of power.

Mr. WARREN. Mr. President——

Mr. RAYNER. I should be very much obliged to the Senator from Wyoming if he would read the suggested amendment.

Mr. WARREN. The amendment is at the Secretary's desk.

Mr. RAYNER. Let the Secretary read it.

Mr. WARREN. I wish to say before the amendment is read that the motion of the Senator from Texas [Mr. BAILEY] is to strike out the House language; and if that be agreed to, we shall then meet a condition where it will either be the language as it now is or nothing, where an acceptance of the matter——

Mr. BAILEY. Oh, no. The conferees, in case of language being stricken out, report it back with an amendment.

Mr. WARREN. Not at all. When a matter goes out entirely——

Mr. BAILEY. But it is not out as to the Senate. The matter in controversy between the House and the Senate is no language or that language, and anything between no language and that language is permissible.

Mr. WARREN. The Senator is right about that; but, as I say, to accept this would probably settle it, whereas with the other proposition it is more likely to remain as it is.

Mr. RAYNER. Could we not hear the proposition? I did not hear it.

Mr. WARREN. I repeat that the Secretary has the proposed amendment.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. In line 9, after the word "grain," it is proposed to strike out the remainder of the paragraph and to insert "and for study of the factors entering into the usual operations connected therewith, $52,440," so that if amended the paragraph will read:

> For investigating the handling, grading, and transportation of grain, and for study of the factors entering into the usual operations connected therewith, $52,440.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. The Senator from Maryland [Mr. RAYNER] has the floor. Does he yield to the Senator from Rhode Island?

Mr. RAYNER. I do.

Mr. ALDRICH. I do not know that I care to interrupt the Senator from Maryland. I was only about to say that so far as I am personally concerned I have no objection to the amendment now offered by the Senator from Wyoming [Mr. WARREN], but I do object strenuously to any attempt to give the Secretary of Agriculture the right to fix the grade of grain.

Mr. RAYNER. There is so much noise we can not hear the Senator from Rhode Island.

Mr. ALDRICH. I say I have no objection to the amendment of the Senator from Wyoming, and I am willing to accept it.

Mr. RAYNER. Has the Senator from Rhode Island fully understood the amendment, that it is not in the alternative but it is in the conjunctive; and that it gives the Department of Agriculture not only the right to investigate the handling and grading and transportation of grain, but the fixing of definite grades thereof; and gives him the further right to investigate it for the purpose of settling the question?

Mr. ALDRICH. But the Senator from Wyoming strikes out the language for fixing the grade.

Mr. RAYNER. He gives the right to investigate the handling, grading, and transportation of grain, and then he gives them a further power.

Mr. ALDRICH. That is a question of method.

Mr. RAYNER. I doubt that very much.

Mr. President, I want to say a few words about that. Of course, if the Senator from Rhode Island accepts it, I suppose the Senate will accept it; but before that acceptance——

Mr. WARREN. I wish to make this matter plain, and I will withdraw that suggested amendment. I ask that it be returned to me.

Mr. RAYNER. The suggestion is a better suggestion than the one that is in the bill itself as it came from the House of Representatives. I am not criticising it.

The VICE-PRESIDENT. The Senator from Wyoming withdraws his proposed amendment.

Mr. RAYNER. Will the Senator kindly allow me to look at that a moment? If we are to have anything, this is better than what is in the bill.

Mr. WARREN. I am willing that a vote should be had upon the original matter.

Mr. RAYNER. The trouble about this matter, I think, is this——

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Certainly.

Mr. BAILEY. The Senator from Wyoming would like to pass this bill. Before this bill will be passed, the Senator from Wyoming will have a long debate upon the provision in the bill that asserts the power of the Federal Government to establish grades for wheat.

Mr. HANSBROUGH. Or cotton.

Mr. BAILEY. Or cotton, either.

Mr. WARREN. In the interest of getting along with this bill, I withdrew my amendment. I am ready, however, to have a vote upon the question. I am endeavoring to meet the views of the Senator from Texas.

Mr. BAILEY. The Senator from Wyoming is endeavoring to overcome my views, for he is very confident that he is going to vote down my amendment.

Mr. WARREN. Not at all; I have no such assurance.

Mr. RAYNER. Mr. President, I should like to know what the agreement is to be. I suppose I have a right to discuss this proposition, and I shall discuss it very briefly.

The VICE-PRESIDENT. The amendment is open to discussion.

Mr. RAYNER. It will only take me a few moments to say what I intend to say about it.

Yesterday I referred to the case of the United States *v.* Boyer. I thought perhaps I might have made a mistake about it, because I did not then have the case before me; but in sending for the case this morning I found that I was right in my recollection of it, and that it sustained the principles I announced in the Senate.

This clause might be in the old law; but my trouble about it is not that. The language here is different from the language that is in the old agricultural appropriation act; it is more concise; but in being more concise, I am afraid that it gives much greater powers. Now, let us look at it for a moment. The motion is to strike out the clause—

> For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof.

My trouble about that is that the House of Representatives has put it so concisely that the Secretary of Agriculture, under that provision, will have a right to send inspectors into the States for the purpose of fixing the grades of grain that the proposition refers to. I think the Secretary of Agriculture will exercise that power. I think, when you give him the power to investigate the handling, that, in order to investigate the handling, he has the right to handle, for you can not investigate

the handling of grain without handling the grain, and that would, either by implication or by express grant, carry with it the power to send an inspector into a State, not only for the purpose of handling the grain that is intended for transportation—which the inspector would not have any right to do until it leaves the State—but for handling all the grain that is intended to be sold in the State.

Let me give the Senate this case and see how far it goes. I ask the attention of the Senate to it. This is the case of the United States *v.* Boyer, which was decided by a district judge. There was no appeal taken to the circuit court of appeals or to the Supreme Court, because the Government had no right at that time to take an appeal, but upon a careful examination of authorities, I find that there has been no reversal of that decision.

The acts of Congress found in First Supplement, Revised Statutes, page 937, and Second Supplement, Revised Statutes, page 403, whereby the Secretary of Agriculture was empowered to have made a careful inspection of cattle, sheep, and hogs at slaughterhouses located in the several States, which were about to be slaughtered, the products of which were intended for sale in other States or foreign countries, were enacted without any constitutional warrant, and are therefore void.

I should like to ask the attention of the Senator from Wyoming [Mr. WARREN] to this case. I think it relevant to the discussion that is proceeding now.

The rules and regulations made by the Secretary of Agriculture in pursuance to such statutes, whereby inspectors are appointed and placed in packing houses within the States to inspect cattle, sheep, and hogs which were about to be slaughtered, or their carcasses when slaughtered, and the products of which were intended for sale in other States or foreign countries, having been made in pursuance of the acts of Congress referred to, supra, were likewise made without any constitutional warrant, and are therefore void.

I only intend to quote the conclusion at which the court arrives. In rendering the decision the court said:

From these authorities it follows that—

"When the [interstate] commerce begins is determined, not by the character of the commodity, nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation, or the actual commencement of its transfer to another State. At that time the power and regulating authority of the State ceases and that of Congress attaches and continues until it has reached another State and become mingled with the general mass of the property in the latter State. That neither the production or manufacture of articles or commodities which constitute subjects of commerce, and which are intended for trade and traffic with citizens of other States, nor the preparation for their transportation from the State where produced or manufactured prior to the commencement of the actual transfer or transmission thereof to another State, constitutes that interstate commerce which comes within the regulating power of Congress." (In re Greene, 52 Fed., 113.)

The Jacob Dold Packing Company—

That is the company they inspected here—

The Jacob Dold Packing Company, therefore, while engaged in slaughtering and packing cattle, sheep, and hogs within the State of Missouri, the carcasses and products of which they intended to transport and sell for human consumption in other States and Territories, or in foreign countries, were not engaged in interstate commerce; and, not being engaged in interstate commerce, their business was in no sense subject to be regulated by Congress under the interstate-commerce clause of the Constitution. The cases which I have quoted sufficiently indicate that the regulations which the Secretary of Agriculture under the act of Congress sought to exercise, and which are alleged in the indictment, are clearly and exclusively lodged in the State of Missouri and not in the Government of the United States.

I want the Senator from North Dakota to understand that I do not here draw any distinction between intrastate and interstate commerce. This provision is perhaps not subject to the criticism that it would apply to commerce within the State.

Mr. ALDRICH. What is the date of that decision?

Mr. RAYNER. The date of that decision is February 28, 1898, and it was rendered by Judge Rogers in the district court for the western district of Missouri in the case of The United States *v.* Boyer, Eighty-fifth Federal Reporter, 425.

Mr. BAILEY. What did the Senator say was the date of the decision?

Mr. RAYNER. It was rendered in 1898. I want to explain that, for under the present law there is the same provision. The Senator from Indiana [Mr. BEVERIDGE], in a number of addresses he has made here, has always contended that we had the right, under the clause to regulate commerce, to send inspectors into the States, and I have always assumed that the Congress had passed upon it. I wrote to the Attorney-General and asked him whether there had ever been a reversal of the decision in this case, which never went to the Supreme Court of the United States.

I also asked him whether this was so under that law. He said yes; that the same provision which had been pronounced to be unconstitutional was in the present law, and that if this decision should be sustained the law would be pronounced unconstitutional. I want the Senator from North Dakota to understand that I am not criticising it because it does not draw the distinction between intrastate and interstate commerce. It does not draw that distinction. That is not the object of my criticism. I criticise it upon a broader ground. I say that, under the power to investigate the handling and the fixing of definite grades, the Secretary of Agriculture could assume, and perhaps would assume if the emergency of the case required it, the right to send inspectors into a State for the purpose of inspecting grain in order that he could properly investigate its handling and properly fix its definite grade.

I say, therefore, that whether it is in the old law or not it is legislation that ought not to be in an appropriation bill, because if you are going to appropriate money you ought to define the purposes for which the money is appropriated. I do not propose to discuss that question to-day, because it is too broad a question to discuss in an argument upon an appropriation bill, but you ought to define the purposes upon the face of the legislation, and unless those purposes cover some of the enumerated powers of the Constitution I hold that you have no right to make the appropriation.

I do not believe in the doctrine that you can make an appropriation for the general welfare of the people, and I do not believe that you can make an appropriation to be expended by the Secretary of Agriculture for the purpose of fixing definite grades of grain, because I think that carries with it a power that has already been pronounced unconstitutional by the courts, and that is the power to send into the States inspectors for the purpose of carrying out the provisions of the act, both in reference to intrastate commerce and in reference to interstate commerce. I am very much afraid of this provision.

Mr. McCUMBER obtained the floor.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. I yield to the Senator from Wyoming.

Mr. WARREN. So that the matter may come up in the way it is intended—this is an unperfected provision—I move to insert, after the word "the," in line 8, the words "methods of," so that it will read:

For investigating the methods of handling, grading, and transportation of grain, etc.

Mr. RAYNER. Would the Senator from Wyoming be willing to insert a provision that the Secretary of Agriculture shall be precluded from the right of sending inspectors into the States or from appointing inspectors for the purpose of carrying out the provisions of this clause? I think a provision of that sort would cover it.

Mr. WARREN. I would be unable to do that, because in some of the States, particularly in the Western States, in certain lines of business, they have inspectors; for instance, in connection with the scabies in sheep; and the States have invited the department to send inspectors in, and they have sent them in, acting in a way for both the State and the General Government.

Mr. RAYNER. But, Mr. President, they have no right to invite the Government to send inspectors into a State and the Government has no right to comply with such a request. That was this case. This was an invitation to governmental inspectors. I deny the right of any body of men to ask the Government—and I deny the right of the Government to accede to the request when made—to send inspectors into a State for the purpose of inspecting any commercial industry within the State.

Mr. WARREN. Mr. President, the Senator is rather vehement over the language I used, which was, perhaps, unfortunate.

Mr. RAYNER. I thought it was used with deliberation.

Mr. WARREN. The States provide that the United States inspectors under the quarantine which guards the lines of the States may work in harmony with the State and the States instruct their inspectors to work in harmony with the United States inspectors. To say that the United States inspectors shall not come into the State when they are guarding the lines of the State under the quarantine would be going further than I want to go.

Mr. RAYNER. That is entirely a voluntary arrangement——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maryland?

Mr. WARREN. Certainly.

Mr. RAYNER. Just a word. That is entirely a voluntary arrangement. That is not an arrangement even under color of law. For instance, they have quarantined my State in reference to infectious diseases of cattle. I told the Secretary of Agriculture the other day that he did it in defiance of law; but he sent inspectors into Maryland for the purpose of killing cattle. I suppose he did it at the suggestion of the sanitary officers of my State; and he has practically until to-day quarantined the State of Maryland as a result of the inspection which

he has made in the State of Maryland, and which he has no right to make.

Mr. McCUMBER. Mr. President, in the confusion of the Senate, I can scarcely understand even the very forceful language of the Senator from Maryland.

The VICE-PRESIDENT. The Senate will be in order.

Mr. McCUMBER. It has never occurred to me, Mr. President, that an investigation necessarily meant the conducting of a particular business. It has never occurred to me that if we provide for the investigation of the ravages of insects upon cotton——

Mr. RAYNER. I should like to ask for order, because it is utterly impossible, even with the forceful expressions of the Senator from North Dakota, for me to understand what he says.

The VICE-PRESIDENT. The Senator from North Dakota will suspend until order is restored. [A pause.] The Senator from North Dakota will proceed.

Mr. McCUMBER. I was saying, Mr. President, that it had never occurred to me that a paragraph in the law providing for the inspection of the ravages of insects upon cotton necessarily forces the Government into the raising of cotton or into the cotton business. Neither has it ever occurred to me in the slightest degree that a law which provides for the investigation of the transportation of adulterated or misbranded articles of food necessarily forces the Government into the manufacture of food products.

Mr. RAYNER. Just a word——

Mr. McCUMBER. Neither do I admit for a single moment that an investigation of the methods of grading and inspecting grain in vogue throughout the United States would necessarily force the Government into the act of grading and inspecting grain generally. All of these inspections can be carried on without any possible question without the Government entering in any way into the business itself. There are in this bill about half a hundred different provisions for investigations, and if the Senator's contentions were correct and the provisions referred to should remain in the bill the Government would go into about half a hundred different lines of production with which it has nothing whatever to do.

Mr. RAYNER. Mr. President, I consent to that proposition that such action would not necessarily embark the Government in this occupation; but that is not my point at all. My point is that by implication it gives the Government the power to embark in it if it wants to do so. My proposition is that when you give the right to investigate the handling and to fix the grade, you carry with it by implication the right of inspection—an unconstitutional power.

Mr. McCUMBER. Mr. President, not a bit more than when you give to the Government of the United States the right to investigate the methods of raising cotton you give it the right to go into the raising of cotton.

I would not take any time in the discussion of this matter did I not know to a certainty that the matter is one in which the entire Northwest is most vitally interested. It does seriously affect our interests. The present provision of the bill does not ask the Secretary of Agriculture to fix a standard of grades, to be followed by any one or at any one of the great terminals in this country. I do not understand that the old law is changed in the slightest degree. I have no objection whatever to the modification that has been suggested by the Senator from Wyoming [Mr. WARREN], for the reason that, as I contend, they mean exactly the same.

The Secretary can not make grades that will bind anyone unless he is limited in those grades to interstate commerce, and this bill does not pretend to limit him in any way, nor does it bind anyone to follow out the rules that he might make with reference to what would be a proper grade of any particular grain.

Mr. President, the State from which I come has by its legislature again and again petitioned Congress for a law providing for better inspection and grading of grain. The Tri-State Grain Growers' Association, consisting of grain growers of the States of North and South Dakota and Minnesota, has again and again passed resolutions in favor of such a provision. The American Society of Equity, representing the producing element in this country, has again and again resolved in favor of the better inspection of grain. I am ready to take up that question and consider it from the legal standpoint and from any other standpoint whenever the Senate gets ready to discuss that proposition. But it is not in the bill before us to-day.

The provision before us to-day simply seeks to allow the Secretary to proceed with the same investigations that he has been making in the past few years, which investigations have very materially assisted us in securing proper grades at the great terminals, over which we have no control whatever.

In order to show to the Senate just exactly what the farmer has to contend with in his dealings at the great terminals, I am going to ask the Secretary to read a little portion from the hearings that were taken before the Committee on Agriculture. Let me again make this one point clear, that all grain is sold by grades; that the value of grain to the farmer does not depend so much upon its actual quality as upon the grade that is fixed upon that grain at some great terminal point; and as the grade fixed at the terminal points fixes the price that will be paid in the field of consumption, therefore that grade, by reaction, always fixes the value of the particular grade in the field of production. If the grades that are fixed upon the grain at the great terminals are below the actual grade—for in selling the grades are really higher than they actually are—then they force a value less than the actual value in the field of consumption, which, by reaction, fixes a lower valuation of the higher grade in the field of production. Any one acquainted with the commerce of the country will know this rule to be absolutely correct.

Having made that statement, I want to speak a little of the methods that are in vogue in the different terminal sections of this country. It has been stated again and again, and properly stated, that, after all, the value of our grain is fixed by the foreign demand, and that Liverpool and other great central points of consumption fix the price of the product in this country. I admit that is absolutely true. I make the statement that the practice is almost universal at every one of our ports of export to send abroad adulterated grain, much below the real grade that is fixed upon it; so that grain that ought to have been certified from the port of Baltimore or New York or New Orleans, we will say, as No. 3 or No. 4, is certified as No. 1 or No. 2. The purchaser on the other side ascertaining that the American No. 1 and No. 2 do not measure up to the American standard of No. 1 and No. 2, will only pay a No. 3 or a No. 4 price for those grades, and that price, by reaction, always fixes the price again at the point of consumption.

We have no power whatever over the grade of grain at these great terminals. There ought to be some forum where every man, the producer, the consumer, or the middleman, could be heard as to the matter of grade. If the producers in Texas or Kansas or the Dakotas are satisfied that the methods of handling grain in Chicago or New Orleans are inimical to their interests, there ought to be some forum where they can be heard. They can not be heard at these terminals, and in most cases at the terminal points there are no great agricultural interests whatever. As a result, every rule or law is made in favor of the purchaser and against the producer.

Let me call the attention of the Senator from Maryland to some of the evidence that was taken before the Agricultural Committee. It appears as a fact that is given to us—I can not vouch for the truth of the fact, except that it is given in the testimony before the Committee on Agriculture—that the Board of Trade of Baltimore were quite anxious to divert the export trade of grain from New York to Baltimore. Especially was this true in reference to corn. They made special bids; they gave perhaps pretty good grades, and they got an immense amount of grain, which otherwise would have gone to the port of New York. After they got loaded up it was found that they could not handle that grain to advantage without considerable loss. The only thing that was left to them to do to prevent that loss was to raise the grade of all of the corn that was in that city at that time one or two grades, and unload it upon the foreign purchaser at a grade or two higher than it was purchased.

Mr. RAYNER. Just a moment——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. McCUMBER. Certainly.

Mr. RAYNER. On behalf of the Baltimore Board of Trade I must absolutely deny the truth of that statement. I do not know what witness testified to it. I want to say, furthermore, to the Senator from North Dakota—I do not know whether or not he is a member of the Agricultural Committee—that the Board of Trade of Baltimore contends that it was denied a hearing before that committee. Whether or not it had any hearing I am unable to say; but it asked for a hearing, and it was told that a hearing would be afforded, but that hearing was never had; and the board has sent a protest to the committee denying, among other things, the very statement the Senator from North Dakota makes. I do not want that statement to go into the RECORD uncontradicted, for the board of

trade of my city consists of some of its most prominent and distinguished citizens.

Mr. McCUMBER. I say again that all I can go by is the testimony that was taken before the Committee on Agriculture.

Mr. RAYNER. The Baltimore Board of Trade was not allowed to contradict it.

Mr. McCUMBER. But the statement before the committee appears to be supplemented by the evidence of the foreign purchasers claiming exactly the same character of fraud was perpetrated upon them. I can not say what denials have been made. I know that the board was represented, as was every other one of these great boards interested in the purchase of the farmer's wheat for a less grade than it is entitled to, and interested in selling it at one or two grades higher than it is entitled to. The attorneys were here; they had their hearing, and it was closed before we put in any evidence whatever on behalf of the farmers throughout the United States. Great lobbies and attorneys have been here to protect the interests of these great purchasers. The farmers are not sufficiently organized to-day to make their wants felt, but I desire to say to the Senate of the United States to-day that that organization is going on and the time is not very far distant when what they desire and what they believe to be for their interests will be listened to by the Senate of the United States.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. With pleasure.

Mr. BAILEY. I merely want to remind the Senator that we heard the same kind of talk in the old Alliance days, and they did send some men to the House and the Senate, but they could not in this American country induce the farmers of the United States to demand special privileges for themselves any more than they want special privileges granted to other people.

Mr. McCUMBER. I would ask the Senator if he considers that a demand for honest and efficient grading is a demand for a special privilege? That is their demand to-day—not for special laws in their favor, but for the honest grading of grain throughout the United States, and that it shall be graded, not by the man who is the purchaser of the grain or some one appointed by him, but graded by those who are capable and who are under no influence whatever that would tend to make them deviate in the slightest degree from what is absolutely right in fixing the standards.

Mr. BAILEY. I do not think one man ought to cheat another in buying grain or in selling cotton or in trading horses; but if they do it, I do not think it is a matter of federal concern. I should leave them first to themselves and their consciences and the contempt of their neighbors; and when they were not sufficient to effect a reform, I would at least not go beyond the police power of the States to suppress swindling.

Mr. McCUMBER. My question was whether or not the agricultural interests of this country were asking for special privileges when they are demanding that they have facilities for the honest grading and inspection of their grain.

Mr. BAILEY. And my answer is——

Mr. McCUMBER. That is what they are demanding; that is what I am speaking for, and for nothing more; and I will show the Senate in a very short time that they have not been getting honest and proper grades for their grain.

Mr. BAILEY. And my answer to that is that when any class or any occupation comes to the American Congress and asks it to interfere with the details of conditions of any occupation within a State, it is not only asking for a special privilege, but it is demanding of us that we violate the Constitution of the United States.

Mr. McCUMBER. Not in the slightest degree. We never violate the Constitution of the United States when we pass a law that is sanctioned by the Constitution which will protect the people against fraud in any manner. That is all we are asking for in this particular instance. The same philosophy would apply to the railroad rate bill.

Mr. BAILEY. O Mr. President——

Mr. McCUMBER. In just a moment. The Senator might just as well say——

Mr. BAILEY. I want to say to the Senator——

Mr. McCUMBER. The Senator might just as well say that if the transportation companies doing an interstate business saw fit to exact from any section of this country more than they ought to, we should leave the matter entirely outside of legislation and let them fight it out to their best advantage.

Mr. BAILEY. I will say to the Senator——

Mr. McCUMBER. No; in just one moment. But the principle is this: When the conditions are such that it becomes necessary for the Government itself to exercise those functions which it can exercise for the protection of a people who have no other rights than those which they can secure from the Congress, then it becomes the moral duty of the Congress to give them that protection.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. Always.

Mr. BAILEY. If the Senator had yielded to me a little sooner, I would have saved him the mistake he has made in the heat of debate. When the Senator from North Dakota reads his remarks wherein he sought to draw an analogy between the regulation of railroad rates and the regulation of the purchase and sale of private commodities by private individuals, he will at least regret having incorporated that statement in his remarks.

The Senator knows—and no Senator knows it better than he does—that the power not only of the Federal Government, but the power of the state government over a transportation company is essentially different from its power over private transactions; and when the Senator attempts to put those of us who oppose a governmental interference with private transactions in the attitude of likewise opposing the governmental regulation of a public-service corporation he does no credit to his candor.

Mr. McCUMBER. The power of the Congress of the United States over a transportation company is derived from the general power of Congress to control interstate commerce; and the power to determine what may enter into interstate commerce and the rules and regulations which shall govern that article as it passes through that commerce both come from exactly the same source—from that single provision in the Constitution. The one is no broader than the other. The only question is whether or not the Congress of the United States has power to enact a law which will govern the grading of certain commodities to prevent fraud being practiced upon either the producer or the purchaser or the consumer.

I do not think the Senator from Texas will deny the right of Congress to intervene for that purpose so long as the subject is an article of interstate commerce.

Mr. BAILEY. Will the Senator from North Dakota further permit me?

Mr. McCUMBER. With pleasure.

Mr. BAILEY. We can bring this matter to a test from which no skill in argument can extricate the man who is wrong. The Senator from North Dakota agrees with me perfectly that Congress can fix the rates which transportation companies shall charge on interstate commerce. Does the Senator from North Dakota maintain that the Government of the United States can fix the price of grain?

Mr. McCUMBER. There is no such thing contemplated or hinted at in any way.

Mr. BAILEY. I know that.

Mr. McCUMBER. If the Senator will ask me a question within the bounds of reason, I shall be ready to answer it.

Mr. BAILEY. I thought it was rather beyond reason, but I was following the Senator, and I had to follow him out of the realm of reasonable inquiry. I only wanted to accentuate the fact that there is all the difference in the world between the power of Congress over the question of interstate transportation, as well as the power of the State over intrastate transportation, and the power of either of them or both over the private transactions of individuals.

Mr. McCUMBER. Congress has power to determine whether or not certain explosives shall be transported from one State to another. It has a right to fix the rules for the handling of those explosives, how they shall be boxed and packed, and so forth. All of this is done for the purpose of protecting the individual against injury. Congress has also the power to say that there shall not enter into interstate commerce certain articles which are falsely branded, so as to deceive. Congress has the same right to say that a load of grain shall not be certified as No. 3 under certain rules, when, as a matter of fact, it would pass as rejected under those rules, and would therefore operate to deceive and defraud the purchaser. That is as far as I contend we have the right to go, and I claim we have that right without any possible question.

Mr. President, the Senator from Maryland [Mr. RAYNER] seemed quite desirous of having read before the Senate the case to which he referred several times. No one has denied the proposition laid down in that particular case. No one has had the temerity to assert that the agents of the Agricultural Department can go into a State, can take possession, can grade, can inspect, or handle in any way an article of commerce before it enters into interstate commerce; and that is all that this case holds.

But, Mr. President, I stated that I was going to ask for the reading of a part of the testimony, so as to bring right home to the Senate the difficulties we have to contend with, and to show that there ought to be some forum where the farmer, the agriculturist of the different States, can seek redress as against a fraud perpetrated upon him in another State. I will ask the Secretary to read from pages 11 and 12 the portions in quotations. I will state that the testimony which I ask to have read is that of a member of the Board of Trade of the City of Chicago, who for seventeen years has been engaged in handling and selling grain upon the board, and his evidence is directly in reference to the grades that are allowed in that section.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

There is not a grain man in the world familiar with this market who will buy a public warehouse grain receipt and remove that grain from storage under any circumstances without an absolute knowledge of the grain he is going to get from that elevator. The standards of the public warehouse receipts are in disrepute simply on account of this system and the inspection department, which places the whole value on those receipts.

* * * * * * *

I have handled tens of thousands of cars in the board of trade. I have stood in front of one sample table for seventeen years as a handler of grain. I have sampled hundreds of thousands of carloads on the floor and noted the inspection, and I am free to admit that there is not a grain merchant of standing who is not either friendly to or affiliated with this organization (the organization of great grain buyers) who will state either under oath or otherwise that a public warehouse grain receipt under the management of this public elevator trust and the state inspection department is worthy of the respect of any man in the trade.

* * * * * * *

Why, sir, no man ever thinks of buying grain out of a public elevator or taking grain out of almost any place unless he has one of his private representatives, at his own expense, come up here and pay the bill and have the grain examined before it is loaded into the car or boat. We all have our private examiners and inspectors to watch the grain. We have to be on guard at every moment. There is nothing about an inspection certificate in this city but a huge joke.

* * * * * * *

Another witness testified:

"There are grades in our market of No. 2 and No. 3 yellow corn. These elevator companies also had private elevators, which were not under the control of the state inspection. They would buy both grades to go to store and sell the No. 2 yellow in New England. I noticed from the inspection sheets that these companies very rarely inspected any yellow corn out of store. It always came out No. 2. And I noticed I had that competition to meet at the other end from the elevator companies. In other words, they adulterated their goods, to be plain. They didn't give the trade East what they claimed to, although they gave them the inspection certificate of out inspection.

"I have stated that these men deal in grain and deal in such a way that it operates to the detriment of the shipper, to the detriment of the buyer, and to the detriment of the speculative public, and that their ally and their chief assistant is the state inspection department."

Another witness testified:

"The present inspection at Chicago, which is our principal market, and upon which we must depend at most times, is absolutely unreliable and without any stability whatever. As a proof of this, I want to tell you that in our country we have a variety of oats known as the 'Russian green oats;' also an oat known as the 'Kerson oat.' They are of a yellow variety. These oats, upon arriving in Chicago, no matter how sweet or bright or clean or nice they are, are invariably marked 'stained and damaged' in the inspection certificate, while an inferior quality of white oats might pass the inspection as No. 3 white, as compared with these yellow oats. We have been contending with that condition for the last five years. In view of the fact that many foreign countries buy our grain and we are heavy exporters, we contend that it would be a good thing to offer them a definite basis on which they can base their business relations with us, and we also contend that the federal inspection would perform that service."

Again, he says:

"Other cities are just as bad. It is possible to-day for a commission man to go to an inspector upon the exchange and have a sample of No. 4 white oats changed and marked from No. 4 white to No. 3 white without the formality of a resampling."

Mr. McCUMBER. The same witness goes on and shows another condition in that city which would be interesting to any Senator who has not already made up his mind upon this proposition, and certainly interesting to those who are unacquainted with the methods of handling grain. He shows, for instance, that five persons own from half to three-quarters of all the grain-elevator capacity in one of the greatest cities in the United States, and they purchase the farmer's grain at as low a grade as possible and put it into their own private elevators, then mix it up with still lower grades, then put it back into the public elevators and certify it from those elevators out one or two grades higher than it is entitled to.

Now, all of the grain being sold for future delivery under the rules must be purchased upon the certificates at those terminal points. When the time arrives to have these certificates delivered and the grain turned over to the purchaser, the purchaser knows that the grain certified out as No. 2 is a poor quality of No. 3, and he will refuse to accept it, because he knows he can not sell it. He therefore is compelled to liquidate, as they call it in the trade; that is, sell out at a loss. The owners of these great elevators stand ready to buy it in at the depreciated price. Then they resell for another future delivery, and when the time comes around again for the same reason the purchaser will refuse to accept the grain at that grade. They buy it in again at another loss to the previous purchaser, and so continue this endless chain.

Now, what effect has that upon the market at home? It has this effect: Every Senator knows that the price of a commodity is determined by the visible supply. There will be shown to be a very large visible supply of grain of contract grade, when, in fact, there is not one-tenth as much in that city. If the true facts were known what the visible supply was, it would be known that there would not be enough grain at that locality to meet the demand. The result would be that it would send the prices upward to a considerable extent. This method of handling grain, as I have indicated, operates always to drive down the price to the producer. How would that be remedied? If we had federal inspection which would show exactly what the grain in the elevator was and that it was of a lower quality than it was certified out, then the natural result would be that it would raise the value of all the grain throughout the country.

There has been read—many Senators possibly were not paying attention to it—the fact that in the State of Iowa they raise what is called a "yellow oat," a splendid oat. They have the Chicago market, and for years they have always gotten a certificate upon those oats that they were colored and spoiled. They could not get the honest grade upon them, although they were superior in many instances to the white oat.

Let me give one other example of inefficiency. I desire to call the attention of the Senate to this fact in the matter of grading.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I am interested in the matter of the farmer getting a just and reasonable price for his product, and I should like to ask the Senator a question. Is there no method by which grain or cotton, having entered into interstate commerce and been shipped from the State producing it and gotten into the central markets, like Chicago and New York, can be inspected and a certificate as to its grade or quality be attached so that there will be a protection to the producer, if not directly—supposing he did not ship it—then indirectly by the effect on the price? Is it not possible to do that without undertaking to invade a State and to inspect and grade the product at the shipping point?

Mr. McCUMBER. Oh, no. I do not know of any other way whereby it is possible to do it.

Mr. TILLMAN. The complaint is always at the receiving point.

Mr. McCUMBER. Always.

Mr. TILLMAN. There is no trouble at the point of departure or production. It is always the rascal in New York or Chicago who is endeavoring to undergrade the cotton of the man in South Carolina or the grain of the man in North Dakota.

Mr. McCUMBER. Very well.

Mr. TILLMAN. Why do you go to the wrong end to inspect instead of going to the right end?

Mr. McCUMBER. If the Senator had been listening to the argument, he would have found out that he is in error in making that remark. That is just exactly where I am going. I want to go to the port of New York and to the other great terminals and do the grading there as the article enters into those terminals before it is unloaded and while it is still interstate commerce.

Mr. TILLMAN. Why do you want to investigate a thing that is well understood?

Mr. McCUMBER. And then have the grade put on it by the Government, an honest grade, and that grade will follow it throughout to the field of consumption, and that grading will encourage those who want to give the farmer or the producer of cotton or grain the grade his product is entitled to, to do so.

Mr. TILLMAN. The methods of these robbers in New York in dealing with cotton are so fully understood now that we do not need to investigate. So it is, as the Senator has just shown by the letter he had read, in regard to grain, oats, and so forth, in Chicago. Why do we want to run to the wrong end of this thing to remedy it when the plain facts lie before us, and all we have to do is to provide for such inspection of articles already entered into interstate commerce—cotton and other farm products—at the ports of shipment?

Mr. McCUMBER. That is exactly what my bill provides.

Mr. TILLMAN. Do you mean this amendment?

Mr. McCUMBER. No; but the matter we have been discussing, upon the right and the duty of the Government to grade in interstate commerce.

Mr. TILLMAN. But you want to grade it at the wrong end. I want to grade it at the place where the product has already gotten out of intrastate commerce and become a subject of interstate commerce. When the cotton gets to New York, let us grade it there; when the grain gets to Chicago, let us grade it there; and do not let us go back to Iowa and Dakota to do it.

Mr. McCUMBER. I agree with the Senator, and I gave it as one reason why I thought the amendment which went out on the point of order was absolutely useless. The Senator does not disagree with me at all as to the proper place to begin the work.

Mr. TILLMAN. I do not understand the Senator's argument at all. But from what I have been able to hear of the contention of the Senator from Maryland and the Senator from Texas, they object to your entering into the State of production and undertaking to inspect and grade it there. They do not object, as I understand, to having the United States Government inspect and grade and protect by any legislation possible here after it has reached the point of delivery.

Mr. McCUMBER. Oh, yes; they object to grading at any period or at any time.

Mr. ALDRICH. I should like to ask the Senator from South Carolina a question.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Rhode Island?

Mr. McCUMBER. Certainly.

Mr. ALDRICH. Would the producers of cotton in South Carolina be willing to have a clerk in the New York custom-house fix the price of cotton for the planters of his State?

Mr. TILLMAN. The price is not what we are discussing; it is the grade.

Mr. ALDRICH. When he fixes the grade, he fixes the price.

Mr. TILLMAN. It depends entirely on whether the man in the custom-house in New York is an honest man or some deadbeat politician, who is to be put into the position in order to get the salary.

Mr. ALDRICH. The Senator from South Carolina knows as well as I do what kind of a man he is likely to be.

Mr. TILLMAN. Then I do not want anything to do with such cattle.

Mr. McCUMBER. I think the Senator from South Carolina and also the Senator from Rhode Island will agree that they would rather have a clerk under the provisions of the law relative to the appointment of clerks for the Government, if he was under the civil service, to certify it than to have a man appointed by the purchaser to certify it. I think the chances are a thousand to one that we would get nearer an honest certification if we had an independent person to certify it than if we selected one who was appointed by the purchaser and who wants to have it certified as low as possible. I think that is an answer to that.

I want to show another very bad condition that we have to meet by having no way of revising or going over the methods of grading at the terminal points. In this same document, the testimony that was taken before the Committee on Agriculture and Forestry, there is one statement which affects all of the great terminal points at certain seasons of the year. One man inspected in less than half a day 250 cars of grain. That meant that he had to walk down one side for 2½ miles and walk up the other side for 2½ miles and inspect from both sides. That was a physical——

Mr. TILLMAN. Who did that?

Mr. McCUMBER. This was one of the graders in the city of Chicago.

Mr. TILLMAN. In whose employ?

Mr. McCUMBER. Under the employ of the board of trade.

Mr. TILLMAN. And they were managing and manipulating it in order to steal the farmer's grain at a lower price than they ought to have paid?

Mr. McCUMBER. I am letting the Senator draw the conclusion. I am giving the fact.

Mr. TILLMAN. I am talking plain English and the Senator is using "shenanegan."

Mr. McCUMBER. I do not call it "shenanegan." I am giving the fact, and I will let the Senator draw any conclusion and apply any kind of language he sees fit. But the fact remains that one inspector in half a day inspected 250 cars. The fact is apparent that he could not do any more than make a rough guess, and that those 250 cars of grain must therefore necessarily be sold under 250 guesses. Is not that true? Now, remembering that this inspector is employed by the man who is purchasing that grain, are not the chances that the guesses will be in his favor, and not in favor of the producer?

Mr. President, I do not want to discuss this matter any further than is necessary. I simply want to allow the Secretary of Agriculture to go on with his investigations. I want him to investigate—I do not care what language you put it in—the methods of grading in the different sections of the United States. That he has done so has helped us out very materially. As I said yesterday, we are getting better grades because the great terminal points know that the Secretary of Agriculture is watching their operation, and if it is carried on to such an extent that it becomes too gross a robbery the publicity that will be given to it will be such as to insure a federal inspection of grain.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming [Mr. WARREN].

Mr. WARREN. Presuming that the committee has a right to perfect the amendment, I wish to withdraw the amendment I sent to the desk a few moments ago and to offer it in a different form, commencing in line 9, after the word "and," and inserting what I send to the desk, beginning with the word "for."

The VICE-PRESIDENT. The Secretary will read the amendment as modified.

The SECRETARY. On page 16, line 9, after the word "and," insert:

For a study of the factors entering into the usual operations connected therewith, $52,440.

Mr. JOHNSTON. How would it then read?

Mr. WARREN. Let the whole clause be read as it will then read.

The VICE-PRESIDENT. The Secretary will read the clause as it would read if amended as proposed.

The Secretary read as follows:

For investigating the handling, grading, and transportation of grain and for a study of the factors entering into the usual operations connected therewith, $52,440.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, on page 17, line 18, before the word "dollars," to strike out "thirty thousand five hundred and thirty" and insert "twenty-three thousand one hundred and eighty," so as to make the clause read:

For the investigation and improvement of methods of growing, producing, and handling tobacco, $23,180.

The amendment was agreed to.

The next amendment was, on page 17, line 19, after the word "by," to insert "cultural methods," so as to make the clause read:

For the improvement of cotton by cultural methods, breeding, and selection, $18,130.

The amendment was agreed to.

The next amendment was, on page 18, line 1, before the word "breeding," to insert "testing and," so as to make the clause read:

For testing and breeding fibrous plants, which may be used for paper making, $10,000.

The amendment was agreed to.

The next amendment was, on page 18, line 3, after the word "breeding," to insert "and physiological study," so as to make the clause read:

For the breeding and physiological study of alkali-resistant and drought-resistant crops, $17,550.

The amendment was agreed to.

The next amendment was, on page 18, line 16, after the word "weevil," to strike out "$146,470" and insert "$250,000," of which sum "$50,000 shall be immediately available," so as to make the clause read:

For the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $250,000, of which sum $50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 20, line 7, before the word "dollars," to strike out "one hundred and two thousand two hundred and sixty-six" and insert "two hundred and fifty-eight thousand three hundred and fifty-six," so as to make the clause read:

In all, for general expenses, $1,258,356.

Mr. WARREN. I move to add, after the word "dollars," in line 7:

Of which sum $50,000 shall be immediately available for cotton boll weevil work.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 20, line 20, before the word "thousand," to strike out "seventy-two" and insert "forty-one," so as to read:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, and electric current, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for rent and repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $317,960, of which amount not less than $241,320 shall be allotted for congressional distribution.

The amendment was agreed to.

The next amendment was, in the item for the purchase and distribution of valuable seeds, on page 22, line 17, after the word "plants," to insert the following additional proviso:

Provided also, That $31,000 of which sum, or so much thereof as the Secretary of Agriculture may direct, shall be used in the propagation, testing, distribution, and extension of forage crops throughout the United States.

The amendment was agreed to.

The next amendment was, on page 23, line 10, before the word "dollars," to strike out "six hundred and thirty thousand seven hundred and thirty-six" and insert "seven hundred and eighty-six thousand eight hundred and twenty-six," so as to make the clause read:

Total for Bureau of Plant Industry, $1,786,826.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," in the item for general expenses, Forest Service, on page 25, line 14, before the word "hundred," to strike out "three million nine" and insert "four million four," so as to make the proviso read:

Provided, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July 1, 1910; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding $500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the city of Washington and elsewhere, $4,486,000.

Mr. GUGGENHEIM. I should like to ask the Senator in charge of the bill why the amount for the Forest Service is proposed to be increased $500,000?

Mr. WARREN. The committee, in view of the fact that the estimate called for some thirteen hundred thousand dollars more than the amount given by the House, and the further fact that the Senate by its vote last year added $500,000, concluded that the service needed the $500,000 additional, and that it would probably be acceptable to the Senate, and perhaps to the House in conference.

Mr. HEYBURN. Had the Secretary read to the proviso in line 15?

The VICE-PRESIDENT. The Secretary read to that point. The question is on agreeing to the amendment of the committee.

Mr. WARREN. Would the Senator from Idaho as soon let the amendment be unacted on and go on and let the Secretary read about a page more?

Mr. HEYBURN. I will be pleased to do that; and then I will take the floor.

Mr. WARREN. The pending amendment may be laid aside and the Secretary can finish the reading of the items for the Forestry Service.

The VICE-PRESIDENT. The amendment will be passed over for the present.

The Secretary resumed the reading of the bill, and read to page 26, line 11.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The next amendment of the committee will be stated.

The next amendment of the Committee on Agriculture and Forestry was, on page 26, after line 11, to insert:

That hereafter, for the purpose of unifying national forests, the Secretary of the Interior may, upon the request of the Secretary of Agriculture, accept relinquishments to private lands lying within the exterior limits of any one of such forests in exchange for stumpage of substantially equal value from the national forests. And such private lands, upon the acceptance of relinquishments thereto by the Secretary of the Interior, shall become a part of the national forests within the exterior limits of which, respectively, they lie, and be subject to the laws then and thereafter affecting the same.

Mr. KITTREDGE. Mr. President, after a time, if there be a desire to adopt the amendment just read, I give notice that I shall interpose the point of order against it.

Mr. HEYBURN. Mr. President, for a number of years we have been promised on each succeeding occasion as we reached this appropriation bill that in a very short time there would be no longer occasion to ask for an appropriation for the maintenance of the Forestry Service, for the reason that it would be self-sustaining, and I think that that promise has had more to do with the expanding and the development of this vicious measure than almost anything else.

I sincerely hope that we are standing at the threshold of better governmental conditions, where the law enacted pursuant to the Constitution will help the will of the people, rather than rules and regulations made at the will or caprice of the employees of the Government temporarily invested with the execution of the law.

Mr. President, this appropriation bill has been carved out of an estimate made by the Forestry Service, speaking through its chief, the Agricultural Department, an estimate for this year of $6,071,500. I find that on page 35 of the estimates of this department.

The bill carries an appropriation of $5,146,200. It carries it in three items. The first item is of $60,000 for the office expenses in Washington; the second is of $4,486,000 for grouped necessities; the third is of $600,000 for improvements of national forests; the total is $5,146,200.

Last year we appropriated $3,978,616. The bill this year carries in excess of the bill of last year $1,167,584. The income from all sources for the last fiscal year was $1,842,281.87. So the deficiency in this service would be $3,303,918.13.

Mr. President, that is the criterion by which we are to estimate the ability of this branch of the government service to conduct a business enterprise. This service, that was going to be self-sustaining by this year, shows a deficit, in round numbers, of $3,300,000.

Two years ago the appropriation was $3,759,086; for the present year it was $3,978,616.97. The estimate for this coming year, for which we are now making appropriations, is $6,071,500. So in two years the expense of conducting this department of the Government has more than doubled.

I have only included that portion of the time since the law was changed requiring them to cover into the Treasury of the United States the receipts from the Forestry Service.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. The Senator in making that statement, complaining that the prophecy or the promise that this department would become self-sustaining in a year or two or in a little while, and that it had not done so this year, ought to incorporate also the statement that during that time, under the direction of Congress, we have been extending the work of this department, and while the income has not exceeded the expense it has been because we have been increasing the service. We have been imposing upon this bureau other additional work. We have been extending it in various directions. After all, it has been a very few years, comparatively speaking, since we have undertaken to do anything looking to the preservation and the protection of the timber. While the expenses are temporarily large in comparison with the income, it is only because we are getting ready for the proper care of it, and while they have continued to be larger for a year or two longer than was anticipated, it has been because Congress in its wisdom has determined to do it in a larger way and on a more extensive plan than was originally contemplated when it was thought that it would get on a paying basis within a year or two.

Mr. CLARK of Wyoming. Mr. President, I wish to ask the Senator from Nebraska a question. Is the Senator aware of a single duty additional laid upon this bureau that has not been laid upon it by the actual request of the bureau itself?

Mr. BURKETT. I did not hear the last part of the Senator's question.

Mr. CLARK of Wyoming. I ask the Senator if he is aware of any duty that has been laid upon this bureau enlarging its scope that has not been granted at the absolute request of the bureau itself?

Mr. BURKETT. I will say to the Senator that I suspect it would be impossible to pass anything through here that a bureau of the Government had not indorsed.

Mr. CLARK of Wyoming. That is not my question. I asked the Senator——

Mr. BURKETT. I want to answer the Senator's question. I recall that when anything comes in here the very first question that is usually asked is, Does the department recommend it? That is a very appropriate question, because they are supposed to investigate these matters. Their opinion is supposed to be made up without local prejudice. Very naturally, therefore, when Congress is all the time trying to seek and find out what the will of the department is before passing legislation, Congress followed the advice and the suggestion of this department that is spending its time in this special line of work.

I want to say to the Senator that, in my opinion, we ought to congratulate ourselves and the country that we have at the head of that bureau a man not only of sufficient qualifications and capacity, but of sufficient energy and faithfulness to execute the trust which is reposed in him. It is the most phenomenal thing, I think, in the whole government service, for it has been demonstrated that there has been no more faithful work than that done by the head of this bureau. I think that we are quite fortunate that we have had at the head of the bureau one who was able to grasp the situation, to mold legislation, so to speak, and to suggest a plan for the preservation and protection of our forests, which Congress, in its wisdom, has adopted in times past, and has seen fit to use for the preservation of these forests.

In answering the Senator, I will say frankly that I do not know that there is, in anything that has been done, a single idea that has come from Congress; "pity 'tis 'tis true;" pity 'tis that there has not something good come out the ideas of Senators from those particular States and other States, who are certainly all interested in this matter. But, in my opinion, it is no argument against what has been done, simply because it originated with a man who has spent his whole life in the study of methods and plans and possibilities for the development of American timber culture.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. BURKETT. Certainly.

Mr. SMOOT. I understood the Senator from Wyoming to ask the Senator a question.

Mr. CLARK of Wyoming. I am seeking information from the Senator from Nebraska.

Mr. SMOOT. If the Senator desires me to answer, I will say that I can call his attention, I think, to two cases where lands have been added to the forest reserves that were not requested by the Forestry Service.

Mr. CLARK of Wyoming. That was not my question.

Mr. SMOOT. That was the Senator's question, as I understood it.

Mr. CLARK of Wyoming. Oh, no. The Senator, in speaking of the increased expenditures and the excess of the expenditures over receipts, made the statement that it undoubtedly arose because of the larger and wider duties that we laid upon this bureau. My question was, whether the Senator knew of any wide duty that Congress had laid upon this service that had not been requested by the service itself; in other words, whatever increased expenditure has come, has come along lines that have been distinctly asked for by the service itself, and not initiated by Congress, which legislates about these matters.

Mr. HEYBURN. Mr. President, I will answer that question.

Mr. CLARK of Wyoming. I should like to have an answer.

Mr. HEYBURN. I was just proceeding—it was directly in the line of what I was saying, and I should like to continue it——

Mr. SMOOT. Very well.

Mr. HEYBURN. I will yield at any time to the Senator, but I was discussing that question. I will give some information as to the class of service for which the additional appropriation is asked. The bill under consideration contains, practically in the same language as the estimates, these items. I will call attention to them. They are instructive and they are a fair sample of the manner in which this department does business.

General expenses, forest service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry—

That is one item. We are not advised how much of the money is to be expended for that purpose, whether it is all of this $4,000,000 or a very small portion of it.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I take it that the Senator from Idaho has examined the estimates of the department, and there he will find set out in detail just what the expenses are.

Mr. HEYBURN. I think I have the matter before me on my desk, but I can not concede the statement of the Senator. If I am allowed to continue my statement, it will be made plain why it is not possible——

Mr. SMOOT. The only reason I answered that was that the Senator said he did not know what the $4,600,000 was intended for, it being but one of many items.

Mr. HEYBURN. I will submit the question to the Senator from Utah. He has the estimates there. How much money is appropriated for the item "to enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry"—that item alone?

Mr. SMOOT. Mr. President, the estimates that are given here are given under that heading in districts. I can not say offhand precisely what the amount is, but I will be able to tell the Senator in a little while.

Mr. HEYBURN. I presume I have gone through the statement by districts; I have it in my hand, and by the time I have finished my statement I think my criticism will be plain and obvious. That is the first item. You can go through the estimates to any extent and you will not be able to answer the question that I have submitted to the Senator from Utah.

The next item is, "National forests; forest fires." I should like to know how much of the $4,000,000 is to be devoted to national forests and forest fires?

Mr. SMOOT. Mr. President, as I remember—I have not recently examined it—for forest fires there is an estimate of $500,000. By the way, I think it ought to be a great deal more than $500,000.

Mr. HEYBURN. Mr. President, another item is—

To advise the owners of woodlands as to the proper care of the same.

I wonder how much money is appropriated for that item—"to advise the owners of woodlands as to the proper care of the same." Where? Private owners of woodlands?

Mr. SMOOT. That is exactly what it is, to advise private owners as to how they shall take care of their forests.

Mr. HEYBURN. The provision continues:

To investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $500.

I want to say a word about these buildings. My attention was called to that item on more than one occasion during the last summer and fall. I saw instances—and I have the papers to establish the facts with some detail—where, under the plea of necessity of the Forestry Service, the forestry officers took possession of men's homes and dispossessed the men from them because they were within the boundaries of the forest reserves, saying that they needed them for forestry purposes. There is one instance of that kind that is worthy of more than passing notice. I want to read it. I think Senators will be interested in this well-authenticated case. This was the case of a man by the name of Osker E. Moyer.

He had a homestead in the Lewiston land district.

There is a forest station adjoining Mr. Moyer's homestead, and there has been constant friction between the forest officers and Moyer for the past two years. The chief trouble has been caused by the forest rangers trying to collect stumpage from Moyer for the wood cut in clearing his land. Moyer proved up last September, after five years' residence, to escape the everlasting interference of the forest rangers, some of whom are immensely impressed with their own importance—

I am reading from a letter—

and seem anxious to distinguish themselves by a conspicuous display of official watchfulness.

Not satisfied with contesting, or protesting, Moyer's homestead, the forest officers practically drove him off of his place, forbade him to do any work thereon, and served notice on him not to remove his wood then cut until after patent should be issued to him. They then tacked a notice on each pile of his wood, one of which I send you—

This is the notice [exhibiting] printed upon cloth. It reads:

PROPERTY
OF THE
UNITED STATES.

For the use of the officers of the Forest Service. All persons are prohibited, under penalty of the law, from committing any trespass.

JAMES WILSON,
Secretary of Agriculture.

The letter says one of these notices was tacked on each pile of this man's wood.

He allowed the wood to remain until after he received the decision inclosed.

The inclosed decision is one giving him his homestead in the contest which he now has by virtue of the proceedings.

I then advised him to haul his wood to Grangeville, and the forest officers have since relinquished or released it from their claim.

Moyer is a poor man, with a large family, and it has occurred to me that a bill for his relief on account of the damage sustained by this groundless protest might be passed. He has been damaged about $250, $100 of which is cash paid out. He had to sell his best cow to get part of the funds to fight with.

There is a well-authenticated case. Attached to it is the decision holding that this man was a legitimate and bona fide homesteader; that this was his homestead, and passing it, so far as the office may pass it, for patent. That is a sample of what is being done. I could produce similar cases here in numbers to occupy the attention of the Senate for a day or two.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I merely want to ask the Senator if the man's homestead was within or without the limits of a forest reservation? I did not quite get that information from the letter which the Senator read.

Mr. HEYBURN. I have before me the protest in the case of Osker E. Moyer. This is an official paper of the Department. This is a very recent case.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Lewiston, Idaho, October 28, 1908.

OSKER E. MOYER, *Grangeville, Idaho:*

By authority of General Land Office letter "P," of October 23, 1908, you are hereby notified that an officer of the Forest Service office has filed the following charges against the validity of your homestead entry No. 10044, made July 13, 1903——

Mr. SMOOT. But what I wanted to know was whether the homestead was within the limits of a forest reserve; that is all.

Mr. HEYBURN. To answer that question I would have to take a map and compare the description, but it is not material. I am speaking of the conduct of the forestry officers.

Mr. SMOOT. It will make a great deal of difference, in my view of the case, as to whether the land was within a reserve or whether it was without.

Mr. HEYBURN. I presume it will.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. HEYBURN. Certainly.

Mr. BORAH. If it is not within a forest reserve, what right would a man have to file any protest?

Mr. SMOOT. None whatever. That is the reason I asked the question.

Mr. HEYBURN. I do not know what impression it will make upon the Senator from Utah. I will have to leave that entirely to his judgment. But I am now stating some facts from which I will draw some deductions, and perhaps other Senators will do the same.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. Would the Senator be kind enough to state what the ground of the protest of the forestry officer was?

Mr. HEYBURN. Yes; and I have the judgment of the court here, too. The grounds stated are:

To wit:

"1. That claimant has never cultivated any of the land.

"2. That claimant did not make the entry in good faith for the purpose of securing the land for a home, but for speculative purposes to secure the timber thereon."

He had been living on the land for five years.

I am reading from the charges, which the officer finds unfounded.

This is a new device that they have conjured up—this thing of taking possession of a man's buildings and home within the forest reserve under the claim that they are necessary for the use of the forestry officers.

At Atlanta—and I will not take the time of the Senate to read all these letters—they moved into a man's homestead and are occupying it to-day, as they allege, for administrative purposes in connection with the Forestry Service. I saw last summer, between Council and Evergreen on the railroad going up through Washington County, a beautiful set of buildings on a bank overlooking the river that were being used by the officers of the Forestry Service under the same claim. They had taken them, claiming that they were necessary for administrative purposes. They have done that in so many cases that it would be impossible to stand here and enumerate them all.

Mr. SMOOT. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I did not catch the name in the last case. I want to say, so far as my experience goes, that it has been just the reverse of that of the Senator, because they have written to me and asked that I use my influence with the Forestry Service to buy their homes for that very purpose.

Mr. HEYBURN. That is, individuals have written?

Mr. SMOOT. Yes.

Mr. HEYBURN. They were not so thoughtful in the other cases.

Mr. President, the Forestry Service has taken possession of 20,000,000 acres, in round figures, in the State of Idaho. They admit that 9,000,000 acres of that land is absolutely untimbered. Congress in providing for the setting aside of forest reserves placed these limitations upon them:

All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act shall be, as far as practicable, controlled and administered in accordance with the following provisions:

Mark you—

No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

And yet they have included within the forest reserves in the State of Idaho nearly every great mining camp in that State.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. I understood the Senator from Idaho to say that it is admitted by the Forestry Bureau that large areas untimbered and not adapted to timber are included in the forest reserves. Did I misunderstand him?

Mr. HEYBURN. Yes; they state that.

Mr. DOLLIVER. I call the matter up because the Chief of the Forestry Bureau testified before the committee that he knew of no forest reservation that contained any land except that which has timber upon it or had timber cut from it or was well adapted to the growing of timber. To use his exact language, he said, in answer to a question of Senator SIMMONS:

Senator SIMMONS. Some of these lands have never grown any timber at all, I understand.

Mr. PINCHOT. None of the lands that I know of. All of these lands have grown timber that I am speaking of.

He then goes on to say that the only areas within the forest-reserve limits that are without timber are not essentially timber lands, but are such as are above the timber line on the mountains.

Mr. HEYBURN. We have none such in Idaho.

Mr. DOLLIVER. So that, while I do not complain of the Senator's statement, I think I ought, on behalf of the Forestry Service, to say that no such state of facts is admitted by the bureau at all.

Mr. HEYBURN. Mr. President, it has been admitted always heretofore, and, in any event, it is an absolute fact. There are at least 9,000,000 acres of forest reserves in the State of Idaho that have not a tree upon them.

Mr. DOLLIVER. Have the trees been cut off?

Mr. HEYBURN. No; they have never had trees upon them within the recollection or knowledge of man.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I understand, Mr. President, that there are some lands in Idaho in forest reserves that have not trees upon them at the present time, but they are lands within little valleys on both sides of which are forests of trees, and that land can be taken up to-day under the same law and in the same way as any other land belonging to the public domain.

Mr. HEYBURN. Just let me answer right here, before that is confused with other statements. The areas of which I speak are areas outside of the timber sections and are not composed

of the valleys to which the Senator refers. They are areas that lie right out in the plains.

Mr. SMOOT. Then, Mr. President, they are lands that are withdrawn for the purpose of protecting the watersheds of streams.

Mr. HEYBURN. There is no provision in the act of Congress authorizing the withdrawal of any lands for that purpose.

Mr. SMOOT. The very provision the Senator read a few moments ago contained that authority—the provision in regard to securing favorable conditions of water flows.

Mr. HEYBURN. It says "For the purpose of securing favorable conditions of water flows"——

Mr. SMOOT. That is exactly the condition applying to those lands in Idaho.

Mr. HEYBURN. "And to furnish a continuous supply of timber." If any intelligent man, with full knowledge of the facts, were to go on the ground to which I refer, and then give that as an excuse, he would be laughed out of the country. If the Senator could see those vast areas—and when you talk about 9,000,000 acres of land you are talking about a pretty big tract of land—and then give as an excuse for withdrawing them that they are to protect the watersheds, he would not be willing even to defend his own statement.

Mr. SMOOT. Mr. President, I only want to say further in relation to the matter, that I know that is the position taken by the Forestry Service, and I know that in some parts of Idaho, where I have personally visited, that is the case. As to the 9,000,000 acres, I can not say, because I have not been all over the State of Idaho.

Mr. HEYBURN. No; and I suppose the Senator probably would be edified by seeing an accurate map.

Mr. SMOOT. I have seen the map.

Mr. HEYBURN. No; the Senator has never seen this map [exhibiting] or any one like it. It has just been made.

Mr. GUGGENHEIM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. GUGGENHEIM. I wish to substantiate the statement of the Senator from Idaho, so far as Colorado is concerned.

Mr. HEYBURN. Mr. President, this map [exhibiting] is so presented that he who runs may read. This [indicating] is the State of Idaho, as it is chopped to pieces by the forest reserves. Those white areas there [indicating] are forest reserves. They isolate and detach great areas of that State, so that if you go from one of those detached areas to another you are a trespasser upon the forest reserve.

Mr. SMOOT. Mr. President, I should like to ask the Senator——

Mr. HEYBURN. That represents 20,000,000 acres of land carved out of that State. Let it be in the RECORD that the State of Idaho is 5,000 square miles larger than all of the New England States combined.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to say, so that Senators will really know, that the white part on the map the Senator shows as being in the forest reserves is not agricultural land. It is made up of mountain ranges from almost one end of the State to the other.

Mr. HEYBURN. Mr. President, we have the evidence of a Senator who has seen, perhaps, these little isolated white tracts down in the southeastern corner of the State. I happen to have lived for more than a quarter of century within this vast area of forest reserves that covers the richest part of the State, and I know something about it.

Mr. SMOOT. I have not been from one end to the other of the Senator's State, but I do know there is a range of mountains running along that part of the map indicated in white.

Mr. HEYBURN. Mr. President, a few years ago we had in Idaho what we called an "immigration convention," for the purpose of setting forth the advantages and the possibilities of that State to those who might desire to come there. The best exhibit of fruits in that convention—and it was a great exhibit—came from what are now forest reserves; the best barnyards and the best orchards that I know of in the State of Idaho are right on the line of a forest reserve. Nature has not burned the ground on one side of that line. I have ridden and driven for days through what are now forest reserves in Idaho, with the white clover and the timothy, native grasses in that country, above the knees of the horses. There is enough natural pasturage in Idaho in those forest reserves to maintain 15,000,000 head of animals.

Mr. SMOOT. Mr. President, does the Senator mean to say——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. Does the Senator mean to say that there is feed going to waste in the forest reserves?

Mr. HEYBURN. The question whether it goes to waste does not occur to me as being very important. The principle upon which the devotees of the Forestry Service seem to act is, that when the water once flows over the dam of a rock it is gone forever, and no more comes; that when the grass dies at the end of the season, it will never come again, and unless it is eaten up during that season, that is the end of it; that when a tree is cut, that is the end of the forest. This process of growth and waste has been going on in the world from the beginning. The fact that water is flowing without being used seems to be accepted by these enthusiastic conservators of the public resources as though it were an actual waste. They go clear out to Idaho to find some burning example to hold up and inspire the horror of people who are not well acquainted with the situation. I can stand at the White House or on the steps of the Capitol and point up to the falls of the Potomac, where power has been wasted under that rule from the beginning, and yet there is as much power there to-day as there was at the beginning. Still they call that a waste of the natural resources of the country.

I know vast forests to-day—I will say in Idaho, but I know them elsewhere—that have been burned over within my recollection and have regrown and reproduced merchantable timber. The process of burning is one of nature's house-cleaning processes. I know forests to-day that would be benefited by being burned over. Take the ride 80 miles from Stites into the Bitter Root Forest Reserve, this great reserve here. If that forest had been burned over twenty or thirty years ago, to-day it would be a valuable timber tract. As it is, I went there once when the wind was blowing, and we were in danger all the time from dead, rotten trees blowing down upon us, because the forest had not ever been used and it has not yet been used, but the rotten trees and the dead trees are being preserved there under the impression that they are doing some good to this or some other generation.

The greatest good you could do the people would be to convert those lands into homes, and let people live on them. I would rather have an orchard of Idaho apples or peaches or pears on a tract of land than any timber, because you can buy a substitute for timber; the other sustains life.

Mr. SMOOT. I do not think any advocate of the Forestry Service disagrees with the Senator in relation to the value of an orchard. But if there is any place in a forest reserve in the State of Idaho where you can raise apples, or which is fit for agricultural purposes, homesteaders can go in and locate upon it.

Another thing: The Senator spoke of the waste of grasses and clover that are growing there. I do not believe there is a single solitary section in all the forests of Idaho that is not eaten clean every year, because there are thousands of men making applications all the time for permits to go upon those reserves.

Mr. HEYBURN. I am astonished that the Senator should make a statement like that. The little corner of Idaho that he has seen is about as big, compared with the State, as one of these desks compared with the Hall.

Mr. SMOOT. Oh, well; that is all right.

Mr. HEYBURN. The Senator talks about the land being eaten bare. There is not a sheep to speak of north of the Salmon River. The great part of Idaho where its chief wealth lies, in the center and north of Idaho, is not pastured by any animals.

Mr. SMOOT. All I know is that if there is any complaint at all in relation to all of the forest reserves of this country, not only in Idaho, but in every State, it is that they are overfed and not underfed; and that is the case in Idaho.

Mr. HEYBURN. The difficulty is, if they are overfed they are overfed by the wrong people.

Mr. SMOOT. Oh, well, of course the wrong people; but the record shows that there are ten using the reserves to-day where there was one about five years ago.

Mr. HEYBURN. I hope before I tire the Senate I will come to that question.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. The Senator made a statement a moment ago which I am sure, on its being called to his attention, he

will correct, and that was the description of a forest through which if a man passed he was in danger from rotten trees that were neglected and lying on the ground. The Senator knows, of course, that under the present administration of the Forestry Service that is one of the things that is prevented; that is to say, what is known as "ripe timber" is cut and sold instead of falling and going to waste. That is one of the purposes.

Mr. HEYBURN. I think the Senator would like to be put right——

Mr. BEVERIDGE. Yes; if I am wrong.

Mr. HEYBURN. In the statement he makes about the timber being cut and sold.

Mr. BEVERIDGE. I do not think the Senator wants to have it stand in the RECORD that fires are admirable things for forest lands.

Mr. HEYBURN. No; I do not; but some newspaper scribbler will say so. They generally pick out an isolated sentence, or a half a sentence, if necessary, in order to distort the discussion of this question, but I do not intend that the official record of this body shall say so.

Mr. BEVERIDGE rose.

Mr. HEYBURN. Now, I want to answer the other proposition of the Senator.

Mr. BEVERIDGE. As a matter of fact, I distinctly heard the Senator from Idaho. I listened with great interest to him, as we always do, for he makes his statements very clear; and he pointed out a forest in Idaho and said it would have been an admirable thing for that forest if it could have been burned by fire.

Mr. HEYBURN. Twenty years ago.

Mr. SMOOT. Thirty years ago.

Mr. HEYBURN. Thirty will do as well as twenty.

Mr. BEVERIDGE. Do I understand the Senator to say that a fire would have been good for a forest thirty years ago, but not now?

Mr. HEYBURN. If the Senator could realize how far he is from the real kernel of that proposition, he would be astonished.

Mr. BEVERIDGE. I am just as far as the Senator is, for I was following the Senator's statement.

Mr. HEYBURN. When the Senator speaks of it being the policy of the Government to cut the ripe timber and sell it, he is further off still. You could no more cut and haul lumber to any market from the Bitter Root Forest Reserve, which is as big as some States I know of, than you could make profit out of hauling meat in a wagon from here to New York—not at all. It is absolutely outside of any possible market. There is Elk City, a mining camp——

Mr. BEVERIDGE. Then, if that is true, if that is the unfortunate location of this forest, what is the harm of having it in a forest reserve?

Mr. HEYBURN. I will answer that, and I will do it to the satisfaction of the Senator from Indiana.

Mr. BEVERIDGE. The Senator can further answer this: If that is true, then why do men whose business it is to cut trees and make them into lumber want to get at this very forest reserve? And a third question, all of which he can answer at the same time, is this: If the forest is so unhappily situated, then what good would it do to throw it open to settlement in the way the Senator indicates, because the settlers would have to cut off the vast forests, and they would not have any place to which to take the product?

Mr. HEYBURN. It is just such questions as those which make the people who know about it gasp.

Mr. BEVERIDGE. Mr. President——

Mr. HEYBURN. The Senator is asking four questions. I will forget those questions if other matter intervenes.

Mr. BEVERIDGE. I was just going to say that it takes something more than a gasp to answer the question.

Mr. HEYBURN. We will see now. There is a tract of land known as the "Bitter Root Forest Reserve." It is on the edge of that forest reserve that the wheat fields and the orchards and the homes——

Mr. BEVERIDGE. Mr. President——

Mr. HEYBURN. I am going to finish the answer before I yield, because I will forget the questions if I do not. It is on the edge of that reserve that these conditions exist. At the time the forest reserve was created we had just made a large appropriation for the purpose of building a state wagon road through that reservation, so that immigration might go there, and settlers might come in and make their homes. We had no more than made that appropriation and started to build the road than the Government set the land aside as a forest reserve, whereupon the possibility of and the inducement for settlement ceased. It may be said that a man can locate agricultural land in a forest reserve, but when you make the conditions onerous and the terms upon which he can do it humiliating——

Mr. BEVERIDGE. Mr. President——

Mr. HEYBURN. I am going to answer the questions before I submit to an interruption. I must insist upon answering these questions, otherwise some enterprising reporter will say I failed to answer.

Mr. President, to learn what would have happened or what conditions would have existed had the forest reserve not been there, we have only to compare it with the adjoining country. Land does not lose its fertility or its possibility for cultivation according to a straight and arbitrary line, so that on one side of the land a man may make a living and on the other starve to death. Inside the forest reserve is the town of Elk City, which is one of the prosperous mining camps in the country, and when those people go in and out they go by permission of the rules and regulations of the Forestry Service.

Mr. BEVERIDGE. Mr. President——

Mr. HEYBURN. I want to get these three questions answered. I have had some experience recently with interruptions. Had the forest reserve not been created, the men who have those orchards and wheat fields and vineyards there would have had neighbors by the score. As it is now, the neighbors are all on one side—the side away from the reservation. Towns other than mining towns are there. There are a number of public schools and churches that have been there, some of them, since 1864 and 1865, and yet they ruthlessly included them in this great big coil which they have thrown around that country. They changed their condition from that of a people who had a possibility of community life around them to an assured condition of isolation forever, because I am told every few days that this policy has come to stay. That is one of the favorite expressions indulged in to terrify those of us who are determined that it shall not stay. The people are beginning to learn something in regard to these matters. They are beginning to distinguish between the sacred character of a law and somebody's policy. This is a Government based upon law and not upon the policy of any man or set of men; and when they say to me as they say, and say it in the papers, that the policy of the forest reserves has come to stay, I say maybe it has, but the law will step in and protect the people against its ravages and its oppressions.

That great country would have been filled with settlers had not the forest reserve been there as it has been for fifteen, aye, seventeen years nearly. That answers the first and second questions of the Senator from Indiana as to why these conditions exist to-day. They exist because the blight of the Forestry Service has been upon them, and the expenditure of the States in building that great north and south road has been thrown away, because there is no longer the inducement to travel over it, except to the few places that were there and were marooned when the forest reserve encompassed them.

That is why the expenditure of the State has been wasted, and it has been made waste by the Government, whose first and highest duty to a State is to protect it against just that kind of thing.

What was the third question? My memory is fairly good, but sometimes it is not sufficiently good to carry three questions in my mind and undertake to answer them.

Mr. BEVERIDGE. The third question, Mr. President, I think the Senator has confused with the first and second. But I will state it again. It was this: In view of the unhappy location, as he states it, of the forest, and the fact that it is so far away from a market that if the timber were cut it would not do any good, conceding that to be true, how could he expect settlers to go in and cut down the timber with which they could not do anything, and build homes there?

Mr. HEYBURN. I will say——

Mr. BEVERIDGE. Wait a moment. Now, the Senator after that raised here another question most engaging. He says that right in the midst of this forest reserve, which he has pictured as being a desolation, there is a thriving city.

Mr. HEYBURN. A half dozen of them.

Mr. BEVERIDGE. A half dozen. So it is a half dozen times stronger than I thought. Very clearly then the forest reserves can not be such a despotism to industry as the Senator indicates, if in the very midst of them there are a half dozen thriving cities.

Mr. HEYBURN. I suppose the Senator from Indiana does not recollect it, but Elk City produced and added to the volume of the gold of the United States more than $10,000,000, which was taken right out of the ground; and Pierce City——

Mr. BEVERIDGE. The forest reserve did not prevent that.

Mr. HEYBURN. This was before the men who have gone crazy on the forest-reserve question were born. The mining industry in that section to-day is one of the most prosperous in

the country, and they are and have been erecting enormous mills there for the purpose of working the ores that are developed, and developed by that evolution process of mining where there is always something beyond the point of the pick, and one does not know what it is until it is discovered.

Mr. BEVERIDGE. Then, in view of the exceeding prosperity of all these cities within the midst of these forest reserves, what is the row about?

Mr. HEYBURN. There would be other cities and other farms and other settlements and stores and industries there. These cities do not occupy all the desirable or available territory within the reserve.

Mr. BEVERIDGE. Then the objection of the Senator is not to the prosperous cities that do exist in the midst of the forest reserve, but to the prosperous cities that might exist there.

Mr. HEYBURN. I will give you some information from Idaho County, Idaho. I will take the liberty of reading for just a statement:

> The hardship to the State and the manner in which its progress is impeded by forest reserves is strongly illustrated by the facts set forth in a joint memorial presented by Parsons, of Idaho County, to the house of representatives yesterday, addressed to the Congress of the United States, for relief by the building of a highway across land that the Government has seen fit to exercise jurisdiction over, but which it has not seen fit to expend money upon by way of improvement, and which it has not seen fit to exercise police jurisdiction over.
>
> It is frequently stated that Idaho County is a very large county, and it is common to compare its area with various States of the East. But according to the figures given in the memorial, the county consists of but 911,165 acres of land, while the forest reserve takes from the county the immense total of 5,036,480 acres.

There is the proportion of the ownership of the Government of the United States in Idaho County and of the citizenship of the county; and I may say, with absolute assurance from personal knowledge of it of many years' extent, that every part of that county would be inhabited if it were not for the forest reserve. They brought the forest reserve right up to the line of the then settlement; and if they had waited another year they would have been miles short of where they are now, and another one and another one, and the whole county would have been settled up. The climate of that county is comparable with the climate in the State of New York, and the soil is incomparable. It will grow anything you put in it.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. I notice that one of the complaints made by the memorial is that the Government exercises an inadequate police control and supervision of the reservation, and that it fails in the expenditure of a proper amount of money for the improvement of the reserve.

Mr. HEYBURN. Yes; and that will be more apparent to the Senator as I read on.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. If Idaho County has such land and such a climate, and if it can raise any kind of product, why do not people settle there now, because even if it is in a forest reserve they can go and locate and make homes there just the same as if it were without a reserve?

Mr. HEYBURN. Only last year they drove out of there a family that had been living there until their children, who had been born there, were half grown; and they drove them out on technicalities. I produced the correspondence a year ago in discussing the then pending matter.

Mr. SMOOT. Mr. President——

Mr. HEYBURN, Now, let me proceed.

Mr. SMOOT. I remember the very case——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Utah?

Mr. HEYBURN. Yes; but not for extended discussion.

Mr. SMOOT. I do not want to proceed.

Mr. HEYBURN. The Senator knows that my only object in protesting against too much interruption is that my remarks may not appear in the RECORD divided up.

Mr. SMOOT. The only reason I wanted to explain the case the Senator had reference to was because I remember well that he did make that charge in the very case to which he now calls the attention of the Senate, and the facts in the matter were absolutely different from what had been reported to the Senator.

Mr. HEYBURN. I happen to know the people; I have been at their place; I have known them for years; and I do not have to go to anybody's record to know about those people and their settlement and the character of it.

Mr. SMOOT. We had here the testimony from the people themselves, besides a letter from a man stating that the case was entirely different from what it was here represented to be.

Mr. HEYBURN. I am not going to try that case again. I intend to proceed with this matter. I want these facts—they are authentic—put before the Senate. I had just stated the number of acres in the forest reserve—911,165 not in the forest reserve, 5,036,480 in the forest reserve:

> That is to say, the Government exercises authority for the purpose of withdrawing from settlement, development, and the enrichment of that county nearly six times as much as is left to the county.
>
> This county, instead of being made rich by the immense wealth within the boundary lines of the county fixed by the State, is impoverished thereby, for, as the memorial suggests, "said county of Idaho is compelled to exercise police power and maintain criminal jurisdiction over the immense national forest reserve of 5,036,480 acres, being larger in extent than the combined States of Rhode Island, Delaware, and Connecticut"—

That is one county—

> "and the only revenue the said Idaho County receives from the forest reserve department is 10 per cent of the rentals of said reserve lands, which is not sufficient to cover the cost of a single criminal case originating in the above-mentioned reserves."—

It is 25 per cent this last year, but it was 10 per cent when this article was written—

> Elsewhere in the memorial it is related that the entire rentals of that reserve for 1906, the last report obtainable, amounted to but $1,729.90—

That was the income from the reserve—

> When it is remembered that the county gets but a tenth of that, it may be seen how small a recompense is made to the State for its loss in resources, together with its burdens of maintaining law and order upon land the Government selfishly withholds from public use.
>
> But this is not all, as narrated by the memorial. Within the boundaries of that forest reserve are not less than 25 mining camps and 20 stamp mills of from 2 to 30 stamp capacity each.
>
> Those who have kept in touch with the discussion of the rules and restrictions imposed by the Forestry Department against mineral explorations and the restrictions against obtaining patent to mining claims can readily understand what a hardship to the mining industry of that section this is.
>
> The purpose of the memorialists is to induce Congress to build a wagon road from Grangeville that will bring a large number of these flourishing camps into easy communication with a railway. For that purpose $75,000 is asked—

The railway is at Grangeville—

> The memorial states facts sufficient to warrant Congress in acting, but it is safe to say right now that any such appropriation will have the united opposition of the powerful Forestry Department, and if Congress acts it will be because the Members of that body have already learned to distrust the Forestry Bureau. The fact that the mining camps produced as much as $119,389.91, mostly in gold, during the first eleven months of last year is a sufficient guaranty that Pinchot and his forces will not wish any further encouragement added to the mining industry of Idaho County.

That is a very fair statement of conditions in Idaho County. Do they not appeal to Senators? If it was the State that sent you to this body, would you not think there was food for thought in that statement by the responsible organization of that county? I could go on and tell you that the expenses of trying criminal cases that originated within the forest reserve amount to thousands of dollars in that county. The roads that are there were built by the State. The road from Stites in through to Elk City and Buffalo Peak and the mining camps adjoining were built by the State, and yet the State has only a privilege in there. What objection can there be to trading off that solitude that lies between and surrounds these settlements? Do you think that the condition that has existed there so long that the trees sway in their rotting age and fall across the highway is desirable, more desirable than citizenship that would live and vote and pay taxes and contribute to the wealth of the country and build up civilization there? There are some 35 public schools within the forest reserves in Idaho, or were the last time I took the census.

Mr. BEVERIDGE. That is not so bad.

Mr. HEYBURN. Those were built by the people who were there when the forest reserves were created. There is no inducement to go in there now. All this talk about being able to get homesteads in a forest reserve is the idlest folly. While it looks plausible that upon making certain applications and proofs you can get them, yet the number of homes that are allowed is so small as not to be worthy of consideration.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. The record would seem to indicate that 4,000 settlers were given homestead rights in forest reserves.

Mr. HEYBURN. What reserves?

Mr. DOLLIVER. All of them.

Mr. HEYBURN. Yes; all in the United States.

Mr. DOLLIVER. And a part of the extra expenditure which the Bureau of Forestry is to be at during the coming fiscal year

arises from the fact that the bureau expects and hopes to be able greatly to multiply the issue of permits for homestead entries within the reservations.

Mr. HEYBURN. Four or five thousand homesteaders upon 200,000,000 acres of land. They would be so far apart that they would not be within rifle range of each other.

Mr. WARREN. Of course the Senator from Idaho does not mean to say there are 200,000,000 acres of land in forest reserves.

Mr. HEYBURN. In the United States?

Mr. WARREN. In the United States.

Mr. HEYBURN. How many are there?

Mr. WARREN. About 160,000,000.

Mr. SMOOT. One hundred and sixty-seven million.

Mr. HEYBURN. I have not kept track of the making of forest reserves in those States which are so fond of them that they allow them to be made by executive order, but I will say a hundred and sixty million acres, if you please, or even if it was a hundred million acres; what are four or five thousand people on a hundred million acres of land? I know from observation that this talk of allowing men to take homesteads in forest reservations is an absolute fraud. What inducement is there?

Suppose a man knows of a desirable tract of land in some valley in a forest reserve. Is he going in there and exhaust his rights to take a homestead without any assurance of schools, churches, and the things that make life civilized? Hardly. The fact is that with rare exceptions they avoid the forest reserves and the forestry conditions.

New conditions have been forced upon that part of the country that were unknown to this country before. There is a new class of uniformed civilians. What chapter in the laws of this country ever contemplated uniformed civilians of the Government of the United States, men with sage-green uniforms on and hats with a turned-up brim, with a cock's feather, to indicate that they represented the Government of the United States?

Mr. CARTER. Mr. President——

Mr. HEYBURN. Who ever heard of that condition until these foreign ideas were brought in and forced upon us?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, I had something to do with the framing of the provision under which homesteads were permitted in forest reservations. I think all Senators will agree that that act does not give the right to anyone to enter a forest reservation to select a home. The Forestry Service must first make a finding to the effect that certain land is suitable for homestead settlement. This is not left to the judgment of the home seeker.

I sympathize with the position of the Senator from Idaho in criticising the policy of the Forestry Service in the execution of this law. It has not only been made difficult for persons to go and take lands within the forest reserves where the land is notoriously agricultural and of no value for timber purposes, and the new men have not only been kept out, but settlers, whose children have been born and buried within sight of their homes in the forest reserves, have been driven by a systematic persecution out of their homes and beyond the limits of the reserves.

I have one case in mind. A man west of the town of Anaconda, in Montana, whose improvements had cost over $10,000 had a handsome meadow in front of the house. There was not a tree growing in it. The place had been occupied for twenty-odd years. It was the home of the family. Yet a forest ranger directed that man to leave in the autumn after his crop has been harvested and the haystack stood there ready to feed his cattle through the winter. He refused to go. He said his all was at stake.

Complaint was made to the district attorney upon a statement of facts, that did not finally pan out with the real facts, which caused this man to be indicted. He had nought to do but to plead guilty, because he was there upon the forest reserve without a permit. The district attorney appealed to the forest ranger after the man had pleaded guilty to permit him to remain until spring. But the forest ranger said:

> Our authority must first be established. This man must leave this place with his family, and when he is outside of the forest reserve we will consider whether we will let him back or not.

This is not an isolated case. The harshness and cruelty and inhumanity of the administration are notorious through the States where these petty tyrants have exercised their brief and fleeting authority.

Mr. WARREN. May I ask the Senator before he sits down what was the final outcome? What is the condition now respecting that settler?

Mr. CARTER. The district attorney told me he had reported the facts to the Department of Justice, and hoped that the department would appeal to the department in Washington. I have not been advised of the result.

Mr. WARREN. We may assume, then, that the man is still there.

Mr. CARTER. If the forest-reserve agent could put him off he was put out on the approach of winter.

Mr. WARREN. I wanted to know only the fact, if he is still there.

Mr. CARTER. I am not aware of the fact as to that.

Mr. SMOOT. I should like to ask the name of the man, if the Senator can give it to me.

Mr. CARTER. The name I do not recall. The case is well known undoubtedly in the Department of Justice and the Forest Reserve Service. It was in the county of Deer Lodge, west of Anaconda, an old-established homestead place. The indictment was found in the district of Montana during the autumn term of the circuit court of appeals. The man pleaded guilty and was fined $50 as a trespasser on a forest reservation. I can secure the name, of course, from the Department of Justice tomorrow by finding the letter of the district attorney.

Mr. SMOOT. The only object I had is that I wished to look up the case, and I thought perhaps the Senator could give the name.

Mr. CARTER. That, of course, is one case. I regret to say that I could recapitulate cases not quite as bad as this one, because the amount of improvements was great here; but I could recapitulate cases that have come to my notice in the State of Montana until the hour of midnight approached. The one thing about this matter that deserves special censure is that when a complaint is made to the Chief Forester at Washington, that complaint is referred back for report to the agent complained of, and his word is accepted.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. I do not desire to interrupt the Senator except for the purpose of saying that neither the Forestry Bureau nor the Department of Agriculture has any toleration for such outrages and acts of injustice as Senators complain of here. The committee has taken pains to take some little testimony as to the present relations of the Forestry Service toward the people immediately in the neighborhood of these reservations. The testimony indicated to the committee that these complaints had been heard by the department, that improved methods were constantly being initiated, and that to-day the best friends the Forestry Service have in the region where these great reservations exist are the homestead settlers on the reservations.

A part of the request made by the Forester of the committee was more money to enable the bureau to make the necessary preliminary examination to still further enlarge the opportunities of homestead settlement within these reservations. The testimony also tended to indicate that there are only about two unsatisfied parties near the forest reservations.

Mr. CARTER. Mr. President——

Mr. DOLLIVER. One of them is the great shepherds of sheep, and the other the enterprising gentlemen sometimes organized into corporate form, who want to embody these reserves with a view to appropriating the timber by wholesale.

I believe myself, from a somewhat careful travel over the various reservation territories, talking with numerous people of all sorts and conditions, that the friction which has so often disturbed the peace and harmony of the Senate by the descriptions of outrages and injustice, instead of being still in force has been reduced to the minimum, and that if we can make a final settlement with the great sheep people and the gentlemen who desire to cut timber on a wholesale scale, the policy of the Forest Reserve Service will be harmoniously accepted by the rest of the community, even in States like Montana.

Mr. CARTER. Mr. President, that kind of an answer to specific cases is ancient and threadbare, and I am astonished that the Senator from Iowa will indulge in it.

Mr. DOLLIVER. It is hardly less threadbare than these cases have become in the Senate.

Mr. CARTER. I am amazed that the Senator from Iowa, orator and logician as he is, a man of distinguished capacity for analysis, should undertake to answer specific cases by appealing to the old, threadbare argument that some wealthy person is about to invade these forest reserves, and therefore the complaints are made.

Mr. President, let me cite the case of a man who is not a timber baron nor a sheep herder. Oscar Sparta lived for twenty-odd years near the town of Haskell, in a forest reserve

in Montana. Passing by that place, I saw a little oasis in the midst of a small valley which we approached. There were 20 acres fenced in. It was a beautiful fence, with the best mortising and the plank dovetailed in. It stood erect. The stone had been picked up in the middle of the little field and piled with that industry that characterizes the New England farmer. A house was in the course of construction at the upper end of the little place. The man who was driving the livery rig in which I was traveling said that used to be the home of Oscar Sparta. I had known of Oscar Sparta for many years, though I had never met him, and I have not met him since.

Oscar Sparta was a mining prospector. This was his own home. He had lived there over twenty years. He lived in a small cabin outside, and was building a new log house at odd times. He had been building it for many years, and he was building a stable farther up. This man told me that Oscar Sparta paid $25 to a man to haul up fertilizer from the village, 5 or 6 miles down the mountain, to fertilize the little garden just back of the house.

That was the situation when the property was put into a forest reserve. The forestry supervisor concluded that Oscar Sparta's home, that beautiful little oasis in the mountain, without a tree upon it or a merchantable bit of timber within 10 miles of it, was a good place for his forest reserve man's headquarters. He ordered Oscar Sparta off the place, put him out on the mountain side, and told him if he complained he would have him arrested. The poor man went away, and the day I passed by the forest ranger's horses were in Oscar Sparta's field, eating the timothy hay.

I complained of that to the forest reservation people at Washington. They sent the complaint made back to the local fellow, and what was the reply? That Oscar Sparta was a shiftless fellow, in the habit of going down to Townsend, the county seat near by, and getting drunk periodically, and he was put off in consequence, and he had no right in the premises. That man is a wanderer on the hillside to-day, with the forest reserve agent living in his home, because the Government paid for the lumber to finish Oscar Sparta's house. It is a beautiful spot in the mountain, a very proper place to build a home for the forest supervisor, but they ought not to do it.

Let me tell the Senator from Iowa that I can to-day go into the department records down here and upon the face of the protests against the homestead filings I can find these entries: "Rush this along"—that is, the cancellation of a man's homestead—"we want this place for a headquarters." This instruction is given to the man who is to impartially investigate between the citizen and the Government, and in plain letters upon the face of it there is the direction to the impartial court to rush it along, because the man's place was wanted for a headquarters.

Mr. HEYBURN. Mr. President——

Mr. CARTER. I will not go into these matters at greater length now.

Mr. BURROWS. I wish to ask a question. How did this beautiful home which the Senator from Montana has described get into a reservation; by what authority?

Mr. CARTER. It was put there by executive order.

Mr. SMOOT. I should like to ask one question. This Oscar Sparta located upon this land, built this beautiful home and this beautiful fence, spent all this money, and got the fertilizer from down the valley to put upon the land, and had not made any entry of the land?

Mr. CARTER. It was unsurveyed land, and he could not make an entry.

Mr. SMOOT. Then he was there and spent all that money, knowing full well that he had no title whatever.

Mr. CARTER. Mr. President, the Senator from Utah knows that the squatter's right is a sacred right all over the public domain of the United States, and even in making grants of land we except the individual who has his home, even though no filing can be made until a survey is projected. The Senator knows this man was justified by a practice a century old in going upon the unoccupied public domain and building his home there.

There is another peculiarity, Mr. President, in the Oscar Sparta case. Strange as it may seem, the poor man's effects were thrown out of his place. He wandered away and the house in which he had been living for twenty years happened to burn down just a few days afterwards. So he could not live inside the fence; he could not live outside the fence. I do not know where he lives, but that is not fair treatment to a citizen of the country. That kind of treatment will breed anarchists, if it is in the blood of any man to resist injustice.

Mr. GUGGENHEIM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the junior Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. GUGGENHEIM. On account of a great many complaints in my State, on January 25 I introduced a resolution for the purpose of having the Committee on Agriculture and Forestry investigate these complaints. I have been informed now for a long time that no action has been taken in regard to the resolution, although the resolution had been referred to the Secretary of Agriculture. I presume the Secretary of Agriculture has not been desirous of having the Forestry Service investigated.

Mr. HEYBURN. Mr. President, I want to just read one order that comes from the Chief Forester himself as a sample of the manner in which they wreak vengeance upon those who do not yield readily to their wishes. Here is an order signed by the Chief Forester himself:

> Therefore persons who allow their stock to drift and cross the various reservations without a permit, whether they do so intentionally or otherwise, will be regarded as trespassers.

That might do if it stopped there, but it goes on:

> And will lose all right to permitted privileges of any kind upon forest reserves.

If a man were to permit his stock that he turned out every night from his emigrant wagon in which he was hauling his family across the forest reserve to stray, and they should eat the grass that grew, and if afterwards he were to apply to enter a homestead under the law he would read there:

> No; you allowed your stock to drift away from your camp and eat the grass of the Government.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the junior Senator from Idaho?

Mr. HEYBURN. Certainly.

Mr. BORAH. I wish to suggest to my colleague that the Forester is given a power there which would not rest in a court. If a court were to render a judgment against a man, it could only render the judgment; it could not enter a decree that never again should that citizen have the right to exercise his privilege upon the public domain.

Mr. HEYBURN. This disfranchises him, all right. A Senator suggested that this kind of law and this character of administration of the law breeds anarchists. This forestry policy, as it is called, which they say has come to stay, is breeding anarchists. It is making men hate their Government, because of the injustice that is wrought them through the uniformed agents of the Government.

Mr. President, something was said about timber barons wanting to invade these lands. Do not Senators know that the whole policy of forest reserves was concocted in the back office of timber barons? Do not Senators know that the large timber syndicates of this country are responsible for the conception of this idea? When the forest reserves were created in Idaho, withdrawing from all possibility of competition, say 12,000,000 acres of the finest white pine timber in the world, it added $45,000,000 to the value of the private holdings of one concern in the State of Idaho. If they could be permitted to close the opportunity to produce lumber against every other man, do I need to elaborate the effect it would have upon those who had already secured their rights?

Mr. SMOOT. Mr. President——

Mr. HEYBURN. I want just to finish this statement; I do not want it broken into.

There are in the county in which I live 300,000 acres of that class of holdings, obtained somehow before the door was closed against others. The law can not affect them; they are there, and the chief owner of these lands is one of the vice-presidents of the National Forestry Service. The president of it is our distinguished Secretary of Agriculture.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. No; I must finish this statement. I can not be broken into here.

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. HEYBURN. I can not have what I am about to say cut apart from what I have just said. The Secretary of Agriculture is a man for whom I have the highest regard personally. He is an honest man in his intentions and in his acts, but, like many men of splendid character, he is the victim of men shrewder than himself. I have on every occasion when I have spoken on this question called attention to the fact that the whole plan was laid in a conspiracy to monopolize the lumber market of the United States; and they have succeeded in doing it.

Mr. President, we have new conditions existing because of this policy, forsooth, that never were contemplated or dreamed of until the grasping greed of this lumber syndicate conceived

the idea of shutting up the possibilities of competition and putting the lock of the Government of the United States upon them, so that the citizen who did not belong to the syndicate was barred out.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Yes; I yield.

Mr. FLINT. I should like to ask the Senator whether he thinks it would be better to have this timber acquired by these lumber companies as they acquired it in the past, or whether it would be better to have the land retained by the Government?

Mr. HEYBURN. Mr. President, with all due respect to the Senator from California, whom I esteem very highly, that reminds me of the question, "Why is a Populist?" There is no argument in that kind of a question; we are dealing with facts.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Yes; I have not quite gotten my breath yet.

Mr. FLINT. I did not quite catch the Senator's answer. I have made some investigations. I will say that 90 per cent of the holdings of timber land that are the property of these great companies were fraudulently acquired, with a knowledge in many cases of the men who now hold them; and, in my opinion, it is much wiser for the Government to continue its present policy of holding such lands in forest reserves and to carry out a policy under which these lands can not be fraudulently acquired by these corporations.

Mr. HEYBURN. I suppose that we would live in mud huts in the meantime in this generation.

Mr. BORAH. I ask the Senator from California where he gets his figures upon that proposition?

Mr. FLINT. From the fact that many suits have been filed by the Government of the United States to recover these lands, many of them being decided against the Government on the statute of limitations and others on some mere technicality. It is generally known throughout the West—not only in California, but in all the Western States—that there is not one of these great timber companies that would be able to stand an invesigation as to whether or not their lands were fraudulently acquired. An investigation of the records of the Land Department will show this; and anyone who desires to familiarize himself with the situation, with the fraudulent character of the holdings of these great corporations, can do so by going to the Interior Department and asking for the reports of the special agents in reference to these lands.

Mr. BORAH. I am not going to enter upon the defense of anyone who has acquired lands fraudulently. I only want to say, in behalf of the settlers of the West, that, if the Senator from California will make a thorough investigation, he will find that, instead of 90 per cent, less than 10 per cent of the public lands which have been acquired have been acquired even in a questionable way; and that the great body of men who have settled in the West have settled honestly and in accordance with the laws of the land.

Mr. HEYBURN. Mr. President——

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I want to ask the Senator from Idaho this question: If the forest reserves had not been created, would not these same timber barons, of whom he speaks, have extended their holdings, and, instead of holding 300,000 acres of land in Idaho, would they not perhaps have held 3,000,000 of acres by this time? I would like the Senator to answer that question.

Mr. HEYBURN. Mr. President, I have often regretted that I was not a prophet; but, unfortunately I am not, and so I do not know what might have happened.

Mr. SMOOT. I simply asked the Senator to give his opinion. He certainly has an opinion on it.

Mr. HEYBURN. A legal opinion, a medical opinion, or a scientific opinion? [Laughter.]

Mr. SMOOT. Just exactly the opinion the Senator would like to give.

Mr. HEYBURN. I have no opinion on the subject.

Mr. SMOOT. Well, that is an answer.

Mr. HEYBURN. I have opinions on some subjects, though, which are of more importance in the consideration of this question than that.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I simply want to answer the statement made by the Senator from Idaho [Mr. BORAH]. He attempted to answer my charge that timber lands in the West had been fraudulently acquired, and then he started into a discussion of the entire public-land laws under which public lands have been acquired. I am not making any criticism of the homesteader who has honestly endeavored to acquire a home, but I say that no Senator here who will investigate the matter in the Interior Department or obtain the facts as to the holdings of these great timber companies will fail to discover that 90 per cent of the holdings of these great corporations have been fraudulently acquired.

Mr. BORAH. I do not know how it is in California, and the statement, from what I have heard of that region of the country, may be entirely true; but I do want to say that, so far as the State of Idaho is concerned—which has been so libeled and slandered in such matters—less than 10 per cent of the land which has been acquired has not been acquired even in a questionable way, and that the great body of land that has been acquired there has been acquired by honest settlers. The corporations can not acquire lands except through the settlers. In regard to our lands, which we are now speaking of, less than 10 per cent of the land which has been acquired has been acquired in the way suggested by the Senator from California [Mr. FLINT].

Mr. FLINT. Mr. President, the records of the Interior Department will not bear out the statement of the Senator from Idaho [Mr. BORAH] that of the lands now in the ownership of these great corporations in the State of Idaho less than 10 per cent have been fraudulently acquired.

Mr. BORAH. Mr. President, if the Senator from California is speaking with reference to broad charges based upon no facts, then I submit he is correct; but when you eliminate from the charges those as to which no facts are found to sustain them, you will find that my statement is correct. It is very easy to say that a million acres of land have been acquired fraudulently and to place the charge upon the books to that effect, but when they have adduced the proof and submitted evidence, they have found that less than 2 per cent of the charges which they have made have been sustained.

Mr. HEYBURN. Mr. President, because, forsooth, bad men may exist and attempt to wrong or succeed in wronging the Government is no reason why injustice should be wreaked upon good men. I am speaking for the good citizenship of the United States and of our western country. That the good citizenship should be deprived of their rights because some other men have violated the law is an intolerable conclusion. It will not do. Ninety-nine per cent, aye more than that, of the men who are on the land to-day are there in compliance with the law which gave them the right to go there. Would you shut off this generation from benefiting in the public resources, lands and otherwise, of the country merely because frauds are committed? It is a confession of the inadequacy of our Government. Are we not capable of exercising the functions of government that are intrusted to us here in this Hall or in the executive branch of the Government? Does the Senator from California [Mr. FLINT] mean to indict the executive branch of the Government for inability to perform its duties or for willfully permitting frauds to be perpetrated in violation of the law that they are bound to execute and protect?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I would say that I never have been able to quite understand why the Congress of the United States has not repealed the law when it is known that the great part of the land acquired under that law was fraudulently obtained, as shown by the reports of the government agents.

Mr. HEYBURN. What law?

Mr. FLINT. The timber and stone act.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. Mr. President, the timber and stone act is an act of Congress. It made it very easy for the citizen to get public land that had timber and stone on it and has been valuable for nothing else. I want to challenge the statement which the Senator from California [Mr. FLINT] has made. No considerable portion of that land, so far as my observation goes,

has ever been obtained contrary to law. All you had to prove under that law was that the land was more valuable for timber or for stone that it was for agriculture. You had also to prove that you had walked over the land, that you had looked at it, that you knew where it was, that you knew its boundaries, and knew the conditions that brought it within the statute. Then a man could take but a single piece of such land.

Mr. President, it may be that in some of the northwestern sections of the country where very valuable timber grew some people secured for $2.50 an acre what has since become very valuable land; but I want to say that in my section of the country, and in a very large area outside of Colorado, there are probably no fine timber trees. We have pine there, but it is not white pine. We have poor timber. Colorado has no great timber section, and never did have at any time.

There has been some complaint made of the entry of coal land in the State of Colorado, as I recollect, but after pretty nearly fifty years I will venture to say that the Government has never set aside a timber entry in the State of Colorado—not one—and very few coal-land entries, without reference to the statute of limitations, have ever been set aside—not to exceed probably half a dozen during the last fifty years. It is very easy for Senators to get up here and make such statements and make them upon the authority of a lot of perjured scoundrels.

I will recite now, for a moment, what occurred in a neighboring State to mine. There is another Senator here who can bear me out in the truth of the statement or correct me if I make any misstatement. A prosecution was brought in the State of Montana. A certain individual in the employ of the Government secured a large number of indictments—I think 85, or in that neighborhood. I do not mean to say that there were 85 distinct offenses, but he secured, as I recollect, 85 indictments. One of those indictments was tried. That man went on the stand as the star witness of the Government of the United States and swore that in 40 cases he had committed perjury. He gave as a reason why he committed perjury that it was in order to assist somebody else to make title; that he had been paid $30 by each of the parties for making false statements. When they got through with the trial of one of these cases, the district attorney, or the United States attorney, had a transcript made of the evidence and sent it to Washington. If I am not misinformed, the Attorney-General—not the present Attorney-General, but the one who preceded him—after examining the evidence ordered the remainder of those indictments to be quashed and the cases to be dismissed by the Government, saying that the testimony as adduced in that case—which was the strongest case that they had—would not sustain a conviction, if it had been secured.

The worst part of this story I shall now tell. For nearly, if not quite, two years this self-confessed perjurer was employed by the Government of the United States to make examinations and make reports against citizens of that State and other States as to improper methods of securing public lands, the Government paying him, if I am not mistaken, $15 a day when he was out on his crusade and $20 a day when he went into court.

In one of the Western States, in a trial that attracted considerable attention, one of those men went on the stand and swore to a certain state of facts that he had been instructed to swear to, and he said: "I understood that I agreed to swear whatever they wanted me to swear to." That is the class of men, Mr. President, who have been filling up the department records with false statements.

Mr. President, the question is, Do they convict men charged with violating the land laws? The Senator from Montana, in the last Congress, showed here that they convicted practically only 2 or 3 per cent of those who were indicted for making what were claimed to be fraudulent land entries.

I mean to have something further to say on the forest-reserve question before we get through with it, but I wanted to say at this time what I have said in reply to the statement of the Senator from California [Mr. FLINT].

Mr. HEYBURN. Mr. President, in speaking of the question of salaries it may not perhaps be known or have been discovered by Senators that the item in this appropriation bill for salaries is $3,429,292. Of that, $290,360 is for salaries paid in the city of Washington and $3,429,292 for salaries paid outside of the city of Washington. That item last year was $1,982,120. Compare those figures—$3,429,292 this year with $1,982,120 last year. The increase over the fiscal year 1909 for salaries is $1,447,172. For what are they multiplying this service?

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I want to anticipate the Senator from Montana. I know that they have transferred a certain portion of the salaried officers from Washington to the field, and it was published, with a great deal of boasting, that it would cut down materially the salary item. I will give you the item for Washington as it was before they made the transfer. The salary item in Washington before that time was $337,082. After they made the transfer it was $290,360, a reduction of about $47,000; but the field item increased from $1,982,120 to $3,424,000. in round numbers. That is the way it is growing. We only commenced to make appropriations for the Forestry Service a very few years ago—since I came here—and it has doubled up and doubled up each year, always with the promise that next year the Forest Service would be self-supporting. They are now further from being self-supporting than they have been at any time.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. DIXON. Did the Senator from Idaho read the appropriation for salaries paid during the last fiscal year or the appropriation for the current fiscal year?

Mr. HEYBURN. So far as the fiscal year goes, the fiscal year is not complete yet. I am reading the figures from the statement of the Forestry Service itself, which is before me.

Mr. DIXON. I want further to ask the Senator from Idaho one or two questions before he proceeds with the debate. I presume every fair-minded man knows that no great system like the forestry system can be inaugurated and put into the field without some local individual hardships having been worked. I am perfectly aware that in individual cases hardships have been worked; but does the Senator from Idaho believe that he makes a fair statement of the operations of the forestry system in the West when he cites these little isolated cases of personal injustice?

Mr. HEYBURN. No; not if that were all. Let me say to the Senator that they were cited merely as a matter of inducement. They are only items. The evil of the forestry system exists in its workings and methods. It has settled down upon one part of the country to the exclusion of every other part of the country, and it has taken possession of the lands and taken possession of the possibilities of the growth of those sections.

Mr. DIXON. Now, will the Senator answer me this question: He criticises the Forestry Service for its failures. What remedy does the Senator from Idaho propose? Would he abolish the great forestry reserve system of the West at this time?

Mr. HEYBURN. I propose the remedies that existed in the beginning; I propose to restore the conditions—and they will be restored, because the country is waking up to the fact that this is a gigantic graft and fraud—to restore the conditions under which American citizens could find American homes upon the public lands of the United States without the consent of any man.

Mr. DIXON. What percentage of the lands in the forest reserves of the West are fitted for agriculture?

Mr. HEYBURN. In our State, all of them.

Mr. DIXON. Then the Senator's State is certainly a bald exception to any other part of the West of which I have knowledge.

Mr. HEYBURN. It is; and I have no hesitation in saying so.

Mr. DIXON. I will make the statement—and I believe I am supported by the facts in the case—that not 1 per cent of the land embraced within the forest reserves is capable of agriculture in its ordinary sense.

Mr. HEYBURN. Mr. President——

Mr. DIXON. Just one moment. I will interrupt the Senator only for a moment. I know there have been isolated cases of injustice, but it is not a square deal to the Forestry Service for Senators from the West to hold up these isolated cases as the type and example of the administration of the Forestry Bureau.

I heard the statement of the distinguished Senator from Colorado [Mr. TELLER] about a case up in Montana where there were 102 indictments. I was rather familiar with that case. The impression goes out to the country that the Forestry Service were responsible for that. The Forestry Service had no more to do with it than the man in the moon. It was done under orders from the Attorney-General's office eight years ago. It was not connected with the forest reserve.

Mr. TELLER. If the Senator will pardon me, I will venture to say that it was done by direction of the Land Office through the Attorney-General.

Mr. DIXON. That is right; but that is ancient history. It happened eight or nine or ten years before we knew we had a Forestry Service.

I protest against these individual cases being held up as an example of the way in which the Forest Reserve Service is administered. My experience has been that, as a general proposition, they have tried to be fair in every sense of the word. It is rather remarkable that we hear so much more complaint of the service here than we do at home.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. DIXON. Yes.

Mr. BORAH. I want to ask the Senator from Montana if he thinks that we shall ever get rid of these individual hardships so long as the settler is compelled to go not to the universal law of the land to find out how he may take a homestead, but to some individual, who may determine the matter?

Mr. DIXON. I confess, Mr. President, in answer to what the Senator from Idaho says, that there is no question in my mind that the matters of administration can be improved upon, but you must lodge the power somewhere. Of course the rules and regulations of the Forestry Bureau are not perfect. In isolated cases they work hardship, but the whole trend is for a square deal, and we who are not prejudiced in the matter know that to be true.

Mr. TELLER. It is not true.

Mr. BORAH. I presume all of us believe, to some extent, in the preservation of the forests, but we object to that system which prevents a citizen from going to the law to ascertain what his rights are with reference to acquiring a title and compels him to go to an individual. As was so well said by my colleague [Mr. HEYBURN] a few moments ago, this is a government of law and not of men. If you will crystallize these rules and regulations into a statute, so that a citizen may know what he may do and when he does it know that he will be protected, this system will be greatly renovated and corrected.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I know the Senator does not wish to represent things in a different light from what they really are. I want to call his attention to the figures that he gave a moment ago in relation to the salary item. It is true that the amount of $3,429,000 was estimated for by the department for this purpose. If that had been granted, the bill would have carried $5,991,500. But that was cut down until the bill only carries $5,146,200. So the Senator must deduct from the figures he gave over $850,000.

Mr. HEYBURN. No; Mr. President, I was stating the estimate for the fiscal year, and, of course, it can only be an estimate. I had already stated in the earlier part of my remarks the condition as to the appropriation in the bill itself. It is not necessary to go back over that every time I mention these items.

Mr. SMOOT. Mr. President, I am calling attention to the very fact that the estimates for this year are $5,991,500.

Mr. HEYBURN. I have the estimates.

Mr. SMOOT. And the appropriation asked for, instead of being $5,991,500, is only $5,146,200, or, in other words, the House did not allow all that was estimated for.

Mr. HEYBURN. I had stated that fact in the beginning of my remarks, for I was reading from the document itself, and I presume I read it accurately. I will not refer to that at this time.

I have been asked by the junior Senator from Montana [Mr. DIXON] as to whether or not I thought these cases, "isolated" as he termed them, would be a sufficient basis upon which to condemn the Forestry Service. I would unhesitantly say "no" to that, but they simply tend to demonstrate the real spirit and effect of this law, and we must take them into consideration. The crying evil consists in the Government, which, in the absence of forest reserves, is an inhabitant of the State to the extent of its holdings there, coming into the State, disregarding the state laws and the rights of the State, and setting up arbitrarily another government inside of the State, with independent officers of its own, in uniform, attempting to administer a separate set of laws in antagonism to and against the rights of the State.

Mr. DIXON. Mr. President——

Mr. HEYBURN. I want to develop that idea, and perhaps the Senator will be better satisfied if I finish. That is the summing up of the great evil of this forest-reserve system. The State of Idaho, when admitted to the Union, had a right to count among its assets these lands, because it must look to these lands for its future citizenship, for the taxes that were to maintain its government and to support it. It had a right to expect that these lands would remain open to settlement, that people might come and the State might grow. As it grows in individuals it grows in its wealth. It had a right to expect it. Every other State, prior to the initiation of this scheme, benefited by the public lands. The great States of Iowa, Illinois, Indiana, and Ohio had lands. They were always open to settlement, and the State was glad to see the settler come, because it meant the payment of taxes, the building of homes, the rearing of families, and all that goes with civilization. There is no such thing as civilization in the absence of men and women and children. Lands do not make civilization; forests do not make or constitute civilization. They were there in the earliest dawn, if there ever was a dawn, and nothing came of them except the silence and solitude of the forest; but when one man came, bringing with him the attributes of citizenship, and when he gathered around him his family, then civilization for the first time had set its foot and its mark upon the country.

Mr. President, when you state, drawing this line around 20,000,000 acres of land in Idaho, that one can go in there no longer by right, no longer by virtue of some law that you have made, but if he would go in there now he may go as a concession and privilege, it is going pretty far. The American people are not fond of that kind of government. It was intended, and it is the spirit of our Government, that every man shall have the same right as another, without asking it as a special privilege and without asking the consent of any person. You have taken away that right, and it is not taken away as to some little township or village or town. It is taken away as to areas larger than several of the largest States combined. Now, instead of going to a public office and saying, "I want to enter upon the land where I have settled my family," you must go and hunt up a forest ranger. You can not know beforehand whether you will have the land or have the right. You must first find the forestry officer and ascertain whether he will even consider your application. I have here the character of application that you are compelled to make, the rights which you must waive—the rights you possess and every other citizen of the United States possesses—and you must waive those rights as a condition precedent to exercising the rights of citizenship.

Mr. DIXON. The Senator from Idaho is perfectly aware that there is a double jurisdiction in his State, no matter whether the forest reserves are there or not. The Federal Government——

Mr. HEYBURN. If the Senator will pardon me, I will not stop to be diverted by a proposition so obvious as that. I was talking about the rights of men, and the relation of men to the Government. I was not talking about court procedure and the dual jurisdiction of the United States courts and the State courts. We all know all about that; and it has nothing to do with this proposition.

Mr. DIXON. But the Senator started by urging that as one of his criticisms against the Forestry Service. There are some things as to which I agree with the Senator from Idaho. There is no question that so far as concerns the withdrawal of these great areas from taxation, so that the States get no revenue, an injustice is done to the States.

Mr. HEYBURN. If the Senator will allow me, I say——

Mr. DIXON. But I want to say to the Senator from Idaho in good faith, that so far as concerns criticising wholesale the creation of forest reserves, we are simply wasting our breath. The forest reserve is here; it has come to stay——

Mr. HEYBURN. Oh, Mr. President, I have heard that——

Mr. DIXON. And all the power——

Mr. HEYBURN. I can not yield for the repetition of that old saw. I have seen it stated; that word has come to me; but I must proceed with the discussion of live questions.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. DIXON. I want to make one more suggestion.

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. HEYBURN. I do not decline in discourtesy, but the old saying, by which it was thought perhaps you could terrorize somebody, that this system has come to stay, is no argument at all. We will see whether it has come to stay as the years roll on. When the opposition was first spoken in this Chamber there was very little interest in it, and it had been assumed that this was all right. That is not the condition to-day.

Mr. GUGGENHEIM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Yes.

Mr. GUGGENHEIM. For the benefit of the Senator from Montana I will state that I have in mind now 12 specific complaints from people of Colorado in regard to the regulations of forest reserves.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. There are many things the Senator from Idaho has said which have impressed me. They relate to matters of which I have personal cognizance. A number of people in my State have complained that they can not take up homesteads in forest reserves. What I want to ask the Senator is this: Has he formulated any general rule by which Congress can govern the forest reserves?

Mr. HEYBURN. Yes; I can state it in a minute. Restore the right of the homesteader to make his home in them. Some of the gentlemen connected with the administration of the law seem to think they are governing the people and that the people only have the right to be there through their indulgence.

Mr. PILES. What I mean is this——

Mr. HEYBURN. Give the people back the rights they had six years ago.

Mr. PILES. I agree with the Senator there. Further, I want to ask a question about the rules and regulations governing the forest reserves. If he will frame a law along that line, I shall be glad to support it, and not leave it to rules and regulations.

Mr. HEYBURN. Abolish these rules and regulations. We have no right to give to anyone authority to make anything the law.

I love the forests. I was going to say I did so before the Senator from Utah was born. It would be true. To-day I would not live out of the sight of a forest. I have always selected my home where there were green trees and running streams and mountains; and I have never in my life wantonly cut a tree or destroyed one, and I have very seldom known another to do it. Men do not go out and cut down the forests for a pastime. They do it for the purpose of converting their labor into something useful and necessary. They trade trees for houses and fences and the great structures that make for civilization. You might imagine by the talk we hear and the twaddle we read in the newspapers about this thing that there were a lot of overindustrious people waiting with their axes in hand to go out and slaughter the forests. No Member of this body was ever so industrious as to cut down a tree, except as he was compelled to do it by some necessity. The same is true of other men. The danger is an imaginary one.

The remedy is to let the people govern themselves under the laws that they themselves shall make. Here in this bill we toss $5,000,000 in the air and say to these men, "Catch it and do as you please with it." There is not, in this provision of the bill appropriating $4,000,000, a restriction as to what they shall do with it. There is an enumeration of forty-odd items, without any restriction as to how much may be expended upon one or the other. It is what I call an irresponsible appropriation. Then just as cheerfully, at the first session of this Congress, on the motion of the Senator from Montana, who got up and moved it without any explanation, $500,000 was added to the appropriation, for the purpose of adding to the gayety of nations, I suppose. That is about all it did do.

Mr. DIXON. I think the purpose of the $500,000 had been developed by the speech of the Senator from Idaho two or three days previously.

Mr. HEYBURN. I know, and I imagine it was thought at the time to be one of the wisest things—probably a rival of anything that Solomon ever uttered. But these are questions of more importance and earnestness than would be indicated by the amendment of the Senator. In that hour, I will say not of irresponsibility—I will not charge that—but of careless attention the Senate did adopt an amendment giving $500,000 for nothing. Another case of tossing it up in the air and saying, "Catch it and do as you please with it."

Mr. DIXON. In justice the Senator from Idaho at least should state that that was for building roads and trails and for improvements through the States of Idaho and Montana and elsewhere.

Mr. HEYBURN. I am glad you mentioned it. In this bill I think they propose to expend in the neighborhood of a million dollars for building roads, highways, telephone lines, and buildings of various kinds. For whom? For these foresters. Who else needs them or uses them?

Mr. DIXON. I do not want to interrupt the Senator.

Mr. HEYBURN. Do not be afraid.

Mr. DIXON. He showed some tenderness a while ago. Candidly and weighing my words, the Senator from Idaho is as well aware as any other man in the West that the expenditure of $600,000 carried in this bill, divided pro rata, for the development of an area of country half as big as all the territory east of the Mississippi, does not give $2 a section for building roads and trails and telephone lines and bridges for the development of 600,000,000,000 feet of timber. It is not 1 cent as compared to $10,000 for the development of this great property.

Mr. HEYBURN. For the development?

Mr. DIXON. Yes; for the development.

Mr. HEYBURN. I want to know what is meant by the word "development." The trees are there. They are fast to the ground. All you want is men to use them. That would mean prosperity. The development of them! For a forest ranger to gaze upon them and make his home among the trees? Is that development? It reminds me of a homely old triplet that I heard before the war, which used to be sung by the slaves, and it was like this:

> And they tore the market down
> For to beautify the town
> And make it look like the happy land of Canaan.

That is all. Talk about developing the forests! The forests need no developing. They want use. That is all they want.

Mr. DIXON. The Senator from Idaho——

Mr. HEYBURN. If that is all of that question——

Mr. DIXON. I want to say to the Senator from Idaho that it is a known fact that the fire protection and the fire patrol of the national forests, by its small army of forest rangers, saved more timber last year in the national forests than fifty times the $600,000 here appropriated.

Mr. HEYBURN. I am familiar with that expression. They are sending it out all over the country as literature. We have in the State of Idaho a legislative provision for caring for fires. The fires in the forests of Idaho are taken care of by our own citizens, who have more interest in them than any paid firemen hired by the Forestry Service. We expend more money in the State of Idaho, outside of the forest rangers, than they expend, and we are prompt in our action.

I have in my mind a case which occurred last summer. A fire up on St. Marys River was reported to a forest officer down by the reservation. He was requested to take his men and go and extinguish the fire. He said he would first have to report to Washington, and as soon as he got instructions he would then take the men in. In the meantime the patrol of private citizens there went up and extinguished the fire. The Senator from Montana must stay pretty close to home that he does not hear some of these things. I am out around among the people when I am at home.

Mr. DIXON. The Senator from Idaho and I are near neighbors as they measure distances in the West. He lives on one side of the mountain range and I on the other. I live right in the center of the forest reserves in my State. It is a funny proposition to me that none of these wonderful stories of outrage and of men in pea-green suits with feathers in their caps, who chase over the country and put the honest settlers off their homesteads at the point of the bayonet, reach my ears, just on the other side of the range from where the Senator lives.

Mr. HEYBURN. It is funny; I admit that.

Mr. DIXON. Yes.

Mr. HEYBURN. It is funny. There is no question about its being funny. It is one of the funniest things I have ever heard.

Mr. President, the Senator suggests that they pay back to us a part of the proceeds of that which they take from us.

Mr. DIXON. I say they pay it all.

Mr. HEYBURN. It reminds me of the highwayman who takes your purse, and after he has it says: "Well, poor fellow, you will need some breakfast; here is a quarter out of your own purse." The Government of the United States has undertaken in defiance and violation of the constitution of Idaho to say what shall be done with the money that is the proceeds of the public lands. Our constitution says it can be used for only one purpose, and that is the maintenance of the schools, and yet the Forestry Service says: "Here is 15 cents; you must use it for public schools and public roads, and you must do it inside the forest reserves."

They have robbed the school fund of Idaho of a million acres of land which was given to it by Congress by a grant in præsenti. Title attached when the act was signed. You gave us that land. You did not use the language that was used as to Utah and in many other States, that "there may be" or that "the State may select." You did not use that language with

Idaho. Those who had charge of that were shrewd, and looked to it, and the act said:

There is hereby granted to the State of Idaho sections 16 and 36.

That is a grant. And then you come along here and say to the Forestry Service: "You can go and take possession of that land which we gave to Idaho, shut it up, inclose it, keep people out of it."

The constitution of the State says it shall not be sold for less than $10 an acre for cash, and yet the Government of the United States goes in there and administers it as though it were its own private domain.

A nonresident landlord; our friend, as we were justly accustomed to regard him, until this craze came along; these theories, gathered up somewhere among the dust of empires, or the theories of monarchs, where the forester is lord of all. Congress, in 1890, it is true, said "We grant you this land for school purposes,"—a rich and magnificent endowment. More than $15,000,000 worth of land was given to Idaho for educational purposes. Now, they have come along and taken away $10,000,000 of that land and have shut it up in solitude, and, to use the pat phrase, the "system has come to stay." Do you imagine any people are going to rest easy under conditions like those?

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I take it the Senator refers to sections 16 and 36.

Mr. HEYBURN. Yes.

Mr. WARREN. Of course the Senator knows there is a law providing for the selection of lieu lands. Has the State of Idaho availed itself of that law?

Mr. HEYBURN. It does not apply to sections 16 and 36. It applies to land we are allowed to select in addition to those sections.

Mr. WARREN. It allows the selection of lands in lieu of sections 16 and 36.

Mr. HEYBURN. No; the law of Congress applies only to the States that did not take their land by grant. There are only three States, as I recall, that have in their constitutions a provision similar to that of the State of Idaho. In nearly every other case it says the State shall select lands, but as to Idaho it says "there is hereby granted to the State of Idaho." Now, they have undertaken, and the department cites in this book and prints the decisions——

Mr. WARREN. That is exactly the same in the case of a group of Western States.

Mr. HEYBURN. Only three.

Mr. WARREN. And the others have applied, or many of them have applied, for indemnity lands and have received them.

Mr. HEYBURN. They have violated their own constitutions.

Mr. WARREN. And Idaho, if she applied for the lands, would be permitted to select them.

Mr. HEYBURN. They will not be permitted to apply, and if they do it some other power will be invoked to protect the constitutional rights of the State.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. Just a moment right here. I want to finish this part of the discussion. In the Use Book—I do not know what it is useful for—they cite the decision of the Supreme Court in regard to the New Mexico grant. The language there is in præsenti; but it is a Territory, and Congress can repeal its laws. It is not a sovereign State that may take title to anything. They cite that decision. I think the Senator's own State is one of the three as to which this language is used.

Mr. WARREN. I do not dispute that at all, but I will say to the Senator that these States exercised their preference, if they wished, and the lands have been patented to them in lieu of sections 16 and 36.

Mr. HEYBURN. But you can not do it under the Constitution.

Mr. WARREN. But they have done it.

Mr. HEYBURN. No; they only think they have done it. I know people who think they have accomplished legal propositions——

Mr. WARREN. They have legal title to the land and are renting or using it.

Mr. HEYBURN. Let me call attention to the constitutional provision. It is absolute:

The public-school fund of the State shall forever remain inviolate and intact; the interest thereon only shall be expended in the maintenance of the schools of the State, and shall be distributed among the several counties and school districts of the State in such manner as may be prescribed by law. No part of this fund, principal and interest, shall ever be transferred to any other fund or used or appropriated except as herein provided. * * *

The public-school fund of the State shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the State by the General Government, known as school lands, and those granted in lieu of such.

The lieu lands referred to there are in lieu of the grant of so many cases made, for instance, for state capitol purposes, for the University of Idaho, for public buildings, and for several other purposes. They were not designated.

Mr. WARREN. The Senator may have his own idea of the law, and he may be correct, but the working fact is that they can select, they have selected, and are enjoying that selection.

Mr. HEYBURN. Not Idaho.

Mr. WARREN. The language is exactly the same, as the Senator knows, with reference to Wyoming, Idaho, and I think two or three other of the new States.

Mr. HEYBURN. Listen to this:

Provided, That no school lands shall be sold for less than $10 per acre. No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the General Government by which the amount to be derived by the sale or other disposition of such lands shall be diminished, directly or indirectly.

It must be sold for $10 an acre for cash. The provision follows on. It must be sold only for cash.

Mr. WARREN. One moment. Will the Senator read the provision which says the land shall be sold only for cash? Perhaps it is there. I wish to hear it.

Mr. PILES. What are you reading from?

Mr. HEYBURN. From the constitution of Idaho.

Mr. WARREN. It is a part of the admission act of the State, I think.

Mr. HEYBURN. The constitution of Idaho stands in peculiar relation to the laws of the country. Congress adopted by specific provision this constitution. We had formed it——

Mr. WARREN. It was exactly the same in the other States.

Mr. HEYBURN. Yes; and organized our government before we came to Congress for admission. They recite that we have adopted this constitution, and they give us the sanction of their enactment, which makes it a law of Congress as well as the constitution of the State, and it is irrepealable. Congress could not change a provision in that constitution, because it is the contract of statehood. It could not be repealed.

Mr. WARREN. Nevertheless, I think the Senator will find measures in the instrument itself for amending the constitution.

Mr. HEYBURN. But it must be amended in the manner provided in the constitution.

Mr. WARREN. Yes; but it can be amended.

Mr. HEYBURN. Congress can not amend it or violate it.

Mr. WARREN. But the State itself can.

Mr. HEYBURN. The State may, but it has not amended it in the particulars I have referred to. Now, not only do they claim——

Mr. WARREN. The Senator has not yet read to me where it is provided that the land shall be sold for cash, and I ask the question because no State so far has insisted upon selling its land for cash, and the terms upon which land has been sold have been entirely approved by the Government of the United States and by the state government.

Mr. HEYBURN. When I say "cash," I mean money. They make the payments graduated, but they must be in money. I mean they can not exchange the land for something else.

Mr. WARREN. I know of no inhibition against exchanging them.

Mr. HEYBURN. Well, there is, when the constitution says the land shall be sold for $10 an acre, that no law shall ever be passed, and so forth, and limits the number of sections that may be sold in any one year. It provides, as I say, that the lands may be sold only for money and for not less than $10 an acre.

That is only an incident to what I was discussing. I say this was an absolute grant to the State, because it says "There is hereby granted." That is in the admission act; and yet notwithstanding that, the Forestry Service is taking possession of it and depriving the State not only of the use of the land, or in case they might rent it, as they may, under the constitution, rent the surface rights for occupation, but they are depriving them of the benefit of settlement.

Sections 16 and 36 stand on an entirely different basis than that which has been suggested. They have prevented us from selecting them by refusing to survey them. I have been hammering at the door of Congress ever since I have been here to get money enough to survey those lands, so that we might get

title to them, and I have not been able to do it. They deprive us of the lands in that way.

Now, another thing. The foresters and the Forestry Service claim the right to the waters of the State.

Mr. SMOOT. They do not.

Mr. HEYBURN. I may surprise the Senator from Utah for once.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Let me present this matter to him.

Mr. SMOOT. I have never understood that the Forestry Service claims any right to the waters in a State.

Mr. HEYBURN. Let me read this telegram.

Mr. SMOOT. I mean the water itself.

Mr. HEYBURN. Here is what they tried to do. I saw the statement in the paper, and I telegraphed for the facts:

BOISE, IDAHO, *May 2, 1908.*

W. B. HEYBURN,
United States Senate, Washington, D. C.:

Forest Supervisor Grand-Jean February 6 last filed applications on following creeks: Huckleberry, Greenhorn, Shake, Long Gulch, Paradise, Deer, Dooley, Lick, Beaver, Wilson, Boulder, Iron, Garfield, Eightmile, Silver, Warm Spring; also on North Fork of East Fork and North Fork of Wood River. Quantities claimed vary from 1 to 3 second-feet, apparently to be used for irrigation of small tracts near ranger stations—

That is, near these private homes they are establishing—

in Boise, Blaine, Elmore, and Custer counties. Grand-Jean said it was not desired applications should be treated as in ordinary cases, but should simply be considered as formal notice that the Forest Service intended to appropriate the waters. It was insisted by this department—

This is from the state engineer—

that they pass through usual routine, and February 13 they were returned to Grand-Jean for completion and fees. He was still doubtful whether state water law must be complied with—

That is, by the foresters—

and said would take matter up with his superior, Mr. Pollock, at Salt Lake. Since then have heard nothing from applications, although state law requires return here in sixty days to hold right.

JAS. STEPHENSON, Jr.,
State Engineer.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I take it from the telegram just read that the Forestry Service do not claim that they have the right. They do claim, however, that they can file upon the water the same as any other concern.

Mr. HEYBURN. No other concern can do it. Citizens can do it.

Mr. SMOOT. The water of the State is absolutely in the control of the State.

Mr. HEYBURN. Absolutely.

Mr. SMOOT. The Supreme Court has so decided time and time again; and the Forestry Service do not claim that they have a right to the waters within the State.

Mr. HEYBURN. Yes.

Mr. SMOOT. I do not so understand it.

Mr. HEYBURN. I will state it so that there will be no doubt about it. They claim that no man can go on a forest reserve and locate the waters of a stream without the consent and subject to such rules and regulations as they may make, notwithstanding the waters belong to the State.

Mr. SMOOT. There are no rules and regulations applying to the water, but they do claim the right to grant a permit, so that for any water power or power plant on government land in the forest reserves the parties are required to receive a permit from the department.

Mr. HEYBURN. No.

Mr. SMOOT. That is what they claim.

Mr. HEYBURN. I have their rules here.

Mr. SMOOT. I will also say to the Senator I do not think there is any question but that every Senator here agrees with me that the Forestry Service have no control over the water of the State.

Mr. HEYBURN. They say here that—

Examiners of lands applied for under the act of June 11, 1906, are reminded that rights for logging roads and other uses necessary for the efficient administration of the forests may be withdrawn from all forms of entry in the same manner as administrative sites are withdrawn.

Then they go on and say:

Supervisors should make actual diversions of water needed for administrative use. After each diversion is made a record of it should be prepared by the supervisor. The record should give the name of the stream, the date on which the diversion was made, the method of diversion, etc.

Then they go on with the use of water and provide rules and regulations that must be complied with by any party desiring to take water within a forest reserve.

I will not undertake to read these rules, because they are rather lengthy, some of them occupying a page. I state from the rules that they claim the right to prescribe limitations as to the manner of the use of the water in a natural stream of a State by citizens of the State in contravention of the laws of the State, and they are continually exercising it.

Mr. SMOOT. Mr. President, I do not desire to say any more than that I know from the Forester himself that they do not claim that they have the right to the water within a State.

Mr. HEYBURN. He instructs them here to locate it.

Mr. SMOOT. Yes; I understand; a little water for use.

Mr. HEYBURN. There is no limit on it.

Mr. SMOOT. I do not think the Senator means that as to all the water within a forest reserve the ranger is instructed to go and file upon it.

Mr. HEYBURN. I did not suppose the Senator understood me to say anything of the kind.

Mr. SMOOT. That would be the only way; I suppose that they would be instructed to file upon the whole of it if they were going to control it.

Mr. HEYBURN. Oh, no; not at all. An individual does not do that.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. HEYBURN. Certainly.

Mr. BORAH. There is not any reason why he should not file on all of it.

Mr. SMOOT. The Senator from Idaho knows that the only way he can secure title to the water is by use. The forester could not obtain title to the water unless he used the water. He has to use it. He then files on it under the laws of the State. The state engineer sees to it.

Mr. BORAH. But when he files upon it in our State he has a long time in which to begin to make use of it, and during that time the citizen is deprived of any opportunity to get it.

Mr. SMOOT. I do not know how long they are entitled to hold it in Idaho. In Wyoming I am told that it is one year. In our State it is a longer time.

Mr. HEYBURN. Mr. President, I have permission from the Committee on Public Lands to state an occurrence in that committee this morning. There is before the Committee on Public Lands a bill granting a right of way to a railroad company to construct its road through a forest reserve. Congress said that railroad company should have the right of way, and it has complied with the requirements of Congress. But the Secretary of Agriculture refused to grant it the right that Congress gave it, and the committee this morning refused to report favorably a bill granting the right of way to this railroad company through the forest reserve, notwithstanding that it has complied with every requirement of the act of Congress, because the Secretary does not approve it.

There has grown up a vicious practice in some departments of Congress in submitting bills introduced by members of this body for the approval or disapproval of executive officers, secretaries, and clerks, and it is being carried to such an extent that under certain conditions it is impossible, if some clerk, or secretary, forsooth, does not approve of it, to secure a favorable report. The judgment of a Senator counts for nothing; the righteousness of the bill counts for nothing. The question is, Have we the approval of these clerks? I do not know how long it will last. I trust not very long.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. You will disconnect me, because I was just going to cite, in connection with what I said, the language of the Secretary of Agriculture.

Mr. SMOOT. After the Senator finishes that I will take the floor.

Mr. HEYBURN. Reciting the fact that this railroad company has in effect complied with the act of Congress and reciting the act which was passed by Congress, he says:

The act of March 3, 1875, as amended by the act of March 3, 1899, gives a right of way to railroads through national forests subject to the approval of the Secretary of the Interior—

Then he quotes—

when in his judgment the public interests will not be injuriously affected thereby.

So he may hold up a railroad. This is a part of a great system, probably the greatest system of electric roads in the

United States. He refuses that which Congress gives to this applicant, and he does it because he does not approve of it. He says:

I believe that there is no reason why a right of way, properly conditioned to protect the interests of the public and especially to preserve the timber and water-power sites, can not be speedily granted by the Secretary of the Interior under the existing law.

He says it could be done, but he refuses to exercise the power to give us the right of way. I say "us." I have no interest in the bill.

Mr. WARREN. May I ask the Senator one question?

Mr. HEYBURN. Certainly.

Mr. WARREN. I observe that the Senator inveighed against the reference of bills to the heads of departments. I do not suppose he wishes us to understand that we should discontinue that practice altogether. As I understand the references by committees of bills to heads of departments, it is to obtain, among other information, that from the department without thereby, in asking for it, in any way promising to follow their suggestions.

Mr. HEYBURN. Yes; the evil is not in giving the information. It is perfectly proper to call for information. But the evil is in saying at the end of it "We recommend that this bill shall not pass." What of their business is it what Congress does in the way of legislation? Why should they recommend what Congress in the exercise of its wisdom shall do in a given case?

Mr. SMOOT. I wish to call the attention of the Senator to the fact that it was an act of Congress which conferred that power upon the Secretary of Agriculture.

Mr. HEYBURN. Yes; which he refuses to exercise.

Mr. SMOOT. It was an act passed March 3, 1899, and is found in Thirtieth Statutes at Large, page 1233. That statute gives—

a right of way to railroads through national forests, subject to the approval of the Secretary of the Interior, when in his judgment the public interests will not be injuriously affected thereby.

Mr. President, in this particular case the Secretary of Agriculture does not object to giving the right of way, provided it is protected and granted to the railroad company on the same terms and under the same conditions proposed as to other roads.

Mr. HEYBURN. I am not here to attack the Secretary and I am not here to ask for a right of way for railroads. I am here to illustrate by this instance the fact that these reserves stand in the way of the development and the progress of the country and that you are liable to run against just such circumstances, regardless of the question whether he is right or whether he is not right.

Mr. President, I feel that I have trespassed upon the attention of the Senate long enough. There are great questions involved here, questions of government, that go to the very foundation of the rights of the citizen and the rights of the State. I am in favor of protecting the forests and the trees. I am in favor of multiplying them, if you please. We need no addition to the forests of Idaho. We are glad to parcel out the product of them to other States. But I do not want the other States to come in and take possession of us and administer upon our State.

There is talk about preserving and conserving public utilities. Here in Washington, surrounded by the glitter of a banquet, they talk about them in poetic phrase and strain. Right under their eyes here are scrub oak and scrub pine surrounding the city of Washington on the worn-out tobacco lands. Why does not the Government establish a model enterprise for the restoration of the forests upon these lands close to Washington? Why do they want to go to a State that has 12,000,000 or 15,000,000 acres of splendid timber that nature has put there to do their experimenting, their reforestation?

I can take them within thirty minutes of this city and show them a most magnificent opportunity to develop their system or scheme for reforesting lands. Why do they want to go out West in those new parts of the country where to touch the machinery is to retard the speed of their growth, to teach us how to conserve the natural resources, the waters of the streams?

In this letter the Secretary says that provision must be made for conserving the water in the rivers that would be cut by this railroad. It is a splendid instance of the inconsistent and incompetent plans that are proposed. Here are the Great Falls of the Potomac right under the shadow of the Capitol, with more horsepower going to waste every day than the Government will ever conserve in a hundred years in that part of the country for actual use. And yet it is a case of green fields and far away and going somewhere else to do these things. Why do they not do them in the neighborhood of this city beautiful, the city of Washington? There are squalid, worn-out, and rutted lands at their door. They go out into our new State, where we have the energy and purpose and the strength to preserve all the possibilities that God placed there for man.

We are demonstrating the fact that we are in earnest, because we more than doubled our population in the last decade, and when the census shall come in next year you will find that we have multiplied our population and our wealth by three or four times. And we are doing it in spite of this blighting influence. We are doing it in spite of this attempt to push us backward. We are not content, and we will never yield this controversy here or elsewhere until we have compelled justice at the hands of the Government. We want the United States to come into our State and dwell there as it dwells here and in other States. We do not want it to come in there and commence the process of crimping and nagging that marks the conduct to-day. Just give us the opportunity to grow. We will not destroy the timber. Why should we? Who has half as much interest in it as the people in Idaho? Their future is wrapped up in the possibilities of these natural resources, and they know it. They were not drones when they went there. They were men beaming with hope and stored with energy and intelligence enough to get away from the ruts and grooves. They are there, and they are being bothered, they are being hampered by dead lines, beyond which they can not step except with the consent of a stranger.

They have acted like vandals in our midst. This Government of ours, of which we are so proud, instead of being the friend of the people of the State, have come there like invaders and sought to stay our growth and our progress, playing into the hands of a monopoly.

I believe in free pasture. You could not have sent the white-covered wagons through the State of Illinois or the State of Iowa except through the right of free pasture to maintain the flocks that supported your family in the early days until the land was parceled up by legal lines. Here to-day, under the false pretense of creating forest reserves, they have seized upon at least 9,000,000 acres of nonforest land, and when some stranger tells the senior Senator from Iowa that is not true, you can tell him that you know from men who know the facts that it is true. They come out there heralded with an order calling in these forest rangers as a huntsman sounds upon his bugle, and they come at the expense of the Government.

At the end of the last session I had printed, in response to a resolution which I introduced, a statement of the cost of the expenses of those rangers in attending functions. There was more than $50,000 in that bill, and there is twice that amount in this bill, to enable some of those men to go around lecturing in the public schools and in the Young Women's and Young Men's Christian Associations, at banquets here and there, charging their expenses up to the Government, trying to build up a sentiment in favor of this forestry purpose, or plan, or whatever they choose to call it.

I do not like to dwell upon small things, but as an instance of the petty, little, mean way in which they are doing this service I had forwarded to me here an affidavit from one of the men in their employ setting forth that during the past fall, only a few months ago, he was employed by these foresters to gather pine nuts out of squirrels' nests at the beginning of the winter. He gathered some 40 or 50 bushels, and they had, I think he says, 145 bushels on hand ready to ship, taken out of squirrels' nests. It is a trivial matter. I mentioned it one day to some of these enterprising newspaper reporters, and they sent it out as a joke. It was no joke to the squirrels. I can imagine the kind of man who would consider it as a joke.

Mr. WARREN. For what purpose did they gather the nuts? To what was it proposed to devote them?

Mr. HEYBURN. Oh, to reforest a State with 20,000,000 acres of forest reserves in it. The poor squirrels gather them with the wing on the nut, take them into their nests in the fall at their leisure, and then take out the pine nut and use the wing for nests.

Mr. DOLLIVER. They were using those to plant trees in the sand barrens of western Nebraska.

Mr. HEYBURN. I expect there is some beautiful forest growing there.

Mr. DOLLIVER. There will be. Those trees are coming up there by the million. I do not think the Senator ought to waste too much sympathy on the squirrels.

Mr. HEYBURN. I am not doing it. I only speak of it as one of those little, trivial, petty things that oftentimes point a moral.

Mr. DOLLIVER. Would you gather the seeds of those pine trees one at a time, or would you take advantage of the industry of the squirrel?

Mr. HEYBURN. I can say this, and I say it in all good feeling, if the Senator from Iowa could approve of that kind of act, I would be disappointed in him. I know him better. He would have joined with the other boys and thrashed a boy who would have done it when he was a boy.

Mr. DOLLIVER. Is it not the same thing that we do with the honeybee?

Mr. HEYBURN. The Senator does not want to convince me that he would approve that kind of a thing. I do not believe it. I would not like to be convinced of it.

No; I did not speak of it as a matter of controlling importance. I speak of it to show how wild they can be; that when they once get away from practical paths into the field of irresponsibility they are liable to do anything.

Mr. SMOOT. To what extent was this done?

Mr. HEYBURN. He received $2.50 a day for it, and got from 8 to 10 bushels of nuts from each nest he robbed. He had about 45 bushels of them on hand, and with others who were employed they had altogether about 150 bushels.

Mr. SMOOT. This was done by only one man.

Mr. HEYBURN. He is speaking of what he did, and merely incidentally of what the others did. He did not think of it as being very cruel.

Mr. SMOOT. Is he in the service now?

Mr. HEYBURN. I do not know. I regret having digressed into a small item like that.

Mr. WARREN. I wish to ask the Senator, as it is evident we will not be able to determine the matter of forest reserves to-day, if it would be inconvenient to lay this question aside for the present and go on with the reading of the bill a little further?

Mr. HEYBURN. I would be very glad to do it.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. CARTER. I ask unanimous consent that the reading of the bill be proceeded with for action on unobjected amendments, and that no other legislative business be done during this legislative day.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent——

Mr. WARREN. Let me understand the Senator. I understand he has made a proposition to proceed with the bill this evening for action upon unobjected amendments.

Mr. CARTER. And that no other business shall be done on this legislative day.

Mr. CULLOM. I hope there will be no agreement of that kind. I have promised that there should be a brief executive session.

Mr. CARTER. I withdraw the request.

The VICE-PRESIDENT. The request is withdrawn.

Mr. DIXON. I was inadvertently called out of the Chamber. I should like to ask the Senator in charge of the bill whether we have finished the amendments regarding forest reserves?

Mr. WARREN. Those amendments have gone over for the day.

Mr. DIXON. I should like to offer an amendment in line 24——

Mr. WARREN. The Senator will have an opportunity to offer his amendment; but being other than a committee amendment, it will not be in order until we finish the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment was, under the head of "Bureau of Chemistry," on page 29, after line 16, to insert:

To enable the Secretary of Agriculture to cooperate with the agricultural colleges in the several States and Territories for the purpose of demonstrating and illustrating the best methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers, including the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $15,000.

Mr. PENROSE. I should like to ask the chairman of the committee to explain that paragraph.

Mr. WARREN. Let the paragraph go over until to-morrow.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. PENROSE. I should like to make a point of order against the amendment and have it pending.

The VICE-PRESIDENT. What is the point of order?

Mr. PENROSE. That the amendment proposes general legislation.

The VICE-PRESIDENT. The point of order will be regarded as pending.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 30, line 1, after the words "eight hundred and," to strike out "five" and insert "twenty," so as to make the clause read:

In all for general expenses, $820,000.

Mr. BAILEY. Mr. President, I suggest that evidently the amendment in line 1, page 30——

Mr. WARREN. The Senator knows that we will change that if the other amendment is rejected.

Mr. BAILEY. I imagine it would be, because this amendment was evidently increased to conform to the preceding amendment.

Mr. WARREN. Let the amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 30, line 4, before the word "thousand," to strike out "eighty" and insert "ninety-five," so as to make the clause read:

Total for Bureau of Chemistry, $895,560.

The amendment was agreed to.

Mr. WARREN. Mr. President, I am appealed to by Senators around me, who wish to discontinue for the day the consideration of the pending bill, but I am obliged to say that unless we make better progress to-morrow than we made yesterday and have made to-day, we shall be compelled either to finally leave the bill uncompleted or to have night sessions. I had hoped we might proceed a little further with the bill to-night, but in view of the circumstances I now ask that the bill be laid aside.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 25, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1909.

PROMOTIONS IN THE NAVY.

Capt. Giles B. Harber, an additional number in grade, to be a rear-admiral in the navy from the 12th day of November, 1908, with Capt. Nathan E. Niles, promoted.

Capt. Uriah R. Harris to be a rear-admiral in the navy from the 7th day of January, 1909, vice Rear-Admiral Caspar F. Goodrich, retired.

POSTMASTERS.

CALIFORNIA.

John M. Cheney to be postmaster at Sonoma, Cal., in place of John M. Cheney. Incumbent's commission expires March 1, 1909.

GEORGIA.

Sarah J. Anthony to be postmaster at Shellman, Ga., in place of Sarah J. Anthony. Incumbent's commission expired November 17, 1907.

John S. King to be postmaster at Rochelle, Ga. Office became presidential January 1, 1909.

ILLINOIS.

John F. Ahrens to be postmaster at Gillespie, Ill., in place of John F. Ahrens. Incumbent's commission expired December 12, 1908.

INDIANA.

Ernest M. Sherburne to be postmaster at Knightstown, Ind., in place of Charles R. Swaim. Incumbent's commission expired January 30, 1909.

MISSISSIPPI.

William J. Brigham to be postmaster at Tunica, Miss., in place of William J. Brigham. Incumbent's commission expires March 1, 1909.

Felicie L. Delmas to be postmaster at Scranton, Miss., in place of Felicie L. Delmas. Incumbent's commission expired February 14, 1909.

L. Hilton Tubb to be postmaster at Amory, Miss., in place of L. Hilton Tubb. Incumbent's commission expires March 1, 1909.

NEBRASKA.

Albert C. McFarland to be postmaster at Lynch, Nebr. Office became presidential January 1, 1909.

NEW MEXICO.

William Reily to be postmaster at Carrizozo, N. Mex., in place of Ira O. Wetmore, resigned.

NEW YORK.

Ezra C. Ferris to be postmaster at Croton on Hudson, N. Y., in place of Ezra C. Ferris. Incumbent's commission expired January 20, 1909.

OHIO.

Charles E. Frame to be postmaster at West Union, Ohio, in place of Charles E. Frame. Incumbent's commission expired February 29, 1908.

John O. Thomas to be postmaster at Oak Hill, Ohio. Office became presidential January 1, 1908.

OREGON.

Guy E. Tex to be postmaster at Central Point, Oreg. Office became presidential January 1, 1909.

William C. Underwood to be postmaster at Oakland, Oreg. Office became presidential January 1, 1909.

PENNSYLVANIA.

Levi J. Foust to be postmaster at Johnstown, Pa., in place of Levi J. Foust. Incumbent's commission expired December 7, 1908.

George Fox to be postmaster at Altoona, Pa., in place of George Fox. Incumbent's commission expires March 1, 1909.

Frank J. Over to be postmaster at Hollidaysburg, Pa., in place of Frank J. Over. Incumbent's commission expires March 1, 1909.

J. Ira Thomas to be postmaster at Vintondale, Pa. Office became presidential July 1, 1907.

TEXAS.

J. F. Bain to be postmaster at Humble, Tex., in place of William S. Hart, resigned.

WASHINGTON.

Rosseter I. Towle to be postmaster at Newport, Wash., in place of Rosseter I. Towle. Incumbent's commission expires February 27, 1909.

WISCONSIN.

James E. Harris to be postmaster at Prairie du Chien, Wis., in place of James Harris, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1909.

POSTMASTERS.

MISSISSIPPI.

Walter A. Collins, at Hattiesburg, Miss.

NORTH CAROLINA.

Robert T. Joyce, at Mount Airy, N. C.
Charles A. Reynolds, at Winston-Salem, N. C.

OHIO.

Charles E. Frame, at West Union, Ohio.
John O. Thomas, at Oak Hill, Ohio.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed on February 24 from treaties between the United States and the Republics of Panama and Colombia relating to the Panama Canal, etc., both signed on January 9, 1909. (Ex. N, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 24, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House at 11 o'clock a. m., was called to order by the Speaker.

SABINE AND NECHES RIVERS.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27363) to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou, with the committee amendments.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the following bill, with the committee amendments. The bill was read yesterday and the Clerk will now read the title of the bill.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I withdraw the objection I made yesterday.

The SPEAKER. The gentleman from Illinois withdraws his objection. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

On motion of Mr. COOPER of Texas, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, YANKTON, S. DAK.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act approved April 5, 1904, authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved May 20, 1908, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date the approval of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

INTERNATIONAL FIELD SPORTS, VIENNA.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to lay on the table the motion to reconsider made by me yesterday, by which the Committee on Military Affairs was discharged from further consideration of the President's message of January 4, 1909, relative to the International Shooting and Field Sports Exposition in Vienna, and the same was referred to the Committee on Foreign Affairs.

The SPEAKER. The gentleman entered a motion to reconsider yesterday, and he now asks unanimous consent to lay that motion on the table. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8446. An act amending an act entitled "An act to amend an act to provide the time and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898.

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors;

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent and helpless relatives of such soldiers and sailors;

S. 9422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent relatives of such soldiers and sailors; and

S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 26072. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to notify the House of Representatives of the cancellation of the signature of the Vice-President of the United States and President of the Senate to the enrolled bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," in accordance with concurrent resolution of the House of Representatives No. 68.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8446. An act amending an act entitled "An act to amend an act to provide the time and places for holding terms of the United States court in the States of Idaho and Wyoming, approved June 1, 1898"—to the Committee on the Judiciary.

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors—to the Committee on Pensions.

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors—to the Committee on Pensions.

S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof—to the Committee on Military Affairs.

S. 9422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 203 to authorize the Secretary of State to invite the Permanent International Association of Navigation Congresses to hold in the United States in the year 1911 the Twelfth International Congress of Navigation.

The Clerk read as follows:

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and requested to extend to the Permanent International Association of Navigation Congresses, whose permanent executive office is in Brussels, Belgium, and of which association the Government of the United States is a contributing member by authority of act of Congress approved June 28, 1902, an invitation to hold in the city of Philadelphia the Twelfth International Congress of Navigation at such time in the calendar year 1911 as may be selected by said association.

Mr. GARRETT. I reserve the right to object.

Mr. CARLIN. I would like to ask the gentleman if this contemplates an appropriation?

Mr. MOORE of Pennsylvania. It does not.

Mr. CARLIN. Will an appropriation necessarily follow it?

Mr. MOORE of Pennsylvania. I know of none. This resolution is on all fours with the other resolutions of the same kind that have been passed, extending an invitation to an international organization that proposes to come here and hold its convention.

Mr. GARRETT. Reserving the right to object, Mr. Speaker, may I ask the gentleman what good purpose this is to serve?

Mr. MOORE of Pennsylvania. The purpose of the resolution is to have the United States Government do the same thing for the international congress that other governments do when the convention is held under the auspices of other governments, which is to extend the hand of hospitality to those attending that convention. The matter is of great concern to all of us who are interested in waterways in this as well as in other countries.

Mr. GARRETT. It is a congress of navigation?

Mr. MOORE of Pennsylvania. A congress to consider navigation matters, deep waterways, and better harbors.

Mr. GARRETT. Have there been congresses of this kind held before?

Mr. MOORE of Pennsylvania. There have; all on the other side of the water.

Mr. GARRETT. And to which this Government has been invited?

Mr. MOORE of Pennsylvania. To which this Government has sent representatives.

Mr. GARRETT. How much is it going to cost?

Mr. MOORE of Pennsylvania. I presume the cost of the reception and entertainment would approximate $25,000.

Mr. GARRETT. And how is that worth anything to us?

Mr. MOORE of Pennsylvania. It will be invaluable to the United States in teaching some of our statesmen and engineers and some of our commercial people the importance of deeper waterways in the United States.

Mr. GARRETT. But we have, or soon will have, a commission to go to Europe and study those things.

Mr. MOORE of Pennsylvania. I do not think the commission has yet been constituted.

Mr. GARRETT. And the gentleman thinks it will cost about $25,000?

Mr. MOORE of Pennsylvania. I think it will cost the Government nothing.

Mr. GARRETT. Mr. Speaker, I object.

Mr. MOORE of Pennsylvania. I do not think the gentleman from Tennessee quite heard my answer.

Mr. MANN. I understood the gentleman from Pennsylvania to say that it was not the intention to ask the Government for any appropriation; that the cost on account of the invitation will be wholly met by local authorities.

Mr. MOORE of Pennsylvania. That is what I said. In this connection I ask to have read a letter from the mayor of the city of Philadelphia.

The Clerk read as follows:

OFFICE OF THE MAYOR,
PHILADELPHIA.

Col. JAMES C. SANFORD, U. S. Army,
Newport, R. I.

DEAR SIR: Following my conversation with you yesterday in reference to the Triennial Congress of the Permanent International Association of Navigation Congresses, I desire to convey to you the sincere and cordial invitation of the city of Philadelphia to the triennial convention, inviting them to hold their next meeting in this city.

Philadelphia is in the forefront of the movement for better waterways and for the fuller development of American navigation, as you well know. As a convention city it lacks nothing, and may I urge that you consider our request, in order that this city may have the high honor and distinction of entertaining at the next triennial congress the distinguished representatives of the international association?

Cordially, yours,

JOHN E. REYBURN, *Mayor.*

Mr. MOORE of Pennsylvania. Now, answering further the gentleman from Tennessee, the citizens of Philadelphia will furnish the cost of this entertainment. It will be necessary to come in contact with the Government of the United States to have the proper officials represented at the convention; but the plan is, upon the passage of this resolution, to have formed in the city of Philadelphia an association which will take into consideration the matter of raising funds and make all other necessary arrangements for properly and hospitably receiving the gentlemen from abroad.

It has been the custom in every foreign country where conventions have been held for the patronage of the king or the ruling potentate to be extended to those who came from foreign governments, and they have made appropriations for this purpose equaling $25,000. We do not, in this instance, ask a single dollar from the Government of the United States. Bringing this convention to the United States will mean very much to us as a help in engineering and progressive methods. We know very little about waterways.

The old countries know much more; they are much further advanced in the matter of engineering. We want this international convention to come here for the first time, that we may have an interchange of views. The citizens of Philadelphia will bear the expense and the Government will be under no expense. It seems to me that the gentleman from Tennessee ought to withdraw his objection, because this resolution does not contemplate any expenditure, although they have been granted to others seeking to extend similar courtesies.

Mr. GARRETT. Mr. Speaker, if we are assured that there is to be no appropriation following this, I certainly will withdraw the objection. I would not stand in the way of the city of Philadelphia in the matter, but if there is to be an appropriation I want to object now.

Mr. MOORE of Pennsylvania. I have no thought of introducing any measure asking for an appropriation. I do not think it fair, however, that one city should come in and ask for an appropriation and get it, as has been done heretofore, for an international congress and then that there should be imposed upon us a pledge that we shall not ask what has been accorded to others.

I am willing to say to the gentleman that we shall ask no help. The reputation of the city of Philadelphia is sufficient the world over to satisfy most people that we will perform every act required of us in the matter of hospitality and in the matter of entertainment; but we do want to perform a greater service in this regard in showing to this Nation, which is yet young in the development of its waterways, what has been done in the older world and what can be done here if we take counsel of those who have had older and wider experience.

Mr. GARRETT. Mr. Speaker, I will say to the gentleman that in so far as his suggestions as to other associations receiving appropriations and this one not receiving any being unfair, I am personally opposed to those others receiving appropriations, and there is nothing personal in this matter which I have raised. I think it is a good time to stop these appropriations, and I shall not object to the request of the gentleman if there is no appropriation to follow. If there is one, I shall object.

Mr. MOORE of Pennsylvania. Let this be the beginning.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the House joint resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

LIGHT-HOUSE BOARD, ASHTABULA, OHIO.

Mr. THOMAS of Ohio. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 15939) authorizing the Secretary of War to exchange property, and to consider the same at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to exchange property now occupied by the Light-House Board at Ashtabula, Ohio, for other property of not less value at another location and to make a contract for such exchange.

With the following amendments:

In line 4 strike out the words "and directed;" and amend the title so as to read:

"A bill authorizing the Secretary of Commerce and Labor to exchange property."

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I wish to know if this bill has been unanimously reported by a committee?

Mr. THOMAS of Ohio. It has.

Mr. SULZER. What committee?

Mr. THOMAS of Ohio. The Committee on Interstate and Foreign Commerce.

Mr. SULZER. I would also like to know just what this bill does, what property is to be exchanged, and where the property is located.

Mr. THOMAS of Ohio. It is located in Ashtabula, Ohio. It is the exchanging of two town lots owned by the Government for two other town lots of the same value.

Mr. SULZER. In the same city?

Mr. THOMAS of Ohio. In the same place.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended.

CRIMES COMMITTED ON LAKE MICHIGAN.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 249, to enable the States of Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan with amendments, which I send to the desk and ask to have read as amended.

The Clerk read as follows:

House joint resolution 249.

Resolved, etc., That the consent of the Congress of the United States is hereby given to the States of Wisconsin, Illinois, Indiana, and Michigan, or any two or more of them, by such agreement or compact as they may deem desirable or necessary or otherwise, not in conflict with the Constitution of the United States or any law thereof, to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of Lake Michigan.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have some explanation of the resolution.

Mr. MANN. Mr. Speaker, this is exactly the same as the resolutions recently passed giving the States bordering on the Mississippi the right to enter into an agreement concerning the jurisdiction over crimes committed on the Mississippi. This would give to the States of Wisconsin, Illinois, Indiana, and Michigan the right to enter into an agreement concerning the jurisdiction over crimes committed on Lake Michigan where it is now impossible to tell the location of the boundary lines.

Mr. SULZER. Would this resolution change the venue?

Mr. MANN. This resolution would permit the States of Illinois, Indiana, Wisconsin, and Michigan to enter into an agreement respecting crimes committed on Lake Michigan, and they would probably follow the precedent already in existence, which is the one relating to jurisdiction over crimes committed on the Potomac River, an old contract entered into in 1785 between Maryland and Virginia. That authorizes the State of Maryland to punish a crime committed by one of her citizens on the river, regardless of whether it is committed in Virginia or in Maryland, and authorizes the State of Virginia to punish one of her citizens for a crime committed on the river without proving the exact location of the crime on the river. In other words, it is impossible to tell whether a crime is committed on one side of the imaginary line or the other.

Mr. TAWNEY. Is it not also true that in rivers like the Mississippi River, or any navigable river, there is a part of the river—in its channel—where neither of the States has jurisdiction. Are not crimes committed in the channel of the river supposed to be under the jurisdiction of the United States and not under the jurisdiction of either State?

Mr. MANN. Not at all.

Mr. BENNET of New York. I would like to ask the gentleman from Illinois if this in any way affects the jurisdiction of the Federal Government touching the boundaries between the United States and Canada, if that is involved?

Mr. MANN. Not at all. It does not reach Canada.

Mr. COX of Indiana. I would ask the gentleman whether or not the gentleman knows of any disagreement between the respective States heretofore in regard to criminal jurisdiction on the lakes?

Mr. MANN. Mr. Speaker, take, for instance, Calumet Harbor, within the limits of the harbor, within half a mile of the shore line at south Chicago, the north state line of Indiana comes to the west state line of Indiana in the water. No one knows exactly where that line is. It is impossible to tell where the line in Lake Michigan is between Wisconsin and Michigan or between Illinois and Michigan, and the result has been that various people have gone out in boats onto Lake Michigan for the very purpose of committing crime, and they could not be punished because it was impossible to tell whether jurisdiction of the crime belonged in Indiana or in Illinois or in Michigan.

Now, this bill would permit either State, having entered into the agreement—of course this does not bind the States, the Constitution requiring that States can not enter into a compact without the consent of Congress—if this consent be given, then these States can make compacts by which each State will have the authority to punish its own citizens for crimes committed on the Lakes without proving exactly the place of the commission of the crime.

Mr. HITCHCOCK. Suppose the crime should be committed by some one not a resident of either State?

Mr. MANN. We would have the situation that exists in regard to the Potomac River——

Mr. SULZER. Mr. Speaker, I have no objection to the bill.

Mr. KEIFER. Mr. Speaker, I desire to ask one question and make a suggestion as to this bill. It is very difficult for us to understand in the confusion here what this bill is in its full scope; therefore I would like to ask whether it undertakes to fix the place where persons charged with crimes are to be brought.

Mr. MANN. It simply permits the States to enter into an agreement between themselves as to the jurisdiction over crimes, following the precedent of the agreement entered into between the States of Maryland and Virginia concerning crimes committed on the Potomac River.

Mr. KEIFER. I would like to call the gentleman's attention to the provision of the Constitution of the United States on that subject—section 2 of article 3. If the gentleman will allow me I will read it—

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; and when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Now, I do not understand we can delegate that power to the States to try a person for a crime committed in another State.

There is another provision in the Constitution of the United States which seems to settle this question. When the Constitution was framed in 1787 one of the things that gave rise to discussion was its provision relating to the prosecutions for crime. It was contended that sufficient protection was not given to the accused, and before the Constitution was ratified it was practically agreed an article would be added on that subject. Other articles amending the Constitution were also in like manner agreed upon. Accordingly the First Congress, on the 25th of September, 1789, submitted for ratification ten amendments, all of which were later ratified and became part of the Constitution.

The sixth of these amendments reads as follows:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

This article appears plainly to require a person accused of a crime committed either under state or federal law to be tried in the State and district where the crime was committed, but I am not familiar with the decisions.

Mr. MANN. But, if the gentleman will refresh his recollection, he is too good a lawyer not to remember that provision of the Constitution only applies to crimes committed against the Federal Government and has no application to crimes committed against States.

Mr. KEIFER. I think it does have application in all cases and it is general. I am not very familiar with the decisions on that subject, I admit, but I think this is in violation of the Constitution——

Mr. MANN. The Supreme Court has passed upon the question in the Maryland and Virginia case, and has upheld the compact entered into between those two States.

Mr. KEIFER. If that is so I shall not object, but I still have my doubts.

Mr. HAMILTON of Michigan. I have not had a chance to read the bill. Does it provide where a State——

Mr. MANN. Let me tell you what it does provide. I will say it does not provide that——

Mr. HAMILTON of Michigan. Does it provide that the State that first gets the body of the offender shall have jurisdiction over the crime?

Mr. MANN. It only provides the State of Michigan and the State of Illinois may enter into an agreement concerning jurisdiction; that is all.



The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

To enable the States of Wisconsin, Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan.

Mr. MANN. Mr. Speaker, in order that I may insert a map, I ask leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the northern boundary line of Indiana runs west through the southern end of Lake Michigan to the boundary line between Illinois and Indiana, which it meets in the lake. The boundary line between Illinois and Michigan is in the center of Lake Michigan, so that at one point in the lake near South Chicago and in the Calumet Harbor is the dividing line between Illinois and Indiana, and at another point in the lake the territorial limits of the States of Illinois, Indiana, and Michigan all meet. Under these circumstances it is difficult, if not impossible, to punish crime committed on the lake near or adjacent to these points, as it is impossible in many cases to prove the venue.

The purpose of the resolution is to permit the States of Illinois, Indiana, and Michigan, by proper acts of their legislatures, to enter into arrangements by which persons committing offenses on Lake Michigan, where it is now often practically impossible to prove the State in which the offense is committed, may be punished by the authorities of that State which first secures jurisdiction of the person, or such other arrangement as the States may determine among themselves. This is following the precedent under which crimes committed on the Potomac River may in certain cases be punished either by the authorities of Virginia or Maryland, although the jurisdiction of Virginia otherwise would not extend.

In recent years there have been occasions when persons owning or hiring lake vessels deliberately engaged in the commission of offenses which would have been punishable in either Indiana, Illinois, or Michigan, but where no punishment was or could be inflicted because of the impossibility of showing the State in which the offense was committed or proving the venue.

In 1784 Maryland and Virginia each appointed commissioners to consider the subject of the jurisdiction and navigation of the Potomac River, constituting the boundary line between those two States. This action resulted in a compact between the two States, which was ratified by the legislatures thereof, providing, among other things, for certain concurrent jurisdiction over piracies, crimes, or other offenses committed on the waters of the Potomac River where it forms their boundary. Though this compact was entered into prior to the adoption of the Constitution of the United States, it has been held by the Supreme Court in Wharton *v.* Wise (153 U. S., 155) to be still in force, though the Supreme Court did not decide that such compact, if entered into after the adoption of the Constitution, might not have been in violation of that provision of the Constitution which declares that "no State shall without the consent of Congress * * * enter into an agreement or compact with another State." * * *

The plat [on opposite page], showing the boundary lines of the States referred to, shows the necessity of joint jurisdiction.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I call up from the Speaker's table the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the legislative, executive, and judicial appropriation bill.

Mr. BINGHAM. Now, Mr. Speaker, I ask unanimous consent to dispense with the reading of the report and in lieu thereof that the statement of the managers on the part of the House be read.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to dispense with the reading of the report and that the statement be read in lieu thereof. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 39, 40, 83, 84, 95, 99, 102, 105, 106, 109, 112, 113, 114, 131, 175, 176, 177, 178, 179, 180, 181, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 101, 103, 104, 107, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 171, 172, 173, 174, 183, 184, 185, 186, 187, 188, 190, 191, and 208,

And agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: " ; hire of horse and wagon for the Secretary's office, four hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand four hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-four thousand nine hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-seven thousand seven hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: " ; or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, ten thousand dollars, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve."

And the Senate agree to the same.

That under the authority of House concurrent resolution 67, this session, the bill be amended as follows: On page 40, lines 18 and 19, strike out the words "twelve thousand dollars" and insert in lieu thereof the following: "eight thousand dollars, and the annual compensation of the Secretary of State, including all emoluments or allowances fixed by law, except such as were fixed by law prior to the twenty-sixth day of February, nineteen hundred and seven, after the third day of March, nineteen hundred and nine, is hereby fixed at eight thousand dollars, and all laws or parts of laws providing different compensation, emoluments, or allowances are hereby repealed, to take effect on the third day of March, nineteen hundred and nine, except that so much of the unexpended balance of the appropriation of twelve thousand dollars for the salary of the Secretary of State for the fiscal year nineteen hundred and nine as may be necessary is hereby made available to pay the said salary as herein fixed at the rate of eight thousand dollars per annum from March fourth until June thirtieth, nineteen hundred and nine, inclusive."

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of

the matter proposed by said amendment insert the following: "chief clerk, two thousand dollars;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand nine hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment, and strike out, on page 111, lines 21 and 22, and insert in lieu thereof the following: "six Indian inspectors, not required to be engineers, now employed and appropriated for in the Indian Department, at two thousand five hundred dollars each, and said Indian inspectors shall hereafter be termed inspectors, and shall be included in the classified service;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert the following: "six;" and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-one thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six thousand dollars;" and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "four copyists of maps, at nine hundred dollars each;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight thousand dollars;" and the Senate agree to the same.

On amendments numbered 43, 46, 60, 61, 62, 63, 64, 65, 66, 67, 68, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210, the committee of conference have been unable to agree.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1910, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of the amendments of the Senate, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 44 and 45, all relating to the salaries of officers and employees and other expenses of the Senate, are all recommended to be agreed to by the House, except the amendment increasing the pay of conductors of elevators in the Senate wing of the Capitol to $1,400, from which it is recommended that the Senate recede.

On amendments Nos. 47, 48, 49, 50, 51, 52, 53, 54, and 55, relating to the House of Representatives: Provides for 18 additional conductors, at $1,200, for the House wing of the Capitol building and for the House of Representatives Office Building; fixes the salary of the clerk to the Committee on Naval Affairs at $2,400, and increases the salary of the assistant clerk of conference minority from $1,500 to $1,800.

On amendments Nos. 56, 57, and 58: Increases the salaries of the register of copyrights from $3,000 to $3,500 and of the assistant register of copyrights from $2,500 to $3,000, as proposed by the Senate.

On amendment No. 59: Appropriates a lump sum of $10,000 for continuing the preparation of an index to the Statutes at Large, to be expended by the Librarian of Congress for the salaries of persons whom he employs to prepare the index and for incidental expenses, in lieu of specific salaries proposed by the House, aggregating $8,940, and the specific salaries proposed by the Senate, aggregating $10,740.

On amendments Nos. 69, 70, and 71: Provides for a clerk at $1,600, instead of a clerk at $1,400, in the Division of Loans and Currency of the Treasury, as proposed by the Senate.

On amendments Nos. 72, 73, and 74: Provides for a chief clerk at $2,000, in the Division of Revenue-Cutter Service of the Treasury, as proposed by the Senate.

On amendments Nos. 75 and 76: Provides for an additional clerk at $1,800 in the office of the Auditor for the War Department, as proposed by the Senate.

On amendments Nos. 77, 78, 79, and 80: Provides for 1 additional clerk at $1,800, 1 at $1,600, and 1 at $1,400 in the office of the Auditor for the Navy Department, as proposed by the Senate.

On amendments Nos. 81, 82, 83, 84, 85, and 86: Makes a verbal correction in the text of the bill and in the office of the Auditor for the Post-Office Department provides for an additional deputy auditor at $2,500, as proposed by the Senate; provides for 1 clerk at $1,200 instead of a messenger in charge of mails at that salary, and inserts, as proposed by the Senate, a provision authorizing the Secretary of the Treasury to designate an employee in the office of the Auditor for the Post-Office Department to countersign warrants and drafts.

On amendments Nos. 87, 88, 89, 90, 91, 92, 93, and 94, relating to the office of the Treasurer of the United States: Provides, as proposed by the Senate, for an additional messenger, at $840; 2 assistant messengers, at $720 each; 4 charwomen, at $240 each; 2 pressmen, at $1,400 each; 2 separators, at $660 each; 2 feeders, at $660 each; 1 machinist, at $1,600; and 1 silver piler, at $1,000.

On amendments Nos. 95 and 96: Inserts the provision proposed by the Senate requiring that the Deputy Comptroller of the Currency shall be appointed by the Secretary of the Treasury and defining his duties.

On amendment No. 97: Appropriates $100,000, as proposed by the Senate, instead of $75,000, as proposed by the House, for freight on bullion and coin between mints and assay offices.

On amendments Nos. 98, 99, and 100, relating to the office of the Surgeon-General of the Public Health and Marine-Hospital Service: Provides for an additional clerk at $1,200, as proposed by the Senate, and strikes out provision for an additional messenger at $840.

On amendment No. 101: Provides for newspapers for the Treasury Department.

On amendment No. 102: Strikes out the provision proposed by the Senate authorizing the use of the appropriation for the rent of the office of the Auditor for the Interior Department for any other bureau or office of the Treasury.

On amendments Nos. 103 and 104: Provides for the exchange of horses and wagons for the use of the Treasury, and increases the appropriation for the purchase of ice for that department from $2,400 to $2,600, as proposed by the Senate.

On amendments Nos. 105 and 106: Strikes out the increases proposed by the Senate of $560 for purchase of file holders and $1,000 for gas, electric current, etc., for the Treasury Department.

On amendment No. 107: Appropriates $500, as proposed by the Senate, for shelving and transferring records from the Treasury building.

On amendment No. 108: Appropriates $3,500 instead of $4,000, as proposed by the Senate, for registering accountants and numbering machines for the Treasury.

On amendments Nos. 109 and 110: Strikes out increases of $1,000, proposed by the Senate, for purchase of carpets, etc., for the Treasury and $100 for purchase of books for the office of Auditor for the Post-Office Department.

On amendment No. 111: Appropriates $2,090,000, as proposed by the Senate, instead of $2,075,000, as proposed by the House, for salaries and expenses of collectors and deputy collectors of internal revenue.

On amendments Nos. 112, 113, and 114, relating to the subtreasury at Boston: Strikes out the increases proposed by the Senate of $100 in the salary of the receiving teller, and $300 in the salary of the redemption clerk.

On amendments Nos. 115 and 116: Increases the salary of the assistant treasurer at Philadelphia from $4,500 to $5,000, as proposed by the Senate.

On amendments Nos. 117 and 188: Provides for an additional night watchman, at $720, in the office of the assistant treasurer at St. Louis, as proposed by the Senate.

On amendment No. 119: Appropriates $14,000, as proposed by the Senate, instead of $13,000, as proposed by the House, for paper for checks and drafts.

On amendment No. 120: Appropriates $2,600, as proposed by the Senate, instead of $2,000, as proposed by the House, for contingent expenses of the mint at Carson, Nev.

On amendments Nos. 121 and 122: Increases the salaries of the abstract clerk and warrant clerk in the mint at Denver, Colo., from $1,800 to $2,000 each, as proposed by the Senate.

On amendments Nos. 123, 124, 125, and 126, relating to the assay office at Salt Lake City, Utah: Appropriates for the salaries of employees therein as proposed by the Senate.

On amendments Nos. 127, 128, and 129: Provides for a messenger at $840 instead of an assistant messenger at $720 in the office of the Surgeon-General of the Army, as proposed by the Senate.

On amendment No. 130: Authorizes the use of $17,000, as proposed by the Senate, instead of $15,000, as proposed by the House, out of certain appropriations for the employment of skilled draftsmen and other employees in the office of the Chief of Engineers of the War Department.

On amendment No. 131: Strikes out appropriation of $9,500 proposed by the Senate for a freight elevator in the State, War, and Navy building.

On amendments Nos. 132, 133, 134, and 135, relating to the office of the Secretary of the Navy: Provides for a clerk at $1,400 instead of a clerk at $1,200, and for an additional laborer at $660, as proposed by the Senate.

On amendments Nos. 136 and 137: Provides for a clerk at $1,800, instead of a chief clerk at that salary proposed by the Senate, in the office of the Judge-Advocate-General of the Navy.

On amendments Nos. 138 and 139: Increases the pay of two draftsmen from $1,600 each to $1,700 each in the Bureau of Equipment, Navy Department, as proposed by the Senate.

On amendment No. 140: Requires that the 6 inspectors in the office of the Secretary of the Interior shall be appointed by the President, by and with the advice and consent of the Senate.

On amendments Nos. 141 and 142: Strikes out provision for 1 assistant attorney at $2,000 in the office of the Assistant Attorney-General for the Interior Department, as proposed by the Senate.

On amendments Nos. 143, 144, 145, 146, 147, 148, and 149, relating to the General Land Office: Provides for 3 law examiners of surveyors-general and district land offices at $2,000 each, and changes the title of law reviewers to law examiners, as proposed by the Senate.

On amendments Nos. 150 and 151: Provides for 3 additional principal examiners at $2,000 each in the Pension Office, as proposed by the Senate.

On amendments Nos. 152 and 153: Increases the pay of 3 examiners in chief from $3,000 to $3,500 in the Patent Office, as proposed by the Senate.

On amendments Nos. 154, 155, 156, and 157: Increases the salary of the Commissioner of Education from $4,500 to $5,000, as proposed by the Senate; provides for one additional clerk at $1,200 and for one additional clerk at $1,000 in the Bureau of Education.

On amendments Nos. 158, 159, and 160: Increases the pay of 1 draftsman from $800 to $1,200 and of 1 foreman from $1,500 to $1,800 in the office of Superintendent of the Capitol, as proposed by the Senate.

On amendment No. 161: Appropriates $66,000, instead of $60,000, as proposed by the Senate, and $68,000, as proposed by the House, for stationery for the Interior Department.

On amendments Nos. 162 and 163: Increases the salary of the surveyor-general of Nevada from $2,500 to $3,000, as proposed by the Senate.

On amendments Nos. 164, 165, 166, and 167: Provides for 3 additional clerks at $1,800 and 5 additional clerks at $1,200 each, instead of 6 clerks at $1,000 each and 6 clerks at $900 each, as proposed by the Senate, in the Division of Dead Letters in the Post-Office Department.

On amendments Nos. 168, 169, 170, and 171: Provides for 1 additional skilled draftsman at $1,800 and 2 additional skilled draftsmen at $1,200 each, instead of 5 copyists of maps at $900 each, in the Division of Topography of the Post-Office Department.

On amendments Nos. 172, 173, and 174: Increases the salaries of the Solicitor of Internal Revenue and the Solicitor for the Department of State from $4,500 to $5,000 each, as proposed by the Senate.

On amendments Nos. 175 and 176: Strikes out the provision for an additional clerk at $1,800 in the office of the Solicitor of the Department of Commerce and Labor, proposed by the Senate.

On amendments Nos. 177 and 178: Appropriates $40,000, as proposed by the House, instead of $50,000, as proposed by the Senate, under the office of the Secretary of Commerce and Labor, to investigate trade conditions abroad.

On amendments Nos. 179, 180, 181, and 182: Strikes out the provisions proposed by the Senate for 1 additional clerk at $1,000 and 1 additional clerk at $900 in the Bureau of Manufactures of the Department of Commerce and Labor, and appropriates $8,000 instead of $10,000, as proposed by the Senate, and $5,500, as proposed by the House, for collating and arranging the tariffs of foreign countries.

On amendments Nos. 183, 184, and 185: Increases the salary of the Commissioner-General of Immigration from $4,000 to $5,000, and the salary of the Asssistant Commissioner-General from $3,000 to $3,500, as proposed by the Senate.

On amendments Nos. 186, 187, and 188: Provides, as proposed by the Senate, for an additional clerk at $1,400 and an additional clerk at $1,000 in the Division of Naturalization.

On amendments Nos. 189, 190, and 191: Appropriates $10,000, as proposed by the House, for investigation of flame standards and other properties of illuminating gas; strikes out the appropriation of $35,000, proposed by the House, for operating testing machines under the Bureau of Standards; and inserts the provision proposed by the Senate repealing the law transferring the testing machines at the Watertown Arsenal to the Department of Commerce and Labor.

On amendment No. 208: Provides for two assistant messengers for the Court of Claims, as proposed by the Senate.

The committee of conference has been unable to agree on the following amendments of the Senate, namely:

On amendment No. 43, striking out the provision for carriage and horses for the Vice-President.

On amendment No. 46, increasing the salary of the Speaker of the House of Representatives to $15,000.

On amendments Nos. 60 and 61, increasing the compensation of the President to $100,000.

On amendments Nos. 62 and 63, increasing the compensation of the Vice-President to $15,000.

On amendments Nos. 64, 65, 66, 67, and 68, relating to the State Department, providing, as proposed by the Senate, for an Undersecretary, at $10,000; for a Fourth Assistant Secretary, at $4,500; a private secretary, at $2,500; and a clerk, at $1,500, to the Undersecretary; and a private messenger, at $1,000, to the Secretary of State.

On amendments Nos. 192, 193, and 194, increasing the salaries of the Chief Justice and eight associate justices of the Supreme Court $2,000 each.

On amendments Nos. 195, 196, and 197, increasing the salaries of the 29 circuit judges $2,000 each.

On amendments Nos. 198 and 199, increasing the salaries of the 84 district judges $2,000 each.

On amendments Nos. 200, 201, and 202, increasing the salaries of the 3 justices of the court of appeals of the District of Columbia $2,000 each.

On amendments Nos. 203, 204, and 205, increasing the salaries of the judges of the supreme court of the District of Columbia $2,000 each.

On amendments Nos. 206, 207, and 209, increasing the salaries of the judges of the Court of Claims $1,500 each.

On amendment No. 210, establishing as the legal salaries of the justices and judges of the United States the rates of compensation appropriated for in the bill for the fiscal year 1910.

Under authority granted by the concurrent resolution of the two Houses a provision is inserted in the bill fixing the compensation of the Secretary of State at $8,000 per annum after March 3, 1909, and appropriating for the same at that rate for the fiscal year 1910, and making available the unexpended bal-

ance of the appropriation of $12,000 for the salary of the Secretary of State for the current fiscal year to pay said compensation at the rate of $8,000 per annum from March 4 to June 30, 1909, inclusive.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BINGHAM. Mr. Speaker, I move the adoption of the report, and reserve the balance of my time.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] moves that the House do agree to the conference report.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman——

Mr. BINGHAM. Before the gentleman proceeds, I reserve the balance of my time. The report and statement have been inserted in the CONGRESSIONAL RECORD on two occasions. The only change is that which results in these words:

On page 40, lines 18 and 19, strike out the words "twelve thousand dollars" and insert in lieu thereof the following: "$8,000, and the annual compensation of the Secretary of State, including all emoluments or allowances fixed by law, except such as were fixed by law prior to the 26th day of February, 1907, after the 3d day of March, 1909, is hereby fixed at $8,000, and all laws or parts of laws providing different compensation, emoluments, or allowances are hereby repealed, to take effect on the 3d day of March, 1909, except that so much of the unexpended balance of the appropriation of $12,000 for the salary of the Secretary of State for the fiscal year 1909 as may be necessary is hereby made available to pay the said salary as herein fixed at the rate of $8,000 per annum from March 4 until June 30, 1909, inclusive."

After careful examination, that is believed to be the complete expression that will cover the purpose of the House in recent legislation.

I reserve the balance of my time.

Mr. UNDERWOOD. I desire to ask the gentleman this question. I want to know how much these amendments of the Senate that the conference committee have agreed to have increased the bill over what it was when it went from the House? How much of increase have you agreed to over what it was when it went from the House?

Mr. BINGHAM. The amount in the bill as passed by the House was $31,662,000; added by the Senate, $664,000; net amount of reduction in conference, $16,000; Senate additions agreed to, $322,000; amount of amendments not agreed to, $325,000; making a sum total of $664,000.

The amounts involved in the amendments not agreed to are as follows: Speaker's salary, $3,000; salary of the President, $50,000; Vice-President, $3,000; Supreme Court, $18,000; circuit courts, $58,000; district courts, $168,000; court of appeals, $5,500; supreme court of the District of Columbia, $12,000; Court of Claims, $7,500. I would state to the gentleman, so that he may get a complete——

Mr. UNDERWOOD. I am not sure whether I understood the gentleman's statement or not, and I will ask again, so that I may be sure about it. I understand from the gentleman's statement that the Senate increased these items about $600,000, and the conference committee has reduced that increase $16,000. Is that correct?

Mr. BINGHAM. It is.

Mr. UNDERWOOD. Now, I would like to ask the gentleman to yield me ten minutes when the opportunity comes, before he closes the debate, as I would like to speak against the conference report.

Mr. BINGHAM. I will yield to the gentleman at once.

Mr. MANN. Before the gentleman yields to the gentleman from Alabama [Mr. UNDERWOOD], will he yield for a question?

Mr. BINGHAM. With pleasure.

Mr. MANN. The bill as it passed the Senate provided that the six inspectors in the Interior Department should be appointed by and with the advice and consent of the Senate. Is that Senate amendment agreed to in this conference?

Mr. GILLETT. In the conference report we have changed that to read as follows:

Six Indian inspectors, not required to be engineers, now employed and appropriated for in the Indian Department, at $2,500 each, and said Indian inspectors shall hereafter be termed inspectors, and shall be included in the classified service.

Mr. MANN. I think that is proper.

Mr. BINGHAM. I yield ten minutes to the gentleman from Alabama [Mr. UNDERWOOD.]

Mr. UNDERWOOD. Mr. Speaker, I am opposed to the adoption of this conference report. I am not opposed to it by reason of any specific item contained in the report, because I say candidly to the House that I have not had the opportunity to investigate the separate items of increase contained in the report, and can not say whether they are justified from their individual standpoint.

But I am opposed to agreeing to this conference report, because it has increased the appropriations contained over the House bill, according to the statement of the gentleman from Pennsylvania, of some $600,000, and the conferees have only been able to make a reduction of that increase of $16,000.

Now, we may evade the question as much as we please, but the Treasury of the United States to-day is in a very precarious condition. So far for the fiscal year we have a deficit, as shown by the books of the Treasury Department, of $80,000,000. Any man who considers the question, or who has studied the revenues of this Government is bound to recognize that, under present conditions, that deficit will not grow less, but in all human probability at the end of the fiscal year it will amount to $150,000,000.

Now, where are we going to get the revenues from? The Committee of Ways and Means of the House of Representatives is considering a bill to supply additional revenue. I do not know what my Republican colleagues on that committee propose to do to increase the revenues, but I know that there is one of two things that they have got to do. They have got to very materially cut the present tariff schedules—because they can only increase revenue by a reduction of the present prohibitive rates—or they have got to levy additional taxes by imposing a tax upon coffee and tea, or a stamp tax or an income tax. The condition of the Treasury is such to-day that we are bound to levy additional taxes on the people of the United States or reduce the present prohibitive tariff rates contained in the Dingley bill.

Now, these extravagant appropriations that have been made in the past have driven the country to this situation; and under these circumstances, under these conditions, I say, it is absolute folly for the great appropriation committees of this House to come here, from day to day and week to week, continually increasing appropriations. I do not care if there is some gentleman in one of the departments who is an able and efficient man who is entitled to an increase of salary.

I say, in the present condition of the Treasury, in the present condition of the country, it is no time for us to stop to consider such cases of increase. It is time for retrenchment. We have reached the time for economy; and if we propose to meet the emergency and relieve the country of the present situation, we must reduce the expenditures instead of going on with these extravagant increases that we find in every appropriation bill reported to this House.

Let me ask you this question: If you do not reduce the prohibitive tariff rates, and you do not levy any additional taxes on the people, where are you going to get the money to pay these expenditures? If you wipe out this deficit, there is only one other way you can do it, and that is to issue government bonds; and the hour and the day that the Secretary of the Treasury announces to this country that he is going to issue more government bonds you will precipitate another panic in this country.

This being the condition, I say the House should vote down this conference report; we should instruct our conferees, because the House holds the purse strings of the Nation; we should instruct our conferees to go back to conference and refuse to increase this appropriation bill and insist that these increases should be stricken out of the bill.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. FITZGERALD. Is it not a fact that a greater part of the increases agreed to by the House conferees are increases in the compensation of Senate employees?

Mr. UNDERWOOD. Well, I am not discussing the details, because I am not sufficiently familiar with them; but I do say, from a reading of the report, that most of the increases contained in this bill are increases of salary. Well, now, the Government has been running for ten, twelve, or fifteen years with these old salary conditions. Why, in the face of the deficit; why, in the face of the present financial condition of the country, is it necessary to go into these great increases of appropriation?

Mr. BURLESON. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BURLESON. I would like to know where the gentleman places the responsibility for these extravagances. Does it rest with the Executive, with the heads of the departments, with the Senate, or with this House? Is it not a fact that the Committee on Appropriations has reported bills here below the estimates,

and is not another cause that when the bills go to the Senate they are invariably increased?

Mr. UNDERWOOD. Well, I think the gentleman is right about that; but yet this House can not avoid its responsibility. The bills start here, and if we refuse to agree to the increases they can be stopped. Now, under the circumstances, of course, the responsibility rests upon the gentlemen on that side of the House, and the men who control the great appropriation committees of this House, and if they take the responsibility of going to the country with these vast increases of expenditure at this time, when the Treasury is in its present condition, then they, and they alone, are responsible to the country for what they do. [Loud applause.]

Mr. BINGHAM. I yield ten minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, the gentleman from Alabama made the declaration that it was folly on the part of the Committee on Appropriations to come in here from year to year adding increases, and thereby jeopardizing the Treasury of the United States. I want to make this suggestion now to him: He is a prominent member of a committee whose duty it is to provide the necessary funds to run this Government. That committee has sat back for ten years, knowing day by day that the expenses of this Government were increasing, and has made no effort to provide one single dollar to meet these extraordinary expenses increasing from year to year for ten years.

Mr. UNDERWOOD. If the gentleman will allow me to interrupt him——

Mr. LIVINGSTON. Not now. I am only stating a fact that the gentleman knows.

Mr. UNDERWOOD. The gentleman does not consider the minority members of that committee responsible for that condition, does he?

Mr. LIVINGSTON. I am willing to say that the minority members of that committee are in no way responsible, but I should very much like to see him censuring his own committee and not the Committee on Appropriations.

Mr. UNDERWOOD. We will at the right time.

Mr. CLARK of Missouri. I will say to the gentleman from Georgia that the Ways and Means Committee have been hoping all these years that Congress would not appropriate so much money.

Mr. LIVINGSTON. And the Ways and Means Committee ought to have known all these years that this country was growing, and that we have taken on the Philippines and Hawaii and engaged in building a canal, with an unparalleled increase in the expenses of the war and navy bills by Congress. The Ways and Means Committee knew all that, and yet have made no provision to meet those increasing expenses.

I admit the fact, Mr. Speaker, that we are extravagant. I have stated it repeatedly, and I have stated it on the floor for the last four years, that unless the Ways and Means Committee came to the rescue of the country we would have a bond issue of millions upon millions of dollars, even to take care of the current expenses of the Government. Yet that committee has paid no attention to it. I have protested against it twice in my annual statements as a member of the committee.

Mr. Speaker, as to the Senate, the gentleman from Alabama knows full well that as to its own affairs the Senate sits and acts as a sovereign, and when we object to these increased salaries and enormous expenses at that end of the Capitol, the Senate conferees reply "that is our right, and we accord the same to the House."

Mr. UNDERWOOD. But not all of these increases in salaries have come from the Senate. A great many have come from the executive departments.

Mr. LIVINGSTON. Mr. Speaker, when the bill passed the House and went to the Senate, no appropriation bill for eighteen years had been so economical. There were fewer increases than in any bill for eighteen years, in salaries or otherwise, and the gentleman from Alabama has no ground, nor has any other Member on this floor any ground, to charge this Committee on Appropriations with extravagance in this bill.

Mr. UNDERWOOD. The gentleman heard very distinctly what I said. I said that they increased this bill $600,000 in the Senate, and the conference committee has only decreased that amount $16,000.

Mr. LIVINGSTON. I am coming to that. The Senate had a right to increase the bill. They claim that right and stand on it, and I appeal to the conferees on any bill that goes from this House to the Senate for a verification of the fact that they do stand on that right. Every appropriation bill that goes through this House goes to the Senate, and they increase it.

I say that the conferees on the part of the House were a little bit surprised that the Senate only put $660,000 on it. We expected a million and a half. I want to say this for the conferees on the part of the House: They scrutinized every amendment made by the Senate. We contested every inch of ground where a contest was justifiable. Some of those increases ought to have gone on. They would have gone on in the House if we had known the facts, if they had been presented to us as they were presented to the Senate; but when we thought there was the least ground for objection we made the objection and contested and contended for it, and we thought we had done well, and I think now we did will.

Now, the main increases to the bill as made by the Senate are not agreed to. They begin with the President's salary, $100,000, and come down to the district and other judges whose salaries have been increased. They were not agreed to by the House conferees. They were brought back to the House, and as one of the conferees I stand willing to abide by the judgment of this House on those salaries.

Mr. OLLIE M. JAMES. How much of this $625,000 increase placed upon the bill by the Senate is for salaries?

Mr. LIVINGSTON. I can not answer that question.

Mr. CLARK of Missouri. I would like to ask the gentleman a question for information. What is the total increase in this bill as it comes from the Senate?

Mr. LIVINGSTON. Six hundred and sixty-six thousand dollars.

Mr. CLARK of Missouri. Does that include the $344,000 for increase of salaries for the President, and so forth?

Mr. LIVINGSTON. Yes; over half of it is for salaries not agreed to.

Mr. CLARK of Missouri. In the report you bring in here, what the conferees really agree to is the difference between $660,000 and $343,000, which would be $317,000?

Mr. LIVINGSTON. That is about the increase that we have agreed to—about $320,000.

Mr. SULZER. Does the increase that the conferees have agreed to increase the salaries of the United States district and circuit court judges?

Mr. LIVINGSTON. No, sir; that increase would amount to total $666,000, but $343,000 of that belongs to the increase of the salary from the President down.

Mr. SULZER. The $343,000 increases the President's salary——

Mr. LIVINGSTON. No, sir; the $343,000 is largely made up from increases in the Senate for their own people.

Mr. CLARK of Missouri. Not the $343,000—it comes on the other side; $323,000.

Mr. LIVINGSTON. Yes, the $343,000 covers the salaries from the President down that we have not agreed to.

Mr. SULZER. The President's salary ought to be increased, and that of the judges of the circuit and district courts.

Mr. LIVINGSTON. The gentleman will have a chance to vote on that. If I had the papers at my desk I could show you that perhaps two-thirds of the $323,000 belong over at the other end of the Capitol. Gentlemen must remember that they have a new Office Building there just the same as we have here. They have that to provide for, and they have a great many other things there that are new that we have conceded they have the right to provide for, and we could not say no. Mr. Speaker, how much time have I remaining?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. BINGHAM. Mr. Speaker, I fear that the figures submitted and as applied by the gentleman from Alabama [Mr. UNDERWOOD] will mislead the House. The figures that I read were the official differences between the passage of the bill in the House and the passage of the bill with amendments in the Senate. The great body of these amendments in sum total is in conceding to the Senate that which has always been recognized for many years past, and absolutely controlled on the part of the Senate, for the management of the Senate and its subordinate force. Its present subordinate force is not only appropriated for in detail in the appropriation bill, but in the sum total of current law, which gives to the Senate $150,000 for miscellaneous expenses. And from that sum total, with the appropriations in the bill in detail, provides for the Senate, and by which to-day the Senate is paying its subordinate force.

The bill under consideration cuts that down from $150,000 to $75,000 for miscellaneous expenses. For the first time in its history the Senate comes to this House with detailed expenses as to its subordinate force, in effect complying with the same rules that this House does in the number and increase of its present force. The two Houses propose to organize, so far as detailed work is concerned, under a detail of the exact expenditure for the better advancement of the general management and privileges of the Senate and House.

The aggregate salaries, in round numbers, as passed by the House, is $515,000. The Senate added $177,000, making a total of $692,000. The House aggregate salaries amount to $613,000—$21,000 by special enactment at the commencement of the session, making the sum total of $653,000. Twenty-two clerks to Senators who are not chairmen of committees, $39,000: that runs to the general management of the Senate. But the House exceeds the Senate in expenditure for clerk hire to Members of the House in the sum of $594,000.

The Senate has no such amount by legislation as to clerk hire that the House has. The general management of the Senate and the general management of the House, as it has heretofore and does to-day, rests with the determination of each body as to its own necessities. For reporters of debates and for committee stenographers there is $55,000 for the House and the same amount for the Senate. As I have stated, the Senate has submitted to a reduction of $75,000 from the amount formerly carried of $150,000 for the miscellaneous fund, and has given to the House that knowledge, which has never before been in the possession of the House, as to its organization and expenditure. That will cover a large part of the criticism of the gentleman from Alabama [Mr. UNDERWOOD].

In addition to that, I will say that the House has yet to vote on the amendments aggregating $19,500 for increases in the Department of State. The House has yet to vote upon the salary of the Speaker, the salary of the President and of the Vice-President, the salaries of the Supreme Court judges, of the circuit court and district court judges, and of the court of appeals and supreme court of the District of Columbia and the Court of Claims, all aggregating a sum total of $344,000.

The gentleman has called attention to the many disagreements between the two Houses. They appear in the report of conference, and the difference is largely in the number, while in effect the difference between the two Houses for the subordinate forces is not large, and is in no way beyond that which has been usual heretofore. This bill was reported and passed by the House early in December, when we assembled. It passed the Senate later in January. The various officials of the different departments of the Government, to whom perhaps the House in its bill had been somewhat drastic, made appeal to the Senate, and the Senate had full hearings, perhaps larger than usual. We have recognized in a reading of those hearings that there is some merit in the claim of the officials of the departments of the Government, and have made reasonable concessions to the Senate and recognize that there should be a little less severity on the part of the House than what was contained in the original bill as reported last December.

Mr. UNDERWOOD. The gentleman says there are some very large items in dispute between the Senate and the House that are not included in this conference report that is agreed upon. I want to know whether the members of the committee, the gentleman himself in charge of the bill, propose to advocate the adoption by the House of these matters in dispute.

Mr. BINGHAM. The gentleman means the amendment?

Mr. UNDERWOOD. Yes; the Senate amendments in dispute.

Mr. BINGHAM. Those we will come to. I am asking now for the adoption of the report. The amendments will be fully discussed, and I think they will be on the part of the House—certainly on the part of the committee—reasonable concession for liberal debate.

Mr. UNDERWOOD. I want to ask the gentleman so that we may have that position before us, what is the attitude of the members of the conference committee in respect to it?

Mr. BINGHAM. I think my attitude is no different from that of any other gentleman in the House.

Mr. LIVINGSTON. There has been no expression.

Mr. BINGHAM. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I want to get these figures straightened out, to begin with. The truth about this business is that the Senate increased the House appropriations in this bill $666,000, and in this conference report the conferees cut the Senate amendments down by $16,000.

Mr. TAWNEY. Will the gentleman state the amount of that aggregate increase which is on account of salaries paid to employees of the Senate that has heretofore been paid out of the contingent fund of the Senate?

Mr. CLARK of Missouri. No; I will not, because I do not know. But let me make this arithmetical statement and it will clear up a good deal of the fog around here on both sides. The entire increase made by the Senate in this bill is $666,000. The House conferees cut that down $16,000. That leaves $650,000. Then the salaries of the President and others that are set out on the last page of this conference report, together with item as to horses and automobiles——

Mr. LIVINGSTON. And to the Undersecretary.

Mr. CLARK of Missouri. Wait a minute. I understand.

Mr. LIVINGSTON. That is in there, too.

Mr. CLARK of Missouri. Yes; it is there, too. All those salaries, including the Undersecretary, and including the appropriation for horses and automobiles, amount to $368,000; $368,000 subtracted from $650,000 leaves an increase made by the Senate of $282,000 that the House conferees agreed to. Now, that is the straight of it.

I want to say a few things about the House and the Senate, and I hope I can say them without running counter to the rule about talking about the Senate. Every man that has been in this House any considerable length of time must know this, that perpetually the Senate bullies the House. That is the plain English of it, and the time must come when this House has got to take a firm stand and to assert positively and unequivocally its position as a coordinate branch of the United States Government.

That being the case, I can not conceive of a more opportune time to make that fight than right now. [Applause.] And I will give you the reasons for it. Ordinarily all of us want to get home at the end of the long session to look after our fences. As a matter of fact, since 1896 I have not been compelled to do that myself, but I have been unusually lucky; my constituents have been very kind to me; but everybody is anxious to get away, and we submit to the impositions of the Senate about appropriations in order to get away. Usually toward the end of the short session the cry arises that if we do not agree to these impositions of the Senate we are going to have an extra session. Well, of course that is very disagreeable. I have served in three of them out of sixteen, but here is the situation now: We are going to have an extra session anyhow. We can not get away from here until we get the tariff bill out of the Congress. In the extra session when the Dingley tariff bill was passed, all that was done was that at the beginning of that session the Speaker appointed only the Committee on Ways and Means, the Committee on Rules, and the Committees on Accounts and Mileage.

The reason of that was that the Hon. Thomas B. Reed did not intend for the House to do anything to distract attention from the Senate. He did not have any use for the Senate, and he wanted to focus public attention on the Senate to watch it dawdle through the dog days. That is the reason for that, and we went through the ridiculous performance here from the 31st day of March until the 27th day of July of meeting about fifteen minutes at a clip twice a week, and right in the teeth of the Constitution. That brilliant and distinguished gentleman from Maine, Mr. Reed, made two adjournments cover seven days, when the Constitution says that one House of Congress shall not adjourn for more than three days at one time without consent of the other. He did it by holding, with the old-time lawyers, that Sunday is no day. If we can not fix these appropriation bills to suit the House, let them fail. That is the way to do it, and you will teach the Senate a lesson which it will not forget while the earth spins on its axis and slides down the ecliptic. And then, after the tariff bill is out of the House, which will be about the 1st of April, I apprehend, or somewhere about that time, let us take up these appropriation bills in order and discuss them fully and thoroughly, item by item. We might as well be doing that as sitting here twiddling our thumbs. I am sorry the regular Speaker has vacated the chair; I wanted to say a few words about him. I will say them anyhow. [Laughter.]

When I first came here, or rather in the second Congress I was here, the present Speaker of the House became chairman of the Committee on Appropriations. Time and time again I have seen him make valiant fights on the floor of this House against these impositions of the Senate on appropriation bills. I always helped him. Sometimes he won, sometimes he lost, but he always fought. [Applause.] I will give him credit for that. I believe in giving the devil his due. [Laughter and applause.] I do not mean by that there is any similarity between those two eminent personages. [Laughter.] I remember on a great occasion here seeing the present Speaker of the House and the present governor of Colorado, one a Republican and the other a Democrat, make a heroic fight in this House to save a large sum of money, and they saved it, and it took about a day and a half to do it. [Applause.] I am not going to say much about the squabble between my friend from Alabama [Mr. UNDERWOOD] and my friend from Georgia [Mr. LIVINGSTON] as to who is to blame about the condition of affairs—whether it is the Committee on Ways and Means or the Committee on Appropriations. I am rather inclined to the opinion, however, that it

is the Committee on Appropriations; and I will tell you why. The Committee on Ways and Means is charged with the raising of the revenues to run the Government. Until about the end of the fiscal year 1907 there was a surplus all the time. In the fiscal year 1906 the surplus revenues amounted to $86,000,000. The surplus revenues in 1907 amounted to $25,000,000. The turn had come, but at the end of the fiscal year 1906 there was a working balance in the Treasury of two hundred and fifty-odd million dollars, and I will ask the gentleman from Georgia, who has been a Member nearly as long as anybody [laughter], and been on earth a good long time—and I hope he will be on earth and in the House a good long time yet—what was the sense in the Committee on Ways and Means undertaking to raise more revenue when it was already raising more than the Government was expending, even under an extravagant Republican government. [Applause on the Democratic side.]

Mr. LIVINGSTON. My answer, Mr. Speaker, is this, that a wise man always anticipates the future in finances, and we did not do it. There was a canal coming upon us, and many other expenses of that kind that we did not foresee.

Mr. UNDERWOOD. We could not anticipate the extravagance of the gentleman's committee.

Mr. CLARK of Missouri. The truth is that a man who could have anticipated at the close of the year 1906 that there was going to be a panic and a deficiency in the Treasury, would have been entitled to displace Solomon in the Bible as the wisest man that ever lived and assume that title for himself.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. I would like to have five minutes more.

Mr. BINGHAM. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman from Pennsylvania has sixteen minutes remaining.

Mr. BINGHAM. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Time and time again I have stood up here and warned this House, and a good many of you are sorry, deep down in your hearts, that you did not heed the warning. There are only three ways of making buckle and tongue meet, and that is either to cut down the appropriations or to issue bonds—and issuing bonds simply increases our debts by borrowing money, and is therefore really no remedy at all—or to increase taxation. Now, you have got to do one of those three things. And I want to say, repeating what I have said twice now in the last few days. I am not going to be as bad as Cato was and end up every speech that I make with one sentence. He was in the habit of ending every speech, no matter what the subject, with the sentence, "Carthago est dilenda"—Carthage must be destroyed. No difference what he spoke about, that was the end of it. But I intend to repeat so often that nobody will fail to hear it or understand it, so that the country at large will hearken to it, that there is a deficiency in the revenues now of practically $13,000,000 a month; that it is increasing every day; that it will increase every day until the tariff bill is out of the Congress; that if we drag out that debate until the 1st of September no sensible man need be surprised if the monthly deficiency amounts to $25,000,000 a month. I say, with that prospect staring us in the face, this is a very poor time to increase anybody's salary, I do not care a straw who he is or where he comes from. [Applause on the Democratic side.]

I am not charged with helping run the Republican party. It may be unfortunate for it that I am not [laughter], but this Congress has to raise $150,000,000 more revenue per annum than it is raising now, unless these appropriation bills are cut down.

Mr. LIVINGSTON. You will have to get rid of the Army and Navy Departments.

Mr. CLARK of Missouri. Where are they going to cut it? I will give a hundred-dollar bill to have a photographic reproduction of the present state of mind of my friend from Pennsylvania [Mr. DALZELL] as to how they are going to get it. [Applause on the Democratic side.]

Mr. DALZELL. If the gentleman will tell us how to get it, he shall have it.

Mr. CLARK of Missouri. While I am at it, because I may not want to make another speech about it, I desire to call your attention, very briefly, to the increase of salaries for the President and others which the House conferees did not agree to. They amount to the enormous sum of $282,000. And there is not a man living that can give a reason why a single one of those salaries ought to be increased 15 cents. I say this, laying aside politics, because this is a business proposition, that we have got to call a halt some time on the increase of salaries in this country; and I thoroughly indorse the statement made by Senator BAILEY once, to the effect that he hoped the time would never come in this country when the salary was the only or the chief inducement to a man accepting a high official position under our Government. [Applause on the Democratic side.]

Mr. BINGHAM. Just one minute in which to reply to the gentleman from Missouri [Mr. CLARK]. As to the control of the Senate in its domination of the House, I desire to say to the gentleman that the House in its general administration as to expenses, and the great conveniences that it extends to its individual Members, exceeds the sum total of the appropriations for the same purposes in the Senate upward of $550,000.

Mr. GILLETT. Mr. Speaker, I welcome the sudden zeal for economy on behalf of the gentleman from Missouri [Mr. CLARK] and the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. How much time has been yielded to the gentleman?

Mr. BINGHAM. Mr. Speaker, I yield the gentleman the balance of my time.

Mr. GILLETT. I intend to move the previous question, Mr. Speaker.

The SPEAKER. The gentleman is entitled to eleven minutes.

Mr. GILLETT. I will only take a very few minutes.

I observe, as is usual in Democratic professions of economy, that they do not discuss the merits of any particular item, but they just make a general plea for economy. They talk economy and they vote extravagance.

I will venture to predict that upon the votes on the sundry civil bill, now before the House and that will be discussed, that when the question of amendments increasing the appropriations come up, it will be that side of the House that will give most of the votes for the increases; that when it comes to practical economy they will not stand up by the speeches they made here.

Mr. FITZGERALD. That does not describe what happened yesterday when the gentleman's side voted for payments of $225,000 shown to be absolutely unnecessary.

Mr. GILLETT. I am not speaking of what happened yesterday; I am stating the general practice. The gentleman from Missouri says this is a particularly appropriate time to contest the amendments of the Senate. I venture to say that there has not been a bill within ten years that has been so little increased in its appropriations as this. I do not believe there has been a bill within ten years upon which the Senate has put on so few items that can be fairly condemned as upon this bill.

Mr. SHERLEY. On the fortifications bill they have only put on one amendment, and I do not think that will stay.

Mr. GILLETT. That has not been acted on yet.

Mr. SHERLEY. It has within the past twenty-four hours.

Mr. GILLETT. That is a small bill. I admit, of course, that that may be true of some of the small appropriation bills. But here is a bill that appropriates $32,000,000; and what I am speaking of is the large bills, such as the sundry civil bill and the legislative bill; and of such bills I say that there has not been a bill amended so little within the last ten years as this.

Now, Mr. Speaker, if you analyze this a little, you will see where these increases come, and that we can not prevent them.

The gentleman says they are $282,000; of these $175,000 is increase in the expenses of the Senate. It has always been the policy that each House shall have control of its own expenses. But in this case of that $175,000, $134,000 are in the exact interest of good administration, because the Senate have at last done what the House has contended for years they should do. They have taken away from their contingent fund, out of which they paid their clerks, $134,000 and put it right in the face of the bill. That is what we have been contesting for, and that at last has been accomplished in this bill; and yet the gentleman counts that as extravagance. I count that as economy. So that $175,000 of the $282,000 is for the Senate, over which we have no control. Twenty-five thousand dollars more is in one lump sum for freight on silver bullion, which it will also be admitted will have to be expended or there will be a deficiency. So there are $200,000 of the $282,000. That leaves $82,000 additional on a bill of $32,000,000; and I repeat now what I said before, that I think it is the smallest and least extravagant addition the Senate ever made in the preparation of either of these big bills for ten years.

Now, I will agree to a good deal of what is said about the tendency of the Senate. I admit that we go over there in conference and are constantly struggling and trying to cut down the demands of the Senate. But we are two equal bodies. We can not simply refuse to agree to everything. I do not suppose we are invariably right and that they are invariably wrong; but after talking the matter over we generally come to some

compromise which we think is the fairest we can get. In this case we have only admitted $82,000 on a $32,000,000 bill, and I think that is doing exceedingly well for the House as against the Senate; and I think it is an exceedingly inappropriate time for the House to say that we shall try to make the Senate reduce its expenditures. Now I yield to the gentleman from Kentucky.

Mr. STANLEY. The gentleman has made the statement that this side of the House votes for extravagance. As I understand, there are provisions in this bill, which will be discussed at length, favoring increases of $250,000 in the way of salaries. I will ask the gentleman if he will be willing to accept the votes taken on that part of the bill as an index of the temper of this side and on that side on the question of extravagance?

Mr. GILLETT. I do not believe I would. There are questions on which that side votes for economy and this side votes for increases of salary. As a rule, I believe that it is not always extravagance to vote increases; it may be economy to vote increases.

Mr. SHERLEY. Will the gentleman yield to me for a question?

Mr. GILLETT. Certainly.

Mr. SHERLEY. Is it not a fact that the great increases in the annual expenditures have been incurred in the army and navy, and on which side has the vote been in the House in favor of reducing those large expenditures?

Mr. GILLETT. On both sides.

Mr. SHERLEY. The gentleman knows that three-fourths of the votes against the large increases for military purposes have been on this side of this House, and it has been that side that continually increased these amounts.

Mr. GILLETT. I do not admit that.

Mr. SHERLEY. The records will show it.

Mr. GILLETT. I move the previous question.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the motion to agree to the conference report.

The previous question was ordered.

The question was taken on the adoption of the conference report, and the Speaker announced that the ayes appeared to have it.

Mr. CLARK of Missouri. Mr. Speaker, the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 123, answered "present" 3, not voting 64, as follows:

YEAS—195.

Alexander, N. Y.	Dwight	Hughes, W. Va.	Nye
Allen	Edwards, Ky.	Hull, Iowa	Olcott
Ames	Ellis, Mo.	Humphrey, Wash.	Olmsted
Andrus	Ellis, Oreg.	Jenkins	Overstreet
Anthony	Englebright	Jones, Wash.	Parker
Bannon	Esch	Keifer	Parsons
Barclay	Fairchild	Kennedy, Iowa	Payne
Bartholdt	Focht	Kennedy, Ohio	Pearre
Bates	Fordney	Kinkaid	Perkins
Beale, Pa.	Fornes	Knapp	Pollard
Bede	Foss	Knopf	Porter
Bennet, N. Y.	Foster, Ind.	Knowland	Pray
Bennett, Ky.	Foster, Vt.	Küstermann	Prince
Bingham	Foulkrod	Lafean	Reeder
Bonynge	French	Landis	Rodenberg
Boutell	Fuller	Langley	Rothermel
Bradley	Gaines, W. Va.	Law	Scott
Brownlow	Gardner, Mass.	Lawrence	Slemp
Burke	Gardner, Mich.	Lanahan	Smith, Cal.
Burleigh	Gardner, N. J.	Lindsay	Smith, Iowa
Burton, Del.	Gillett	Livingston	Smith, Mich.
Burton, Ohio	Goebel	Longworth	Snapp
Butler	Goulden	Loud	Southwick
Calder	Graff	Loudenslager	Sperry
Capron	Graham	Lovering	Stafford
Cassel	Greene	Lowden	Steenerson
Caulfield	Gronna	McCreary	Sterling
Chaney	Guernsey	McKinlay, Cal.	Stevens, Minn.
Chapman	Haggott	McKinley, Ill.	Sturgiss
Cocks, N. Y.	Hale	McKinney	Sulloway
Cole	Hamill	McLachlan, Cal	Sulzer
Conner	Hamilton, Mich.	McLaughlin, Mich.	Swasey
Cook, Colo.	Harding	McMillan	Tawney
Cook, Pa.	Haskins	McMorran	Taylor, Ohio
Cooper, Pa.	Haugen	Madden	Thistlewood
Cooper, Wis.	Hawley	Madison	Thomas, Ohio
Coudrey	Hayes	Malby	Tirrell
Cousins	Hepburn	Mann	Townsend
Crumpacker	Higgins	Marshall	Volstead
Currier	Hill, Conn.	Martin	Vreeland
Cushman	Hinshaw	Miller	Waldo
Dalzell	Hobson	Mondell	Wanger
Dawson	Holliday	Moon, Pa.	Washburn
Denby	Howell, N. J.	Moore, Pa.	Watson
Dickema	Howell, Utah	Morse	Weeks
Douglas	Howland	Mouser	Wheeler
Draper	Hubbard, Iowa	Mudd	Wood
Driscoll	Hubbard, W. Va.	Murdock	Woodyard
Durey	Huff	Needham	

NAYS—123.

Adair	Ellerbe	Humphreys, Miss.	Rauch
Aiken	Estopinal	James, Ollie M.	Richardson
Alexander, Mo.	Ferris	Johnson, Ky.	Riordan
Ashbrook	Finley	Johnson, S. C.	Robinson
Barnhart	Fitzgerald	Kelliher	Rucker
Bartlett, Ga.	Floyd	Kimball	Russell, Mo.
Beall, Tex.	Foster, Ill.	Kipp	Russell, Tex.
Bell, Ga.	Fulton	Kitchin	Ryan
Booher	Gaines, Tenn.	Lamb	Sabath
Brantley	Garner	Lassiter	Saunders
Brodhead	Garrett	Lee	Shackleford
Burgess	Gill	Lever	Sheppard
Burleson	Gillespie	Lewis	Sherley
Burnett	Gordon	Lindbergh	Sherwood
Campbell	Gregg	Lloyd	Sims
Candler	Hackett	McHenry	Slayden
Carlin	Hamilton, Iowa	Macon	Small
Carter	Hamlin	Maynard	Smith, Mo.
Clark, Mo.	Hammond	Moon, Tenn.	Smith, Tex.
Clayton	Hardwick	Moore, Tex.	Sparkman
Cockran	Hardy	Murphy	Spight
Cooper, Tex.	Harrison	Nelson	Stanley
Cox, Ind.	Hay	Nicholls	Stephens, Tex.
Craig	Heflin	O'Connell	Talbott
Cravens	Helm	Padgett	Thomas, N. C.
Crawford	Henry, Conn.	Page	Tou Velle
Davenport	Henry, Tex.	Peters	Underwood
Davis	Hitchcock	Pou	Watkins
Denver	Houston	Pujo	Webb
Dixon	Hughes, N. J.	Rainey	Wilson, Pa.
Edwards, Ga.	Hull, Tenn.	Randell, Tex.	

ANSWERED "PRESENT"—3.

Adamson	Sherman	Wilson, Ill.

NOT VOTING—64.

Acheson	Dawes	Jackson	Patterson
Ansberry	De Armond	James, Addison D.	Pratt
Barchfeld	Fassett	Jones, Va.	Ransdell, La.
Bartlett, Nev.	Favrot	Kahn	Reid
Birdsall	Flood	Lamar, Fla.	Reynolds
Bowers	Foelker	Lamar, Mo.	Rhinock
Boyd	Fowler	Laning	Roberts
Broussard	Gilhams	Leake	Taylor, Ala.
Brundidge	Glass	Legare	Wallace
Byrd	Godwin	Lorimer	Weems
Calderhead	Goldfogle	McCall	Weisse
Caldwell	Griggs	McDermott	Wiley
Cary	Hackney	McGavin	Willett
Clark, Fla.	Hall	McGuire	Williams
Darragh	Hill, Miss.	McLain	Wolf
Davidson	Howard	Norris	Young

So the conference report was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. JACKSON with Mr. WOLF.

Mr. WEEMS with Mr. BYRD.

Mr. LANING with Mr. JONES of Virginia.

Mr. FOWLER with Mr. BRUNDIDGE.

Mr. WILSON of Illinois with Mr. GRIGGS.

Mr. DAVIDSON with Mr. BROUSSARD.

Mr. ACHESON with Mr. HILL of Mississippi.

Mr. MCGAVIN with Mr. PRATT.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. LORIMER with Mr. ANSBERRY.

Mr. CARY with Mr. WEISSE.

Mr. FOELKER with Mr. PATTERSON.

Mr. YOUNG with Mr. TAYLOR of Alabama.

Mr. ROBERTS with Mr. RHINOCK.

Mr. REYNOLDS with Mr. RANSDELL of Louisiana.

Mr. NORRIS with Mr. MCLAIN.

Mr. MCGUIRE with Mr. LEGARE.

Mr. MCCALL with Mr. HOWARD.

Mr. KAHN with Mr. HACKNEY.

Mr. HALL with Mr. GOLDFOGLE.

Mr. GILHAMS with Mr. GODWIN.

Mr. FASSETT with Mr. GLASS.

Mr. DAWES with Mr. FLOOD.

Mr. DARRAGH with Mr. DE ARMOND.

Mr. CALDERHEAD with Mr. CLARK of Florida.

Mr. BOYD with Mr. CALDWELL.

Mr. BIRDSALL with Mr. BOWERS.

Mr. BARCHFELD with Mr. BARTLETT of Nevada.

Mr. SHERMAN with Mr. WILLIAMS.

The result of the vote was announced, as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.